



Unemployment Insurance Advisory Council

Meeting

January 21, 2021, 10:00 a.m. – 2:00 p.m.

The public may attend by teleconference:

Phone: 415-655-0003 or 855-282-6330 (toll free) or [WebEx](#)
Meeting Number (Access Code): 145 619 6366 Meeting Password: DWD1

Agenda

1. Call to Order and Introductions
2. Approval of Minutes of the November 19, 2020 Council Meeting
3. Department Update
4. Trust Fund Update – Tom McHugh
5. Public Hearing Report
6. Federal Continued Assistance for Unemployed Workers Act of 2020
 - UIPL 9-21: Summary of Key Unemployment Insurance Provisions
7. 2021 AB 1, relating to state government actions to address the COVID-19 pandemic
8. Executive Order #103, relating to a Special Session of the Legislature on Unemployment Insurance Modernization
9. Rulemaking Update
 - Emergency rule related to SS 013-20, DWD Chs. 127 & 128
 - Work search actions, availability for work, and work available for people filing claims with the unemployment insurance program during the COVID-19 pandemic.

- [Emergency Rule 2011](#), DWD Ch. 113 (Eff. 6/5/20 – 3/1/21)
 - Waiving interest in limited circumstances for employers subject to reimbursement financing when reimbursements are delinquent due to COVID-19.
 - [Emergency Rule 2018](#), DWD Ch. 102 (Eff. 6/29/20 – 3/25/21)
 - Employer contribution rates for 2021.
 - [Emergency Rule 2034](#), DWD Ch. 120 (Eff. 11/2/20 - 3/31/21)
 - Providing notification of the availability of unemployment insurance to employees at the time of separation from employment.
 - [Emergency Rule 2044](#) – DWD Ch. 123 (Eff. 12/7/20 – 5/5/21)
 - Benefit charges for initial claims related to the public health emergency declared by Executive Order 72.
10. Research Requests
11. Future Meeting Dates: February 18, 2021, March 18, 2021
12. Adjourn

Notice

- ❖ The Council may take up action items at a time other than that listed.
- ❖ The Council may not address all agenda items or follow the agenda order. The Council may discuss other items, including those on any attached lists.
- ❖ The Council members may attend the meeting by telephone.
- ❖ The employee or employer representative members of the Council may convene in closed session at any time during the meeting to deliberate any matter for potential action or items posted in this agenda, under Wis. Stat. § 19.85(1)(ee). The Council may thereafter reconvene again in open session after completion of the closed session.
- ❖ This location is accessible to persons with disabilities. If you need assistance (such as an interpreter or information in an alternate format), please contact Robin Gallagher, Unemployment Insurance Division, at 608-267-1405 or dial 7-1-1 for Wisconsin Relay Service.
- ❖ Today's meeting materials will be available online when the meeting is scheduled to begin at: <https://dwd.wisconsin.gov/uibola/uiac/meetings.htm>

UNEMPLOYMENT INSURANCE ADVISORY COUNCIL

Meeting Minutes

Offices of the State of Wisconsin Department of Workforce Development
201 E. Washington Avenue, GEF 1, Madison, WI

November 19, 2020

Held Via Teleconference Due to Public Health Emergency

The meeting was preceded by public notice as required under Wis. Stat. § 19.84.

Members: Janell Knutson (Chair), Scott Manley, Mike Gotzler, John Mielke, Susan Quam, Sally Feistel, Shane Griesbach, and Terry Hayden.

Department Staff: Mark Reihl, Andrew Rubsam, Jim Moe, Pamela McGillivray (Chief Legal Counsel), Samantha Ahrendt (Legal Counsel), Tom McHugh, Mary Jan Rosenak, Pam James, Emily Savard, Mike Myszewski, Patrick Lonergan, Joe Brockman, and Robin Gallagher.

Members of the Public: Anita Krasno (General Counsel, Labor & Industry Review Commission), BJ Dernbach (office of Representative Warren Petryk), Chris Reader (Wisconsin Manufacturers & Commerce), Ryan Horton (Legislative Fiscal Bureau), Victor Forberger (Attorney, Wisconsin UI Clinic), Margit Kelley (Wisconsin Legislative Council), Ken Ehle, Tyler Longsine (office of Representative James Edming), Laura Schulte (Milwaukee Journal Sentinel).

1. Call to Order and Introduction

Ms. Knutson called the Unemployment Insurance Advisory Council to order at 10:02 am, under the Wisconsin Open Meetings Law. Attendance was taken by roll call, and Ms. Knutson acknowledged the department staff in attendance.

2. Approval of Minutes

Motion by Mr. Gotzler, second by Ms. Feistel, to approve the minutes of the October 15, 2020, meeting without correction. The vote was taken by roll call and passed unanimously.

3. Department Update

Mr. Reihl stated that the Call Center is at full strength. The wait time for calls to the Hearing Offices being answered by the vendor is under a minute. The average wait time for all calls is a few seconds.

The weekly claims resolved is at 93%. The weekly claims in process is at 6.72%.

As of 11/16/2020, there were 285 active Work Share plans, having a total of 7,986 participants.

Payments for the six weeks of Lost Wage Assistance program are being made retroactively.

Federal extended UI benefits for Wisconsin were triggered on May 17, 2020, resulting in 13 weeks of additional UI benefits. Extended benefits were triggered off the week of November 7th.

The Department is continuing to work with Google on the analytics project.

4. Trust Fund Update

Mr. McHugh stated that \$1.3 billion has been paid from the UI Trust Fund in 2020. Claimants have been paid \$4.3 billion in a combination of state and federal programs since the beginning of the year. A total of 565,448 claimants were paid so far this year. In 2009, during the last recession, 566,353 claimants were paid. In 2019, 130,000 claimants were paid.

Federal programs paid the following:

FPUC	\$2.6 billion
PUA	\$162.5 million
PEUC	\$101.9 million
LWA	\$193.6 million

Tax receipts through November 14th declined by \$52.9 million or 9.6% when compared to tax receipts through the same period in 2019.

Third quarter 2020 taxable payroll declined 12.0%. Total payroll declined 1.6%.

Second quarter 2020 taxable payroll declined 17.0%. Total payroll declined 6.6%.

The UI Trust Fund balance on November 10, 2020, was \$1.2 billion.

5. Governor Evers' COVID-19 Legislative Package (LRB-6522)

Mr. Reihl stated that the provisions of Governor Evers' COVID-19 package that will affect Unemployment Insurance are:

- Suspension of the one-week waiting period through the end of 2021
- Allow DWD to promulgate a rule relaxing work search requirements through the end of 2021
- Allow Social Security Disability recipients to receive concurrent UI benefits
- Deposit of funds to the Interest and Penalty Appropriation for employer recharging
- Waive certain parameters related to the Work Share Program through the end of 2021

6. Public Hearing Report

Ms. Knutson stated that the public hearing was held on November 9th and 10th. Ms. Knutson stated that 26 individuals provided comments at the public hearing. One letter, along with 61 emails and comments were received. Council members will receive a chart and summary of the written comments, as well as a packet containing the written comments, at the January meeting.

The comments centered around the following concerns:

- Customer service during the pandemic
- Extending the length of the Workshare Program from six to twelve months
- Permanently waiving the waiting week
- Increasing the UI benefit rate
- Denial of UI benefits while receiving SSDI
- Work search waivers

7. Rulemaking Update

Emergency Rule 2006, DWD Chs. 127 & 128

Ms. Knutson, on behalf of the Department, thanked the Council for its support of the Department's request for an extension of the rule. JCRAR approved the extension, which will run through February 2, 2021.

Emergency Rule 2011, DWD Ch. 113

Emergency Rule 2018, DWD Ch.102

Ms. Knutson stated that the JCRAR approved rule extension requests for Emergency Rule 2011 and Emergency Rule 2018. Ms. Knutson, on behalf of the Department, thanked the Council for its support. Ms. Knutson referred Council members to a letter from Deputy Secretary Robert Cherry. In his letter, Deputy Secretary Cherry requested Council support for 60-day extensions of both Emergency Rule 2011 and Emergency Rule 2018.

Mr. Manley asked about the form the Department required employers to fill out regarding claims related to COVID-19, with a deadline for completion of August 15, 2020. Mr. Manley asked how the Department handled employers who did not complete the form.

Mr. Rubsam stated that a proposed emergency rule is included in members' packets for discussion. The proposed emergency rule gives employers until February 19, 2021 to complete the form or 30 days to complete the form if notified to do so by the Department.

Mr. Hayden moved to support Deputy Secretary's request. The motion was seconded by Mr. Manley. The vote was taken by roll call and passed unanimously.

Proposed Emergency Rule – DWD Ch. 123

Mr. Rubsam stated that this proposed emergency rule concerns benefit charges for initial claims related to the public health emergency. Mr. Rubsam explained the elements of the emergency rule to the Council.

Mr. Rubsam referred Council members to the plain language analysis of the proposed emergency rule in their packets.

Ms. Knutson stated there will be an effective date of December 7, 2020. A 60-day extension of the emergency rule will have it in effect until July 5, 2021.

Mr. Gotzler asked if the recharging form is being sent to employers. Mr. McHugh stated that a flyer was sent to employers regarding the form. Ms. Knutson stated that a link to the form is on the DWD website.

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Ms. Knutson offered Council members the opportunity to caucus regarding the proposed emergency rule. The Council decided not to caucus.

Mr. Manley moved that the Council support the proposed emergency rule. The motion was seconded by Ms. Feistel. The vote was taken by roll call and passed unanimously

8. Research Requests

No research requests were made.

9. Future Meeting Dates

Ms. Knutson stated that the next scheduled Council meeting will be held on January 21, 2021, to be followed by meetings on February 18, 2021 and March 18, 2021.

10. Adjourn

The meeting adjourned at 10:57 am.

UI Reserve Fund Highlights

January 21, 2021

1. Regular UI benefit payments in 2020 totaled over \$1.4 billion, an increase of nearly \$1.1 billion or 289% when compared to benefits paid in 2019.

Benefits Paid	2020 <i>(in millions)</i>	2019 <i>(in millions)</i>	Change <i>(in millions)</i>	Change <i>(in percent)</i>
Total Regular UI Paid*	\$1,450.1	\$372.3	\$1,077.8	289.5%

**Total Regular UI Paid includes payments funded by employers through the UI Trust Fund. It excludes benefits funded and reimbursed to the state by the federal government and reimbursable employers.*

The federal programs include:

Program	Benefits Paid
Federal Pandemic Unemployment Compensation (FPUC)	\$2.6 billion
Pandemic Unemployment Assistance (PUA)	\$195.6 million
Pandemic Emergency Unemployment Compensation (PEUC)	\$165.6 million
Lost Wage Assistance (LWA)	\$217.4 million

FPUC was the additional \$600 per week benefit which expired the week ending July 25, 2020. The program has been continued at \$300 per week from December 27, 2020 to March 13, 2021 with the Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act)

PUA was renewed and will expire March 2021. It provides up to 50 weeks of unemployment benefits to individuals who are not eligible for regular UI such as:

- Individuals who are self-employed;
- Certain independent contractors;
- Individuals with limited recent work history; and
- Other workers not covered by Regular UI.

PEUC was renewed by the Continued Assistance Act to March 13, 2021 without a gap in coverage. It now may provide up to 24 additional weeks of payments to individuals who have exhausted their regular UI benefits.

LWA is the Federal Emergency Management Agency (FEMA) program that provided an additional \$300 per week to eligible claimants unemployed or partially unemployed due to disruptions caused by COVID-19. LWA pays up to six weeks for the weeks of unemployment July 26 through September 5, 2020.

2. Tax receipts for 2020 declined by \$53.7 million or 9.7% when compared to tax receipts in 2019. Since both tax years were rated in Schedule D, any change reflects the anticipated reduction in taxes based on improvement of employer's experience but also a reduction in taxable wages. Taxable wages through third quarter 2020 declined by 4.7%.

Tax Receipts	2020 <i>(in millions)</i>	2019 <i>(in millions)</i>	Change <i>(in millions)</i>	Change <i>(in percent)</i>
Total Tax Receipts	\$499.9	\$553.6	(\$53.7)	(9.7%)

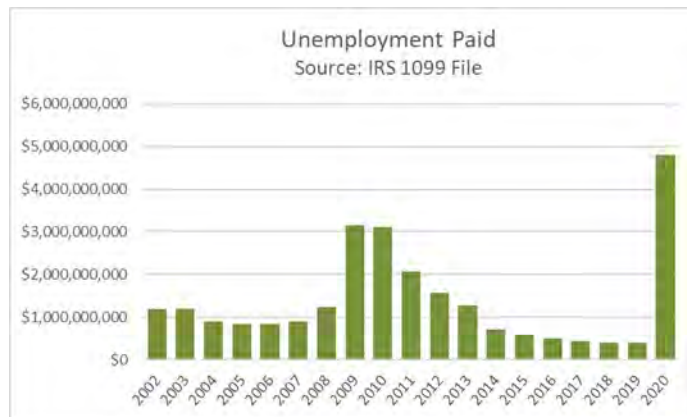
3. The Trust Fund balance on December 31, 2020 was \$1,137,108,896.

UI Trust Fund Balance	2020 <i>(in billions)</i>	2019 <i>(in billions)</i>	Change <i>(in billions)</i>	Change <i>(in percent)</i>
Cash Analysis Statement	\$1.1	\$2.0	(\$0.9)	(42.0%)

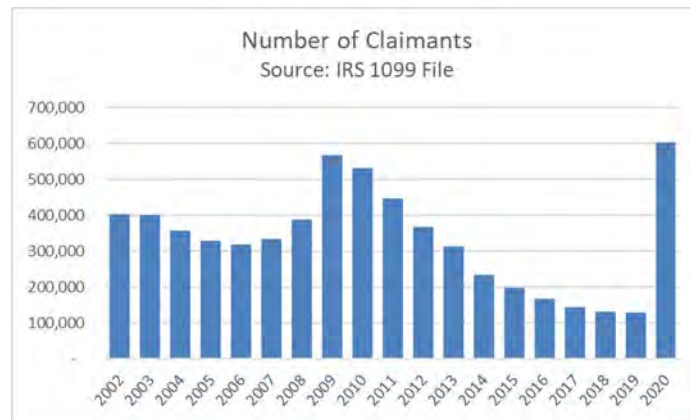
4. Interest earned on the Trust Fund was \$37.9 million for 2020. The US Treasury annualized interest rate for 4th quarter 2020 was 2.3%.

UI Trust Fund Interest	2020 <i>(in millions)</i>	2019 <i>(in millions)</i>	Change <i>(in millions)</i>	Change <i>(in percent)</i>
Total Interest Earned	\$37.9	\$44.9	(\$7.0)	(15.5%)

5. Claimant tax statements (1099-G) for 2020 are available and have been filed with IRS. Payments total \$4.8 billion for 603,459 claimants. Payments include all claimant payments which are a combination of federal and state programs in 2020.



There were 603,459 claimants paid in 2020. No other year had as many claimants, the previous high was 2009 with 566,353 claimants. In comparison, for calendar year 2018 and 2019, the number of claimants paid were 130,710 and 129,888, respectively.



FINANCIAL STATEMENTS

For the Month Ended November 30, 2020



Unemployment Insurance Division

Bureau of Tax and Accounting

DEPARTMENT OF WORKFORCE DEVELOPMENT
U.I. TREASURER'S REPORT
BALANCE SHEET
FOR THE MONTH ENDED November 30, 2020

<u>ASSETS</u>	<u>CURRENT YEAR</u>	<u>PRIOR YEAR</u>
CASH:		
U.I. CONTRIBUTION ACCOUNT	(108,558.96)	307,816.39
U.I. BENEFIT ACCOUNTS	(11,685,921.60)	(10,458.53)
U.I. TRUST FUND ACCOUNTS (1) (2) (3)	<u>1,247,015,448.12</u>	<u>1,997,320,756.33</u>
TOTAL CASH	<u>1,235,220,967.56</u>	<u>1,997,618,114.19</u>
ACCOUNTS RECEIVABLE:		
BENEFIT OVERPAYMENT RECEIVABLES	88,181,383.79	70,080,200.69
LESS ALLOWANCE FOR DOUBTFUL ACCOUNTS (4)	<u>(29,937,556.91)</u>	<u>(33,090,395.25)</u>
NET BENEFIT OVERPAYMENT RECEIVABLES	58,243,826.88	36,989,805.44
TAXABLE EMPLOYER RFB & SOLVENCY RECEIV (5) (6)	28,996,417.06	26,490,479.28
LESS ALLOWANCE FOR DOUBTFUL ACCOUNTS (4)	<u>(16,061,017.43)</u>	<u>(15,600,628.19)</u>
NET TAXABLE EMPLOYER RFB & SOLVENCY RECEIV	12,935,399.63	10,889,851.09
OTHER EMPLOYER RECEIVABLES	57,847,252.60	22,101,356.96
LESS ALLOWANCE FOR DOUBTFUL ACCOUNTS	<u>(8,973,682.53)</u>	<u>(7,794,622.94)</u>
NET OTHER EMPLOYER RECEIVABLES	48,873,570.07	14,306,734.02
TOTAL ACCOUNTS RECEIVABLE	<u>120,052,796.58</u>	<u>62,186,390.55</u>
TOTAL ASSETS	<u>1,355,273,764.14</u>	<u>2,059,804,504.74</u>
<u>LIABILITIES AND EQUITY</u>		
LIABILITIES:		
CONTINGENT LIABILITIES (7)	47,248,113.07	27,545,797.61
OTHER LIABILITIES	14,713,975.38	12,030,828.73
FEDERAL BENEFIT PROGRAMS	(6,008,456.86)	180,812.28
CHILD SUPPORT HOLDING ACCOUNT	279,824.00	11,084.00
FEDERAL WITHHOLDING TAXES DUE	1,522,272.00	71,524.30
STATE WITHHOLDING TAXES DUE	16,699,051.00	940,119.25
DUE TO OTHER GOVERNMENTS (8)	<u>448,984.07</u>	<u>417,262.20</u>
TOTAL LIABILITIES	74,903,762.66	41,197,428.37
EQUITY:		
RESERVE FUND BALANCE	1,711,064,393.13	2,495,895,515.50
BALANCING ACCOUNT	<u>(430,694,391.65)</u>	<u>(477,288,439.13)</u>
TOTAL EQUITY	<u>1,280,370,001.48</u>	<u>2,018,607,076.37</u>
TOTAL LIABILITIES AND EQUITY	<u>1,355,273,764.14</u>	<u>2,059,804,504.74</u>

1. \$20,224,311 of this balance is for administration purposes and is not available to pay benefits.
2. \$1,979,933 of this balance is the remaining amount set aside for charging of benefits financed by Reimbursable Employers in cases of Identity Theft.
3. \$64,713,242 of this balance is Emergency Unemployment Compensation Relief (EUR) reserved exclusively for funding 50% of the benefits paid for Reimbursable Employers for UI Weeks 12/20-52/20 per 2103 of the CARES Act.
4. The allowance for uncollectible benefit overpayments is 50.2%. The allowance for uncollectible delinquent employer taxes is 46.3%. This is based on the historical collectibility of our receivables. This method of recognizing receivable balances is in accordance with generally accepted accounting principles.
5. The remaining tax due at the end of the current month for employers utilizing the 1st quarter deferral plan is \$350,127. Deferrals for the prior year were \$187,533.
6. \$11,553,422, or 39.8%, of this balance is estimated.
7. \$32,979,450 of this balance is net benefit overpayments which, when collected, will be credited to a reimbursable or federal program. \$14,268,663 of this balance is net interest, penalties, SAFI, and other fees assessed to employers and penalties and other fees assessed to claimants which, when collected, will be credited to the state fund.
8. This balance includes SAFI Payable of \$2,659. The 11/30/2020 balance of the Unemployment Interest Payment Fund (DWD Fund 214) is \$33,037. Total Life-to-date transfers from DWD Fund 214 to the Unemployment Program Integrity Fund (DWD Fund 298) were \$9,501,460.

DEPARTMENT OF WORKFORCE DEVELOPMENT
U.I. TREASURER'S REPORT
RESERVE FUND ANALYSIS
FOR THE MONTH ENDED November 30, 2020

	<u>CURRENT ACTIVITY</u>	<u>YTD ACTIVITY</u>	<u>PRIOR YTD</u>
BALANCE AT BEGINNING OF MONTH/YEAR:			
U.I. TAXABLE ACCOUNTS	2,215,479,556.09	2,909,863,506.12	2,794,896,813.36
BALANCING ACCOUNT	<u>(871,346,507.49)</u>	<u>(916,159,078.07)</u>	<u>(1,030,187,761.19)</u>
TOTAL BALANCE	1,344,133,048.60	1,993,704,428.05	1,764,709,052.17
INCREASES:			
TAX RECEIPTS/RFB PAID	3,059,693.31	359,046,745.57	401,346,693.09
ACCRUED REVENUES	1,821,886.02	1,847,360.17	(2,533,314.92)
SOLVENCY PAID	323,029.06	139,228,855.42	150,382,156.15
FORFEITURES	1,175.00	95,652.72	31,646.00
BENEFIT CONCEALMENT INCOME	11,573.80	456,334.69	634,855.40
INTEREST EARNED ON TRUST FUND	0.00	30,729,457.20	32,806,064.13
FUTA TAX CREDITS	847.50	5,484.10	19,240.03
OTHER CHANGES	<u>5,526,517.29</u>	<u>84,319,777.68</u>	<u>363,745.82</u>
TOTAL INCREASES	10,744,721.98	615,729,667.55	583,051,085.70
DECREASES:			
TAXABLE EMPLOYER DISBURSEMENTS	61,535,209.62	1,115,584,561.89	276,826,108.69
QUIT NONCHARGE BENEFITS	9,998,527.08	178,799,593.41	40,561,860.72
OTHER DECREASES	17,719.99	1,298,720.14	(2,175,341.14)
OTHER NONCHARGE BENEFITS	<u>2,956,312.41</u>	<u>33,381,218.68</u>	<u>13,940,433.23</u>
TOTAL DECREASES	74,507,769.10	1,329,064,094.12	329,153,061.50
BALANCE AT END OF MONTH/YEAR:			
RESERVE FUND BALANCE	1,711,064,393.13	1,711,064,393.13	2,495,895,515.50
BALANCING ACCOUNT	<u>(430,694,391.65)</u>	<u>(430,694,391.65)</u>	<u>(477,288,439.13)</u>
TOTAL BALANCE (9) (10) (11) (12)	<u><u>1,280,370,001.48</u></u>	<u><u>1,280,370,001.48</u></u>	<u><u>2,018,607,076.37</u></u>

9. This balance differs from the cash balance related to taxable employers of \$1,245,950,228 because of non-cash accrual items.

10. \$20,224,311 of this balance is set up in the Trust Fund in three subaccounts to be used for administration purposes and is not available to pay benefits.

11. \$1,979,933 of this balance is the remaining amount set aside for charging of benefits financed by Reimbursable Employers in cases of Identity Theft.

12. \$64,713,242 of this balance is Emergency Unemployment Compensation Relief (EUR) reserved exclusively for funding 50% of the benefits paid for Reimbursable Employers for UI Weeks 12/20-52/20 per 2103 of the CARES Act.

**DEPARTMENT OF WORKFORCE DEVELOPMENT
U.I. TREASURER'S REPORT
RECEIPTS AND DISBURSEMENTS STATEMENT
FOR THE MONTH ENDED 11/30/20**

RECEIPTS

	<u>CURRENT ACTIVITY</u>	<u>YEAR TO DATE</u>	<u>PRIOR YEAR TO DATE</u>
TAX RECEIPTS/RFB	\$3,059,693.31	\$359,046,745.57	\$401,346,693.09
SOLVENCY	323,029.06	139,228,855.42	150,382,156.15
ADMINISTRATIVE FEE	16.55	506.93	1,067.14
ADMINISTRATIVE FEE - PROGRAM INTEGRITY	7,262.04	3,186,142.97	3,331,452.97
UNUSED CREDITS	(509,422.64)	1,140,962.14	3,966,539.92
GOVERNMENTAL UNITS	3,887,757.12	57,663,426.23	9,351,745.40
NONPROFITS	2,585,816.39	62,266,137.41	9,644,590.41
INTERSTATE CLAIMS (CWC)	2,200,231.34	8,495,460.98	4,115,205.98
ERROR SUSPENSE	(66,382.35)	15,711.91	419.82
FEDERAL PROGRAMS RECEIPTS	113,237,331.66	3,052,609,080.09	(324,791.16)
OVERPAYMENT COLLECTIONS	3,430,719.71	28,815,903.14	16,555,798.37
FORFEITURES	1,175.00	95,652.72	31,646.00
BENEFIT CONCEALMENT INCOME	11,573.80	456,334.69	634,855.40
EMPLOYER REFUNDS	(450,544.55)	(3,911,242.62)	(5,158,616.12)
COURT COSTS	14,585.39	308,157.42	436,205.62
INTEREST & PENALTY	360,887.89	3,288,756.31	3,380,013.24
CARD PAYMENT SERVICE FEE	2,288.56	18,003.33	6,335.47
BENEFIT CONCEALMENT PENALTY-PROGRAM INTEGRITY	20,619.92	720,840.31	936,458.74
MISCLASSIFIED EMPLOYEE PENALTY-PROG INTEGRITY	600.00	6,384.81	26,921.81
LEVY NONCOMPLIANCE PENALTY-PROGRAM INTEGRITY	0.00	16,620.27	0.00
SPECIAL ASSESSMENT FOR INTEREST	1,879.24	20,164.32	19,403.40
EMERGENCY ADMIN GRANT-EUISAA 2020	0.00	18,914,772.00	0.00
EMERGENCY UC RELIEF (EUR)	5,440,812.00	64,713,242.00	0.00
INTEREST EARNED ON U.I. TRUST FUND BALANCE	0.00	30,729,457.20	32,806,064.13
MISCELLANEOUS	14,592.27	219,879.03	74,605.60
TOTAL RECEIPTS	\$133,574,521.71	\$3,828,065,954.58	\$631,564,771.38

DISBURSEMENTS

CHARGES TO TAXABLE EMPLOYERS	\$65,606,172.99	\$1,145,375,763.66	\$291,371,801.67
NONPROFIT CLAIMANTS	3,375,360.64	78,673,121.57	8,777,265.67
GOVERNMENTAL CLAIMANTS	2,909,771.22	66,773,215.09	8,290,552.01
INTERSTATE CLAIMS (CWC)	942,924.65	12,753,142.04	3,374,246.47
QUITS	9,998,527.08	178,799,593.41	40,561,860.72
OTHER NON-CHARGE BENEFITS	2,842,518.02	32,182,247.73	14,439,005.64
CLOSED EMPLOYERS	(414.94)	(210,464.32)	(19,767.99)
ERROR CLEARING ACCOUNT	200.00	200.00	0.00
FEDERAL PROGRAMS			
FEDERAL EMPLOYEES (UCFE)	249,586.58	2,229,768.00	1,097,987.94
EX-MILITARY (UCX)	158,634.17	1,527,619.05	360,635.73
TRADE ALLOWANCE (TRA/TRA-NAFTA)	78,858.60	815,344.24	1,082,504.82
DISASTER UNEMPLOYMENT (DUA)	0.00	0.00	19,310.00
FEDERAL PANDEMIC UC \$600 ADD-ON (FPUC)	39,501,085.07	2,561,018,092.41	0.00
LOST WAGES ASSISTANCE \$300 ADD-ON (LWA)	12,171,630.00	198,610,045.00	0.00
PANDEMIC UNEMPLOYMENT ASSISTANCE (PUA)	22,024,795.56	173,060,100.56	0.00
PANDEMIC EMERGENCY UC (PEUC)	42,553,892.44	123,537,772.48	0.00
2003 TEMPORARY EMERGENCY UI (TEUC)	(3,332.60)	(20,253.10)	(19,589.93)
FEDERAL ADD'L COMPENSATION \$25 ADD-ON (FAC)	(7,707.60)	(177,815.66)	(255,336.47)
FEDERAL EMERGENCY UI (EUC)	(58,808.29)	(1,709,134.61)	(2,388,967.95)
FEDERAL EXTENDED BENEFITS (EB)	(3,113.21)	(173,676.79)	(183,182.61)
FEDERAL EMPLOYEES EXTENDED BEN (UCFE EB)	0.00	0.00	(1,331.67)
FEDERAL EX-MILITARY EXTENDED BEN (UCX EB)	(282.56)	(2,918.36)	(8,240.38)
INTERSTATE CLAIMS EXTENDED BENEFITS (CWC EB)	(180.46)	(4,633.55)	(1,414.68)
INTEREST & PENALTY	268,874.69	3,203,709.98	3,305,682.77
CARD PAYMENT SERVICE FEE TRANSFER	2,862.41	16,692.48	5,502.56
PROGRAM INTEGRITY	387,871.95	3,978,648.65	4,310,618.69
SPECIAL ASSESSMENT FOR INTEREST	0.00	24,409.12	19,946.95
COURT COSTS	28,215.01	334,222.38	444,287.78
ADMINISTRATIVE FEE TRANSFER	43.62	619.05	961.92
FEDERAL WITHHOLDING	(942,720.00)	(1,365,474.06)	105,071.70
STATE WITHHOLDING	(5,569,043.00)	(14,957,667.75)	647,368.55
STC IMPLEMENT/IMPROVE & PROMOTE/ENROLL EXP	0.00	0.00	114,151.84
EMERGENCY ADMIN GRANT-EUISAA 2020 EXP	0.00	582,373.82	0.00
FEDERAL LOAN REPAYMENTS	(847.50)	(5,484.10)	(19,240.03)
TOTAL DISBURSEMENTS	\$196,515,374.54	\$4,564,869,178.42	\$375,431,691.72
NET INCREASE(DECREASE)	(62,940,852.83)	(736,803,223.84)	256,133,079.66

BALANCE AT BEGINNING OF MONTH/YEAR	\$1,298,161,820.39	\$1,972,024,191.40	\$1,741,485,034.53
BALANCE AT END OF MONTH/YEAR	\$1,235,220,967.56	\$1,235,220,967.56	\$1,997,618,114.19

DEPARTMENT OF WORKFORCE DEVELOPMENT
U.I. TREASURER'S REPORT
CASH ANALYSIS
FOR THE MONTH ENDED November 30, 2020

	<u>CURRENT ACTIVITY</u>	<u>YEAR TO DATE ACTIVITY</u>	<u>PRIOR YTD ACTIVITY</u>
BEGINNING U.I. CASH BALANCE	\$1,312,374,905.94	\$1,960,524,402.01	\$1,730,835,304.79
INCREASES:			
TAX RECEIPTS/RFB PAID	3,059,693.31	359,046,745.57	401,346,693.09
U.I. PAYMENTS CREDITED TO SURPLUS	5,022,549.88	224,718,184.23	153,600,331.44
INTEREST EARNED ON TRUST FUND	0.00	30,729,457.20	32,806,064.13
FUTA TAX CREDITS	847.50	5,484.10	19,240.03
TOTAL INCREASE IN CASH	<u>8,083,090.69</u>	<u>614,499,871.10</u>	<u>587,772,328.69</u>
TOTAL CASH AVAILABLE	<u>1,320,457,996.63</u>	<u>2,575,024,273.11</u>	<u>2,318,607,633.48</u>
DECREASES:			
TAXABLE EMPLOYER DISBURSEMENTS	61,535,209.62	1,115,584,561.89	276,826,108.69
BENEFITS CHARGED TO SURPLUS	12,972,559.48	212,907,109.87	55,453,456.91
TOTAL BENEFITS PAID DURING PERIOD	<u>74,507,769.10</u>	<u>1,328,491,671.76</u>	<u>332,279,565.60</u>
SHORT-TIME COMPENSATION EXPENDITURES	0.00	0.00	114,151.84
EMERGENCY ADMIN GRANT-EUISAA 2020 EXP	0.00	582,373.82	0.00
ENDING U.I. CASH BALANCE (13) (14) (15) (16) (17)	<u><u>1,245,950,227.53</u></u>	<u><u>1,245,950,227.53</u></u>	<u><u>1,986,213,916.04</u></u>

13. \$1,607,328 of this balance was set up in 2009 in the Trust Fund as a subaccount per the ARRA UI Modernization Provisions and is not available to pay benefits.

14. \$284,585 of this balance was set up in 2015 in the Trust Fund as a Short-Time Compensation (STC) subaccount to be used for Implementation and Improvement of the STC program and is not available to pay benefits.

15. \$18,332,398 of this balance was set up in 2020 in the Trust Fund as an Emergency Admin Grant (EUISAA) subaccount to be used for administration of the Unemployment Compensation Program and is not available to pay benefits.

16. \$1,979,933 of this balance is the remaining amount set aside for charging of benefits financed by Reimbursable Employers in cases of Identity Theft.

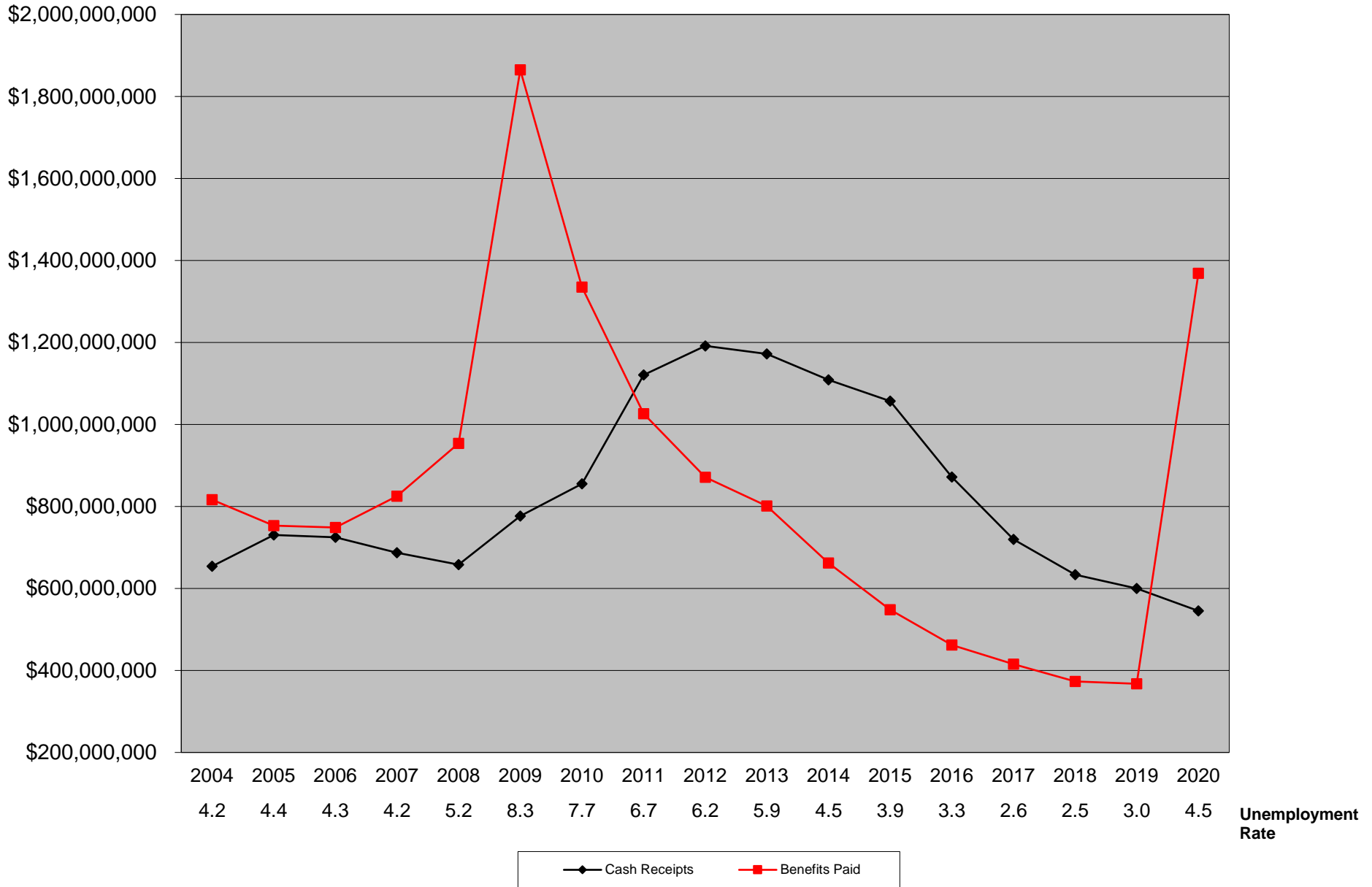
17. \$64,713,242 of this balance is Emergency Unemployment Compensation Relief (EUR) reserved exclusively for funding 50% of the benefits paid for Reimbursable Employers for UI Weeks 12/20-52/20 per 2103 of the CARES Act.

BUREAU OF TAX AND ACCOUNTING
U.I. TREASURER'S REPORT
BALANCING ACCT SUMMARY
FOR THE MONTH ENDED November 30, 2020

	<u>CURRENT ACTIVITY</u>	<u>YEAR TO DATE ACTIVITY</u>	<u>PRIOR YTD ACTIVITY</u>
BALANCE AT THE BEGINNING OF THE MONTH/YEAR	(\$457,114,328.05)	(\$503,517,440.13)	(\$617,016,324.88)
INCREASES:			
U.I. PAYMENTS CREDITED TO SURPLUS:			
SOLVENCY PAID	323,029.06	139,228,855.42	150,382,156.15
FORFEITURES	1,175.00	95,652.72	31,646.00
OTHER INCREASES	4,698,345.82	85,393,676.09	3,186,529.29
U.I. PAYMENTS CREDITED TO SURPLUS SUBTOTAL	<u>5,022,549.88</u>	<u>224,718,184.23</u>	<u>153,600,331.44</u>
TRANSFERS BETWEEN SURPLUS ACCTS (18)	(50,675.45)	(3,560,367.31)	(23,523,301.43)
INTEREST EARNED ON TRUST FUND	0.00	30,729,457.20	32,806,064.13
FUTA TAX CREDITS	847.50	5,484.10	19,240.03
TOTAL INCREASES	<u>4,972,721.93</u>	<u>251,892,758.22</u>	<u>162,902,334.17</u>
DECREASES:			
BENEFITS CHARGED TO SURPLUS:			
QUITS	9,998,527.08	178,799,593.41	40,561,860.72
OTHER NON-CHARGE BENEFITS	2,974,032.40	34,107,516.46	14,891,593.19
MISCELLANEOUS EXPENSE	0.00	0.00	3.00
BENEFITS CHARGED TO SURPLUS SUBTOTAL	<u>12,972,559.48</u>	<u>212,907,109.87</u>	<u>55,453,456.91</u>
SHORT-TIME COMPENSATION EXPENDITURES	0.00	0.00	114,151.84
EMERGENCY ADMIN GRANT-EUISAA 2020 EXP	0.00	582,373.82	0.00
BALANCE AT THE END OF THE MONTH/YEAR	<u><u>(465,114,165.60)</u></u>	<u><u>(465,114,165.60)</u></u>	<u><u>(509,681,599.46)</u></u>

18. The 10% writeoff for 2020 was \$21.4 million and is included in this balance. The 10% writeoff shifts employer benefit charges to the balancing account. The 10% writeoff has no effect on receivable balances.

Cash Activity Related to Taxable Employers with WI Unemployment Rate (for all years from December to November)



Name	Topic	Law	Comments	Date	By
Abukar, Lul	Extended Benefits	Wis. Stat. § 108.141	DWD needs to get Extended Benefits in place ASAP. It is the only source of income for unemployed people.	11/03/2020	E-mail
Altman, Tina	Customer service		Applied for UI and PUA. DWD took four months to process claim. Was wrongly denied. Received determination that cannot be appealed. Determinations have disappeared from the portal.	11/09/2020	PH
Aniel, Carl	Various	Various	DWD customer service is unhelpful. DWD staff need training and is understaffed. Using other state workers to help DWD was good; DWD should not have used private sector contractors. Concerned about DWD's contract with Google. Modernization of computer systems should not increase denial rates. Prosecution of UI fraud is biased. Too many workers are misclassified.	11/10/2020	E-mail
Anonymous	Customer service		"Unemployment Insurance Letter of Hardship" - separated from job, has family members high risk for COVID, has been waiting for months for UI. Has lost car insurance, cannot get rental assistance.	11/09/2020	E-mail
Bagstad, Kevin	Work share	Wis. Stat. § 108.062(4)(b)	Capital Brewery - extend work share plans from a maximum of 6 months to 12 months to avoid layoffs.	11/10/2020	E-mail
Bauer, Theresa	Customer service		Claimants should be able to check their status to determine how many weeks they will need to wait for their claim to be processed.	11/10/2020	E-mail
Bell, Essie	Customer service		Has waited for benefits for 6 months. Won her appeal but another issue is delaying her claim.	11/02/2020	E-mail
Bewley, Sen. Janet	Various	Various	Encourages the UIAC to support the UI legislation package: <ul style="list-style-type: none"> • Legislation to expand DWD's authority to promulgate rules that provide waivers for work search and job registration requirements, especially as it related to seasonal workers. (LRB 6256) • Legislation that reinstates DWD's authority to determine by administrative rule what constitutes suitable work a claimant must accept if offered, and what labor market conditions to review based on the number of weeks that the claimant has received benefits. (LRB 6254) • Legislation to remove the punitive ban on Unemployment benefits for Wisconsin workers who receive social security disability (SSDI). (LRB 6244) • Legislation to allow participants in extended occupational training programs to receive UI benefits (LRB 6246) • Legislation to permanently eliminate the one-week waiting period, allowing workers to receive benefits for all weeks they are unemployed (LRB 6257) • Legislation to reduce the number of required work searches from four to two per week (LRB 6265) • Legislation to remove substantial fault as a disqualifying factor, which increased denials by 37% and has been repealed in the remaining other state to have this in place (North Carolina) (LRB 6362) 	11/11/2020	E-mail

Name	Topic	Law	Comments	Date	By
Bobbitt, Beverly	Customer service		Claim processing time takes months.	11/09/2020	PH
Bratchett, Mariah	Customer service		Owns a salon. Filed a PUA claim. Has a young child. Has filed appeals. Is facing harsh economic results waiting for her benefits. Has not had good experiences with DWD customer service.	11/12/2020	E-mail
Braun, Jessica	Customer service		PUA application and wait time took too long. Was told to wait for an adjudicator. Her claim was processed by a contract staff person but the determination was incorrect. She has had to take off of work to get a clerical error corrected.	11/10/2020	PH
Brown, Kevin	Customer service		New DWD staff need training. Every time he called in, he was told to re-file.	11/09/2020	PH
Campana, Kate	Customer service		Calling on behalf of her husband, who wore mask at work and the employer didn't like that. Unless being evicted or foreclosed, elected officials won't help you.	11/10/2020	PH
Carrington, Cairee	Customer service		Is hard of hearing and did not receive accommodations. Was asked to provide additional information and believes she did but was denied benefits because DWD apparently did not receive the information. Has filed an appeal.	11/10/2020 11/12/2020	E-mail
Carter, Bill	Employee status	Wis. Stat. § 108.02(12)	Wondering whether the Legislature will amend the definition of employee. Believes app-based workers are employees.	11/09/2020	PH
Castanza, Jake	1 - Waiting week; 2 - Benefit rate	1 - Wis. Stat. § 108.04(3) 2 - Wis. Stat. § 108.05	Wisconsin Building Trades Council - 1 - Repeal the 1-week waiting period. 2 - The maximum benefit rate should be increased because it is lower than border states' rates.	11/10/2020	E-mail
Damro, Charles	Customer service		Waiting for benefits since May. Unemployment is COVID-related. DWD needs accountability. Unable to get a name of someone to help with his claim. Frustrated with adjudication.	11/09/2020	PH
Deppe, Dakota	Customer service		Has waited over two months for benefits. Is concerned about not receiving LWA.	10/30/2020	E-mail
Disch, Andrew	1 - Waiting week; 2 - Benefit rate	1 - Wis. Stat. § 108.04(3); 2 - Wis. Stat. § 108.05	North Central States Regional Council of Carpenters union - 1 - eliminate 1-week waiting period for UI benefits. Takes 27 weeks to get 26 weeks of benefits. No net cost savings. 1st week of layoff is the most important. Benefits help local businesses because that money is spent locally. Work search is currently suspended until February 2021. 2 - increase the maximum weekly benefit rate. The current max is not enough to cover monthly bills. \$890 / month is the food bill for family of 4. The maximum has not increased since 2014 and is the lowest of all border states.	11/10/2020	PH

Name	Topic	Law	Comments	Date	By
Erpenbach, Sen. Jon	Various	Various	<p>Encourages the UIAC to support the UI legislation package:</p> <ul style="list-style-type: none"> • LRB 6254 - The current definition of “suitable work” creates challenges for claimants. This bill reinstates DWD’s authority to determine by administrative rule what constitutes suitable work a claimant must accept if offered, and what labor market conditions to review based on the number of weeks that the claimant has received benefits. • LRB 6256 - Several laws enacted over the last decade have restricted DWD’s ability to increase access to unemployment insurance when appropriate. This bill expands DWD’s authority to promulgate rules that provide waivers for work search and job registration requirements. This legislation can be especially important for employers of seasonal workers. • Legislation to remove the ban on Unemployment benefits for Wisconsin workers who receive disability payments (SSDI). (LRB 6244) • Legislation to allow participants in extended occupational training programs to receive UI benefits (LRB 6246) • Legislation to permanently eliminate the one-week waiting period (LRB 6257) • Legislation to reduce the number of required work searches from four to two per week and repealing authority to require more than four by rule (LRB 6265) • Legislation to remove substantial fault as a disqualifying factor, which increased denials by 37% and has been repealed in the remaining other state to have this in place (North Carolina) (LRB 6362) 	11/11/2020	E-mail
Erpenbach, Sen. Jon & Hesselbein, Rep. Dianne	Work share	Wis. Stat. § 108.062(4)(b)	Extend work share plans from a maximum of 6 months to 12 months to avoid layoffs.	11/10/2020	E-mail
Ferruggia Boulley, Deborah	Customer service		Waiting for UI since March. Won her appeal but still waiting.	10/11/2020	E-mail
Forberger, Victor	Various	Various	<ol style="list-style-type: none"> 1. Modernization in some states has resulted in lower quality and less timely claim processing. 2. The emergency rule requiring notice of UI at the time of separation does not adequately address the needs of employees. 3. The Department assesses concealment penalties for mistakes based on confusion. 4. The Department is denying PUA for invalid reasons. 	11/09/2020 11/10/2020	E-mail
Garcia, Terri	Customer service		Had to quit a job due to health issues. Has waited 13 weeks for benefits.	11/07/2020	E-mail
Gast, Lisa	Customer service		Waited months to talk to an adjudicator about her claim. Then her former employer said she missed work so her benefits are held. Thought she had everything taken care of months ago.	11/03/2020	E-mail

Name	Topic	Law	Comments	Date	By
Hanlon, Teresa	Customer service		People should be assigned a day to file their claim. A single adjudicator should handle all issues for a claimant. Customer service reps should have to give their ID number for accountability.	11/09/2020	PH
Hansen, Dianne	Customer service		Change system to permit claims specialists to determine whether adjudicator has reviewed claim.	11/11/2020	E-mail
Hawk, Ray	LWA		Filed claims in October but not receiving benefits. Has not received information about when LWA will be paid. Is concerned he will be wrongly accused of fraud.	11/04/2020	E-mail
Hye, Dave	PUA		Denied PUA because took an unpaid leave of absence instead of quitting. Has an overpayment due to DWD's mistake.	10/11/2020	E-mail
Johnson, Marin	Proportional charging; definition of small business	Wis. Stat. § 108.07(2)	Business owner - one of his part time employees was laid off from her other part time job but his UI account was still charged. Disagrees with being charged for those benefits. There should be more than two choices when defining a large or small business.	11/10/2020	E-mail
Johnson, Yvette	Customer service		Has waited several months for an answer regarding unemployment. Is suffering financially.	10/24/2020	E-mail
Jones, Geneva	Customer service		Was laid off in May 2020 and waited many weeks for an adjudicator to contact her. Asked to have a different adjudicator assigned to her case. Still waiting for benefits several months after being laid off.	11/11/2020	E-mail
Kathy	Partial benefits	Wis. Stat. § 108.05	Wayne's Automotive - Part time employee's hours were reduced and is now getting UI. Does not understand how the employee can get such a high UI benefit.	11/03/2020	E-mail
Kennedy, Monica	PUA		PUA will expire for her soon. Regular UI eligibility requirements should be suspended during the pandemic.	10/11/2020	E-mail
Kowske, Jillaine	Customer service		Waiting 32 weeks for UI, causing financial hardship. DWD needs better training. She was denied PUA because she didn't exhaust UI but is waiting for appeal decision. Documents disappear and reappear in the portal. Need follow-through from UI. Some faxes she sent in were not received and were not available for her hearing.	11/09/2020 11/10/2020	PH
Kraft, Sara	Customer service		Claimant has income from 10+ employers in gig economy. UI system is not designed to accommodate that. Staff didn't know how to handle her claim.	11/10/2020	PH

Name	Topic	Law	Comments	Date	By
Kruto, Patti	Proportional charging; closing account	Wis. Stat. § 108.07(2)	Pat-Mar Enterprises Inc. - Has to mail and fax forms and convert decimals to minutes for hours worked for her employees. Some employees quit to take a lower paying job then file for unemployment. Wants to know what happens if she sells her business--can she get the funds in her unemployment account?	11/02/2020	E-mail
Kwaterski, Steve	1 - Waiting week; 2 - Benefit rate; 3 - Computer upgrades	1 - Wis. Stat. § 108.04(3); 2 - Wis. Stat. § 108.05	Wisconsin Laborers' District Council - 1 - Repeal the 1-week waiting period. 2 - The maximum benefit rate should be increased because it is lower than border states' rates. 3 - DWD computers should be upgraded with state funding.	11/10/2020	E-mail
Lavenduskey, Sean	Customer service		Staff are unsympathetic while people wait for extended benefits to be paid. People will incur debt while waiting for benefits.	11/11/2020	E-mail
Lestrud, Bjorn	Identity issue		Was receiving benefits until July, when claim was held to confirm his identity. Still waiting for an adjudicator to contact him.	11/09/2020	PH
Lins, Barb	Customer service		Accountability is needed. Technical issue is preventing her claim being paid. Has waited many weeks for payment.	11/10/2020	E-mail
Markoff, Rene	SSDI	Wis. Stat. § 108.04(12)(f)	People on SSDI should get UI. Applied for PUA but claim is being held for an able/available issue.	10/18/2020	E-mail
Martin, Lolita	SSDI	Wis. Stat. § 108.04(12)(f)	Since 2013, can't get UI because gets SSDI. Denied PUA if she indicates that she can't work fulltime. She has to appeal and has to wait 9 weeks for a hearing. People on SSDI and who apply for PUA should have a separate section handle those cases.	11/10/2020	PH
McCullum, Tomicka	SSDI	Wis. Stat. § 108.04(12)(f)	People on SSDI should get UI. Was denied PUA and is now appealing. Adjudicator was rude to her.	10/22/2020	E-mail
Metzger, Edward	Work search waivers	Wis. Stat. § 108.04(2)(bb)	Should waive work search for people over 70, because they are usually seasonal workers.	11/01/2020	E-mail
Minkoff, Melissa	Customer service		Has been waiting for Extended Benefits since July. Has applied for hundreds of jobs but many people are applying. Some positions are unsafe due to COVID.	11/09/2020	E-mail
Mundahl, John	Customer service		Has been trying to collect benefits since March 2020. Has tried contacting the department but has been unsuccessful.	10/26/2020	Letter
Nelson, Paula	Customer service		Works in HR for her company. Tries to help her employees and tries to retain them. No communication between DWD and employers.	11/09/2020	PH
Nemmetz, Bobbi	Customer service		Took too long to file an initial claim and has had to wait too long for adjudication to contact her. Has 4 kids and no income.	11/09/2020	E-mail
Norfleet, Christopher	Customer service		Adjudication is taking too long and furthers the economic crisis.	10/14/2020	E-mail

Name	Topic	Law	Comments	Date	By
Northern, Amanda	Customer service		Has waited 8 weeks for benefits. Other states are up to date.	10/30/2020	E-mail
Parker Jr., Fred	Employee status	Wis. Stat. § 108.02(12)	His father paid a caretaker, who later filed UI. DWD determined the caretaker to be the father's employee. The law should be changed so that a contract supersedes the employee status statute.	11/11/2020	E-mail
Parker, Loren	Customer service		Has waited 13 weeks for benefits but is still in adjudication. Is unable to keep up with bills. Unable to reach adjudication.	10/08/2020	E-mail
Peterson, Brandon	1 - Work search waiver; 2 - 1-week waiting period; 3 - FPUC	1 - Wis. Stat. § 108.04(2)(bb); 2 - Wis. Stat. § 108.04(3); 3 - CARES Act	Peterson Brothers Sand & Gravel - 1 - waive work search for employees with a recall date; 2 - repeal the waiting week; 3 - all claimants should get the \$600 weekly FPUC benefit.	11/11/2020	E-mail
Prygrocki, Karen	Customer service		DWD should hire more workers to handle claims.	10/17/2020	E-mail
Ray, Noel	Quit exception / Customer service	Wis. Stat. § 108.04(7)	Worked as a hairdresser for 3 years and was laid off. She looked for a seasonal job because the UI benefits were insufficient. Took a temporary job but worked 67 hours and was not paid overtime so she quit. She never received paystubs and is being ghosted by the employer. She needs proof that she worked. She was supposed to work 30 hours/week. Feels like she's being treated as a liar by DWD but has provided what she can. Does not have paystubs. Is a single parent. The claims process has been inhumane.	11/10/2020	PH & E-mail
Renk, Mark	Customer service		Is waiting for EB - how can DWD update a computer within 24 hours with Q&A about WI triggering off EB, but can't update other computers on a regular basis?	11/10/2020	PH
Richardson, Harry	Various	Various	Using other state workers to help DWD was good; DWD should not have used private sector contractors. Concerned about DWD's contract with Google. Modernization of computer systems should not increase denial rates. Prosecution of UI fraud is biased. Too many workers are misclassified.	11/10/2020	E-mail
Sanders, Jaci	1 - Work search waiver; 2 - Customer service	Wis. Stat. § 108.04(2)(bb)	Landscaping employer - work search waiver should apply to the entire claim period for employees who will return to work with the same employer. If the claim is on hold, it is hard to reach out to a live person at DWD due to employees' work hours. People feel that they need to continue to file a claim even if they work too much to qualify because they don't want to lose benefits in the future.	11/09/2020	PH

Name	Topic	Law	Comments	Date	By
Santiago, Barb	Worker misclassification; security	Wis. Stat. § 108.221	Misclassified workers should receive the notice of availability of UI at the time of separation. The intentional misclassification penalties should be extended to all employers. PII should be redacted.	11/10/2020	E-mail
Schmidt, Veronica	Work search waivers; benefit rate	Wis. Stat. § 108.04(2)(bb)	Should extend the blanket work search waiver past 12/5/20 because few businesses are hiring. Lost 65% of her income when filed for UI, so the benefit rate should increase.	10/18/2020	E-mail
Schoenick, Brittany	Limited English Proficiency / Customer service		Staff Atty at Legal Action of Wisconsin - There are significant language access barriers for non-English speakers, who have trouble accessing an adjudicator. Those claimants must leave a voicemail and are not receiving callbacks.	11/10/2020	PH
Sengdalaphet, John	Quit and discharge issues	Wis. Stat. § 108.04(7)	Worked for 5 months and quit a job before the pandemic and is now ineligible for benefits but a friend of his was fired after working a short time and got benefits. This is unfair.	11/10/2020	E-mail
Sinicki, Rep. Christine	Various	Various	Please review the UI law changes from the last decade, particularly the increase in the number of work searches and the changes to work search waivers. The changes to misconduct and substantial fault should be repealed.	11/11/2020	E-mail
Smith, Sen. Jeff	Various		1) Update the able and available designation for helping claimants who struggle with medical conditions; 2) Endorse the bills introduced this summer for effectively administering the UI program; 3) Make changes to the Department of Workforce Development's antiquated computer system.	11/11/2020	E-mail
Stewart, Tanesha	Discrimination		Applied for benefits but did not receive them. People with "white names" get benefits faster.	11/10/2020	E-mail
Stone, Timothy	Quarterly review		There does not appear to be information in the portal about the quarterly review. His quarterly review started in October, but there was not enough information in the portal. DWD should resolve the review by asking questions in the portal.	11/09/2020	PH
Tapia, Ann	Various		DWD customer service is unresponsive. Difficult for gig workers to navigate the various types of benefits. The system needs to be simplified and more user friendly.	11/11/2020	E-mail
Tapia, Ann Margaret	Employee status / Customer service	Wis. Stat. § 108.02(12)	The "gig" economy has been promoted by business, but those workers are ineligible for UI, so what are they supposed to do when laid off? Some workers are still waiting for answer about eligibility. She works for many employers, so she has more than one tax form. DWD needed to update its computer system back in the 90s.	11/10/2020	PH

Name	Topic	Law	Comments	Date	By
Teegarden, Melissa	Customer service		DWD should double its adjudication staff. Delays in benefit payments can result in homelessness.	11/06/2020	E-mail
Torres, Rafael	Quit exception	Wis. Stat. § 108.04(7)	Law student/paralegal - should get UI if employer harasses the employee.	11/09/2020	PH
Turner, Kristy	SSDI	Wis. Stat. § 108.04(12)(f)	Is on SSDI, so she cannot work fulltime but can work as a bus driver. She is immunocompromised and has been waiting for an adjudicator to contact her for 9 weeks. She feels penalized for being on SSDI.	11/10/2020	PH
Walsvik, Orrie	Customer service		Law student at UI appeals clinic - during the pandemic, claimants were unable to contact DWD for initial customer service. Claimants have to wait too long to get benefits and have had to file appeals.	11/10/2020	E-mail
Weant, James	Fraud	Wis. Stat. § 108.04(11)	Equifax - represents 6,000 employers in Wisconsin. UI fraud, including imposter fraud, is a big problem. DWD does not "close the loop" in imposter cases with the ID theft victim and the employer. Michigan enacted good legislation regarding fraud in 2017.	11/10/2020	E-mail
Weitzel, Jac	1 - Waiting week; 2 - Benefit rate	1 - Wis. Stat. § 108.04(3); 2 - Wis. Stat. § 108.05	Building Trades Council of South Central Wisconsin - 1 - Repeal the 1-week waiting period. 2 - The maximum benefit rate should be increased because it is lower than border states' rates.	11/10/2020	E-mail
Werner, Brad	Benefit rate		Essential employee forced to quarantine due to COVID exposure. UI payments are insufficient and should be higher for essential workers.	11/02/2020	E-mail
Whipp, Carrie	Customer service		Has waited 10 weeks for benefits. Has not received answers. Is going hungry.	10/18/2020	E-mail
Wiener, Scott	Work share	Wis. Stat. § 108.062(4)(b)	Capital Brewery - extend work share plans from a maximum of 6 months to 12 months to avoid layoffs.	11/11/2020	E-mail
Wilber, Megan	LWA		Qualified for LWA but did not receive LWA benefits.	11/8/2020 11/10/2020	E-mail
Wild, Stephanie	Customer service; combined wage claims; partial benefits.	Wis. Stat. § 108.05	Stagehand - lost work in March. Industry will need UI for a while. Overreported income for a week and her account has been held for 15 weeks. Use computers for intelligent adjudication. If someone overreports income on a claim, they should still get benefits. Hold only the week in question instead of all subsequent weeks. Pay interest on held benefits. Should have reciprocity with other states. Many people like her have several employers.	11/09/2020	PH

Name	Topic	Law	Comments	Date	By
Wilson, Peter	Computer system		Claimant portal is not recognizing his login information. He has to keep recreating his account.	11/09/2020	E-mail
Woods, Emma	Various	Various	UI Appeals Clinic - DWD issued a request for information regarding attorneys rewriting the claims questions, which are obtuse. Most attorneys who represent claimants are conflicted out of that process because they oppose DWD when representing claimants. DWD needs the perspective of claimant advocates. Concerned about accessibility for non-English speakers, disabled people, and those who do not own computers. People should not be denied PUA if the business is not fully closed. Concerned that DWD does not trust claimants.	11/10/2020	PH & E-mail
Woods, Tamara	Quit exceptions	Wis. Stat. § 108.04(7)	Claimants should be eligible for UI if they quit a part time job to take a better job. Has waited 15 weeks for benefits.	11/09/2020	PH
Yuker, Guy	1 - Waiting week; 2 - Benefit rate	1 - Wis. Stat. § 108.04(3); 2 - Wis. Stat. § 108.05	Dispatcher for operating engineers - Members get UI when weather makes work impossible. The 1-week waiting period hurts the economy, even during normal times. There is no cost savings for a waiting week. Benefits are needed urgently and are used at local businesses. The maximum benefit rate should be increased because it is lower than border states' rates.	11/10/2020	PH
Zhang, Sandy	Quit exception	Wis. Stat. § 108.04(7)	Had 2 jobs but quit 1 before the pandemic. Does not understand why she's disqualified.	10/30/2020	E-mail
Zwiefelhofer, Jane	Work search waivers	Wis. Stat. § 108.04(2)(bb)	A-1 Excavating - The work search waiver for seasonal claimants who work construction with a callback date should be longer than 12 weeks.	10/13/2020	E-mail

From: [Lul A](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Tuesday, November 3, 2020 8:23:57 PM

Hello.

As a mother of two , with no income other than my weekly unemployment thats running out in two weeks. im begging DWD for a emergency unemployment extension program put in place right away. Unemployment is our only life line. currently with my job not calling me since being furloughed and with no other sources of income,we wisconsinites need the Extension program up and running as soon as possible.

Lul Abukar

From: [Carl A.](#)
To: [DWD.MB.UI.LAW.CHANGE](#)
Subject: Wisconsin Unemployment Insurance Program
Date: Tuesday, November 10, 2020 7:06:24 PM

To the UI Advisory Council,

Please note below my concerns as a retired long time state worker and resident who still has to work to make ends meet.

These are suggestions that I feel would improve the program and make it more equitable for its participants.

I have copied some of what a good friend of mine Harry Richardson has also sent to you.

Sincerely,

-Carl Aniel

Wisconsin Unemployment Insurance Program

Based on my recent and current personal experiences with Unemployment, it is a system designed to deny claims. Very simple. The system is not designed to provide needed funds for those of us out of work or under employed. It is a pathetic joke on workers.

I was furloughed from my part time retail job in early. I called the unemployment phone number to apply 30 to 40 hours a week with no success. Finally one day I got through, but then my "case" was hung up for weeks, for reasons never quite identified. Fortunately I had a contact at Job Service, and that contact had a contact at Unemployment, that was finally able to "clear" my case. I went back to work under reduced hours in July, and now my "case" has been hung up since the first week of August. I have been told by 5 different workers that there is nothing that I can do but wait for an "adjudicator" to contact me.

My experience when calling unemployment is that recently I can actually reach someone there, but that only one in six workers have actually been trained enough to do a proper job. Often a worker has a "computer problem", and passes on the call. I had a worker ask me as an identifying question, "what was your high school mascot?" I explained that I didn't know that back when I was in high school in 1971, and I certainly don't know it now. I asked where they came up with that identifying question because it was not from me. The worker explained that some of their identifying questions are "**auto-generated**". If that is what Google is going to do for unemployment, it is going in the wrong direction, as it is clearly designed to deny benefits, and has nothing to do with making sure a worker is talking with a claimant. No one wants to be on the phone for hours on end, and then be asked an asinine question to disqualify them. Let me be very clear, a worker stops talking with a claimant if the claimant can't jump through this hoops. I have been asked for my Census Jobs Federal id #. the census address, because my pay stub lists Chicago, and that is not an option listing on the "program", ect. ect. ect.

I am on the unemployment facebook page, and it is quite clear that the agency is denying benefits and abusing everyone in need equally.

Below are well researched statements from Harry.

Understaffed, Under Resourced

Unfortunately, Wisconsin's Unemployment Insurance Program has suffered from lack of staffing and lack of sufficient support for staff for many years. Service to the public will be better and stronger if these staffing issues are addressed.

State employees' pay has not kept up with inflation for many years, and their benefits have been cut.

Reorienting State Agency Workforce During Pandemic

A praiseworthy development during this pandemic crisis is the creativity of the current Administration using temporary employee interchange to increase staffing to the Unemployment Insurance Program by borrowing state employees from other programs and agencies.

Privatization

I am concerned with the excessive use of private contractors in administering this program. Public control, transparency, and accountability are put at risk by the reliance on private companies. Often in the past, large IT (computer or information technology) contracts have been the source of financial waste and scandal. Private contractors have underperformed for the state, missing deadlines and delivering substandard results. This is why the legislature has a standing joint committee on large IT contracts.

After the pandemic hit, DWD hired about 900 private contract workers. Many of these were through out-of-state firms for call center work. Couldn't that work have been easily done by Wisconsin residents? It would have also reduced unemployment in our state at the same time.

A few weeks ago, the announcement of the new contract with Google Cloud for Unemployment Insurance services brought a fresh set of concerns. Loss of public control of private data and program administration is a top concern.

I was concerned that DWD's press release on Oct. 19th said the Google Cloud collaboration would allow the Unemployment program to accept documents "submitted online instead of by fax." This statement gives the false impression state agencies are not able to use digital documents already. The average reader will conclude that state agencies force residents to interact by outdated methods such as FAX still, which is untrue (although FAXes are accepted). We need to be careful not to feed the impression that government cannot work and only private companies can deliver services competently and efficiently.

Google in particular brings special concerns as a private contractor. Google is the subject of a current U.S. Dept. of Justice investigation for breaking our nation's anti-trust laws.

Google appears to be playing a role in outsourcing jobs overseas. Google contractors with Pittsburgh-based HCL America (who recently unionized) say their jobs are being slowly shipped to Poland (<https://www.nlrb.gov/case/06->

[RC-247332](#)) in retaliation for workers' efforts to unionize. I certainly hope and expect DWD's new contract with Google Cloud services for UI does not violate either the letter or the spirit of the law that prohibits agencies of the State of Wisconsin from outsourcing their work overseas, but it is worth checking.

Modernizing Unemployment Insurance

There is a great deal of incorrect information circulating about what is needed to improve the Unemployment Insurance Program. Many people, including top policymakers, have been fooled into accepting an overly simple explanation that outdated COBOL programs are the source of the problems with delivering Unemployment Insurance benefits in a timely manner.

The sudden attention to COBOL systems is noteworthy. Our state employees who have kept COBOL computer programs functioning all these years have seen their real earning power shrink. If we wanted these programs to work better, shouldn't we pay the workforce who is maintaining them and improving them?

Even before the pandemic, a patchwork of state employees and private contract workers worked on the computer infrastructure of this program. There are many negative unintended consequences of this patchwork and workers are paid and treated differently. It hurts morale. Private contractors have assumed key roles in the operation of many state computer systems to the detriment of public control, transparency, and accountability.

The new report from the Century Foundation (Oct. 5, 2020) should be studied to illuminate any modernization efforts of Unemployment Insurance. I am very concerned that any changes are not accepted that will increase the rates of denial of unemployment insurance to applicants, which appears to be a very troubling aspect of many "modernization" efforts.

Biased Prosecution of Unemployment Fraud

The ACLU and other organizations have outlined Wisconsin's failures in recent years to fairly prosecute unemployment fraud, especially pointing to a racial bias. For example, during the Walker Administration, Milwaukee-area defendants were forced to come to Madison for their hearings, making it impractical for them to defend themselves. I want a full airing and public hearing process on these old cases because the wrongs committed have not been fully understood, nor rectified.

Misclassification of Workers

There is rampant misclassification of workers by employers, denying the unemployment insurance program the funds needed to provide benefits to claimants. With the failure of Prop. 22 in California, I fear that lawbreaking private companies, and companies like Uber and Lyft with disregard for state and local ordinance built in to their business models will be further emboldened to spread their unfair operations deeper into our state's economy.

One thing that can be done now is for state agencies to stop doing business with companies with bad records of misclassification of workers.

Uber, Lyft and other such offenders should be denied for state employee travel reimbursement also.

Thank you for reading these comments and I hope that you will use them to serve the people of Wisconsin better in these difficult times.

Carl Aniel



From: [REDACTED]
To: [DWD MB OF LAW CHANGE](#)
Subject: Unemployment Insurance Letter of Hardship
Date: Monday, November 9, 2020 8:24:31 PM

Janell Knutson Chair Unemployment Insurance advisory Council

I WOULD LIKE MY STATEMENT TO BE ANONYMOUS PLEASE!!

Just like voting I believe my voice should be heard! My hope is to not lose faith that with God's grace my voice be heard. Just like many other people who have reached out, I too am waiting for my unemployment claim to be cleared. I am a single mother of 1. Pre-Covid I was working two jobs to maintain the lifestyle that I live. I wouldn't consider it lavish. I wouldn't consider living outside of my means even if you ask my daughter she may tell you otherwise, however I tell her when you work hard you can play hard..I still try to be a superhero and wear the cape. I know if my parents ever struggled financially I never knew about it. Times have changed...

I felt like I was living a comfortable life as an electronic technician where I made 18.25(40 hours a week without overtime) a hour and a warehouse employee at 16.00 (25 hours) a hour. I was previously receiving unemployment from my first job as an electronic technician. I admit I was one of the people who thought oh COVID isn't that bad it's like a cold it will pass. COVID continues to rise not only in the city but in the warehouse I began to worry. I would ask my management about cases they have in Kenosha and how much of a risk of catching it am I in. I continued to work as reports of cases increased. I was terrified of catching COVID 19. I am a high risk and i didnt want my part time job to know my medical history. My parents are both high risk being elderly, but my father is not only permanently disabledbut he has stage four leukemia. I had to make a choice between life or death and I chose to live, I chose for my parents to live. I spoke with hr after being rejected medical leave twice. She requested the paperwork for my father's leukemia and still ended up terminating me,

My auto insurance gave me the run around. They received my payment only to say I was paying to reactivate my insurance. I went from 200 a month in auto insurance to 600 to 700 a month for insurance. Shortly after raising my rates they sent a letter out stating that due to COVID they will not be canceling anyone's policy. Flabbergasted I couldn't believe what I was reading so maybe i should reach out to Katrina Cravey from Fox 6. They eventually cancelled my policy. I have been trying to keep up with my car payments and keeping gas in my car.

Unemployment asked have i been fired or seperated from a job, and that caused me to pend. I have been waiting since August first. To make matters worse I applied for housing assistance. Through the original WRAP program. I never heard anything back. So applied to community advocates after I expressed to them that I applied through the WRAP Program I was told conflicting information and never heard from them again.After several calls I finally received a phone call that they were out of money which my landlord had already told me. A

few days later I was told they started a new program and that I should apply. so I did. My landlord submitted the information needed again and got the runaround. SDC stated to my landlord that because i didn't live in Milwaukee county I was not eligible for their program. My landlord asked them to look at my application again. I did in fact live in Milwaukee. After being referred to Community advocates they stated they needed me to reapply. AGAIN. already frustrated I reapplied. Three weeks later they stated they needed additional information from me. Which I provided them the same day. I still haven't heard back. Now I am 3,600 In debit. Luckily I have a landlord that has been working with me. He knows that I usually pay my rent on time. As I stress and worry everyday if I will have dec payment or should i get back in line and start the process for MRAP program again.

Here it 4 months later. I still don't know if I am approved or denied. My daughter is being homeschooled virtually and she is eating up my entire house. The extra benefits were nice at the beginning now that we don't receive anything additional on top of regular ebt. Sometimes I look for friends to cook and share with my daughter or i won't eat at all so that my daughter can remain fed throughout the month. My fear is because it said that I voluntarily quit and that I won't be approved for the rental assistance nor will I be approved for unemployment. I am scared that I will have to wait another 3 to 4 months to appeal the decision because I have all the paperwork supporting my claims and by then I will be so far in debit and my credit will be even more damaged.

That is just my own stress outside of the stress that my daughter is dealing with. Although my daughter is old enough to understand. Sometimes unconscious actions disrupt her peace. Her traditions of getting cookies and starbucks has been temporarily on hold. For her that was her mother daughter bonding moment. Now we don't leave the house at all maybe once a week if that. I know how important it is for her to breath fresh air and not get couped up in the house. Having withdrawals from friends and family. Not being able to buy supplies for arts and crafts because she felt at peace painting or drawing. Not being able to purchase any supplies that she wants to try. She is used to working though allowance for her money as well as being able to buy her own things. She has even suggested that I can tap into her college fund which I have already exhausted trying to keep myself afloat. She has been applying for high schools and it's been a struggle coming up with 35 dollars per application. I would like for her to receive the best education when she looks at the tuition for high school and feels discouraged thinking we may not afford to get her into a good school.

That is just a bit of my story and how not clearing the claims has affected my everyday life. It has been a stressful process and I have been impatiently waiting for the phone call that the adjudicator will look at my case and review it. I pray that I get an understanding and compassionate one that is interested in looking at my case with the details I have and see that I do deserve the employment that has continued to pend.

On the sake of everyone who is pending a solution I feel as though my experience may not have been similar to others. I know my situation isn't as bad as others and I am not trying to compare others' situations to mine because no matter how you look at it's all bad. People are really struggling to survive especially with no other stimulus checks to save the day while we wait for unemployment. Now the winter season is fastly approaching and depression will start to sink in for a lot of people. Wellness checks should be conducted. with the eviction ban being lifted Dec 31 it becomes scary because it's the middle of winter for wisconsinites and we

worked really hard to maintain everything we have and everything we worked for
Thank you for your time



From: [Kevin Bagstad](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Tuesday, November 10, 2020 12:46:58 PM
Attachments: [image007.png](#)

Department of Workforce Development

Capital Brewery has been using the workshare program to keep our staff employed part time while still being able to collect unemployment benefits. We have been on the program for the last 4 months and it has been vital to Capital Brewery retaining our trained employees and staying in business. Companies are only allowed to be on a work share program for 6 months every five years. With those guidelines we will have to end our workshare on December 20th. The winter months are already a slow period for our industry and with the continued shut down in Dane County we are looking at a very long and financially devastating winter. With our workshare ending I will have no choice but to lay off the majority of our staff in hopes of keeping Capital Brewery a viable business until spring. The point of my email is the workshare program somehow, some way needs to be extended beyond six months.

Thank you,



Kevin J. Bagstad
General Manager
7734 Terrace Ave
Middleton, WI 53562
Phone [REDACTED]



From: [Theresa Bauer](#)
To: [DWD MB UI LAW CHANGE; TABSCB@AOL.COM](#)
Subject: Comments/public hearing regarding DWD
Date: Tuesday, November 10, 2020 10:18:51 PM

Hello,

Representative Considine communicated comments are being accepted through November 11th. I would like to comment that when an unemployment claim is sent to adjunction for further review there needs to be some line of communication available for claimants to check where they are in the review cycle...3 weeks, 6 weeks, 9 weeks, etc. Somebody somewhere in some capacity needs to be able to share this information. At 9 weeks+ without an update, it feels like the claim has fallen through the cracks, into a black hole. This makes the claimant feel desperate, depressed and helpless because they don't when or if they qualify for a very lengthy time period for any unemployment funds.

From: [Essie Bell](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Monday, November 2, 2020 8:57:23 PM

I've been waiting on unemployment for 6 months now. I appealed my decision, won it and now I'm waiting again because another determination popped up. It's ridiculous, it's unfair, and its troubling to make people wait all this time for something that's needed. It's ridiculous to blame everything on an outdated system, and it's very insane to put everyone in adjudication and wait months to even receive a damn phone call then denied. I've lost so much during this crisis and I'm still waiting on something that was owed to me. You guys need to stop putting everybody in adjudication and let all those useless claim specialist handle something if it can be fixed, instead of reading to me what I already can see and blowing more smoke in my face!!!!

From: [Sen. Bewley](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Wednesday, November 11, 2020 5:45:40 PM

Dear Unemployment Insurance Advisory Council Members,

You may have heard from a few of my colleagues with similar comments, but I wanted to take this opportunity to reach out and ask you to seriously consider adopting a series of changes that we worked on as a package of legislative proposals earlier this year. I will refer to them using the LRB numbers that were assigned to the drafts that were prepared -

- Legislation to expand DWD's authority to promulgate rules that provide waivers for work search and job registration requirements, especially as it related to seasonal workers. (LRB 6256)
- Legislation that reinstates DWD's authority to determine by administrative rule what constitutes suitable work a claimant must accept if offered, and what labor market conditions to review based on the number of weeks that the claimant has received benefits. (LRB 6254)
- Legislation to remove the punitive ban on Unemployment benefits for Wisconsin workers who receive social security disability (SSDI). (LRB 6244)
- Legislation to allow participants in extended occupational training programs to receive UI benefits (LRB 6246)
- Legislation to permanently eliminate the one-week waiting period, allowing workers to receive benefits for all weeks they are unemployed (LRB 6257)
- Legislation to reduce the number of required work searches from four to two per week (LRB 6265)
- Legislation to remove substantial fault as a disqualifying factor, which increased denials by 37% and has been repealed in the remaining other state to have this in place (North Carolina) (LRB 6362)

I very much appreciate your time and consideration of these comments. I want to finish by saying how much I value your efforts on behalf of both workers and employers across this great state. Please do not hesitate to let me know if you need copies of these drafts or if you have questions about any of them.

Sincerely,

Janet

State Senator Janet Bewley
25th Senate District
(608) 266-3510 / (800) 469-6562

From: [Deb Bouley](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: E-Mail From Law Change Suggestions Web Page
Date: Sunday, October 11, 2020 9:45:53 AM

I am sending you this message due to the fact that I have not received any UI monies. I have filed every Sun since March 13th when my School District Bayfield School closed due to the Covid 19.

In July I had an Appeal about my pension. The return information from the lawyer stated that it was "REVERSED". I contacted the Appeal office to verify this info. and they confirmed that I would be receiving UI at an adjusted rate.

I have never received any UI. I've also contacted the UI office after a 21 day waiting period, and still have not received UI.

I would appreciate some help with this situation.

I have been able to have my mortgage co. Put a hold on my monthly payments, this is due to be over very soon. My school district that I was subbing for is only on line and does not have a date as yet to reopen for students to return to the building.

Respectfully,

Deborah Ferruggia Bouley



From: [Miki Mariah](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Urgent Hearing number [REDACTED]
Date: Thursday, November 12, 2020 12:35:25 PM

To whom it may concern, My name is Mariah Bratchett.

Address: [REDACTED]

SSN: [REDACTED]

PHONE NUMBER: [REDACTED]

I am a Business owner and single mother to a beautiful 10 month old baby boy. This email is in regards to my State of WI PUA claim. My ability to provide for myself and my son as well as maintain my business has been severely and directly impacted by the pandemic. I was denied PUA benefits due to errors with Regular UI filing. I caught the error called and reported it and in the click of the button. you guys were able to stop benefits and payment In SECONDS.... there was no long wait, there was no verification, there was no hearing, or phone calls, no approvals or anything of that nature..... Ironically as far as me being awarded funds that I am rightfully entitled to I've been getting nothing but bullshit answers and a run around. I've even been antagonized by multiple DWD employees, lied to miss lead, hung up on, misquoted, patronized and my son and my own well being have been taken as a joke. I have been fighting for benefits since April 2020.....I was previously denied regular unemployment due to previous filing from December 2019 that has a suspension period ending 6/22 or until I earn \$2220.... I haven't worked full time since 12/2019 is had my baby 1/2020 and was supposed to return to work in late March early April when this COVID hit;

1. Leaving me unable to work and maintain regular hours.
2. Unable to maintain reliable child care due to daycare closures etc.
3. Unable to proceed with the grand opening of my salon business.
4. Unable to pay SALON rent due to deduction and work hours as well as customers to patronize my salon.
5. Unable to work for a short period of time due to Covid self quarantine....
6. Now living with my great grandmother who is Considered high-risk so I I have to limit my outside content and maintain ample social distancing in order to prevent spread to her.
7. I am pending for eviction at both of my business location and my home address

With the previous Qualification requirements placed on me in December 2019 I never met the requirements also due to covid. It was extremely hard to find work and my previous employer wouldn't rehire me. I made the decision to finally move forward with fully pursuing my salon business which I started back in 2018 and was slowly building my business plan/ business for the past two years while working a normal 9 to 5. I exalted all of my savings between having my first child having to pay my normal bills and still trying to maintain the lease on my salon space. There are very few resources for working single mothers and I've never been through anything like this in my 29 years of life...I may lose it all and hardly have anything as it is.

If you look into my case you will see that I had been awarded in error... they stopped the Benefits (I wasn't penalized because it was their error) they entered a new determination Disqualifying me for regular UI yesterday...but because The system reflected that I was approved for regular unemployment (a fed error) it Automatically denied me PUA benefit. so I am now appealing that determination but I've been waiting for months now from April to date. This is my final attempt to Advocate for myself before I'm forced to contact the news and take further legal action To whom it may concern, My name is Mariah Bratchett. I am a Business owner and single mother to a beautiful 7 month old baby boy. This email is in regards to my State of WI PUA claim. My ability to provide for myself and my son and maintain my business has been severely and directly impacted by the pandemic. I was denied PUA benefits due to errors with Regular UI filing. I have been fighting for benefits since April 2020. Just a small back story....I was denied regular unemployment due to previous filing from December 2019 that has a suspension period ending 6/22 or until I earn \$2220.... I haven't worked full time since 12/2019 is had my baby 1/2020 and was supposed to return to work in late March early April when this COVID hit....I applied for PUA in April but a regular UI claim was started as well. I never met My requalification requirements but someone determined that I had and started payments for all of the weeks after July 5, 2020. everything from April up until July 5 have been disqualified so I called to check what was going on m... I was told that I have been awarded in error... they stopped the Benefits (I wasn't penalized because it was their error) they entered a new determination Disqualifying me for regular UI yesterday...because The system reflected in error that I was approved for regular unemployment it denied me PUA so I am now currently appealing that determination but I've been waiting for months from April to date. I've corresponded with you all previously I was told to reach out to DCF. They were unhelpful and gave me the runaround as well even after asking to speak to a supervisor. Ultimately I was told because I am self-employed and even though I'm not earning as a self-employed individual I do not qualify for any benefits that they offer in that is the state of Wisconsin policy. I reached out to the hearing office with the state of Wisconsin and was told that I should be assigned a hearing date around nine weeks after filing my appeal. We are now approaching 12 weeks and I have been given no answers or resolve. I've been denied to speak to a supervisor multiple times. Members at the DWD have instructed me bet due to my initial suspension Expiring I should've automatically been granted benefits but there is a disconnect in their department; one side says that I should've gotten benefits in the other says that I shouldn't have either way it affected my ability to receive Anything. This is my last attempt to Advocate for myself before I'm forced to contact my local news stations and take further legal action. To this email I have attached my most recent hearing notice which I was fortunately able to download from my unemployment portal because I haven't received anything through the mail Throughout this whole process. Hopefully it is enough to assist with solving my case issues.

-Best regards
Mariah R Bratchett

From: [Cairee Carrington](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Tuesday, November 10, 2020 1:52:39 PM

Hello,

I hope this email finds you well. I am a hard of hearing college student and I applied for unemployment benefits the week of [March 12th](#). I have never received any of my benefits and then I received a letter in the mail in July saying that I was required to provide information about my benefits; which I did, yet they said that I didn't provide the requested information. So I then filed my appeal with the information that they asked for. Today, I received a letter in the mail saying that they reinstated their decision [from July 14th](#) because I didn't respond to the discharge. I'm not really understanding why this is happening after I have already told them, I am hard of hearing and cannot talk on the phone. I'm thinking that they need to hear from me verbally because apparently they did not read my appeal in which I explained everything, reminding them that I am hard of hearing. I know that you guys are not the unemployment office but I am hoping for some help through email or any other channel besides phone calls because I have not been able to find a way to email or get in touch with the unemployment office without a phone call. This process has been very frustrating as a hard of hearing person, especially because when I initially filed, I explained that phone calls were not the best way to reach me due to my inability to hear on the phone.

Best,
Cairee Carrington

From: [Cairee Carrington](#)
To: [DWD MB UI LAW CHANGE](#)
Cc: [Williams, Danielle E - DWD](#); [Forberger, Victor](#)
Subject: HOH person trying to appeal unemployment determination
Date: Thursday, November 12, 2020 2:12:28 PM
Attachments: [Screen Shot 2020-11-12 at 2.09.35 PM.png](#)

Hello,

I hope this email finds you well. I am a hard of hearing college student and I applied for unemployment benefits the week of [March 12th](#). When I initially filed my claim, I made sure to explain that I was hard of hearing and provided my email, in case they did need to contact me. I never received anything from the DWD acknowledging that I was requesting accommodations. Also, I have never received any of my benefits and then I received a letter in the mail in July saying that I was required to provide information about my benefits; which I did, yet they said that I didn't provide the requested information. So I then filed my appeal with the information that they asked for. On November 3rd, I received a letter in the mail saying that they reinstated their decision [from July 14th](#) because I didn't respond to the discharge. I'm not really understanding why this is happening after I have already told them, I am hard of hearing and cannot talk on the phone. I'm thinking that they need to hear from me verbally because apparently they did not read my appeal in which I explained everything, reminding them that I am hard of hearing. I know that you guys are not the unemployment office but I am hoping for some help through email or any other channel besides phone calls because I have not been able to find a way to email or get in touch with the unemployment office without a phone call. I attached a picture of the most recent letter I received from the DWD just in case it would be beneficial in helping me.

Best,
Cairee Carrington

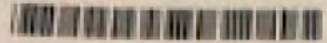
Este documento contiene información importante sobre sus derechos al desempleo, sus
opciones de beneficios y la forma que usted debería usar para obtener más información. Para hacer preguntas o para
obtener documentos relacionados con el desempleo, llame al (414) 435-7000 en horario de oficina. Le
proporcionaremos un intérprete sin ningún costo para usted.

Tshala lus Amnool (Hmong)
NCE TSEEM CEEB! Dabn dabn rau musg qhov xavh kev ntev ntev.

ID: [REDACTED]
SEE REVISION FOR
IMPORTANT INFORMATION

PAGE 1 OF 1

State of Wisconsin C PR171
Department of Workforce Development
Unemployment Insurance Division



SS # [REDACTED]

UI LO # [REDACTED]
UI Acct. # [REDACTED]

REDETERMINATION

CAITLIN S. BRINGTON

Issue Week: 28/19
Week Ending: 07/13/19

Applicable Wisconsin Law: 108.04(1)(HM) & 108.09(2)(C)

FINDINGS AND DETERMINATION OF THE DEPUTY:

THE DECISION DATED 07/14/20 IS HEREBY REINSTATED.

THE CLAIMANT WAS REQUIRED TO PROVIDE INFORMATION ABOUT HER ELIGIBILITY FOR BENEFITS. SHE FAILED TO PROVIDE THE REQUESTED INFORMATION.

THE CLAIMANT DID NOT RESPOND REGARDING DISCHARGE.

EFFECT
BENEFITS ARE DENIED BEGINNING 07/07/19 AND THEREAFTER UNTIL SHE PROVIDES SUCH INFORMATION IN A TIMELY MANNER. ONCE SUFFICIENT INFORMATION HAS BEEN PROVIDED, ELIGIBILITY FOR BENEFITS WILL BE DETERMINED.

Deputy ADJUDICATOR 1476	Dated 11/03/20	Decision final unless an appeal is received or postmarked by: 11/17/20
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From: [Jake Castanza](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Letter to DWD - UI Program - Written Comments
Date: Tuesday, November 10, 2020 12:05:01 PM
Attachments: [11.10.2020 UIAC WBTC.pdf](#)

Hello,

Attached are written comments from The Wisconsin Building Trades Council. The Wisconsin Building Trades Council (WBTC) is a membership organization representing the interests of 15 trade organizations and over 40,000 working men and women across the entire State of Wisconsin. The trade organization members of the WBTC are:

Boilermakers
Bricklayers & Allied Craftworkers Carpenters
Electrical Workers
Elevator Constructors
Insulators & Allied Workers
Iron Workers
Laborers
Operating Engineers
Operative Plasterers & Cement Masons Painters & Allied Trades
Roofers
Sheet Metal Workers
Teamsters
United Association

Thank you, you can reach me with any further questions with the contact information below.

--

photo



Jake Castanza

Executive Director

Wisconsin Building Trades Council



www.wisconsinbuildingtrades.org



25 W. Main St., F5, #64, Madison, WI 53703





Building Our Future Together

WISCONSIN
BUILDING TRADES COUNCIL

Department of Workforce Development - Unemployment Insurance Advisory Council

Janell Knutson, Chair

Unemployment Insurance Advisory Council

P.O. Box 8942

Madison, WI 53708

Re: Unemployment Insurance - Public Hearing

To the Department of Workforce Development's Unemployment Insurance Advisory Council.

The 40,000 working men and women of the Wisconsin Building Trades Council must address a treasure our unions fought for long ago, Unemployment Insurance. While we pride ourselves on keeping our hard-working men and women on the job and collecting a paycheck for a day of work, we know that unmitigated issues and circumstances can find their way into our nation and state's economy as well as our personal lives.

For those of you who have not experienced unemployment, I can tell you job loss is a frightening experience. Families are spun into crisis. It could mean the loss of everything they've worked to build. Without work, foreclosure, repossession, and utility cut-offs suddenly become a potential reality. The insecurity created by the buzz of a layoff is intense enough to keep families on edge and creates a poor quality of life. That is why we are testifying protect and strengthen Wisconsin's unemployment insurance benefits.

The items we want to point out today are the **one week waiting period** and to **raise the weekly rate of pay**.

We suggest Wisconsin permanently waives the **One week waiting Period** for these reasons:

Claimants are statutorily permitted to 26 weeks of benefits, taking 27 weeks does not save any costs for the state and could jeopardize a family's livelihood. This has been recently exacerbated by the COVID19 pandemic and we must respond now to ensure this carries on.



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BUILDING TRADES COUNCIL

With the waiting period's suspension seeing its sunset in February 2021, we can easily see that the effects of the pandemic have in no way shape, or form given our economy any certainty as to when we will fully recover – if ever. This permanent waiver will provide those without employment a stable economy for their most immediate and necessary expenses. With this in mind, this program is designed not only to fill a gap for a family but also keeps these displaced workers in a place to consume goods from local businesses further stimulating our local economy. A permanent waiver for the **One week waiting period** is a good thing for Wisconsin, taxpayers, businesses, and those immediately affected.

Our second suggestion is to **Raise the Weekly Rate.**

This is a place where we can see benefits across a spectrum of those immediately and indirectly affected. Currently, the state level Unemployment benefits maximum is at a rate of \$9.00 per hour or \$370 weekly. Based on a middle-class lifestyle this is scarcely enough to pay monthly bills. Raising the maximum rate will help middle-class families struggling and will help the economies of local communities struggling during this pandemic. Life's staples are expensive, at every corner and turn we have grocery, utilities, rent, vehicle, telecommunications like internet and phone – life is not cheap and necessities have far outpaced the current maximum benefit. If an individual loses access to any of those items listed, we can be sure the unemployed individual will likely not be able to access another job or career when the economy does recover. We must point out this weekly rate has not been raised since 2014; it is the lowest of every state that borders Wisconsin including Iowa and we know that we are better than that and that we are fiscally capable of **Raising the Weekly Rate** for displaced workers in Wisconsin.

In conclusion, the Wisconsin Building Trades Council seeks to improve the lives of working people, whether it be safety, benefits, wages, or in this case unemployment insurance – we know that our agencies can achieve a higher standard, and we know that there are people out there needing your help in these tumultuous times.

Thank you for your consideration and time.

Jake Castanza

Executive Director

Wisconsin Building Trades Council



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The Wisconsin Building Trades Council (WBTC) is a membership organization representing the interests of 15 trade organizations and over 40,000 working men and women across the entire State of Wisconsin. The trade organization members of the WBTC are:

Boilermakers

Bricklayers & Allied Craftworkers Carpenters

Electrical Workers

Elevator Constructors

Insulators & Allied Workers

Iron Workers

Laborers

Operating Engineers

Operative Plasterers & Cement Masons Painters & Allied Trades

Roofers

Sheet Metal Workers

Teamsters

United Association

From: [Duhhkota Depp-e](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Unemployment help
Date: Friday, October 30, 2020 12:33:49 AM

My names Dakota Deppe. My unemployment has been in a adjudication for over 2 months, and because of the pending, I'm going to miss out of the 1800 lwa which would cover almost 3 months of rent I am in desperate need of help, I have called multiple numbers everyday for months. I don't know what to do I need help-please!

1. Dakota E Deppe [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. Unemployment pending since week ending 08/29/2020
5. [REDACTED]
6. UI Week:

Week ending 10/05/2019 (UI Week 40/19)

Issue:

We received information that you were fired or suspended. We are reviewing this issue.

Employer:

TEXAS ROADHOUSE HOLDINGS LLC

Date UI was notified of the issue:

08/26/2020

Current Decision Summary:

Your issue is being reviewed by adjudication.

7. I have been regularly contacting unemployment trying to get a update, I haven't had income in over 2 month, I don't have anyone else I can barrow money from. Feeling very discouraged about bills and desperately need help. Also haven't received anything in regards to the lwa payment, my unemployment went pending in the last 2 weeks on lwa period (which I am eligible \$239 weekly pay). Any help would greatly appreciated- thank you so much!

From: [Sen. Erpenbach](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Wednesday, November 11, 2020 3:16:39 PM

This summer a number of my colleagues and I announced a package of legislation to remove limitations and allow DWD to ensure Wisconsinites can access their earned benefits faster.

I was happy to be the lead on two bills in the package:

LRB 6254 - The current definition of “suitable work” creates challenges for claimants. This bill reinstates DWD’s authority to determine by administrative rule what constitutes suitable work a claimant must accept if offered, and what labor market conditions to review based on the number of weeks that the claimant has received benefits.

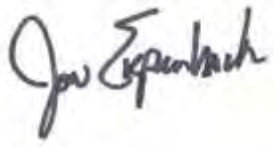
LRB 6256 - Several laws enacted over the last decade have restricted DWD’s ability to increase access to unemployment insurance when appropriate. This bill expands DWD’s authority to promulgate rules that provide waivers for work search and job registration requirements. This legislation [can](#) be especially important for employers of seasonal workers.

I would ask the Council to strongly consider supporting these changes as well as the other bills in our package, which included:

- Legislation to remove the ban on Unemployment benefits for Wisconsin workers who receive disability payments (SSDI). (LRB 6244)
- Legislation to allow participants in extended occupational training programs to receive UI benefits (LRB 6246)
- Legislation to permanently eliminate the one-week waiting period (LRB 6257)
- Legislation to reduce the number of required work searches from four to two per week and repealing authority to require more than four by rule (LRB 6265)
- Legislation to **remove** substantial fault as a disqualifying factor, which increased denials by 37% and has been **repealed** in the remaining other state to have this in place (North Carolina) (LRB 6362)

Thank you for your work on the Council and your consideration of these proposals, and I welcome the opportunity to discuss these further at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Jon Erpenbach". The signature is written in a cursive style with a large initial "J" and "E".

Jon Erpenbach

State Senator

27th District

From: [Sen.Erpenbach](#)
To: [DWD MB UI LAW CHANGE](#)
Cc: [Rep.Hesselbein - LEGIS](#)
Subject: Public Hearing Comments
Date: Tuesday, November 10, 2020 12:28:47 PM

Work Share is a popular, bi-partisan and effective short-term compensation initiative. Its dramatically increased participation and success point to the opportunity to expand this option to avoid layoffs and the loss of skilled staff as we work out of the economic downturn and beyond.

Expanding from 7 plans impacting 402 employees to at least 829 plans keeping 33,000 employees on the payroll this year, Work Share has been a crucial lifeline for employers in Wisconsin in this crisis. Unfortunately, under current law participation is limited to only 6 months in five years. We have been contacted by a cornerstone employer in Middleton, Capital Brewery, about the success they have seen with the program. Unfortunately, they are approaching the end of their 6 month window and contacted us advocating the possibility for employers to participate longer. While WorkShare has been especially effective during this downturn due to federal support that can hopefully be restored, Capital has asked for the opportunity to continue regardless and certainly raise the prospect of other employers wanting to maintain and initiate plans.

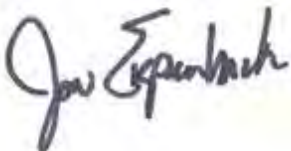
We are drafting legislation to increase eligibility to up to 12 months, as 16 of the 28 states with Work Share Programs currently provide.

Helping employees stay on the payroll has been a mainstay of the federal policy response to the pandemic and a consistent comment from employers here at home. Changes several years ago limiting UI for seasonal employees raised alarms from employers facing the prospect of losing valuable employees they have invested in training and whose experience is invaluable. Similarly, Work Share is a crucial tool to allow employers facing downturns to retain their workforce, our economy to benefit from continued paychecks, and most importantly the opportunity for continued pay for continued work for our friends and neighbors across the state.

We hope the Council will consider supporting extension of the participation period in Work Share from 6 to 12 months or longer to support employers and working Wisconsinites during this downturn and beyond.

Thank you for your time and consideration and we would welcome the opportunity to discuss this further at your convenience.

Sincerely



State Senator Jon Erpenbach
Hesselbein
27th District

State Representative Dianne
79th Assembly District

Public Hearing Comments - UI modernization



Victor Forberger <vforberger@fastmail.fm>

To: DWD MB UI LAW CHANGE

Cc: Amanda St. Hilaire; Jenifer Bizzotto; Elizabeth Groeschel; Menendez, Hal; Laura Monroe; Marilyn Townsend; UW Appeals Clinic

Reply Reply All Forward

Mon 11/09/2020 3:03 PM

We removed extra line breaks from this message.

- wisconsinui.wordpress.com-The story of unemploymentmodernization.pdf .pdf File
- signature.asc .asc File

Dear Ms. Knutson:

Please see the attached comments regarding unemployment modernization making claim-filing more difficult for claimants.

In regards to modernization of the unemployment claims-filing process, can the Department address concerns raised in the report cited and described in the attached post about how unemployment modernization efforts have actually made claim-filing more difficult and error-prone?

In addition, can the Department provide what steps it is taking relative to the recommendations for an actually easier and more useful claim-filing process? If the Department is declining to adopt those recommendations, can you please provide the basis for why the Department is not adopting these expert recommendations?

Thank you.

Sincerely,
Victor Forberger

Victor Forberger, Attorney
608-352-0138
608-316-2741 (fax)

vforberger@fastmail.fm

http://secure-web.cisco.com/1tEJhyo9NX6EjMU_2PXy36KIHQlBj6007ob9XVCKxLTOh7n4KU7KmPCc8PCaTebWcp_OaCOVfxBtpNclFRey-d_nZlcBM2rDDkdjNkNofWfxFtSfae3XQNN9hxnNVKABKoE6cp-srEe0W_s3cKpD6PH7IMYflgfcDjCBmypyAQ5bJOZ-1IMjWvwPmdqe7-K2wliUYf9dSYqA4bcbDRBwxnJrwRoiJO4ZLMGhHMgXdLfisPAueut89L_ueSmrTIdchoVc-9fNkja0TKQaRhZ4w/http%3A%2F%2Fflaw.vforberger.fastmail.fm

informational blogs: http://secure-web.cisco.com/1WXKtzSlpivFM1Qq1jXpfmyV4mu9rF8wWtjdT94TTD39OmxarofS1NMa0B7xS_d2cgdO1zvd6Gmbdjum5AKud-Z-m1GWLPXpXR0Zcrsxbt4Wyn7vyfddWrXUdGsnWCHDytYeRBhzQyOy3sfKiR8c6gzgJpuVGTcQ75XLbCkINEwS70ydPgmlb9h1QjEMiU_QQ6szd_DBGd5fXZBvli3zs9TmGSBsNrZyyRzybzLZLWB8aX-RfjC4N2Epnj1ZbM1eTe8D46sEeTS85zg915Gtctw/http%3A%2F%2Fwisconsinui.wordpress.com and http://secure-web.cisco.com/1vzG4tLqfclJ6i_3w1VFVfXXYdJmGD8Us70sbNCI9wDfH4UgfzQyAH_ftPewLtojVj-i5C4Q-nrTxef8k-MLCbDF4cunB-ZG8VSHQh85AZAvNJ8Hm2sNUowOYhSyX4kcoz-D5jilKhjihx-L41aTJ9cFn1cIAkWqaUfzgcSgTYmB4jZsUAR0oe7Hnwaqommm0gm3p73tvinkdnuHD238aGCKOHMz86DVp7ycwsbSEJQ9Z78ajpjlOrofOt7-yBHJECjbx6A04FoMmTH9Dr7VgA/http%3A%2F%2Flinuxatty.wordpress.com

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Wire: [vforberger@fastmail.fm](tel:+16083520138) | Telegram: 608-352-0138

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The story of unemployment modernization

 wisconsinui.wordpress.com/2020/10/05/the-story-of-unemployment-modernization/

vforberger

October 5, 2020

Much has been made during this pandemic about how woeful the computer systems in Wisconsin are for handling unemployment claims.

The Century Foundation has released an extensive report on October 5th about the efforts to modernization unemployment systems. This report is timely because, first, unemployment has become a major part of the economic response to the pandemic. After all, 695,000 new claims in October 1982 was the previous highest number of initial claims filed in a week. With the pandemic, new claims exceeded 6.6 million for two weeks in a row and have been more than 2 million *every* week since.

Second, in Wisconsin the old mainframe system for handling unemployment claims has been a featured explanation for why processing of claims has taken so long.

Note: While the backbone for Wisconsin's unemployment system is an old mainframe, Wisconsin has in fact instituted at the front end a great deal of the modernization efforts done in other states (and Wisconsin has gone even further than many other states). For instance, Wisconsin instituted a detailed on-line only initial application and weekly certification process. So, while Wisconsin has not truly modernized its claim-filing system, it has incorporated many, many of the changes connected to modernization at the front end that employees see and deal with when filing their unemployment claims.

As this report indicates, modernization has hardly been the solution for delays in processing unemployment claims. Here are some key findings:

This analysis shows a systematic connection between modernization and the increasing rates of denials of those who apply for benefits, but not a statistically significant difference in state reciprocity rates. In other words, modernization has presented additional challenges for those who make the effort to apply for benefits.

Report at 36.

Once the analysis is limited to those workers who have applied for UI benefits, the impacts of modernization are stark. Among modernized states, the number of unemployment insurance denials increased by 16.7 percent from 2002 to 2018.

Report at 37.

Denials relating to work search and availability to work are driving a wedge between the states. The increase in denial rates among modernized states is driven by one type of denials nonseparation denials. Nonseparation denials typically occur when an unemployed worker is found to have failed to meet the law's requirement for being able and available for work and searching for a job. Nonseparation denials include cases when a worker fails to comply with ongoing eligibility requirements for UI like certifying their weekly work search activities or failing to report to a required appointment with a job counselor. Modernized systems have brought significant changes to the determinations of eligibility for these questions, including the ability to ask more detailed questions to claimants about their availability to work and more regularly request names connected with job search activities. As we learned from the stakeholder feedback in our case studies, these online systems can be more difficult to navigate than the phone-based systems that they replaced.

Report at 37 (footnote omitted, emphasis in original).

Modernization clearly impacts the quality of nonmonetary determinations, as sixteen out of the twenty states analyzed did worse than the national average. In addition, just over half of modernized states also experienced a decline in their ability to move through all the steps of the determination process and deliver a payment on time. Future modernizing states should be aware that changes to businesses processes that came along with modernization can slow state payment times during and can lead to declines in quality.

Report at 39.

In the main, modernization has led to making unemployment more difficult and inaccessible to workers:

TABLE 8

Effects of UI Modernization on Program Performance					
<i>Program Activities</i>	<i>First Payment Timeliness</i>	<i>Nonmonetary quality</i>	<i>Nonmonetary Timeliness</i>	<i>Quality of Appeals Decision</i>	<i>Average Age of Appeals</i>
Florida	Declined	Decline	Improved	Declined	Declined
Idaho	Improved	Declined	Improved	Declined	Improved
Illinois	Declined	Declined	Improved	Improved	Declined
Indiana	Declined	Declined	Declined	Declined	Declined
Louisiana	Declined	Declined	Declined	Declined	Declined
Massachusetts	Declined	Declined	Improved	Declined	Declined
Maine	Declined	Declined	Declined	Improved	Declined
Michigan	Improved	Improved	Improved	Improved	Declined
Minnesota	Improved	Improved	Declined	Declined	Declined
Missouri	Declined	Declined	Declined	Improved	Declined
Mississippi	Improved	Improved	Improved	Improved	Improved
Montana	Improved	Declined	Declined	Improved	NA
New Hampshire	Improved	Declined	Improved	Declined	Declined
New Mexico	Improved	Declined	Improved	Improved	Declined
Nevada	Declined	Declined	Declined	Improved	Declined
Ohio	Improved	Declined	Improved	Declined	NA
South Carolina	Declined	Declined	Declined	Declined	Declined
Tennessee	Declined	Declined	Improved	Declined	Declined
Utah	Declined	Improved	Improved	Improved	Declined
Washington	Declined	Declined	Improved	Declined	Declined
Number of red indicators (Declined compared to national average at the time)	12 (60%)	16 (80%)	8 (40%)	11 (55%)	16 (80%)

Source: Author's analysis of U.S. Department of Labor data.

While not in the report, the authors indicate several additional issues that all of us should pay attention to in regards to modernization of unemployment claims-filing:

- Even after modernization, claims filed by phone continue to occur at a consistent rate. So, phone systems remain vital even with new kinds of on-line claim-filing have been put into place (despite the lack of broadband access in this state, Wisconsin ended the option to file claims by phone in 2017).
- Modernization should ensure 24/7 access to the new claim-filing system as well as ensure equivalent access to that system through smart phones.
- Modernization should create mechanisms for claimants to upload documents.
- Password reset protocols need to be updated so that there are options before calling in to a live person for that reset.
- Set up call back and chat technology for claimants to rely on when filing their claims so that they can get their questions answered.
- Translate on-line materials into commonly spoken languages in the state.
- Evaluate administrative processes and requirements that slow benefit payments.
- Engage stake holders in the design process rather than designing around the agency's own concerns and agenda.
- Allow for extensive testing and redesign of options before roll out.
- Provide multiple channels of communication and institute media campaigns to explain the new system.
- Staff up call centers as the new system rolls out and questions arise.

The goal here, in short, is to create the kind of customer service that supports employees who file unemployment claims and makes the on-line system actually easier to use and less mistake-prone.

Public Hearing Comments - EmR2034 and DWD 120.02



Victor Forberger <vforberger@fastmail.fm>

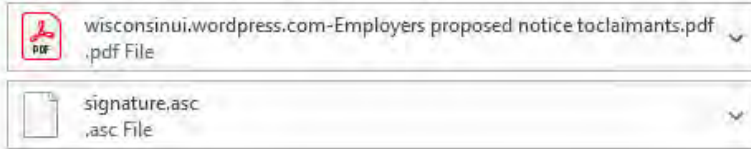
To: DWD MB UI LAW CHANGE; DWD MB Admin Rules

Cc: Jenifer Bizzotto; Elizabeth Groeschel; Menendez, Hal; UW Appeals Clinic; Laura Monroe; Marilyn Townsend; UW Appeals Clinic

Reply Reply All Forward

Mon 11/09

We removed extra line breaks from this message.



Dear Ms. Knutson:

Please see the attached comments regarding the individual employee notice requirement in DWD 120.02.

Please also consider these comments for the public hearing regarding the Public Hearing on DWD Ch. 120 Emergency Rule: UI Notification set for 10am on Nov. 10th.

Given that the current poster requirement satisfies the notice requirement set forth in DWD 120.02, can the Department explain what the new notice requirement in 120.02 accomplishes for workers separate from the poster requirement?

Also, as an explanatory for this new notice requirement, the Department posits that someone who has previously filed for unemployment benefits will be presumed to know about unemployment benefits whenever he or she files in the future regardless of any actual notice.

"Additional time to file an initial claim is only given to claimants who were unaware of the requirement to file for unemployment insurance benefits, so it is expected that the fiscal effect on employer unemployment insurance accounts will be minimal."

Can the Department explain how an employee who is laid off from one job but then quits another job ten years later because of sexual harassment is presumed to know about possible unemployment eligibility and to file a claim simply because she was laid off from a job a decade ago? How do the circumstances of a layoff ten years previously indicate a claim can be filed when quitting a job?

As the Department's posters

<https://dwd.wisconsin.gov/dwd/publications/ui/notice.htm> -- only speak about being unemployed, how does the Department overcome the hurdle of many that think unemployment and layoff are synonymous with each other?

As a result, anyone who is NOT laid off is likely to think they are NOT eligible for unemployment benefits. Other states seek to clarify how unemployment benefits can arise in numerous circumstances, not just a layoff. See, e.g., the poster in Illinois -- <https://www2.illinois.gov/ides/IDES%20Forms%20and%20Publications/Notice.pdf>

-- and the pamphlet Illinois employers must provide to their employees within five days of any separation -- <https://www2.illinois.gov/ides/IDES%20Forms%20and%20Publications/CL1111L.pdf>.

What is preventing Wisconsin from similar posters and a pamphlet-separation requirement?

Thank you.

Sincerely,
Victor Forberger

Victor Forberger, Attorney

608-352-0138

608-316-2741 (fax)

vforberger@fastmail.fm

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informational blogs: <http://secure-web.cisco.com/1--dk16yQmcBiPYqpbQp5CkwLqstlcm->

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FaceTime: vforberger@fastmail.fm | Signal: 608-352-0138

Wire: vforberger@fastmail.fm | Telegram: 608-352-0138

jitsi: https://secure-web.cisco.com/1a7LFHJjgEyTXb3oTSP0zhn7buAO09jsmtBXlvveXZ_Kq9xVM53CW8Qk92tweH0ZHymnt8BDfw-ykBurR_xqPkXUcrAB2JZ35EksP6_ePXUBvAOf5U1ON5lQm9TGCLr2ju0Vn-22oIglKIm6ibNpQYvxImAP99RUFLc4PSE3f-Aq4pHZ9LWXfmqNdYkFwakuS5U-dhr2SsrZ7-K3Q0Mswp9e7wDEYAvBwuR95tAdo1jI_HVOnvg7XFte_QZihVtW3yMcfG_JqTJKeQWSIEPUBX1A/https%3A%2F%2Fmeet.jit.si%2Fvforberger

Employers' proposed notice to claimants

 wisconsinui.wordpress.com/2020/09/01/employers-proposed-notice-to-claimants/

vforberger

September 1, 2020

One of the requirements of the Families First Coronavirus Response Act, Pub. L. 116-127, was that states require employers to provide individualized notification of the availability of unemployment benefits to employees at the time of their separation from employment. This requirement was essential for some of the administrative funding available from the Families First Act.



States that did not yet have this requirement, like Wisconsin, were to implement this requirement by emergency rule within 60 days of the passage of the Families First Act. See UIPL 13-20 (22 March 2020) at 3-4.

The Families First Act was signed into law on 18 March 2020. So, Wisconsin needed to have an emergency rule implementing this requirement no later than 17 May 2020.

There is so far no emergency rule (Wisconsin did issue a scope statement, 018-20, on 30 March 2020 for such a rule). At the last two meetings of the Unemployment Insurance Advisory Council, there has been vigorous debate about creating the needed emergency rule.

The big questions: Why this delay and such debate?

What currently exists

It helps to know what is currently required for notice of unemployment benefits, a poster:

Notice-posters as to claiming unemployment benefits. Each covered employer shall keep employees informed about unemployment insurance under ch.108, Stats., by posting appropriate notice-posters supplied by the unemployment insurance division. The notices shall be permanently posted by each such employer at suitable points in each of the employer's work-places and establishments in Wisconsin. Suitable points for posting the notices include: on bulletin boards, near time clocks, and other places where all employees will readily see them

DWD 120.01.

Failing to provide this poster allows an employee to backdate a claim for unemployment benefits.

The administrative rules provide for a waiver of the notification requirement if exceptional circumstances exist. An exceptional circumstance exists if the employee was not aware of the duty to notify the department of her intent to initiate a claim and her most recent employer failed to post or maintain a notice as to claiming benefits. Wis. Admin. Code § DWD 129.01(4)(c). It is the employer's obligation to post UI posters at suitable points where all employees will readily see them. See Wis. Admin. Code § DWD 120.01.

Gadzinski v. Thomson Newspapers Inc., UI Hearing No. 00401683AP (7 Sept. 2000).

What the Department has done

So, it would seem that all the Department needs to do is create an additional requirement for employers to provide individualized notice about unemployment benefits to employees at the time of their separation.

For some reason, however, the Department did not get around to even presenting a proposed emergency rule until the July 16th meeting of the Advisory Council, well after the May 17th deadline.

Note: Other emergency rules, like job search changes, EmR2006, not charging employers interest for delayed tax contributions, EmR2011, and waiving experience rating changes for employers for their pandemic-related layoffs, EmR2018, were all done without waiting for the Advisory Council.

This proposal creates a new DWD 120.02. The Department explains that:

(14) Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule is expected to have an economic impact on employees, who may be more likely to file timely claims for unemployment insurance. The proposed rule is expected to have an economic impact on employers because employers will need to provide notice of the availability of unemployment insurance at the time of separation of employment. However, employers may provide notice to employees electronically, so employers may be able to limit the fiscal impact of this rule to minimal staff time to send an e-mail or text message to the separating employee.

(15) Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing this rule are that claimants who are separated from employment will have timely notice of the availability of unemployment insurance, so that they will be less likely to attempt to backdate their claim. The department may save staff time under this rule if more unemployment insurance claims are timely filed and fewer claimants seek to backdate claims.

(16) Long Range Implications of Implementing the Rule

The long range implications of this rule are that more employees will have timely notice of the availability of unemployment insurance benefits so they will be more likely to file their claims timely and less likely to seek to backdate their claims.

At the July 16th meeting of the Advisory Council, only one management representative was present (and so the council lacked a quorum). This management representative, moreover, voiced heated opposition to this change, as it would potentially give employees a few more weeks of unemployment benefits when the required notice was lacking.

The proposed rule states:

DWD 120.02 Notice at Separation.

(1) Each employer shall provide notification of the availability of unemployment insurance to employees at the time of separation from employment by at least one of the following methods:

(a) Letter.

(b) E-mail.

(c) Text message.

(d) Flyer.

(e) Any other department-approved method designed to give immediate notice to employees of the availability of unemployment insurance at the time of separation.

(2) If the circumstances of the separation make immediate notice under this section impossible, the employer shall provide notice to the employee as soon as possible.

(3) Notice under this section shall include content approved by the department. Note: Approved content for the notice under this section is available online at <https://dwd.wisconsin.gov/dwd/publications/ui/notice.htm>.

(4) An employer's failure to comply with this section constitutes exceptional circumstances over which the claimant has no control under s. DWD 129.01 (4) (f) unless the employee was aware of the availability of unemployment insurance.

Note: The effective date of this proposed emergency rule is 2 Nov. 2020, in order to allow time for employers to comply with this requirement.

The August 20th meeting continued with these concerns. Management representatives questioned why this change needed to be permanent (there was no sunset provision and the Department intended the emergency rule to eventually become a permanent rule). The Department explained that federal law and guidance mandated this permanent change.

As set forth in the rule, this notice could easily be included in a final paycheck, the Department explained. If done that way, at most an employee could claim would be one, two weeks at the most (because of delays in the final paycheck).

Janell Knutson and Andy Rubsam tried to calm management representatives' anxiety by explaining that claimants who tried to get their claims back-dated would face a high hurdle for accomplishing that task. If the person had *ever* filed for unemployment before or if the claimant acknowledged seeing the employer's unemployment poster (even a poster that might exist), then the Department would find that there was no basis — no exceptional circumstance — to allow the claim to be back-dated despite the requirement for individualized notice in this proposed rule.

Note: This legal “application” of the individualized notice requirement essentially makes the whole issue moot except in very rare circumstances i.e., the Department’s motivating goal for several years now.

Management representatives were not satisfied with this legal narrowing of the proposed notice requirement (which in any case will be applied by the Department and drew no response from labor representatives). So, into caucus to discuss this proposal the Department, management representatives, and labor representatives went.

The solution they reached was to append a sentence to the end of sub-section (4) of the proposed emergency rule:

If the employer meets the requirements of s. DWD 120.01, the employee is deemed to be aware of the availability of unemployment insurance for the purposes of this subsection.

In other words, the poster requirement will satisfy the requirement for individualized notice. Huh?

Apparently, the US Dep’t of Labor is not happy with this change to the proposal, as the Department has yet to actually introduce this proposal as an emergency rule (the Dep’t of Labor needs to approve proposed changes in law as being in compliance with federal requirements).

Note” I am speculating here, but the lack of approval is not surprising. [UIPL 13-20 Change 1](#) (4 May 2020) at I-1 states:

Question: My state law already includes a requirement that employers post a notice at their worksite that informs workers of the availability of UC. Is this sufficient?

Answer: No. Under Section 903(h)(2)(A), notice to workers must be provided individually and at the time of separation. As discussed in [UIPL No. 13-20](#), the state does have significant flexibility in the method of communicating this requirement to employers, as well as the form in which employers provide the notice to employees (such as letters, emails, text messages, or flyers given or sent to the individual receiving the information).

In situations where the existing state law does not already satisfy this requirement, the state may have to amend its statute or issue regulations. The Department recommends that the state consider issuing emergency regulations to satisfy this requirement for Allotment I funds in light of the statutory requirement that these grant payments be made within 60 days of the enactment of EUISAA.

So, nothing is happening just yet on something so minor as providing employees notice of unemployment benefits when there is an employment separation. This episode says much about the actual agenda of the Department during this economic crisis, and that agenda

certainly is not all that concerned with the needs of employees.

Indeed, because of its inaction, the Department may well need to repay administrative funding it has already received. Sigh, still more policy choices that ultimately hurt workers.

Update (1 Oct. 2020): The proposed emergency rule is in effect starting on Nov. 2nd. Any employer that has an unemployment poster in the workplace or a virtual unemployment poster will NOT be subject to this requirement of providing an employee individualized notice at the time of separation or reduced hours. As Department attorneys advised (see above), all that an employer needs to do is provide notice of this poster at some point during the employment relationship. Really, why have a rule when it does not matter.

Update (6 Oct. 2020): As expected, the fiscal impact of this new non-requirement is minimal. The Department explains (emphasis supplied):

“Consistent with the new federal law, this rule adds a requirement that employers must also notify employees of the availability of unemployment insurance at the time of separation. Employers who fail to provide this notice may have additional benefits charged to their unemployment insurance account in the Trust Fund if the employee is given additional time to file an initial claim due to the employer’s failure to give notice. *Additional time to file an initial claim is only given to claimants who were unaware of the requirement to file for unemployment insurance benefits, so it is expected that the fiscal effect on employer unemployment insurance accounts will be minimal.*”

“Employers may incur an additional expense in providing notice under this rule if they elect to provide notice in paper form by, for example, mailing a letter to the employee. However, employers may provide electronic notice, such as e-mail or text message, to employees. Electronic notice is not expected to create new out-of-pocket costs for employers.”

Update (13 Oct. 2020): Here is the official page for the emergency regulation.

Update (14 Oct. 2020): Employer counsel agree that a poster in the break room satisfies this requirement.

Update (4 Nov. 2020): Another employer-side counsel agrees that this notice requirement is in reality inconsequential:

What Are the Consequences for Not Giving Immediate Written Notice?

The DWD did not create a penalty to the employer for noncompliance with the new rule. However, failure to comply may provide “exceptional circumstances over which the claimant has no control,” allowing a separated former employee to file backdated or otherwise untimely applications for unemployment insurance benefits. However, it appears this is only true if the employer is *also* violating the poster requirement of DWD §120.01.

As this post also notes, there is no new poster or poster requirement alongside this new regulation. So, this new requirement does not actually mean anything.

Public Hearing Comments - concealment intent



Victor Forberger <vforberger@fastmail.fm>

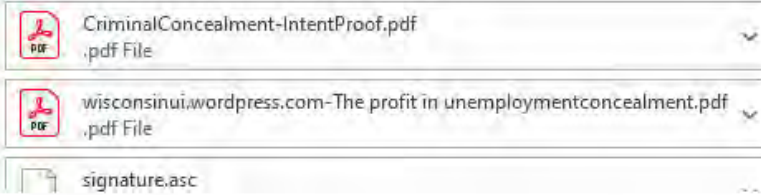
To: DWD MB UI LAW CHANGE

Cc: Amanda St. Hilaire; Jenifer Bizzotto; Elizabeth Groeschel; Menendez, Hal; Laura Monroe; Marilyn Townsend; UW Appeals Clinic

Reply Reply All Forward

Mon 11/09/2020 3:12 PM

We removed extra line breaks from this message.



Dear Ms. Knutson:

Please see the attached comments regarding unemployment concealment charges and collections in Wisconsin.

The attached post and document indicates that concealment has been a major factor in Department operations for some time now. Furthermore, Department efforts to re-write unemployment law did NOT lead to the elimination of the intent requirement for charging concealment.

Yet, this data indicates that the Department continues to charge concealment for claim-filing mistakes based on claimant confusion over how to answer claim-filing questions.

Can the Department explain how it is charging claimants for concealment and criminally prosecuting them for that alleged concealment because of admitted confusion over reporting wages and hours and an admission to needing unemployment benefits when filing?

What precautions and safeguards does the Department have in place to prevent its own "profit" motive (the 25% administrative penalty the Department collects for its program integrity fund) from influencing its decision to charge claimants with concealment for their claim-filing mistakes? From the perspective of anyone outside of the Department, it seems that the Department is deciding to charge concealment against claimants rather than issuing warnings (as it previously did) because the Department now gains financially when concealment is charged.

On p.4 [p.6 if the PDF] of the 2020 fraud report – <https://dwd.wisconsin.gov/dwd/publications/ui/ucd-17392-p.pdf> – the Department describes its educational efforts for preventing and deterring claimant fraud by including various warnings to claimants about committing unemployment fraud. Such warnings do not strike me as educational, however. If I am trying to teach long division, for example, I do not understand how a warning to a student to not make arithmetic errors or simply telling a student "don't forget to carry the one" educates someone about how to actually do long division correctly. So, can the Department explain what specific educational objective is accomplished by these warnings?

The 2020 fraud report has numerous tables of information about claimant fraud but only a few references to enforcement against mis-classification against employers (see p.2 [p.4 of the PDF]: 679 field investigations, 2,535 audits, and 7,692 mis-classified workers for \$1.6 million in recovered unemployment taxes). In comparison, this same report reveals that the Department conducted 31,263 work search audits of claimants, resulting in 7,118 decisions finding work search requirements were not met (see p.4 [p.6 of the PDF]). Can the Department explain why enforcement against mis-classification remains token even though the problem appears to be widespread and rampant relative to claimant work search reporting mistakes? Indeed, the Department's own data from its mis-classification report – <https://dwd.wisconsin.gov/misclassification/pdf/2019-2020-misclassification-task-force-report.pdf> – conservatively indicates that 10% of current unemployment taxes are NOT being paid because of mis-classification, totaling nearly \$57 million and affecting more than 300,000 workers in the state (see p.16 [p.17 of the PDF] of the report). Should not mis-classification, then, attract 3x to 10x the Department's resources currently devoted to claimant concealment?

There are five employees who handle program integrity for the Department. Can the Department provide an accounting of their time and efforts regarding employer mis-classification versus claimant claim-filing from 2018 to today?

Prior to the pandemic, all claim specialists and adjudicators had to devote specific time each work week to examining claimant concealment issues. Can the Department detail what those requirements were? Can the Department provide information on how it will assign these administrative tasks for finding and prosecuting concealment among all of its ranks going forward?

Thank you.

Sincerely,
Victor Forberger

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http://secure-web.cisco.com/19RSCo6twEC-DiVXLE5DtTtL3t1ewSrKbt3yFVwpr_wSKvNv9gMbXetaAkqZar-tL72ygUbkwD9uLXDPid2UMeEf5rXTYgGmy8AQpyw4zs94PtwnBgP50o5jsEOckb1_Iny29MHH5bTHw48N2HRfHWcqePr7S8kXni0Trl1T066eQ0_AEcBUf2U99kPvNb6lGU8xFr9mf8gBAeUyLHY8tc9lQyQ7s4HfOyasPZzHPI2QNfY7vImiTzXTaa2FUSzquQtG32OGsYqC6yxkPVuLWQ/http%3A%2F%2Fflaw.vforberger.fastmail.fm

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jitsi: https://secure-web.cisco.com/14vHzDoEFJlGpTHEkqC_cTI-Mgidx-pdwxAfdyHP0WCZPZv3o5dbMFbE973D1XCYY900i1aUjcsuLaf897hcxl5kwUS89m3WCc25e-irgPDnPHHlj5sZpKC_z_u15blCt2JIB6F05BEyVmX4RQvlpZBcqxdidevn7yf8i_g2JVjC2R2vD5ht7zZqhs2sSuJtx-XFYrcMeoRA7Ll8b7Q6sUBfHVGB3XCxiwIPYkbwvd46JqvH2dMdXUHCcOKPOvQz6ckmDrttayEDBrtJLq_A/https%3A%2F%2Fmeet.jit.si%2Fvforberger

UI Claim Investigation – Claimant Statement

Claimant Name and Address: 	Office: 51-MADISON UI CENTER
	Week of Issue: 43/15
	Issue: WG
	Issue Detection Date: 07/28/16
	Employer: NO EMPLOYER
Claimant Phone Number: <input type="text"/>	Employer Account Number:
SSN: <input type="text"/>	Work Location: <input type="text"/>

This statement was prepared by Kathleen - 5134 from notes taken during an in-person ID and Interview on 06/20/17.

DWD Unemployment Insurance Fraud Investigators [redacted] interviewed [redacted] on 06/20/2017 at 2:00PM in person at her residence, located at [redacted]

[redacted] was identified verbally and by her Wisconsin Driver's License photo. [redacted] admitted that she filed all of her own claims and that she knew that she needed to report her wages, but failed to because of confusion and because she needed the money.

Kathy - 5134

The profit in unemployment concealment

 wisconsinui.wordpress.com/2020/10/07/the-profit-in-unemployment-concealment/

vforberger

October 7, 2020

The pandemic rages on, and unemployment remains an economic lifeblood for hundreds of thousands in Wisconsin.

Yet, unemployment has also been a dangerous option for some time now, because the Department considers any claim-filing mistake to be fraudulent. When a mistake is discovered, the Department presumes the mistake was intentional, and the claimant must then explain why that mistake was actually not intentional and just an accident.

The Department considers any apology for a mistake, an admission that you lacked awareness or knowledge of the unemployment issue, or a failure to look up the relevant information in the claimant handbook or the Department website as an admission of guilt. Despite the statutory requirement that unemployment concealment (aka fraud) must still be intentional Wis. Stat. § 108.04(11)(g)(1), the Department mandates that claimants have “a duty of care to provide an accurate and complete response to each inquiry made by the department in connection with his or her receipt of benefits” Wis. Stat. § 108.04(11)(g)(2).

By this same law, Wisconsin does not allow physical or mental disabilities to excuse a claim-filing mistake (unless the claimant has provided specific notice to the Department of that disability in some not yet provided mechanism) while also mandating that claimants have a responsibility to read all information the Department makes available on its website or during the on-line only claims-filing process. Id. In this way, Wisconsin uses one part of state statutes to over-ride another part — that the mistake be intentional in the first place — in order to charge concealment with almost every claim-filing mistake made.

Note: In 2016, the Department re-wrote this section of unemployment law to reflect its practices in pursuing concealment. The Department, however, failed to remove the requirement that concealment still be an intentional act. So, notwithstanding its other changes, a factual finding of intent to defraud is still needed for a charge of unemployment concealment. Domingo Ramos, UI Hearing Nos. 16606402MW and 16606403MW (23 Feb. 2017) (applying new concealment definition, Commission finds that claimant’s job search mistakes were not intentional and so not concealment).

This blog is full of stories, decisions by the Labor and Industry Review Commission, and even reports on how the Department has turned claim-filing mistakes into strict liability for the purposes of charging concealment.

And, here is an expert report, describing how misunderstandings over who is the liable employer or over confusion over misleading questions *establish by law* that the claim-filing mistakes are unintentional.

And, here is a run-down of the numerous reasons for why concealment should not be found and which the Department has ignored and continues to ignore.

In other words, it is obvious that the Department is NOT following its own law in charging concealment as zealously and as much as it has been doing. The Department ignores this law, moreover, because it can. Claimants have to appeal the initial determinations that charge concealment, and then usually appeal decisions of an administrative law judge who follows Department guidance rather than the law on this issue.

Note: Not surprisingly, African-Americans in Wisconsin have faced the worst consequences of this concealment putsch.

One person I know of failed to report a yoga class she taught on her weekly claims after being laid off from her regular job. She was paid for those yoga class six months after teaching them: \$30 a class for 12 classes. So, when she was paid she then contacted the Department about what she should do. The Department charged her with concealment because she failed to report her yoga class wages when she earned them, even though reporting wages when received is NOT fraudulent. Waoh-Tobin v. Banana Republic, UI Hearing No. 16602900MW (18 October 2016).

The kicker is that her failure to report that \$30 in wages from teaching a yoga class was *inconsequential* to her unemployment claim. Under Wisconsin's partial benefits calculator, the first \$30 in wages is NOT counted against the unemployment benefits you receive. So, her mistake literally had zero impact on her weekly unemployment benefits.

But, because the Department charged concealment, she had to pay back her entire weekly benefit amount of \$315 a week for 11 weeks (she received no unemployment benefits during her waiting week), *plus* a 40% administrative penalty, *plus* a forfeiture of future unemployment benefits — a benefit amount reduction — of \$630 a week for 12 weeks. In other words, a \$30 mistake for 12 weeks (\$360 *in toto*) that has no actual affect on her weekly benefits, for the purposes of concealment, leads to:

\$3,465 concealment penalty
\$1,386 administrative penalty
\$7,560 forfeiture of future unemployment =
\$12,411 she needed to repay

Why would the Department do all of this? Well, besides making unemployment more difficult, the Department now gets to pocket some of the money it collects. The 40% administrative penalty is actually two separate penalties: a 15% penalty that goes back into

the unemployment trust fund and a 25% penalty that goes into a separate program integrity fund. As of September 2020, the Department had \$15,115,000 in its program integrity coffer (line 228), slightly down from the \$15,539,000 in the program integrity coffer in September 2019.

But, the combination of all of these penalties is the real story. Here is a table of the amounts the Department has assessed for concealment (based on the Department's annual fraud reports).

	over-payments assessed									
	2011	2012	2013	2014	2015	2016	2017	2018	2019	Totals
Total UI paid	\$2,094,416,632	\$1,612,616,543	\$1,270,761,600	\$732,327,104	\$605,481,027	\$511,891,628	\$453,715,534	\$416,023,272	\$409,453,854	\$8,106,687,194
Fraud over-payments assessed *	\$41,607,913	\$31,505,810	\$24,796,194	\$20,455,759	\$13,384,998	\$8,655,187	\$5,016,369	\$4,900,271	\$4,727,300	\$155,049,801
Forfeitures *	\$40,775,475	\$39,469,232	\$11,949,972	\$2,073,555	\$716,823	\$295,848	\$114,996	\$137,705	\$21,788	\$95,555,394
Penalties assessed **	\$0	\$20,768	\$2,202,840	\$2,823,964	\$2,532,081	\$3,368,650	\$1,961,063	\$1,899,471	\$1,833,649	\$16,642,486
Future forfeitures (BAR) *	\$0	\$7,582,891	\$32,690,125	\$43,264,146	\$30,152,510	\$22,480,473	\$13,912,308	\$13,183,450	\$13,221,457	\$176,487,360
Total fraud assessments	\$82,383,388	\$78,578,701	\$71,639,131	\$68,617,424	\$46,786,412	\$34,800,158	\$21,004,736	\$20,120,897	\$19,804,194	\$443,735,041
Non-fraud over-payments assessed	\$46,396,840	\$31,924,842	\$26,736,198	\$16,891,298	\$11,878,072	\$8,902,765	\$8,922,443	\$8,202,583	\$8,614,761	\$168,469,802
Total assessed	\$128,780,228	\$110,503,543	\$98,375,329	\$85,508,722	\$58,664,484	\$43,702,923	\$29,927,179	\$28,323,480	\$28,418,955	\$612,204,843
Ratio of fraud over-payment to total UI paid	3.93%	4.87%	5.64%	9.37%	7.73%	6.80%	4.63%	4.84%	4.84%	5.47%
Ratio of non-fraud over-payment to total UI paid	2.22%	1.98%	2.10%	2.31%	1.96%	1.74%	1.97%	1.97%	2.10%	2.08%
Ratio of fraud over-payments to non-fraud over-payments	177.56%	246.14%	267.95%	406.23%	393.89%	390.89%	235.41%	245.30%	229.89%	263.39%

* For benefit weeks before 10/12/2012 forfeitures (penalties) were assessed and future UI benefits were withheld to satisfy the assessment. With 2011 Act 198, the forfeiture concept was changed to Benefit Amount Reduction (BAR) or ineligibility for benefits (a forfeiture of future benefits) in the amounts of two times the weekly benefit rate for the first act of fraud, four times the weekly benefit rate for the second act of fraud, and eight times the weekly benefit rate for each act subsequent to the second determination. Because of ambiguous reporting by the Department (the Department may have combined forfeitures and fraud amounts to an unknown extent), the fraud numbers for 2011 and 2012 may be over-reported (and, thus the change wrought by the new concealment penalties minimized).

** In November 2011, the federal government enacted a mandate that states impose a 15% penalty on fraud over-payments by October 21, 2013, to be placed in states' unemployment reserve funds. Wisconsin enacted this requirement in 2011 Wis. Act 236 § 2. As of the 2015 budget act, 2015 Wis. Act 55, § 3113, Wisconsin increased this penalty by an additional 25% (making it now 40%). This additional amount is deposited into a program integrity fund that finances the examination of claim-filing by employees.

From *Detection and Prevention of Fraud in the Unemployment Insurance Program: Annual Report to the Unemployment Insurance Advisory Council for the Calendar Year 2014* (15 March 2015) at 8 and 16, *Wisconsin Unemployment Insurance: Supporting Integrity, Accountability and Re-employment, 2016 Report to the Unemployment Insurance Advisory Council* (15 March 2017) at 11 and 16, *Wisconsin Unemployment Insurance: Integrity, Customer Service, and Accountability, 2020 Report to the Unemployment Insurance Advisory Council* (15 March 2020) at 8 and 11.

As a percentage of the unemployment benefits being paid out, concealment has become a significant portion of those benefits. Non-fraud over-payments have been around 2% of unemployment benefits paid out for the years 2011 thru 2019. But, over-payments connected to fraud significantly jumped in 2013 when new penalties were introduced and were **9.37%** of all benefits paid out in 2014. It is no wonder that the fraud over-payments assessed declined over time after 2014, as folks caught in the concealment trap for their claim-filing mistakes probably stopped filing claims altogether.

Note: After 2015, the Department started using all debt collection tools at its disposal, including levies of bank accounts, liens on cars and real estate, intercept of tax refunds, and even wage garnishments. In late 2018, the Department also reversed the order of how it collected from unemployment benefits. Previously, the Department only applied a benefit amount reduction to unemployment benefits *after* the concealment and administrative penalties were completely repaid. Now, the Department applies the benefit amount reduction to unemployment benefits first, because it can only collect that over-payment through unemployment benefits. The concealment and administrative penalties can be collected through all other available mechanisms, even when the claimant avoids filing for unemployment benefits.

Incredibly, all the fraud charging did little over time to actually curb fraud or even prevent or discourage mistakes. The percentage of non-fraud over-payments to benefits paid out has remained relatively consistent during these years: from a high of 2.22% in 2011 to a low of 1.74% in 2016. As such, it appears that mistakes are relatively constant even as the claim-filing process has undergone major changes (from being a phone and in-person system in 2011 to an on-line only system starting in 2017). So, it appears that “fraud” is largely a product of Department discretion rather than any actual description of claimants intentionally filing false unemployment claims.

Data on unemployment collections indicates how successfully the Department has “recovered” these amounts from claimants. Collections for fraud as a percentage of benefits paid out jumped to over 2% in 2012, approached 3% in 2013, and was over 4% thereafter (hitting 5.24% in 2016) until 2019, when it dropped to *just* 3.66%.

	over-payments collected									
	2011	2012	2013	2014	2015	2016	2017	2018	2019	Totals
Total UI paid	\$2,094,416,632	\$1,612,616,543	\$1,270,761,600	\$732,327,104	\$605,481,027	\$511,891,628	\$453,715,534	\$416,023,272	\$409,453,854	\$8,106,687,194
Fraud over-payments collected *	\$15,597,067	\$25,223,873	\$23,990,550	\$21,773,656	\$20,719,194	\$18,057,745	\$14,252,869	\$10,721,219	\$9,018,519	\$159,354,692
Forfeitures *	\$11,454,179	\$9,366,384	\$8,595,250	\$3,309,935	\$1,748,211	\$1,109,493	\$531,459	\$267,229	\$45,950	\$36,428,090
Penalties and collection costs **	\$0	\$603	\$327,106	\$1,774,331	\$2,133,735	\$2,362,788	\$2,313,408	\$1,874,976	\$1,721,015	\$12,507,982
Future forfeitures (BAR) *	\$0	\$50,632	\$3,102,731	\$5,133,741	\$5,050,371	\$5,292,259	\$4,405,349	\$4,115,052	\$4,205,393	\$31,355,528
Total fraud collections	\$27,051,246	\$34,641,492	\$36,015,637	\$31,991,663	\$29,651,511	\$26,822,285	\$21,503,085	\$16,978,476	\$14,990,877	\$239,646,272
Non-fraud over-payments collected	\$28,099,276	\$24,945,202	\$25,112,055	\$18,686,386	\$14,787,703	\$11,862,169	\$10,226,638	\$9,419,356	\$9,230,066	\$152,388,851
Total collected	\$55,150,522	\$59,586,694	\$61,127,692	\$50,678,049	\$44,439,214	\$38,704,454	\$31,729,723	\$26,397,832	\$24,220,943	\$392,035,123
Ratio of fraud over-payment to total UI paid	1.29%	2.15%	2.83%	4.37%	4.90%	5.24%	4.74%	4.08%	3.66%	2.96%
Ratio of non-fraud over-payment to total UI paid	1.34%	1.55%	1.98%	2.55%	2.44%	2.32%	2.25%	2.26%	2.25%	1.88%
Ratio of fraud over-payments to non-fraud over-payments	96.27%	138.87%	143.42%	171.20%	200.51%	225.74%	210.27%	180.25%	162.41%	157.26%

* For benefit weeks before 10/12/2012 forfeitures (penalties) were assessed and future UI benefits were withheld to satisfy the assessment. With 2011 Act 198, the forfeiture concept was changed to Benefit Amount Reduction (BAR) or ineligibility for benefits (a forfeiture of future benefits) in the amounts of two times the weekly benefit rate for the first act of fraud, four times the weekly benefit rate for the second act of fraud, and eight times the weekly benefit rate for each act subsequent to the second determination. Because of ambiguous reporting by the Department (the Department may have combined forfeitures and fraud amounts to an unknown extent), the fraud numbers for 2011 and 2012 may be over-reported (and, thus the change wrought by the new concealment penalties minimized).

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From Wisconsin Unemployment Insurance: Supporting Integrity, Accountability and Re-employment, 2016 Report to the Unemployment Insurance Advisory Council at 10 and 13, Wisconsin Unemployment Insurance: Supporting Integrity, Accountability and Re-employment, 2016 Report to the Unemployment Insurance Advisory Council (15 March 2017) at 11 and 13, Wisconsin Unemployment Insurance: Integrity, Customer Service, and Accountability, 2018 Report to the Unemployment Insurance Advisory Council (15 March 2018) at 11, Wisconsin Unemployment Insurance: Integrity, Customer Service, and Accountability, 2019 Report to the Unemployment Insurance Advisory Council (21 March 2019) at 11, Wisconsin Unemployment Insurance: Integrity, Customer Service, and Accountability, 2020 Report to the Unemployment Insurance Advisory Council (15 March 2020) at 11.

The ratio of fraud to non-fraud over-payments was roughly 1-to-1 in 2011, but then began climbing and was more than 2-to-1 in 2015, 2016, and 2017. Hence, “fraud” collections increased and remained high even as the benefits being paid out plummeted. Furthermore, the penalties and collection costs going to the Department only declined slightly after 2016 (an increase from 2015 even as benefits paid declined by nearly \$100 million) and was *still* at \$1.7 million in 2019.

These numbers reveal that the Department *in its discretion* charges fraud to keep its own coffers filled. Like a police officer who is ordered to issue so many speeding tickets a day, the Department is now charging fraud as a departmental imperative rather than trying to assist claimants to make the claim-filing system easier to use.

Note: The toxic icing on the cake for the claimant charged with concealment for not reporting her yoga class wages was the additional hurdle that came with the pandemic: being denied her \$600 PUC benefit because the Department considers a benefit amount reduction to not be a forfeiture of unemployment benefits. In this way, the Department prolongs the pain of its concealment prosecution while also undercutting the whole point with pandemic unemployment relief of keeping the economy afloat.

As of October 5th, the Department reports that 937,378 initial claims have led to 527,897 claimants receiving \$3,862,512,543 in PUC, PEUC, PUA, and regular unemployment benefits. That \$3.8+ billion already dwarfs the nearly \$2.1 billion that was paid out in 2011 for 445,538 claimants for the entire year.

Note: Here is some historical data from the last recession (from an early 2014 financial report to the Unemployment Insurance Advisory Council):

Year	Claimants	\$ Paid
2007	332,982	908,240,298 (only regular UI)
2008	386,574	1,243,700,322 (regular UI and start of EUC benefits)
2009	566,353	3,166,852,114 (regular UI and EUC)
2010	530,886	3,118,412,271 (regular UI and EUC)
2011	445,538	2,076,607,917 (regular UI and EUC)
2012	366,829	1,571,815,129 (regular UI and EUC)
2013	312,325	1,283,637,389 (regular UI and EUC)
...		
2018	130,710	~372,300,000 (regular UI)
2019	129,888	~375,900,000 (regular UI)

With the pandemic and the now hundreds of thousands of new claimants and billions of dollars available for the taking, I fear that the Department is licking its chops in anticipation of how much it can recoup from these unsuspecting folks.

Update (15 Oct. 2020): Thanks to a financial report today and a January financial report, I now have 2018 and 2019 data on how many claimants received unemployment benefits. In these years, the number of claimants and the amount received was around one-third of what existed in 2007. *Wow.*

In other words, from 2007 to 2018 the unemployment system has changed so much in the intervening years that the number of people managing to receive unemployment benefits and the amount of benefits entering the state economy had been cut by two-thirds.

Now, the unemployment system is supposed to respond to a pandemic-driven economic crisis. Yet, as of the October financial report and the Oct. 13 press release, of the 952,108 initial claims filed, only 546,875 have received regular unemployment benefits totaling \$1,229.9 million. This data means that over 400,000 initial claims have NOT been paid.

And, in case you were wondering: the trust fund balance as October 1st is around \$1.26 billion.

Public Hearing Comments - PUA eligibility and false denials



Victor Forberger <vforberger@fastmail.fm>

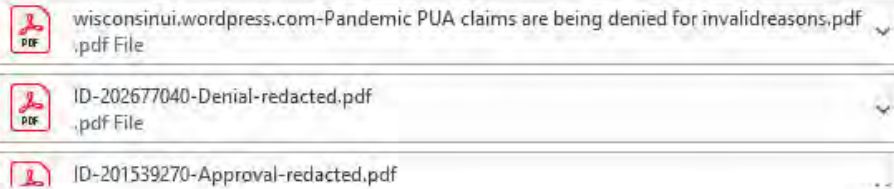
To: DWD MB UI LAW CHANGE

Cc: Amanda St. Hilaire; Bram Sable-Smith; Jenifer Bizzotto; Laura Monroe; UW Appeals Clinic; Marilyn Townsend; Shiffrin, Eva; Elizabeth Groeschel; Menendez, Hal

Reply Reply All Forward

Tue 11/10/2020 2:02 PM

We removed extra line breaks from this message.



Dear Ms. Knutson:

Please see the attached comments regarding how the Department is violating federal law in regards to its denial of PUA benefits to claimants who are actually eligible for those benefits.

If Wisconsin believes it is not violating federal law, I ask that Wisconsin please explain how Massachusetts and other states can be wrong about partial unemployment qualifying someone for PUA benefits or why Wisconsin is denying all PUA benefits to those claimants who have partly returned to work.

In addition, for 2021 the Department should re-consider its discrimination against the disabled by denying them regular unemployment benefits because of their disability (the second example discussed).

With PUA benefits slated to expire at the end of 2020, 156,887 workers in Wisconsin will be denied all access to unemployment simply because their disability qualifies them for SSDI benefits.

[As of Dec. 2019, there were 156,887 SSDI recipients working in Wisconsin. See Table 27 of the attached PDF, from https://www.ssa.gov/policy/docs/statcomps/di_asr/2019/index.html]

The Department could conclude that the ban in state law violates federal laws that prohibit discrimination against the disabled (as the Department seemingly did so in the June 9th letter Sec. Frostman sent to Sec. Scalia). If the Department does not consider the ban in state law to be discriminatory, I request that the Department explain why a denial of unemployment eligibility because of SSDI benefits (which in turn are because of being disabled) is NOT a ban based on being disabled.

The Department probably should also explain on what basis a state can legislatively discriminate against the disabled without violating federal anti-discrimination laws.

Thank you.

Sincerely,
Victor Forberger

--

Victor Forberger, Attorney

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Pandemic (PUA) claims are being denied for invalid reasons

wisconsinui.wordpress.com/2020/11/10/pandemic-pua-claims-are-being-denied-for-invalid-reasons/

vforberger

November 10, 2020

Pandemic Unemployment Assistance (PUA) benefits are the creation of the CARES Act and completely federally funded. Their purpose is to get unemployment benefits to groups of workers who are not eligible for regular unemployment for various reasons.

Note: for an explanation of all the different kinds of unemployment benefits connected to this pandemic, *see* [this lengthy table](#).

Numerous attorneys and claimants are reporting that the Department is denying most PUA benefit claims. And, the claims-filing data backs up that observation.

ST	Initial Appl'ns	First Paym'ts	% Paid
WI	112,114	35,889	32.01%
NC	332,287	211,528	63.66%
MN	110,781	98,217	88.66%
FL	329,289	292,779	88.91%
IL	351,628	155,822	44.31%
MA	755,979	580,111	76.74%
NJ	657,341	490,282	74.59%

Source: [TCF unemployment data explorer](#) covering PUA claims filed April through September. *Note,* the Florida and Illinois PUA claims data is missing for August and September 2020.

As this data indicates, only one-third of PUA claims in Wisconsin are leading to an actual payment of PUA benefits. Other states are not only processing many more claims than Wisconsin, but they are also paying more of those claims. Massachusetts, a state generally recognized as doing well with PUA claims, has paid nearly 77% of 756,000 PUA claims filed in that state. New Jersey, a state saddled with an older mainframe system based on COBOL like Wisconsin, has paid nearly 75% of the 657,000 PUA claims filed in that state. Even in Illinois PUA claims fare better than in Wisconsin, as more than 44% of them have been paid.

To understand what is going on in Wisconsin, here are four examples of PUA claimants.

Example 1: Claimant does not qualify for regular unemployment because of insufficient benefit year earnings. But, job hours are reduced because of the pandemic, and he applies for PUA benefits because of those reduced hours.

Example 2: Claimant receives SSDI benefits and so is not eligible for regular

unemployment. In early March 2020 (before any shutdown order), she quits her job because of egregious sexual harassment from employer and applies for PUA benefits. Normally, quitting a job because of sexual harassment qualifies a claimant for regular unemployment benefits, but she is ineligible for those because she receives SSDI benefits.

Example 3: Claimant has been working part-time for several years despite receiving SSDI benefits because of emotional disabilities. But, those emotional disabilities become worse and prevent regular work for most of 2019. Thanks to effective treatment and management, he begins looking for work again just before the pandemic strikes. Because of the pandemic, however, he cannot find work and applies for PUA benefits.

Example 4: Claimant who receives SSDI benefits approved for PUA benefits after a pandemic-related layoff from her employer. Later, when she returns to work and accrues two consecutive weeks of work, the Department declares her PUA claim is over, even though she is still working a reduced schedule because of the pandemic.

In two of these four examples, Wisconsin is denying the PUA claim for illegitimate reasons.

Example 1: loss of some work because of the pandemic

This claimant filed an application for PUA benefits because, he explained:

Job has experienced a decline in available hours because of the pandemic. I do not qualify for regular UI because my benefit year earnings are insufficient to establish a benefit year. Reduction in available hours has dropped from on average 30 per week to on average 12 per week.

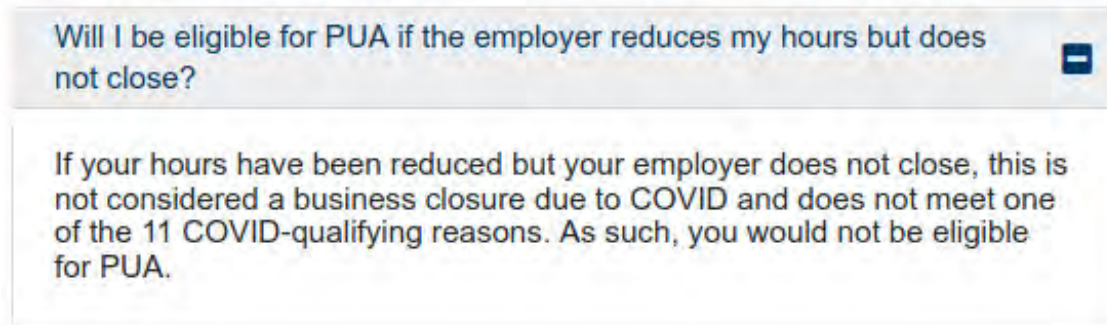
Three months later, the Department approved this PUA claim in a determination dated July 24th. No PUA benefits were paid, however, because the Department indicated on his “portal” that his eligibility was being investigated because of a quit in 2019. Then, in a determination dated October 28th, his PUA claim was now denied because the claimant’s place of employment was NOT closed as a direct result of the Covid-19 public health emergency.

Note: This example of the portal NOT indicating what is going on with his claim is additional proof for why the claimant portal in Wisconsin is essentially useless to claimants in describing what actually is going on with their claim. To claimants, getting access to decision documents and benefit payment history is about the only useful features available to them on the on-line portal.

Obviously, what is going on here is that the Department is now re investigating PUA claims to determine if those claims can subsequently be denied (as noted previously, the Department has a policy of re-investigating approved claims). Given how slow the

Department has been to pay out claims, this re-investigation is leading to denials of the same claim *before any unemployment benefits are ever paid out*.

The other issue is why Wisconsin is even denying PUA benefits at all. Here is what Wisconsin now posts on its website FAQ for PUA benefits.



The *federal* CARES Act provision at issue is the list of specific pandemic-related job-loss reasons in Section 2102(a)(3)(A)(ii)(I)(aa)-(kk) of the CARES Act. Business closure is listed under sub-section (jj):

the individual’s place of employment is closed as a direct result of the COVID 19 public health emergency[.]

The initial determination denying eligibility, however, does NOT include sub-section (kk) as one of the applicable reasons for which PUA benefits could be approved (it stops at the business closure provision). Noticeably, this sub-section states:

the individual meets any additional criteria established by the Secretary for unemployment assistance under this section

That additional criteria is what has emerged in Unemployment Insurance Program Letters for PUA benefits, [UIPL No. 16-20](#) (5 April 2020), [UIPL No. 16-20 Change 1](#) (27 April 2020), [UIPL No. 16-20 Change 2](#) (21 July 2020), and [UIPL No. 16-20 Change 3](#) (27 August 2020).

The CARES Act and the relevant program letters explicitly provide that PUA benefits are available to those who certify being “unemployed, *partially unemployed*, or unable or unavailable to work” because of the pandemic. Section 2102(a)(3)(A)(ii)(I) (emphasis provided). So, partial unemployment is explicitly provided for in this statute.

In regards to this claimant’s specific circumstances — insufficient benefit year earnings — [UIPL 16-20 Change 1 at I-6](#) provides (emphasis supplied):

21. Question: When an individual has insufficient wages (or no wages) during the PUA base period, how is the PUA WBA calculated?

Answer: If an individual has insufficient wages (or no wages) from employment or insufficient net income (or no net income) from self-employment in the applicable PUA base period to compute a WBA, the individual is entitled to the minimum PUA WBA.

Even with no wages in the base period, the individual must meet the requirements under section 2102(a)(3)(A)(ii)(I) of the CARES Act *he or she must be unemployed, partially unemployed, or unable or unavailable to work because of one of the COVID-19 related reasons. The individual must have an attachment to the labor market and must have experienced a loss of wages and hours or was unable to start employment following a bona fide job offer.*

This broad language led states like Massachusetts to include specific PUA eligibility for those who had their hours reduced as a result of COVID-19.

Q. My hours have been reduced. Can I collect benefits under PUA?

A. If you are working fewer hours due to COVID-19 and it has resulted in a loss in income, and you are not eligible for regular unemployment benefits, you may be eligible for PUA.

Mass. Pandemic Unemployment Assistance Benefits at 6.

Finally, the Department also seems to be ignoring Disaster Unemployment Assistance (DUA) regulations (an irony, given how the Department originally asserted that DUA regulations allowed the state to deny PUA benefits to SSDI recipients). Section 2102(f) of the CARES Act specifically states:

RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE. Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if

(1) the term “COVID 19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

And, DUA regulations define a week of unemployment to include:

any week during which the individual is totally, part-totally, or partially unemployed. . . . A week of partial unemployment is a week during which the individual works less than regular, full-time hours for the individual's regular employer, as a direct result of the major disaster, and earns wages not exceeding the maximum earnings allowance prescribed by the applicable State law.

20 CFR 625.2(w)(1).

Finally, Wisconsin is applying a conception of business closure that changes with the circumstances. Schools that go virtual are considered closed even though they are still teaching the same number of students. But, businesses like restaurants that partially close so that only outdoor dining was offered or which only provide take-out only offerings are not considered closed at all. If the PUA benefits are supposed to be available under explicit statutory language regarding partial unemployment, then partial closures that led to partial unemployment under sub-section (jj) allows for PUA benefits.

So, in this question of federal law — not state unemployment law — Wisconsin is NOT following that federal law. Where other states are approving PUA benefits, Wisconsin is denying PUA eligibility despite what federal law requires.

The claimant in this example, according to federal law, is eligible for PUA benefits because he has experienced a partial loss of work directly connected to the pandemic, as spelled out in UIPL 16-20 Change 1, DUA regulations that control where there is a conflict between the CARES Act and DUA regulations, and a pandemic-related business closure that has reduced his hours of work.

Example 2: non-pandemic loss of work

This claimant quit a job for non-pandemic related reasons that would normally constitute good cause for receiving regular unemployment benefits. But, because she also receives SSDI benefits she is at this moment NOT eligible for regular unemployment benefits. So, until the discriminatory ban on regular unemployment benefits is overturned, PUA benefits may be her only option.

UIPL No. 16-20 Change 2 (21 July 2020) at I-5 for Q12 addresses the situation of an employee quitting a job and possibly being eligible for PUA benefits.

Stated another way, if the individual is disqualified from regular UC because of the prior separation issue, but is currently unable or unavailable to work for one of the listed COVID-19 related reasons in Section 2102(a)(3)(A)(ii)(I) of the CARES Act, then the individual may be eligible for PUA.

But, because this claimant is ineligible for regular unemployment benefits not because she quit but because she receives SSDI benefits, this UIPL guidance does NOT apply to her. Rather, she is one of the classes of employees who are eligible for PUA benefits because they are ineligible for regular unemployment benefits, like Americorps volunteers or church employees.

UIPL No. 16-20 Change 1 specifically provides that full-time students who lose part-time work related to the pandemic ARE eligible for PUA benefits. Q28 at I-7. So too are Peace Corps and Americorps volunteers eligible for PUA benefits if they are “no longer volunteering because their volunteer sites are closed due to COVID-19.” Q29 at I-8.

As a result, she needs to show that she has a loss of work connected to the pandemic. Unfortunately, since she quit her job because of sexual harassment and not the pandemic, she is NOT eligible for PUA benefits. Her loss of work is NOT related to the pandemic, and so she cannot qualify for PUA benefits despite it being her only option at the moment.

Example 3: cannot find work

Here, the claimant has returned to the labor market just when the pandemic started. Unfortunately, that lack of work along with a lack of pandemic-related job loss means he is NOT eligible for PUA benefits.

14. Question: If an individual becomes unemployed for reasons unrelated to COVID-19, and now is unable to find work because businesses have closed or are not hiring due to COVID-19, is he or she eligible for PUA?

Answer: No. An individual is only eligible for PUA if the individual is otherwise able to work and available to work but is unemployed, partially unemployed, or unable or unavailable for work for a listed COVID-19 related reason under Section 2102(a)(3)(A)(ii)(I) of the CARES Act. Not being able to find a job because some businesses have closed and/or may not be hiring due to COVID-19 is not an identified reason.

UIPL No. 16-20 Change 2 at I-6.

Moreover, Pennsylvania provides the following guidance on this very issue:

Q. I have never worked before. Am I eligible for PUA?

A. You may be eligible for PUA even if you have never worked before and

you were scheduled to commence employment and do not have a job or are unable to reach the job as a direct result of the COVID-19 public health emergency; OR

your job offer was rescinded because of COVID-19; OR

you have become the breadwinner or major supporter for a household because the head of the household has died as a direct result of COVID-19.

Simply entering the workforce and having trouble finding work is NOT enough to qualify for PUA benefits. There still needs to be some pandemic-related reason for why the claimant has a loss of work in some way.

Note: As an independent contractor, however, he could be eligible for PUA benefits. As explained in UIPL No. 16-20 Change 1 for Q42 at I-11, “an independent contractor who experiences a significant diminution of work as a result of COVID-19” may be eligible for PUA benefits.

Example 4: a partial return to work

This claimant is the converse of what happened in the first example. After a complete layoff and several weeks of no work, the claimant is haltingly returned to work. Once two weeks of consecutive work occur, however (the weeks ending 7/4/2020 and 7/11/2020), the Department concludes that the claimant’s PUA claim is over and all payments after those weeks are held up, even through the claimant continues to experience numerous weeks of reduced work. This [benefit payment history](#) details that work history.

The initial determination denying PUA eligibility for this claimant has the exact same wording as the denial for the claimant in the first example.

The fundamental problem here, as discussed above, is that PUA benefits are explicitly available for a partial loss of work and there is no statutory provision or advisory letter setting forth a timeline for returning to work and cutting off PUA benefits. The Department appears to be making up a two weeks of work criteria for disqualifying someone.

UIPL 16-20 Change 1 at I-11 specifically states that eligibility is a weekly issue:

44. Question: Is PUA eligibility determined on a weekly basis like DUA?

Answer: Yes.

See also:

17. Question: Under DUA, an individual is no longer eligible for benefits when the conditions caused by the disaster no longer exist. When does an individual's eligibility for PUA end?

Answer: To be eligible for benefits, the individual must meet the requirements to be a covered individual under section 2102(a)(3)(A) of the CARES Act, including that the person must be unemployed, partially unemployed, or unable or unavailable to work because of a listed COVID-19 related reason in Section 2102(a)(3)(A)(ii)(I) of the CARES Act. As discussed in Question 45 of Attachment I to UIPL No. 16-20, Change 1, eligibility is determined on a weekly basis and the individual must certify for an identified COVID-19 related reason each week to receive payment. The individual ceases to be eligible when he or she no longer meets the requirements to be a covered individual in a given week.

UIPL 16-20 Change 2 at I-8.

There simply is no reason for why the Department is cutting off PUA eligibility because of a partial return to work.

Final thoughts

Out of four examples here, the Department is violating federal law regarding PUA benefits in two of these examples.

The second example, while within what federal law allows, also demonstrates how morally and legally bankrupt the ban on regular unemployment for SSDI recipients is. Here, a woman victimized by sexual harassment cannot collect regular unemployment benefits because Wisconsin is denying those benefits based on her disability. She is essentially being victimized twice, once by her employer and again by Wisconsin.

Wisconsin should be doing better.



SS # 000-00- [REDACTED]

UI LO #: 05
UI Acct. #:

DETERMINATION



Issue Week: 15/20	Applicable Wisconsin Law: PUB. L. 116-136; 20 CFR 625.4
Week Ending: 04/11/20	

FINDINGS AND DETERMINATION OF THE DEPUTY:

THE CLAIMANT IS NO LONGER UNEMPLOYED, PARTIALLY UNEMPLOYED, OR UNABLE OR UNAVAILABLE TO WORK DUE TO ONE OF THE COVID-19 RELATED REASONS IDENTIFIED IN SECTION 2102(A)(3)(A)(I)(I);

- THE INDIVIDUAL HAS BEEN DIAGNOSED WITH COVID-19 OR IS EXPERIENCING SYMPTOMS OF COVID-19 AND IS SEEKING A MEDICAL DIAGNOSIS;
- A MEMBER OF THE INDIVIDUAL'S HOUSEHOLD HAS BEEN DIAGNOSED WITH COVID-19;
- THE INDIVIDUAL IS PROVIDING CARE FOR A FAMILY MEMBER OR A MEMBER OF HIS HOUSEHOLD WHO HAS BEEN DIAGNOSED WITH COVID-19;
- A CHILD OR OTHER PERSON IN THE HOUSEHOLD FOR WHICH THE INDIVIDUAL HAS PRIMARY CAREGIVING RESPONSIBILITY IS UNABLE TO ATTEND SCHOOL OR ANOTHER FACILITY THAT IS CLOSED AS A DIRECT RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY AND SUCH SCHOOL OR FACILITY CARE IS REQUIRED FOR THE INDIVIDUAL TO WORK;
- THE INDIVIDUAL IS UNABLE TO REACH HIS PLACE OF EMPLOYMENT BECAUSE OF A QUARANTINE IMPOSED AS A DIRECT RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY;
- THE INDIVIDUAL IS UNABLE TO REACH HIS PLACE OF EMPLOYMENT BECAUSE HE HAS BEEN ADVISED BY A HEALTH CARE PROVIDER TO SELF-QUARANTINE DUE TO CONCERNS RELATED TO COVID-19;
- THE INDIVIDUAL WAS SCHEDULED TO COMMENCE EMPLOYMENT AND DOES NOT HAVE A JOB OR IS UNABLE TO REACH THE JOB AS A DIRECT RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY;
- THE INDIVIDUAL HAS BECOME THE BREADWINNER OR MAJOR SUPPORT FOR A HOUSEHOLD BECAUSE THE HEAD OF HOUSEHOLD HAS DIED AS A DIRECT RESULT OF COVID-19;
- THE INDIVIDUAL HAD TO QUIT HIS JOB AS A DIRECT RESULT OF COVID-19; OR
- THE INDIVIDUAL'S PLACE OF EMPLOYMENT IS CLOSED AS A DIRECT RESULT OF THE COVID-19 PUBLIC HEALTH EMERGENCY.

EFFECT

Deputy ADJUDICATOR 2204	Dated 10/28/20	Decision final unless an appeal is received or postmarked by: 11/12/20
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SEE REVERSE SIDE FOR
IMPORTANT INFORMATION



SS # [REDACTED]

UI LO #: 05
UI Acct #:

DETERMINATION



Issue Week: 15/20	Applicable Wisconsin Law: PUB. L. 116-136; 20 CFR § 625.4
Week Ending: 04/11/20	

FINDINGS AND DETERMINATION OF THE DEPUTY:

PANDEMIC UNEMPLOYMENT ASSISTANCE IS TERMINATED AS OF 04/05/20.

Deputy ADJUDICATOR 2204	Dated 10/28/20	Decision final unless an appeal is received or postmarked by: 11/12/20
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UI Payment History - Date Created: 11/06/2020 08:50:13 AM

Time Frame: Last 12 Months

Week Ending	Total Benefits Paid	Wages	Federal Taxes Withheld	State Taxes Withheld	Other Deductions / Reductions	Payment Date
10/24/2020	Pending	\$423.56	N/A	N/A	N/A	
10/17/2020	Pending	\$59.45	N/A	N/A	N/A	
10/10/2020	Pending	\$376.11	N/A	N/A	N/A	
10/03/2020	Pending	\$57.87	N/A	N/A	N/A	
09/26/2020	Pending	\$306.38	N/A	N/A	N/A	
09/19/2020	Pending	\$322.38	N/A	N/A	N/A	
09/12/2020	Pending	\$375.11	N/A	N/A	N/A	
09/05/2020	Pending	\$293.66	N/A	N/A	N/A	
08/29/2020	Pending	\$237.07	N/A	N/A	N/A	
08/22/2020	Pending	\$319.67	N/A	N/A	N/A	
08/15/2020	Pending	\$73.31	N/A	N/A	N/A	
08/08/2020	Pending	\$409.22	N/A	N/A	N/A	
08/01/2020	Pending	\$214.92	N/A	N/A	N/A	
07/25/2020	Pending	\$248.65	N/A	N/A	N/A	
07/18/2020	Pending	\$123.47	N/A	N/A	N/A	
07/11/2020	\$646	\$203.35	\$65.00	\$32.00	\$0	10/06/2020
07/04/2020	Wage Plus	\$272.51	N/A	N/A	N/A	
06/27/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
06/20/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
06/13/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
06/06/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
05/30/2020	Wage Plus	\$453.19	N/A	N/A	N/A	
05/23/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
05/16/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
05/09/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
05/02/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
04/25/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
04/18/2020	\$735	\$71.45	\$74.00	\$37.00	\$0	09/18/2020
04/11/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
04/04/2020	\$763		\$76.00	\$38.00	\$0	09/18/2020
03/28/2020	\$163		\$16.00	\$8.00	\$0	09/19/2020

From: [Keckhaver, John E - DWD](#)
To: [Banicki, Amy - DWD](#); [Reihl, Mark S - DWD](#)
Cc: [Williams, Danielle E - DWD](#)
Subject: RE: UI for person with SSDI
Date: Tuesday, April 28, 2020 3:14:49 PM
Attachments: [image001.jpg](#)

Thanks.

From: Banicki, Amy - DWD [REDACTED]
Sent: Tuesday, April 28, 2020 3:14 PM
To: Keckhaver, John E - DWD [REDACTED]; Reihl, Mark S - DWD [REDACTED]
Cc: Williams, Danielle E - DWD [REDACTED]
Subject: RE: UI for person with SSDI

Yes, that is our interpretation. We based that on the DUA regulations, which say that social security payments are disqualifying for DUA if they are disqualifying for regular state UI. The DUA regulations apply to PUA if the CARES Act is silent on the issue.

From: Keckhaver, John E - DWD <[REDACTED]>
Sent: Tuesday, April 28, 2020 2:59 PM
To: Reihl, Mark S - DWD <[REDACTED]>; Banicki, Amy - DWD [REDACTED]
Cc: Williams, Danielle E - DWD <[REDACTED]>
Subject: FW: UI for person with SSDI

Please see this question from Leg. Council and let me know if that's your interpretation too.
Thanks.
John

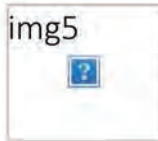
From: Kelley, Margit S - LEGIS <[REDACTED]>
Sent: Tuesday, April 28, 2020 2:47 PM
To: Keckhaver, John E - DWD [REDACTED] <[REDACTED]>
Cc: Hurley, Peggy - LEGIS <[REDACTED]>
Subject: RE: UI for person with SSDI

Hi John,

I noticed that the U.S. Department of Labor issued some guidance late yesterday, [UIPL No. 16-20](#). It doesn't directly address the PUA interaction with disability payments, but it says that in instances where the guidance and other specific guidance are silent, then state law should be applied.

In this case, it doesn't appear that DUA and the other CARES Act guidance address disability payments, and state law doesn't allow unemployment benefits in the same month that SSDI is received. I would take that to mean that without a change in state or law or further federal guidance, the pandemic unemployment assistance does not appear to be available for a person receiving disability payments.

Do you know if this is being read the same way at DWD? Thank you for sharing any thoughts or info that might be available on this!



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From: Keckhaver, John E - DWD <[redacted]>
Sent: Monday, April 20, 2020 2:11 PM
To: Kelley, Margit [redacted]
Cc: Hurley, Peggy <[redacted]>
Subject: RE: UI for person with SSDI

Hi Margit,
I'm getting a lot of that question, too, yes. Our UI folks have reached out to DOL and have not received an answer yet on that one.
I'll be in touch as soon as we know!
John

From: Kelley, Margit S - LEGIS [redacted]
Sent: Monday, April 20, 2020 1:59 PM
To: Keckhaver, John E - DWD <[redacted]>
Cc: Hurley, Peggy - LEGIS <[redacted]>
Subject: UI for person with SSDI

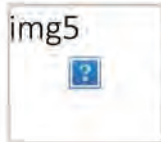
Hi John,

We've gotten questions from more than one legislative office about the limitation on receiving unemployment benefits in the same month that a person receives an SSDI payment. We've been able to point them to the statutory provision, and have said that for state law purposes a state law change would be needed to waive that provision.

However, it occurs to me that there's a slight, though perhaps very slim, chance that a person who receives SSDI could be eligible for the PUA, pandemic unemployment assistance,

under the CARES Act, for persons who otherwise would not be eligible for regular unemployment. Do you know if there's been any talk or consideration of that, as a possibility? It's not explicitly addressed in US DOL's UIPL No. 16-20, but that is broadly worded.

I'm sure you're swamped, and we appreciate you checking into this or passing it along!



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PANDEMIC UNEMPLOYMENT ASSISTANCE BENEFITS

PUA Benefits

Unemployment Assistance for Those Not Eligible for Regular
Unemployment Benefits

Overview:

On March 27, 2020, the CARES Act was signed into law, which includes the Relief for Workers Affected by Coronavirus Act. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA) that in general provides up to 39 weeks of unemployment benefits to individuals who are not eligible for other types of unemployment. The CARES Act also creates a new temporary federal program called Federal Pandemic Unemployment Assistance (FPUC) that provides an additional \$600 weekly benefit to those eligible for PUA.

Eligibility:

PUA provides unemployment benefits to individuals who are unable to work because of a COVID-19-related reason but are not eligible for regular or extended unemployment benefits. To be eligible, individuals must be able to work and be available for work in accordance with state law.

Individuals receiving PUA benefits who are determined eligible for FPUC will receive an additional \$600 benefit payment for the weeks ending April 4, 2020 to July 25, 2020.

How to Apply:

Massachusetts workers may complete a PUA application by visiting <https://ui-cares-act.mass.gov/PUA/>. Applicants will need to provide the following information:

- Your social security number
- If you are not a citizen of the United States, your USCIS A-number
- Your residential address
- Your mailing address (if different from residential address)
- Your telephone number
- Your email address
- Your birth date
- Your wage records for 2019, which includes:
 - 1099 forms
 - Pay stubs
 - Bank statements
- The social security number(s) and date(s) of birth for your dependent child(ren)
- If you want to use direct deposit for payment, your bank account and routing numbers.

After applying:

All accepted applications will initially receive the minimum weekly benefit amount, plus an additional \$600 FPUC weekly benefit. Once a worker's wages are verified, weekly benefit amounts may increase. Weekly benefits, including any increase to your weekly benefit amount, will be retroactive to the week ending February 8, 2020, or the date when you became unemployed, whichever is more recent, as long as you became unable to work because of a COVID-19 related reason.

Please note that, initially, the system can only pay benefits retroactively to the week ending March 14, 2020., Later, eligible workers will be able to certify for benefits, and will be able to request benefits retroactively to the week ending February 8, 2020, if their dates of unemployment make them eligible.

Appeals:

Appealing an initial determination

If DUA determines that you are not eligible to receive Pandemic Unemployment Assistance benefits, you will receive a disqualification electronically. You will be able to appeal the disqualification by 1) clicking on "I want to appeal" on the notice; or 2) requesting an appeal to a call-center agent by phone.

You must appeal within 30 calendar days of the date of the disqualification.

It is important that you participate in any scheduled hearing as the hearing will result in a new decision on your eligibility.

If you are still unemployed while waiting for a hearing, you must continue to request benefit payments each week. Even if your initial determination is reversed, you will not receive benefit payments for the weeks when you did not request benefits.

Hearings

When the Hearings Department receives the appeal, it will be scheduled for a hearing and you will be sent a notice of the date and time. Until DUA's offices are reopened to the public, hearings will be conducted exclusively by telephone.

Hearings are conducted by review examiners. After the hearing, the review examiner will issue a written decision based on documents and information presented at the hearing.

Board of Review of the Department of Unemployment Assistance

If you disagree with the review examiner's decision, you have 30 calendar days after the date of mailing of that decision to appeal to the Board of Review

If the Board of Review accepts the case for review, it will make a decision using the case material received from the Hearings Department, including the recorded hearing. When the Board of Review issues a decision, it provides instructions about how to appeal the decision to the District Court or the Boston Municipal Court. You can also appeal to the District Court or the Boston Municipal Court if the Board of Review declines to accept the case for review. You have thirty days from the mailing date of the Board's decision or denial of review to file a court appeal.

To learn more about the Board of Review, go to www.mass.gov/dua/bor. To learn more about appealing to court, including whether to file your appeal in the District Court or the Boston Municipal Court, see Massachusetts General Laws Chapter 151A, Section 42.

Your right to representation

If you wish to be represented at any level of appeal, it is important that you arrange representation as soon as possible. An authorized agent of your choice, such as an attorney or advocate, may represent you at any level of agency appeal. Contact your local bar association or a legal advocacy organization for assistance. DUA cannot recommend or appoint a representative.

Frequently Asked Questions:

Q. Does the CARES Act provide benefits to workers who have been ineligible for regular or extended benefits until now?

A. Yes. The CARES Act provides a program separate from regular unemployment benefits. The new program, Pandemic Unemployment Assistance (PUA), extends eligibility to individuals who:

- are self-employed, including gig workers, freelancers, and independent contractors;
- are seeking part-time employment;
- have an insufficient work history to qualify for benefits;
- have exhausted all rights to regular or extended benefits under state or federal law or to Pandemic Emergency Unemployment Compensation (PEUC);
- have been laid off from churches and religious institutions and are not eligible for benefits under state law; or
- are otherwise not qualified for regular or extended benefits or Pandemic Emergency Unemployment Compensation (PEUC)

Q. What must these workers establish to qualify for benefits?

A. Individuals must provide “self-certification” that they are otherwise able and available to work, but are prevented from doing so by one of the following circumstances relating to COVID-19:

- The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a diagnosis; or
- A member of the individual’s household has been diagnosed with COVID-19; or
- The individual is providing care to a household or family member who has been diagnosed with COVID-19; or
- A child or other person for whom the individual has primary caregiving responsibility is unable to attend school or another facility as a result of COVID-19; or
- The individual is unable to reach the place of employment because of a quarantine imposed as a result of the COVID-19 public health emergency; or
- The individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine; or
- The individual was scheduled to start work and does not have a job or cannot reach the job as a result of COVID-19; or
- The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19; or
- The individual has to quit their job as a direct result of COVID-19; or
- The individual’s place of employment is closed because of COVID-19; or
- The individual works as an independent contractor and the COVID-19 public health emergency has severely limited his or her ability to continue performing his or her usual work activities, and has thereby forced the individual to stop performing those activities.

Q. Under what circumstances will these workers not qualify for Pandemic Unemployment Assistance (PUA)?

A. Individuals able to telework with pay and individuals receiving paid sick or other leave will not qualify for PUA. Individuals receiving paid sick leave or other paid leave benefits for less than their customary work week, however, may still be eligible for PUA.

Q. What weeks will Pandemic Unemployment Assistance (PUA) cover?

A. It will be effective for weeks of unemployment beginning on or after 2/2/20 and ending 12/26/20.

Q. What is the maximum number of weeks for which an individual qualifying for Pandemic Unemployment Assistance (PUA) can receive benefits?

A. An individual can receive benefits for a maximum of 39 weeks, including regular UI and extended benefits under any federal or state law, though additional extended benefit weeks could be added later. Also, there is no waiting week.

Q. How much will I receive in benefits?

A. The amount of PUA benefits you will receive is based on your previous income reported. PUA benefits may not be more than the state's maximum weekly benefit rate for regular unemployment benefits, which is \$855.00 in Massachusetts.

All individuals collecting PUA will also receive \$600 per week from Federal Pandemic Unemployment Compensation (FPUC), in addition to weekly benefits as calculated above. Individuals will be eligible for FPUC payments for the weeks ending April 4, 2020 through July 25, 2020.

Q. My hours have been reduced. Can I collect benefits under PUA?

A. If you are working fewer hours due to COVID-19 and it has resulted in a loss in income, and you are not eligible for regular unemployment benefits, you may be eligible for PUA.

Q. I am self-employed and my income and hours have declined greatly because of COVID-19. Am I eligible for PUA?

A. Self-employed individuals, independent contractors, or gig workers who have had to suspend their work because of COVID-19, or had a significant reduction in work, may be eligible for PUA. In cases where an individual has partial earnings, these earnings must be reported, and their weekly benefit amount may be reduced.

Q. I am a small business owner. Am I eligible for PUA?

A. You may be eligible for PUA if your primary source of income is from work you do for your own business or on your own farm.

Q. I have never worked before. Am I eligible for PUA?

A. You may be eligible for PUA even if you have never worked before **and**

- you were scheduled to commence employment and do not have a job or are unable to reach the job as a direct result of the COVID-19 public health emergency; **OR**
- your job offer was rescinded because of COVID-19; **OR**
- you have become the breadwinner or major supporter for a household because the head of the household has died as a direct result of COVID-19.

Q. If I am eligible for (or currently receiving) regular unemployment benefits, should I apply for Pandemic Unemployment Assistance (PUA)?

A. No. PUA benefits are not payable to individuals who are eligible for regular unemployment benefits.

Q. How do I determine if I should apply for regular unemployment benefits or Pandemic Unemployment Assistance (PUA)?

A. If you answer “yes” to any of these questions, you should first file a claim for regular unemployment benefits to see if you are eligible before filing a claim for PUA benefits:

1. Did you earn more than \$5100.00 in 2019 working for an employer who took taxes out of your paycheck?
2. Did you earn more than \$5100.00 in 2019 working for the Federal government or in the military?
3. Are you eligible for, or receiving, benefits from other unemployment insurance programs such as regular unemployment benefits, Trade Readjustment Allowances (TRA), Disaster Unemployment Assistance from a prior natural disaster, or WorkShare benefits?
4. Did you work in another state in addition to working in Massachusetts in 2019?
5. If you filed a claim for unemployment assistance in the past 52 weeks, did you return to work or stop collecting benefits before you claimed all the available benefits on that claim?

Q. If I have already applied for unemployment, should I also apply for PUA?

A. No, you should not apply for this benefit if you have a pending application for unemployment. If you have applied for and did not qualify or were denied for regular unemployment benefits, then you should apply for PUA if you are out of work due to COVID-19. If you are eligible for or receiving regular unemployment benefits, you may not apply and will not be eligible for this benefit.

Q. If I do not provide accurate information on my application, will I have to repay benefits received?

A. Yes. As with any unemployment claim, you are required to provide accurate information or face penalties including denial of benefits and repayment of benefits. If you knowingly provide inaccurate information or fail to disclose required information, you could be subject to criminal prosecution.

Q. Will I have to pay federal and state taxes on benefits received?

A. Yes, all PUA and FPUC benefits will be subject to Massachusetts and federal taxes.

Q. I was self-employed, or a gig worker, and did not receive a regular paycheck. How do I calculate my income for purposes of completing a PUA application?

A. Individuals may use a variety of documents to calculate their income, including W-2s, 1099s, tax returns, pay stubs, bank receipts and billing notices. Individuals should retain all documents establishing income for verification purposes.

Disabled Workers

Table 19.
Number and percentage distribution, by sex and age, December 1960–2019, selected years

Year	Number (thousands)	Percentage distribution									Average age
		Total, all ages	Under 30	30–34	35–39 ^a	40–44	45–49	50–54	55–59	60–FRA	
<i>All disabled workers^b</i>											
1996	4,400	100.0	3.6	5.6	9.0	11.6	13.8	15.5	18.6	22.4	50.0
1997	4,508	100.0	3.2	5.1	8.6	11.6	13.7	16.1	19.2	22.4	50.3
1998	4,699	100.0	3.0	4.8	8.3	11.6	13.8	16.5	19.7	22.4	50.5
1999	4,879	100.0	2.8	4.4	8.0	11.5	14.0	17.0	20.0	22.3	50.6
2000	5,042	100.0	2.7	4.1	7.6	11.4	14.1	17.6	20.3	22.3	50.8
2001	5,268	100.0	2.8	4.0	7.2	11.1	14.1	17.7	20.7	22.4	50.9
2002	5,540	100.0	3.0	3.8	6.7	10.8	14.1	17.5	21.3	22.7	51.0
2003	5,869	100.0	3.1	3.7	6.3	10.4	14.0	17.3	21.5	23.7	51.3
2004	6,197	100.0	3.1	3.6	5.9	10.0	13.8	17.2	21.8	24.5	51.5
2005	6,519	100.0	3.1	3.4	5.7	9.5	13.6	17.2	22.3	25.2	51.8
2006	6,807	100.0	3.0	3.3	5.5	9.0	13.3	17.3	22.3	26.4	52.1
2007	7,099	100.0	2.9	3.2	5.3	8.5	13.0	17.3	21.9	28.0	52.4
2008	7,427	100.0	2.9	3.3	5.1	8.0	12.6	17.3	21.7	29.1	52.6
2009	7,788	100.0	2.9	3.4	5.0	7.7	12.4	17.5	21.9	29.3	52.7
2010	8,204	100.0	2.9	3.4	4.8	7.5	12.0	17.5	22.2	29.6	52.8
2011	8,576	100.0	2.7	3.5	4.6	7.3	11.4	17.4	22.6	30.4	53.0
2012	8,827	100.0	2.5	3.4	4.6	7.1	11.0	17.2	23.2	31.0	53.2
2013	8,941	100.0	2.3	3.4	4.6	6.9	10.5	17.1	23.7	31.5	53.4
2014	8,955	100.0	2.1	3.3	4.6	6.7	10.0	16.7	24.2	32.5	53.7
2015	8,909	100.0	1.9	3.1	4.6	6.3	9.7	16.2	24.5	33.7	53.9
2016	8,809	100.0	1.7	2.9	4.6	6.0	9.4	15.6	24.6	35.1	54.2
2017	8,695	100.0	1.6	2.7	4.5	5.9	9.2	15.0	24.5	36.5	54.5
2018	8,537	100.0	1.6	2.6	4.4	5.9	8.9	14.4	24.5	37.8	54.7
2019	8,378	100.0	1.5	2.4	4.2	5.9	8.7	13.9	24.4	39.0	54.9

(Continued)

Table 19.
Number and percentage distribution, by sex and age, December 1960–2019, selected years—Continued

Year	Number (thousands)	Percentage distribution									Average age
		Total, all ages	Under 30	30–34	35–39 ^a	40–44	45–49	50–54	55–59	60–FRA	
<i>Men</i>											
1960	356	100.0	0.5	a	3.3	3.0	4.9	16.6	26.7	44.9	57.3
1965	734	100.0	1.0	a	7.5	7.6	10.4	15.4	24.7	33.3	54.4
1970	1,069	100.0	3.3	a	6.8	6.9	10.9	15.2	23.2	33.7	53.9
1975	1,711	100.0	4.6	a	7.5	6.2	9.7	15.8	23.2	33.0	53.5
1980	1,928	100.0	4.1	a	9.6	6.0	8.9	14.3	24.0	33.1	52.9
1981	--	--	--	--	--	--	--	--	--	--	--
1982	1,746	100.0	4.0	a	9.7	5.8	7.8	13.6	23.6	35.5	53.2
1983	1,731	100.0	4.2	a	10.4	6.3	8.0	13.0	23.1	35.0	52.9
1984	1,748	100.0	4.4	a	11.3	6.8	8.3	12.8	22.2	34.2	52.5
1985	1,785	100.0	4.6	a	12.3	7.3	8.6	12.9	21.4	32.9	51.9
1986	1,827	100.0	4.9	a	13.3	7.9	8.9	12.7	20.7	31.5	51.4
1987	1,857	100.0	4.8	a	13.8	8.5	9.4	12.5	20.1	30.8	51.1
1988	1,869	100.0	4.7	a	14.3	9.0	9.8	12.7	19.6	29.9	50.9
1989	1,906	100.0	4.5	a	14.7	9.6	10.3	12.7	19.4	28.8	50.7
1990	1,965	100.0	4.5	a	15.2	10.3	10.7	12.7	19.1	27.5	50.4
1991	2,066	100.0	4.5	a	15.6	10.7	11.2	13.0	18.6	26.4	50.1
1992	2,221	100.0	4.6	a	16.0	11.0	12.0	13.4	18.0	25.0	49.9
1993	2,358	100.0	4.6	a	16.2	11.2	12.3	13.9	17.9	23.9	49.6
1994	2,476	100.0	4.3	a	16.1	11.4	12.8	14.2	17.8	23.4	49.6
1995	2,573	100.0	4.0	a	15.5	11.5	13.4	14.5	18.0	23.2	49.7
1996	2,653	100.0	3.7	5.7	9.2	11.6	13.7	15.0	18.3	22.9	50.0
1997	2,667	100.0	3.3	5.2	8.7	11.6	13.6	15.6	18.9	23.0	50.3
1998	2,737	100.0	3.1	4.8	8.4	11.6	13.7	16.1	19.3	23.0	50.5
1999	2,801	100.0	2.8	4.5	8.1	11.6	13.8	16.7	19.7	22.9	50.7
2000	2,856	100.0	2.8	4.2	7.6	11.4	13.9	17.3	20.0	22.8	50.8
2001	2,948	100.0	2.9	4.0	7.2	11.2	14.0	17.5	20.5	23.0	51.0
2002	3,067	100.0	3.1	3.8	6.7	10.8	14.0	17.3	21.1	23.2	51.1
2003	3,221	100.0	3.2	3.6	6.3	10.4	13.9	17.1	21.4	24.1	51.3
2004	3,373	100.0	3.2	3.4	5.8	10.0	13.7	17.0	21.9	25.0	51.6
2005	3,517	100.0	3.2	3.3	5.5	9.4	13.5	17.0	22.4	25.7	51.9
2006	3,643	100.0	3.1	3.2	5.3	8.9	13.2	17.0	22.4	27.0	52.2
2007	3,774	100.0	3.1	3.1	5.1	8.3	12.8	17.0	21.9	28.6	52.5
2008	3,925	100.0	3.1	3.2	4.9	7.9	12.4	17.1	21.7	29.8	52.7
2009	4,100	100.0	3.1	3.3	4.7	7.5	12.2	17.2	21.8	30.1	52.8
2010	4,310	100.0	3.1	3.4	4.6	7.3	11.8	17.3	22.1	30.4	52.9
2011	4,494	100.0	3.0	3.5	4.4	7.1	11.2	17.2	22.5	31.2	53.1
2012	4,606	100.0	2.8	3.5	4.4	6.9	10.7	17.0	23.1	31.7	53.3
2013	4,642	100.0	2.6	3.5	4.4	6.7	10.2	16.8	23.6	32.2	53.5
2014	4,628	100.0	2.4	3.4	4.5	6.4	9.8	16.4	24.1	33.1	53.7
2015	4,581	100.0	2.1	3.3	4.5	6.1	9.5	15.9	24.4	34.2	53.9
2016	4,511	100.0	1.9	3.1	4.5	5.8	9.2	15.2	24.5	35.7	54.2
2017	4,432	100.0	1.9	3.0	4.5	5.7	8.9	14.6	24.4	37.0	54.4
2018	4,330	100.0	1.8	2.8	4.5	5.7	8.6	14.1	24.3	38.3	54.7
2019	4,231	100.0	1.8	2.6	4.4	5.8	8.3	13.6	24.0	39.5	54.9

(Continued)

Disabled Workers

Table 19.
Number and percentage distribution, by sex and age, December 1960–2019, selected years—Continued

Year	Number (thousands)	Percentage distribution									Average age
		Total, all ages	Under 30	30–34	35–39 ^a	40–44	45–49	50–54	55–59	60–FRA	
<i>Women</i>											
1960	99	100.0	0.3	a	3.2	3.2	5.3	19.4	31.4	37.2	56.7
1965	254	100.0	0.6	a	5.4	6.3	9.8	16.2	27.3	34.3	55.2
1970	424	100.0	1.9	a	5.1	5.6	10.1	15.9	26.0	35.3	55.0
1975	778	100.0	3.3	a	6.1	5.3	9.0	16.3	25.5	34.5	54.4
1980	931	100.0	3.4	a	8.2	5.3	8.2	14.4	25.4	35.0	53.7
1981	--	--	--	--	--	--	--	--	--	--	--
1982	858	100.0	3.3	a	8.5	5.1	7.2	13.7	25.2	37.0	53.9
1983	838	100.0	3.5	a	9.3	5.7	7.5	12.9	24.3	36.8	53.6
1984	849	100.0	3.7	a	10.2	6.3	7.8	12.8	23.2	36.0	53.2
1985	872	100.0	3.8	a	11.2	6.9	8.3	12.9	22.3	34.6	52.6
1986	902	100.0	4.1	a	12.1	7.6	8.8	12.9	21.6	32.9	52.0
1987	929	100.0	4.2	a	12.7	8.2	9.4	12.9	20.9	31.7	51.7
1988	952	100.0	4.0	a	13.1	8.7	9.9	13.2	20.6	30.5	51.4
1989	989	100.0	4.0	a	13.5	9.2	10.6	13.4	20.1	29.2	51.1
1990	1,046	100.0	3.9	a	14.0	9.8	11.1	13.4	19.9	27.9	50.8
1991	1,133	100.0	4.0	a	14.3	10.3	11.6	13.8	19.4	26.5	50.5
1992	1,252	100.0	4.3	a	14.6	10.7	12.2	14.3	18.8	25.0	50.1
1993	1,371	100.0	4.3	a	14.9	11.0	12.6	14.8	18.9	23.5	49.9
1994	1,491	100.0	4.1	a	14.8	11.2	13.1	15.3	18.7	22.8	49.9
1995	1,614	100.0	3.8	a	14.5	11.5	13.6	15.7	18.8	22.2	49.9
1996	1,747	100.0	3.5	5.4	8.7	11.6	13.9	16.2	19.1	21.7	50.1
1997	1,842	100.0	3.1	5.0	8.4	11.6	13.9	16.7	19.6	21.5	50.3
1998	1,961	100.0	2.9	4.7	8.2	11.5	14.0	17.0	20.1	21.5	50.5
1999	2,078	100.0	2.7	4.3	7.9	11.5	14.2	17.5	20.5	21.4	50.6
2000	2,186	100.0	2.7	4.1	7.5	11.3	14.3	17.9	20.7	21.6	50.8
2001	2,320	100.0	2.8	4.0	7.1	11.1	14.3	18.0	21.1	21.7	50.9
2002	2,472	100.0	2.9	3.9	6.8	10.8	14.3	17.7	21.5	22.1	51.0
2003	2,647	100.0	3.0	3.8	6.4	10.5	14.2	17.6	21.6	23.0	51.2
2004	2,824	100.0	3.0	3.7	6.0	10.2	14.0	17.5	21.8	23.8	51.4
2005	3,002	100.0	2.9	3.5	5.8	9.7	13.7	17.6	22.2	24.5	51.7
2006	3,164	100.0	2.8	3.4	5.6	9.2	13.5	17.6	22.2	25.7	52.0
2007	3,325	100.0	2.7	3.3	5.5	8.7	13.2	17.6	21.8	27.2	52.3
2008	3,502	100.0	2.6	3.3	5.3	8.2	12.9	17.6	21.7	28.3	52.5
2009	3,688	100.0	2.6	3.4	5.2	7.9	12.7	17.7	22.0	28.4	52.6
2010	3,894	100.0	2.6	3.5	5.0	7.7	12.3	17.8	22.3	28.7	52.7
2011	4,082	100.0	2.4	3.5	4.9	7.6	11.7	17.7	22.8	29.5	52.9
2012	4,221	100.0	2.2	3.4	4.8	7.4	11.2	17.5	23.3	30.1	53.1
2013	4,299	100.0	2.0	3.3	4.8	7.2	10.7	17.4	23.8	30.7	53.4
2014	4,327	100.0	1.9	3.1	4.7	7.0	10.2	17.1	24.2	31.8	53.6
2015	4,328	100.0	1.7	2.9	4.7	6.6	9.9	16.6	24.6	33.0	53.9
2016	4,298	100.0	1.5	2.7	4.6	6.3	9.7	15.9	24.7	34.6	54.2
2017	4,263	100.0	1.4	2.5	4.4	6.1	9.5	15.3	24.7	36.0	54.5
2018	4,207	100.0	1.3	2.4	4.3	6.1	9.3	14.7	24.8	37.3	54.7
2019	4,147	100.0	1.3	2.2	4.1	6.0	9.0	14.2	24.7	38.4	55.0

SOURCES: Social Security Administration. From 1960 through 1995, *Annual Statistical Supplement to the Social Security Bulletin*, Table 5.D4; data for 1988 and from 1990 through 1995 are based on a 10 percent sample file from the Master Beneficiary Record; from 1996 through 2000, Social Security Disability Insurance Beneficiaries, 100 percent data; beginning with 2001, Master Beneficiary Record, 100 percent data.

NOTES: FRA = full retirement age; -- = not available.

a. Ages 30–34 were grouped with ages 35–39 before 1996.

b. Combined data for men and women are not available before 1996.

CONTACT: (410) 965-0090 or statistics@ssa.gov.

Table 20.
Number, average primary insurance amount, and average monthly benefit, by age and sex,
December 2019

Age	Total			Men			Women		
	Number	Average PIA (dollars)	Average monthly benefit (dollars)	Number	Average PIA (dollars)	Average monthly benefit (dollars)	Number	Average PIA (dollars)	Average monthly benefit (dollars)
All disabled workers	8,378,374	1,261.78	1,257.65	4,231,238	1,389.67	1,384.35	4,147,136	1,131.30	1,128.39
Under 25	26,180	669.96	673.23	15,739	676.50	679.82	10,441	660.11	663.28
25-29	101,000	778.24	780.36	58,681	785.42	787.14	42,319	768.29	770.97
30-34	204,567	887.83	889.06	112,021	909.06	910.11	92,546	862.13	863.57
35-39	355,016	989.17	988.41	185,204	1,016.72	1,015.57	169,812	959.12	958.78
40-44	495,208	1,072.39	1,070.24	244,382	1,115.44	1,112.74	250,826	1,030.45	1,028.83
45-49	727,247	1,146.14	1,143.00	352,662	1,219.70	1,215.65	374,585	1,076.89	1,074.59
50-54	1,162,202	1,211.77	1,207.48	573,453	1,315.25	1,309.96	588,749	1,110.98	1,107.67
55-59	2,040,476	1,288.31	1,283.40	1,016,972	1,428.43	1,422.33	1,023,504	1,149.08	1,145.36
60-64	2,720,135	1,382.98	1,378.19	1,390,550	1,559.04	1,552.67	1,329,585	1,198.86	1,195.71
65-FRA	546,343	1,426.17	1,419.80	281,574	1,618.06	1,609.48	264,769	1,222.09	1,218.08

SOURCE: Social Security Administration, Master Beneficiary Record, 100 percent data.

NOTES: The average monthly benefit includes secondary benefit amounts for some beneficiaries who are dually entitled. This results in the average monthly benefit being larger than the average PIA for some age groups.

PIA = primary insurance amount; FRA = full retirement age.

CONTACT: (410) 965-0090 or statistics@ssa.gov.

Disabled Workers

Table 21.
Distribution, by diagnostic group, December 1996–2019

Year	Total	Congenital anomalies	Endocrine, nutritional, and metabolic diseases	Infectious and parasitic diseases ^a	Injuries	Mental disorders			Neoplasms
						Total	Intellectual disability	Other	
<i>Number</i>									
1996	4,399,932	9,023	197,272	87,066	213,772	1,356,310	228,131	1,128,179	124,018
1997	4,508,406	8,813	215,186	90,175	217,882	1,381,178	235,130	1,146,048	122,775
1998	4,698,560	8,719	233,724	93,776	224,388	1,459,118	243,745	1,215,373	127,174
1999	4,879,454	8,546	251,998	96,132	228,800	1,532,155	249,871	1,282,284	131,492
2000	5,042,333	8,540	244,456	97,919	231,066	1,618,758	257,601	1,361,157	136,404
2001	5,268,039	8,752	239,614	100,442	240,948	1,731,886	273,849	1,458,037	142,795
2002	5,539,597	9,226	237,020	102,589	248,544	1,845,138	286,210	1,558,928	150,138
2003	5,868,541	9,750	242,517	106,767	260,572	1,961,090	298,500	1,662,590	160,986
2004	6,197,385	10,392	247,559	110,178	271,626	2,075,867	310,240	1,765,627	172,844
2005	6,519,001	11,001	252,933	111,927	281,828	2,183,182	320,564	1,862,618	185,049
2006	6,806,918	11,544	258,310	113,410	292,161	2,276,814	329,540	1,947,274	196,075
2007	7,098,723	12,148	263,724	115,305	303,537	2,368,684	338,072	2,030,612	208,540
2008	7,426,691	12,801	270,794	118,282	315,365	2,469,423	346,967	2,122,456	220,871
2009	7,788,013	13,614	278,565	119,753	330,708	2,579,127	358,737	2,220,390	237,589
2010	8,203,951	14,431	288,146	122,411	345,309	2,691,639	365,957	2,325,682	253,850
2011	8,575,544	15,199	296,207	125,622	356,200	2,768,928	369,093	2,399,835	264,475
2012	8,826,591	15,727	299,434	126,044	361,999	2,805,202	368,821	2,436,381	271,304
2013	8,940,950	15,974	296,624	125,628	361,079	2,803,759	366,135	2,437,624	276,008
2014	8,954,518	16,134	290,167	123,858	355,614	2,773,514	362,677	2,410,837	277,383
2015	8,909,430	16,240	280,280	120,970	347,230	2,727,043	357,219	2,369,824	278,406
2016	8,808,736	16,251	269,065	117,203	337,772	2,665,344	349,537	2,315,807	277,531
2017	8,695,475	16,408	256,676	113,305	330,413	2,608,403	343,664	2,264,739	276,905
2018	8,537,332	16,502	243,589	107,808	321,988	2,536,569	334,782	2,201,787	273,932
2019	8,378,374	16,600	230,752	102,308	313,791	2,466,025	325,877	2,140,148	274,712

(Continued)

Table 21.
Distribution, by diagnostic group, December 1996–2019—Continued

Year	Total	Congenital anomalies	Endocrine, nutritional, and metabolic diseases	Infectious and parasitic diseases ^a	Injuries	Mental disorders			Neoplasms
						Total	Intellectual disability	Other	
<i>Percent</i>									
1996	100.0	0.2	4.5	2.0	4.9	30.8	5.2	25.6	2.8
1997	100.0	0.2	4.8	2.0	4.8	30.6	5.2	25.4	2.7
1998	100.0	0.2	5.0	2.0	4.8	31.1	5.2	25.9	2.7
1999	100.0	0.2	5.2	2.0	4.7	31.4	5.1	26.3	2.7
2000	100.0	0.2	4.8	1.9	4.6	32.1	5.1	27.0	2.7
2001	100.0	0.2	4.5	1.9	4.6	32.9	5.2	27.7	2.7
2002	100.0	0.2	4.3	1.9	4.5	33.3	5.2	28.1	2.7
2003	100.0	0.2	4.1	1.8	4.4	33.4	5.1	28.3	2.7
2004	100.0	0.2	4.0	1.8	4.4	33.5	5.0	28.5	2.8
2005	100.0	0.2	3.9	1.7	4.3	33.5	4.9	28.6	2.8
2006	100.0	0.2	3.8	1.7	4.3	33.4	4.8	28.6	2.9
2007	100.0	0.2	3.7	1.6	4.3	33.4	4.8	28.6	2.9
2008	100.0	0.2	3.6	1.6	4.2	33.3	4.7	28.6	3.0
2009	100.0	0.2	3.6	1.5	4.2	33.1	4.6	28.5	3.1
2010	100.0	0.2	3.5	1.5	4.2	32.8	4.5	28.3	3.1
2011	100.0	0.2	3.5	1.5	4.2	32.3	4.3	28.0	3.1
2012	100.0	0.2	3.1	1.4	4.1	31.8	4.2	27.6	3.1
2013	100.0	0.2	3.3	1.4	4.0	31.4	4.1	27.3	3.1
2014	100.0	0.2	3.2	1.4	4.0	31.0	4.1	26.9	3.1
2015	100.0	0.2	3.1	1.4	3.9	30.6	4.0	26.6	3.1
2016	100.0	0.2	3.1	1.3	3.8	30.3	4.0	26.3	3.2
2017	100.0	0.2	3.0	1.3	3.8	30.0	4.0	26.0	3.2
2018	100.0	0.2	2.9	1.3	3.8	29.7	3.9	25.8	3.2
2019	100.0	0.2	2.8	1.2	3.7	29.4	3.9	25.5	3.3

(Continued)

Disabled Workers

Table 21.
Distribution, by diagnostic group, December 1996–2019—Continued

Year	Diseases of the—								Other	Unknown ^b
	Blood and blood-forming organs	Circulatory system	Digestive system	Genitourinary system	Musculoskeletal system and connective tissue	Nervous system and sense organs	Respiratory system	Skin and subcutaneous tissue		
	<i>Number</i>									
1996	10,539	517,503	54,585	65,425	906,882	404,618	152,217	10,818	85,115	204,769
1997	10,926	522,047	57,383	69,300	962,915	420,755	155,028	11,267	95,708	167,068
1998	11,349	526,573	61,541	74,888	1,024,053	441,016	159,869	11,826	110,377	130,169
1999	11,687	528,627	65,887	79,524	1,086,432	460,133	162,863	12,151	117,326	105,701
2000	12,070	532,998	69,735	84,687	1,152,231	479,246	166,054	12,351	113,167	82,651
2001	12,847	543,516	74,680	88,949	1,231,184	505,162	170,383	12,787	113,558	50,536
2002	13,708	558,736	80,396	93,645	1,324,762	533,774	176,941	13,429	9,447	142,104
2003	14,711	579,778	87,721	98,491	1,430,357	565,244	185,834	14,133	10,705	139,885
2004	15,596	600,144	94,566	103,427	1,540,566	596,369	194,592	14,963	12,038	136,658
2005	16,270	620,852	100,934	108,701	1,656,997	623,948	202,821	15,662	13,225	133,671
2006	17,080	635,807	106,714	114,079	1,765,058	649,336	208,991	16,343	14,384	130,812
2007	18,004	651,306	112,194	119,945	1,875,931	674,096	214,847	17,107	15,639	127,716
2008	18,867	668,281	118,111	126,491	2,005,325	702,772	221,138	17,776	17,104	123,290
2009	19,977	683,834	125,725	132,797	2,146,952	734,496	227,385	18,713	18,030	120,748
2010	21,384	707,291	134,467	140,128	2,316,896	770,551	237,621	19,896	19,537	120,394
2011	22,556	732,521	142,189	145,963	2,488,374	802,935	248,795	20,985	20,396	124,199
2012	23,382	744,939	147,472	150,260	2,634,473	823,134	254,415	21,814	20,758	126,234
2013	23,966	745,640	150,519	153,228	2,730,954	833,553	255,657	22,256	20,858	125,247
2014	24,052	739,812	150,811	155,527	2,790,456	836,949	254,811	22,344	20,739	122,347
2015	24,061	729,590	149,471	157,548	2,827,673	836,534	252,327	22,414	20,362	119,281
2016	23,606	716,119	146,645	158,911	2,842,133	831,232	248,896	22,251	19,806	115,971
2017	23,281	696,154	143,961	159,810	2,844,928	826,878	244,194	21,944	19,144	113,071
2018	23,012	675,110	140,199	159,735	2,833,436	818,033	237,345	21,630	18,349	110,095
2019	22,746	656,001	136,877	159,952	2,811,240	810,548	230,556	21,267	17,649	107,350

(Continued)

Table 21.
Distribution, by diagnostic group, December 1996–2019—Continued

Year	Diseases of the—								Other	Unknown ^b
	Blood and blood-forming organs	Circulatory system	Digestive system	Genitourinary system	Musculoskeletal system and connective tissue	Nervous system and sense organs	Respiratory system	Skin and subcutaneous tissue		
<i>Percent</i>										
1996	0.2	11.8	1.2	1.5	20.6	9.2	3.5	0.2	1.9	4.7
1997	0.2	11.6	1.3	1.5	21.4	9.3	3.4	0.2	2.1	3.7
1998	0.2	11.2	1.3	1.6	21.8	9.4	3.4	0.3	2.3	2.8
1999	0.2	10.8	1.4	1.6	22.3	9.4	3.3	0.2	2.4	2.2
2000	0.2	10.6	1.4	1.7	22.9	9.5	3.3	0.2	2.2	1.6
2001	0.2	10.3	1.4	1.7	23.4	9.6	3.2	0.2	2.2	1.0
2002	0.2	10.1	1.5	1.7	23.9	9.6	3.2	0.2	0.2	2.6
2003	0.3	9.9	1.5	1.7	24.4	9.6	3.2	0.2	0.2	2.4
2004	0.3	9.7	1.5	1.7	24.9	9.6	3.1	0.2	0.2	2.2
2005	0.2	9.5	1.5	1.7	25.4	9.6	3.1	0.2	0.2	2.1
2006	0.3	9.3	1.6	1.7	25.9	9.5	3.1	0.2	0.2	1.9
2007	0.3	9.2	1.6	1.7	26.4	9.5	3.0	0.2	0.2	1.8
2008	0.3	9.0	1.6	1.7	27.0	9.5	3.0	0.2	0.2	1.7
2009	0.3	8.8	1.6	1.7	27.6	9.4	2.9	0.2	0.2	1.6
2010	0.3	8.6	1.6	1.7	28.2	9.4	2.9	0.2	0.2	1.5
2011	0.3	8.5	1.7	1.7	29.0	9.4	2.9	0.2	0.2	1.4
2012	0.3	8.4	1.7	1.7	29.8	9.3	2.9	0.2	0.2	1.4
2013	0.3	8.3	1.7	1.7	30.5	9.3	2.9	0.2	0.2	1.4
2014	0.3	8.3	1.7	1.7	31.2	9.3	2.8	0.2	0.2	1.4
2015	0.3	8.2	1.7	1.8	31.7	9.4	2.8	0.3	0.2	1.3
2016	0.3	8.1	1.7	1.8	32.3	9.4	2.8	0.3	0.2	1.3
2017	0.3	8.0	1.7	1.8	32.7	9.5	2.8	0.3	0.2	1.3
2018	0.3	7.9	1.6	1.9	33.2	9.6	2.8	0.3	0.2	1.3
2019	0.3	7.8	1.6	1.9	33.6	9.7	2.8	0.3	0.2	1.3

SOURCES: Social Security Administration. From 1996 through 2000, Social Security Disability Insurance Beneficiaries, 100 percent data; beginning with 2001, Master Beneficiary Record, 100 percent data.

- a. AIDS and HIV records are counted in "Infectious and parasitic diseases." Before 1990, they were included in "Other."
- b. Beginning with 2002 data, several ill-defined impairment codes were reclassified and added to "Unknown."

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Disabled Workers

Table 22.
Distribution of workers under age 50, by diagnostic group, December 1996–2019

Year	Total	Congenital anomalies	Endocrine, nutritional, and metabolic diseases	Infectious and parasitic diseases ^a	Injuries	Mental disorders			Neoplasms
						Total	Intellectual disability	Other	
<i>Number</i>									
1996	1,917,424	4,782	76,546	63,819	110,910	865,928	164,041	701,887	41,232
1997	1,908,103	4,570	80,950	65,212	110,461	852,279	167,052	685,227	39,783
1998	1,949,052	4,503	85,500	66,208	111,266	874,231	170,694	703,537	40,638
1999	1,986,422	4,494	89,365	66,245	111,502	891,469	172,232	719,237	41,799
2000	2,012,615	4,619	80,869	65,695	110,125	912,048	174,759	737,289	42,656
2001	2,066,094	4,883	74,292	65,047	112,969	961,757	183,934	777,823	44,537
2002	2,132,996	5,290	69,229	64,075	113,785	1,005,189	190,646	814,543	45,994
2003	2,204,785	5,696	68,422	64,376	115,634	1,043,928	196,420	847,508	48,126
2004	2,259,463	6,157	66,669	63,593	116,155	1,077,329	201,594	875,735	49,957
2005	2,299,449	6,488	64,972	61,362	115,958	1,103,111	204,911	898,200	51,549
2006	2,318,436	6,807	63,507	58,890	115,158	1,117,060	207,080	909,980	52,699
2007	2,333,676	7,165	62,088	56,656	115,155	1,128,601	208,715	919,886	54,421
2008	2,368,220	7,608	61,921	54,748	114,868	1,150,632	210,464	940,168	55,891
2009	2,438,870	8,164	63,013	52,837	116,895	1,185,042	215,151	969,891	59,499
2010	2,513,127	8,661	64,715	51,324	117,624	1,219,632	216,408	1,003,224	61,822
2011	2,535,807	9,036	65,291	49,286	116,167	1,226,799	214,279	1,012,520	60,874
2012	2,527,619	9,337	65,154	46,119	113,522	1,216,500	210,200	1,006,300	59,968
2013	2,478,546	9,509	63,300	42,882	109,356	1,191,379	204,802	986,577	59,074
2014	2,383,493	9,516	60,039	38,975	102,931	1,151,219	199,036	952,183	56,670
2015	2,283,137	9,521	56,020	35,378	96,640	1,106,948	192,284	914,664	54,963
2016	2,173,238	9,431	51,936	31,777	90,722	1,056,224	184,489	871,735	52,589
2017	2,087,948	9,511	48,353	28,864	85,920	1,017,171	179,402	837,769	51,443
2018	1,992,577	9,535	44,775	25,278	81,477	969,663	171,958	797,705	49,683
2019	1,909,218	9,631	41,508	22,180	77,849	927,056	164,991	762,065	49,588

(Continued)

Table 22.
Distribution of workers under age 50, by diagnostic group, December 1996–2019—Continued

Year	Total	Congenital anomalies	Endocrine, nutritional, and metabolic diseases	Infectious and parasitic diseases ^a	Injuries	Mental disorders			Neoplasms
						Total	Intellectual disability	Other	
<i>Percent</i>									
1996	100.0	0.2	4.0	3.3	5.8	45.2	8.6	36.6	2.2
1997	100.0	0.2	4.2	3.4	5.8	44.7	8.8	35.9	2.1
1998	100.0	0.2	4.4	3.4	5.7	44.9	8.8	36.1	2.1
1999	100.0	0.2	4.5	3.3	5.6	44.9	8.7	36.2	2.1
2000	100.0	0.2	4.0	3.3	5.5	45.3	8.7	36.6	2.1
2001	100.0	0.2	3.6	3.1	5.5	46.5	8.9	37.6	2.2
2002	100.0	0.2	3.2	3.0	5.3	47.1	8.9	38.2	2.2
2003	100.0	0.3	3.1	2.9	5.2	47.3	8.9	38.4	2.2
2004	100.0	0.3	3.0	2.8	5.1	47.7	8.9	38.8	2.2
2005	100.0	0.3	2.8	2.7	5.0	48.0	8.9	39.1	2.2
2006	100.0	0.3	2.7	2.5	5.0	48.1	8.9	39.2	2.3
2007	100.0	0.3	2.7	2.4	4.9	48.4	8.9	39.4	2.3
2008	100.0	0.3	2.6	2.3	4.9	48.6	8.9	39.7	2.4
2009	100.0	0.3	2.6	2.2	4.8	48.6	8.8	39.8	2.4
2010	100.0	0.3	2.6	2.0	4.7	48.5	8.6	39.9	2.5
2011	100.0	0.4	2.6	1.9	4.6	48.4	8.5	39.9	2.4
2012	100.0	0.4	2.6	1.8	4.5	48.1	8.3	39.8	2.4
2013	100.0	0.4	2.6	1.7	4.4	48.1	8.3	39.8	2.4
2014	100.0	0.4	2.5	1.6	4.3	48.3	8.4	39.9	2.4
2015	100.0	0.4	2.5	1.5	4.2	48.5	8.4	40.1	2.4
2016	100.0	0.4	2.4	1.5	4.2	48.6	8.5	40.1	2.4
2017	100.0	0.5	2.3	1.4	4.1	48.7	8.6	40.1	2.5
2018	100.0	0.5	2.2	1.3	4.1	48.7	8.6	40.0	2.5
2019	100.0	0.5	2.2	1.2	4.1	48.6	8.6	39.9	2.6

(Continued)

Disabled Workers

Table 22.
Distribution of workers under age 50, by diagnostic group, December 1996–2019—Continued

Year	Diseases of the—								Other	Unknown ^b
	Blood and blood-forming organs	Circulatory system	Digestive system	Genitourinary system	Musculoskeletal system and connective tissue	Nervous system and sense organs	Respiratory system	Skin and subcutaneous tissue		
	<i>Number</i>									
1996	6,711	86,607	24,535	36,214	265,043	202,169	24,862	4,926	37,745	65,395
1997	6,809	85,953	25,428	37,896	271,682	204,222	24,750	5,140	43,124	49,844
1998	6,991	84,674	27,219	39,949	284,291	208,607	25,822	5,314	50,140	33,699
1999	7,103	83,736	29,109	41,571	297,185	211,731	26,226	5,467	51,848	27,572
2000	7,245	84,362	30,357	43,333	309,327	215,744	26,718	5,785	53,437	20,595
2001	7,646	85,819	31,789	44,628	322,713	221,321	27,472	5,613	44,428	11,180
2002	8,072	87,860	33,120	45,957	340,244	228,658	28,441	5,843	4,060	47,179
2003	8,513	90,085	34,722	47,143	355,306	235,860	29,996	5,966	4,496	46,516
2004	8,855	91,227	35,859	48,231	367,251	242,252	30,883	6,231	4,951	43,863
2005	8,999	92,683	36,121	49,339	378,930	246,069	31,531	6,349	5,276	40,712
2006	9,264	92,508	36,255	50,597	386,593	248,139	31,659	6,361	5,544	37,395
2007	9,526	92,931	36,080	51,815	391,503	249,680	31,626	6,407	5,892	34,130
2008	9,880	93,620	36,347	53,373	401,511	252,840	31,794	6,529	6,248	30,410
2009	10,413	96,202	37,507	55,338	418,642	260,661	32,624	6,824	6,468	28,741
2010	11,025	99,263	39,145	57,224	437,857	268,700	33,681	7,189	6,842	28,423
2011	11,431	100,456	39,964	57,638	447,212	272,756	34,116	7,489	6,821	30,471
2012	11,676	100,198	40,225	57,942	452,004	274,493	33,517	7,624	6,721	32,619
2013	11,814	97,826	40,003	57,826	443,945	272,073	31,906	7,677	6,435	33,541
2014	11,631	93,391	38,776	57,340	422,698	263,611	29,997	7,518	6,101	33,080
2015	11,367	89,627	37,459	56,932	399,018	255,967	27,752	7,393	5,665	32,487
2016	10,881	85,510	35,858	56,010	374,719	247,727	25,698	7,187	5,280	31,689
2017	10,590	81,664	34,790	55,352	354,712	242,417	24,082	6,985	4,865	31,229
2018	10,315	77,927	33,559	54,252	336,033	235,630	22,472	6,818	4,505	30,655
2019	10,083	75,550	32,856	53,429	317,682	230,127	20,995	6,684	4,167	29,833

(Continued)

Table 22.
Distribution of workers under age 50, by diagnostic group, December 1996–2019—Continued

Year	Diseases of the—								Other	Unknown ^b
	Blood and blood-forming organs	Circulatory system	Digestive system	Genitourinary system	Musculoskeletal system and connective tissue	Nervous system and sense organs	Respiratory system	Skin and subcutaneous tissue		
<i>Percent</i>										
1996	0.4	4.5	1.3	1.9	13.8	10.5	1.3	0.3	2.0	3.4
1997	0.4	4.5	1.3	2.0	14.2	10.7	1.3	0.3	2.3	2.6
1998	0.4	4.3	1.4	2.0	14.6	10.7	1.3	0.3	2.6	1.7
1999	0.4	4.2	1.5	2.1	15.0	10.7	1.3	0.3	2.6	1.4
2000	0.4	4.2	1.5	2.2	15.4	10.7	1.3	0.3	2.7	1.0
2001	0.4	4.2	1.5	2.2	15.6	10.7	1.3	0.3	2.2	0.5
2002	0.4	4.1	1.6	2.2	16.0	10.7	1.3	0.3	0.2	2.2
2003	0.4	4.1	1.6	2.1	16.1	10.7	1.4	0.3	0.2	2.1
2004	0.4	4.0	1.6	2.1	16.3	10.7	1.4	0.3	0.2	1.9
2005	0.4	4.0	1.6	2.1	16.5	10.7	1.4	0.3	0.2	1.8
2006	0.4	4.0	1.6	2.2	16.7	10.7	1.4	0.3	0.2	1.6
2007	0.4	4.0	1.5	2.2	16.8	10.7	1.4	0.3	0.3	1.5
2008	0.4	4.0	1.5	2.3	17.0	10.7	1.3	0.3	0.3	1.3
2009	0.4	3.9	1.5	2.3	17.2	10.7	1.3	0.3	0.3	1.2
2010	0.4	3.9	1.6	2.3	17.4	10.7	1.3	0.3	0.3	1.1
2011	0.5	4.0	1.6	2.3	17.6	10.8	1.3	0.3	0.3	1.2
2012	0.5	4.0	1.6	2.3	17.9	10.9	1.3	0.3	0.3	1.3
2013	0.5	3.9	1.6	2.3	17.9	11.0	1.3	0.3	0.3	1.4
2014	0.5	3.9	1.6	2.4	17.7	11.1	1.3	0.3	0.3	1.4
2015	0.5	3.9	1.6	2.5	17.5	11.2	1.2	0.3	0.2	1.4
2016	0.5	3.9	1.6	2.6	17.2	11.4	1.2	0.3	0.2	1.5
2017	0.5	3.9	1.7	2.7	17.0	11.6	1.2	0.3	0.2	1.5
2018	0.5	3.9	1.7	2.7	16.9	11.8	1.1	0.3	0.2	1.5
2019	0.5	4.0	1.7	2.8	16.6	12.1	1.1	0.4	0.2	1.6

SOURCES: Social Security Administration. From 1996 through 2000, Social Security Disability Insurance Beneficiaries, 100 percent data; beginning with 2001, Master Beneficiary Record, 100 percent data.

a. AIDS and HIV records are counted in "Infectious and parasitic diseases." Before 1990, they were included in "Other."

b. Beginning with 2002 data, several ill-defined impairment codes were reclassified and added to "Unknown."

CONTACT: (410) 965-0090 or statistics@ssa.gov.

Disabled Workers

Table 23.
Distribution of workers aged 50 or older, by diagnostic group, December 1996–2019

Year	Total	Congenital anomalies	Endocrine, nutritional, and metabolic diseases	Infectious and parasitic diseases ^a	Injuries	Mental disorders			Neoplasms
						Total	Intellectual disability	Other	
<i>Number</i>									
1996	2,482,508	4,241	120,726	23,247	102,862	490,382	64,090	426,292	82,786
1997	2,600,303	4,243	134,236	24,963	107,421	528,899	68,078	460,821	82,992
1998	2,749,508	4,216	148,224	27,568	113,122	584,887	73,051	511,836	86,536
1999	2,893,032	4,052	162,633	29,887	117,298	640,686	77,639	563,047	89,693
2000	3,029,718	3,921	163,587	32,224	120,941	697,278	82,842	614,436	93,748
2001	3,201,945	3,869	165,322	35,395	127,979	770,129	89,915	680,214	98,258
2002	3,406,601	3,936	167,791	38,514	134,759	839,949	95,564	744,385	104,144
2003	3,663,756	4,054	174,095	42,391	144,938	917,162	102,080	815,082	112,860
2004	3,937,922	4,235	180,890	46,585	155,471	998,538	108,646	889,892	122,887
2005	4,219,552	4,513	187,961	50,565	165,870	1,080,071	115,653	964,418	133,500
2006	4,488,482	4,737	194,803	54,520	177,003	1,159,754	122,460	1,037,294	143,376
2007	4,765,047	4,983	201,636	58,649	188,382	1,240,083	129,357	1,110,726	154,119
2008	5,058,471	5,193	208,873	63,534	200,497	1,318,791	136,503	1,182,288	164,980
2009	5,349,143	5,450	215,552	66,916	213,813	1,394,085	143,586	1,250,499	178,090
2010	5,690,824	5,770	223,431	71,087	227,685	1,472,007	149,549	1,322,458	192,028
2011	6,039,737	6,163	230,916	76,336	240,033	1,542,129	154,814	1,387,315	203,601
2012	6,298,972	6,390	234,280	79,925	248,477	1,588,702	158,621	1,430,081	211,336
2013	6,462,404	6,465	233,324	82,746	251,723	1,612,380	161,333	1,451,047	216,934
2014	6,571,025	6,618	230,128	84,883	252,683	1,622,295	163,641	1,458,654	220,713
2015	6,626,293	6,719	224,260	85,592	250,590	1,620,095	164,935	1,455,160	223,443
2016	6,635,498	6,820	217,129	85,426	247,050	1,609,120	165,048	1,444,072	224,942
2017	6,607,527	6,897	208,323	84,441	244,493	1,591,232	164,262	1,426,970	225,462
2018	6,544,755	6,967	198,814	82,530	240,511	1,566,906	162,824	1,404,082	224,249
2019	6,469,156	6,969	189,244	80,128	235,942	1,538,969	160,886	1,378,083	225,124

(Continued)

Table 23.
Distribution of workers aged 50 or older, by diagnostic group, December 1996–2019—Continued

Year	Total	Congenital anomalies	Endocrine, nutritional, and metabolic diseases	Infectious and parasitic diseases ^a	Injuries	Mental disorders			Neoplasms
						Total	Intellectual disability	Other	
<i>Percent</i>									
1996	100.0	0.2	4.9	0.9	4.1	19.8	2.6	17.2	3.3
1997	100.0	0.2	5.2	1.0	4.1	20.3	2.6	17.7	3.2
1998	100.0	0.2	5.4	1.0	4.1	21.3	2.7	18.6	3.1
1999	100.0	0.1	5.6	1.0	4.1	22.2	2.7	19.5	3.1
2000	100.0	0.1	5.4	1.1	4.0	23.0	2.7	20.3	3.1
2001	100.0	0.1	5.2	1.1	4.0	24.0	2.8	21.2	3.1
2002	100.0	0.1	4.9	1.1	4.0	24.7	2.8	21.9	3.1
2003	100.0	0.1	4.8	1.2	4.0	25.0	2.8	22.2	3.1
2004	100.0	0.1	4.6	1.2	3.9	25.4	2.8	22.6	3.1
2005	100.0	0.1	4.5	1.2	3.9	25.6	2.7	22.9	3.2
2006	100.0	0.1	4.3	1.2	3.9	25.8	2.7	23.1	3.2
2007	100.0	0.1	4.2	1.2	4.0	26.0	2.7	23.3	3.2
2008	100.0	0.1	4.1	1.3	4.0	26.1	2.7	23.4	3.3
2009	100.0	0.1	4.0	1.3	4.0	26.1	2.7	23.4	3.3
2010	100.0	0.1	3.9	1.2	4.0	25.9	2.6	23.2	3.4
2011	100.0	0.1	3.8	1.3	4.0	25.5	2.6	23.0	3.4
2012	100.0	0.1	3.7	1.3	3.9	25.2	2.5	22.7	3.4
2013	100.0	0.1	3.6	1.3	3.9	25.0	2.5	22.5	3.4
2014	100.0	0.1	3.5	1.3	3.8	24.7	2.5	22.2	3.4
2015	100.0	0.1	3.4	1.3	3.8	24.4	2.5	22.0	3.4
2016	100.0	0.1	3.3	1.3	3.7	24.3	2.5	21.8	3.4
2017	100.0	0.1	3.2	1.3	3.7	24.1	2.5	21.6	3.4
2018	100.0	0.1	3.0	1.3	3.7	23.9	2.5	21.5	3.4
2019	100.0	0.1	2.9	1.2	3.6	23.8	2.5	21.3	3.5

(Continued)

Disabled Workers

Table 23.
Distribution of workers aged 50 or older, by diagnostic group, December 1996–2019—Continued

Year	Diseases of the—								Other	Unknown ^b
	Blood and blood-forming organs	Circulatory system	Digestive system	Genitourinary system	Musculoskeletal system and connective tissue	Nervous system and sense organs	Respiratory system	Skin and subcutaneous tissue		
	<i>Number</i>									
1996	3,828	430,896	30,050	29,211	641,839	202,449	127,355	5,892	47,370	139,374
1997	4,117	436,094	31,955	31,404	691,233	216,533	130,278	6,127	52,584	117,224
1998	4,358	441,899	34,322	34,939	739,762	232,409	134,047	6,512	60,237	96,470
1999	4,584	444,891	36,778	37,953	789,247	248,402	136,637	6,684	65,478	78,129
2000	4,825	448,636	39,378	41,354	842,904	263,502	139,336	6,866	69,162	62,056
2001	5,201	457,697	42,891	44,321	908,471	283,841	142,911	7,174	69,130	39,356
2002	5,636	470,876	47,276	47,688	984,518	305,116	148,500	7,586	5,387	94,925
2003	6,198	489,693	52,999	51,348	1,075,051	329,384	155,838	8,167	6,209	93,369
2004	6,741	508,917	58,707	55,196	1,173,315	354,117	163,709	8,732	7,087	92,795
2005	7,271	528,169	64,813	59,362	1,278,067	377,879	171,290	9,313	7,949	92,959
2006	7,816	543,299	70,459	63,482	1,378,465	401,197	177,332	9,982	8,840	93,417
2007	8,478	558,375	76,114	68,130	1,484,428	424,416	183,221	10,700	9,747	93,586
2008	8,987	574,661	81,764	73,118	1,603,814	449,932	189,344	11,247	10,856	92,880
2009	9,564	587,632	88,218	77,459	1,728,310	473,835	194,761	11,889	11,562	92,007
2010	10,359	608,028	95,322	82,904	1,879,039	501,851	203,940	12,707	12,695	91,971
2011	11,125	632,065	102,225	88,325	2,041,162	530,179	214,679	13,496	13,575	93,728
2012	11,706	644,741	107,247	92,318	2,182,469	548,641	220,898	14,190	14,037	93,615
2013	12,152	647,814	110,516	95,402	2,287,009	561,480	223,751	14,579	14,423	91,706
2014	12,421	646,421	112,035	98,187	2,367,758	573,338	224,814	14,826	14,638	89,267
2015	12,694	639,963	112,012	100,616	2,428,655	580,567	224,575	15,021	14,697	86,794
2016	12,725	630,609	110,787	102,901	2,467,414	583,505	223,198	15,064	14,526	84,282
2017	12,691	614,490	109,171	104,458	2,490,216	584,461	220,112	14,959	14,279	81,842
2018	12,697	597,183	106,640	105,483	2,497,403	582,403	214,873	14,812	13,844	79,440
2019	12,663	580,451	104,021	106,523	2,493,558	580,421	209,561	14,583	13,482	77,517

(Continued)

Table 23.
Distribution of workers aged 50 or older, by diagnostic group, December 1996–2019—Continued

Year	Diseases of the—								Other	Unknown ^b
	Blood and blood-forming organs	Circulatory system	Digestive system	Genitourinary system	Musculoskeletal system and connective tissue	Nervous system and sense organs	Respiratory system	Skin and subcutaneous tissue		
	<i>Percent</i>									
1996	0.2	17.4	1.2	1.2	25.9	8.2	5.1	0.2	1.9	5.6
1997	0.2	16.8	1.2	1.2	26.6	8.3	5.0	0.2	2.0	4.5
1998	0.2	16.1	1.2	1.3	26.9	8.5	4.9	0.2	2.2	3.5
1999	0.2	15.4	1.3	1.3	27.3	8.6	4.7	0.2	2.3	2.7
2000	0.2	14.8	1.3	1.4	27.8	8.7	4.6	0.2	2.3	2.0
2001	0.2	14.3	1.3	1.4	28.4	8.9	4.5	0.2	2.2	1.2
2002	0.2	13.8	1.4	1.4	28.9	9.0	4.4	0.2	0.2	2.8
2003	0.2	13.4	1.4	1.4	29.3	9.0	4.3	0.2	0.2	2.5
2004	0.2	12.9	1.5	1.4	29.8	9.0	4.2	0.2	0.2	2.4
2005	0.2	12.5	1.5	1.4	30.3	9.0	4.1	0.2	0.2	2.2
2006	0.2	12.1	1.6	1.4	30.7	8.9	4.0	0.2	0.2	2.1
2007	0.2	11.7	1.6	1.4	31.2	8.9	3.8	0.2	0.2	2.0
2008	0.2	11.4	1.6	1.4	31.7	8.9	3.7	0.2	0.2	1.8
2009	0.2	11.0	1.6	1.4	32.3	8.9	3.6	0.2	0.2	1.7
2010	0.2	10.7	1.7	1.5	33.0	8.8	3.6	0.2	0.2	1.6
2011	0.2	10.5	1.7	1.5	33.8	8.8	3.6	0.2	0.2	1.6
2012	0.2	10.2	1.7	1.5	34.6	8.7	3.5	0.2	0.2	1.5
2013	0.2	10.0	1.7	1.5	35.4	8.7	3.5	0.2	0.2	1.4
2014	0.2	9.8	1.7	1.5	36.0	8.7	3.4	0.2	0.2	1.4
2015	0.2	9.7	1.7	1.5	36.7	8.8	3.4	0.2	0.2	1.3
2016	0.2	9.5	1.7	1.6	37.2	8.8	3.4	0.2	0.2	1.3
2017	0.2	9.3	1.7	1.6	37.7	8.8	3.3	0.2	0.2	1.2
2018	0.2	9.1	1.6	1.6	38.2	8.9	3.3	0.2	0.2	1.2
2019	0.2	9.0	1.6	1.6	38.5	9.0	3.2	0.2	0.2	1.2

SOURCES: Social Security Administration. From 1996 through 2000, Social Security Disability Insurance Beneficiaries, 100 percent data; beginning with 2001, Master Beneficiary Record, 100 percent data.

a. AIDS and HIV records are counted in "Infectious and parasitic diseases." Before 1990, they were included in "Other."

b. Beginning with 2002, several ill-defined impairment codes were reclassified and added to "Unknown."

CONTACT: (410) 965-0090 or statistics@ssa.gov.

Disabled Workers

Table 24.
Distribution, by diagnostic group and age, December 2019

Diagnostic group	Total	Under 30	30–39	40–49	50–59	60–FRA
	<i>Number</i>					
Total	8,378,374	127,180	559,583	1,222,455	3,202,678	3,266,478
Congenital anomalies	16,600	1,594	4,035	4,002	4,254	2,715
Endocrine, nutritional, and metabolic diseases	230,752	1,590	9,592	30,326	91,198	98,046
Infectious and parasitic diseases	102,308	860	5,485	15,835	47,304	32,824
Injuries	313,791	5,945	24,028	47,876	119,884	116,058
Mental disorders						
Autistic disorders	25,877	9,922	9,447	3,449	2,176	883
Developmental disorders	9,293	1,388	2,580	2,067	2,148	1,110
Childhood and adolescent disorders not elsewhere classified	8,790	1,702	2,692	1,863	1,653	880
Intellectual disability	325,877	22,010	64,247	78,734	101,899	58,987
Mood disorders	1,125,220	16,023	100,637	232,731	443,560	332,269
Organic mental disorders	255,879	5,114	22,709	41,566	95,885	90,605
Schizophrenic and other psychotic disorders	370,693	16,072	58,347	84,104	124,590	87,580
Other	344,396	8,675	55,260	85,717	121,285	73,459
Neoplasms	274,712	4,157	13,127	32,304	103,343	121,781
Diseases of the—						
Blood and blood-forming organs	22,746	1,683	3,814	4,586	6,833	5,830
Circulatory system	656,001	2,396	15,703	57,451	249,054	331,397
Digestive system	136,877	1,631	9,480	21,745	52,673	51,348
Genitourinary system	159,952	3,550	15,575	34,304	61,332	45,191
Musculoskeletal system and connective tissue	2,811,240	4,832	56,753	256,097	1,124,047	1,369,511
Nervous system and sense organs	810,548	14,204	68,962	146,961	307,324	273,097
Respiratory system	230,556	640	4,076	16,279	87,801	121,760
Skin and subcutaneous tissue	21,267	513	2,149	4,022	7,889	6,694
Other	17,649	284	1,131	2,752	6,943	6,539
Unknown	107,350	2,395	9,754	17,684	39,603	37,914

(Continued)

Table 24.
Distribution, by diagnostic group and age, December 2019—Continued

Diagnostic group	Total	Under 30	30–39	40–49	50–59	60–FRA
	<i>Percent</i>					
Total	100.0	100.0	100.0	100.0	100.0	100.0
Congenital anomalies	0.2	1.3	0.7	0.3	0.1	0.1
Endocrine, nutritional, and metabolic diseases	2.8	1.3	1.7	2.5	2.8	3.0
Infectious and parasitic diseases	1.2	0.7	1.0	1.3	1.5	1.0
Injuries	3.7	4.7	4.3	3.9	3.7	3.6
Mental disorders						
Autistic disorders	0.3	7.8	1.7	0.3	0.1	(L)
Developmental disorders	0.1	1.1	0.5	0.2	0.1	(L)
Childhood and adolescent disorders not elsewhere classified	0.1	1.3	0.5	0.2	0.1	(L)
Intellectual disability	3.9	17.3	11.5	6.4	3.2	1.8
Mood disorders	13.4	12.6	18.0	19.0	13.8	10.2
Organic mental disorders	3.1	4.0	4.1	3.4	3.0	2.8
Schizophrenic and other psychotic disorders	4.4	12.6	10.4	6.9	3.9	2.7
Other	4.1	6.8	9.9	7.0	3.8	2.2
Neoplasms	3.3	3.3	2.3	2.6	3.2	3.7
Diseases of the—						
Blood and blood-forming organs	0.3	1.3	0.7	0.4	0.2	0.2
Circulatory system	7.8	1.9	2.8	4.7	7.8	10.1
Digestive system	1.6	1.3	1.7	1.8	1.6	1.6
Genitourinary system	1.9	2.8	2.8	2.8	1.9	1.4
Musculoskeletal system and connective tissue	33.6	3.8	10.1	20.9	35.1	41.9
Nervous system and sense organs	9.7	11.2	12.3	12.0	9.6	8.4
Respiratory system	2.8	0.5	0.7	1.3	2.7	3.7
Skin and subcutaneous tissue	0.3	0.4	0.4	0.3	0.2	0.2
Other	0.2	0.2	0.2	0.2	0.2	0.2
Unknown	1.3	1.9	1.7	1.4	1.2	1.2

SOURCE: Social Security Administration, Master Beneficiary Record, 100 percent data.

NOTES: FRA = full retirement age; (L) = less than 0.05 percent.

CONTACT: (410) 965-0090 or statistics@ssa.gov.

Disabled Workers

Table 25.

Distribution of workers with a secondary benefit (dual entitlement), by worker's smaller primary insurance amount and sex, December 2019

Primary insurance amount (dollars)	Total		Men		Women	
	Number	Percent	Number	Percent	Number	Percent
All disabled workers	331,601	100.0	89,806	100.0	241,795	100.0
Less than 300.00	19,515	5.9	8,474	9.4	11,041	4.6
300.00–399.90	27,769	8.4	11,872	13.2	15,897	6.6
400.00–499.90	30,269	9.1	11,970	13.3	18,299	7.6
500.00–599.90	27,550	8.3	9,955	11.1	17,595	7.3
600.00–699.90	31,758	9.6	11,471	12.8	20,287	8.4
700.00–799.90	37,137	11.2	11,727	13.1	25,410	10.5
800.00–899.90	42,509	12.8	9,461	10.5	33,048	13.7
900.00–999.90	32,665	9.9	5,313	5.9	27,352	11.3
1,000.00–1,099.90	23,863	7.2	2,959	3.3	20,904	8.6
1,100.00 or more	58,566	17.7	6,604	7.4	51,962	21.5
Average amount (dollars)	797.05		655.04		849.79	

SOURCE: Social Security Administration, Master Beneficiary Record, 100 percent data.

CONTACT: (410) 965-0090 or statistics@ssa.gov.

Table 26.
Distribution of workers with a secondary benefit (dual entitlement), by type of secondary benefit and sex, December 2019

Type of secondary benefit	Total		Men		Women	
	Number	Percent	Number	Percent	Number	Percent
All disabled workers	331,601	100.0	89,806	100.0	241,795	100.0
Spouses	29,276	8.8	733	0.8	28,543	11.8
Widow(er)s	43,859	13.2	2,998	3.3	40,861	16.9
Disabled widow(er)s	128,340	38.7	8,781	9.8	119,559	49.4
Surviving mothers and fathers and dependent parents	2,165	0.7	143	0.2	2,022	0.8
Disabled adult children	127,961	38.6	77,151	85.9	50,810	21.0

SOURCE: Social Security Administration, Master Beneficiary Record, 100 percent data.

CONTACT: (410) 965-0090 or statistics@ssa.gov.

Disabled Workers

Table 27.
Number, by sex, state or other area, and age, December 2019

State or area	Total	Under 35	35–39	40–44	45–49	50–54	55–59	60–FRA
<i>All disabled workers</i>								
All areas	8,378,374	331,747	355,016	495,208	727,247	1,162,202	2,040,476	3,266,478
Alabama	219,981	6,775	8,814	13,249	21,296	31,849	53,601	84,397
Alaska	11,583	790	659	788	911	1,454	2,618	4,363
Arizona	149,523	5,516	6,154	8,852	12,787	20,147	35,714	60,353
Arkansas	132,680	4,502	5,889	8,609	12,853	19,011	32,793	49,023
California	618,003	23,349	25,250	32,678	46,100	79,218	148,841	262,567
Colorado	96,445	4,243	4,853	6,315	8,370	12,351	22,542	37,771
Connecticut	78,473	3,976	3,392	4,598	6,479	11,462	19,354	29,212
Delaware	26,574	967	967	1,338	1,953	3,696	6,939	10,714
District of Columbia	13,422	849	615	757	1,062	1,739	3,356	5,044
Florida	544,910	18,462	20,475	28,420	43,819	74,008	137,370	222,356
Georgia	276,354	9,320	11,054	15,930	24,897	39,765	68,475	106,913
Hawaii	20,572	768	894	1,273	1,822	2,817	4,800	8,198
Idaho	43,495	2,179	2,230	3,054	3,897	5,596	9,855	16,684
Illinois	269,014	11,988	11,339	15,916	22,744	35,405	64,843	106,779
Indiana	198,695	7,138	8,326	12,302	18,446	27,366	48,574	76,543
Iowa	76,483	4,277	3,530	4,861	6,453	9,937	18,302	29,123
Kansas	70,426	3,441	3,488	4,594	5,978	8,998	16,848	27,079
Kentucky	191,326	5,392	6,970	11,434	17,878	28,059	47,899	73,694
Louisiana	152,643	6,784	7,032	9,347	13,035	21,618	37,287	57,540
Maine	54,497	2,385	2,860	3,905	5,535	8,003	12,865	18,944
Maryland	124,843	6,720	6,076	7,061	9,985	17,288	30,723	46,990
Massachusetts	188,851	10,270	9,989	12,706	17,427	28,176	44,501	65,782
Michigan	329,376	11,910	13,563	19,954	29,514	45,265	79,341	129,829
Minnesota	118,405	7,380	6,554	7,943	9,971	15,115	27,352	44,090
Mississippi	122,113	3,339	4,644	7,199	11,327	17,729	30,000	47,875
Missouri	205,935	8,680	8,612	12,294	17,724	27,682	50,900	80,043
Montana	26,058	1,321	1,285	1,551	2,145	3,165	6,075	10,516
Nebraska	40,417	2,371	2,162	2,519	3,653	5,384	9,486	14,842
Nevada	63,167	2,305	2,548	3,415	5,327	8,556	15,333	25,683
New Hampshire	46,341	3,081	2,842	3,275	4,468	6,833	10,602	15,240
New Jersey	186,881	7,211	7,113	9,647	14,733	26,574	47,438	74,165
New Mexico	63,154	2,649	3,206	4,210	5,725	8,823	15,209	23,332
New York	477,552	17,243	18,791	26,322	39,361	70,667	120,926	184,242
North Carolina	311,730	9,917	11,359	17,421	27,783	44,950	77,988	122,312
North Dakota	14,046	1,025	747	918	1,194	1,743	3,182	5,237
Ohio	338,599	15,643	15,521	21,239	29,799	45,380	80,575	130,442
Oklahoma	123,472	4,967	5,572	7,764	11,262	16,864	29,957	47,086
Oregon	102,966	4,412	4,801	6,332	8,743	13,282	23,623	41,773
Pennsylvania	390,626	15,651	16,367	22,594	33,590	55,865	95,543	151,016
Rhode Island	35,441	1,670	1,676	2,097	3,168	5,194	8,451	13,185
South Carolina	171,174	4,842	5,888	9,250	15,196	24,588	43,164	68,246
South Dakota	18,335	1,161	943	1,235	1,599	2,255	4,174	6,968
Tennessee	237,006	6,996	8,856	14,398	22,871	35,626	58,868	89,391
Texas	544,477	25,263	25,754	34,296	48,669	73,260	128,296	208,939
Utah	45,483	2,770	2,648	3,738	4,333	5,643	9,964	16,387

(Continued)

Table 27.
Number, by sex, state or other area, and age, December 2019—Continued

State or area	Total	Under 35	35–39	40–44	45–49	50–54	55–59	60–FRA
<i>All disabled workers (cont.)</i>								
Vermont	21,232	1,399	1,256	1,476	1,993	3,002	4,913	7,193
Virginia	203,630	8,900	8,697	11,994	17,520	28,742	49,611	78,166
Washington	165,880	7,207	8,160	10,512	14,262	21,458	38,886	65,395
West Virginia	83,775	1,888	2,849	4,860	7,690	11,923	20,196	34,369
Wisconsin	156,887	8,573	7,615	9,930	13,753	20,894	37,740	58,382
Wyoming	13,173	694	701	826	1,111	1,636	3,039	5,166
Outlying areas								
American Samoa	1,312	22	31	54	83	227	377	518
Guam	1,587	43	67	106	170	272	384	545
Northern Mariana Islands	258	25	11	14	37	48	55	68
Puerto Rico	148,218	947	3,003	7,360	13,906	24,103	38,071	60,828
U.S. Virgin Islands	1,469	36	57	76	123	214	369	594
Foreign countries	9,343	114	260	402	716	1,270	2,272	4,309
Unknown	63	1	1	0	1	7	16	37
<i>Men</i>								
All areas	4,231,238	186,441	185,204	244,382	352,662	573,453	1,016,972	1,672,124
Alabama	106,842	3,688	4,497	6,408	10,068	15,303	25,691	41,187
Alaska	6,464	494	381	449	483	781	1,450	2,426
Arizona	75,977	3,307	3,383	4,456	6,258	10,033	17,938	30,602
Arkansas	66,515	2,417	3,097	4,322	6,297	9,358	16,262	24,762
California	326,431	14,162	14,279	17,218	23,448	41,343	77,415	138,566
Colorado	49,104	2,488	2,682	3,249	4,167	6,025	11,134	19,359
Connecticut	38,858	2,287	1,784	2,202	2,952	5,442	9,488	14,703
Delaware	12,758	574	478	639	888	1,743	3,222	5,214
District of Columbia	6,507	409	313	353	480	827	1,647	2,478
Florida	274,484	10,600	10,832	14,152	21,348	36,302	68,256	112,994
Georgia	134,145	5,191	5,660	7,643	11,832	19,093	32,867	51,859
Hawaii	11,502	468	543	696	997	1,558	2,696	4,544
Idaho	22,280	1,259	1,165	1,515	1,964	2,774	4,888	8,715
Illinois	134,728	6,580	5,635	7,582	10,780	17,279	32,258	54,614
Indiana	98,415	3,946	4,173	5,988	8,646	13,170	23,688	38,804
Iowa	38,822	2,412	1,938	2,350	3,129	4,840	9,104	15,049
Kansas	34,574	1,925	1,799	2,229	2,771	4,312	8,131	13,407
Kentucky	101,469	3,037	3,716	6,008	9,417	14,811	24,895	39,585
Louisiana	82,183	3,722	3,775	4,738	6,757	11,232	20,030	31,929
Maine	28,671	1,341	1,479	2,005	2,850	4,106	6,721	10,169
Maryland	60,098	3,684	3,144	3,360	4,408	8,075	14,448	22,979
Massachusetts	93,758	5,436	4,946	6,007	8,091	13,589	22,053	33,636
Michigan	161,932	6,369	6,775	9,400	13,827	21,511	38,778	65,272
Minnesota	59,526	4,090	3,236	3,793	4,734	7,265	13,552	22,856
Mississippi	60,606	1,764	2,378	3,530	5,381	8,694	14,791	24,068
Missouri	103,742	4,875	4,446	6,115	8,582	13,565	25,369	40,790
Montana	13,702	759	739	809	1,066	1,616	3,179	5,534
Nebraska	19,733	1,344	1,083	1,225	1,688	2,544	4,526	7,323
Nevada	32,313	1,330	1,360	1,767	2,559	4,316	7,763	13,218
New Hampshire	21,816	1,467	1,306	1,433	1,978	3,117	4,960	7,555

(Continued)

Disabled Workers

Table 27.
Number, by sex, state or other area, and age, December 2019—Continued

State or area	Total	Under 35	35–39	40–44	45–49	50–54	55–59	60–FRA
<i>Men (cont.)</i>								
New Jersey	92,094	4,088	3,562	4,497	6,724	12,592	23,275	37,356
New Mexico	32,956	1,530	1,772	2,185	2,884	4,468	7,917	12,200
New York	239,915	9,347	9,123	12,628	18,835	34,771	60,505	94,706
North Carolina	150,772	5,619	5,963	8,423	13,142	21,433	37,156	59,036
North Dakota	7,291	605	412	472	599	864	1,575	2,764
Ohio	172,282	8,809	8,110	10,510	14,663	22,486	40,297	67,407
Oklahoma	62,080	2,808	2,915	3,845	5,415	8,297	14,743	24,057
Oregon	53,224	2,688	2,704	3,254	4,341	6,784	11,861	21,592
Pennsylvania	196,176	8,479	8,134	10,595	15,968	27,133	47,467	78,400
Rhode Island	17,172	902	819	984	1,486	2,454	4,018	6,509
South Carolina	83,088	2,750	3,128	4,539	7,299	11,843	20,498	33,031
South Dakota	9,280	664	505	576	774	1,087	2,063	3,611
Tennessee	116,157	3,847	4,586	7,042	10,860	17,182	28,265	44,375
Texas	278,765	14,511	13,730	17,273	23,872	36,755	64,550	108,074
Utah	22,945	1,581	1,422	1,827	2,077	2,707	4,945	8,386
Vermont	10,910	790	619	757	995	1,494	2,482	3,773
Virginia	99,888	4,803	4,378	5,605	8,124	13,764	24,182	39,032
Washington	84,674	4,122	4,385	5,307	7,059	10,726	19,473	33,602
West Virginia	48,187	1,124	1,624	2,711	4,363	6,753	11,348	20,264
Wisconsin	77,223	4,719	3,672	4,494	6,274	9,874	18,384	29,806
Wyoming	6,983	410	400	439	542	824	1,556	2,812
Outlying areas								
American Samoa	811	18	26	38	59	151	217	302
Guam	1,067	33	48	76	113	178	267	352
Northern Mariana Islands	173	17	7	10	26	36	34	43
Puerto Rico	81,848	656	1,921	4,342	7,793	13,205	20,883	33,048
U.S. Virgin Islands	716	23	34	41	63	85	170	300
Foreign countries	6,563	72	182	271	465	879	1,630	3,064
Unknown	43	1	1	0	1	4	11	25
<i>Women</i>								
All areas	4,147,136	145,306	169,812	250,826	374,585	588,749	1,023,504	1,594,354
Alabama	113,139	3,087	4,317	6,841	11,228	16,546	27,910	43,210
Alaska	5,119	296	278	339	428	673	1,168	1,937
Arizona	73,546	2,209	2,771	4,396	6,529	10,114	17,776	29,751
Arkansas	66,165	2,085	2,792	4,287	6,556	9,653	16,531	24,261
California	291,572	9,187	10,971	15,460	22,652	37,875	71,426	124,001
Colorado	47,341	1,755	2,171	3,066	4,203	6,326	11,408	18,412
Connecticut	39,615	1,689	1,608	2,396	3,527	6,020	9,866	14,509
Delaware	13,816	393	489	699	1,065	1,953	3,717	5,500
District of Columbia	6,915	440	302	404	582	912	1,709	2,566
Florida	270,426	7,862	9,643	14,268	22,471	37,706	69,114	109,362
Georgia	142,209	4,129	5,394	8,287	13,065	20,672	35,608	55,054
Hawaii	9,070	300	351	577	825	1,259	2,104	3,654
Idaho	21,215	920	1,065	1,539	1,933	2,822	4,967	7,969
Illinois	134,286	5,408	5,704	8,334	11,964	18,126	32,585	52,165
Indiana	100,280	3,192	4,153	6,314	9,800	14,196	24,886	37,739

(Continued)

Table 27.
Number, by sex, state or other area, and age, December 2019—Continued

State or area	Total	Under 35	35–39	40–44	45–49	50–54	55–59	60–FRA
<i>Women (cont.)</i>								
Iowa	37,661	1,865	1,592	2,511	3,324	5,097	9,198	14,074
Kansas	35,852	1,516	1,689	2,365	3,207	4,686	8,717	13,672
Kentucky	89,857	2,355	3,254	5,426	8,461	13,248	23,004	34,109
Louisiana	70,460	3,062	3,257	4,609	6,278	10,386	17,257	25,611
Maine	25,826	1,044	1,381	1,900	2,685	3,897	6,144	8,775
Maryland	64,745	3,036	2,932	3,701	5,577	9,213	16,275	24,011
Massachusetts	95,093	4,834	5,043	6,699	9,336	14,587	22,448	32,146
Michigan	167,444	5,541	6,788	10,554	15,687	23,754	40,563	64,557
Minnesota	58,879	3,290	3,318	4,150	5,237	7,850	13,800	21,234
Mississippi	61,507	1,575	2,266	3,669	5,946	9,035	15,209	23,807
Missouri	102,193	3,805	4,166	6,179	9,142	14,117	25,531	39,253
Montana	12,356	562	546	742	1,079	1,549	2,896	4,982
Nebraska	20,684	1,027	1,079	1,294	1,965	2,840	4,960	7,519
Nevada	30,854	975	1,188	1,648	2,768	4,240	7,570	12,465
New Hampshire	24,525	1,614	1,536	1,842	2,490	3,716	5,642	7,685
New Jersey	94,787	3,123	3,551	5,150	8,009	13,982	24,163	36,809
New Mexico	30,198	1,119	1,434	2,025	2,841	4,355	7,292	11,132
New York	237,637	7,896	9,668	13,694	20,526	35,896	60,421	89,536
North Carolina	160,958	4,298	5,396	8,998	14,641	23,517	40,832	63,276
North Dakota	6,755	420	335	446	595	879	1,607	2,473
Ohio	166,317	6,834	7,411	10,729	15,136	22,894	40,278	63,035
Oklahoma	61,392	2,159	2,657	3,919	5,847	8,567	15,214	23,029
Oregon	49,742	1,724	2,097	3,078	4,402	6,498	11,762	20,181
Pennsylvania	194,450	7,172	8,233	11,999	17,622	28,732	48,076	72,616
Rhode Island	18,269	768	857	1,113	1,682	2,740	4,433	6,676
South Carolina	88,086	2,092	2,760	4,711	7,897	12,745	22,666	35,215
South Dakota	9,055	497	438	659	825	1,168	2,111	3,357
Tennessee	120,849	3,149	4,270	7,356	12,011	18,444	30,603	45,016
Texas	265,712	10,752	12,024	17,023	24,797	36,505	63,746	100,865
Utah	22,538	1,189	1,226	1,911	2,256	2,936	5,019	8,001
Vermont	10,322	609	637	719	998	1,508	2,431	3,420
Virginia	103,742	4,097	4,319	6,389	9,396	14,978	25,429	39,134
Washington	81,206	3,085	3,775	5,205	7,203	10,732	19,413	31,793
West Virginia	35,588	764	1,225	2,149	3,327	5,170	8,848	14,105
Wisconsin	79,664	3,854	3,943	5,436	7,479	11,020	19,356	28,576
Wyoming	6,190	284	301	387	569	812	1,483	2,354
Outlying areas								
American Samoa	501	4	5	16	24	76	160	216
Guam	520	10	19	30	57	94	117	193
Northern Mariana Islands	85	8	4	4	11	12	21	25
Puerto Rico	66,370	291	1,082	3,018	6,113	10,898	17,188	27,780
U.S. Virgin Islands	753	13	23	35	60	129	199	294
Foreign countries	2,780	42	78	131	251	391	642	1,245
Unknown	20	0	0	0	0	3	5	12

SOURCES: Social Security Administration, Master Beneficiary Record, 100 percent data; and U.S. Postal Service geographic data.

NOTE: FRA = full retirement age.

CONTACT: (410) 965-0090 or statistics@ssa.gov.

From: [terrigarcia](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Saturday, November 7, 2020 10:27:27 PM

Sent from my Samsung Galaxy smartphone.

My name is Terri Garcia,

I had been working at Energy Service for nearly 3 years during that time the job became very stressful my blood pressure got so bad that I had to be on 100 miligrams of BP meds twice a day and it still stayed high. I also have an autoimmune disease so I take other meds as well. Things just kept getting worse and worse I felt like they were trying to get rid of me they had fired 8 people in that time so you always were on edge. I pleaded with them many time to hear what I was saying because the stuff they were expecting was just to much. Each time it went unnoticed. I sent letters to my boss and h r it all went un responded to. Why did I not just quit and stop the madness I needed a job and I am 53 have bad health limited mobility so it is near impossible to get a job for me. The last straw was when covid hit we were helping clients that would come to drop off or mail in paper work we had a few with known contact with covid we had no protection my boss knew I had health issues so I asked if someone could help with the mail I was told no and if you dont like it leave. So I keep going for awhile then we just kept getting more and more and more stuff to do I just was so stressed I was physically sick day after day and had headaches so bad every day the stress was so bad that I dreaded going to work but forced myself. I asked for part time a few less tasks anything to help so I could stay. They never even tried to acknowledge me. Last resort I left in August 6th 2020 i applied for unemployment i know hardly can you receive unemployment after quitting a job. I know we are under a state of emergency i know several people are applying but it's been almost 13 weeks that i started to apply my case is not even assigned to an adjudicator. I was able to do a few hours respite for my grandson and worked with intuit from August 28th but it ended today 10/17 I do not go back until January I desperately need help I have no more income or job prospects I dont want to lose my home I have children to care for i still have to get an adjudicator before i even get an answer i am scared to death and worried sick i was hoping i could get a job before this one ended. One thing is my blood pressure was able to be cut in half one week after leaving energy Services. Now it will probally get backup there if I am worried sick daily can you please help me.

Sincerely

Thank you for your time.



Sent from my Samsung Galaxy smartphone.

Sent from my Galaxy

From: [Lisa Gast](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Tuesday, November 3, 2020 1:55:54 PM

Hi my name is Lisa gast , I'm writing to have a comment on unemployment, HOW is it possible to wait months to talk to adjudication, I faxed in all my things needed, I'm off of work due to being high risk of catching covid which would make it slim to none of not surviving if I was to catch covid , I went through adjudication in August and won due to the cares act law , but now on October 19 my boss emailed unemployment and stated I had missed work in May and that she didn't want her unemployment rates to go up , Now didn't I already go through everything to get my unemployment and now here I sit with no income no lwa payment and no answers when I call the unemployment office, no letter from unemployment no nothing, I contacted my representative again to want to know how this is legal to not how I won't go through depression again how to take care of my son who has to do school online , I know I'm not alone in this but who can take care of us . What needs to be done , who is on our side none of this covid is any of our faults I just know it makes a person feel useless, hopeless and puts us in a depression for something that was already taken care of months ago .

If anyone can help please do

Ty

Lisa gast

Sent from my iPhone

From: [Dianne Hansen](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Wednesday, November 11, 2020 10:15:14 AM

Good morning. I am just offering a small amount of input. I have been having issues with my unemployment since June. I believe one thing that may help claimants with their frustration is when you speak with someone about your claim that has gone to adjudication they can open your file to see if an adjudicator has even looked at your claim yet. Thank you for your time.
Dianne Hansen.

Sent via the Samsung Galaxy S10, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: [REDACTED]
To: [DWD MB OF LAW CHANGE](#)
Subject: LWA issues
Date: Wednesday, November 4, 2020 2:57:23 PM

Dear Janell Knutson:

I realize that the DWD is backlogged with unemployment cases. However, a situation has arisen that requires attention.

I am a Wisconsin restaurant worker who lost his job due to covid 19 in March of this year, and initially filed an unemployment claim that was denied. I appealed it with the help of an attorney and the judge overturned the denial. I was then paid unemployment retroactively and through the PEUC program, but denied again on PUA (which is also under appeal).

Later, the state initiated the LWA program and it is this I want to comment on.

Janell, I received a letter from the state saying that I might qualify for LWA up to \$370/weekly. I was also made to understand that this would be retroactive for the months of August and September (for which I was receiving unemployment payments of \$198/week but without the federal \$600 weekly supplement).

The state allowed me to recontinue filing weekly claims in October of this year for LWA. However, there are some SERIOUS PROBLEMS with this process that I need brought to light.

The state has given me ZERO information on what is going on. Namely:

1. All claims filed in October (four weeks at this date) have been completed and no payment at all made each week by the state. They are continuing to claim my benefits are exhausted. Why is this so if they encouraged me to file for LWA? Why ask me to file claims if they are paying out zero dollars on these claims? I have been given NO information on this. What would be paid per week? What taxes would be deducted? How long would these payments continue for? The state has said NOTHING about these details. I am completely in the dark. I am filing claims weekly for ZERO benefits, which seems ludicrous. What is the point of this at all? It makes no sense.

2. Secondly, no mention has been made of retroactive payments for August and September, when I *was* receiving weekly unemployment. The state vaguely asserted to FEMA payments to make up the federal supplement lost (which would later have to be paid back by me if a new federal stimulus bill was passed), but *told me nothing about when/how much etc. these retroactive payments would be made.*

Am I filing weekly claims NOW for ZERO dollars to somehow justify the retroactive payments for August and September? How is this legal? I am asked to certify that I am not working, in October onward, for not working in August and September? I have self-employment that is periodic and random in nature now. This conflicts with the rest of the year, so I don't know if I should be filing these weekly claims, unless they are in some manner a method of paying out the retroactive payment for August-September?

The state has made no attempt to clear this up on the portal or by mail and provide me with details on what exactly is going on. Does anyone at DWD even know? Do they know how to administer this LWA program at all?

3.I am worried about this situation on two main fronts:

A> If I stop filing these weekly claims (for zero dollars paid out weekly) am I somehow disqualified from the retroactive payment for August and September (eight full weeks)?

B> How can I file claims for zero payments in October onward if I have self-employment work, when they are not paying any benefits anyway? This seems suspiciously like an attempt to trap me in some sort of fraud scenario down the line.

The state of Wisconsin is VERY ADAMANT about unemployment claimants ***not committing fraud***. It warns us in bold print every week we file, with threats of fines, jail time etc. How can we avoid fraud if they are giving us no details at all on what these types of programs entail?

I have NO CLUE AS TO WHAT LWA IS ALL ABOUT CONCERNING ME PERSONALLY. I suspect this is true of many claimants right now.

Should I continue filing these zero benefit claims weekly? Should I stop? When? What is the point of filing them? What is the loss in not filing them?

WHAT IN THE WORLD IS THE STATE DOING HERE? I need answers, specific, detailed answers. Not some vague letter from the state saying I might qualify, that I should file, then when I do file, nothing happens...

If I am being set up for some kind of legal action in the future against me by the state by this situation (whether intentionally or not), I have a right to the facts so I can defend myself. But no facts have been provided, period...

This is not just a quirk in the LWA program. ***It's a complete failure of the program.*** To me, it seems like a legal trap to accuse me of fraud down the road. I need to know what is going on here. I will not risk jail time for a few hundred dollars the state is finding it hard to come up with and justify. How many tens of thousands of other claimants are in this situation right now with LWA, but have not reported it to you I wonder?

Sincerely,

Ray Hawk

From: [Dave Hye](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: E-Mail From Law Change Suggestions Web Page
Date: Sunday, October 11, 2020 9:21:26 AM

I was denied p.u.a. Because I took a unpaid leave of absence from my job instead of quitting my job. That is the only reason I was denied. I was approved for the wrong program. Denied because the system “mistakenly “ approved me. Not my fault but I have to repay the money because of the state’s mistakes

Sent from my iPhone

From: [Marin Johnson](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Comment on UI Law
Date: Tuesday, November 10, 2020 12:32:46 PM

Hello.

I own a small business in [REDACTED]. Here are my 2 comments on things I would like to be considered for change.

1. When quarantine hit, and many people were laid off, one of my part time employees was laid off from her other job. She was not laid off by me. Nothing changed for her in terms of her work with my business. I don't feel it was fair that her unemployment request still showed up on my account even though I continued to employ and pay her.

2. Not sure this is an unemployment issue, but I think someone should re-work the determination for what is considered a small business and what is a large. Maybe there could be more than 2 choices. My business only has 2 full time employees, myself and my husband. Other than that, we have 6 part-time employees. There is a huge difference between that and a company who employs 150-200 people.

Thank you for inviting our comments.
Marin Johnson

From: [Yvette Johnson](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Yvette Johnson/ adjudication benefits unemployment
Date: Saturday, October 24, 2020 8:38:47 PM

Hello,

My name is Yvette Johnson. I have waiting several month for an answer to just receive unemployment. Please I'm suffering financially.

If possible please look into this matter on my behalf.

Sincerely ,

Yvette Johnson

Phone: [REDACTED]

Email: [REDACTED]

[Sent from Yahoo Mail for iPhone](#)

From: [Jones, Geneva](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Missed Unemployment Hearing due to technical difficulties
Date: Wednesday, November 11, 2020 1:33:44 PM
Attachments: [UI testimony.docx](#)

Greeting All,

I hope this email finds you well. I look forward to big changes being made to Wisconsin unemployment. Specifically, follow ups, protocol, and adjudicator accountabilities. Common sense needs to be more common at the Unemployment Insurance Division.

Can you help here? Thanks in advance as this issue has been very frustrating.

Geneva Jones

Speaking truth to power concerning Unemployment Insurance Division (UI) and adjudicator 1278 lack of disrespect for UI handbook/protocol creating an hostile experience worse than Taxation without Representation in American' 21st century.

Due to the pandemic COVID 19, I was laid off 5/14/2020 and instructed by my immediate supervisors to file for UI. 5/15/2020, I filed with an UI representative by phone complete with my email, mailing address, and phone number.

Meanwhile, I was instructed on how to locate the UI handbook that an adjudicator will contact me, to register with Job Center of Wisconsin online and complete an online resume before time expired or start from the beginning. So I did.

On June 14, 2020, my job sent unemployment verification of my last date of employment due to COVID 19, my expected return date, and my pay. I was under the impression as my co-worker, whom got her benefits July 28th 2020 that this info would clear up any issues and result in payment but my adjudicator never called me.

Some 17 weeks later, 19 August 2020, a Determination Letter with an appeal dated 9/6/20 arrived. It stating, I failed to reach out to adjudicator 1278 whom had never tried to contact me. From 5/15 and 8/12/20, I made 24 UI calls and received 5 scheduled call backs from UI supervisors or representatives. I asked, if I had been assigned an adjudicator. If so what his/her name and phone number. I was given her first name (Samantha) only and no phone number.

Adjudicator 1278 reported on 8/6/2020, she supposedly mailed me a letter. 8/6 letter was absent from my Document History portal. That is where all UI and their Partner's mailed letters are located for viewing by claimants. As written in the UI handbook, adjudicator 1278 failed to reach out to me within 21 days so I filed two complaints against adjudicator 1278 (Samantha); one with a call-back representative or supervisor and another by fax.

8/24/2020, I received a call-back from a lady from UI Legal Dept. She took my case away from adjudicator 1278. Protocol, mandated that I receive a new adjudicator.

By 9/6/20, I filed my appeal. From 8/24 till 9/14/20, I made seven calls and received 2 scheduled call backs from UI representatives or supervisors. Explaining best practices, to withdraw my appeal so that UI and the new adjudicator can resolve my case. So I withdraw my appeal 9/15/20 based on UI call back representatives and supervisors their recommendations.

Nearly ten weeks later 10/20/2020, adjudicator 1278 reinserted herself into my case and called me. Ignoring protocol to leave me alone. When I asked, when should I expect my money? Adjudicator 1278 (Samantha) replied, I am only trying to close this case (Her words not mine). Refusal to resolve 8/19/2020 Determination Letter after speaking to me, spoke volume.

10/23/2020, issued a seconds Determination Letter denying me by misclassifying my employer-employee relationship of nearly 20 years. My job pays me hourly and bi-weekly, schedules my work days, start and stop times while furnishing all supplies and control all aspects of all my responsibilities from start to finish as well as pays all of my taxes and my WRS benefits.

Adjudicator 1278 (Samantha) cited status 108.4 (4), of the UI handbook that pertains to administration only, which I am not. So therefore it does not pertain to me. Plus, disallowed my scheduled work time from May to September 5 and earn wages. Every paycheck I earn has paid into UI tax while I am being denied benefits while I am being denied in my time of need.

Still today, I continue to protest for my UI benefits. Adjudicators 1278 (Samantha) has created a financial hardship for me. So, I seek my benefits than accountability from UI and adjudicator 1278 (Samantha's) due to their failed and wrongful denial of my benefit payments that I paid into.

Can you help here? Thanks in advance as this issue has been very frustrating.

Geneva Jones

From: [SUPPORT Châsê®](#)
To: [DWD.MB.UI.LAW.CHANGE](#)
Subject: unemployment changes
Date: Tuesday, November 3, 2020 2:34:28 PM

Hi. I am a small business located in Madison, Wisconsin. I have always thought that someone who goes on unemployment has to also have a job. If the job doesn't make-up enough of what they would make on unemployment, then unemployment would make up the difference. That way everyone wins. We have an employee that was only hired to work around 6 hours a week and now works approx. 4 hours. She makes a lot on unemployment even though her hours were only cut for about 2 hours. How does that make any sense. Thanks for letting me give you my thoughts on this subject.

Kathy
Wayne's Automotive

From: [monica.kennedy](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Sunday, October 11, 2020 12:15:43 AM

To whom it may concern,

I was self employed and a new small business owner when COVID-19 hit and shut everything down. I applied for PPP loans and disaster loans through SBA and I was denied several times. I was told to apply for regular unemployment since I was employed within the last 18 months. I applied on March 23, 2020, after patiently waiting for 9 weeks I was DENIED!!! The reason for the denial was that I left MPS in August 2019 to pursue my own business endeavors. I want to know why I was not able to claim my regular unemployment benefits since I did have funds to cover my benefit year. I was advised to apply for PUA from one of the claim specialist at DWD. On April 26, 2020, I applied for PUA. I fax over the required documents that were needed to complete my claim. My claim was not processed through PUA for 3 MONTHS!!! I couldn't pay my bills, rent, or even buy food it was really really hard for me and my family. Now that I have received PUA, Due to COVID-19, I'm not able to open my business back up until until the pandemic is gone or under control. Until then I have been looking for work which is hard at the moment. My 11 year daughter is completing virtual learning for school due to the school shut downs. I currently have to be home with her making sure she stays focused on her work, help her when she needs help, and assist with any computer issues that she may run into. I say all this to say, my PUA runs out soon, I'm not able to collect on my regular unemployment because the reason I left my last employer does not meet the DWD requirements under normal circumstances. As we all know we are in a serious pandemic outbreak and a state of emergency, which means things are not normal. With that being said, I feel that the normal requirements to receive unemployment should be lifted until after the COVID-19 pandemic is over. If I have funds to cover the benefit year that I am trying to claim, and I didn't just quit my job without giving notice and I didn't get fired due to attendance or work performance issues there should be no reason why I shouldn't receive my Regular Unemployment benefits. I am a single mother and I'm doing the best I can, I should not have to continue be stressed worrying about how am I going to make ends meet to pay my bills, buy food, pay rent, and take care of my daughter once my PUA runs out in a few weeks. Will I be allowed to to re-apply for my Regular Unemployment benefits and receive them? Or will there be some other type of of Emergency assistance that I could apply for through DWD? I'm sure I'm not the only person that has this issue and I really feel it needs to be addressed sooner then later. Thank you in advance for reading my comment, and I pray that it will be discussed during the meeting.

Sincerely,

Ms. Kennedy

Sent from my iPhone

From: [Patti Kruto](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: paperwork and money
Date: Monday, November 2, 2020 1:28:42 PM

I am a small business owner in the NW of WI. I have enrolled in mydatcp.wi.gov. So when I get Wage Verification notices... I can't enter the hours and pay online. I have to fax or mail the form. That would sure be a nice improvement. Related to that, I use QuickBooks. The hours are in decimal form so I have to "translate" them into minutes. That is something that a computer could do....

More importantly than the above which is just logistics:

I have had people quit in order to take a less paying job. Then they file for unemployment. I don't think it is fair to take it from my account at all if someone quits... or takes a job that is less pay and/or less hours. If the state wants to pay them, it should come from the general fund and shouldn't be a burden to the previous employer.

Lastly... and I am not sure of the truth here, but if I sell my business, I was once told that after a holding period I would be able to get the funds in MY unemployment account... rewarding me for employing well and yet still covering my "exit". More recently I was told that the monies in my account would be forfeited to the state. That to me is unfair. I am hoping the former is true and the later is false.

Patti
Pat-Mar Enterprises, Inc



From: [Sean Lavenduskey](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Wednesday, November 11, 2020 6:04:57 AM

I believe the biggest issue is individuals who are not a symptomatic, who have exhausted their UI benefits, and their PEUC are currently waiting for their Extended Benefits, which unfortunately will not be paid out until December. Forcing them to open up credit card accounts and take other measures to provide for their families which will have adverse consequences on their future.

From: [Barb L](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Tuesday, November 10, 2020 8:30:40 PM

Hello;

This isn't particularly a law change, but having some accountability within the UI department would be outstanding. I was approved for PUA on 8/18/2020. I've made at least 25 calls into both UI and PUA; even speaking to 2 Supervisors. Apparently, something is "technically" wrong with my account, which NOBODY can figure out. Since there is a "glitch" in the system, I have been told to just wait. It was assigned adjudication on 9/1/2020. And so I wait... because nothing can be done when I call in!! It's absolutely frustrating.

Unfortunately, I feel another lockdown could be on the horizon and as someone who was deemed non-essential the first round, it would really be great if they could assign someone who can actually DO something to fix this problem, rather than just waiting.

Thanks~~ just one of the 141,000 Wisconsin citizens who are waiting.... PATIENTLY.

Barb Lins


From: [Rene'](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Comments for meeting
Date: Sunday, October 18, 2020 8:23:33 PM

As a disabled person, my suggestion would be to repeal the law that eliminates Unemployment benefits for those receiving SSDI. I applied for PUA the day Governor Evers announced we could be eligible. I was approved within days, however, when I filed my weekly certifications I said "no" to was I able/available for full time work. I finally had a call from an adjudicator last week and got payment for week 12 only. I await having someone "fix" everything beyond week 13. After I filed today, I received a message that I was once again pending because of able/available to work full time. Will I have to wait for months to talk to an adjudicator again? The computer system needs to be changed!

Many people seek part time work while receiving SSDI to help make ends meet. We are not asking to "double dip."

This current law is blatantly discriminatory and should be repealed!

Thank you for considering my suggestions.

Rene' Markoff


Sent from my U.S.Cellular© Smartphone

From: [Tomicka McCullum](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Thursday, October 22, 2020 2:38:43 PM

To whom this may concern:

I believe that you should change the unemployment law about SSDI people. I suffer from many mental health problems I feel that it's unfair for me not being able to file for regular unemployment. I work just like everybody else does I just cannot maintain full employment because of my disability. I had trouble understanding how to fill out the PUA application. The customer service rep rushed me through my app. Was very rude to me. She didn't explain the Covid reason information to me. My application was denied and now I have been in appeal waiting when my appeal hearing date. I been going through this since July when the PUA was overturned for SSDI.

Sincerely
Tomicka McCullum

Sent from my iPhone

From: [Edward Metzger](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Suggested change to Unemployment benefits law
Date: Sunday, November 1, 2020 10:54:37 AM

I suggest that the law be changed to exempt anyone over the age of 70 from the work search requirement. Most of the workers over that age are seasonal workers and do not want to work full time year round. By this age most of us have put in over 50 years in the work force and are working to pick up extra money to supplement our retire income.

From: [Melissa Minkoff](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: DWD Unemployment Hearing Remarks
Date: Monday, November 9, 2020 11:11:32 AM

Thank you for allowing me to submit remarks.

It seems like forever ago now, but I used to work in an office, at a small nonprofit. I performed my job competently and well. Late last year, in what came as a shock to me, I was abruptly informed that, due to funding issues, the organization was terminating my position. Furthermore, I was offered a choice: I could sign a letter of resignation which had already been drafted by the organization (that I was not allowed to read at the time and I suspected could render me ineligible for unemployment benefits), or if I refused and accepted termination, that I would forfeit the severance package being offered to me, and in addition (to quote my former employer directly):

"... a resignation will result in an employment reference which highlights your strengths as a creative thinker and collaborative team member. A reference related to a termination would result only in [organization name redacted]'s willingness to share the dates in which you were employed."

I wasn't going to sign their false letter and so I accepted termination, filed for (and received unemployment), and accepted that my former employer would likely follow through on their threat to retaliate against me for doing so, and I would have no recourse.

This was my situation even before the COVID-19 pandemic began to ravage our state.

I have been waiting for Extended Benefits since July. My benefit year has expired and my application for another benefit year has been denied due to lack of sufficient income, so it looks as if there will be no additional help for me. As someone who is immunocompromised and without health insurance, I am concerned about contracting COVID-19. Even so, I've continued looking for work, yet hundreds of submitted resumes and job applications have yielded nothing. There are scores of people competing for a relative handful of jobs, some of which being positions with working conditions that would be extremely unsafe for me. I resent the message that my government resoundingly and repeatedly sends, that we all need to just put our heads down and toil until we sicken and die for the sake of capitalism. That I and many others like me can work hard all our lives, "play by the rules" as the Establishment loves to say, yet still be utterly abandoned in a time of widespread need and suffering and told that it's because we, as individual Americans, just didn't do enough for ourselves, didn't work hard enough, didn't pull ourselves up by our bootstraps (even though many of us don't even have boots).

I read stories every day similar to mine – hardworking people who are now slowly losing their entire lives. Parents who cannot feed their children. Families being evicted from their homes. People living in tents, in motels, in their cars. People forced to resort to crowdfunding and begging for help from strangers to have their basic needs met. People left waiting while the broken system that failed them lumbers on with no accountability or reconciliation. Their anguish, our anguish, goes unheard and unseen by an apathetic government that refuses to assist its people.

Nearly a hundred years ago Emma Goldman asked, "America is particularly boastful of her great power, her enormous national wealth. Poor America, of what avail is all her wealth, if the individuals comprising the nation are wretchedly poor?" I echo this question today, as I, along with tens of thousands of citizens in similar circumstances, wait for this so-called "civilized society" to help its struggling people. We need to repair the broken and inadequate unemployment system, and extend and expand benefits so that all Wisconsinites have the opportunity to live with dignity.

-Melissa Minkoff

John T. Mundahl, D.V.M.
P. O. Box 84 / Herbster, WI 54844

RECEIVED
2020 NOV 10 AM 8:32
BUREAU OF
LEGAL AFFAIRS

October 26, 2020

Janelle Knutson, Chair, Unemployment Insurance Advisory Council
P. O. Box 8942 / Madison, WI 53708

Dear Ms. Knutson,

I am writing to mention how frustrating it has been for me to attempt to collect unemployment benefits for myself after having paid into the system for years.

In 2015 I sold the business I had founded (John T. Mundahl, D.V.M., S.C.) and stayed on as an independent contractor providing veterinary medicine and services for my former clients and the new owner's clients. The business was renamed Seeley Veterinary Clinic, L.L.C. During this time I continued to pay the Dept. of Workforce Development the Unemployment Insurance Tax even though I no longer had employees other than myself.

I found myself unemployed due to COVID 19 in February 2020 and have been trying to collect something since March 2020. My case is apparently still under review.

Phone calls and repeated contacts made with the department are time consuming and extremely frustrating and unhelpful.

It makes no logical sense to me that I was required to pay in for the 5 years that I was the sole employee and why I am now being "stonewalled". Personally I would have preferred to have not paid in for 5 years and taken my chances with my own employment situation.

My attempts to collect during a brief period of unemployment in 2017 were fruitless as well.

I'm certain that many others are in a similar situation but I am writing so that my voice can be heard if it represents only myself or if I speak for others as well.

For reference my UE account number is [REDACTED]

Sincerely,

John T. Mundahl
John Mundahl, D.V.M.

P.S. Just checked today as of 11-1-2020 my claim is still "under review". This has gone on for more than 6 months. JTM

From: [Bobbi Nemmetz](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Monday, November 9, 2020 11:56:04 AM

I am a single mother have been put of work since march 2020. I just wanted comment on the adjudicator processes and excessive time its taking. I went out of work first week of March and went to apply for unemployment on the 19th because I was unaware I could apply but didn't get initial claim in until end of May. Because lines were busy. I was denied benefits because my claim wasn't done in timely manner. On top of that I have been waiting since June 3rd for an issue on my unemployment claim to become resolved. I have absolutely no income am caring for a 13 yr old and 4 yr old and 6 month old twins. All with nothing. I don't understand. I was then told by legal advisor to apply for PAU well that won't even help because they aren't getting my unemoymnt issues taken care of. I contacted state representatives as I was directed to do because this is just way to long to be waiting for something and I am entitled to it. I was affected with my older children while dealing with having infants. Its like these people want to find a way to not help the people being affected. Even though I had babies I still had to handle the 2 older children that were affected by the virus and stuck home from school. My job fired me with a doctor note stating I needed to be home with my kids because the virus was getting bad in our area. Its just crazy you hear all the people on TV talk about helping the people but when it really comes down to it its like how can we make it where they can't get it . Finding every loop hole. Im a worker. I've worked all these years of my life and I need help now. No one is trying to help. There are people who are getting over on the system paid from unemployment that barely ever worked a day in their life. I find it crazy.

Thank you for your time
Bobbi Nemmetz

From: [Chris Norfleet](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Wednesday, October 14, 2020 8:29:25 PM

Good evening,

I would like to address my concerns about there being no provisions in place in connection to your Adjudication department.

It like most departments are overwhelmed and ultimately unable to provide citizens with a determination within a timely manner.

It only furthers the economic crisis facing citizens.

This is compounded by the determination whereas the citizens must engage in A appeal process which I would suggest is counterproductive to the needs of citizens during a Pandemic in the rise and no plan of action to slow the spread in sight.

I can find one reason this process like other can't be placed on hold until after the pandemic has curved downward. Staying mindful of the many stresses being placed upon our Public Health Department every department should be looking at participating in contact tracing and testing, with a emphasis On contact tracing.

I would also like the brake down of those in the adjudication process and rather or not there is a issue of disparity in this manner as well,

I do want to say it absolutely cannot be easy to sit in your seats and face the issues you are facing.

I do want to acknowledge that it's asking a Herculean job without really having the infrastructure or socioeconomic support from all aspects of state governance.

I hope you don't give up or become despondent to some of the critical thinking,

Or even just criticized.

You are a necessary function and it's even more important than ever in the midst of a crisis.

Appreciate you listening,

Peace and Love

Christopher Norfleet

From: [Amanda Northern](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Friday, October 30, 2020 2:13:53 PM

My comment is why is it taking so long? Most other states have already gotten their unemployment up to date. We are waiting to long. We have Bill's that are piling up, and kids to take care of. I'm pregnant now, and stressed. I'm pending my 8th week due to taking out 401k to fix mold and a leak in my house. I was told it would not effect my unemployment that's retirement money I needed. Our system is so outdated. It's just ridiculous. What our you doing about it? I cant afford to wait more month's.

From: [REDACTED]
To: [REDACTED] [CHANGE](#)
Subject: Fwd: Changes to Unemployment Law
Date: Wednesday, November 11, 2020 3:50:59 PM

Sorry, I mistyped the original email address.

----- Original Message -----

Subject: Changes to Unemployment Law
Date: 2020-11-11 15:45
From: [REDACTED]
To: UILawChange@dwd.wisconsin.gov,
Rep.VanderMeer@legis.wisconsin.gov,
Sen.Testin@legis.wisconsin.gov, Don Parker
[REDACTED]

Thank you for the opportunity to submit comments pertaining to Wisconsin Unemployment Law.

It is my understanding that the **purpose** of Wisconsin Statute 108 is to minimize economic hardship when Wisconsin workers may be laid off due to economic dislocations. However there is no provision in the law for when the very **purpose** of the law is violated through insensitive, hyper-legalistic interpretation and application of the law.

Here's what I speak of:

DWD has created an undo economic, emotional and bureaucratic burden on my Father, a 98-year old, blind, unemployed World War II veteran who simply seeks to live out his last days in his own home using a combination of family, volunteer and paid help--covering any expense for the paid help from his own limited and diminishing resources.

An independent contractor care-giver for my Dad had filed for unemployment benefits based on temporarily interrupted work from her federal government job, and listed my Dad as someone for which she did "odd jobs". Workforce Development followed up and refused to accept this person as an independent contractor. Then DWD threatened to take away my dad's business license because he had not paid unemployment tax. He is NOT a business and has no business license. DWD insists on treating him like a business; and when at the hearing before the administrative law judge, multiple points that simply don't pertain to him (because he's not a business) were counted against him, instead of being eliminated from the consideration process. He has no business, no business office, no business income; only nominal personal income which is insufficient to handle his routine monthly expenses; so he drains his modest savings to cover these expenses. All along DWD has inappropriately treated him like a "for profit" business; forcing him to drawn down his limited resources further to cover unemployment insurance. And DWD repeatedly stated they will give **absolutely no consideration** to the fact he is 98 years old, blind, unemployed, and a veteran who personally sacrificed to serve his country in World War II. Is this not a case of elder abuse by the state of Wisconsin?

As a side note, DWD deceitfully indicated my Dad owed over \$4,000.00 to DWD, when in fact the actual amount was just over \$1,200.00, at the time. Is there no accountability for the elder abuse and fraud perpetrated by DWD?

We have spoken with elected representatives, businesses, human resource consultants, and

multiple independent contractors, and all condemn the harassment my Father is being subjected to by DWD. None can believe this harassment is the intent of the law, and some suggest such harassment is in violation of the federal Americans with Disabilities Act. The only people we can find who believe this harassment is the intent of the law are state bureaucrats, including the ALJ who made multiple factual and interpretive errors in his appeal ruling.

Here is my personal suggestion to efficiently rectify this type of problem: DWD law (Wisconsin Statute 108) needs to be subordinated to simple contract law such that if two individual citizens, one freely providing a service and the other freely paying for that service (the one paying not being any sort of business or for profit entity); the personal agreement (contract) of these two citizens will supersede any DWD interpretation of who is an "employer, employee or independent contractor".

Why does DWD believe it has a compelling interest to interdict in the lives of individual citizens making free economic decisions according to their (the citizens') own best interest?

Thank you for your kind attention to this matter. Please feel free to contact me with any questions.

Regards,

Fred Parker Jr.

[REDACTED]

From: [Skye Goode](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comment
Date: Thursday, October 8, 2020 8:40:39 AM

We are in great agreement that UI laws NEED to change. I worked two jobs. I couldn't work my part-time job due to Covid. I was let go from my full-time employer due to Covid related issues on June 18, 2020. I filed for UI immediately and received one week of payment. My case was then sent to adjudication, with the official date of review being 07/15/2020. I am in a wheelchair/disabled, but I don't received any SSI/SSDI because even though I am paralyzed, I am intelligent and have always prided myself on my ability to work. However due to my paralysis, I'm unable to go out and accept cash jobs to make ends meet, like roofing, or truck driving. I also have a child support obligation. Because of Covid, the courts are backed up and unable to hear my case until Nov. 2020.

My UI claim is STILL in adjudication. As of the day I'm writing this public comment email, I have 13 weeks of pending claims. 3 of those are with the added \$600 payment, therefore, I have \$6810.00 in UI payments backed up due to adjudication.

I have been unable to pay any of my monthly bills including mortgage, truck payment, electricity, propane, medical expenses, food, etc. I was unable to pay any child support, which means that I am currently over \$6000 behind on child support, which is now threatening to put me in jail and seize my vehicles.


All my medical bills have been sent to collections. My bank is threatening to foreclose my home, my lender is threatening to repossess my truck.

Being paralyzed, it is more important that I have my medical expenses, transportation, etc. than the average person who can take a taxi or hitch a ride with a friend.

When I called UI, they give no information. Adjudication cannot be reached. There is no phone number, no names, nobody to tell me what the hold up is on my case. Nobody will tell me if my past employer is the hold up, or what I can do to facilitate this process. Nobody can give any type of time frame. My bank wants to know WHEN I will get my UI claims. I can't tell them anything. The judge wants to know WHEN I will pay child support, I can't tell them any timeline.

I am absolutely disgusted in how the state of Wisconsin has handled UI. I was told that claims are being handled in the order they receive them, and that even me calling EVERY SINGLE DAY since July 15 will not expedite my claim. I think this is the most unethical thing that could be done; I am clearly very concerned and I think there should be a policy in place to expedite claims when someone who is disabled, is about to being homeless and incarcerated due to the Division of Unemployment Insurance not providing claimants with any information.

Loren D. Parker



From: [Brandon Peterson](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: E-Mail From Law Change Suggestions Web Page
Date: Wednesday, November 11, 2020 1:59:04 PM

Comments and concerns for unemployment insurance.

First, I would like to ask to have you question the employer if each employee will be coming back to work. If employer says yes, please waive the work search requirement. We have long standing employees that we want to retain, but because of our line of work and climate we cannot work in some of the winter months. If the employer denies the employee returning to work then have them do work search.

Second, I ask is to get rid of the 1 week of no pay at the beginning of the benefit year. I was all for helping people out when unemployment was high, but unemployment was low for the last few years and it was still not payed for the first week. After government shut downs happened earlier this year and all the government employees said they couldn't make it without that week of pay and were going to lose everything because of it. Think about the struggles of the people on the low rate of unemployment and not getting a check for a week. People struggle. As an employer why do we pay for that week and it doesn't get paid out to the employee? If you aren't going to pay it out then you shouldn't charge the employer for that week. Why did the people laid off for covid 19 get the first week waive? Why are they any different or more special than anyone else.

Third, if unemployment insurance is going to give away an extra \$600 above the weekly rate because of people being laid off because of covid 19, why are they any different than anyone else that gets laid off for lack of work. If you are going to give extra to some, you should give to all. Many unhappy people about this. Why are some more special than others?

Thank you for listening to my comments and concerns and I hope you can help out with this.

Brandon Peterson
General Manager
Peterson Brothers Sand & Gravel LLC
N2111 Memorial Dr.
Merrill WI 54452
715-536-4538

From: [karen prygrocki](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Saturday, October 17, 2020 8:01:15 PM

There should be some people available to help with issues related to pending determinations. The regular workers cannot help at all with those. Those issues take weeks to solve and perhaps more are needed to help with those problems. Ty...

From: [Noel ray-ortega](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Tuesday, November 10, 2020 11:57:09 AM

Hello,

I would just like to quickly share my story so that you may understand why to many of us, this process has been stressful and life-altering.

I have been fully employed at one employer (hairdresser) for over three years. When the stay at home order happened, my employer granted all 10 employees UI.


During the first couple weeks of the order, it wasn't clear if there would be a government stimulus or if there would be additional payments. As a hairdresser, I had no idea when we would open again. I found a job listed on indeed that would be seasonal (only until July) and would be maximum 30 hours per week. This sounded great, as I would still be able to home school my minor son. A few weeks into the job, it became very clear that the manager was slowly creeping me up towards and past the 30 hour max we discussed in our interview (and was listed in the ad). My last week of employment, I worked 67 hours. I tried this job for about 4-5 weeks, just under 30 days.

Due to the manager refusing to honor our original agreement, I quit. I stayed unemployed due to the stay at home order until mid June. This left me without any income for about 8 weeks. The ONLY way I was able to manage my bills and housing was because of the stimulus check.

I have been waiting several months to get an adjudication, only to be denied because the adjudicator said I quit for "personal reasons." Additionally, because of the pay periods with the seasonal employer, my recorded hours didn't show the full 67. The pay period for this employer was Wednesday to Wednesday. So my last two checks are actually from one calendar week of time. My last check was actually only a 3 day period in which I worked 37 hours.

I feel as if I am being punished for trying and job and then quitting due to an abusive work condition. I was approved from my former employer, why can't they just put me back to that decision since this job was so temporary?

I know my story isn't unique. There are thousands of us being denied or waiting forever to get appeals. During such an unprecedented time, I believe UI needs to be done in a timely manner and provide better thought to decisions that may not be as cut and dry.

Noël Ray, 

From: [Harry Richardson](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Tuesday, November 10, 2020 2:56:34 PM

To the UI Advisory Council,

Please note below my concerns as a recently retired long time state worker and resident. These are suggestions that I feel would improve the program and make it more equitable for its participants.

Sincerely,

-Harry Richardson

Wisconsin Unemployment Insurance Program

Understaffed, Under Resourced

Unfortunately, Wisconsin's Unemployment Insurance Program has suffered from lack of staffing and lack of sufficient support for staff for many years. Service to the public will be better and stronger if these staffing issues are addressed.

State employees' pay has not kept up with inflation for many years, and their benefits have been cut.

Reorienting State Agency Workforce During Pandemic

A praiseworthy development during this pandemic crisis is the creativity of the current Administration using temporary employee interchange to increase staffing to the Unemployment Insurance Program by borrowing state employees from other programs and agencies.

Privatization

I am concerned with the excessive use of private contractors in administering this program. Public control, transparency, and accountability are put at risk by the reliance on private companies. Often in the past, large IT (computer or information technology) contracts have been the source of financial waste and scandal. Private contractors have underperformed for the state, missing deadlines and delivering substandard results. This is why the legislature has a standing joint committee on large IT contracts.

After the pandemic hit, DWD hired about 900 private contract workers. Many of these were through out-of-state firms for call center work. Couldn't that work have been easily done by Wisconsin residents? It would have also reduced unemployment in our state at the same time.

A few weeks ago, the announcement of the new contract with Google Cloud for Unemployment Insurance services brought a fresh set of concerns. Loss of public control of private data and program administration is a top concern.

I was concerned that DWD's press release on Oct. 19th said the Google Cloud collaboration would allow the Unemployment program to accept documents "submitted online instead of by fax." This statement gives the false impression state agencies are not able to use digital documents already. The average reader will conclude that state agencies force residents to interact by outdated methods such as FAX still, which is untrue (although FAXes are accepted). We need to be careful not to feed the impression that government cannot work and only private companies can deliver services competently and efficiently.

Google in particular brings special concerns as a private contractor. Google is the subject of a current U.S. Dept. of Justice investigation for breaking our nation's anti-trust laws.

Google appears to be playing a role in outsourcing jobs overseas. Google contractors with Pittsburgh-based HCL America (who recently unionized) say their jobs are being slowly shipped to Poland (<https://www.nlr.gov/case/06-RC-247332>) in retaliation for workers' efforts to unionize. I certainly hope and expect DWD's new contract with Google Cloud services for UI does not violate either the letter or the spirit of the law that prohibits agencies of the State of Wisconsin from outsourcing their work overseas, but it is worth checking.

Modernizing Unemployment Insurance

There is a great deal of incorrect information circulating about what is needed to improve the Unemployment Insurance Program. Many people, including top policymakers, have been fooled into accepting an overly simple explanation that outdated COBOL programs are the source of the problems with delivering Unemployment Insurance benefits in a timely manner.

The sudden attention to COBOL systems is noteworthy. Our state employees who have kept COBOL computer programs functioning all these years have seen their real earning power shrink. If we wanted these programs to work better, shouldn't we pay the workforce who is maintaining them and improving them?

Even before the pandemic, a patchwork of state employees and private contract workers worked on the computer infrastructure of this program. There are many negative unintended consequences of this patchwork and workers are paid and treated differently. It hurts morale. Private contractors have assumed key roles in the operation of many state computer systems to the detriment of public control, transparency, and accountability.

The new report from the Century Foundation (Oct. 5, 2020) should be studied to illuminate any modernization efforts of Unemployment Insurance. I am very concerned that any changes are not accepted that will increase the rates of denial of unemployment insurance to applicants, which appears to be a very troubling aspect of many “modernization” efforts.

Biased Prosecution of Unemployment Fraud

The ACLU and other organizations have outlined Wisconsin's failures in recent years to fairly prosecute unemployment fraud, especially pointing to a racial bias. For example, during the Walker Administration, Milwaukee-area defendants were forced to come to Madison for their hearings, making it impractical for them to defend themselves. I want a full airing and public hearing process on these old cases because the wrongs committed have not been fully understood, nor rectified.

Misclassification of Workers

There is rampant misclassification of workers by employers, denying the unemployment insurance program the funds needed to provide benefits to claimants. With the failure of Prop. 22 in California, I fear that lawbreaking private companies, and companies like Uber and Lyft with disregard for state and local ordinance built in to their business models will be further emboldened to spread their unfair operations deeper into our state's economy.

One thing that can be done now is for state agencies to stop doing business with companies with bad records of misclassification of workers.

Uber, Lyft and other such offenders should be denied for state employee travel reimbursement also.

From: [barb santiago](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Recommended law changes
Date: Tuesday, November 10, 2020 6:51:13 PM

Dear Unemployment Insurance Advisory Council,

Thank you for the opportunity to give the public a voice. It was with an empathetic ear that I listened to many speak out on the struggles they have faced since the pandemic hit. However, there is always the other side of the story - which is that UI has faced a challenge of magnitude that I'm sure claimants would have no idea all while maintaining their commitment within the parameters of the law and the system structures they have to work with. Please extend appreciation to DWD-UI for all the hard work they have been doing.

Following are my law change suggestions:

As of Nov. 2, 2020, the Department adopted a new policy requiring employers to notify employees of the potential eligibility of benefits.

The DWD website contains the following statement...

As of November 2, 2020, employers must notify employees of the availability of Unemployment Insurance at the time of separation from employment (e.g., by email, text message, letter, providing printed poster in person or by mail).

Providing this notice does not necessarily mean employees will meet the requirements of Wisconsin UI eligibility laws.

Suggested language to provide to employee:

Applying for Unemployment Benefits --

You may file an unemployment claim in the first week that your employment stops, or your work hours are reduced.

However, the Department does not address "Independent Contractors" who have been determined to be "employees" for unemployment purposes due to the Department's broader definition of "employee." Because the Department assesses on a case-by-case basis this potentially allows private employers, state and local government employers, nonprofit employers and other employers to avoid fulfilling their obligation to provide benefits to certain misclassified employees. It is my suggestion that if any one of these employers have been the subject of litigation or a governmental investigation relating to worker misclassification and the employer, as a result of that litigation or investigation, received an opinion or decision from a federal or state court or agency that these employers would also be required to provide notice to potentially eligible "employees" working in the same or

substantially similar positions. Especially considering many of these employees are currently working remotely and may not have a permanent work site that is accessible at this time.

The Department should maintain its integrity by ensuring those who potentially qualify for benefits receives them. The Department also has a duty to qualify them under regular unemployment rendered by individual circumstance. Many "Independent Contractors" who are misclassified may not even know they are being misclassified and/or may not have knowledge or understanding of the complicated issues of misclassification and benefit qualification. They would be dependent on the Department's knowledge, guidance, and protection.

Following are the Departments factors used to determine whether an employer is knowingly and intentionally misclassifying individuals in the construction trades. My suggestion is that this be expanded to include **all employers who misclassify employees**, not just those involved in the construction trades. Why should one sector of employers be singled out and not all employers who are misclassifying? Shouldn't all employers be held to the same accountability? Misclassification is misclassification and should be treated as such. The Department should consider using these same factors for other employers, especially government employers as explained in §108.15(8)

08.221 *The department shall consider the following nonexclusive factors in determining whether an employer described under par. (a) knowingly and intentionally provided false information to the department for the purpose of misclassifying or attempting to misclassify an individual who is an employee of the employer as a nonemployee:*

- 1. Whether the employer was previously found to have misclassified an employee in the same or a substantially similar position.*
- 2. Whether the employer was the subject of litigation or a governmental investigation relating to worker misclassification and the employer, as a result of that litigation or investigation, received an opinion or decision from a federal or state court or agency that the subject position or a substantially similar position should be classified as an employee.*

18.15(8) *Notice and reports. Each government unit which is an employer shall give such suitable benefit notices to its employees as the department may direct, and shall make employment and wage reports to the department under the same conditions as apply to other employers.*

In addition, I am expressing concern regarding documents uploaded on to a claimant's document history without redacting Social Security numbers and other personally identifiable information. The Department recently implemented security measures such as using Captcha to reduce the likelihood of breaching someone's account. Yet, this remains a concern because claimants do not know who has access to viewing their documents, especially with the number of new hires UI has made during the pandemic. I brought this to the attention of an unemployment supervisor who instructed me to contact the hearing office who told me the

documents cannot be tampered with. It is my suggestion that all information that is personally identifiable and with the potential to be viewed by others and/or requested through Wisconsin's Open Records policy have all personally identifiable information redacted, especially Social Security numbers, in order to protect individuals from any form of identity theft. If the information cannot be redacted then the hearing office should provide instructions that documents containing this information will be rejected.

Thank you for providing an opportunity and consideration of law change suggestions.

Sincerely,
Barb Santiago

From: [veronica.schmidt](#)
To: [DWD.MB.UI.LAW.CHANGE](#)
Subject: Changes to UI Law
Date: Sunday, October 18, 2020 8:18:21 AM

I would urge you to extend the work search exemption beyond 12/5/20. Many businesses are closed or only open with minimal number of staffing. With fewer openings, the number of work searches required as the economy reopens should also be implemented, at least temporarily. It is difficult to apply for 4 jobs when there are none that are full-time that you are qualified for. Many should not return to work because of underlying conditions which increase chances of contracting COVID and having serious outcomes. Further benefit extensions will also be needed for those unable to find work. Also, the level of benefits is way too low. I went from over \$1000/wk wages to \$370 UC benefits...a loss of 65% of my income. You cannot pay bills at that level. People can't pay for health insurance, housing, utilities, car and credit card payments, and food with that. There needs to be more temporary relief until we come out of the pandemic.

From: [Stephen Kwaterski](#)
To: [DWD MB UI LAW CHANGE](#)
Cc: [John Schmitt](#); [Kent Miller](#)
Subject: Wisconsin Laborers' District Council Letter on Unemployment Insurance Program
Date: Tuesday, November 10, 2020 11:37:24 AM
Attachments: [11.10.2020 - WLDC Letter to UIAC.pdf](#)

Attached you will find a letter from Wisconsin Laborers' District Council President/Business Manager outlining our union's suggested changes for the Unemployment Insurance program.

Please contact us if you have any questions.

Sincerely,
Steve Kwaterski

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Steve Kwaterski
Wisconsin Laborers' District Council | Communications Director

O:

M: 



Wisconsin
Laborers'
District Council

LIUNA!

November 10, 2020

Wisconsin Department of Workforce Development
Unemployment Insurance Advisory Council
Unemployment Insurance Division
201 East Washington Avenue
P.O. Box 8942
Madison, WI 53708

To: Members of the Wisconsin Unemployment Insurance Advisory Council

On behalf of the nearly 9,000 active and retired members of the Wisconsin Laborers' District Council, I am writing to you asking for changes to Wisconsin's Unemployment Insurance program.

The Legislature's failure to authorize funding to update the State of Wisconsin's UI Benefits system, coupled with the COVID-19 pandemic, has created significant strain and challenges for administering the state's unemployment insurance program.

Unemployment insurance is a safety net for our members and for all of Wisconsin's working people, and we need collective leadership and agreement between workers and employers to ensure that protections are in place as we still face significant economic uncertainties.

We are asking for the following improvements to the State of Wisconsin's unemployment insurance program:

1. **Computer System Upgrades** – The Wisconsin Legislature authorizes funding to upgrade the unemployment insurance computer system to bring it into the 21st Century to create efficiencies and streamline benefits claims.
2. **Permanent Elimination of the One-Week Waiting Period** – The temporary elimination of the one-week waiting period is set to expire in 2021, and this unneeded waiting period needs to be permanently eliminated.
3. **Increasing the UI Benefit** – Wisconsin lags behind surrounding states for the maximum weekly benefit, and we should increase it to come in line with neighboring states.

I thank you for your hard work to come to a solution for the state's unemployment insurance program that is mutually beneficial to both workers and employers.

Sincerely,

John Schmitt
President/Business Manager
Wisconsin Laborers' District Council

From: [John Sengdalaphet](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Re: Public Input
Date: Tuesday, November 10, 2020 12:27:37 AM
Importance: High

To Whom it May Concern,

I wanted to express my thoughts on how a lot of things can change within the DWD because there's a lot wrong with how cases are handled. My first concern is how people who quit/lost their jobs before COVID-19 are handled. I was recently denied because I quit my job due to the hostile environment. It doesn't necessarily mean I am unemployed because I chose to pursue working my freelancing business I LLC'ed last year. However because I quit and no one expected COVID-19 to occur overseas, I was denied benefits, only because I quit, for any reason. Now I have a friend who worked at Amazon possibly a few days or weeks. His situation was that Amazon fired him. Though they fired him, he wasn't there that long and you're paying all his unemployment benefits including the \$600/week due to the pandemic. So I've been at my job for 5 months before I quit and get no benefits while he worked at his job for (possibly) one month until fired.....how is that fair?

Because of the pandemic and the DWD's inability to assist me, I had to use my business funds to get by until I was forced to get a job...and got fired after three weeks because they didn't want to train me. The flaw of Wisconsin's Unemployment is that it doesn't help everyone in need, just people who were already working, regardless of how long they've been there. If that's the case, I should get something now after getting fired at my one job. It's not COVID related but COVID really did affect my business as I lost a lot of potential clients who wanted to work with me.

I literally stopped filing because I realize that the DWD will not help me nor will it help a lot of people. It's been 30+ weeks or whatever many weeks for me, I lost count. I don't think I'll need to file much anymore but I still have the right to get paid out from April-July when I was literally unemployed and my business stagnant. I haven't heard from PUA yet but I don't need to file anymore for any weeks. I just want to be paid out for April - July so I can put back the profit I lost in my business in order to survive. It seems your priorities are shrewd since people who barely even meet your requirements are the ones getting paid.

John Sengdalaphet

Freelance Graphic Designer

Illustrator

Photographer

Behance -

From: [Rep.Sinicki](#)
To: [DWD MB UI LAW CHANGE](#)
Cc: [Rep.Sinicki - LEGIS](#)
Subject: UI Public Hearing Submission
Date: Wednesday, November 11, 2020 4:22:15 PM
Attachments: [UI Public Hearing Submission Nov 2020.doc](#)

Best regards,

Christine Sinicki

State Rep. Christine Sinicki
20th Assembly District
Room 114, North Capitol
608-266-8588
rep.sinicki@legis.wi.gov

This message is intended for the sole use of the individual and entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.



Wisconsin
State
Assembly

Christine Sinicki
State Representative

November 10, 2020

To the Member of the UIAC:

In your work next session to write an Agreed-upon bill that addresses the current UI statute, please consider reviewing that whole statute to examine the changes made to that law in the last decade.

In particular, I would suggest you revisit changes made to the work search portion of the statute. Increasing the number of weekly work searches required of claimants created a burden for the claimant and for employers. And severely restricting seasonal work search waivers for seasonal employers and their employees created havoc, hardship and economic loss for state industries, such as road and other construction, tourism, food growers, and landscaping. How does this part of the UI law make any kind of sense?

Other changes involving altered standards for finding substantial fault and misconduct also ought to be reconsidered, and preferably returned to their prior definitions in state law.

Thank you for your consideration of these suggestions and for your work on the UIAC.

Sincerely,

Christine Sinicki

Christine Sinicki
State Representative
20th Assembly District

From: [Sen.Smith](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Wednesday, November 11, 2020 11:15:24 AM
Attachments: [image002.png](#)
[image004.png](#)
[20201109_Testimony_UI_Advisory_Council.pdf](#)

Chair Knutson,

Please accept Senator Smith's attached testimony for the Unemployment Insurance Advisory Council. Thank you for your consideration, and feel free to reach out to me with any questions or concerns.

Sincerely,

Alyssa Neuser
Outreach Director
Office of Senator Smith
608-266-8546





JEFF SMITH
WISCONSIN STATE SENATOR – 31ST DISTRICT



TO: Unemployment Insurance Advisory Council
From: Senator Jeff Smith
Date: November 10, 2020
RE: Testimony in Support of Unemployment Insurance Policy Changes

Members of the Unemployment Insurance Advisory Council (UIAC), thank you for allowing me to share my support for changes to the Unemployment Insurance (UI) Program. I strongly encourage the UIAC to recommend the following changes in the interest of improving **Wisconsin's unemployment insurance program:**

- 1) Update the able and available designation for helping claimants who struggle with medical conditions
- 2) Endorse the bills introduced this summer for effectively administering the UI program
- 3) **Make changes to the Department of Workforce Development's antiquated computer system**

First and foremost, workers shouldn't have to choose between their employment and risking their lives during a public health pandemic. **There must be a change to the "able and available" criteria for individuals who are considered high-risk** for COVID-19.

One of my constituents suffered a heart attack. She returned to work after recovering shortly before the pandemic. As a gas station clerk, she was in frequent contact with individuals on a daily basis. Her doctor recommended she quit her job or find a new job because she was considered high-risk for COVID-19 exposure. **She told her employer she couldn't work** due to her medical condition. Her unemployment claims were held up because she was forced to voluntarily quit for medical reason.

Allowing workers, with the approval of their physicians, to be furloughed through public health pandemics will help workers not have to choose between working and losing their lives. Individuals struggling with these types of medical conditions rely on income to afford lifesaving prescriptions and medical care. They simply cannot wait months for their claims to be reviewed.

I strongly recommend the UIAC to put forward changes to the unemployment review process that caused significant delays for unemployed individuals. My Democratic colleagues and I introduced numerous bills on July 16, 2020 as a result of the overwhelming amount of frustration our constituents dealt with relating to the unemployment backlog at the Department of Workforce Development. This bill package would permanently eliminate the one-week waiting requirement, remove confusing or outdated policies like the substantial fault provision, and allow eligible SSDI recipients to receive unemployment insurance concurrently, among other provisions.

Over the past several months, I heard from hundreds of constituents struggling to support themselves and their families through the COVID-19 pandemic. Many of my constituents lost jobs, their sense of stability and were at risk of losing their homes as a result of the overly burdensome claim review process that caused months of delays. I would like to share a few of the close to 400 constituent cases I have heard over the course of the recent unemployment crisis so the UIAC can recommend changes to the current system.

There are scores of heartbreaking stories of unemployment workers from this year. Below, I have provided you with a handful of the stories that I believe illustrate the need for change:

- One of my constituents was undergoing cancer treatments, and she was scheduled to return to work a week or two into the pandemic. Her unemployment claims were held up in adjudication for verification due to her short term disability payments, which resulted in all her payments being delayed months.
- Another constituent was unable to receive unemployment benefits simply because she receives Social Security Disability Insurance (SSDI). She, like thousands of others, lost her job because of the pandemic. However, Wisconsin is one of two states that prohibits SSDI recipients from receiving state unemployment insurance.
- A woman who is blind worked part-time to supplement the meager SSDI payment she receives because of her disability. However, when she lost her job through no fault of her own, she did not qualify for unemployment insurance benefits.
- A young man fresh out of high-school was let go by his previous employer and then found a new job. His unemployment claim was stuck in adjudication for months due to suitability determinations.

I strongly encourage the Unemployment Advisory Council recommend changing to the unemployment insurance computer system. **DWD's computer software is in** desperate need of modernization. Wisconsin cannot continue to use an antiquated sixty-year-old computer system for processing claims. This system has needed upgrades for decades, and the current pandemic showed how woefully ineffective it is for processing claims during high unemployment situations.

Please contact my office if you want more real-life examples of how these changes will streamline **Wisconsin's** unemployment insurance system and help workers receive faster payments during future mass-layoff events. I hope you will consider these provisions when advising the Department of Workforce Development.

From: [Tanesha Stewart](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Possible Systematic Racism
Date: Tuesday, November 10, 2020 9:16:40 AM

Hi, my name is Tanesha Stewart and I am a mother of 4 children. I was forced to resign due to COVID and been filing for unemployment insurance since June 2020. I have been working since the age of 16 and whenever I became unemployed I always had a hard receiving my benefits. I believe this has to due with systematic racism simply because I am black and I have a commonly known "Black Name." My peers around me who has commonly known "White Names" has been approved by Wisconsin Unemployment shortly after applying. I am sure if I were to conduct a study my discrimination concern will be true but this does not mean that it cannot be examined, recognized and addressed. I usually always find another job but this time due to COVID-19 it's been difficult. Currently, I am behind on bills, can't afford needed medications, having a hard time keeping the fridge full will my kids on virtual learning and in the process of filing bankruptcy. Please process the backdated claims we are struggling to get by everyday!

Tanesha Stewart

From: [AM Tapia](#)
To: [DWD MB UI LAW CHANGE](#); [Knutson, Janell - DWD](#); [Gallagher, Robin - DWD](#)
Subject: UI Law Change
Date: Wednesday, November 11, 2020 3:58:05 PM

In the past few years, the economy has pushed “The gig economy” as a road to financial stability on your own schedule. Call it what you will, gig employees, consultants, independent contractors, or freelancers. Freelancers such as myself do not fall under typical UI requirements and now we don’t fall under PUA either. We are in no-mans land. We call and we’re disconnected. We call and we get through, then we’re put on hold until EOD. We call and we get through, and we get to talk to someone! HOWEVER, it is someone working from home and you can hear children yelling in the background. And these employees are given a script and can not help answer our questions. They just tell us to wait. This is why the support group was started on Facebook. We are trying to help one another based on our own experiences. WE, the people in the DWD purgatory, are helping each other more than the DWD. That is unacceptable. The DWD has created this labyrinth that we have to navigate and if we make one wrong move, we are punished. We are made to feel guilty for even asking for UI or PUA. As if we are trying to scam the system. Do you have any idea how hard it is to enter over 60 1099s, w-4’s, and w-2’s into your system that is already overloaded? It’s near impossible. You ask us to fax them in, yet a former DWD employee has stated that there is one fax machine and if it runs out of paper/ink/breaks down during the non-office hours, that faxed documents will not get through. For an independent contractor such as myself, my tax documents from the past two years are over an inch thick. I chose to mail it in and track it.

You’ve asked for suggestions on how to fix the system. You didn't publicize it enough and the turnout was low.

This might not be much, but it’s a start.

-To determine what type of employee a person is, a simple yes/no decision flow chart could help. Then the applicant can apply for the correct type of benefits.

<https://creately.com/diagram/example/iutysn5s1/Yes%20No%20Chart> has some templates.

-Once an applicant knows their classification, they can begin to apply by answering yes/no questions in their questionnaire.

-Any documents in question should be able to be uploaded to an applicant's portal as well as the ability to see that it was: received, reviewed, accepted, incomplete, etc. Along with the date that this happened and the employee ID # of the person who handled that portion.

-Applicants should be assigned a caseworker and that information should be visible in their portal. Caseworkers should have worked with the DWD for at least 1 year. That way they are more familiar with the system.

-Time limits. If a case has no answer for 90 days, the DWD will lose and the applicant shall be awarded all benefits they applied for. If our bills are due in 90 days, then so are yours.

-An automated chatbox for help. The applicant can enter the question and get an explanation

or link to an explanation. If an answer can't be found, then they can call the assistance line.

-The ability to schedule a 15min or 30min block of time to have a DWD employee call them back. If I can do this with my Aurora doctor then you can figure it out too. Even my hairstylist has an online booking system.

-A glossary of terms. Not all of us are MENSA members or got a 187 on the LSATs. The normal person needs some guidance.

-The weekly claim certification questions. They are complicatedly worded and redundant. K.I.S.S it. Keep It Simple Stupid.

-Beta test the new system. Ask for volunteers and reviews.

-A more secure system with our personal data.

-Look to other states on how their systems are run, take what works and leave behind what doesn't.

-Resources. Lists by county or region of the state for food shares, food pantries, rent assistance, medical help, mental help, legal help, housing/shelters, charities. After this year the citizens of Wisconsin will need help more than ever. You can't change the past and what you did to us. But you can change the future and how you treat and help us. FORWARD is our motto but to me, that has always meant PROGRESS.

I have been out of a job since 3/13. I have jumped through all the hoops the DWD has set out for me. The 10k I had in savings is dwindling. I am weeks away from being homeless and living in a shelter. Now, I have been waiting since August for a trial date for adjudication. I don't qualify for UI because I'm a freelancer, so I applied to PUA. You denied me PUA and told me to apply for UI... in ILLINOIS. I am not a resident of Illinois. I am a Wisconsin resident. It's as if you want to misdirect me and have me fail and give up. My industry of film/tv/ the commercial has slowly started up again but I cannot work on anything in Chicago like I used to because there is a travel ban. And as a Wisconsin resident with a Wisconsin driver's license, I cannot be on ANY paperwork with production because it will void the production insurance. I stay isolated, I wear a mask, I sanitize, and I play by the rules. I had always planned to become an Illinois resident but AFTER the election. I wanted my vote to count for my home state. Now without steady employment, I can't get an apartment in Illinois and then get residency.

"Why not work in Wisconsin?" Because The Badger Guide and Nick Langhoff run production in this state. A group of white guys say who gets work. You can pay \$50 per category to be listed on The Badger Guide site, BUT this group of white guys will keep your money and not list you regardless of having close to 20 years of experience. It is why so many women and minorities in production leave Wisconsin. Also, Wisconsin doesn't have any film board or council to list the rules of shooting in this state. There are no film permits, no safety guidelines, no lists of unions, no COVID safety. It is the Wild West of filmmaking. Crews from other states come here to film and they love it because there are no rules.

I am facing my 45th birthday. I am a minority female in an all-white and male career field. I am trying to find another field to work in and it is hard to turn my back on my education and close to 20 years in this business. But I have to survive this pandemic and this economic depression.

Many Wisconsinites want to sue the DWD but you can't file a lawsuit on a state or a department of the state government. However, you can file a lawsuit against an employee of the state department in question or a government official in charge of that department/committee. The people of Wisconsin are angry. They want answers. They want justice. Fix the DWD system and clear the claims, please.

Thank you for your time.

Sincerely,
Ann Tapia

From: [Melissa Teegarden](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: E-Mail From Law Change Suggestions Web Page
Date: Friday, November 6, 2020 10:58:00 AM

Hello, I writing to you today, in regards to changing the law and or process involving unemployment benefits and how there and when they're disbursed. With America being in such a detrimental state, I strongly believe adding an extra department or doubling current staff especially in claims and adjudication is the best option. I can personally relate and am tremendously impacted by the repercussions this short coming has on my life & stability. Please look into this problem or soon we'll all be cold and homeless.

With kind regards,

Melissa E. Teegarden

From: [Knutson, Janell - DWD](#)
To: [Rubsam, Andrew J - DWD](#)
Subject: Fwd: Public Hearing Comments
Date: Monday, November 30, 2020 4:25:06 PM

[REDACTED]

[REDACTED]

[REDACTED]

From: Angela TorresStich <[REDACTED]>
Date: November 30, 2020 at [REDACTED]
To: "Knutson, Janell - DWD" <Janell.Knutson@dwd.wisconsin.gov>
Subject: Fwd: Public Hearing Comments

Angela Torres (Stich)

----- Forwarded message -----

From: **Angela TorresStich** <[REDACTED]>
Date: Mon, Nov 30, 2020, 4:06 PM
Subject: Public Hearing Comments
To: <UILawChange@dwd.wisconsin.gov>

Well I know its past the time frame to comment on this matter, however late is better than never so I opened my claim back in April and I have emailed everyone and anybody who could help with this, eligibility issues came up and never ever contacted until I sent emails to the top person on wis unemployment insurance division and then the adjudicator assigned to my claim totally missed handled it never sent notice of time of phone call and I was only given by adjudicator from September 17th to the 22nd of September and thats only 4 business days and weekends you can't count and no contact information ever given to me, on who or how to contact her, I had to track her down by then she denied my claim so I have appeal and play the waiting game with no income, and I can't get my PUA while having a appeal pending so I really got shafted on this. She didn't even have full knowledge of the PUA benefits and the eligibility for qualifying for the PUA program, and 21 days is the time frame for eligibility issues and not 5 months, and the appeal process is after receiving the 1st letter you are to receive the hearing date 6 days after not a month or longer, I am going to lose my car, and which means I definitely won't be able to get a job ever because I live in a rural area where we don't have transportation like the city people do and good paying jobs don't exist here, so the Wisconsin unemployment insurance division has wrecked my credit, caused me not to get any kind of good pay job, and 7.00 an hour does not qualify as a good paying job, nor does it support my family either,

Angela Torres (Stich)

From: [Orrie Walsvik](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Comment on UI insurance
Date: Tuesday, November 10, 2020 12:24:07 PM
Attachments: [Public Comments UI.docx](#)

Hello,
Please find attached my comments on UI insurance.

Sincerely,

Orrie Walsvik
J.D. Candidate, December 2021
University of Wisconsin Law School



I am a law student advocate at the Unemployment Appeals Clinic, and I have been for the past year. I have represented claimants in several unemployment appeals hearings and helped multiple individuals outside of appeals proceedings.

The Department's Pandemic Response has been lacking on several fronts.

The Department's unavailability by phone has sowed confusion, distrust, and unneeded angst amongst eligible recipients. On an average intake night at the clinic, I mostly field calls from individuals asking questions about the basic mechanics of UI. Before the pandemic, no one would take time out of their day to attend clinic unless they had a serious issue, because they could simply call the DWD and get an answer. In my opinion, this lack of *initial availability* has increased the work that the Department and access to justice organizations must do on the back end of the process, which feeds into all the other problems.

The Department's delay in decision-making and inability to process documentation has led to extremely inequitable situations and is against the very purpose of Unemployment insurance. **All of the individuals who I have successfully helped appeal their UI insurance in the pandemic have won their claims after finding new employment.** The purpose of UI insurance is to help band-aid over individuals when they lose their jobs suddenly, so they do not have to rely on less-than-savory financial options. Individuals claiming during the pandemic are these types of people-without work for the first time in *years*. These are the people who most need UI's help, but instead they face delays and denials based on delays, and they find new jobs quick. But they must wait for their UI insurance. What does this mean? Only individuals who are financially secure enough to carry themselves through short-term unemployment can get unemployment insurance. Other folks simply do not have time to wait, and do not have the knowledge or the time to jump through the hoops.

Specific example of unavailability to clarify follow: I have met two folks, who on their initial application put that they had received another form of income. The department flagged this and wanted more information. Both situations were work-from-home situations, where an individual installed a stereo in his sister's car for a profit of \$20, and another individual raked leaves for a similar profit. They tried to call and submit this information to the department to no avail, the lines were busy. Because of this denial, their applications were denied for failure to provide information to the department. Now, they must appeal the denial, which should not have happened before, hamstringing them along in the process and taking up valuable time and resources from department employees.

Finally, the department has failed to guide individuals to the correct assistance service, whether it is regular unemployment or PUA. PUA has been a learning curve for all of us, but when you combine the lack of knowledge with the massive procedural delays, you create a backlog of issues which can't be solved without appeals to hearing examiners or LIRC, which can take months.

From: [James Weant](#)
To: [DWD MB UI LAW CHANGE](#)
Cc: [James Weant](#)
Subject: E-Mail From Law Change Suggestions Web Page
Date: Tuesday, November 10, 2020 1:23:20 PM

Good afternoon DWD staff,

I am writing today on behalf of the 6,000+ active state account numbers we represent in Wisconsin and all employers in your state.

UI fraud continues to plague countless employers and employees in all states and territories. Imposter claims are very troublesome for all stakeholders. It appears customary (or at least more common than not), state UI agencies including DWD, do not "close the loop" with the ID theft victim or employer. A victim is encouraged to report the fraud. On behalf of our employer clients, we provide a timely protest to DWD advising you that the individual is still employed and did not file the claim. At this point, we rarely receive subsequent correspondence from a UI agency to advise us/employer that the claim has been ruled fraudulent.

One of your touch states, Michigan, passed numerous pieces of legislation in December 2017 that related to UI fraud, an investigation/notification process, and the issuance of a final determination of the fraudulent claim status. They developed and implemented these sweeping changes by the end of March 2018. To my knowledge, they are the only state UI agency with such a formal, robust, and informational process surrounding the filing of fraudulent UI claims.

While statutory or not, it is my understanding that another of your touch states, Illinois, is developing a process for closing out fraud claims and issuing formal notification to interested parties.

In personally presenting to our employer clients multiple times a week on this subject, the lack of closure from the UI agency is too common and equally frustrating. I would encourage DWD to review such a process with your touch states - especially the Michigan UIA who has nearly 3 years under its belt - and develop your own.

Thank you for your consideration.

James Weant

Manager UI Program Relationship

Equifax Inc.

O) [REDACTED]
C) [REDACTED]
F) [REDACTED]

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From: [Jaclyn Weitzel](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Unemployment Insurance Advisory Council- public hearing
Date: Tuesday, November 10, 2020 12:01:14 PM
Attachments: [DWD_unemploymentinsurance.docx](#)

Hello,

I am submitting my comment for the public hearing on unemployment insurance.

Thank you,

Jac Weitzel
She/Her/Hers
Executive Director
Building and Construction Trades Council
Of South Central Wisconsin
(608) 256-3161 – Office
[REDACTED] – Cell
<http://btrades.com>





Department of Workforce Development - Unemployment Insurance Advisory Council
Janell Knutson, Chair
Unemployment Insurance Advisory Council
P.O. Box 8942
Madison, WI 53708

Re: Unemployment Insurance - Public Hearing

To the Department of Workforce Development's Unemployment Insurance Advisory Council.

The 40,000 working men and women of the Wisconsin Building Trades Council must address a treasure our unions fought for long ago, Unemployment Insurance. While we pride ourselves on keeping our hard-working men and women on the job and collecting a paycheck for a day of work, we know that unmitigated issues and circumstances can find their way into our nation and state's economy as well as our personal lives.

For those of you who have not experienced unemployment, I can tell you job loss is a frightening experience. Families are spun into crisis. It could mean the loss of everything they've worked to build. Without work, foreclosure, repossession, and utility cut-offs suddenly become a potential reality. The insecurity created by the buzz of a layoff is intense enough to keep families on edge and creates a poor quality of life. That is why we are testifying protect and strengthen Wisconsin's unemployment insurance benefits.

The items we want to point out today are the ***one week waiting period*** and to ***raise the weekly rate of pay***.

We suggest Wisconsin permanently waives the **One week waiting Period** for these reasons:

Claimants are statutorily permitted to 26 weeks of benefits, taking 27 weeks does not save any costs for the state and could jeopardize a family's livelihood. This has been recently exacerbated by the COVID19 pandemic and we must respond now to ensure this carries on.



With the waiting period's suspension seeing its sunset in February 2021, we can easily see that the effects of the pandemic have in no way shape, or form given our economy any certainty as to when we will fully recover – if ever. This permanent waiver will provide those without employment a stable economy for their most immediate and necessary expenses. With this in mind, this program is designed not only to fill a gap for a family but also keeps these displaced workers in a place to consume goods from local businesses further stimulating our local economy. A permanent waiver for the **One week waiting period** is a good thing for Wisconsin, taxpayers, businesses, and those immediately affected.

Our second suggestion is to **Raise the Weekly Rate.**

This is a place where we can see benefits across a spectrum of those immediately and indirectly affected. Currently, the state level Unemployment benefits maximum is at a rate of \$9.00 per hour or \$370 weekly. Based on a middle-class lifestyle this is scarcely enough to pay monthly bills. Raising the maximum rate will help middle-class families struggling and will help the economies of local communities struggling during this pandemic. Life's staples are expensive, at every corner and turn we have grocery, utilities, rent, vehicle, telecommunications like internet and phone – life is not cheap and necessities have far outpaced the current maximum benefit. If an individual loses access to any of those items listed, we can be sure the unemployed individual will likely not be able to access another job or career when the economy does recover. We must point out this weekly rate has not been raised since 2014; it is the lowest of every state that borders Wisconsin including Iowa and we know that we are better than that and that we are fiscally capable of **Raising the Weekly Rate** for displaced workers in Wisconsin.

In conclusion, the Wisconsin Building Trades Council seeks to improve the lives of working people, whether it be safety, benefits, wages, or in this case unemployment insurance – we know that our agencies can achieve a higher standard, and we know that there are people out there needing your help in these tumultuous times.

Thank you for your consideration and time.

Jaclyn (Jac) Weitzel
Executive Director
Building Trades Council of
South Central Wisconsin

From: [Brad Werner](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Monday, November 2, 2020 12:03:57 PM

To whom it may concern,

I am writing today in an effort to start a change to the pandemic rules for UI. I am an "essential employee" and have been working since the beginning of the pandemic. As of 10/29/2020 I was forced to quarantine due to being in contact with someone that contacted covid-19. I was informed that any payments over my regular UI were over with. At the beginning of this there were countless people getting extra payments, but now that an essential employee is forced to quarantine they get nothing. This is something that needs to change. I cannot live off of the base UI payments for this time. I am not being allowed to work to make that money I do need. There needs to be some change to allow for higher payments to those of us in situations like this. Payments high enough to live off of for the short time, even if just to put you at your typical gross income for a week. I thank you for your time and consideration in this matter.

Respectfully,
Brad Werner

From: [Carrie Whipp](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Sunday, October 18, 2020 1:27:15 PM

My only concern is the waiting for a decision on claim during the pandemic. I have been hungry and barely getting by for about 10 weeks with unemployment or a stimulus check. Can't get through to your office or get any answers regarding claims. Very frustrating.

From: [Scott Wiener](#)
To: [DWD MB UI LAW CHANGE](#)
Cc: [Kevin Bagstad](#)
Subject: WI Work Share Program
Date: Wednesday, November 11, 2020 9:00:52 AM
Attachments: [image001.png](#)

Ms. Knutson – I support extending the WI Work Share Program to 12 months. We at Capital have had to drastically reduce our staffing due to the Covid-19 pandemic, specifically:

1. We are experiencing a 50% reduction in draft beer sales as a result of bar and restaurant restrictions. This number may increase as we enter the winter months.
2. We limited our on-site attendance in the Beer Garden (now closed for the season). We are evaluating scenarios wrt. our indoor Beer Stube, and IF we re-open it will be with significant limits on hours and occupancy.
3. We eliminated all special events, bands, fundraisers and the like.

Extending the program will enable us to retain employees and help 'keep the lights on' until we can pull out of this situation.

Sincerely,



Scott Wiener
President
7734 Terrace Ave
Middleton, WI 53562
Phone [REDACTED]



From: [Megan Wilber](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: LWA
Date: Sunday, November 8, 2020 4:34:26 PM

Hi there,

My peuc benefits exhausted on 10/11/20. That means I was qualified for LWA. I was filing at the time and received payment for a few of those weeks. I have not been paid LWA. On 10/11/20 the system prompted me to apply for extended benefits and I did. So the system shows a “new benefit year”. So every time I talk to someone who answers the phone they tell me I have to wait for issues to be resolved. My problem with that is that why do I have to wait for LWA to be paid when I was qualified and just because it took time to be disbursed? Also, why do I have to wait for determinations and adjudication when nothing has changed? And why am I required to fill out more forms regarding past employment income when you already have that? I’m really upset and no one answers me and gives me false information whenever I call. I don’t believe your staff has had proper training because they seriously don’t have a clue what they are talking about. I’ve been told twice to file for PUA even though there are “issues” with extended benefits and also absolutely do not qualify. It’s frustrating. Please pay me my LWA. Please.

Thank you,

Megan Wilber

[Sent from Yahoo Mail for iPhone](#)

From: [Megan Wilber](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: HELP: LWA
Date: Tuesday, November 10, 2020 4:44:55 PM

Hi there,

My peuc benefits exhausted on 10/11/20. That means I was qualified for LWA. I was filing at the time and received payment for a few of those weeks. I have not been paid LWA. On 10/11/20 the system prompted me to apply for extended benefits and I did. So the system shows a “new benefit year”. So every time I talk to someone who answers the phone they tell me I have to wait for issues to be resolved. My problem with that is that why do I have to wait for LWA to be paid when I was qualified and just because Wisconsin took forever to pay it, why should I suffer longer?! Also, why do I have to wait for determinations and adjudication when nothing has changed? And why am I required to fill out more forms regarding past employment income when you already have that? I’m really upset and no one answers me and gives me false information whenever I call. I don’t believe your staff has had proper training because they seriously don’t have a clue what they are talking about. I’ve been told twice to file for PUA even though there are “issues” with extended benefits and also absolutely do not qualify. It’s frustrating. Please pay me my LWA. Please.

Thank you,

Megan Wilber

[Sent from Yahoo Mail for iPhone](#)

From: [Peter Wilson](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: System is broken
Date: Monday, November 9, 2020 12:32:08 PM


For the last 3-4 weeks every time I log in it does not recognize my user name and password.

There is something definitely going wrong with the log in process. So I have to reregister my account each time I try to log-in. Yet, the next time I log in it does not recognize my login credentials.

Also, it offers to send me a text. But that phone number is a land line number. When I finally get in the phone is registered with my account is a mobile number. But the system still uses my old long dropped land line number.

Sincerely,

Peter Wilson



From: [EMMA WOODS](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Unemployment Concerns and Comments
Date: Tuesday, November 10, 2020 7:08:34 PM

Dear Ms. Knutson,

My name is Emma Woods and I am the student manager of the Unemployment Appeals Clinic. I spoke today (11/10) at the public hearing. Forgive me for using a different email, I do not want to confuse anyone I just wanted to email from my personal/school email rather than from the Unemployment Appeals Clinic email because I wanted to speak to you as an individual rather than in any official capacity at the clinic.

I wanted to raise a few issues to the DWD regarding UI benefits.

The first issue is what I brought up at the public hearing today. The Clinic received a Request for Information regarding the DWD's intention to hire an attorney or law firm to investigate and develop new claim filing questions. Ultimately I see this as a positive step, as the questions are currently so obtuse that it seems one must study the substantive law to be able to answer them correctly. Due to this, many eligible claimants are denied unemployment. Those individuals either give up or appeal, causing both an unnecessary burden on the DWD and an unnecessary burden on our community resources, which inevitably have to pick up where the DWD fails to support people. However, the DWD would like to enter an attorney-client relationship with whoever takes on this process, and I think this will severely limit the amount and quality of help the DWD will receive. Specifically, the attorneys who have the most knowledge of just how bad the current claim questions are, and therefore are the most well-equipped to re-work them in accordance with the law, are the same attorneys who have previously or continue to represent claimants in actions against the DWD. Therefore, the best attorneys for this job are effectively conflicted out of participating in this process. I am adamant that this is an issue because the claim questions should be reworked in such a way that is helpful to claimants, as the DWD is a government body meant to be of assistance to Wisconsinites. Whoever the DWD works with on this issue should have the purpose of helping claimants as their number one goal.

Has the DWD considered this issue? What will the DWD do to ensure involvement of attorneys and community organizations who are active advocates of claimants? Has the DWD internalized that its role is and ought to be *helping* and *servicing* the community? All too often it appears that DWD employees view claimants as unworthy of trust, of help, or of dignity, which is anathema to the agency's charge.

Second, I am concerned about the accessibility of the DWD. I have spoken to over a dozen claimants who have had issues with unemployment, either being denied or simply left in a holding pattern, because they either do not speak English, do not own a computer, or have a disability that impairs their ability to talk on a telephone. I know this is an issue that many people have brought up to the DWD, and I just want to continue to emphasize the point. I am hard pressed to think of a place more accurately described as a "place of public accommodation" than a government agency supposed to issued insurance payments to all eligible members of the community. What plans does the DWD

have to make their process to all people, regardless of language background, socio-economic class, age, or difference in ability?

Third, I am concerned about the frequent denials of PUA based on either the claimant only being partially unemployed, or the claimant's employer not being fully shut down. Turning to my first point, the CARES Act clearly states that a covered individual is someone who provides self-certification that they are "otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, *partially* unemployed, or unable or unavailable to work because" of one of the delineated 11 Covid-19 scenarios (emphasis added). CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, PL 116-136, March 27, 2020, 134 Stat 281. If someone is partially unemployed as a direct result of Covid-19 they should be eligible for benefits. They are affected by the pandemic and are the exact party that should be aided by the remedial nature of the CARES Act. Turning to my second point, regarding a place of employment not being fully shut down, I understand that one of the Covid-19 scenarios is that ones place of employment closed due to Covid-19, however, another scenario is that the claimant is "otherwise not qualified for regular or extended UI benefits and affected by COVID-19." If someone is ineligible for UI, and their place of employment did not fully shut down, they should still be eligible for PUA under this eleventh and final Covid-19 scenario.

My fourth and final point is largely a reiteration of the sentiment of my first, about whether or not DWD has internalized its purpose as a social service to its community. I know firsthand that many adjudicators and ALJ's in the UI division are eminently competent and caring people, so I am likely speaking to a minority of employees in my forthcoming concern, but it is an important minority and therefore I hope the DWD does not brush off this comment.

I worry that the DWD has promulgated a culture of distrust of everyday people. I find that tonally, adjudicators and ALJ's often speak to claimants like they are the enemy, and that their receipt of unemployment benefits is the DWD's loss. I find this abhorrent. I do not think there is any specific policy that can be put in place that can fix this, as it is attitudinal. I implore the DWD to take stock of its employees attitudes, of what they think their purpose is, of how they view themselves in concert with claimants and employees, and how they believe the unemployment process should go. I think the word most commonly associated with the process currently is "dehumanizing". Should not unemployment insurance be one of the most humanizing experiences our government can offer its people? A process that understands the dignity of workers, the ever-present uncertainty of the labor market, and our duty, as neighbors, to each other?

That concludes my comments at this time. Thank you for the work you do, and thank you for taking the time to hear directly from the public. Please reach out to me with any follow up questions and comments you may have.

Best,

Emma Woods
2022 J.D. Candidate
University of Wisconsin Law School

From: [sandy zhang](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Friday, October 30, 2020 3:29:13 PM

I work two jobs and I quit one job before the pandemic, then I was disqualified for the benefits. How will that consider disqualified since I still work other job?

From: [Jane Zwiefelhofer](#)
To: [DWD MB UI LAW CHANGE](#)
Subject: Public Hearing Comments
Date: Tuesday, October 13, 2020 12:57:08 PM

There are many seasonal construction and hauling companies that are having a difficult time in recruiting and retaining skilled workers and drivers. Having the eight-week period waiver for work search is inadequate. Even with the four-week extension, many workers must do the work search prior to being called back to work. Wisconsin winters can last much longer than twelve weeks. We strongly believe that there should be an exception or automatic extension of unemployment benefits for these workers.

Recruitment and retraining costs hurt the industry that is providing governmental units, as well as private utility operators, with the skilled and knowledgeable workers needed to build infrastructure.

Jane Zwiefelhofer

Human Resources & Safety Generalist

715-568-4141 extension 222

Cell: [REDACTED]



EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Unemployment Insurance
	CORRESPONDENCE SYMBOL OUI/DL
	DATE December 30, 2020

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 9-21

TO: STATE WORKFORCE AGENCIES

FROM: JOHN PALLASCH /s/
Assistant Secretary

SUBJECT: Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act) – Summary of Key Unemployment Insurance (UI) Provisions

1. **Purpose.** To advise states of the enactment of the Consolidated Appropriations Act, 2021, specifically Division N, Title II, Subtitle A, the Continued Assistance for Unemployed Workers Act of 2020, on December 27, 2020, and to provide an overview and instructions for implementing certain UI-related provisions.
2. **Action Requested.** The Department of Labor’s (Department) Employment and Training Administration (ETA) requests State Workforce Administrators provide the information contained in this Unemployment Insurance Program Letter (UIPL) to appropriate program and other staff in state workforce systems as they implement the UI-related provisions that respond to the economic effects of the Coronavirus Disease 2019 (COVID-19) pandemic.
3. **Summary and Background.**
 - a. Summary – On December 27, 2020, the President signed into law the Consolidated Appropriations Act, 2021, including Division N, Title II, Subtitle A (Continued Assistance Act or Act). This Act amends certain provisions of the Emergency Unemployment Insurance Stabilization and Access Act (EUISAA), set out in Division D of the Families First Coronavirus Response Act (Pub. L. 116-127), the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116-136), and the Protecting Nonprofits from Catastrophic Cash Flow Strain Act of 2020 (Protecting Nonprofits Act) (Pub. L. 116-151), and creates other new UI-related provisions.

Many of the UI-related provisions in EUISAA and the CARES Act are now extended, with some modifications discussed below, beyond their original expiration date of December 31, 2020, and the Federal Pandemic Unemployment Compensation (FPUC) program, which expired July 31, 2020, is resumed for weeks of unemployment beginning after December 26, 2020, as a \$300 supplement. These amendments are discussed further in Section 4 of this UIPL.

RESCISSIONS None	EXPIRATION DATE Continuing
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The Continued Assistance Act also makes additional changes beyond the programs and provisions provided for in EUISAA and the CARES Act. Section 251 requires that states provide a method for employers to report to the state agency individuals who refuse to return to work or to accept an offer of suitable work and that states notify said individuals who are reported under the relevant state laws. This is discussed further in Section 4.d. of this UIPL. Section 261 authorizes the Mixed Earners Unemployment Compensation (MEUC) program for states that elect to participate. MEUC provides \$100 each week, in addition to FPUC, to individuals with \$5,000 or more in self-employment income in the previous tax year who are receiving unemployment benefits from a program other than Pandemic Unemployment Assistance (PUA). This is discussed further in Section 4.b.iii. of this UIPL.

Below is a summary of provisions in the Continued Assistance Act that are not discussed in this UIPL.

Section 262 of the Continued Assistance Act provides that states may waive overpayments under the Lost Wages Assistance (LWA) program when the individual is not at fault for the payment and repayment would be contrary to equity and good conscience. For additional information about this provision, states are referred to the Federal Emergency Management Agency (FEMA). States may direct inquiries about this to fema-lwa-reporting@fema.dhs.gov.

Section 265 of the Continued Assistance Act provides that a Commonwealth Only Transitional Worker shall be considered a qualified alien for purposes of eligibility under the PUA and FPUC programs. This change primarily impacts claims in the Commonwealth of the Northern Mariana Islands and will be discussed in more detail in a forthcoming Change to UIPL No. 16-20.

Section 266 of the Continued Assistance Act provides that states which have triggered “off” of an Extended Benefits (EB) period and later trigger back “on” may choose to disregard the 13-week mandatory “off” period described in Section 203(b)(1)(B) of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA) for weeks between November 1, 2020 and December 31, 2021, if state law permits. This will be discussed in more detail in a forthcoming Change to UIPL No. 24-20.

Attachment I provides an updated summary of the coordination of unemployment benefit programs, including a program progression chart. Attachment II lists important dates within the Continued Assistance Act. Attachment III provides sample notification language that states may use to notify individuals about changes to program dates and amounts resulting from the Continued Assistance Act. Attachment IV provides instructions for states to complete the SF-424 for implementation costs.

- b. Background – On March 18, 2020, the President signed the Families First Coronavirus Response Act (Pub. L. 116-127), which includes EUISAA in Division D. EUISAA provides: 1) emergency administrative grants to states; 2) emergency flexibilities to states

related to temporarily modifying certain aspects of their unemployment compensation (UC) laws; 3) a short-term waiver of Title XII (42 U.S.C. § 1321 et al.) interest payments due and interest accrual on Title XII advances to states; and 4) full federal funding, under certain circumstances, of EB. The latter two provisions were set to expire on December 31, 2020. *See* UIPL No 13-20, published on March 22, 2020.

On March 27, 2020, the President signed the CARES Act (Pub. L. 113-136), which includes the Relief for Workers Affected by Coronavirus Act set out in Title II, Subtitle A. The UI provisions in the CARES Act include creation of three new UC programs: PUA, FPUC, and PEUC. FPUC expired on July 31, 2020, and PUA and PEUC were set to expire on December 31, 2020, prior to the passage of the Continued Assistance Act.

Additionally, the CARES Act provided for emergency unemployment relief for governmental entities and nonprofit organizations, temporary full federal funding of the first week of compensable regular UC for states with no waiting week, as well as temporary financing of short-time compensation (STC) payments and federal STC benefit costs—all of which were set to expire on December 31, 2020. The CARES Act also amended Section 4102(b), EUISAA, by providing states with temporary emergency flexibility of the merit staffing provision as needed in response to the spread of COVID-19 through December 31, 2020. For general information about the UI provisions in the CARES Act, see UIPL No. 14-20, published on April 2, 2020, and UIPL No. 14-20, Change 1, published on August 12, 2020.

On August 3, 2020, the President signed the Protecting Nonprofits Act, which further amended Section 903(i) of the Social Security Act (SSA), which was created under Section 2103 of the CARES Act related to emergency unemployment relief for governmental entities and nonprofit organizations.

Importance of Program Integrity. Addressing improper payments and fraud is a top priority for the Department and the entire UI system. It is critical that states implement UI programs and provisions to ensure that payments are being made to eligible individuals and that states have aggressive strategies and tools in place to prevent, detect, and recover fraudulent payments, with a particular emphasis on imposter fraud by claimants using false identities.

The programs and provisions within the Continued Assistance Act, EUISAA, and the CARES Act operate in tandem with the fundamental eligibility requirements of the Federal-State UI program. These requirements include that an individual file certifications with respect to each week of unemployment that is paid and that an individual be able to work and available for work except as specifically provided for in statute. In addition, the Continued Assistance Act includes new program integrity requirements for the PUA and PEUC programs with which states must comply.

Some states remain in the midst of managing extraordinary workloads due to the effects of the spread of COVID-19. During this time, there is a heightened need for states to maintain a steadfast focus on UI functions and activities that ensure program integrity

and the prevention and detection of improper payments and fraud across all programs operated within the UI system.

UIPL No. 23-20, published on May 11, 2020, discusses program integrity for the UI system. UIPL No. 28-20, published on August 31, 2020, provides states with funding to assist with efforts to prevent and detect fraud and identity theft and recover fraud overpayments in the PUA and PEUC programs.

States play a fundamental role in ensuring the integrity of the UI system. While states have been provided some flexibilities as a result of the COVID-19 pandemic, those flexibilities are generally limited to emergency temporary actions as needed to respond to the spread of COVID-19. States must ensure that individuals only receive benefits in accordance with federal and state law.

ETA strongly encourages states to utilize the tools, resources, and services of the UI Integrity Center, funded by the Department and operated in partnership with the National Association of State Workforce Agencies. One of the key assets to support addressing fraud is the Integrity Data Hub (IDH), which includes a variety of data sets to prevent and detect fraud based on identity theft at the time of application, including an identity verification solution. ETA also encourages states to consult with the UI Integrity Center on data analytics and to prioritize IDH hits, as well as on other tools and solutions available through the private sector that complement the IDH. In UIPL No. 28-20, the Department explained its expectation that states connect to the IDH no later than March 31, 2021 and encouraged states to use their share of the funding provided through that UIPL to support IDH connection as soon as possible. There is also a range of other tools on the market that states should consider when combating fraud and ensuring program integrity.

4. **Guidance.** Below is a summary of the programmatic changes included in the Continued Assistance Act.
 - a. **Amendments to EUISAA.** The Continued Assistance Act extends certain provisions of EUISAA as set out below.
 - i. *Emergency state staffing flexibilities* (Section 205 of the Continued Assistance Act). Authority for temporary emergency staffing flexibilities in response to the spread of COVID-19 is extended to March 14, 2021. With this change, refer to Section 4.d., of UIPL No. 14-20 for additional details.
 - ii. *Temporary assistance for states with advances* (Section 221 of the Continued Assistance Act). The period of time during which interest will be deemed paid and no interest will accrue on state advances from the Federal Unemployment Account (FUA) is extended to March 14, 2021. With this change, see UIPL No. 13-20.
 - iii. *Full federal funding of EB* (Section 222 of the Continued Assistance Act). Guidance about these provisions will be provided as a Change to UIPL No. 24-20.

- Extension of Full Federal Funding Period for Sharable Costs. Full federal funding of sharable regular compensation and sharable extended compensation for eligible states is extended through weeks of unemployment beginning before March 14, 2021. In states where the week of unemployment ends on a Saturday, the last week of unemployment for which full federal funding is available is the week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the last week of unemployment for which full federal funding is available is the week ending March 14, 2021.
- Extension of Full Federal Funding Period for the First Week of EB in States without a Waiting Week. Temporary federal matching for the first week of EB for states with no waiting week is extended to weeks of unemployment beginning before March 14, 2021. In states where the week of unemployment ends on a Saturday, the last week of unemployment for which this funding is available is the week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the last week of unemployment for which this funding is available is the week ending March 14, 2021.

Note that this is a separate provision from the full federal funding of the first week of compensable regular UC, which is provided for in the CARES Act and discussed in more detail in Section 4.b.iv. of this UIPL.

The temporary emergency flexibilities provided for in Section 4102(b), EUISAA regarding waiting week, work search, good cause, and experience rating, do not change with the enactment of the Continued Assistance Act. States continue to have flexibility in applying these provisions on a temporary emergency basis as needed to respond to the spread of COVID-19. See UIPL No. 13-20 and its Changes.

- b. **Amendments to the CARES Act.** The Continued Assistance Act provides for the extension and modification of certain CARES Act provisions, as set out below.

The Agreement Implementing the Relief for Workers Affected by Coronavirus Act that was signed by each state in March, 2020 remains in effect with the modifications and extensions of these updated provisions. As provided in paragraph I. of the Agreement:

The [insert state name] State Workforce Agency, hereinafter referred to as the “Agency,” will make payments of benefits in accordance with the provisions of the Act identified in paragraph XIV [the CARES Act], and any future amendments thereto (which are incorporated herein by reference), and will cooperate with the U.S. Department of Labor (Department of Labor), and with other state agencies in making such payments.

The Department interprets the Agreement to incorporate amendments to the CARES Act made by the Continued Assistance Act. The Department does not view having a new

agreement or addendums as necessary in order to implement the statutory changes because amendments are incorporated by reference, except in the case where a state decides to administer the MEUC program. States choosing to administer the MEUC program must provide a signed addendum to the CARES Act FPUC Agreement to the Department. States deciding to not administer the program must also communicate that to the Department. States are asked to take one of these actions no later than January 2, 2021.

Under the Agreement already in place, states are required to operate the programs as required by the amendments and the Department's guidance.

As set forth in Section XI of the Agreement, a state may terminate specific provisions within the agreement listed in Section XIV or terminate the agreement itself with thirty days' written notice if it chooses to no longer administer such provisions.

- i. *PUA* (multiple sections in the Continued Assistance Act). A summary of the amendments to the PUA program is provided below. Guidance about these provisions will be provided as a Change to UIPL No. 16-20.

Extension of Program (Section 201(a) of the Continued Assistance Act). The end of the period of applicability for the PUA program is extended, without interruption, to weeks of unemployment ending on or before March 14, 2021. In states where the week of unemployment ends on a Saturday, the last payable week of PUA is the week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the last payable week of PUA is the week ending March 14, 2021.

- New Phaseout Period (Section 201(a) of the Continued Assistance Act). Individuals that are receiving PUA as of the end of the program, either week ending March 13 or 14 as outlined above, and have not yet exhausted their PUA entitlement may continue to collect PUA for any week in which they have remaining entitlement and are otherwise eligible. However, no PUA is payable for any week beginning after April 5, 2021. Individuals are identified as "receiving" PUA if they are eligible for the payment of PUA with respect to week ending March 13, 2021 (or March 14, 2021 for states with a Sunday week-ending date).

In states where the week of unemployment ends on a Saturday, the last payable week of PUA for individuals who are eligible to participate in the phaseout period is the week ending April 10, 2021. In states where the week of unemployment ends on a Sunday, the last payable week of PUA for individuals qualified to participate in the phaseout period is the week ending April 11, 2021.

- Additional Weeks Available (Section 201(b) of the Continued Assistance Act). The maximum number of weeks of PUA benefits is increased from 39

weeks to 50 weeks. The number of weeks available continues to be reduced by any weeks of regular UC and EB that the individual receives with respect to the Pandemic Assistance Period. Individuals may only collect these additional 11 weeks of benefits with respect to weeks of unemployment beginning on or after December 27, 2020.

In states where the week of unemployment ends on a Saturday, the first week for which these additional 11 weeks of benefits may be collected is the week ending January 2, 2021. In states where the week of unemployment ends on a Sunday, the first week for which these additional 11 weeks of benefits may be collected is the week ending January 3, 2021.

- Establishes the Appeals Process in Statute (Section 201(c) of the Continued Assistance Act). This provision establishes the Department’s previous guidance from Section 13.g. of Attachment I to UIPL No. 16-20 in statute. States must continue to process PUA appeals in the same manner and to the same extent as the state would conduct appeals of determinations or redeterminations regarding rights to regular UC. Additionally, with respect to any appeal filed in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, appeals must be carried out by the applicable entity in the state in the same manner and to the same extent as those conducted under the UC law of Hawaii. Any decision issued on appeal or review before the date of enactment (December 27, 2020) is not affected by this provision.
- New Authority to Waive Overpayments (Section 201(d) of the Continued Assistance Act). States are provided the authority to waive PUA overpayments only when the individual is not at fault for the payment and repayment would be contrary to equity and good conscience. This waiver authority applies to improper payments made at any time since the PUA program began.
- New Hold Harmless for Proper Administration (Section 201(e) of the Continued Assistance Act). Generally, an individual must have exhausted all entitlement to regular UC, PEUC, and EB before filing for PUA. However, Section 201(e) of the Continued Assistance Act provides a “hold harmless” provision for an individual who previously exhausted PEUC and is now receiving PUA, but, because of Section 206(b) of the Continued Assistance Act, becomes eligible for additional amounts of PEUC beginning on or after December 27, 2020. States may continue paying PUA to an individual currently receiving PUA who is newly eligible to receive PEUC due to the additional weeks of PEUC. This flexibility is allowed for an appropriate period of time as determined by the Secretary of Labor.

The Department considers four weeks of unemployment commencing after the date of enactment of the Continued Assistance Act (January 23, 2021) an appropriate period of time for states to implement the additional amounts of PEUC and move an individual from his or her PUA claim back to PEUC. During this time, an individual may remain eligible for PUA notwithstanding the fact that the individual now has additional entitlement to PEUC. Recognizing the unique circumstances states face and the number and complexity of UI programmatic changes that states must swiftly implement, should a state determine that it will not be able to transition individuals from PUA back to PEUC in that timeframe, the state must contact the appropriate ETA Regional Office to determine the earliest date that the state will be able to implement this transition.

Individuals may not receive payments under both the PUA and PEUC programs for the same week of unemployment. Any PUA payments made with respect to weeks of unemployment during this implementation period do not need to be moved from the PUA to PEUC claim. This will not affect the individual's entitlement amounts to the additional PEUC benefits. Should the individual later exhaust PEUC and resume filing against his or her PUA claim, such weeks of PUA will be deducted from the individual's overall PUA entitlement.

- New Limitations on Backdating (Section 201(f) of the Continued Assistance Act). As discussed in Question 4 of Attachment I to UIPL No. 16-20, Change 1, individuals filing for PUA must have their claim backdated to the first week during the Pandemic Assistance Period that the individual was unemployed, partially unemployed, or unable or unavailable to work because of a COVID-19 related reason listed in Section 2102(a)(3)(A)(ii)(I) of the CARES Act. However, first applications for PUA that are filed after December 27, 2020 may not be backdated earlier than December 1, 2020.

In states where the week of unemployment ends on a Saturday, the earliest effective date for such claims is December 6, 2020. In states where the week of unemployment ends on a Sunday, the earliest effective date for such claims is December 7, 2020.

- Technical Change (Section 209 of the Continued Assistance Act). The text of Section 2102(h) of the CARES Act is updated to reference part 625, rather than section 625, of Title 20 of the Code of Federal Regulations. This statutory change does not have an operational effect on program administration.
- New Requirement for Individuals to Submit Documentation Substantiating Employment or Self-Employment (Section 241 of the Continued Assistance Act). Any individual that receives a payment of PUA after the date of enactment (December 27, 2020) is required to provide documentation

substantiating employment or self-employment, or the planned beginning of employment or self-employment. The deadline for providing such documentation depends on when the individual filed the initial PUA claim.

- *Filing New Applications for PUA.* Individuals filing a new PUA application on or after January 31, 2021 (regardless of whether the claim is backdated), are required to provide documentation within 21 days of application or the date the individual is directed to submit the documentation by the State Agency, whichever is later. The deadline may be extended if the individual has shown good cause under state UC law within 21 days.
- *Filing Continued Claims for PUA.* Individuals who applied for PUA before January 31, 2021 and receive a payment of PUA on or after December 27, 2020 (regardless of which week ending date is being paid), are required to provide documentation substantiating employment or self-employment, or the planned beginning of employment or self-employment, within 90 days of application or when directed to submit the documentation by the State Agency, whichever is later. The deadline may be extended if the individual has shown good cause under state UC law.
- New Requirement for States to Verify Identity of Applicants for PUA (Section 242 of the Continued Assistance Act). For states to have an adequate system for administering the PUA program, states must include procedures for identity verification or validation and for timely payment, to the extent reasonable and practicable, for claims filed on or after January 26, 2021.
- Establishes the Requirement for Individuals to Recertify Eligibility Every Week in Statute (Section 263 of the Continued Assistance Act). Individuals must provide a self-certification that their unemployment, partial unemployment, or inability or unavailability to work is specifically attributable to one or more of the COVID-19 related reasons specified in section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act, and must identify that specific reason, for each week that PUA is claimed. This applies with respect to weeks beginning on or after January 26, 2021.

In states where the week of unemployment ends on a Saturday, the first applicable week is week ending February 6, 2021. In states where the week of unemployment ends on a Sunday, the first applicable week is February 7, 2021.

Additionally, in the case of states that made a good faith effort to implement the PUA program for weeks prior to the effective date of this provision, an individual will not be denied benefits for prior weeks solely for failing to submit a weekly self-certification.

ii. *Relief for governmental entities and nonprofit organizations.* The Continued Assistance Act makes the following changes:

- Extension of Federal Funding Period (Section 202 of the Continued Assistance Act). The applicable period for emergency unemployment relief for governmental entities and nonprofit organizations, as created under Section 2103 of the CARES, amended by the Protecting Nonprofits Act, and codified at Section 903(i), SSA, is extended to weeks of unemployment ending on or before March 14, 2021.

In states where the week of unemployment ends on a Saturday, the last week of unemployment for which funding is available is the week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the last week of unemployment for which funding is available is the week ending March 14, 2021.

- Extend Application of Section 903(i), SSA, to the John. F. Kennedy Center (Section 264 of the Continued Assistance Act). Application of emergency unemployment relief under Section 903(i), SSA, is extended to also include services attributable to entities created by Pub. L. 85-874, which includes the John F. Kennedy Center, which is a federal trust instrumentality. This is retroactively effective to weeks of unemployment beginning after March 12, 2020 (week ending March 21, 2020 for states with a Saturday week ending date and week ending March 22, 2020 for states with a Sunday week ending date). States can identify affected benefit costs using the Federal Identification Code (FIC) 619.

With these changes, refer to UIPL No. 18-20, Change 1, published on August 12, 2020, for additional details.

iii. *FPUC* (multiple sections in the Continued Assistance Act). A summary of the amendments to the FPUC program is provided below. Guidance about these provisions will be provided as a Change to UIPL No. 15-20.

- Reauthorization of Program and Modification of Weekly Benefit Amount (WBA) (Section 203 of the Continued Assistance Act). The FPUC program, which expired July 31, 2020, is reauthorized and modified to provide \$300 per week in supplemental benefits for weeks of unemployment beginning after December 26, 2020, and ending on or before March 14, 2021. FPUC is not payable with respect to any week during the gap in applicability, that is, weeks of unemployment ending after July 31, 2020 through weeks of unemployment ending on or before December 26, 2020.

In states with an Agreement to administer the FPUC program where the week of unemployment ends on a Saturday, the first week for which FPUC must be paid at the \$300 amount is the week ending January 2, 2021. The last week of

unemployment for which FPUC must be paid is week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the first week for which FPUC must be paid at the \$300 amount is week ending January 3, 2021. The last week of unemployment for which FPUC must be paid is week ending March 14, 2021. Note that although the PUA and PEUC programs now have a phaseout period after they expire on March 14, 2021, FPUC is not payable with respect to weeks of unemployment during such phaseout period.

- Technical Change (Section 203 of the Continued Assistance Act). The inclusion of Short-Time Compensation (STC) is codified under the definition of “unemployment benefits.” This statutory change does not have an operational effect on program administration, since prior Department guidance included STC among the UI programs for which an individual’s benefit amount is supplemented by FPUC.
- New Provision for Mixed Earners (Section 261 of the Continued Assistance Act). Within Section 2104 of the CARES Act, which authorizes FPUC, the Continued Assistance Act adds authorization for the MEUC program, which is an optional program for states to administer. The MEUC program provides certain individuals with an additional \$100 payment each week, in addition to the FPUC payment. Eligible individuals must: i) have received at least \$5,000 of self-employment income in the most recent taxable year prior to the individual’s application for regular UC, ii) be receiving a UI benefit (other than PUA) for which FPUC is payable, and iii) submit documentation substantiating their self-employment income. This additional payment does not apply to individuals collecting PUA.

MEUC is payable beginning with weeks of unemployment no earlier than week ending January 2, 2021 (January 3, 2021 for states with a Sunday week ending date) through the week of unemployment ending on or before March 14, 2021.

- iv. *Full federal funding of the first week of compensable regular UC* (Section 204 of the Continued Assistance Act). The Continued Assistance Act makes the following changes:

- Extension of Federal Funding Period. For states without a waiting week provision in their state UC law, reimbursement of the first week of regular UC is available through weeks of unemployment ending on or before March 14, 2021.

In states where the week of unemployment ends on a Saturday, the last week of unemployment for which reimbursement is available is the week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the last week of unemployment for which reimbursement is available is the week ending March 14, 2021.

- Modification of Federal Funding Level. The amount of federal funding for reimbursement under this provision decreases from 100 percent to 50 percent for weeks of unemployment ending after December 31, 2020.

In states where the week of unemployment ends on a Saturday, the last week of unemployment for which 100 percent funding is available is the week ending December 26, 2020. In states where the week of unemployment ends on a Sunday, the last week of unemployment for which 100 percent funding is available is the week ending December 27, 2020.

Subject to these changes, refer to UIPL No. 20-20, published on April 30, 2020, for additional details.

- v. *PEUC* (multiple sections in the Continued Assistance Act). A summary of the amendments to the PEUC program is provided below. Guidance about these provisions will be provided as a Change to UIPL No. 17-20.

- Extension of Program (Section 206(a) of the Continued Assistance Act). The end of the period of applicability for the PEUC program is extended, without interruption, to weeks of unemployment ending on or before March 14, 2021. In states where the week of unemployment ends on a Saturday, the last payable week of PEUC is the week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the last payable week of PEUC is the week ending March 14, 2021.
- New Phaseout Period (Section 206(a) of the Continued Assistance Act). Individuals that are receiving PEUC as of the end of the program and have not yet exhausted their PEUC entitlement may continue to collect PEUC if they have remaining entitlement and are otherwise eligible to receive these benefits. However, no PEUC is payable for any week beginning after April 5, 2021. Individuals are identified as “receiving” PEUC if they are eligible for the payment of PEUC with respect to week ending March 13, 2021 (or March 14, 2021 for states with a Sunday week-ending date).

In states where the week of unemployment ends on a Saturday, the last payable week of PEUC for individuals who are eligible to participate in the phaseout period is the week ending April 10, 2021. In states where the week of unemployment ends on a Sunday, the last payable week of PEUC for individuals qualified to participate in the phaseout period is the week ending April 11, 2021.

- Additional Weeks Available (Section 206(b) of the Continued Assistance Act). The maximum amount of PEUC benefits is increased from 13 times the individual’s average WBA to 24 times the individual’s average WBA. Individuals may only collect the additional amount, 11 times their average

WBA, with respect to weeks of unemployment beginning on or after December 27, 2020.

In states where the week of unemployment ends on a Saturday, the first week for which these additional benefits may be collected is the week ending January 2, 2021. In states where the week of unemployment ends on a Sunday, the first week for which these additional benefits may be collected is the week ending January 3, 2021.

- New Option for a State to Allow an Individual to Continue Collecting PEUC When Eligible for a New Regular UC Claim (Section 206(c) of the Continued Assistance Act). The PEUC requirement that individuals must exhaust all regular UC entitlement in order to be eligible for PEUC may be modified by states for individuals that meet certain requirements. The Continued Assistance Act provides options for the states to elect to allow continued payment of PEUC when an individual qualifies for regular UC in a subsequent benefit year if the individual's previous benefit year expires after December 27, 2020 and the regular UC WBA payable on that subsequent benefit year is at least \$25 lower than the PEUC WBA and certain other conditions are met. For states where the week of unemployment ends on a Saturday, this applies to claims with a benefit year expiration date of January 2, 2021 or later. For states where the week of unemployment ends on a Sunday, this applies to claims with a benefit year expiration date of January 3, 2021 or later.
 - New Requirement for Individuals Receiving EB to Exhaust EB before Collecting Additional Weeks of PEUC (Section 206(c) of the Continued Assistance Act). The Coordination Rule found in Section 2107(a)(5) of the CARES Act has changed. If an individual previously exhausted PEUC and began receiving EB, he or she must exhaust EB before being eligible to receive the additional amount of PEUC now available under the Continued Assistance Act.
 - Related EB Provision (Section 206(c) of the Continued Assistance Act): The application of Section 203(c) of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA) to PEUC exhaustees has changed. If permitted under state law, as long as the state is in an EB period after the date the individual exhausts PEUC, even if the individual's benefit year has expired, the individual may still be eligible for EB. Guidance about this provision will be provided as a Change to UIPL No. 24-20.
- vi. *Temporary financing of STC payments* (Sections 207 and 208 of the Continued Assistance Act). For states operating an STC program, reimbursement of STC payments has been extended to include weeks of unemployment ending on or before March 14, 2021.

In states where the week of unemployment ends on a Saturday, the last week of unemployment for which reimbursement is available is the week ending March 13, 2021. In states where the week of unemployment ends on a Sunday, the last week of unemployment for which reimbursement is available is the week ending March 14, 2021.

With this change, for states with an existing STC program in state law, refer to UIPL No. 21-20, published May 3, 2020, for additional details.

States are reminded that the CARES Act also provides states with grant funds to implement or improve administration of an STC program and to promote and enroll employers. The deadline to apply for these grants has not changed. It is December 31, 2023. *See* UIPL No. 22-20, published May 10, 2020.

- c. **Return to Work Reporting Requirement.** Section 251 of the Continued Assistance Act creates a new Section 2117 within the CARES Act and includes three requirements that apply to all states, territories, and freely associated states participating in an agreement under any of the CARES Act UI-related provisions.

These requirements take effect 30 days from the date of enactment, which is January 26, 2021. Although under the Act they must only remain in place during any period in which the state's agreement is in effect, we strongly encourage states to ensure there are permanent mechanisms in place to track work refusal accusations.

- i. *Process for addressing work refusals.* States must have a method to address circumstances in which an individual refuses to return to work or to accept an offer of suitable work without good cause. The key requirement is that states have a procedure for how reports are received, evaluated/adjudicated, and resolved to determine the impact on an individual's continued eligibility for unemployment benefits.
- ii. *Reporting method for employers.* States must provide a reporting method for employers to notify the state agency when an individual refuses an offer of employment. Examples of this reporting method include, but are not limited to, a phone line, email address, or online portal by which employers can notify the state agency. Nothing in the Act requires employers to report work refusals. The Act requires that states have a method allowing employers to submit such information.
- iii. *Notification to individuals.* States must provide a plain-language notice to claimants who refuse to return to work or to accept an offer of suitable work without good cause. Such notice must include the following information.
 - Summary of state UC laws regarding an individual's return to work;
 - Statement about the individual's rights to refuse to return to work or to refuse suitable work;

- Explanation of what constitutes suitable work under state UC law;
- Explanation of the individual's right to refuse work that poses a risk to the individual's health or safety (if permissible and as defined under state law); and
- Instructions for contesting a denial if the denial is due to a report by an employer that the individual refused to return to work or refused suitable work.

State laws regarding the definition of suitable work will vary, as will state's application of good cause for refusing an offer of work. Additionally, a state may choose to exercise temporary emergency flexibility in its application of good cause, as provided for under Section 4102(b), EUISAA, in response to the spread of COVID-19. As such, each state has flexibility on the design of this notification, provided such notice includes the specific information identified above.

States must include this notification at the time an adjudication issue for refusing work is created. This may be accomplished through a stand-alone notice or as part of the fact-finding questionnaire. The distribution method should be consistent with other correspondence provided to the claimant by the state, which may include mail, email, or through the individual's online web portal.

States may, as a best practice, also include this information in the Benefit Rights Interview (BRI) or Claimant Handbook, as messaging on an automated phone system, or as messaging on the state's UI website.

Additionally, upon resolution of the adjudication issue for refusing work, states are still required to include specific information on the written determination, including a summary of the material facts, reasoning and conclusion of law, and the individual's appeal rights (refer to pages V-16 and V-17 of ET Handbook 301, 5th Edition). States may, as a best practice, also include the information described in Section 251 of the Continued Assistance Act in the body of the written determination, as an attachment to the written determination, or as a separate notice.

This notification requirement does not change the existing adjudication standards that apply when assessing an individual's eligibility after learning that he or she refused to return to work or to accept an offer of work. These adjudication standards are found in the Claims Determinations Standards (20 C.F.R. Part 614, Appendix B), ET Handbook No. 301, 5th Edition, *UI Performs: Benefits Timeliness and Quality Nonmonetary Determinations Quality Review*, or elsewhere in Departmental guidance.

- d. **Administrative Costs for Implementation of Changes.** The Department will make available \$500,000 to each state for the implementation of the provisions associated with the PUA, FPUC, and PEUC amendments cited above. The funding will be added to the

state's COVID Pandemic grant in the following fashion: PUA administration +\$250,000, FPUC administration +\$100,000, and PEUC administration +\$150,000. In addition, for states electing to provide MEUC, \$150,000 will be provided as startup costs. If states exhaust resources before implementation changes are completed, state may submit supplemental budget requests for additional administrative funds for one or more of the programs.

States are required to submit a signed SF-424 form for each funding allotment (i.e., SF-424 for the PUA; SF-424 for the FPUC; SF-424 for the PEUC; and a SF-424 for MEUC if the state is participating in the MEUC program). ETA encourages states to submit these forms as soon as possible, but no later than **February 1, 2021**, by electronic submission to the National Office at covid-19@dol.gov, with a copy to the appropriate ETA Regional Office. For additional information on completing the SF-424, please refer to Attachment IV, Instructions for Completing the SF-424.

Additionally, please note that grantees that receive supplemental grant awards for implementing these program changes must submit a quarterly progress report using the form ETA 9178-P to the appropriate ETA Regional Office. The form ETA 9178-P requires the grantee to provide ETA with narrative updates on supplemental grant activities. Attachment II and III to UIPL No. 16-20, Change 1 contains form ETA 9178-P and instructions for completing the form ETA 9178-P and timeline for the submission of these status reports.

5. **Inquiries.** Please direct inquiries to covid-19@dol.gov with a copy to the appropriate ETA Regional Office.

6. **References.**

- Consolidated Appropriations Act, 2021, including Division N, Title II, Subtitle A, the Continued Assistance for Unemployed Workers Act of 2020;
- Protecting Nonprofits from Catastrophic Case Flow Strain Act of 2020 (Pub. L. 116-151);
- Coronavirus Aid, Relief, and Economic Security (CARES) Act (Pub. L. 116-136), including Title II, Subtitle A, Relief for Workers Affected by Coronavirus Act;
- Families First Coronavirus Response Act (Pub. L. 116-127), including Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020 (EUISAA);
- Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA) (26 U.S.C. §3304 note);
- Title XII, Social Security Act (42 U.S.C. §1321 et al.);
- 20 C.F.R. Part 603, Federal-State Unemployment Compensation (UC) Program; Confidentiality and Disclosure of State UC Information;
- 20 C.F.R. Part 614, Appendix B, Standard for Claim Determination – Separation Information;
- 20 C.F.R. Part 625, Disaster Unemployment Assistance;

- UIPL 28-20, *Addressing Fraud in the Unemployment Insurance (UI) System and Providing States with Funding to Assist with Efforts to Prevent and Detect Fraud and Identity Theft and Recover Fraud Overpayments in the Pandemic Unemployment Assistance (PUA) and Pandemic Emergency Unemployment Compensation (PEUC) Programs*, issued August 31, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8044;
- UIPL No. 24-20, *Temporary Changes to the Federal-State Extended Benefits (EB) Program in Response to the Economic Impacts of the Coronavirus Disease 2019 (COVID-19) Pandemic Emergency*, issued May 14, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7132;
- UIPL No. 23-20, *Program Integrity for the Unemployment Insurance (UI) Program and the UI Programs Authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC), Pandemic Unemployment Assistance (PUA), and Pandemic Emergency Unemployment Compensation (PEUC) Programs*, issued May 11, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4621;
- UIPL No. 22-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Short-Time Compensation (STC) Program Grants*, issued May 10, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6220;
- UIPL No. 21-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 - Short-Time Compensation (STC) Program Provisions and Guidance Regarding 100 Percent Federal Reimbursement of Certain State STC Payments*, issued May 3, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9622;
- UIPL No. 20-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 - Operating, Financial, and Reporting Instructions for Section 2105: Temporary Full Federal Funding of the First Week of Compensable Regular Unemployment for States with No Waiting Week*, issued April 30, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?docn=6324;
- UIPL No. 18-20, Change 1, *Amendments to the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 - Emergency Unemployment Relief for State and Local Governmental Entities, Certain Nonprofit Organizations, and Federally-Recognized Indian Tribes*, issued August 12, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8149;
- UIPL No. 17-20, Change 1, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Emergency Unemployment Compensation (PEUC) Program: Questions and Answers, and Revised Reporting Instructions for the PEUC ETA 227*, issued May 13, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8689;
- UIPL No. 17-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Emergency Unemployment Compensation (PEUC) Program Operating, Financial, and Reporting Instructions*, issued April 10, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8452;
- UIPL No. 16-20, Change 3, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) in the Context of School Systems Reopening*, issued August 27, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3849;

- UIPL No. 16-20, Change 2, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Additional Questions and Answers*, issued July 21, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5479;
- UIPL No. 16-20, Change 1, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Program Reporting Instructions and Questions and Answers*, issued April 27, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5899;
- UIPL No. 16-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Pandemic Unemployment Assistance (PUA) Program Operating, Financial, and Reporting Instructions*, issued April 05, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4628;
- UIPL No. 15-20, Change 2, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – New Data Collection Instrument and Revised Reporting Instructions for Federal Pandemic Unemployment Compensation (FPUC)*, issued June 15, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7785;
- UIPL No. 15-20, Change 1, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC) Program Reporting Instructions and Questions and Answers*, issued May 9, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3946;
- UIPL No. 15-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Federal Pandemic Unemployment Compensation (FPUC) Program Operating, Financial, and Reporting Instructions*, issued April 14, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9297;
- UIPL No. 14-20, Change 1, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Questions and Answers*, issued August 12, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3791;
- UIPL No. 14-20, *Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 – Summary of Key Unemployment Insurance (UI) Provisions and Temporary Emergency State Staffing Flexibility*, issued April 2, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3390;
- UIPL No. 13-20, Change 1, *Families First Coronavirus Response Act, Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020 (EUISAA) - Reporting Instructions, Modification to Emergency Administrative Grants Application Requirement, and Questions and Answers*, issued May 4, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=5374;
- UIPL No. 13-20, *Families First Coronavirus Response Act, Division D Emergency Unemployment Insurance Stabilization and Access Act of 2020*, issued March 22, 2020, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8634;
- UIPL No. 03-20, *Minimum Disaster Unemployment Assistance (DUA) Weekly Benefit Amount: January 1 – March 31, 2020*, issued December 12, 2019, https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3675; and
- ET Handbook No. 301, 5th Edition, *Benefits Timeliness and Quality Nonmonetary Determinations Quality Review*.

7. **Attachment(s).**

- **Attachment I:** Coordination of Unemployment Benefit Programs, including Program Progression Chart.
- **Attachment II:** Important Dates for the Continued Assistance for Unemployed Workers Act of 2020.
- **Attachment III:** Sample Notification Language for Claimants.
- **Attachment IV:** Instructions for Completing the SF-424.

Coordination of Programs

An individual may establish eligibility for multiple unemployment insurance (UI) benefit programs, including multiple UI programs authorized in the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Continued Assistance for Unemployed Workers Act of 2020 (Continued Assistance Act). The information provided below regarding the order of payment is contingent on an individual meeting all eligibility criteria for the respective program(s). It is also contingent on the state having entered into an agreement with the Secretary of Labor to administer such program(s). A flowchart is included at the end of this narrative.

Track 1. For an individual who is eligible for regular Unemployment Compensation (UC) (which includes Unemployment Compensation for Federal Civilian Employees (UCFE) and Unemployment Compensation for Ex-servicemembers (UCX)), the following order of payment applies.

- A. **Regular UC.** The individual must first apply for and receive regular UC.
 - *Weekly Benefit Amount (WBA):* Dependent on state law
 - *Duration of benefits:* Dependent on state law
- B. **Pandemic Emergency Unemployment Compensation (PEUC).** If the individual exhausts regular UC, the individual may then be eligible to receive PEUC under section 2107 of the CARES Act.
 - *WBA:* Based on the regular UC claim
 - *Duration of benefits:* Initially limited to 13 times the individual's average WBA. For weeks of unemployment beginning on or after December 27, 2020, the individual may receive an additional amount of PEUC equal to 11 times the individual's average WBA for an overall total equal to 24 times the individual's WBA.

Special Note on Program Coordination (PEUC and Regular UC). There are certain circumstances under which an individual who is collecting PEUC and becomes eligible for a new benefit year of regular UC may be able to continue collecting PEUC instead of filing the new regular UC claim. Refer to additional detail in UIPL No. 17-20 and its Changes.

- C. **Extended Benefits (EB).** If the individual exhausts PEUC and the state has triggered "on" to EB, the individual may then be eligible to receive EB during the applicable EB period.
 - *WBA:* Based on the regular UC claim

- *Duration of benefits:* Up to 13 or 20 weeks (refer to Section 202(b) of the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA)), dependent on the state's unemployment rate which may result in a high unemployment period (HUP)

Special Note on Program Coordination (EB and Regular UC). If at any time while the individual is collecting EB, the individual becomes eligible for regular UC, the individual must stop collecting EB and file a new regular UC claim.

Special Note on Program Coordination (EB and PEUC). If an individual previously exhausted the initial entitlement to PEUC (13 times the individual's average WBA) and is currently collecting EB at the time the additional PEUC amount under Section 206 of the Continued Assistance Act (11 times the individual's average WBA) becomes available, the individual must exhaust the existing EB entitlement before reverting back to collect the additional amount of PEUC.

D. Pandemic Unemployment Assistance (PUA). If the state is not triggered "on" to EB or the individual exhausts EB, in addition to exhausting regular UC and PEUC, the individual may then be eligible to receive PUA under Section 2104 of the CARES Act. Note that at least one of the identified COVID-19 related reasons specified in Section 2102(a)(3)(A)(ii)(I)(aa)-(kk) must apply to the individual for each week of unemployment in order to be eligible for PUA.

- *WBA:* Calculated per the regulations for Disaster Unemployment Assistance (DUA), which are applicable to PUA. See 20 C.F.R. Part 625.6(e). For individuals who do not qualify for a higher WBA, the minimum PUA WBA for each state is provided in UIPL No. 03-20 and applies to all PUA claims, regardless of filing date.
- *Duration of benefits:* Initially limited to 39 weeks, minus any weeks of benefits that the individual received during the Pandemic Assistance Period from regular UC and EB. For weeks of unemployment beginning on or after December 27, 2020, the individual may receive an additional amount of PUA equal to 11 weeks of unemployment for an overall total equal to 50 weeks, minus any weeks that the individual received regular UC and EB during the Pandemic Assistance Period. During the period in which a state is triggered "on" to a HUP under EB law, the PUA duration is extended for up to an additional 7 weeks.

Special Note on Program Coordination (PUA and Regular UC). If at any time while the individual is collecting PUA, the individual becomes eligible for regular UC, the individual must stop collecting PUA and file a new regular UC claim.

Special Note on Program Coordination (PUA and PEUC). If an individual previously exhausted the initial entitlement to PEUC (13 times the individual's average WBA) and is currently collecting PUA at the time the additional PEUC amount under Section 206 of the Continued Assistance Act (11 weeks times the individual's average WBA),

becomes available, the state must stop the PUA claim and have the individual revert to collecting the additional amounts of PEUC. The Secretary of Labor will determine the appropriate period of time for a state to take such actions, during which the individual's continued receipt of PUA will not be considered an overpayment. Refer to additional detail in UIPL No. 16-20 and its Changes.

Special Note on Program Coordination (PUA and EB). If a state triggers "on" to EB during the period in which an individual is collecting PUA and the individual has not previously exhausted entitlement to EB for the respective benefit year, then the individual must stop collecting PUA and file for EB.

Track 2. For an individual who is self-employed, seeking part-time employment, does not have sufficient work history, or is otherwise not eligible for regular UC, EB, or PEUC, and who meets the requirements under section 2102(a)(3)(A)(ii)(I)(aa)-(kk) of the CARES Act, the individual may collect PUA under section 2102 of the CARES Act.

- *WBA:* Calculated per the DUA regulations, which are applicable to PUA.
- *Duration of benefits:* Initially limited to 39 weeks, minus any weeks that the individual received during the Pandemic Assistance Period from regular UC and EB. For weeks of unemployment beginning on or after December 27, 2020, if the PUA eligibility requirements are met, the individual may receive an additional 11 weeks of PUA for an overall total equal to 50 weeks, minus any weeks that the individual received regular UC and EB during the applicable Pandemic Assistance Period. During the period in which a state is triggered "on" to a HUP under EB law, the PUA duration is extended for up to an additional 7 weeks.

Other Considerations

- **Federal Pandemic Unemployment Compensation (FPUC).** The FPUC program under the CARES Act originally provided an additional \$600 per week to an individual collecting regular UC, PEUC, PUA, EB, STC, TRA, DUA, and Self-Employment Assistance (SEA). Individuals received FPUC payments concurrently with payments under these programs. Upon execution of an agreement between the state and Department, FPUC applied to all weeks of unemployment ending on or before July 31, 2020.

Under the Continued Assistance Act, for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021, an individual collecting regular UC, PEUC, PUA, EB, STC, TRA, DUA, and SEA may collect a \$300 FPUC payment per week.

- **Mixed Earners Unemployment Compensation (MEUC).** The MEUC program provides an additional \$100 per week to certain individuals collecting regular UC, PEUC, EB, STC, TRA, DUA, and SEA (excluding PUA). Eligible individuals receive MEUC payments concurrently with payments under these programs and in

addition to FPUC. This is an optional program for states to administer. MEUC is payable beginning with weeks of unemployment no earlier than week ending January 2, 2021 through the week of unemployment ending on or before March 14, 2021.

- **Trade Readjustment Allowances (TRA).** As stated in Question 7 of Attachment I to UIPL No. 14-20, Change 1, if the individual exhausts regular UC, PEUC, and EB and meets the eligibility criteria, the individual may collect TRA before continuing on to PUA.
- **Relationship between PUA and Disaster Unemployment Assistance (DUA).** As stated in Question 16 of UIPL No. 14-20, Change 1, eligibility for both PUA and DUA are based on the reason for an individual’s unemployment. If an individual’s unemployment is directly caused by a major disaster, then the individual’s unemployment is not due to a COVID-19 reason and the individual would not qualify for PUA. Conversely, if the reason for the individual’s unemployment is because of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii)(I)(aa) through (kk) of the CARES Act, the individual may qualify for PUA, but would not qualify for DUA.
- **State Additional Benefits (AB).** A number of states also have provisions in state law for extending the potential duration of benefits during periods of high unemployment for individuals in approved training who exhaust benefits, or for a variety of other reasons. Although some state laws call these programs “extended benefits,” the Department uses the term “additional benefits” (AB) to avoid confusion with the federal-state EB program. FPUC and MEUC are not payable to individuals receiving AB payments. The order of payment for AB within the context of the multiple programs described above is dependent on state law.

Program Progression Chart

Last Updated 12/30/20

Federal Pandemic Unemployment Compensation (FPUC)

- Additional amount each week for regular UC (including UCFE and UCX), PEUC, EB, PUA, STC, TRA, DUA, and SEA
- \$600 available for weeks of unemployment beginning after state signs Agreement through weeks ending on or before July 31, 2020
- \$300 available for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021

Mixed Earners Unemployment Compensation (MEUC)

- Optional program for states
- Additional amount each week for individuals with at least \$5,000 in self-employment income during specified timeframe
- Applies to claims for regular UC (including UCFE and UCX), PEUC, EB, STC, TRA, DUA, and SEA (excluding PUA)
- Additional \$100 available for weeks of unemployment no earlier than week ending January 2, 2021 through weeks ending on or before March 14, 2021

TRACK 2. Individual who is self-employed, seeking part-time employment, does not have sufficient work history, or is otherwise not eligible for regular UC, PEUC, or EB.

Individual must be unemployed, partially unemployed, or unable or unavailable to work because of a listed COVID-19 related reason in the CARES Act to qualify for PUA.

TRACK 1. Individual is eligible for regular UC, including UCFE and UCX

Regular Unemployment Compensation (UC)

Individual exhausts regular UC

Pandemic Emergency Unemployment Compensation (PEUC)

- For an individual whose regular UC benefit year expires after December 27, 2020, if the individual qualifies for new regular UC claim and meets criteria under the Continued Assistance Act, the state may provide an option for the individual to continue collecting PEUC

Individual exhausts PEUC

Extended Benefits (EB)

- If an individual qualifies for new regular UC claim, the individual must stop collecting EB and file new regular UC claim
- If an individual is collecting EB when additional PEUC weeks become available under the Continued Assistance Act, the individual must exhaust existing EB claim before reverting to PEUC claim

Individual exhausts EB or state is not triggered "on" AND Individual must be unemployed, partially unemployed, or unable or unavailable to work because of a listed COVID-19 related reason in the CARES Act to qualify for PUA.

Pandemic Unemployment Assistance (PUA)

- If an individual qualifies for new regular UC claim, the individual must stop collecting PUA and file new regular UC claim
- If an individual is collecting PUA when additional PEUC weeks become available under the Continued Assistance Act, the individual must stop collecting PUA and revert to PEUC claim
- If state triggers "on" to EB and an individual is eligible for EB, the individual must stop collecting PUA and file EB claim

from the Federal Supplementary Medical Insurance Trust Fund.”

(b) EXEMPTION OF ADDITIONAL EXPENDITURES FROM PHYSICIAN FEE SCHEDULE BUDGET-NEUTRALITY.—Such section 1848 is amended, in subsection (c)(2)(B)(iv)—

- (1) in subclause (III), by striking “and” at the end;
- (2) in subclause (IV), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following new subclause:
“(V) subsection (t) shall not be taken into account in applying clause (ii)(II) for 2021.”

(c) REPORT.—Not later than April 1, 2022, the Secretary of Health and Human Services shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives on the increase in fee schedules that establish payment amounts for physicians’ services under section 1848(t) of the Social Security Act, as added by subsection (a). Such report shall include the aggregate amount of the increase in payment amounts under such section, including information regarding any payments made in excess of the amount of funding provided under paragraph (3)(A) of such section.

SEC. 102. EXTENSION OF TEMPORARY SUSPENSION OF MEDICARE SEQUESTRATION.

(a) IN GENERAL.—Section 3709(a) of division A of the CARES Act (2 U.S.C. 901a note) is amended by striking “December 31, 2020” and inserting “March 31, 2021”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted as part of the CARES Act (Public Law 116–136).

**TITLE II—ASSISTANCE TO INDIVIDUALS,
FAMILIES, AND BUSINESSES**

Subtitle A—Unemployment Insurance

**CHAPTER 1—CONTINUED ASSISTANCE TO
UNEMPLOYED WORKERS**

SEC. 200. SHORT TITLE.

This chapter may be cited as the “Continued Assistance for Unemployed Workers Act of 2020”.

Subchapter I—Extension of CARES Act Unemployment Provisions

SEC. 201. EXTENSION AND BENEFIT PHASEOUT RULE FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)) is amended—

- (1) in paragraph (1)—
 - (A) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and
 - (B) in subparagraph (A)(ii), by striking “December 31, 2020” and inserting “March 14, 2021”; and

(2) by redesignating paragraph (3) as paragraph (4); and
(3) by inserting after paragraph (2) the following:

“(3) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO PANDEMIC UNEMPLOYMENT ASSISTANCE AS OF MARCH 14, 2021.—

“(A) IN GENERAL.—Subject to subparagraph (B), in the case of any individual who, as of the date specified in paragraph (1)(A)(ii), is receiving pandemic unemployment assistance but has not yet exhausted all rights to such assistance under this section, pandemic unemployment assistance shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for pandemic unemployment assistance.

“(B) TERMINATION.—Notwithstanding any other provision of this subsection, no pandemic unemployment assistance shall be payable for any week beginning after April 5, 2021.”.

(b) INCREASE IN NUMBER OF WEEKS.—Section 2102(c)(2) of the CARES Act (15 U.S.C. 9021(c)(2)) is amended—

(1) by striking “39 weeks” and inserting “50 weeks”; and

(2) by striking “39-week period” and inserting “50-week period”.

(c) APPEALS.—

(1) IN GENERAL.—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)), as amended by subsections (a) and (b), is amended by adding at the end the following:

“(5) APPEALS BY AN INDIVIDUAL.—

“(A) IN GENERAL.—An individual may appeal any determination or redetermination regarding the rights to pandemic unemployment assistance under this section made by the State agency of any of the States.

“(B) PROCEDURE.—All levels of appeal filed under this paragraph in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands—

“(i) shall be carried out by the applicable State that made the determination or redetermination; and

“(ii) shall be conducted in the same manner and to the same extent as the applicable State would conduct appeals of determinations or redeterminations regarding rights to regular compensation under State law.

“(C) PROCEDURE FOR CERTAIN TERRITORIES.—With respect to any appeal filed in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau—

“(i) lower level appeals shall be carried out by the applicable entity within the State;

“(ii) if a higher level appeal is allowed by the State, the higher level appeal shall be carried out by the applicability entity within the State; and

“(iii) appeals described in clauses (i) and (ii) shall be conducted in the same manner and to the same extent as appeals of regular unemployment compensation are conducted under the unemployment compensation law of Hawaii.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of division A of the CARES Act (Public Law 116–136), except that any decision issued on appeal or review before the date of enactment of this Act shall not be affected by the amendment made by paragraph (1).

(d) WAIVER AUTHORITY FOR CERTAIN OVERPAYMENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the CARES Act (15 U.S.C. 9021(d)) is amended by adding at the end the following:

“(4) WAIVER AUTHORITY.—In the case of individuals who have received amounts of pandemic unemployment assistance to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that—

“(A) the payment of such pandemic unemployment assistance was without fault on the part of any such individual; and

“(B) such repayment would be contrary to equity and good conscience.”.

(e) HOLD HARMLESS FOR PROPER ADMINISTRATION.—In the case of an individual who is eligible to receive pandemic unemployment assistance under section 2102 the CARES Act (15 U.S.C. 9021) as of the day before the date of enactment of this Act and on the date of enactment of this Act becomes eligible for pandemic emergency unemployment compensation under section 2107 of the CARES Act (15 U.S.C. 9025) by reason of the amendments made by section 206(b) of this subtitle, any payment of pandemic unemployment assistance under such section 2102 made after the date of enactment of this Act to such individual during an appropriate period of time, as determined by the Secretary of Labor, that should have been made under such section 2107 shall not be considered to be an overpayment of assistance under such section 2102, except that an individual may not receive payment for assistance under section 2102 and a payment for assistance under section 2107 for the same week of unemployment.

(f) LIMITATION.—In the case of a covered individual whose first application for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) is filed after the date of enactment of this Act, subsection (c)(1)(A)(i) of such section 2102 shall be applied by substituting “December 1, 2020” for “January 27, 2020”.

(g) EFFECTIVE DATE.—The amendments made by subsections (a), (b), (c), and (d) shall apply as if included in the enactment of the CARES Act (Public Law 116–136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 202. EXTENSION OF EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

Section 903(i)(1)(D) of the Social Security Act (42 U.S.C. 1103(i)(1)(D)) is amended by striking “December 31, 2020” and inserting “March 14, 2021”.

SEC. 203. EXTENSION OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.

(a) **IN GENERAL.**—Section 2104(e) of the CARES Act (15 U.S.C. 9023(e)) is amended to read as follows:

“(e) **APPLICABILITY.**—An agreement entered into under this section shall apply—

“(1) to weeks of unemployment beginning after the date on which such agreement is entered into and ending on or before July 31, 2020; and

“(2) to weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021.”.

(b) **AMOUNT.**—

(1) **IN GENERAL.**—Section 2104(b) of the CARES Act (15 U.S.C. 9023(b)) is amended—

(A) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”; and

(B) by adding at the end the following new paragraph:

“(3) **AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.**—

“(A) **IN GENERAL.**—The amount specified in this paragraph is the following amount:

“(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600.

“(ii) For weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021, \$300.”.

(2) **TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.**—Section 2104(i)(2) of the CARES Act (15 U.S.C. 9023(i)(2)) is amended—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986).”.

SEC. 204. EXTENSION OF FEDERAL FUNDING OF THE FIRST WEEK OF COMPENSABLE REGULAR UNEMPLOYMENT FOR STATES WITH NO WAITING WEEK.

Section 2105 of the CARES Act (15 U.S.C. 9024) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “There shall be paid” and inserting “Except as provided in paragraph (3), there shall be paid”; and

(B) by adding at the end the following:

“(3) **PARTIAL REIMBURSEMENT.**—With respect to compensation paid to individuals for weeks of unemployment ending after December 31, 2020, paragraph (1) shall be applied by substituting ‘50 percent’ for ‘100 percent.’; and

(2) in subsection (e)(2), by striking “December 31, 2020” and inserting “March 14, 2021”.

SEC. 205. EXTENSION OF EMERGENCY STATE STAFFING FLEXIBILITY.

Section 4102(b) of the Families First Coronavirus Response Act (26 U.S.C. 3304 note), in the second sentence, is amended by striking “December 31, 2020” and inserting “March 14, 2021”.

SEC. 206. EXTENSION AND BENEFIT PHASEOUT RULE FOR PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 2107(g) of the CARES Act (15 U.S.C. 9025(g)) is amended to read as follows:

“(g) APPLICABILITY.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an agreement entered into under this section shall apply to weeks of unemployment—

“(A) beginning after the date on which such agreement is entered into; and

“(B) ending on or before March 14, 2021.

“(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION AS OF MARCH 14, 2021.—In the case of any individual who, as of the date specified in paragraph (1)(B), is receiving Pandemic Emergency Unemployment Compensation but has not yet exhausted all rights to such assistance under this section, Pandemic Emergency Unemployment Compensation shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for Pandemic Emergency Unemployment Compensation.

“(3) TERMINATION.—Notwithstanding any other provision of this subsection, no Pandemic Emergency Unemployment Compensation shall be payable for any week beginning after April 5, 2021.”.

(b) INCREASE IN NUMBER OF WEEKS.—Section 2107(b)(2) of the CARES Act (15 U.S.C. 9025(b)(2)) is amended by striking “13” and inserting “24”.

(c) COORDINATION RULES.—

(1) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—Section 2107(b) of the CARES Act (15 U.S.C. 9025(b)) is amended by adding at the end the following:

“(4) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

“(A) IN GENERAL.—If—

“(i) an individual has been determined to be entitled to pandemic emergency unemployment compensation with respect to a benefit year;

“(ii) that benefit year has expired;

“(iii) that individual has remaining entitlement to pandemic emergency unemployment compensation with respect to that benefit year; and

“(iv) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least \$25 less than the individual’s weekly benefit amount in the benefit year referred to in clause (i),

then the State shall determine eligibility for compensation as provided in subparagraph (B).

“(B) DETERMINATION OF ELIGIBILITY.—For individuals described in subparagraph (A), the State shall determine whether the individual is to be paid pandemic emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

“(i) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with respect to that new benefit year until exhaustion of all pandemic emergency unemployment compensation payable with respect to the benefit year referred to in subparagraph (A)(i).

“(ii) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this subparagraph), until exhaustion of all pandemic emergency unemployment compensation payable with respect to the benefit year referred to in subparagraph (A)(i).

“(iii) The State shall pay, if permitted by State law—

“(I) regular compensation equal to the weekly benefit amount established under the new benefit year; and

“(II) pandemic emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year.

“(iv) The State shall determine rights to pandemic emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.”.

(2) COORDINATION OF PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION WITH EXTENDED COMPENSATION.—

(A) INDIVIDUALS RECEIVING EXTENDED COMPENSATION AS OF THE DATE OF ENACTMENT.—Section 2107(a)(5) of the CARES Act (15 U.S.C. 9025(a)(5)) is amended—

(i) by striking “RULE.—An agreement” and inserting the following: “RULES.—

“(A) IN GENERAL.—Subject to subparagraph (B), an agreement”; and

(ii) by adding at the end the following:

“(B) SPECIAL RULE.—In the case of an individual who is receiving extended compensation under the State law for the week that includes the date of enactment of this subparagraph (without regard to the amendments made by subsections (a) and (b) of section 206 of the Continued Assistance for Unemployed Workers Act of 2020), such individual shall not be eligible to receive pandemic emergency unemployment compensation by reason of such amendments until such individual has exhausted all rights to such extended benefits.”.

(B) ELIGIBILITY FOR EXTENDED COMPENSATION.—Section 2107(a) of the CARES Act (15 U.S.C. 9025(a)) is amended by adding at the end the following:

“(8) SPECIAL RULE FOR EXTENDED COMPENSATION.—At the option of a State, for any weeks of unemployment beginning after the date of the enactment of this paragraph and before April 12, 2021, an individual’s eligibility period (as described in section 203(c) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note)) shall, for purposes of any determination of eligibility for extended compensation under the State law of such State, be considered to include any week which begins—

“(A) after the date as of which such individual exhausts all rights to pandemic emergency unemployment compensation; and

“(B) during an extended benefit period that began on or before the date described in subparagraph (A).”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply as if included in the enactment of the CARES Act (Public Law 116–136), except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

(2) COORDINATION RULES.—The amendments made by subsection (c)(1) shall apply to individuals whose benefit years, as described in section 2107(b)(4)(A)(ii) of the CARES Act, expire after the date of enactment of this Act.

SEC. 207. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

Section 2108(b)(2) of the CARES Act (15 U.S.C. 9026(b)(2)) is amended by striking “December 31, 2020” and inserting “March 14, 2021”.

SEC. 208. EXTENSION OF TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS FOR STATES WITHOUT PROGRAMS IN LAW.

Section 2109(d)(2) of the CARES Act (15 U.S.C. 9027(d)(2)) is amended by striking “December 31, 2020” and inserting “March 14, 2021”.

SEC. 209. TECHNICAL AMENDMENT TO REFERENCES TO REGULATION IN CARES ACT.

(a) IN GENERAL.—Section 2102(h) of the CARES Act (Public Law 116-136) is amended by striking “section 625” in each place it appears and inserting “part 625”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 2102 of the CARES Act (Public Law 116-136).

Subchapter II—Extension of FFCRA Unemployment Provisions

SEC. 221. EXTENSION OF TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b)(10)(A) of the Social Security Act (42 U.S.C. 1322(b)(10)(A)) is amended by striking “December 31, 2020” and inserting “March 14, 2021”.

SEC. 222. EXTENSION OF FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION.

Section 4105 of the Families First Coronavirus Response Act (26 U.S.C. 3304 note) is amended—

(1) in subsection (a), by striking “December 31, 2020” and inserting “March 14, 2021”; and

(2) in subsection (b), by striking “ending on or before December 31, 2020” and inserting “before March 14, 2021”.

Subchapter III—Continued Assistance to Rail Workers

SEC. 231. SHORT TITLE.

This subchapter may be cited as the “Continued Assistance to Rail Workers Act of 2020”.

SEC. 232. ADDITIONAL ENHANCED BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) **IN GENERAL.**—Section 2(a)(5)(A) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)(A)) is amended—

(1) in the first sentence—

(A) by inserting “and for registration periods beginning after December 26, 2020, but on or before March 14, 2021,” after “July 31, 2020,”;

(B) by striking “in the amount of \$1,200”; and

(C) by striking “July 1, 2019” and inserting “July 1, 2019, or July 1, 2020”; and

(2) by adding at the end the following: “For registration periods beginning on or after April 1, 2020, but on or before July 31, 2020, the recovery benefit payable under this subparagraph shall be in the amount of \$1,200. For registration periods beginning after December 26, 2020, but on or before March 14, 2021, the recovery benefit payable under this subparagraph shall be in the amount of \$600.”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under subparagraph (B) of section 2(a)(5) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(a)(5)) shall be available to cover the cost of recovery benefits provided under such section 2(a)(5) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(a)(5) as in effect on the day before the date of enactment of this Act.

SEC. 233. EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) **IN GENERAL.**—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking “130 days” and inserting “185 days”;

(B) in subclause (II), by striking “13 consecutive 14-day periods” and inserting “19 consecutive 14-day periods, except that no extended benefit period shall end before 6 consecutive 14-day periods after the date of enactment of the Continued Assistance for Unemployed Workers Act of 2020 have elapsed”;

(2) in clause (ii), by striking “if such clause had not been enacted.” and inserting “if such clause had not been enacted and if—

“(A) subparagraph (A) were applied by substituting ‘120 days of unemployment’ for ‘65 days of unemployment’; and

“(B) subparagraph (B) were applied by inserting ‘(or, in the case of unemployment benefits, 12 consecutive 14-day periods, except that no extended benefit period shall end before 6 consecutive 14-day periods after the date of enactment of the Continued Assistance for Unemployed Workers Act of 2020 have elapsed)’ after ‘7 consecutive 14-day periods.’; and

(3) in clause (iii)—

(A) by striking “June 30, 2020” and inserting “June 30, 2021”;

(B) by striking “no extended benefit period under this paragraph shall begin after December 31, 2020” and inserting “the provisions of clauses (i) and (ii) shall not apply to any employee whose extended benefit period under subparagraph (B) begins after March 14, 2021, and shall not apply to any employee with respect to any registration period beginning after April 5, 2021.”; and

(C) by striking “clause (iv)” and inserting “clause (v)”;

(4) by redesignating clause (iv) as clause (v); and

(5) by inserting after clause (iii) the following:

“(iv) TREATMENT OF CERTAIN CALENDAR DAYS.—No calendar day occurring during the period beginning on the first date with respect to which the employee has exhausted all rights to extended unemployment benefits under this paragraph as in effect on the day before the date of enactment of the Continued Assistance for Unemployed Workers Act of 2020 and ending with the date of such enactment may be treated as a day of unemployment for purposes of the payment of extended unemployment benefits under this paragraph.”.

(b) APPLICATION.—The amendments made by subsection (a) shall apply as if included in the enactment of the CARES Act (15 U.S.C. 9001 et seq.).

(c) CLARIFICATION ON AUTHORITY TO USE FUND.—Funds appropriated under either the first or second sentence of clause (v) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act (as redesignated by subsection (a)(4)) shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D) as in effect on the day before the date of enactment of this Act.

SEC. 234. EXTENSION OF WAIVER OF THE 7-DAY WAITING PERIOD FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2112(a) of the CARES Act (15 U.S.C. 9030(a)) is amended by striking “December 31, 2020” and inserting “March 14, 2021”.

(b) OPERATING INSTRUCTIONS AND REGULATIONS.—The Railroad Retirement Board may prescribe any operating instructions or regulations necessary to carry out this section.

(c) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under section 2112(c) of the CARES Act (15 U.S.C. 9030(c)) shall be available to cover the cost of additional benefits payable due to section 2112(a) of such Act by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits payable due to such section 2112(a) as in effect on the day before the date of enactment of this Act.

SEC. 235. TREATMENT OF PAYMENTS FROM THE RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT.

(a) IN GENERAL.—Section 256(i)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(i)(1)) is amended—

- (1) in subparagraph (B), by striking “and” at the end;
- (2) in subparagraph (C), by inserting “and” at the end;

and

- (3) by inserting after subparagraph (C) the following new subparagraph:

“(D) any payment made from the Railroad Unemployment Insurance Account (established by section 10 of the Railroad Unemployment Insurance Act) for the purpose of carrying out the Railroad Unemployment Insurance Act, and funds appropriated or transferred to or otherwise deposited in such Account.”.

(b) EFFECTIVE DATE.—The treatment of payments made from the Railroad Unemployment Insurance Account pursuant to the amendment made by subsection (a)—

- (1) shall take effect 7 days after the date of the enactment of this Act; and

- (2) shall apply only to obligations incurred during the period beginning on the effective date described in paragraph (1) and ending on the date that is 30 days after the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates.

(c) SUNSET.—The amendments made by subsection (a) shall be repealed on the date that is 30 days after the date on which the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020, under the National Emergencies Act (50 U.S.C. 1601 et seq.) terminates.

Subchapter IV—Improvements to Pandemic Unemployment Assistance to Strengthen Program Integrity

SEC. 241. REQUIREMENT TO SUBSTANTIATE EMPLOYMENT OR SELF-EMPLOYMENT AND WAGES EARNED OR PAID TO CONFIRM ELIGIBILITY FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(a)(3)(A) of the CARES Act (15 U.S.C. 9021(a)(3)(A)) is amended—

- (1) in clause (i), by striking “and” at the end;
- (2) by inserting after clause (ii) the following:

“(iii) provides documentation to substantiate employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the later of the date on which the individual submits an application for pandemic unemployment assistance under this section or the date on which an individual is directed by the State Agency to submit such documentation in accordance with section 625.6(e) of title 20, Code of Federal Regulations, or any successor thereto, except that such deadline may be extended if the individual has shown good cause under applicable State law for failing to submit such documentation; and”.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amendments made by subsection (a) shall apply to any individual who files a new application for pandemic unemployment assistance or claims pandemic unemployment assistance for any week of unemployment under section 2102 of the CARES Act (15 U.S.C. 9021) on or after January 31, 2021.

(2) SPECIAL RULE.—An individual who received pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) for any week ending before the date of enactment of this Act shall not be considered ineligible for such assistance for such week solely by reason of failure to submit documentation described in clause (iii) of subsection (a)(3)(A) of such section 2102, as added by subsection (a).

(3) PRIOR APPLICANTS.—With respect to an individual who applied for pandemic unemployment assistance under section 2102 of the CARES Act (15 U.S.C. 9021) before January 31, 2021, and receives such assistance on or after the date of enactment of this Act, clause (iii) of subsection (a)(3)(A) of such section shall be applied by substituting “90 days” for “21 days”.

SEC. 242. REQUIREMENT FOR STATES TO VERIFY IDENTITY OF APPLICANTS FOR PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) IN GENERAL.—Section 2102(f) of the CARES Act (15 U.S.C. 9021(f)) is amended—

(1) in paragraph (1), by inserting “, including procedures for identity verification or validation and for timely payment, to the extent reasonable and practicable” before the period at the end; and

(2) in paragraph (2)(B), by inserting “and expenses related to identity verification or validation and timely and accurate payment” before the period at the end.

(b) APPLICABILITY.—The requirements imposed by the amendments made by this section shall apply, with respect to agreements made under section 2102 of the CARES Act, beginning on the date that is 30 days after the date of enactment of this Act.

Subchapter V—Return to Work Reporting Requirement

SEC. 251. RETURN TO WORK REPORTING FOR CARES ACT AGREEMENTS.

(a) **IN GENERAL.**—Subtitle A of title II of division A of the CARES Act (Public Law 116–136) is amended by adding at the end the following:

“SEC. 2117. RETURN TO WORK REPORTING.

“Each State participating in an agreement under any of the preceding sections of this subtitle shall have in effect a method to address any circumstances in which, during any period during which such agreement is in effect, claimants of unemployment compensation refuse to return to work or to accept an offer of suitable work without good cause. Such method shall include the following:

“(1) A reporting method for employers, such as through a phone line, email, or online portal, to notify the State agency when an individual refuses an offer of employment.

“(2) A plain-language notice provided to such claimants about State return to work laws, rights to refuse to return to work or to refuse suitable work, including what constitutes suitable work, and a claimant’s right to refuse work that poses a risk to the claimant’s health or safety, and information on contesting the denial of a claim that has been denied due to a report by an employer that the claimant refused to return to work or refused suitable work.”.

(b) **EFFECTIVE DATE.**—The requirements imposed by this section shall take effect 30 days from the date of enactment of this Act.

Subchapter VI—Other Related Provisions and Technical Corrections

SECTION 261. MIXED EARNER UNEMPLOYMENT COMPENSATION.

(a) **IN GENERAL.**—Section 2104(b) of the CARES Act (15 U.S.C. 9023(b)(1)), as amended by section 1103, is further amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking the period at the end and inserting “, plus”; and

(B) by adding at the end the following:

“(C) an additional amount of \$100 (in this section referred to as ‘Mixed Earner Unemployment Compensation’) in any case in which the individual received at least \$5,000 of self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986) in the most recent taxable year ending prior to the individual’s application for regular compensation.”; and

(2) by adding at the end the following:

“(4) **CERTAIN DOCUMENTATION REQUIRED.**—An agreement under this section shall include a requirement, similar to the requirement under section 2102(a)(3)(A)(iii), for the substantiation of self-employment income with respect to each applicant for Mixed Earner Unemployment Compensation under paragraph (1)(C).”.

(b) **CONFORMING AMENDMENTS.**—

(1) **FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.**—Section 2104 of such Act is amended—

(A) by inserting “or Mixed Earner Unemployment Compensation” after “Federal Pandemic Unemployment Compensation” each place such term appears in subsection (b)(2), (c), or (f) of such section;

(B) in subsection (d), by inserting “and Mixed Earner Unemployment Compensation” after “Federal Pandemic Unemployment Compensation”; and

(C) in subsection (g), by striking “provide that” and all that follows through the end and inserting “provide that—

“(1) the purposes of the preceding provisions of this section, as such provisions apply with respect to Federal Pandemic Unemployment Compensation, shall be applied with respect to unemployment benefits described in subsection (i)(2) to the same extent and in the same manner as if those benefits were regular compensation; and

“(2) the purposes of the preceding provisions of this section, as such provisions apply with respect to Mixed Earner Unemployment Compensation, shall be applied with respect to unemployment benefits described in subparagraph (A), (B), (D), or (E) of subsection (i)(2) to the same extent and in the same manner as if those benefits were regular compensation.”.

(2) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107(a)(4)(A) of such Act is amended—

(A) in clause (i), by striking “and”;

(B) in clause (ii), by striking “section 2104;” and inserting “section 2104(b)(1)(B); and”; and

(C) by adding at the end the following:

“(iii) the amount (if any) of Mixed Earner Unemployment Compensation under section 2104(b)(1)(C);”.

(c) STATE’S RIGHT OF NON-PARTICIPATION.—Any State participating in an agreement under section 2104 of the CARES Act may elect to continue paying Federal Pandemic Unemployment Compensation under such agreement without providing Mixed Earner Unemployment Compensation pursuant to the amendments made by this section. Such amendments shall apply with respect to such a State only if the State so elects, in which case such amendments shall apply with respect to weeks of unemployment beginning on or after the later of the date of such election or the date of enactment of this section.

SEC. 262. LOST WAGES ASSISTANCE RECOUPMENT FAIRNESS.

(a) DEFINITIONS.—In this section—

(1) the term “covered assistance” means assistance provided for supplemental lost wages payments under subsections (e)(2) and (f) of section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174), as authorized under the emergency declaration issued by the President on March 13, 2020, pursuant to section 501(b) of such Act (42 U.S.C. 5191(b)) and under any subsequent major disaster declaration under section 401 of such Act (42 U.S.C. 5170) that supersedes such emergency declaration; and

(2) the term “State” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(b) **WAIVER AUTHORITY FOR STATE LIABILITY.**—In the case of any individual who has received amounts of covered assistance to which the individual is not entitled, the State shall require the individual to repay the amounts of such assistance to the State agency, except that the State agency may waive such repayment if the State agency determines that—

(1) the payment of such covered assistance was without fault on the part of the individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) **WAIVER AUTHORITY FOR FEDERAL LIABILITY.**—Any waiver of debt issued by a State under subsection (b) shall also waive the debt owed to the United States.

(d) **REPORTING.**—

(1) **STATE REPORTING.**—If a State issues a waiver of debt under subsection (b), the State shall report such waiver to the Administrator of the Federal Emergency Management Agency.

(2) **OIG REPORTING.**—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report that assesses the efforts of the States to waive recoupment related to lost wages assistance under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on Finance, and the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate; and

(B) the Committee on Transportation and Infrastructure, Committee on Ways and Means, and the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

SEC. 263. CONTINUING ELIGIBILITY FOR CERTAIN RECIPIENTS OF PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) **IN GENERAL.**—Section 2102(c) of the CARES Act (15 U.S.C. 9021(c)), as amended by section 201, is further amended by adding at the end the following:

“(6) **CONTINUED ELIGIBILITY FOR ASSISTANCE.**—As a condition of continued eligibility for assistance under this section, a covered individual shall submit a recertification to the State for each week after the individual’s 1st week of eligibility that certifies that the individual remains an individual described in subsection (a)(3)(A)(ii) for such week.”.

(b) **EFFECTIVE DATE; SPECIAL RULE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall apply with respect to weeks beginning on or after the date that is 30 days after the date of enactment of this section.

(2) **SPECIAL RULE.**—In the case of any State that made a good faith effort to implement section 2102 of division A of the CARES Act (15 U.S.C. 9021) in accordance with rules similar to those provided in section 625.6 of title 20, Code of Federal Regulations, for weeks ending before the effective date specified in paragraph (1), an individual who received pandemic unemployment assistance from such State for any such week shall not be considered ineligible for such assistance

for such week solely by reason of failure to submit a recertification described in subsection (c)(5) of such section 2102.

SEC. 264. TECHNICAL CORRECTION FOR NONPROFIT ORGANIZATIONS CLASSIFIED AS FEDERAL TRUST INSTRUMENTALITIES.

(a) IN GENERAL.—Section 903(i)(1) of the Social Security Act (42 U.S.C. 1103(i)(1)) is amended—

(1) in subparagraph (B), in the first sentence, by inserting “and to service provided by employees of an entity created by Public Law 85–874 (20 U.S.C. 76h et seq.)” after “of such Code applies”; and

(2) in subparagraph (C), by inserting “or an entity created by Public Law 85–874 (20 U.S.C. 76h et seq.)” before the period at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 2103 of the CARES Act (Public Law 116–136).

SEC. 265. TECHNICAL CORRECTION FOR THE COMMONWEALTH OF NORTHERN MARIANA ISLANDS.

A Commonwealth Only Transitional Worker (as defined in section 6(i)(2) of the Joint Resolution entitled “A Joint Resolution to approve the ‘Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America’, and for other purposes” (48 U.S.C. 1806)) shall be considered a qualified alien under section 431 of Public Law 104–193 (8 U.S.C. 1641) for purposes of eligibility for a benefit under section 2102 or 2104 of the CARES Act.

SEC. 266. WAIVER TO PRESERVE ACCESS TO EXTENDED BENEFITS IN HIGH UNEMPLOYMENT STATES.

(a) IN GENERAL.—For purposes of determining the beginning of an extended benefit period (or a high unemployment period) under the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) during the period beginning on November 1, 2020, and ending December 31, 2021, section 203 of such Act may be applied without regard to subsection (b)(1)(B) of such section.

(b) RULEMAKING AUTHORITY; TECHNICAL ASSISTANCE.—The Secretary of Labor shall issue such rules or other guidance as the Secretary determines may be necessary for the implementation of subsection (a), and shall provide technical assistance to States as needed to facilitate such implementation.

Subtitle B—COVID-related Tax Relief Act of 2020

SEC. 271. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the “COVID-related Tax Relief Act of 2020”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0004/2
ALL:all

**SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1**

January 11, 2021 - Offered by Senators LEMAHIEU, KAPENGA and FEYEN.

1 **AN ACT** *to renumber* 895.4801 (2) (a); *to renumber and amend* 450.11 (5) (br)
2 3.; *to amend* 13.101 (4d), 40.26 (5m), 40.26 (6) (intro.), 108.04 (3) (b), 108.062
3 (20) (intro.), 108.07 (5) (bm) 1., 108.07 (5) (bm) 2. a., 118.38 (4) (a) (intro.), 118.38
4 (4) (a) 2. a., 118.38 (4) (a) 2. b., 118.38 (4) (c), 323.19 (3), 323.2912, 440.15, 450.01
5 (11m), 450.01 (21s), 450.02 (1), 450.035 (2g), 450.035 (3), 450.035 (4), 450.11 (5)
6 (br) 2. d., 609.205 (2) (intro.) and (a), 609.205 (3) (intro.), 632.895 (14g) (b),
7 632.895 (16v) (a) (intro.) and 895.4801 (2) (b) 1.; and *to create* 36.11 (44), 38.04
8 (33), 49.45 (39n), 50.083, 108.07 (5) (bm) 1m., 118.38 (4) (am), 440.08 (2) (a) 69g.,
9 440.094, 450.01 (13w), 450.01 (23) (p), 450.03 (1) (fm), 450.035 (2i) (am),
10 450.075, 450.11 (5) (br) 3. b., 655.0025, 895.476, 895.4801 (2) (a) (intro.) and
11 895.4801 (2) (a) 2. of the statutes; **relating to:** state government response to
12 COVID-19 pandemic, extending the time limit for emergency rule procedures,

School board reports on virtual instruction provided during the 2020-21 and 2021-22 school years

Under the bill, by 30 days after the end of each semester in the 2020-21 and 2021-22 school years, each school board must submit a report to the Department of Public Instruction that contains various information related to virtual instruction provided during the semester, including the amount of certain expenditure reductions or increases related to providing virtual instruction. A school board is not required to include information about virtual instruction provided by a virtual charter school in the report. Under the bill, DPI must compile and report to the legislature the information it receives from school boards for the first semester by the following April 1 and for the second semester by the following September 1. For the 2021-22 school year, a school board does not have to submit a report for a semester during which the school board does not provide virtual instruction in lieu of in-person instruction.

School boards were required to report similar information to DPI related to virtual instruction and school board operations while schools were closed by the Department of Health Services in the 2019-20 school year.

Waiver of laws and rules related to parental choice programs, the Special Needs Scholarship Program, and independent charter schools

During the period beginning on March 12, 2020, and ending on October 31, 2020, 2019 Wisconsin Act 185 granted DPI the authority to waive state education statutes, and rules promulgated under those statutes, related to 1) a parental choice program or the Special Needs Scholarship Program, 2) private schools participating in a parental choice program or the SNSP, and 3) independent charter schools. This bill extends the period that DPI is authorized to waive these state statutes and rules to October 31, 2021. Under the bill, DPI's waiver authority does not apply to requirements to administer pupil assessments.

During the period beginning on March 12, 2020, and ending on October 31, 2020, 2019 Wisconsin Act 185 also allowed DPI to establish alternate deadlines for requirements related to parental choice programs or the SNSP if the original deadline occurred between March 12, 2020, and October 31, 2020, or the original deadline related to another event that occurred between the same dates. The bill extends the period that DPI has the authority to establish such alternate deadlines to October 31, 2021, and extends DPI's authority to deadlines that would otherwise occur or are related to events that would otherwise occur on or before October 31, 2021.

EMPLOYMENT***Unemployment insurance; claims backlog***

The bill requires the Department of Workforce Development to address the backlog of UI claims by publishing, within 30 days of the effective date of the bill, a plan to address the backlog of UI claims to reduce the number of weekly claims for benefits in process, adjudication, and appeals to levels comparable to those in January and February 2020.

Unemployment insurance; call center

The bill requires DWD to extend the hours of the unemployment insurance call center to 12 hours per day, seven days per week, until the number of weekly claims in process, adjudication, and appeals are at levels comparable to those in January and February 2020.

Unemployment insurance; waiting period

Currently, a claimant must generally wait one week after becoming eligible to receive UI benefits before the claimant may receive benefits for a week of unemployment, but the application of the one-week waiting period is temporarily suspended for benefit years that began after March 12, 2020, and before February 7, 2021. This bill extends the end date for suspending the one-week waiting period to March 14, 2021.

Unemployment insurance; benefit charging

Current law, as enacted in 2019 Wisconsin Act 185, requires DWD, when processing claims for UI benefits and evaluating work-share plans, to determine whether a claim or plan is related to the public health emergency declared by the governor under Executive Order 72. If a claim is so related, current law provides that the regular benefits for that claim for weeks occurring after March 12, 2020, and before December 31, 2020, not be charged to the employers' accounts in the unemployment trust fund or to the employers directly, as is normally provided. Instead, the benefits for those weeks are, subject to numerous exceptions, to be charged to other accounts. This bill provides for this noncharging of benefits to continue through March 13, 2021, and requires DWD to presume that an initial claim for benefit years beginning on or after March 15, 2020, through March 13, 2021, relates to the public health emergency declared on March 12, 2020, by Executive Order 72 unless one of certain exceptions applies. The bill provides that an employer is not required to submit a request for charging relief for initial claims filed through March 13, 2021.

Work-share programs

Current law allows an employer to create a work-share program within a work unit of the employer. Under a work-share program, the working hours of all of the full-time employees in the program are reduced in an equitable manner in lieu of a layoff of some of the employees and a continuation of full-time employment by the other employees. A claimant for UI benefits who is included in a work-share program may receive UI benefits during his or her continued employment with the work-share employer in an amount equal to the claimant's benefit for total unemployment multiplied by the same percentage reduction in normal working hours that the claimant incurs under the program. Current law also provides for the temporary modification of certain requirements that apply to work-share plans with respect to work-share plans submitted on or after April 17, 2020, and before December 31, 2020. This bill extends the applicability of these modifications until the earlier of the conclusion of a national emergency declared by the U.S. president in response to the 2019 novel coronavirus or July 4, 2021.

1 (a) The resident has recently been admitted to the nursing home or assisted
2 living facility and is experiencing difficulty in adjusting to the change in
3 environment and lack of family presence.

4 (b) The resident is grieving the recent death of a friend or family member.

5 (c) The resident is experiencing weight loss or dehydration due to lack of
6 support from family or caregivers when eating or drinking.

7 (d) The resident is experiencing emotional distress or a decline in ability or
8 willingness to communicate.

9 **(2m)** A nursing home or assisted living facility may refuse to allow access for
10 visitation to any essential visitor who refuses to comply with public health policies
11 of the nursing home or assisted living facility.

12 **(3)** If the federal centers for medicare and medicaid services issues guidance
13 that is more restrictive in allowing visitation than sub. (2), a nursing home or
14 assisted living facility may comply with that guidance instead of complying with sub.
15 (2).

16 **(4)** This section applies at any time a nursing home or assisted living facility
17 limits visitors to the nursing home or assisted living facility due to an outbreak or
18 epidemic of communicable disease in the community in which the nursing home or
19 assisted living facility is located.

20 **SECTION 8.** 108.04 (3) (b) of the statutes is amended to read:

21 108.04 **(3)** (b) Paragraph (a) does not apply with respect to benefit years that
22 begin after March 12, 2020, and before ~~February 7~~ March 14, 2021. The department
23 shall seek the maximum amount of federal reimbursement for benefits that are,
24 during the time period specified in this paragraph, payable for the first week of a
25 claimant's benefit year as a result of the application of this paragraph.

1 **SECTION 9.** 108.062 (20) (intro.) of the statutes is amended to read:

2 108.062 **(20)** SUSPENSIONS OF CERTAIN PROVISIONS. (intro.) Notwithstanding sub.
3 (2), this subsection, and not sub. (2), applies to work-share plans submitted on or
4 after April 17, 2020, and before ~~December 31, 2020~~ the conclusion of a national
5 emergency declared by the U.S. president under 50 USC 1621 in response to the 2019
6 novel coronavirus or July 4, 2021, whichever is earlier, subject to sub. (19). During
7 that period, prior to implementing a work-share program, an employer shall submit
8 a work-share plan for the approval of the department. In its submittal, the employer
9 shall certify that its plan is in compliance with all requirements under this section.
10 Each plan shall:

11 **SECTION 10.** 108.07 (5) (bm) 1. of the statutes is amended to read:

12 108.07 **(5)** (bm) 1. The Subject to subd. 1m., the department shall, when
13 processing initial claims for regular benefits, determine whether a claim or plan is
14 related to the public health emergency declared on March 12, 2020, by executive
15 order 72. If a claim is so related, the regular benefits for that claim shall, except as
16 provided in subd. 2., be paid as provided in subd. 3.

17 **SECTION 11.** 108.07 (5) (bm) 1m. of the statutes is created to read:

18 108.07 **(5)** (bm) 1m. For purposes of this paragraph, the department shall
19 presume that an initial claim for benefit years beginning on or after March 15, 2020,
20 through March 13, 2021, relates to the public health emergency declared on March
21 12, 2020, by Executive Order 72 unless the claimant's most recent separation from
22 employment is due to a labor dispute, voluntary termination of work, discharge for
23 misconduct, or discharge for substantial fault. An employer is not required to submit
24 a request for charging relief under this paragraph for initial claims described in this
25 subdivision.

1 **SECTION 12.** 108.07 (5) (bm) 2. a. of the statutes is amended to read:

2 108.07 (5) (bm) 2. a. Subdivision 1. applies only with respect to benefits payable
3 for weeks beginning after March 12, 2020, and beginning before ~~December 31, 2020~~
4 March 14, 2021.

5 **SECTION 13.** 118.38 (4) (a) (intro.) of the statutes is amended to read:

6 118.38 (4) (a) (intro.) Beginning on the first day of the public health emergency
7 declared on March 12, 2020, by executive order 72, and ending on October 31, ~~2020~~
8 2021, the department may do all of the following:

9 **SECTION 14.** 118.38 (4) (a) 2. a. of the statutes is amended to read:

10 118.38 (4) (a) 2. a. A deadline that occurs during the period beginning on the
11 first day of the public health emergency declared on March 12, 2020, by executive
12 order 72, and ending on October 31, ~~2020~~ 2021.

13 **SECTION 15.** 118.38 (4) (a) 2. b. of the statutes is amended to read:

14 118.38 (4) (a) 2. b. A deadline for a requirement that affects a date during the
15 period beginning on the first day of the public health emergency declared on March
16 12, 2020, by executive order 72, and ending on October 31, ~~2020~~ 2021.

17 **SECTION 16.** 118.38 (4) (am) of the statutes is created to read:

18 118.38 (4) (am) Notwithstanding par. (a) 1., the department may not waive any
19 of the following under this subsection:

20 1. The pupil assessment program under s. 118.30.

21 2. A requirement to administer the standardized reading test required under
22 s. 121.02 (1) (r) or to administer a standardized reading test developed by the
23 department to 3rd grade pupils.

24 **SECTION 17.** 118.38 (4) (c) of the statutes is amended to read:

1 take effect under sub. (1), or the date on which permanent rules take effect,
2 whichever is sooner. An interim license granted under this subsection expires 90
3 days after the date that emergency rules take effect under sub. (1), or 90 days after
4 the date on which permanent rules take effect, whichever is sooner.
5 Notwithstanding s. 440.05, no fee is required for an interim license issued under this
6 subsection.

7 **SECTION 9150. Nonstatutory provisions; Workforce Development.**

8 (1) UNEMPLOYMENT INSURANCE; BACKLOG AND CALL CENTER.

9 (a) *Definitions.* In this subsection, the definitions in s. 108.02 apply.

10 (b) *Plan to address backlog of unemployment insurance claims.* Not later than
11 30 days after the effective date of this paragraph, the department shall develop a
12 plan for the department to reduce the number of weekly claims for benefits in
13 process, adjudication, and appeals to levels comparable to those in January and
14 February 2020. The plan shall include measures to ensure maintenance of program
15 integrity and fraud detection. The department shall submit the plan to the
16 appropriate standing committees of the legislature under s. 13.172(3) and shall
17 publish the plan on its Internet site.

18 (c) *Call center.* The department shall maintain a call center to provide services
19 and support to claimants for benefits under ch. 108 or federal pandemic
20 unemployment assistance benefits via telephone. The department shall operate the
21 call center for 12 hours per day, 7 days per week, until the number of weekly claims
22 in process, adjudication, and appeals is comparable to those in January and
23 February 2020, as determined by the department.

24 **SECTION 9151. Nonstatutory provisions; Other.**

1 50.33 **(2d)** “Hospital-associated service” means a health care service that
2 meets all of the following conditions:

3 (a) The service is of the same type as those furnished by a hospital in an
4 inpatient or outpatient facility.

5 (b) The service is of a type for which a payment could be claimed as a hospital
6 service under the federal Medicare program, 42 USC 1395 et seq.

7 (c) The service is provided at a location other than in a facility approved by the
8 department under s. 50.35.

9 (d) The service is provided in a home setting before January 1, 2022.

10 **SECTION 7g.** 50.36 (5m) of the statutes is created to read:

11 50.36 **(5m)** If the federal centers for medicare and medicaid services has
12 approved a hospital to provide any hospital-associated service, the department may
13 apply to and enforce upon the hospital as the state standard for the
14 hospital-associated service any rule or standard that is required by the centers for
15 medicare and medicaid services for the service. This subsection does not apply on
16 or after January 1, 2022.

17 **SECTION 7j.** 50.49 (6m) (d) of the statutes is created to read:

18 50.49 **(6m)** (d) A hospital that is providing hospital-associated services in
19 accordance with s. 50.36 (5m).”.

20 **3.** Page 17, line 4: after that line insert:

21 **“SECTION 12m.** 108.141 (8) of the statutes is created to read:

22 108.141 **(8)** SECRETARY MAY WAIVE COMPLIANCE. Notwithstanding s. 108.141 (1)
23 (c) 1. b., the secretary may, if permitted by federal law, waive the prohibition under
24 s. 108.141 (1) (c) 1. b. that no extended benefit period may begin by reason of a

1 Wisconsin “on” indicator before the 14th week following the end of a prior extended
2 benefit period which was in effect with respect to Wisconsin.”.

3 **4.** Page 31, line 13: after that line insert:

4 “**SECTION 38g.** 609.205 (3m) of the statutes is created to read:

5 609.205 (3m) This section does not apply to the reimbursement for
6 administration of the vaccine against the SARS-CoV-2 coronavirus, which results
7 in COVID-19. The reimbursement administration of the SARS-CoV-2 vaccine shall
8 be consistent with Section 3203 of the federal Coronavirus Aid, Relief, and Economic
9 Security Act and 45 CFR 147.130 (a).”.

10 **5.** Page 33, line 12: delete the material beginning with “Noncompliance” and
11 ending with “section.” on line 15.

12 **6.** Page 33, line 19: delete the material beginning with that line and ending
13 with page 34, line 7, and substitute:

14 “**SECTION 43m.** 895.4801 (2m) of the statutes is created to read:

15 895.4801 (2m) IMMUNITY AFTER JULY 10, 2020. Subject to sub. (3), any health care
16 professional, health care provider, or employee, agent, or contractor of a health care
17 professional or health care provider is immune from civil liability for the death of or
18 injury to any individual or any damages caused by actions or omissions that satisfy
19 all of the following:

20 (a) During the period beginning on July 10, 2020, and ending on January 1,
21 2022, the action or omission is committed while the professional, provider, employee,
22 agent, or contractor is providing services related to the SARS-CoV-2 coronavirus or
23 COVID-19.

24 (b) The action or omission is substantially consistent with any of the following:



EXECUTIVE ORDER #103

Relating to a Special Session of the Legislature on Unemployment Insurance Modernization

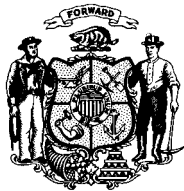
I, **TONY EVERS**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the Laws of the State, specifically Article IV, Section 11 and Article V, Section 4 of the Wisconsin Constitution, hereby require the convening of a special session of the Legislature at the Capitol in the City of Madison, to commence at 12:00 pm on Tuesday, January 19, 2021, solely to consider and act upon LRB-1312/1 and LRB-1430/1, relating to transactions with the Department of Workforce Development under the unemployment insurance law, funding for unemployment insurance modernizations efforts, granting rule-making authority, and making an appropriation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this thirteenth day of January in the year of two thousand twenty-one.

TONY EVERS
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State



State of Wisconsin
2021 - 2022 LEGISLATURE

January 2021 Special Session

LRB-1312/1
MED:wlj&kjf

BILL

1 **AN ACT to amend** 20.445 (1) (n), 20.445 (1) (nb) (title), 108.14 (2e), 108.17 (2) (b),
2 108.17 (2b), 108.17 (7) (a) and 108.205 (2); and **to create** 20.445 (1) (ar), 20.445
3 (1) (nc) and 108.14 (26m) of the statutes; **relating to:** transactions with the
4 Department of Workforce Development under the unemployment insurance
5 law, funding for unemployment insurance modernization efforts, granting
6 rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, each employer that has employees who are engaged in employment covered by the unemployment insurance law must file quarterly contribution (tax) and employment and wage reports and make quarterly payment of its contributions to the Department of Workforce Development. An employer of 25 or more employees or an employer agent that files reports on behalf of any employer must file its reports electronically. Current law also requires each employer that makes contributions for any 12-month period ending on June 30 equal to a total of at least \$10,000 to make all contribution payments electronically in the following year. Finally, current law allows DWD to provide a secure means of electronic interchange between itself and employing units, claimants, and other persons that, upon request to and with prior approval by DWD, may be used for transmission or receipt of any document specified by DWD that is related to the administration of the UI law in lieu of any other means of submission or receipt.

This bill makes use of these electronic methods mandatory in all cases, unless the employer or other person demonstrates good cause for being unable to use the electronic method, as determined by DWD by rule. The bill also provides that DWD may permit the use of electronic records and electronic signatures for any document specified by DWD that is related to the administration of the UI law.

The bill also creates appropriations to provide general purpose revenue (GPR) and federal funding to DWD for the renovation and modernization of unemployment insurance information technology systems and appropriates \$5,320,000 GPR for this purpose.

For further information see the state and local 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.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

					2019-20	2020-21
3	20.445	Workforce development, department of				
4	(1)	WORKFORCE DEVELOPMENT				
5	(ar)	Unemployment insurance; infor-				
6		mation technology systems; gen-				
7		eral purpose revenue	GPR	C	-0-	\$5,320,000

8 **SECTION 2.** 20.445 (1) (ar) of the statutes is created to read:

9 20.445 (1) (ar) *Unemployment insurance; information technology systems;*
10 *general purpose revenue.* As a continuing appropriation, the amounts in the schedule
11 for the purpose specified in s. 108.19 (1e) (d).

12 **SECTION 3.** 20.445 (1) (n) of the statutes is amended to read:

13 20.445 (1) (n) *Employment assistance and unemployment insurance*
14 *administration; federal moneys.* All federal moneys received, as authorized by the
15 governor under s. 16.54, for the administration of employment assistance and

1 unemployment insurance programs of the department, for the performance of the
2 department's other functions under subch. I of ch. 106 and ch. 108, and to pay the
3 compensation and expenses of appeal tribunals and of employment councils
4 appointed under s. 108.14, to be used for such purposes, except as provided in s.
5 108.161 (3e), and, from the moneys received by this state under section 903 (d) of the
6 federal Social Security Act, as amended, to transfer to the appropriation account
7 under par. (nb) an amount determined by the treasurer of the unemployment reserve
8 fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the
9 amounts in the schedule under par. (nb), to transfer to the appropriation account
10 under par. (nd) an amount determined by the treasurer of the unemployment reserve
11 fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the
12 amounts in the schedule under par. (nd), to transfer to the appropriation account
13 under par. (ne) an amount not exceeding the lesser of the amount specified in s.
14 108.161 (4) (d) or the sum of the amounts in the schedule under par. (ne) and the
15 amount determined by the treasurer of the unemployment reserve fund that is
16 required to pay for the cost of banking services incurred by the unemployment
17 reserve fund, and, from any other federal moneys received by this state for the
18 purpose specified in s. 108.19 (1e) (d), to transfer to the appropriation account under
19 par. (nc) an amount determined by the treasurer of the unemployment reserve fund,
20 and to transfer to the appropriation account under s. 20.427 (1) (k) an amount
21 determined by the treasurer of the unemployment reserve fund.

22 **SECTION 4.** 20.445 (1) (nb) (title) of the statutes is amended to read:

23 20.445 (1) (nb) (title) *Unemployment administration; information technology*
24 *systems; other federal moneys.*

25 **SECTION 5.** 20.445 (1) (nc) of the statutes is created to read:

1 20.445 (1) (nc) *Unemployment administration; information technology*
2 *systems; federal moneys.* All moneys transferred from par. (n), for the purpose
3 specified in s. 108.19 (1e) (d).

4 **SECTION 6.** 108.14 (2e) of the statutes is amended to read:

5 108.14 (2e) The department ~~may~~ shall provide a secure means of electronic
6 interchange between itself and employing units, claimants, and other persons that,
7 ~~upon request to and with prior approval by the department, may~~ shall be used for
8 departmental transmission or receipt of any document specified by the department
9 that is related to the administration of this chapter in lieu of any other means of
10 submission or receipt specified in this chapter. The secure means of electronic
11 interchange shall be used by employing units, claimants, and other persons unless
12 a person demonstrates good cause for not being able to use the secure means of
13 electronic interchange. The department shall determine by rule what constitutes
14 good cause, for purposes of this subsection. Subject to s. 137.25 (2) and any rules
15 promulgated thereunder, the department may permit the use of the use of electronic
16 records and electronic signatures for any document specified by the department that
17 is related to the administration of this chapter. If a due date is established by statute
18 for the receipt of any document that is submitted electronically to the department
19 under this subsection, then that submission is timely only if the document is
20 submitted by midnight of the statutory due date.

21 **SECTION 7.** 108.14 (26m) of the statutes is created to read:

22 108.14 (26m) (a) The department shall allocate all available federal funding
23 for the purpose specified in s. 108.19 (1e) (d) before allocating any general purpose
24 revenue for that purpose.

1 (b) If federal funding is received for the purpose specified in s. 108.19 (1e) (d)
2 prior to July 1, 2023, the secretary of administration may, to the extent permitted
3 under federal law, lapse from the appropriation under s. 20.445 (1) (nc) to the general
4 fund an amount not to exceed the amounts in the schedule under s. 20.445 (1) (ar)
5 or the amount of federal funding received, whichever is less. This paragraph does
6 not apply with respect to amounts received as administrative grants by the state
7 under 42 USC 502 or to amounts received by this state under section 903 (d) of the
8 federal Social Security Act, as amended, 42 USC 1103.

9 **SECTION 8.** 108.17 (2) (b) of the statutes is amended to read:

10 108.17 (2) (b) The department ~~may~~ shall electronically provide a means
11 whereby an employer that files its employment and wage reports electronically may
12 determine the amount of contributions due for payment by the employer under s.
13 108.18 for each quarter. If an employer that is subject to a contribution requirement
14 files its employment and wage reports under s. 108.205 (1) electronically, in the
15 manner prescribed by the department for purposes of this paragraph, the
16 department may require the employer to determine electronically the amount of
17 contributions due for payment by the employer under s. 108.18 for each quarter. In
18 such case, the employer is excused from filing contribution reports under par. (a).
19 The employer shall pay the amount due for each quarter by the due date specified
20 in par. (a).

21 **SECTION 9.** 108.17 (2b) of the statutes is amended to read:

22 108.17 (2b) The department shall prescribe a form and methodology for filing
23 contribution reports under sub. (2) electronically. Each employer of ~~25 or more~~
24 ~~employees, as determined under s. 108.22 (1) (ae),~~ that does not use an employer
25 agent to file its contribution reports under this section shall file its contribution

1 reports electronically in the manner and form prescribed by the department, unless
2 the employer demonstrates good cause for not being able to file contribution reports
3 electronically. The department shall determine by rule what constitutes good cause,
4 for purposes of this subsection. Each employer that becomes subject to an electronic
5 reporting requirement under this subsection shall file its initial report under this
6 subsection for the quarter during which the employer becomes subject to the
7 reporting requirement. Once an employer becomes subject to a reporting
8 requirement under this subsection, it shall continue to file its reports under this
9 subsection unless that requirement is waived by the department.

10 **SECTION 10.** 108.17 (7) (a) of the statutes is amended to read:

11 108.17 (7) (a) Each employer ~~whose net total contributions paid or payable~~
12 ~~under this section for any 12-month period ending on June 30 are at least \$10,000~~
13 shall pay all contributions under this section by means of electronic funds transfer
14 beginning with the next calendar year, unless the employer demonstrates good cause
15 for not being able to pay contributions by electronic funds transfer. The department
16 shall determine by rule what constitutes good cause, for purposes of this subsection.
17 Once an employer becomes subject to an electronic payment requirement under this
18 paragraph, the employer shall continue to make payment of all contributions by
19 means of electronic funds transfer unless that requirement is waived by the
20 department.

21 **SECTION 11.** 108.205 (2) of the statutes is amended to read:

22 108.205 (2) Each employer ~~of 25 or more employees, as determined under s.~~
23 ~~108.22 (1) (ae),~~ that does not use an employer agent to file its reports under this
24 section shall file the quarterly report under sub. (1) electronically in the manner and
25 form prescribed by the department, unless the employer demonstrates good cause for

1 not being able to file reports electronically. The department shall determine by rule
2 what constitutes good cause, for purposes of this subsection. An employer that
3 becomes subject to an electronic reporting requirement under this subsection shall
4 file its initial report under this subsection for the quarter during which the employer
5 becomes subject to the reporting requirement. Once an employer becomes subject
6 to the reporting requirement under this subsection, the employer shall continue to
7 file its quarterly reports under this subsection unless that requirement is waived by
8 the department.

9 **SECTION 12. Nonstatutory provisions.**

10 (1) UNEMPLOYMENT INSURANCE; ELECTRONIC INTERCHANGE. The department of
11 workforce development shall submit a notice to the legislative reference bureau for
12 publication in the Wisconsin Administrative Register indicating the date upon which
13 the department is able to implement the treatment of s. 108.14 (2e).

14 **SECTION 13. Effective dates.** This act takes effect on the first Sunday after
15 publication, except as follows:

16 (1) UNEMPLOYMENT INSURANCE; ELECTRONIC INTERCHANGE. The treatment of s.
17 108.14 (2e) takes effect on the date specified in the notice published in the Wisconsin
18 Administrative Register under SECTION 12 (1) of this act.

19 (END)

**Unemployment Insurance Advisory Council
Tentative Schedule
2021**

January 21, 2021	Scheduled Meeting of UIAC Discuss Public Hearing November 2020 Comments
February 18, 2021	Scheduled Meeting of UIAC Introduce Department Law Change Proposals
March 18, 2021	Scheduled Meeting of UIAC Discuss Department Proposals
April 15, 2021	Scheduled Meeting of UIAC Discuss Department Proposals Exchange of Labor & Management Law Change Proposals
May 20, 2021	Scheduled Meeting of UIAC Discuss Department Proposals Discuss Labor & Management Proposals
May/June 2021	Tentative Meeting of UIAC Discuss Department Proposals Discuss Labor & Management Proposals
June 17, 2021	Scheduled Meeting of UIAC Discuss Department Proposals Discuss Labor & Management Proposals
July 15, 2021	Scheduled Meeting of UIAC Discussion and Agreement on Law Changes for Agreed Upon Bill
August 19, 2021	Scheduled Meeting of UIAC Review and Approval of Department Draft of Agreed Upon Bill
September 16, 2021	Scheduled Meeting of UIAC Review and Approval of LRB Draft of Agreed Upon Bill
October 21, 2021	Scheduled Meeting of UIAC Final Review and Approval of LRB Draft of Agreed Upon Bill
November 18, 2021	Scheduled Meeting of UIAC Agreed Upon Bill Sent to the Legislature for Introduction
December 2021	Tentative Meeting of UIAC
January 2020	Tentative Agreed Upon Bill Sent to the Legislature for Introduction in the Spring 2020 Legislative Session