

LEGAL UPDATES

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New Unemployment Insurance Requirement for Wisconsin Employers

Employers in Wisconsin have a new requirement to provide employees notice of the availability of unemployment insurance at the time of separation from employment. Regardless of the reason for separation—for cause or no cause—employers must provide the separating employee with the required information.

By order of the Wisconsin Department of Workforce Development (DWD), Emergency Rule 120.02 goes into effect on November 2, 2020. The rule is required in order for the state to receive emergency funding made available to states to administer unemployment insurance programs as part of the federal Families First Coronavirus Response Act.

DWD provides additional detail about the information that is required in its Notice to Employees About Applying for Unemployment Benefits. The suggested language to provide to employees reads:

Applying for Unemployment Benefits –

You may file an unemployment claim in the first week that your employment stops or your work hours are reduced.

See digital poster for when and how to apply for unemployment benefits (En Español | Txhais lus Hmoob)

Other unemployment resources:

[Filing Requirements Video](#)

[Information You Need to Apply](#)

[Apply Online](#)

More Information and FAQs

For help using online unemployment services or if you are unable to go online call (414) 435-7069 or toll-free (844) 910-3661 during business hours.

The new Emergency Rule also specifies how Wisconsin employers must inform employees of the availability of unemployment insurance at the time of separation from employment. Employers may provide notice to separating employees electronically—such as by sending an e-mail or text message—in addition to more traditional methods such as letters, in person or by mail.

DWD did not directly address the question of whether this notice must be provided to employees who are subject to furloughs, layoffs or reductions in hours. The suggested language from DWD, however, references a reduction in hours. Generally, employers should err on the side of providing this notice to employees affected by events such as furloughs, layoffs and reductions in hours, especially since those actions may entitle employees to unemployment insurance benefits.

DWD also developed updated posters that are required to be displayed in each workplace. There are no monetary penalties for employers who fail to satisfy this requirement, but an employee may be able to backdate the unemployment insurance benefit claim if the employer does not meet their obligations.

Contact us

Husch Blackwell continues to provide up-to-date information about federal, state and local government actions that may impact your business and employees. If you have questions regarding unemployment insurance, please contact Tom O'Day, Skye Parr or your Husch Blackwell attorney.

Comprehensive CARES Act and COVID-19 guidance

Husch Blackwell's CARES Act resource team helps clients identify available assistance using industry-specific updates on changing agency rulemakings. Our COVID-19 response team provides clients with an online legal Toolkit to address challenges presented by the coronavirus outbreak, including rapidly changing orders on a state-by-state basis.