

**Chapter DWD 126**  
**WORK REGISTRATION**

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**DWD 126.001 Definitions.** Unless the context clearly indicates a different meaning, the definitions in ch. DWD 100 apply to this chapter.

**DWD 126.01 ~~Purpose.~~ Eligibility.** ~~Under s. 108.04 (2), Stats.,~~ Except as waived by the department under this chapter, a claimant who is ~~totally~~ unemployed is eligible for unemployment benefits for any given week only if the claimant has registered for work, ~~unless the registration requirement has been waived by the department. This chapter specifies what registration is, when the requirement shall be waived, and when it shall be presumed that the claimant is participating in reemployment services.~~

**DWD 126.02 Registration.** ~~(1) Except as provided in sub. (4),~~ a claimant shall be considered registered for work with respect to given any week if ~~he or she files~~ the claimant has filed an application to establish a benefit year pursuant to s. DWD 129.02, and has completed and submitted, by computer-based programs or other methods approved by the department, all information for registration for work as prescribed by the department and within a time-frame specified by the department.

Note: The department will consider alternate forms of submittal of completed information by a claimant on an individual basis when there is good cause for the claimant to not use a computer-based program. Good cause includes the claimant possesses physical, mental, educational, or linguistic limitations or the claimant has unusual or unavoidable circumstances beyond the claimant's control.

~~(2) Except as provided in sub. (4), a claimant shall be considered registered for work if the presumption of participation in reemployment services under s. DWD 126.04 is applicable to him or her.~~

~~(3) A claimant shall be considered registered for work if he or she is enrolled in or otherwise complying with department directions concerning other reemployment programs approved by the department for this purpose, or if the claimant is not complying but has justifiable cause for failure to participate under s. DWD 126.05.~~

~~(4) No claimant may be considered registered for work or eligible for benefits with respect to any week if:~~

~~(a) He or she has been referred for reemployment services; and~~

~~(b) The presumption of participation in reemployment services under s. DWD 126.04 (1) has been determined to be inapplicable under s. DWD 126.04 (3).~~

**DWD 126.03 Waiver of work registration requirement.** The department shall waive a claimant's work registration requirement for any given week if any of the following apply:

~~(1) The claimant has been determined, pursuant to a profiling system established by the department, to be unlikely to exhaust regular unemployment compensation benefits and to not need reemployment services in order to make a successful transition to new employment; or~~

~~(2) The claimant is currently laid off from employment with an employer but the employer has verified with the department there is a reasonable expectation that the claimant will be returning to employment within a period of 8 weeks, which may be extended an additional 4 weeks but may not exceed a total of 12 weeks, if verified by the employer.~~

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~~(a) Has been determined, pursuant to a profiling system established by the department, to be likely to exhaust regular unemployment compensation benefits and to need reemployment services in order to make a successful transition to new employment;~~

~~(b) Has been referred during the current benefit year for reemployment services; and~~

~~(c) Has satisfactorily completed such services.~~

(3) The claimant has a reasonable expectation of starting employment with a new employer within 4 weeks and the employer has verified the anticipated starting date with the department. The waiver shall not exceed 4 weeks.

(4) The claimant has been laid off from work and routinely obtains work through a union referral and all of the following apply:

(a) The union is the primary method used by workers to obtain employment in the claimant's customary occupation.

(b) The union maintains a record of unemployed members, and the referral activities of these members, and allows the department to inspect such records.

(c) The union provides, upon the request of the department, any information regarding a claimant's registration with the union or any referrals for employment it has made to the claimant.

(d) Prospective employers of the claimant seldom place orders with the public employment office for jobs requiring occupational skills similar to those of the claimant.

(e) The claimant is registered for work with a union and satisfies the requirements of the union relating to job referral procedures, and maintains membership in good standing with the union.

(f) The union enters into an agreement with the department regarding the requirements of this subsection.

(5) The claimant is summoned to serve as a prospective or impaneled juror.

(6) The claimant is enrolled in and satisfactorily participating in a course of approved training under s. 108.04 (16), Stats., in a work share program under s. 108.062 (10m), Stats., in a

self-employment assistance program or other federally authorized program enacted by the Wisconsin legislature.

(7) The claimant is unable to complete registration due to circumstances which the department determines are beyond the claimant's control.

~~**DWD 126.04—Presumption of participation.** (1) A claimant who has registered for work under s. DWD 126.02 shall be presumed to be participating in reemployment services, except as provided in sub. (3).~~

~~(2) Circumstances under which a claimant shall be presumed to be participating in reemployment services include, but are not limited to, the following:~~

~~(a) The claimant has filed an application to establish a benefit year pursuant to s. DWD 129.02 but the department has not yet determined, pursuant to a profiling system which it has established, whether or not the claimant is likely to exhaust regular unemployment compensation benefits and to need reemployment services in order to make a successful transition to new employment; or~~

~~(b) The claimant has been determined, pursuant to a profiling system established by the department, to be likely to exhaust regular unemployment compensation benefits and to need reemployment services in order to make a successful transition to new employment, and:~~

~~1. The claimant has not been referred for reemployment services; or~~

~~2. The claimant has been referred for reemployment services and:~~

~~a. Is participating by complying with department directions regarding such services;~~

~~b. Is not participating because he or she has justifiable cause for failure to participate in such services under s. DWD 126.05; or~~

~~e. Has elected not to enroll in educational and training programs which were recommended based on a reemployment services assessment, but has been referred for additional reemployment services and is participating by complying with department directions regarding such services.~~

~~(3) The department shall determine that the presumption of participation under sub. (1) does not apply if the claimant has failed to participate in reemployment services without justifiable cause under s. DWD 126.05. Circumstances which the department shall consider as overcoming the presumption of participation under s. DWD 126.04 (1), unless justifiable cause under s. DWD 126.05 exists, include but are not limited to the following:~~

~~(a) The claimant's failure to provide information requested by the department for use in its profiling system;~~

~~(b) The claimant's failure to attend a reemployment services orientation meeting for which he or she was scheduled;~~

~~(c) The claimant's failure to attend a reemployment services assessment or testing appointment for which he or she was scheduled; or~~

~~(d) The claimant's failure to attend a job search or other reemployment services workshop for which he or she was scheduled.~~

~~**DWD 126.05 — Justifiable cause for failure to participate.** The department may find that a claimant has justifiable cause for failing to participate in reemployment services or other department approved reemployment programs in any week. Justifiable cause includes, but is not limited to, the following:~~

~~(1) The claimant is summoned to serve as a prospective or paneled juror;~~

~~(2) The claimant is enrolled and satisfactorily participating in a course of training approved by the department;~~

~~(3) The claimant is unable to participate because the claimant is employed;~~

~~(4) The claimant is unable to participate because of a job interview; or~~

~~(5) The claimant is unable to participate due to circumstances which the department determines are beyond the claimant's control.~~