Wisconsin Department of Workforce Development

Final Regulatory Flexibility Analysis

Rule Subject:	**Unemployment Insurance Work Registration, Work Search and Benefit Claiming Procedures**
Adm. Code Reference:	**DWD 126, 127 and 129**
Rules Clearinghouse #:	**13-081**

Rule Summary

The amendments to the rules give the Department of Workforce Development (DWD) the flexibility to implement the claims filing procedures envisioned under unemployment insurance modernization. Also, the amendments simplify and clarify the intent of the administrative code provisions surrounding registration and work search requirements for unemployment insurance claimants. Moreover, the amendments enable DWD to modify work registration and work search requirements as advances in technology make changes possible and necessary. The underlying purpose behind these changes is that individuals who are receiving unemployment insurance shall have as their full-time job acquiring employment. Among other things, the amendments to the rules will do all of the following:

Registration for Work Requirement

- Ensure the rules correspond with recently enacted legislation that provides that, except if waived from the registration requirement, all unemployment insurance claimants must register for work with DWD;
- Require unemployment insurance claimants to provide information to DWD to facilitate their reemployment efforts;
- Provide DWD with flexibility to prescribe the standards for the content of the information required of claimants to complete their registration for work;
- Ensure that unemployment insurance claimants who possess barriers to using computer-based systems to register for work will have accommodations made to facilitate their registration for work;
- Remove the presumption that claimants who have registered for work with DWD are also participating in reemployment services; and,
- Update and clarify when DWD will waive the requirement that a claimant register for work.

Work Search Requirement

- Alter the rules to be consistent with recently enacted legislation that provides that, except if waived from the work search requirement, unemployment insurance claimants must conduct at least four weekly work search actions;
- Grant explicit authority to DWD that it may require claimants to provide proof that they have conducted at least four actions that are reasonably designed to secure work;
- Update what actions by claimants will be considered to constitute a reasonable search for suitable work;
- Decrease the circumstances in which DWD will waive the requirement that unemployment insurance claimants must perform work search actions;
- Narrow and fine-tune the remaining circumstances under which DWD will waive the work search requirement for claimants;
- As required by recently enacted legislation, provide uniform criteria for when DWD will require claimants to conduct more than four work search actions in a given week;

Benefit Claiming Procedures

- Grant DWD the authority to prescribe the method or methods by which unemployment insurance claimants initiate a claim for benefits;
- Ensure that DWD will provide alternative methods to unemployment insurance claimants who have barriers to using computer-based programs to claim benefits; and,
- Authorize DWD to prescribe the method or methods by which unemployment insurance claimants file a weekly certification in order to continue to claim benefits..

Small Business Affected

This rule does not have any small business requirements but are expected to benefit all employers, including small businesses. First, the amendments are projected to result in more unemployment insurance claimants finding employment faster. As a result, unemployed individuals will be collecting unemployment insurance benefits for a shorter duration and there will be fewer charges to employers' unemployment insurance accounts. This will help reduce employers' unemployment insurance tax. Second, more unemployed individuals will be required to seek employment and DWD will be better able to assist unemployed individuals find appropriate jobs. Consequently, businesses will likely see an increase in qualified applicants when hiring employees.

Reporting, Bookkeeping and other Procedures

The amendments to the rules do not regulate any small businesses and thus there are no reporting, bookkeeping, or other procedures in the amendments for small businesses.

Professional Skills Required

The amendments to the rules do not regulate any small businesses and thus there are no professional skills required for small businesses.

Accommodation for Small Business

Many of the businesses indirectly affected by these rule amendments are "small businesses." The rule amendments do not make special exceptions for small businesses because the changes to the unemployment insurance program will positively impact businesses of all sizes.

This rule changes includes provisions that will benefit large and small businesses alike. For example, this rule amendment:

- Strengthens the reporting requirements that unemployment insurance claimants will be required to provide DWD and thereby will enable DWD to better assist unemployment insurance claimants to find employment shortening the duration on unemployment insurance benefits. This will help businesses of all sizes by having fewer charges to their unemployment insurance account and result in lower unemployment insurance taxes on all businesses.
- Narrows the number of circumstances in which unemployment insurance claimants will receive a waiver from work search requirements and thereby will enable businesses with job openings to have a larger set of candidates who apply for the job. As a result, businesses will likely see an increase in qualified applicants when hiring employees.

Conclusion

The rule amendments will generally benefit affected businesses, including small businesses. Negative effects, if any, will be few and limited. This rule amendment will not have a significant adverse effect on small businesses and is not subject to the delayed "small business" effective date provided in s. 227.22 (2) (e), Stats.

Dated this 21st day of November, 2013.

STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE
DEVELOPMENT

By _____
for Robert Rodriguez, Administrator
Division of Unemployment Insurance