

# UNEMPLOYMENT INSURANCE ADVISORY COUNCIL

## Meeting Minutes

Offices of the State of Wisconsin Department of Workforce Development  
201 E. Washington Avenue, GEF 1, Room H306  
Madison, WI

October 29, 2015

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

**Members Present:** Janell Knutson (Chair), Earl Gustafson, Michael Gotzler, Ed Lump, John Mielke, Scott Manley, Shane Griesbach, Terry Hayden and Mark Reihl.

**Department Staff Present:** Joe Handrick (Administrator), Lili Crane, Andy Rubsam, Tom McHugh, Lutfi Shahrani, Tyler Tichenor, Karen Schultz, Robin Gallagher, Matthew Aslesen, and Pam James

**Members of the Public Present:** Mary Beth George (Rep. Sinicki's Office), Brian Dake (WI Independent Businesses, Inc.), Kerri Poulson (ABR Employment Services), Rachael Inman (Legislative Audit Bureau), Mike Duchek (Legislative Reference Bureau), Aaron McKean (Legislative Reference Bureau), Chris Reader (WI Manufacturing and Commerce), Larry Smith (UC Management Services) and Victor Forberger (UI Appeals Clinic).

### 1. Call to Order and Introduction

Ms. Knutson called the Unemployment Insurance Advisory Council (Council) meeting to order at 10:04 a.m. in accordance with the Wisconsin's Open Meeting law. Council members and department staff introduced themselves. Ms. Knutson stated Council member Michael Crivello was on his way to the meeting, but was called back due to a work emergency.

Mr. Handrick recognized Lutfi Shahrani who is retiring after 25 years of state service. Mr. Shahrani is largely responsible for moving from a system where claimants waited three hours at a center to collect benefits, to allowing claimants to file by phone and through an internet-based system. Mr. Shahrani has helped make sure claimants get accurate payments in a timely fashion. Mr. Handrick thanked Mr. Shahrani for his service.

### 2. Approval of Minutes October 12, 2015

Motion by Mr. Griesbach, second by Mr. Manley to approve the October 12, 2015 meeting minutes. The motion carried unanimously.

### 3. Research Requests from the Council

Ms. Knutson stated there were no research requests received from the Council.

#### **4. Review and Discussion of Department Proposals**

Ms. Knutson reported the following two department proposals are awaiting initial action from the Council:

- D15-06 – Appeals Modernization and Efficiency Improvements
- D15-08 – Definition of Concealment

#### **5. Labor and Management Proposals**

Ms. Knutson reported Labor and Management members were still formulating their proposals.

#### **6. Other Business**

##### *Operations Update*

Ms. Knutson stated the department is preparing for the claims winter work load and extensive development to the online claims system, beginning with the initial claim redesign and moving onto internet inquiries, has been completed. This year, the department will introduce an enhanced weekly claim system for claimants and provide a promotional insert in the initial claims package that describes the enhanced online services, and encourages claimants who have the access and ability, to file their initial and weekly claims online. Once the final version of the insert is completed, the Council will receive a copy.

##### *LIRC Correspondence*

Mr. Lump inquired if there is any comment on the correspondence received from LIRC regarding department proposal D15-11. Ms. Knutson stated the open meetings law requires 24-hour notice on agenda items. Ms. Knutson was able to report on a technical issue relating to the November 2013 meeting minutes which LIRC stated were removed from the website. After consulting with the department's webmaster, it was determined the minutes had been posted, but the link for public viewing was broken. This issue has been fixed and the November 2013 meeting minutes are now available online. Ms. Knutson stated the correspondence from LIRC will be placed on next month's agenda.

#### **7. Motion to Caucus**

Motion by Mr. Reihl, second by Mr. Gotzler to recess and go into closed caucus session pursuant to Wis. Stat. §19.85 (1) (ee), to discuss department proposals relating to appeals modernization and efficiency improvements and the definition of concealment, and labor and management proposals at 10:10 a.m. A roll-call vote was conducted. All Council members voted "Aye" and the motion carried unanimously.

## **8. Report out of caucus**

The Council reconvened at 2:03 p.m. and reported on the following:

### **Labor Proposals**

Mr. Reihl stated that Labor members will be ready to submit their proposals for Management consideration at the next meeting.

### **Department Proposal D15-08 (Definition of Concealment)**

#### **Motion:**

Motion by Mr. Gotzler, second by Mr. Reihl to approve department proposal D15-08 relating to the definition of concealment as read:

Section 108.04 (11) (g) of the statutes is renumbered 108.04 (11) (g) 1. and amended to read:

In this subsection, "conceal" means to intentionally mislead the department by withholding or hiding information or making a false statement or misrepresentation.

Section 108.04 (11) (g) 2. and 3. of the statutes is created to read:

2. A claimant has 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. The department shall consider the following factors in determining whether a claimant intended to mislead the department:

- a. The claimant's failure to read or follow instructions or other communications of the department related to a claim for benefits.
- b. The claimant's reliance on the statement or representations of persons other than an employee of the department who is authorized to provide advice regarding the claimant's claim for benefits.
- c. The claimant's limitation or disability, if the claimant provides evidence to the department of that limitation or disability.
- d. The claimant's unemployment insurance claims filing experience.
- e. The letters of instruction or previous determinations of concealment issued to the claimant.
- f. Any other factor that may be evidence of the claimant's intent.

3. Nothing in this section requires the department to determine or prove that the claimant had an intent or design to receive benefits to which the claimant knows he or she was not entitled.

**Initial applicability.** This act first applies to determinations issued under section 108.09 of the statutes on the effective date of this subsection.

**Effective Date:** This act takes effect on the first Sunday after publication.

Ms. Knutson stated the department will work with the department's Bureau of Benefits to determine if a 30- or 60-day effective date is necessary in order to train staff.

A roll-call vote was conducted. All members voted "aye" and the motion carried unanimously.

### **Management Proposals**

Mr. Manley stated Management members will be prepared to exchange proposals with Labor members at the next meeting.

### **Department Proposal D15-06 (Appeals Modernization and Efficiency Improvements)**

Council members are requesting additional time to review Department Proposal D15-06 relating to appeals modernization and efficiency improvements and would like the proposal placed on the November meeting agenda.

## **9. Other Business**

In regards to the LIRC comments received on department proposal D15-11 related to judicial review, Mr. Reihl suggested Ms. Knutson send a letter to Ms. McCallum informing her that the Council will set aside 10 minutes on the November meeting agenda if she requests in writing to speak to the Council to highlight LIRC's objections to the proposal. Mr. Reihl stressed the importance of Ms. Knutson noting in the correspondence the full agenda at the next meeting and that the Council will only allow 10 minutes for LIRC's presentation. Mr. Manley agreed to add this agenda item indicating the department should prepare a response to LIRC's comments for the Council prior to the meeting. Ms. Knutson stated she would write to Ms. McCallum as directed.

## **10. Future Meetings**

Ms. Knutson confirmed the Council will meet on November 19, 2015 at 10 a.m.

## **11. Adjournment**

Moved by Mr. Reihl, second by Mr. Lump to adjourn at 2:17 p.m. The motion carried unanimously.