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CLEARINGHOUSE RULE 00-108

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. DWD 42.01 (1), only the U.S. Code citation should be listed instead of including “Federal law” at the beginning of the first sentence. Also, parentheses around the full U.S. Code citation should be deleted.

b. In s. DWD 42.02, “the” should replace “such” in two places.

c. In s. DWD 42.02 (3), parentheses around “26 USC 3401 (d)” should be deleted. A similar change should be made in sub. (4).

d. In s. DWD 42.02 (5), “section 2 (5) of the national labor relations act,” and “section 8 (3) of the national labor relations act” should be deleted. Also, parentheses around “29 USC 152 (5)” and “29 USC 159 (f) (3)” should be removed. [See s. 1.07 (3) (a), Manual.]

e. In s. DWD 42.02 (7) (intro.), “any of the following” should be inserted before the colon.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. DWD 42.01 (1) “Sec.” should be replaced with “Section” in the third line.

b. It would be helpful to the clarity of the rule if the definition of “employee” in s. DWD 42.02 (2) and the definition of “employer” in s. DWD 42.02 (3) included the Internal Revenue Code definition rather than just the federal citation to the definition. This could be done in a note. Also see sub. (5).

Also, “et seq.” should be deleted and replaced with a more specific citation. [See s. 1.01 (1), Manual.]

c. In s. DWD 42.03 (1) (intro.), “(1)” should be inserted between “s. DWD 42.04” and “(b).”

d. Section DWD 42.03 (2) (a) 1. provides that an employer may file new hire reports electronically, “as prescribed by the department.” Does this refer to a filing format or procedure? If so, why is a format for filing electronically not included in the rule?

e. In s. DWD 42.03 (2) (a) 4. b., “through” should be deleted and replaced with “to.”

f. Section DWD 42.03 (3) (c) provides an extension if the deadline for filing a report falls on a Saturday, Sunday, holiday or any day on which mail is not delivered by the U.S. Postal Service. This implies that the deadline and extension apply to reports filed by paper but it is unclear whether the requirements apply to reports filed electronically as well.

g. Section DWD 42.04 (1) (b) refers to the “electronic filing format”; however, an electronic filing format is not defined in the rule. It is suggested that a definition of the format or a subsection explaining the format be inserted into the rule.

Also, in this paragraph, “all the data elements” should be deleted and replaced with “the information” to maintain consistency with earlier provisions.