

CR 94-23

# CERTIFICATION

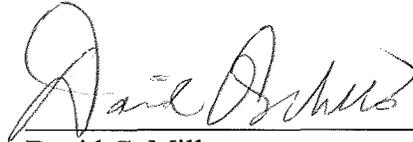
STATE OF WISCONSIN )  
 ) ss.  
DEPARTMENT OF EMPLOYE TRUST FUNDS )

I, David C. Mills, Deputy Secretary of the Wisconsin Department of Employee Trust Funds and deputy custodian of the official records of the Wisconsin Department of Employee Trust Funds certify that the annexed rule, CR #94-23 was duly approved and adopted by the Employee Trust Funds Board, Wisconsin Retirement Board and Teacher Retirement Boards. The rule-making creates ss. ETF 10.82 and 10.84, Wisconsin Administrative Code, relating to establishing procedures as to when the Department will receive or send documents by facsimile in order to establish a date for the receipt of documents or information or to determine a participant's or beneficiary's eligibility for benefits under the Wisconsin Retirement System or one of the insurance or other benefit programs administered by the Department.

I further certify that this copy has been compared by me with the original on file in this Department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 201 East Washington Avenue, in the City of Madison, Wisconsin, this 11 day of November, 1994.

(NO SEAL)



David C. Mills  
Deputy Secretary  
Department of Employee Trust Funds



1-1-95

Part 2

TEXT OF RULE

SECTION 1. ETF 10.82 is created to read:

ETF 10.82 RECEIPT BY THE DEPARTMENT. (1) DATE OF RECEIPT OR FILING; NON-BUSINESS HOURS AND HOLIDAYS EXCLUDED. (a) Except as provided in sub. (2), the date a document is received by, or filed with, the department is the date the original document is physically received at the department at its offices during regular business hours as provided under s. 230.35 (4) (f), Stats., regardless of the date the document was mailed or otherwise intended to be transmitted to the department and regardless of any mishandling or misdirection by the U.S. postal service or any other agency or person. A document which arrives at the department's offices after 4:30 p.m. or on a holiday as defined by s. 230.35 (4) (a), Stats., may not be received by the department until 7:45 a.m. on the next day on which the department's offices are regularly open for business as provided under s. 230.35 (4) (f), Stats.

(b) No department employe may affix a date stamp to a document received by the department which indicates a date received in conflict with par. (a).

NOTE: This paragraph does not prohibit a department employe from making a note attached to or on the document, separate from the official receipt stamp, concerning the circumstances under which the document arrived at the department, including dates or times.

(c) A document bearing the department's date stamp indicating receipt is conclusively presumed for all purposes associated with benefits under ch. 40, Stats., to have been received by the department on the date indicated by the stamp. This presumption may be rebutted only by clear and convincing evidence that the document was received by or filed with the department, as provided in

par. (a), on a different date than shown by the official date stamp. The department may correct a date stamp the secretary determines was affixed in violation of par. (b).

(2) **RECEIPT OF FACSIMILE DOCUMENTS.** (a) Notwithstanding sub. (1)(a), a document specified in this subsection may be received by, or filed with, the department on a date prior to receipt of the original when all of the following conditions are satisfied:

1. A copy of the document is received on the department's facsimile machine connected to telephone number (608) 267-4549, (414) 227-3820 or to such additional telephone number as the employe trust funds board may designate at a regular meeting, upon the recommendation of the secretary. A new facsimile telephone number may be utilized immediately after designation by the ETF board, as recorded in the minutes of the board meeting, pending amendment of this rule to include the additional number.

2. The facsimile transmission includes the full social security number of the participant, alternate payee or beneficiary to whose Wisconsin retirement system benefits the document pertains.

3. The document is one specifically identified in par. (b).

4. The facsimile is actually received on the department's facsimile machine in complete and legible form.

5. The original document, unaltered in any respect from the facsimile, is received at the department's offices no later than 14 calendar days after the facsimile is received.

(b) This subsection applies only to the following documents:

1. Form ET-1518, request for continuation of employe reimbursement account coverage.

2. Form ET-2154, application for group life insurance continuation coverage.
3. Form ET-2301, application for group health insurance, but limited to an application by an annuitant under s. 40.51 (16), Stats.
4. Form ET-2311, application for group health insurance continuation or conversion coverage under s. 40.51 (3), Stats.
5. Form ET-2313, election to cancel variable participation under s. ETF 10.31.
6. Form ET-2320, designation of beneficiary as provided by s. 40.02 (8), Stats.
7. Form ET-2321, alternate form for designation of beneficiary as provided by s. 40.02 (8), Stats.
8. Form ET-2322, application for living benefits, if sent to the department instead of to the group life insurer.
9. Form ET-2330, application for the local government annuitant health program under s. 40.51 (10), Stats.
10. Form ET-3301, application for a separation benefit under s. 40.25 (2).
11. Form ET-4301, application for an annuity or lump sum payment under s. 40.24 or 40.25 (1), Stats.
12. Form ET-4305, application to delay initiation of group health insurance premium deductions from accumulated sick leave credits as provided by 40.05 (4) (b).
13. Form ET-4311, employer's agreement to pay cost of actuarial reduction for retirement before normal retirement age under s. 40.23 (2m) (g)1, Stats.
14. Form ET-4315, application for purchase of forfeited service under s 40.25 (6) (a)3, Stats., excluding any application based on use of any funds for

payment other than an existing employe additional contribution account balance under s. 40.05 (1)(a)5, Stats.

15. Form ET-4317, application by a retired state employe or survivor of a deceased state employe to begin group health insurance premium deductions from previously escrowed sick leave credits as provided by 40.05 (4)(b).

16. Form ET-4319, special retirement annuity application or application to change retirement annuity option previously selected as provided by s. 40.24 (4), Stats.

17. Form ET-5302, application for regular disability annuity benefits under s. 40.63 (1)(a), Stats.

18. Form ET-5303, medical report form for total and permanent disability for regular disability annuity benefits under s. 40.63(1)(d) or long-term disability insurance benefits under s. ETF 50.50 (6).

19. Form ET-5304, medical report form for special disability annuity under s. 40.63 (4) or long-term disability insurance benefits under s. ETF 50.58 (1)(a)3.

20. Form ET-5306, request for waiver of life insurance premiums due to disability.

21. Form ET-5313, long-term disability insurance benefit claim form under s. ETF 50.48 (1).

22. Form ET-5315, employer's certification of long-term disability under s. ETF 50.48 (3).

23. Form ET-5321, long-term disability insurance election form under s. ETF 50.46.

24. Form ET-5333, application to change disability annuity option previously selected as permitted by ss. 40.24 (4) and 40.63 (8)(intro.), Stats.

25. Form ET-6309, application for death benefits under s. 40.73, Stats.
26. Form ET-7291, participant's instructions for resolving multiple conflicting applications for Wisconsin retirement system benefits.
27. Written request from the participant to cancel an application for a separation, retirement or lump sum benefit as provided by s. ETF 20.20
28. Written request from the participant to cancel a disability annuity application as provided by s. ETF 50.31.
29. Written request from the beneficiary to cancel an application for a death benefit or beneficiary annuity as provided by s. ETF 60.51.
30. Written request from an annuitant to change the election of a particular annuity option, as permitted by s. 40.24(4) or 40.63 (8)(intro.), Stats.
31. A written appeal of a department determination to the employe trust funds board, group insurance board, Wisconsin retirement board, teachers retirement board or deferred compensation board as provided by s. 40.03 (1)(j), (6)(i), (7)(f) or (8)(f) or 40.80 (2g), Stats., respectively, and by s. ETF 11.03 (4).
32. Withdrawal of a waiver of benefits under s. 40.08 (3).
33. A physician's letter, in response to a specific written request for clarification from the department, stating whether an applicant for a disability annuity or long-term disability insurance benefits is disabled to the requisite degree.

(c) Each facsimile arriving on the department's facsimile machine shall be date stamped by the department in accord with sub. (1).

(d) 1. If pars. (a) and (b) apply, a document will be deemed received by, or on file with, the department on the date the facsimile of the document is

received at the department's offices, as evidenced by the date stamp affixed under par. (c).

2. If pars. (a) and (b) do not apply, then the date of receipt or filing is the date the original document, not the facsimile, was received. If the original document is never received by, or filed with, the department, then for purposes of administering benefits under ch. 40, Stats., the document shall be deemed never to have been received by the department, regardless of receipt of a facsimile of the document.

(e) The department will not take any action to process a facsimile until the original document is received and the facsimile is compared to the original.

(f) Nothing in this section shall require the department to undertake to advise any person that a facsimile transmission has not been received in a complete and legible form or otherwise fails to comply with par. (a) or (b). Any attempt to file documents with the department by facsimile is entirely at the risk of the person transmitting the facsimile to the department.

SECTION 2. Section ETF 10.84 is created to read:

ETF 10.84 RESPONSE TO REQUESTS. (1) The department shall generally attempt to respond to requests to provide documents such as informational brochures, blank forms and annuity or disability estimates in the order in which such requests are received by the department.

(2) When the department responds to a request for information, forms, estimates or similar documents, if the requestor is not actually available in the department's offices for delivery by hand, the standard method of transmission of requested documents to the requestor shall be through the U.S. mails or

through the requestor's participating employer, if any, at the discretion of the department.

(3) In extraordinary circumstances, as determined by the department, the department may elect to transmit requested documents by facsimile.

(END OF RULE TEXT)

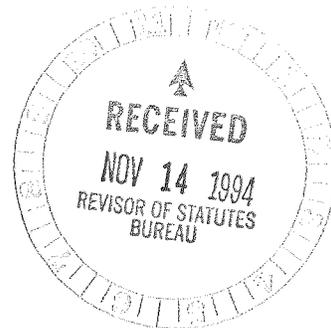
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Effective Date: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Wis. Stats.

Signed at Madison, Wisconsin this  
12<sup>th</sup> day of September, 1994.

*Eric O. Stanchfield*

Eric O. Stanchfield  
Secretary  
Wisconsin Department of Employee Trust  
Funds





STATE OF WISCONSIN

## Department of Employee Trust Funds

Eric Stanchfield  
Secretary

201 East Washington Avenue  
P. O. Box 7931  
Madison, Wisconsin 53707

November 11, 1994

In Reply Refer To:

MR. GARY POULSON  
OFFICE OF THE REVISOR OF STATUTES  
119 MARTIN LUTHER KING JR. BLVD., 2ND FLOOR  
MADISON, WISCONSIN 53703

RE: Clearinghouse Rule 94-23 relating to establishing procedures as to when the department will receive or send documents by facsimile in order to establish a date for the receipt of documents or information or to determine a participant's or beneficiary's eligibility for benefits under the Wisconsin retirement system or one of the insurance or other benefit programs administered by the department

Dear Mr. Poulson:

The enclosed certified copy of Clearinghouse Rule 94-23, concerning concerning rules for the receipt of facsimile documents by the Department of Employee Trust Funds, is submitted in accordance with s. 227.20, Stats., for publication in the Administrative Code. An extra uncertified copy is also enclosed as a printer's copy. Also enclosed is a copy of the rule on diskette in the form of a WordPerfect 5.1 file.

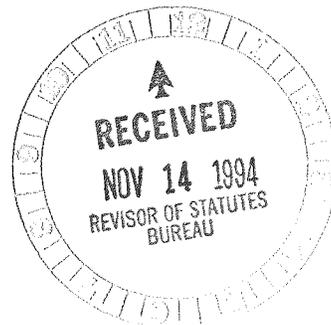
A certified copy is also being filed with the Secretary of State.

If you have any questions about this rule, please call me.

Sincerely,

Robert F. Weber  
Chief Counsel

Telephone: (608) 266-5804  
FAX: (608) 267-0633



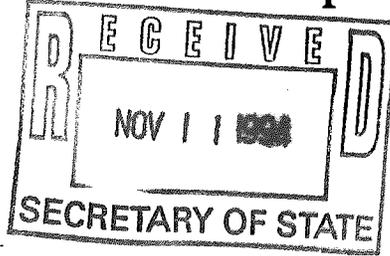


STATE OF WISCONSIN

**Department of Employee Trust Funds**

Eric Stanchfield  
Secretary

201 East Washington Avenue  
P. O. Box 7931  
Madison, Wisconsin 53707



In Reply Refer To:

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF EMPLOYEE TRUST FUNDS )

I, David C. Mills, Deputy Secretary of the Department of Employee Trust Funds and custodian of the official records, certify that the annexed rules, relating to conversion of group life insurance coverage to pay premiums for health and long-term care insurance, were duly approved and adopted by the State of Wisconsin Group Insurance Board on August 30, 1994.

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

(no seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Employee Trust Funds at 201 East Washington Avenue in the city of Madison, this 11th day of November, 1994.

