EMERGENCY ORDER #7

ORDER TO THE DEPARTMENT OF WORKFORCE DEVELOPMENT REGARDING UNEMPLOYMENT INSURANCE

Under the authority of Wis. Stat. § 323.12(4) and the public health emergency declared in Executive Order #72, I, Governor Tony Evers, order the following:

1. Under Wis. Admin. Code § DWD 128.01, the Department of Workforce Development (DWD) shall consider a claimant to be available for suitable work during a public health emergency if the claimant is perceived by an employer as exhibiting COVID-19 symptoms preventing a return to work or the claimant is quarantined by a medical professional or under local, state or federal government direction or guidance, and one of the following applies:
    a. The employer has instructed the claimant to return to work after the employee no longer exhibits symptoms, after a set amount of time to see if the disease is present, or after the quarantine is over.
    b. The employer has not provided clear instruction for the claimant to return to work.
    c. The claimant would be available for other work with another employer but for the perceived COVID-19 symptoms preventing a return to work or the quarantine.

2. Section 2 shall be good cause for not reporting for an eligibility review under Wis. Admin. Code § DWD 128.03.

3. For the purposes of Wis. Stat. §§ 108.04 (1) (a) to (bm), during a week in which there is a public health emergency, all of the following apply:
    a. No work is actually available within such a week.
    b. An employee is not considered absent from work if the employee is perceived by an employer as exhibiting COVID-19 symptoms preventing a return to work or the employee is quarantined by a medical professional or under local, state or federal government direction or guidance.

4. Under Wis. Admin. § DWD 127.01, a public health emergency constitutes four work search actions for each claimant who files a claim for each week during which the public health emergency is declared. This section is retroactively effective to March 12, 2020.

5. This order shall go into effect immediately and remain in effect for the duration of the public health emergency declared in Executive Order #72, or until a superseding order is issued.

6. Violation or obstruction of this order is punishable by imprisonment, fines, or both. Wis. Stat. § 252.25.

The provisions contained in this order are subject to further guidance and recommendations from the Wisconsin Department of Workforce Development.

This order shall remain in effect for the duration of the public health emergency declared in Executive Order #72, or until subsequent superseding emergency orders are issued, or until it becomes supplanted by rule promulgation.

Tony Evers
Governor
State of Wisconsin

03/18/2020
Date