

Chapter DWD 127

WORK SEARCH AND REEMPLOYMENT SERVICES

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DWD 127.001 Definitions. Unless the context clearly indicates a different meaning, the definitions in ch. DWD 100 apply to this chapter.

(1) ~~Under s. 108.04 (2), Stats., a~~ A claimant shall be eligible for unemployment benefits for any given week only when the department finds, ~~among other things,~~ that the claimant has ~~within that week made a reasonable~~ completed at least 4 actions to search for suitable work within that week. ~~The search for suitable work shall include at least 2 actions by the claimant each week that are reasonably designed to secure work. Mere registration~~ Upon request of the department, a claimant may be required to provide verification of conducting at least 4 work search actions that are reasonably designed to secure work. Registration for work under ch. DWD 126 does not establish that the claimant is making a reasonable search for suitable work. It is essential that the claimant personally and diligently search for suitable work ~~on his or her own behalf~~. The reasonableness of a search for work will, in part, depend on the employment opportunities in the claimant's labor market area. A work search which may be appropriate in a labor market area with limited opportunities may be totally unacceptable in an area with greater opportunities.

Unreasonable limitations by a claimant as to salary, hours or conditions of work indicate that a claimant is not making a reasonable search for suitable work. The department expects each claimant to conduct ~~himself or herself~~ themselves as would a prudent person who is out of work and seeking work.

(2) ~~The department shall consider~~ All of the following actions to ~~by a claimant shall~~ constitute a reasonable work search for suitable work under the facts and circumstances of each claimant's situation ~~action~~:

(a) ~~Making applications~~ Applying for work with employers who may reasonably be expected to have openings for suitable work; ~~except that applications submitted to the same employer more than once in a 4-week period are not credited as a work search action unless a new job is posted or available, or the employer's customary practices or circumstances encourage the submission of additional applications.~~

~~(b) Applying for work with former employers; however, a claimant may refuse to apply for work with an employer if the claimant previously terminated employment with the same employer with good cause attributable to the employer under s. 108.04 (7) (b), Stats.~~

~~(c) Making applications or taking.~~

~~(cm) Taking examinations for suitable work in the civil service of a governmental unit;~~

~~(d) Registering for suitable work with a public or private placement facility, including a union referral or hiring hall and complying with the various union registration requirements and job referral procedures;~~

~~(em) Following the recommendations of a public employment office or similar reemployment services, including participation in reemployment services.~~

~~(e) Registering with a placement facility of the claimant's professional organization;~~

~~(f) Registering with a placement facility of a school, college or university if one is available to the claimant in his or her occupation or profession;~~

~~(g) Responding to classified advertisements for suitable work;~~

~~(h) Registering with a private employment agency or an employer's placement facility; however, no claimant may be denied benefits solely on the ground that he or she has failed or~~

~~refused to register with a private employment agency or any other placement facility which charges a fee for its services;~~

~~(i) Participating in employment workshops which offer instruction in improving the claimant's skills for finding and obtaining employment; or~~

~~(j) Performing any other reasonable action which the department finds to constitute an effective means of searching for suitable work.~~

(j) Other actions the department may determine as constituting reasonable job search action.

~~(3) A Except if the work search requirement has been waived by the department, a claimant shall be ineligible for unemployment benefits in any given week in which the department determines that the claimant's search for suitable work was not reasonable under the requirements of this section unless the search has been waived by the department claimant did not conduct at least 4 actions to search for suitable work within that week.~~

DWD 127.02 Waiver of work search requirements. The department shall waive a claimant's search for suitable work requirement under s. DWD 127.01 for any week under to conduct at least 4 actions to search for suitable work if any of the following circumstances apply:

~~(1) The claimant performs any at least 20 hours of work for his or her customary any employer in that week.~~

~~(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 of reemployment of that the claimant by that 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. In determining whether the claimant has a reasonable expectation of reemployment by the employer, the department shall request the employer to verify the claimant's employment status and shall also consider other factors, including the following:~~

~~(a) The history of layoffs and reemployments by the employer.~~

~~(b) Any information that the employer furnished to the individual or the department concerning the claimant's anticipated reemployment date.~~

~~(c) Whether the claimant has recall rights with the employer under the terms of any applicable collective bargaining agreement.~~

(3) The claimant has a reasonable expectation of starting work employment with a new employer within 4 weeks of the week in which waiver is being considered. In determining whether a claimant has a reasonable expectation of starting work with a new employer, the department shall consider factors including, but not limited to, the following:

~~(a) The hiring practices of employers in the claimant's labor market area for workers who perform work which is similar to the work which the claimant is expected to perform for the new employer;~~

~~(b) Any information which the new employer furnished to the claimant or the department about the time within which the work is expected to commence; and~~

~~(c) Whether the work is suitable work for the claimant, 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 or hiring hall process. ~~Waiver under this subsection may be permitted only if and all of the following apply:~~

~~(a) The union referral or hiring hall process is the primary method used by which workers to obtain work 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 a the department deputy, any information regarding a claimant's registration ~~or a job opening or referral~~; 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 ~~his or her~~ a union and satisfies the requirements of the union relating to job referral procedures, ~~and maintenance of~~ maintains membership in good standing; ~~and~~ with the union.

(f) The union enters into ~~a written~~ an agreement with the ~~public employment office~~ department regarding the requirements of this subsection.

~~(5) During any calendar week in which any of the following days fall:~~

~~(a) January 1;~~

~~(b) The fourth Thursday in November; and~~

~~(c) December 25.~~

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

(7) 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., or in a self-employment assistance program or other federally authorized program that has been enacted by the Wisconsin legislature.

(8) The claimant has not made a search for suitable work because of an error made by personnel of the department.

(9) ~~The claimant was not aware of the work search requirement and the claimant's most recent employer failed to post and maintain the notice on claiming unemployment benefits that was supplied to the employer appropriate notice-posters as to claiming unemployment benefits as required under s. DWD 120.01 and the claimant was not aware of the work search requirement.~~

~~(10) The claimant reasonably expected to perform work during the week but did not receive timely notice from the employer that work would not be available so as to allow the claimant sufficient time to comply with the search for suitable work requirement in that week.~~

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

~~(a) The claimant has been referred for and is participating in reemployment services by complying with department directions regarding such services;~~

~~(b) The claimant has been referred for reemployment services and is enrolled and satisfactorily participating in educational and training programs which were recommended based on a reemployment services assessment; or~~

~~(d) The claimant has been referred for reemployment services and, is participating in such services, or is not participating in such services, but has justifiable cause for his or her failure to participate. Justifiable cause includes, but is not limited to, that the claimant is unable to participate due to any of the following:~~

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

~~2.(b) The claimant is enrolled and satisfactorily participating in a course of training approved by the department; in a work share program, in a self-employment assistance program or other federally authorized program that has been enacted by the Wisconsin legislature.~~

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

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

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

~~(12) If Wisconsin enacts a self-employment assistance program or other federally authorized program pursuant to the federal statutes that provides for waiver of work search requirements and the claimant is participating in the program.~~

DWD 127.04 Claimants to present evidence verification of work search efforts actions. (1)

~~The department may require Upon request, a claimant may be required to provide evidence of his or her verification of conducting at least 4 work search efforts actions to the department for any time period up to and including the 8 week period prior to the date that the department makes the request by computer-based programs or other methods approved by the department. The department may also notify the~~

~~(1m) A claimant that evidence will be required for a future week. The department may verify the evidence submitted. Evidence which a claimant customarily would be expected to~~

submit includes shall retain verification of all work search efforts for 52 weeks following the week in which the work search actions occurred and shall include all of the following:

(a) ~~In the case of employer contacts:~~ Applications for work including the date on which the claimant made an employer contact; if available, the name and address of the employer and the name of the employer representative contacted; the type of work applied for; the method used to contact the employer and the results of the contact; or other verifiable information of the application.

(b) ~~In the case of civil~~ Civil service examinations: the date on which the claimant took an examination, the location of the examination and the type of work applied for; position for which the examination was taken.

(c) ~~In the case of registration with a union referral or hiring hall, professional organization or educational placement facility or private employment agency and placement facilities:~~ the date on which the claimant registered and the type of work for which the claimant is registered; and name and address of the facility.

(d) ~~Evidence of any other action which the claimant took during a given week to seek work including, but not limited to, any responses to advertisements for suitable work and submission of personal resumes to prospective employers. Visits to a public employment office or similar reemployment services:~~ the date of the visit, the name and address of the public employment office, training program or similar reemployment office and the name of the person with whom the claimant met.

(e) If approved by the department, any other type of work search activity reasonably expected to result in the claimant becoming employed.

(2) ~~The department may disqualify a~~ A claimant may be ineligible for unemployment benefits in any given week for in which the claimant fails to provide satisfactory evidence of work search efforts is insufficient to establish that the claimant made a reasonable search for suitable work actions when requested by the department.

DWD 127.05 Certification as to work search. The department may require ~~any a~~ claimant to certify that a work search ~~was~~ actions were made each week as part of the claim filing procedure under ch. DWD 129.

DWD 127.06 Added efforts to secure work. ~~(1) The department may require any claimant whose~~ If a claimant has been unemployed for 4 or more consecutive weeks, a claimant may be required to perform any of the following:

(a) Conduct 5 work search actions within any given week when the department determines a claimant's employment history or conduct indicates that he or she may not be genuinely interested a lack of genuine interest in accepting new work to make a minimum number of weekly in-person applications for work with employers and may also require the claimant to comply.

(b) Comply with any of the provisions under s. DWD 127.01 (2). The department shall provide each claimant with instructions as to how to comply with the requirements under this section. A claimant shall be ineligible for benefits for any week in which the claimant has failed, without good cause, to comply with any requirements imposed by the department under this subsection.

(c) Develop a work search plan for approval by the department. The plan may include a requirement to complete 5 work search actions per week. The plan shall consider the number of job opportunities available in the labor market area where the claimant usually works.

~~(2) After a claimant has been unemployed for 4 or more consecutive weeks, the department may require the claimant to develop a work search plan for approval by the department. A claimant shall be ineligible for benefits in any given week in which the department determines that the claimant failed, without good justifiable cause, either to develop or to comply with the work search plan the requirements under sub. (1).~~

~~(3) A claimant who is claiming extended benefits under s. 108.141, Stats., shall, in addition to complying with the requirements for extended benefits, comply with any requirements imposed by the department under subs. sub. (1) and (2). A claimant who fails to comply with the requirements under this subsection shall be ineligible for benefits until the claimant has again~~

~~worked within at least 4 subsequent weeks and earned wages equal to at least 4-6 times his or her the claimant's extended weekly benefit rate.~~

DWD 127.07 ~~Employment workshops~~ Reemployment services. (1) The department may require a claimant to participate in a public employment office workshop, training program or similar reemployment services which offers instruction in improving the claimant's skills for finding and obtaining employment. The claimant shall be ineligible for benefits for any given week for which the department determines that the claimant failed, without good cause, to participate in such a workshop, training program or similar reemployment services.

(2) The department may find that a claimant has justifiable cause for failure to participate in reemployment services in any given week. Justifiable cause for failure to participate in reemployment services includes that the claimant is unable to participate due to any of the following:

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

(b) The claimant is enrolled and satisfactorily participating in a course of training approved by the department, in a work share program, in a self-employment assistance program or other federally authorized program that has been enacted by the Wisconsin legislature.

(c) The claimant is employed.

(d) The claimant is attending a job interview.

(e) Circumstances which the department determines are beyond the claimant's control.

(2) ~~A claimant may not be disqualified from benefits under this section if:~~

~~(a) The claimant is required to pay a participation fee of any kind for the workshop; or~~

~~(b) The workshop is more than 5 days in duration.~~

~~**DWD 127.08 Further disqualifications; retroactivity.** (1) A claimant shall be ineligible for benefits in any week for which the claimant knowingly makes a false statement or conceals or misrepresents any information pertaining to his or her work search efforts.~~

~~(2) The department may not disqualify a claimant under ss. DWD 127.01 and 127.04 for any week for which a benefit check has been mailed prior to the date of an initial determination~~

~~resolving an eligibility issue under the aforementioned sections. The department may disqualify a claimant under ss. DWD 127.05, 127.06 and 127.07 and sub. (1) whether or not a benefit check has been mailed for a given week.~~