



School Law FYI

OCTOBER 22, 2020

School Districts Must Give New Unemployment Insurance Notice to Employees

The Department of Workforce Development (DWD), the state agency responsible for administering Wisconsin's unemployment insurance program, recently announced a new notification requirement that affects all Wisconsin employers with one or more employees.

Beginning on November 2, 2020, all employers must individually notify workers about the potential availability of unemployment insurance at the time a "separation from employment" occurs. An employment separation occurs whenever an employment relationship ends or is reduced, including terminations, furloughs with the possibility of recall, or a reduction in hours that results in wage loss. This notice must be provided even if the employee was terminated for misconduct, substantial fault, or if they voluntarily quit. Employers must provide this notice when the employment separation occurs or, if immediate notice is not feasible, as soon as possible.

Providing this notice, however, does not necessarily mean employees will qualify for unemployment insurance benefits. The notice is simply intended to tell employees that unemployment insurance benefits may be available and how to apply. Even if the employer believes the employee will not be eligible for unemployment benefits, the employer should still provide the notice whenever an employment separation occurs and worry about eligibility issues later. If an employee does not receive this required notice from their employer, there are no specific penalties, but the employee might receive additional time from DWD to file an initial unemployment benefit claim.

DWD provided suggested notice language that employers should use when an employment separation occurs. That sample language can be found [here](#). At the time of an employment separation, employers can provide the required notice to employees by email, text message, letter, or by providing a copy of DWD's printed poster in person or via mail. Employers should keep a copy of this communication for their records.

Employers were already required to display [this DWD poster](#) in the employer's physical workplace in a suitable location where all employees will readily see it (near bulletin boards, breakrooms, time clocks, etc.) If the employer has remote workers who are not physically present in the office, the employer should also place the poster on the district's internal intranet, website, or other readily accessible virtual space.

More information from DWD regarding this notice and Wisconsin's unemployment insurance program can be found [here](#).

Boardman Clark Attorneys Named to Best Lawyer List

Twenty-five Boardman Clark attorneys were selected by their peers for inclusion in the 2021 Edition of the Best Lawyers in America© in 38 practice area. In the area of Education Law, Attorneys Eileen Brownlee, JoAnn Hart, and Mike Julka were named to the List; in the area of Employment Law – Management, Attorneys JoAnn Hart, Mike Julka, Eileen Brownlee, and Jennifer Mirus were named to the List; in the area of Labor Law – Management, Attorneys JoAnn Hart and Mike Julka were named to the List; and, in the area of Real Estate Law, Bill Fahey was named to the List. In addition, Eileen Brownlee was named Lawyer of the Year in the Education Law area for Madison. Inclusion in Best Lawyers is based entirely on peer review, using the methodology designed to identify the consensus opinion of leading lawyers about the professional abilities of their colleagues. You can see the full list of recognized Boardman Clark attorneys and read more about the Best Lawyers methodology on our [website](#).

PRIMARY AUTHOR

Brenna R. McLaughlin

(608) 286-7206

BMCLAUGHLIN@BOARDMANCLARK.COM

Doug E. Witte

(608) 283-7529

DWITTE@BOARDMANCLARK.COM

- | | | | | | |
|----------------------|----------------|---------------------------|----------------|--------------------------|----------------|
| ■ Michael J. Julka | (608) 286-7238 | ■ Richard F. Verstegen | (608) 283-7233 | ■ Christopher T. Schmidt | (608) 286-7157 |
| ■ William L. Fahey | (608) 286-7234 | ■ David P. Weller | (608) 286-7235 | ■ Brian P. Goodman | (608) 283-1722 |
| ■ JoAnn M. Hart | (608) 286-7162 | ■ Jennifer S. Mirus | (608) 283-1799 | ■ Daniel T. Fahey | (608) 286-7216 |
| ■ Eileen A. Brownlee | (608) 822-3251 | ■ Rhonda R. Hazen | (608) 283-1724 | ■ Eric B. Hagen | (608) 286-7225 |
| ■ Doug E. Witte | (608) 283-7529 | ■ M. Tess O'Brien-Heinzen | (608) 283-1798 | | |
| ■ Steven C. Zach | (608) 283-1736 | ■ Matthew W. Bell | (608) 286-7239 | | |

Disclaimer: Boardman & Clark LLP provides this material as information about legal issues. It does not offer legal advice with respect to particular situations and does not purport that this newsletter is a complete treatment of the legal issues surrounding any topic. Because your situation may differ from those described in this Newsletter, you should not rely solely on this information in making legal decisions. In addition, this material may quickly become outdated. Anyone referencing this material must update the information presented to ensure accuracy. The use of the materials does not establish an attorney-client relationship, and Boardman & Clark LLP recommends the use of legal counsel on specific matters.