

CR 83-149

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

RECEIVED

AUG 7 1984

3:55 PM
Revisor of Statutes
Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Worker's Compensation Assessment were duly approved and adopted by this department on 8/6/84.
(Subject) (Date)

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 4:00 pm in the city of Madison, this 6th day of August A.D. 1984.

Howard S. Bellman

Secretary

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02(1), 102.15, and 102.75, Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. 80.38 Worker's Compensation Assessment
(Number) (Title)

The attached rules shall take effect ~~on~~ upon publication _____

_____ X pursuant to section
227.026, Stats.

Adopted at Madison, Wisconsin, this 6th
day of August, A.D., 1984.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard B. Bellman
Secretary



RULES in FINAL DRAFT FORM

Rule: Ind 80.38

Relating to: Worker's Comp. Assessment

An order to create Ind s. 80.38, relating to the assesment of administrative expenses upon worker's compensation insurance carriers and self-insured employers.

ANALYSIS OF PROPOSED RULE

Section 102.75, Stats., provides that the administrative expenses of the department for worker's compensation shall be assessed proportionately against each insurance carrier or self-insured employer based upon indemnity paid or payable during the preceding year. In ch. 102, Stats., the Worker's Compensation Act, the term "indemnity" is used only in connection with payments for temporary or permanent disability. Proposed rule Ind 80.38 is intended to clarify and codify the department's interpretation of what benefits are included and what benefits are excluded from the assessment as "indemnity paid or payable." For example, medical expenses are excluded from the assessment calculation, but wage continuation payments are included.

Pursuant to the authority vested in the department of industry, labor and human relations by ss. 101.02(1), 102.15, and 102.75(1), Stats., the department of industry, labor and human relations hereby adopts rules interpreting s. 102.75, Stats., as follows:

SECTION 1. Ind 80.38 is created to read:

Ind 80.38 (1) For purposes of determining assessment payments under s. 102.75, Stats., "indemnity paid or payable" excludes:

- (a) Payments made for medical, hospital or related expenses.
- (b) Additional payments for penalties and increased compensation.
- (c) Payments made into the work injury supplemental benefit fund.
- (d) Payments made from the work injury supplemental benefit fund other than those paid under s. 102.44(1), Stats.
- (e) Payments made under ss. 102.475, 102.35, and 102.18(1)(bp), Stats.
- (f) Payments made under statutory provisions other than those of ch. 102, Stats.
- (g) Payments made pursuant to a compromise agreement to the extent that they cannot be determined to be indemnity paid or payable under sub. (2).

(2) For purposes of determining assessment payments under s. 102.75, Stats., "indemnity paid or payable" includes:

- (a) Supplemental benefit payments made under s. 102.44(1), Stats., from the work injury supplemental benefit fund if they were determined to be payable prior to the time the case is initially closed.
- (b) Death benefits paid under ss. 102.46, 102.47, 102.48 and 102.50, Stats.

(c) Portions of social security benefits, sick leave, holiday pay, salary and other wage continuation payments which offset or are paid in lieu of the daily or weekly idemnity due.

end

EFFECTIVE DATE

Pursuant to s. 227.026(1)(intro.), Stats., this rule shall take effect on the first day of the month following the date of publication in the administrative register.



State of Wisconsin \ Department of Industry, Labor and Human Relations

OFFICE OF THE SECRETARY

August 6, 1984

Room 401 GEF-1
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

The Honorable Carl Otte
State Senator
Joint Committee for Review of
Administrative Rules
31 South, State Capitol
Madison, Wisconsin 53707

The Honorable William Rogers
State Representative
Joint Committee for Review of
Administrative Rules
113 North, State Capitol
Madison, Wisconsin 53707

Dear Senator Otte and Representative Rogers:

Pursuant to your committee's request, attached is an implementation report regarding the following rule:

Rule: Ind 80.38

Rule Clearinghouse No. 83-149

Relating to: Workers Compensation Assessments

1. Description of the rule.

The rule clarifies and codifies the department's policies in calculating the rates by which insurance carriers and self-insured employers are assessed to cover the administrative expenses of the Workers Compensation Division.

2. Personnel involved in enforcing the rule.

Carol Lobes, Division Administrator
Hugh Russell, Deputy Administrator

3. How the rule will be enforced.

The rule will require no change in the current system of calculating assessments and sending out invoices.

4. Comments and recommendations on statutory authority.

Ample authority for DILLHR to adopt procedural rules is contained in s. 101.02(1), Stats.

Yours very truly,

Howard S. Bellman
Secretary

The Wisconsin Department of Industry, Labor and Human Relations

August 6, 1984

Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
411 West, State Capitol
Madison, Wisconsin

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

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Dear Messrs. Poulson and LaFollette:

AUG 7 1984

TRANSMITTAL OF RULE ADOPTION

Revisor of Statutes
Bureau

CLEARINGHOUSE RULE NO. 83-149

RULE NO. Ind 80.38

RELATING TO: Worker's Comp. Assessment

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person