

**State of Wisconsin
Department of Workforce Development**

DWD 129.01(1)

**Extension of the Time Period Allowed for Filing an Initial
Claim for Unemployment Insurance Benefits**

The Wisconsin Department of Workforce Development proposes an order to amend DWD 129.01(1), relating to extension of the time period allowed for filing an initial claim for unemployment insurance benefits.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Section 108.08(1), Stats. and 2001 Wis. Act 35, sec. 72(2)(b).

Statutes interpreted: Section 108.08(1), Stats.

Pursuant to s. 108.08(1), Stats., a claimant must give notice to the department with respect to a week of unemployment “within such time and in such manner as the department may by rule prescribe” in order to receive benefits for that particular week.

Under the current s. DWD 129.01(1), a claimant must file his or her initial claim for benefits no later than the close of the week in which the claimant intends the claim to start. For example, a claimant who files two weeks late cannot obtain unemployment benefits retroactively unless the department waives the time limit under the exceptional circumstances provision in s. DWD 129.01(4). This proposed rule extends the time period for filing an initial claim by seven days beyond the end of the week for which the claimant expects to get the benefits.

Increasing the time frame within which a claimant may file a timely initial unemployment insurance benefit claim would reduce disparate treatment of claimants in like situations by removing the subjectivity of finding “exceptional circumstances” before allowing late claims and ease an increasing workload for the unemployment insurance division. This change would eliminate approximately 67% of untimely filing issues, which would translate into savings of 5 to 6 full-time employees (FTEs). These positions would then be able to turn attention and time to resolving other eligibility issues at a time when the unemployment insurance division is currently experiencing a sharp increase in workload and anticipates continued increase over the next three years.

The telephone initial claims system allows the department to be more lenient in proscribing filing deadlines due to its expanded accessibility and speed in identifying and resolving eligibility issues. Systems changes to the telephone initial claims system are estimated to require 50 hours at approximately \$50 to \$60 per hour for a total of \$2500 to \$3000.

SECTION 1. DWD 129.01 (1) is amended to read:

DWD 129.01 Notice of unemployment. (1) INITIATING A CLAIM. A claimant is eligible under s. 108.08, Stats., for benefit purposes for any week of total or partial unemployment only if, as of the first week being claimed, the claimant notifies the department in person, by telephone if authorized by the department, or as otherwise prescribed by the department, during that week or within 7 days after the close of that week, of the claimant's intent to initiate the claim and complies with the initial and weekly filing procedures as directed by the department. Any claimant who stops filing weekly certifications for one or more weeks or who files a late weekly certification must comply with the requirements of this subsection to resume a claim.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.