

UNEMPLOYMENT INSURANCE ADVISORY COUNCIL

Meeting Minutes

Offices of the State of Wisconsin Department of Workforce Development
201 E. Washington Avenue, GEF 1, Room F107
Madison, WI

April 28, 2016

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

Members Present: Janell Knutson (Chair), Scott Manley, John Mielke, Ed Lump, Terry Hayden and Mark Reihl appeared in person. Mike Gotzler, Michael Crivello and Shane Griesbach participated via telephone. Earl Gustafson participated during closed caucus.

Department Staff Present: Joe Handrick, Andy Rubsam, Lili Crane, Andrew Evenson, Tyler Tichenor, Tom McHugh, Pam James, Karen Schultz, and Robin Gallagher

Members of the Public Present: Victor Forberger (UI Appeals Clinic), Brian Dake (Wisconsin Independent Businesses, Inc.), Jim Boullion (Associated General Contractors of Wisconsin), Chris Reader (WI Manufacturing & Commerce), Jessica Malsack (Lake Arrowhead Campground), Ryan Horton (Wisconsin State Legislature), and Maria Gonzalez Knavel (LIRC General Council)

1. Call to Order and Introduction

Ms. Knutson called the Unemployment Insurance Advisory Council (Council) to order at 9:10 a.m. in accordance with the Wisconsin's Open Meetings law. Council members introduced themselves and Ms. Knutson welcomed everyone in attendance.

2. Approval of Minutes of the April 13, 2016 Council meeting

Moved by Mr. Lump, second by Mr. Hayden, to approve the April 13, 2016 meeting minutes. The motion carried unanimously.

3. Research Request from Council

At the previous Council meeting, Mr. Manley requested a comparison of the number of individuals that received a work search waiver to the number of individuals required to search for work from November 2014 to February 2015 and November 2015 to February 2016.

Ms. Knutson provided the statistical information identifying the number of claims that were filed between week 45 (2014) and week 14 (2015) and week 45 (2015) to week 14 (2016) which includes the percentages of how many of those claims received an overall work search waiver and how many were required to search for work. Ms. Knutson informed the Council a more in-depth report can be provided to the Council at the next meeting if necessary.

Mr. Mielke asked for an explanation between work search waived for expected recall and an overall work search waiver. Ms. Knutson stated that overall work search waivers include all reasons an individual may receive a work search waiver (e.g., attending approved training, expecting to start a job in 4 weeks) and a work search waiver for expected recall is specifically for those anticipating returning to their employer within 12 weeks.

Mr. Lump requested information on the types of calls that the department receives on this subject. Mr. Handrick stated he would look into obtaining this information; however, the department does not report or tally calls and details will likely be limited.

In winter 2014-2015, a total of 51.8% of individuals received a work search waiver for expected recall and 71.7% received an overall work search waiver. In winter 2015-2016 a total of 27.6% of individuals received a work search waiver for expected recall and 54.1% received an overall work search waiver.

Mr. Manley requested a breakdown of the other waiver categories and number of individuals within those categories that received a work search waiver that is not due to an expected recall and compare those categories and numbers between winter 2014-2015 and winter 2015-2016.

4. Proposed Emergency Rule Pre-Employment Drug Testing & Treatment

Ms. Knutson stated the department made the minor changes requested by the Council at the last meeting to the emergency rule relating to pre-employment drug testing, substance abuse treatment program and job skills assessment. Ms. Knutson requested the Council consider the emergency rule and provide approval or a direction for the department in order to move forward. Changes to the rule can be made after the emergency rule is in effect and implemented into the final draft rule.

Mr. Manley stated it the Council's intent to provide either approval or input on the rule; however, Mr. Gotzler and Mr. Lump were not at the last meeting and he requested a short caucus to discuss the proposed emergency rule.

5. Motion to Caucus

Motion by Mr. Manley, second by Mr. Hayden to recess and go into closed session pursuant to Wis. Stat. § 19.85 (1) (ee), to consider the proposed emergency rule for pre-employment drug testing, substance abuse treatment program and job skills assessment at 9:20 a.m. All Council members voted "Aye" and the motion carried unanimously.

6. Report out of Caucus

The Council reconvened at 10:05 a.m. Mr. Mielke, Mr. Lump, Mr. Manley, Mr. Reihl, and Mr. Hayden were present. Mr. Gotzler and Mr. Griesbach participated via telephone.

Mr. Manley reported that the Council was prepared to move the emergency rule forward; however, the Council was not in agreement on the provisions that require an employer to notify an individual prior to submitting to a test that the results of the test or information that the individual declined to take the test, may be submitted to the department. The Council will discuss this requirement at a later time.

Mr. Lump requested that when the permanent rule is promulgated, the Small Business Regulatory Review Board review the final draft. Ms. Schultz clarified that the hearing draft of the rule will be presented to the Small Business Regulatory Review Board as part of the rule promulgation process.

Motion

Motion by Mr. Manley, second by Mr. Reihl to approve the emergency rule relating to pre-employment drug-testing, substance abuse treatment program and job skills assessment. Motion carried unanimously.

Ms. Knutson stated that the department will inform the Council when the emergency rule is published and when public hearings are scheduled.

7. Future Meeting Dates

The Council discussed potential meeting dates and a poll will be conducted of the members to set the May meeting date. The Council not meet in the months of June, July and August 2016. Ms. Knutson stated the agreed bill cycle begins again in fall.

Ms. Knutson stated a representative from the Campground Association requested an opportunity to speak to the Council on work search waivers. The Council requested that the department contact the Campground Association to encourage them to participate in the public hearing, which provides an opportunity for public input on unemployment insurance related concerns.

At the next meeting, the agenda will include scheduling the public hearing date and potentially holding the hearing in September or October rather than November. The agenda will also include the financial position of the Trust Fund. Any additional requests for information or agenda items may be submitted to Ms. Knutson prior to the next meeting.

8. Adjourn

Motion by Mr. Reihl, and second by Mr. Manley to adjourn at 10:20 a.m. Motion carried unanimously.