

WISCONSIN'S UNEMPLOYMENT COMPENSATION AND DOMESTIC VIOLENCE LAW

This document, created by the End Domestic Abuse Wisconsin – Wisconsin Coalition Against Domestic Violence – Legal Department, does not constitute legal advice.

I. Wisconsin Law

- A. Under Wisconsin law, an individual who voluntarily quits his or her job is usually not eligible to receive unemployment compensation. There are a few exceptions to this general rule. One exception is when a domestic violence victim leaves his or her employment due to the abuse. [Sec. 108.04\(7\)\(s\)2, Wis. Stats.](#), ensures that these individuals, for purposes of unemployment compensation, will not be treated as though they quit their job so long as they meet certain criteria.
- B. Voluntary termination, in general, is when an employee quits their job of their own volition. Under [Sec. 108.04\(7\)\(s\)\(2\)\(a-c\), Wis. Stat.](#), an employee will **not** be treated as though she or he voluntarily terminated their employment so long as the employee meets all of the following criteria:
 - 1. “Terminates his or her work due to domestic abuse, concerns about personal safety or harassment, concerns about the safety or harassment of his or her family members who reside with the employee or concerns about the safety or harassment of other household members;
 - 2. “Prior to termination of his or her employment, obtains a temporary restraining order or an injunction under [s. 813.12](#), [813.122](#), [813.123](#), [813.125](#), or [813.127](#), or has a foreign protection order recognized under [s. 813.128](#); and
 - 3. “Demonstrates to the department that the order has been or is reasonably likely to be violated.”

II. Definitions according to [Wis. Stat. Sec. 108.04\(7\)\(s\)\(1\)\(a-c\)](#)

- A. ‘**Domestic abuse**’ means physical abuse, including a violation of [s. 940.225\(1\), \(2\) or \(3\)](#), or a threat of physical abuse by an adult family or adult household member against another family or household member; by an adult person against his or her spouse or former spouse; or by an adult person against a person with whom the person has a child in common.
- B. ‘**Family member**’ means a spouse, parent, child or person related by consanguinity to another person.
- C. ‘**Household member**’ means a person who is currently or formerly residing in a place of abode with another person.