

Date: Wednesday, April 5th, 2023
To: Legislative All
From: Representatives Plumer, Moses & Penterman
Senator Tomczyk
RE: **Co-sponsorship of LRB-2178/1 and LRB-2680/1, relating to:** failure to attend job interviews under the Unemployment Insurance program.
Deadline: **SHORT DEADLINE - NOON on Friday, April 7th, 2023**

Losing a job due to layoffs or a business shutting down can be catastrophic in a person's life, and for those who have gone through this experience, the unemployment program can be a lifesaver. This program, overseen by the Department of Workforce Development, is designed to provide temporary assistance while an individual searches for new employment. Currently, individuals on unemployment must make four work search actions each week. These actions can include submitting a resume for an available job, networking, completing an online work search profile or emailing a prospective employer.

With the work search requirement reinstated this summer, more individuals are submitting resumes for available jobs. Along with this uptick in work searches, we have unfortunately seen an increase of "ghosting", a practice in which an employer will contact a prospective employee for an interview, only to have that individual either not reply or not show up for the interview. This has made it extremely difficult for employers to find capable workers, and has wasted business' valuable time and resources.

With this in mind, **LRB-2178 & LRB-2680** will create a process for employers to report to the Department instances in which an individual declines an interview or job offer, an individual fails to respond to an interview request or job offer, an individual fails to attend a job interview without rescheduling, and a former employee is not available to return to work. DWD would then be required to investigate this claim to find out whether or not it has merit. If a report is found to be credible, an individual on unemployment would be ineligible for unemployment for the week in which the claim has been verified. The first such verified claim would be discarded.

DWD would be required to maintain an online portal for employing units to file these claims, and must submit to the legislature a report that would include information on investigations and actions taken.

If you would like to co-sponsor this legislation, please reply to this email or contact Rep. Plumer's office (9142) or Sen. Tomczyk's office (6-2502) by NOON on Friday, April 7th. Co-sponsors will be added to both bills unless otherwise noted.

Analysis by the Legislative Reference Bureau

This bill makes various changes regarding the unemployment insurance (UI) law, which is administered by the Department of Workforce Development.

Suitable work; work search

Current law requires that, as a condition of being eligible for UI benefits for a given week, a claimant must 1) be able to work and available for work; 2) register for work in the manner prescribed by DWD;

and 3) conduct a reasonable search for suitable work. Separately, current law also makes a claimant ineligible for UI benefits if a claimant fails, without good cause, to accept suitable work when offered. The bill provides that an employer may report to DWD whenever 1) an individual declines a job interview or job offer; 2) an individual fails to respond to a job interview offer or job offer; 3) an individual fails to attend a scheduled job interview without attempting to reschedule the job interview; 4) a UI claimant is unavailable for, or unable to perform, work actually available within a given week; or 5) under certain circumstances, the employer recalls a former employee receiving UI benefits who fails to return to work.

The bill requires DWD to consider these reports in determining claimants' attachment to the labor market. The bill also provides that a UI claimant is not considered to have conducted a reasonable search for suitable work in a given week, and is therefore ineligible for benefits for that week, if the claimant had one or more credible reports without good cause of declining a job interview, failing to respond to a job interview offer, or failing to attend a job interview in that week. The bill, however, provides that the first such credible report is to be disregarded and allows subsequent reports to be disregarded upon certain showings by a claimant. The bill requires DWD to investigate each such report as needed to determine its effect on claimants' eligibility for benefits.

The bill requires DWD to include information on reports submitted by employers under the bill in its annual UI fraud report made to the Council on Unemployment Insurance, including actions taken by DWD in response to the reports and their effect on claimants' eligibility for benefits. In addition, the bill requires that this annual fraud report be submitted to the appropriate standing committees of the legislature.

The bill requires DWD to have in effect methods to address any circumstances in which a claimant for UI benefits fails to return to work or to accept suitable work without good cause or is unavailable for work or unable to work, including reporting methods for employers and a notice from DWD to claimants about the laws governing such circumstances.

Recovery of overpayments

Current law allows DWD to act to recover overpayments in certain circumstances and allows overpayments to be required to be repaid in cases where an individual makes misrepresentations to obtain benefits in the name of another person. This bill makes such recoveries mandatory, instead of permissive. For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.