

(b) Service of notice of hearing and accompanying complaint may be made upon the complainant and respondent therein named by delivering to and leaving with each a copy of such notice and accompanying complaint or by mailing by certified or registered mail on the date of issuance copies thereof to the last known addresses of the complainant or respondent as they appear on the records of the commission. If the notice of hearing is so served by mail, the date of receipt as evidenced by the postal return receipt shall be deemed to be the date of service.

(c) The scope of the hearing shall be limited to the merits of the complaint.

(d) Within 10 days, excluding Saturday, Sunday and holidays, after service of the notice of hearing and complaint, the respondent may file with the commission at the place designated on such notice, an answer to the complaint. Such answer shall be in writing and shall be filed in triplicate. Upon receipt of an answer to the complaint, the commission shall promptly, and prior to the time of hearing, transmit a copy thereof to the complainant or his designated agent.

(e) If after hearing, and on the basis of the official record made therein, the examiner finds that the respondent has engaged in or is engaging in discrimination, he shall make and recommend to the industrial commission written findings of fact and conclusions thereon and shall recommend such action to be taken by the respondent and, where required, by the complainant, as will effectuate the purpose of section 111.31-111.37, Wis. Stats., and as will eliminate, as the case may be, the discrimination committed or being committed. A certified copy of such recommended findings, conclusions and recommended action, together with a summary of the evidence prepared by the hearing examiner, shall be mailed to the last known addresses of the respondent and the complainant. Thereafter, the industrial commission shall make and issue its decision in accordance with the procedures prescribed by section 227.12, 227.13 and 227.14, Wis. Stats.

(3) No officer, employe or agent of the commission who shall have previously engaged in any investigative, prosecuting, conciliation, persuasion or enforcement function in any case or proceeding under sections 111.31-111.37, Wis. Stats., shall, in that or a factually related case or proceeding, participate or advise in the decision, recommended decision, or review, under this chapter, by the hearing examiner or by the commission, nor shall such officer, employe or agent participate in the hearings, except as a witness or counsel.

**History:** Cr. Register, December, 1965, No. 120, eff. 1-1-66.

**Ind 88.11 Transfer of proceedings.** At any time after the filing of an initial complaint under section 111.36 (1), Wis. Stats., the commission, with appropriate notice to the complainant and respondent, may transfer the proceedings to itself.

**History:** Cr. Register, December, 1965, No. 120, eff. 1-1-66.

**Ind 88.12 Mailed documents.** Wherever sections 111.31-111.37, Wis. Stats., or these rules and regulations, authorize the filing of a document by mail, the date of filing shall be the date the document is mailed as evidenced by its postmark.

**History:** Cr. Register, December, 1965, No. 120, eff. 1-1-66.

**Ind 88.13 Depositions.** Depositions may be taken and incorporated into proceedings under sections 111.31-111.37, Wis. Stats., in accordance with statutory provisions relating to the taking and use of depositions in proceedings before courts of record.

**History:** Cr. Register, December, 1965, No. 120, eff. 1-1-66.

**Ind 88.14 Prohibited disclosures.** It shall be unlawful for the commission or any of its agents or employes to make public in any manner whatever any of the information obtained by the commission pursuant to its authority under section 111.36, Wis. Stats., prior to the time a hearing actually takes place before an examiner under section Ind 88.10.

**History:** Cr. Register, December, 1965, No. 120, eff. 1-1-66.

**Ind 88.15 Evidence of endeavors to conciliate, confer or persuade.** No testimony or evidence shall be given or received at any hearing concerning endeavors to eliminate an alleged discriminatory practice by conference, conciliation or persuasion.

**History:** Cr. Register, December, 1965, No. 120, eff. 1-1-66.

**Ind 88.16 Posting provisions of act.** The poster issued by the industrial commission relative to the public policy and definitions of the Fair Employment Act shall be posted in a conspicuous place in each place of employment.

**History:** 1-2-56; renum. from Ind 88.01, Register, December, 1965, No. 120, eff. 1-1-66.

**Ind 88.50 Racial data.** An employer subject to Wisconsin's Fair Employment chapter 111, subchapter 2, may make and keep such post-employment records as will enable said employer to determine statistically the age, race, color, handicap, sex, creed, national origin or ancestry of his employes. Such records shall not be obtained by way of identifying race, color or creed on an employment application form or pre-employment inquiry, and shall not be made part of the individual record of any employe.

**History:** Cr. Register, April, 1967, No. 136, eff. 5-1-67.