

Unemployment Insurance Work Search and Work Registration Requirements

What has changed?

Previously, employees collecting Unemployment Insurance (UI) benefits who were expected to be recalled to work were exempt from certain requirements to conduct job searches (i.e. work search waivers). Prior to 2004, work search waivers in Wisconsin were limited to 12 weeks. The 12 week limit was repealed in 2004.

In June 2015 the DWD, with legislative backing, restored the waiver limits which were repealed in 2004. Beginning June 14, 2015, new rules require employees who will be recalled within a period of 8 weeks to obtain a waiver from the department in order to be exempt from the job search requirements. This waiver period may be extended to 12 weeks with verification from the employer but may not exceed a total of 12 weeks.

This law affirms that the UI program is short-term assistance for individuals who are transitioning between jobs. This also strengthens DWD's objective that those receiving UI benefits are engaging in activities that constitute reasonable efforts to obtain employment and are able and available for full-time work. The law encourages individuals who are unemployed for an extended period of time, such as persons involved in seasonal work, to pursue even part-time work. The wages earned from the part-time employment combined with the partial UI benefit is higher than receiving just the UI benefit alone, if the person otherwise qualifies.

In addition, federal law, specifically the Middle Class Tax Relief and Job Creation Act of 2012, directs states to require that UI claimants actively search for work. Work search waivers are the exception, not the rule, and are granted in only limited circumstances. It is also important to note that Wisconsin's 12 week waiver limit for individuals who anticipate recall by their former employer is common among states. In fact, more than 27 states limit the waiver to 12 weeks and in many cases, far less.

What is the policy basis for the change?

The new requirements are a result of a change in DWD's administrative rules. These rules not only bring Wisconsin in line with more than half of all U.S. states and reaffirm the purpose of UI as delivering short-term assistance, but they also respond to employer concerns regarding the solvency of the UI Trust Fund's balancing account. The change assures that Wisconsin's UI law conforms to the federal requirement that state UI programs provide for an experience-rated UI tax system. This ensures fair and equitable financing of the payment of benefits among employers. By encouraging employees to find employment during their industry's off season, fewer benefits are paid. This assists employers who have negative account balances and are taxed at the maximum UI tax rate. **DWD, with the support of three separate committees in the Wisconsin State Legislature**, restored the waiver limits that were in place prior to their repeal in 2004.

What are the new requirements?

Employees who are collecting UI benefits are required to register with the Wisconsin Job Service and conduct at least 4 weekly work search actions **unless** the department provides a waiver. The department communicates to employees when they need to register with Wisconsin Job Service and/or search for work.

Employees who are reasonably expected to be recalled and will be returning to employment within 8 weeks of an initial claim are eligible for a work search waiver. If granted, a waiver would allow employees to be paid unemployment without conducting the required work searches. This waiver period may be extended to 12 weeks with verification from the employer but may not exceed a total of 12 weeks.

If the employer verified the employee is returning to work within 12 weeks of the initial claim, a 12 week waiver may apply.

Failure to meet the job search and work registration requirements could cause the loss of UI benefits.

For purposes of the work search waiver, an initial claim occurs when a claimant files again after they stopped filing for at least one week and they returned to work during that break in their claim. Note: Week #1 is the week the initial claim is filed. This is consistent with the policy in place prior to 2004.

How does an employee get the 8 week waiver?

When an employee files an initial claim for benefits they will be asked if they are expected to be recalled to work within 8 weeks. If they are not expected to be recalled within 8 weeks, they will be required to perform a work search. If they will be recalled within 8 weeks, their work search will be waived for 8 weeks. Employees will be advised the work search waiver is only valid for 8 weeks.

How does an employee get the 8 week waiver and 4 week extension?

If the employee has not been recalled within the 8 weeks, but the employer expects to recall them within an additional consecutive 4 weeks (a maximum of 12 weeks total), the employer must contact the department to request an additional 4 week waiver. The employer must verify that the employee is expected to be recalled to work within the 4 week period after that initial 8 week waiver and provide the return to work date. Employers can do this by calling the UI Employer Line at 414-438-7705 or 608-232-0633.

Can the employee receive a 12 week waiver initially?

If an employee files an initial claim for benefits and will not be recalled within 8 weeks, but will be recalled within 12 weeks, the employer must contact the department to verify a return to work date within 12 weeks of the employee's initial claim. Employers can do this by calling the UI Employer Line at 414-438-7705 or 608-232-0633.

If an employer does not have a set recall date within 12 weeks of the employee's initial claim to provide to the department, the employee must begin work search actions the first week of their claim.

What happens if an employee works during a lay-off for the employer who laid-off the employee?

If the employee does not stop claiming while working, those weeks claimed count against the 8 or 12 week waiver period. If the employee stops claiming while they are working, when they file again they will be filing an initial claim, and their work search waiver time frame begins anew.

What is considered a “work search action”?

Valid Work Search Actions (not all inclusive)

- Mandatory JCW Registration
- Submitting resume or application to employer
- Taking civil service exam(s)
- Non-mandatory re-employment services
- Registering with placement facility or head hunter
- Posting resume on employment website
- Meeting with career counselor
- Participating in job interview
- Participating in weekly professional networking group
- Taking WorkKeys exam

Invalid Work Search Actions (not all inclusive)

- Viewing job leads (but not applying)
- Contacting employer to learn that no openings exist/applications are not being taken
- Submitting application for work that is not reasonable considering your training, experience, duration of unemployment, and availability of jobs in your labor market.
- Submitting application to same employer within 4 week period (unless a new job becomes available/posted)
- Subsequent/duplicate posting of resumes on job search websites (unless part of application for specific job)

How does an employee prove they searched for work?

Employees will need to identify their work search actions either when filing their weekly claim online, or by submitting the work search actions by mail or fax if filing by telephone.

Employees may be required to provide verification to DWD for up to 52 weeks after benefits were paid so keeping an accurate record of where and when employees applied or performed other work search actions is important.

Employees must personally and diligently search for work. Reasonableness may vary from one labor market to another. Unreasonable limitations by an employee as to salary, hours, or conditions of work may indicate an employee is not making a reasonable search for suitable work.

Do employees need to perform work searches in Holiday weeks?

Yes. Work searches are no longer automatically waived for the weeks of Thanksgiving, Christmas, or New Year's.

When does an employee need to register with Wisconsin Job Service?

All employees must register with Wisconsin Job Service unless they have a waiver. An employee may be waived from registration if they have reasonable expectation of returning to work with an employer within 8 weeks (up to 12 weeks with employer verification), or reasonable expectation of starting work with a new employer within 4 weeks. If an employee does not have a work registration waiver, they must register with Wisconsin Job Service within 14 days of filing their initial claim. Failure to register by the deadline will result in a suspension of benefits until the registration is complete.