

STATEMENT OF SCOPE
Department of Workforce Development

Rule No: DWD 120

Relating to: Providing notification of the availability of unemployment insurance to employees at the time of separation from employment.

Rule Type: Emergency and Permanent

Finding/nature of emergency:

By Executive Order 72, the Governor declared a public health emergency in order to protect the health and well-being of the state's residents and directed state agencies to assist as appropriate in the State's on-going response to the public health emergency. On March 13, 2020, the President declared a national emergency concerning the COVID-19 outbreak. An emergency rule is necessary to implement new federal law, the Families First Coronavirus Response Act, and corresponding U.S. Department of Labor guidance (Unemployment Insurance Program Letter No. 13-20, dated March 22, 2020) to ensure that claimants have timely notification of the availability of unemployment insurance.

Description of the objective of the proposed rule:

Currently, employers must keep employees informed of unemployment insurance by posting notice-posters in suitable locations in the workplace.

This rule will create a provision in ch. DWD 120, consistent with federal law, to require employers to notify employees of the availability of unemployment insurance at the time of separation from employment.

Description of existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Currently, s. DWD 120.01 requires employers to post notice-posters in the workplace to notify employees of the availability of unemployment insurance.

The Department of Workforce Development proposes to create a provision to require employers to notify employees of the availability of unemployment insurance at the time of separation from employment.

The policy alternative is to do nothing.

Statutory authority for the rule, including the statutory citation and language:

The Department has statutory authority for the proposed rule.

“The department may adopt and enforce all rules which it finds necessary or suitable to carry out this chapter.” Wis. Stat. § 108.14(2).

“Each employer shall inform his or her employees of the requirements of this subsection in such reasonable manner as the department may prescribe by rule.” Wis. Stat. § 108.04(2)(c).

Estimate of the amount of time that state employees will spend developing the rule and other resources necessary to develop the rule:

The estimated time is 20 hours.

Description of all entities that may be affected by the proposed rule:

Employees who are separated from employment. Employers who terminate the employment of employees.

Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

Federal law requires state law to conform to and comply with federal regulations. *See* 20 C.F.R. § 601.5.

Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

The proposed rule is expected to have an economic impact on employees who may be more likely to file claims for unemployment insurance. The proposed rule is expected to have an economic impact on employers, including small businesses, because employers will need to provide additional notice of the availability of unemployment insurance.

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Approval of the agency head or authorized individual:

Pamela R. McGillivray, Chief Legal Counsel **Date Submitted**