

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

➤ Appointments ... Appt

➤

➤ Clearinghouse Rules ... CRule

➤

➤ Committee Hearings ... CH

➤

➤ Committee Reports ... CR

➤

➤ Executive Sessions ... ES

➤ 97hr_JCR-AR_ES_pt12c

➤ Hearing Records ... HR

➤

➤ Miscellaneous ... Misc

➤

➤ Record of Comm. Proceedings ... RCP

➤

February 19, 1998
Executive Session JCPAR

State of Wisconsin

JAN 15 1998

Tommy G. Thompson
Governor

Jon E. Litscher
Secretary



137 East Wilson Street
P.O. Box 7855
Madison, WI 53707-7855

DEPARTMENT OF EMPLOYMENT RELATIONS

January 14, 1998

State Senator Richard Grobschmidt, Senate Chairperson
Joint Committee for Review of Administrative Rules
100 North Hamilton, Suite 404
Madison, WI 53703

State Representative Glenn Grothman, Assembly Chairperson
Joint Committee for Review of Administrative Rules
State Capitol, Room 125 West
Madison, WI 53703

Dear Senator Grobschmidt and Representative Grothman:

The Department of Employment Relations requests that your Committee approve an extension of an emergency rule.

The rule relates to sick leave credits and the catastrophic leave program for nonrepresented state employees and became effective October 12, 1997. The emergency rule increased the sick leave accrual rate for nonrepresented employees from four to five hours per biweekly pay period. It also expanded the use of catastrophic leave. The emergency rule expires on March 12, 1998.

A permanent rule with the same changes is currently going through the 30-day review period in the standing committees. We expect to submit the permanent rule to the Revisor of Statutes at the end of January with an anticipated effective date of April 1, 1998—several weeks beyond the expiration date of the emergency rule.

If the emergency rule is not extended, the sick leave accrual rate for nonrepresented employees would revert to its lower level on March 13. Meanwhile, represented employees—who constitute the majority of civil service employees—would still receive the higher rate under their union contracts. When the permanent rule takes effect on April 1, the higher rate would then again apply to all employees. Besides the adverse impact on state employees, this scenario would require two payroll programming changes at great inconvenience and cost.



AN EQUAL OPPORTUNITY EMPLOYER

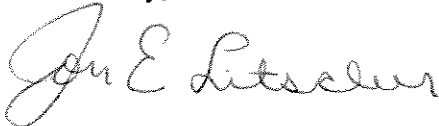


Senator Grobschmidt
Representative Grothman
Page 2
January 14, 1998

For these reasons, we request a 60-day extension of the emergency rule, which would provide an extra cushion to cover any unforeseen problems in the promulgation process. Copies of the emergency rule and the proposed permanent rule are attached.

Please contact Bob Van Hoesen, Legislative Liaison at 267-1003 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher". The signature is written in dark ink and is positioned above the printed name and title.

Jon E. Litscher
Secretary

JEL:BVH
attachments

**ORDER OF THE SECRETARY
OF THE DEPARTMENT OF EMPLOYMENT RELATIONS
ADOPTING EMERGENCY RULES**

To amend ER 18.03 (2)(a), 18.15 (1)(c), (2), (3) and (4)(a) 3., and to create ER 18.03 (6) and (7) and 18.15 (4m), relating to sick leave credits, the adjustment of sick leave balances for state employees and catastrophic leave.

FINDING OF EMERGENCY

The Department of Employment Relations finds that an emergency exists and that the attached rule is necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is:

It is the state's personnel policy to maintain a uniform system of fringe benefits for state employees in terms of retirement, insurance and leave provisions. This policy is followed in order to facilitate movement of employees between agencies and different types of positions, to minimize the number of benefit systems that must be administered by personnel and payroll staff and to ensure employee equity in benefits. Two of the benefits available to most state employees are sick leave and catastrophic leave. Catastrophic leave programs allow the donation of certain types of unused leave to employees who are on an unpaid leave of absence because they have exhausted their available leave due to a catastrophic need.

The sick leave accrual rate for represented state employees is governed by the applicable collective bargaining agreement. Likewise, provisions regarding catastrophic leave are contained in the agreements. For nonrepresented state employees, the sick leave accrual rate and catastrophic leave are governed by administrative rules promulgated by the secretary of the Department of Employment Relations. Under current administrative rules and all of the 1995-97 collective bargaining agreements, employees earn sick leave at the identical rate of 4 hours per pay period for full-time employees. Under current agreements, catastrophic leave may be exchanged between employees only within bargaining units in the same employing unit, except that the appointing authority may allow exchange between employing units within the same agency. The catastrophic leave program in the current administrative rules for state employees allows exchange of leave only between nonrepresented employees within the same employing unit, except that the appointing authority may allow exchange within an agency.

Agency Name: Department of Employment Relations
Notice Contact Name & Phone #: Bob Van Hoesen, (608) 267-1003

The Department of Employment Relations recently negotiated new contracts with 11 bargaining units representing the majority of state employees. These contracts will increase the sick leave accrual rate for the covered represented employees and expand the exchange of catastrophic leave for represented employees. The sick leave accrual rate will increase from 4 to 5 hours per pay period for full-time employees, starting on the effective date of the contracts. (Sick leave balances for individual employees also will be adjusted on the effective dates of the contracts to apply the higher accrual rate to hours worked between July 6, 1997 and the effective date of the contracts.) The contracts also expand the catastrophic leave programs to allow exchange of leave between members of different bargaining units, between different employing units within the same agency and between represented and nonrepresented employees. Leave may also be exchanged across agency lines with the approval of each agency.

Without a change in the administrative rules, nonrepresented employees will not receive the increased sick leave, nor will they have the same broadened opportunities to donate and receive catastrophic leave as represented employees.

If the sick leave accrual rate for nonrepresented employees is not increased by this emergency rule, nonrepresented employees will accrue sick leave at a lower rate than those covered by collective bargaining agreements which provide a higher rate. This inconsistency will have the following negative impacts on state employees and agencies: (1) it will create inequitable treatment and morale problems between state employees; (2) it will discourage transfers and promotions by employees from represented to nonrepresented positions; and (3) it will require administration of two different sick leave accrual rates.

If the exchange of catastrophic leave is not broadened, nonrepresented employees will not be able to donate leave to or receive leave from represented employees, or to and from nonrepresented or represented employees in other agencies. Thus, there will be less opportunities for employees who face a catastrophic need to receive donated leave from other employees.

In order to avoid these negative consequences, the Department finds that there is an emergency affecting the public peace, health, safety or welfare. The Department further finds that it is necessary to provide the higher sick leave accrual rate and expanded catastrophic leave to nonrepresented state employees as soon as possible through an emergency rule.

ANALYSIS PREPARED BY DEPARTMENT OF EMPLOYMENT RELATIONS

S. 230.35 (2), Wis. Stats., provides that sick leave for state employees shall be regulated by the administrative rules of the Secretary of the Department of Employment Relations. Rules governing sick leave are located in s. ER 18.03, Wisconsin Administrative Code.

S. ER 18.03 (2) provides that sick leave credits accrue at the rate of .05 hour for each hour in pay status, not to exceed 4 hours in any biweekly pay period. An employe working full time (i.e. 80 hours in a biweekly pay period) would thus earn 104 hours of sick leave in one year, or 13 days.

This emergency rule increases the accrual rate for sick leave from .05 hour to .0625 hour for each hour in pay status, not to exceed 5 hours in any biweekly pay period. The annual earning rate for a full-time employe would increase to 16.25 days per year.

On the effective date of the rule, the sick leave balances of active state employes would be adjusted to apply the higher accrual rate to hours worked between July 6, 1997 and the effective date of the rule change. Similar adjustments would be made to the sick leave balances of employes who retired or were laid off during that time period. Employes who began an unpaid leave of absence during that time period would have their sick leave balance adjusted when they returned to work.

The Department's authority to promulgate the rules regarding catastrophic leave is found in s. 230.04 (5), Stats. The rules implement the powers and duties of the Secretary under s. 230.04 (1) and 230.35 (2r), Stats. S. 230.35 (2r) allows the Secretary to establish by rule a catastrophic leave program.

Current rules regarding catastrophic leave are found in ER 18.15, Wis. Admin. Code. Current rules allow a donor to donate leave credits only to nonrepresented employes within the same employing unit, except that donations may be made to recipients in different employing units in the same agency with the approval of the appointing authority. Similarly, a recipient may receive credits only from other nonrepresented employes within the same employing unit. This emergency rule would allow a donor to donate leave to, and allow a recipient to receive leave from, any eligible classified employe -- nonrepresented or represented -- within the same agency. Leave may also be exchanged with any eligible classified employe in another agency with the approval of each affected agency.

TEXT OF EMERGENCY RULE

SECTION 1. ER 18.03 (2) (a) is amended to read:

ER 18.03 (2) ACCRUAL OF SICK LEAVE. (a) Sick leave credit shall accrue at the rate of ~~.05~~ .0625 hour for each hour in pay status, not to exceed 4 5 hours in any biweekly pay period.

SECTION 2. ER 18.03 (6) and (7) are created to read:

ER 18.03 (6) ADJUSTMENT TO SICK LEAVE BALANCE OF EMPLOYES ON UNPAID LEAVE OF ABSENCE. Employes who began an unpaid leave of

absence on or after July 6, 1997 and before October 12, 1997 shall have their sick leave balances recomputed, upon their return to a position covered by this section, at the rate of .0625 for each hour in pay status, not to exceed 5 hours in any biweekly pay period, based on the number of hours in pay status in a position covered by this section during that time period. Any additional sick leave credits will be credited to the employe's sick leave balance and are available for prospective use only.

(7) ADJUSTMENT TO SICK LEAVE BALANCE. The sick leave balances of all employes in pay status on October 12, 1997 and former employes who retired or were laid off from a position during the period from July 6, 1997 to October 12, 1997 shall be recomputed at the rate of .0625 for each hour in pay status, not to exceed 5 hours in any biweekly pay period, based on the number of hours in pay status in a position covered by this section during that time period. Any additional sick leave credits will be credited to the employe's sick leave balance and are available for prospective use only, except that former employes who retired or were laid off after July 6, 1997 and before the October 12, 1997 may use the additional sick leave credits for the payment of health insurance premiums in the same manner as any sick leave credits that were available to them for that purpose at the time of retirement or layoff.

SECTION 3. ER 18.15 (1) (c) is amended to read:

ER 18.15 (1) (c) "Employee" means any person who receives remuneration for services rendered to the state under an employer-employee relationship in the classified service, except limited term employes ~~and employes covered by a collective bargaining agreement under subch. V of ch. 111, Stats.~~

SECTION 4. ER 18.15 (2) and (3) are amended to read:

ER 18.15 (2) DETERMINING RECIPIENT ELIGIBILITY. To be an eligible recipient, an employe shall satisfy ~~all of the following conditions~~ in either (a) or (b):

(a) Be an eligible recipient under a catastrophic leave program under a collective bargaining agreement under subch. V of ch. 111, Stats., or;

(b) Satisfy all of the following conditions:

~~(a)~~ 1. Complete the first 6 months of an original probationary period in a permanent position or 6 months in a project position.

~~(b)~~ 2. Be on approved unpaid leave due to a catastrophic need of the employe or an immediate family member. The unpaid leave may be taken in noncontinuous increments.

(e) 3. Anticipate an approved unpaid leave of at least 160 hours duration. The 160 hours shall be prorated for seasonal, sessional, school year, and part-time employes.

(d) 4. Provide medical certification of the catastrophic need if required by the appointing authority.

(e) 5. Use all available sick leave credits earned under ss. 36.30 and 230.35(2), Stats.

(f) 6. Have a leave balance of no more than 16 hours of combined accrued annual leave, including sabbatical or termination leave, and holiday credits.

(g) 7. May not be receiving other salary replacement income.

(h) 8. Be approved as an eligible recipient by the appointing authority or a designee.

(3) DETERMINING DONOR ELIGIBILITY. To be an eligible donor, an employe shall satisfy all of the following conditions in either (a) or (b):

(a) Be an eligible donor under a catastrophic leave program under a collective bargaining agreement under subch. V of ch. 111, Stats., or;

(b) Satisfy all of the following conditions:

(a) 1. Complete the first 6 months of an original probationary period in a permanent position or 6 months in a project position.

(b) 2. Have at least one year of continuous service.

SECTION 5. ER 18.15 (4)(a) 3. is amended to read:

ER 18.15 (4)(a) 3. A donor may donate leave credits only to recipients within the same employing unit agency, except that donations may be made to recipients in different ~~employing units in the same agency~~ agencies with the approval of the donor's appointing authority and the recipient's appointing authority.

SECTION 6. ER 18.15 (4m) is created to read:

ER 18.15 (4m) If an employe is covered by a catastrophic leave program under a collective bargaining agreement under subch. V of ch. 111, Stats., the provisions of the applicable collective bargaining agreement shall determine eligibility, limitations on the receipt, donation and usage of leave and other conditions of catastrophic leave as they apply to that employe.

EFFECTIVE DATE

This rule shall take effect on October 12, 1997, as provided in s. 227.24 (1)(c), Stats.

FISCAL ESTIMATE

The fiscal impact of additional sick leave for employees can be expressed in several ways:

1. There is the "cost" to the state of providing leave with pay to employees for time during which no work is required to be performed. However, this would not be a direct or increased cost to the state.
2. In addition, when an employee is on sick leave, a state agency may incur increased costs if it must pay overtime or utilize replacement staff to perform the work of the absent employee. This cost can be calculated only if data is available regarding the number of employees taking leave, the duration of the leave and the job functions and pay level of the employees on leave. Insufficient data exists to calculate this cost.
3. Accumulated sick leave credits for eligible employees who are retiring or eligible to receive a retirement annuity may be converted at the employee's final hourly salary and used to purchase post-retirement health insurance. An increase in the sick leave accrual rate may lead to additional sick leave hours being converted under these programs. The costs of these programs are funded as percentages of payroll charges against state agency budgets. Until an actuarial study is conducted based on the higher accrual rate, it is impossible to determine the fiscal impact of any additional converted sick leave credits.

The fiscal effect of the changes in catastrophic leave is indeterminable because it is impossible to identify how many employees will actually apply for this benefit. However, since the rules are only allowing broader transfer of leave credits between employees, the cost of the rule is expected to be negligible.

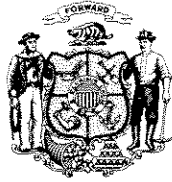
AGENCY CONTACT

Bob Van Hoesen
137 East Wilson Street
Madison, WI 53702
(608) 267-1003



Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



State of Wisconsin
Department of Corrections

JAN 16 1998

Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

January 15, 1998

Senator Richard Grobschmidt
Joint Committee for Review of Administrative Rules
Room 404, 100 N. Hamilton Street
Madison, Wisconsin 53707

Representative Glenn S. Grothman
Joint Committee for Review of Administrative Rules
State Capitol, Room 125 West
Madison, Wisconsin 53708

Re: Clearinghouse Rule 97-106, Relating to the inmate complaint review system

Dear Senator Grobschmidt and Representative Grothman:

The Department of Corrections has an emergency rule which will expire on March 3, 1998, before it can be replaced by a permanent rule. The emergency rule was scheduled to expire on January 2, 1998. The Department requested a 60-day extension, which was granted by this Committee on November 20, 1997. Pursuant to s. 227.24 (2), Stats. I ask the Joint Committee to extend the emergency rule-amending DOC 310 by a second 60 days.

This emergency rule is required to provide for necessary changes in the inmate complaint review system. The Department of Corrections has proposed a permanent rule to provide for changes in the inmate complaint review system. The Department submitted the proposed permanent rule to the Administrative Rules Clearinghouse and the Revisor of Statutes on July 30, 1997, a copy of which is enclosed. The Department received the report from the Administrative Rules Clearinghouse on August 27, 1997. On September 15, 1997, the Department scheduled this rule for hearings on October 15, October 16 and October 17, 1997, a copy of the notice of hearing is enclosed. All three hearings were held. The open comment period for written comments extended to October 21, 1997. The Department submitted the proposed administrative rule to the legislature on December 29, 1997, a copy of the submittal is enclosed. The Department will not be able to promulgate the permanent rule before the emergency rule expires on March 3, 1998.

Copies of the order creating the emergency rule and the proposed order creating a permanent rule are enclosed. If you have any questions about our request to extend the effective period of the emergency rule, please contact Deborah Rychlowski of the Department's Office of Legal Counsel at 266-8426.

Sincerely,

Michael J. Sullivan
Secretary

Enclosures

cc: JCRAR Members

FEB 04 1998



STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS



30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843
(608) 266-1311 FAX (608) 267-0403
1-800-947-8387 (WIS VETS)
Tommy G. Thompson, Governor
Raymond G. Boland, Secretary

February 2, 1998

Senator Richard Grobschmidt, Co-chairperson
Joint Committee For Review Of Administrative Rules
100 N. Hamilton, Room 404
Madison WI 53703

Representative Glenn Grothman, Co-chairperson
Joint Committee For Review Of Administrative Rules
Room 125W, Capitol Building
Madison WI 53702

Re: Extension of Emergency Rule - Ch. VA 12

Dear Senator Grobschmidt and Representative Grothman:

The purpose of this letter is to request a 60 day extension of the enclosed emergency rule. The emergency rule will expire on March 16, 1998. The permanent rule was submitted for review by the appropriate legislative committees on January 15, 1998. I expect that the permanent rule will be effective by April 1, 1998.

Through the enactment of the recent budget bill, the legislature authorized the department to operate a personal loan program for veterans. Specifically, the legislature directed the department to promulgate rules for the program's administration and authorized the department to use the emergency rule procedure without the necessity of finding an emergency. The enclosed emergency rule was published effective October 17, 1997.

The program has been extremely successful. Approximately \$4.3 million dollars in loans have been made thus far. Interruption of the program would delay pending applications and potentially create hardships for veterans who are awaiting approval and receipt of a loan. Accordingly, I respectfully request that the committee approve an extension of the emergency rule under the authority of s.227.24(2), Stats.

If you have any questions, please contact this department's chief legal counsel, John Rosinski, at 266-7916.

Sincerely,
DEPARTMENT OF VETERANS AFFAIRS

Robert A. Cocroft
Robert A. Cocroft
Deputy Secretary

**ORDER OF THE DEPARTMENT
OF VETERANS AFFAIRS
ADOPTING EMERGENCY RULES**

The Wisconsin Department of Veterans Affairs hereby adopts an order to repeal and recreate Chapter VA 12 of the Wisconsin Administrative Code, relating to the personal loan program.

ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS

Statutory authority: ss.45.35(3) and 45.356(7), Stats.
Statute interpreted: s.45.356, Stats.

By repealing and recreating Chapter VA 12 of the Wisconsin Administrative Code, the department establishes the underwriting and other criteria necessary for the administration of the personal loan program. The personal loan program was authorized by the legislature and governor through the amendment of s.45.356, Stats., upon enactment of 1997 Wisconsin Act 27.

TEXT OF RULE

Chapter VA 12 is repealed and recreated to read:

PERSONAL LOAN PROGRAM

VA 12.01 Definitions. In this chapter the following terms shall have the designated meanings:

- (1) "Annual income" means current monthly income multiplied by 12.
- (2) "Annual shelter payment" means the total annual payments anticipated for rental of living quarters, or if the applicant is the owner of a homestead, principal and interest payments on all loans against the homestead and real estate taxes and hazard insurance payments on the homestead, and the owner's share of expenses for the common elements, and if the homestead is a mobile home located on land not owned by the applicant shall also include monthly mobile home parking fees and if the applicant's homestead has a septic disposal system which relies upon a holding tank, shall also include holding tank pumping fees.
- (3) "Applicant" means a person who is eligible and applies for a loan under ch. 45.356, Stats. The term "applicant" also means the applicant and co-applicant, if there is a co-applicant, unless the context clearly limits the meaning to the applicant only.
- (4) "Co-applicant" means either the spouse of an applicant who applies with that applicant for a loan or a person, other than a spouse of the applicant, who is eligible for a loan under s. 45.356, Stats., and who chooses to apply with applicant.
- (5) "Personal loan program loan" means a loan approved under s. 45.356, Stats. and this chapter.
- (6) "Current monthly income" means all of the applicant's regular and dependable adjusted gross income, converted to a monthly amount.
- (7) "Date of application" means the date a loan application, as determined under 12.02(2), is accepted by the department.
- (8) "Department" means the department of veterans affairs.

(9) "Educational loan" means a personal loan program loan in which payments are deferred under the provisions of s. VA 12.06.

(10) "Total debt payments" means 1/12 of an applicant's "annual shelter payment" and monthly repayments required on debts with 13 or more remaining monthly payments due at the time of application for a personal loan program loan. Total debt payments shall include 5% of the applicant's total indebtedness on which regular monthly payments are not required except when the applicant has sufficient verified assets to repay the indebtedness.

(11) "Unremarried spouse" means an applicant whose basis of eligibility is marriage to a veteran at the time of the veteran's death.

VA 12.02 General loan policy. (1) **ELIGIBILITY.** The applicant's eligibility to participate in the program must be established prior to the approval of the loan by the department.

(2) **LOAN APPLICATION.** An application for a loan shall be on a form approved by the department and shall include documentation of income, verification of adequate security and other items as may be defined by the department. An application shall be signed by the applicant. Applications for loans by applicants who are married and not separated or in the process of obtaining a divorce shall be completed and signed by the applicant's spouse. Applications shall be prepared with the assistance of and submitted through the office of a county veterans service officer or other representative as approved by the department. Loan applications that are not complete will not be accepted by the department. Loan applications which have been accepted by the department but are determined to lack the necessary information or documentation for the department to approve a loan within 30 days of the notice to the county veterans service office of the deficiency, shall be denied.

(3) **INCOME.** An applicant's current monthly income shall be verified. Acceptable verification of current monthly income may be:

(a) Copies of check stubs from the applicant's employment for a recent month within 3 months of the date of application.

(b) A copy of the prior year's income tax returns except if the applicant's employer, type of employment or method of compensation has changed. Applicants verifying their income by income tax returns shall submit a complete copy of the state and federal tax return including all schedules.

(c) An award letter or copy of a check of unemployment compensation. Unemployment compensation may be considered "income" when it is received for regular or seasonal layoffs from the applicant's current employment.

(d) A business plan and professionally prepared profit and loss statement of income to be derived by an applicant from a new business which the applicant is establishing or an existing business the applicant is purchasing.

(e) A profit and loss statement for at least 6 of the 12 months immediately preceding the loan application date of the income of a self employed applicant.

(f) Depreciation as listed on an applicant's federal tax return may be used as income at the request of the applicant.

(4) **TERM OF LOAN.** All loans shall be amortized on a monthly basis and the term of the loan shall be at least 1 year and may not exceed 10 years.

(5) **LOAN CHECKS.** Loan checks shall be made payable to the applicant except where the department determines payment to a specific party is required to ensure compliance with s. 45.356 and this chapter. Checks shall not be released until the department has received all necessary documentation and all requirements set forth in department's commitment letter have been complied with to the satisfaction of the department.

(6) **DELINQUENCY ON DEPARTMENT LOANS.** The department shall not approve a loan to an applicant who is delinquent on another loan from the department.

(7) **MAXIMUM AMOUNT AND USE OF LOAN.** A person may have more than one personal loan program loan at the same time. The person's indebtedness to the department may not exceed \$10,000 under the personal loan program. In no case may a person's total indebtedness to the department exceed \$15,000 under the personal loan program, the economic assistance loan program under s.45.351(2), 1995 stats., and the veterans trust fund stabilization loan program under s.45.356, 1995 stats. A personal loan program loan may not be used to refinance any portion of an existing personal loan program loan or a veterans trust fund stabilization loan under s.45.356, 1995 stats.

(8) **BAD CREDIT PRACTICES.** Applications from applicants who have failed to pay their obligations in compliance with a repayment agreement or have quitclaimed real estate to a lender in lieu of foreclosure within the last 5 years shall be denied unless such applications show strong off-setting characteristics. The department may consider whether the lender did not incur a loss as a result of the quitclaim and whether a loss of employment due to no fault of the applicant or other unavoidable circumstances caused the underlying repayment problem.

(9) **DELINQUENT SUPPORT, SEPARATE MAINTENANCE PAYMENTS, MEDICAL AND BIRTH EXPENSES.** If the department has not received a certification under s. 46.255 (7) Stats. that the applicant is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses, the applicant's credit may be considered favorable if medical or birthing expenses do not exist or payments for such expenses are being made in accordance with a court order and child support and maintenance payments are current as of the date of approval of the personal loan program loan by the department. Evidence that the applicant is current shall be required if the child support or maintenance is not paid in the State of Wisconsin. If the applicant is in arrears or expenses exist, then a personal loan program loan may only be made to that applicant, if the amount necessary for the arrearage or expense is to be paid from proceeds of the department's loan.

(10) **TOTAL DEBT PAYMENTS.** Where an applicant's total debt payments exceed 35% of the applicant's current monthly income the application shall be denied unless the applicant has a history of excellent debt service combined with either a demonstrated ability to accumulate savings, at least 15% equity in real estate or such other factors as the department finds to be relevant to the applicant's ability and motivation to make higher debt service payments.

(11) **LIABILITIES.** To determine whether the level of indebtedness is excessive, the department may analyze the stated purposes for which an applicant's debts were incurred, the total amount of the indebtedness in relation to income, and the applicant's record of meeting past financial obligations. The purpose for which all debts were incurred shall be stated by the applicant. If the department determines the accumulated indebtedness indicates financial instability or the amount of monthly payments will impair the applicant's ability to make debt service payments and meet ordinary living expenses, the loan application shall be denied. Accumulation of net worth may be considered an indication of creditworthiness.

(12) **BANKRUPTCY, COLLECTION ACCOUNTS, JUDGMENTS AND LIENS.** Applications from applicants currently under federal bankruptcy proceedings shall be denied. Any application from an applicant who has been subject to bankruptcy proceedings or to liens and judgments within the 5 years immediately preceding the application, shall be examined carefully and the circumstances fully analyzed to determine whether the applicant is creditworthy and has demonstrated financial recovery. A copy of the petition, schedules of debts and discharge in bankruptcy along with the applicant's signed statement of the reason for such bankruptcy must be submitted with the loan application. Proceeds of the loan may be used to pay collection accounts, judgments, and liens when approved by the department. No loan shall be approved where a collection account, judgment or lien would remain unsatisfied after distribution of the loan proceeds.

(13) **SUBORDINATION AGREEMENT AND PARTIAL RELEASE OF MORTGAGE.** The department may execute a subordination agreement or release a portion of the property providing security for its mortgage if the mortgagor's equity in the property secured by the mortgage is greater than 10% after the execution of the subordination agreement or partial release, the applicant is current on the loan and the repayment history for the 6 months immediately preceding the request has been satisfactory.

(14) **CO-APPLICANTS.** The department shall consider the income, assets and debts of a co-applicant.

(15) **LOAN CONDITIONS.** The conditions of an approved personal loan program loan, except for the interest rate or income bracket, may be changed without submitting a new loan application. If the applicant desires to change the interest rate or income bracket after a loan has been approved the loan application must be canceled and a new application submitted to the department.

VA 12.03 Security required. Adequate security as set forth in this section shall be required to insure the repayment of all personal loan program loans.

(1) **GUARANTORS.** The department may accept as adequate security the guarantee of personal loan program loan promissory notes by creditworthy and financially acceptable guarantors who are not the spouse of the applicant. Guarantors are subject to the same underwriting criteria as the applicant and the department may request verification of information submitted. There must be at least 1 guarantor on guaranteed personal loan program loan promissory notes. No employe of the department, no county veterans service officer and no other person in any way connected with the administrative duties of the department or serving in an advisory capacity thereto may be accepted as guarantor on any loan unless the applicant is a member of the guarantor's immediate family. Any other Wisconsin resident who is determined by the department to be financially responsible and whose joining in the obligation provides adequate security may be accepted as a guarantor.

(2) **REAL ESTATE SECURITY.** The department may accept real estate as security if the real estate is located in Wisconsin and the applicant submits evidence of at least 10% equity therein after the personal loan program loan has been made. Possession of merchantable title to the real estate by the applicant prior to the closing is required. When the title to the property is held in more than one name all parties with an interest in the real estate must sign the mortgage.

VA 12.04 Interest Rates. Program and individual interest rates shall be determined as set forth in this section.

(1) **PROGRAM INTEREST RATES.** Program interest rates shall be determined by the secretary of the department and adjusted periodically to be no less than 4% below nor more than 4% above the prime rate as reported in the Wall Street Journal on any of the 7 days prior to the determination of the program interest rates. Program interest rates may vary according to the amount of income of the applicants and the type of loan security accepted by the department. Income brackets shall be determined by the secretary of the department and may be adjusted periodically.

(2) **INDIVIDUAL INTEREST RATE.** The individual interest rate on a personal loan program loan shall be fixed for the term of that loan and shall be the lower of the program interest rate applicable to the individual's income bracket and type of loan security in effect on the date an application is accepted for underwriting by the department or the date on which the department approves the loan.

VA 12.05 Real Estate Valuation. (1) **GENERAL.** The department may accept the current equalized assessed full market value or fair market value as stated on the prior year's property tax statement as the value of the property for all purposes.

(2) **APPRAISALS.** If an appraisal is being used to determine the value an appraiser, selected by the applicant from the department's approved list or licensed by the Wisconsin Department of Regulation and Licensing, must perform the appraisal and complete the appraisal form prescribed by the department. The applicant shall be responsible for payment of the appraisal expenses.

(3) **USE OF APPRAISALS.** If the applicant submits an appraisal the appraisal is advisory only. The department may consider age of the appraisal, equity established by the appraisal, condition of the property or market value established by the appraisal in evaluating the appraisal submitted. The department may determine the value of properties for its purposes by means of property inspection by department representatives, by obtaining appraisal reports at its own expense, or by such other means as it may deem practical.

VA 12.06 Educational Loans. Deferment of payments and underwriting criteria of personal loan program loans used to meet the educational expenses of an applicant shall be determined as set forth in this section.

(1) **DEFERMENT OF PAYMENTS.** Subject to sub (2), where an applicant who is enrolled in a full-time study course of instruction, as verified by the educational institution in which the applicant is enrolled, or in a part-time study course of instruction only in cases hereinafter set forth, applies for deferment of the obligation to commence or continue to make payments on a loan, the department may grant a deferment if the installments on such loan are less than 90 days delinquent at the time of approval of the deferment and, in the case of a guaranteed loan, if the guarantors consent in writing to the deferment. A deferment may not exceed 1 year and may not extend more than 3 months beyond the anticipated completion date of the applicant's educational objective but an applicant may qualify for additional deferments if eligible for such deferments under the provisions of this subsection at the time of application therefor. The department may grant deferments to an applicant enrolled in a part-time course of instruction because such applicant is disabled or unable due to physical or mental disability to enroll in a full-time course of instruction, is a graduate student who has completed the course of work required for a degree but must complete a thesis requirement, or is in the final semester or term of an educational program

and needs less than full-time study to meet graduation requirements. Participation in a medical internship program shall be deemed to be enrollment in a full-time course of instruction for the purposes of this subsection.

(2) LIMITATIONS ON DEFERMENT. The department may initially defer payments under the provisions of sub (1) only for an applicant whose income falls within the lowest income bracket designated by the secretary of the department under 12.04(1). Payments may be deferred on only one department loan under s.45.351(2), 1995 stats., and s.45.356 at the same time. Indebtedness on a deferred loan may not exceed \$5,000.

(3) UNDERWRITING CRITERIA. The department shall not apply the criteria contained in s. VA 12.02(10) or (11) in underwriting an educational loan.

EXEMPTION FROM FINDING OF EMERGENCY

1997 Wisconsin Act 27, at Section 9154, authorizes the department to promulgate rules for the administration of the personal loan program using the emergency rule procedure without providing evidence of the necessity of preservation of the public peace, health, safety or welfare.

This rule shall take effect on the date of publication in the official state newspaper, as provided in s.227.24(1)(c), Stats.

Dated at Madison, Wisconsin, October 10, 1997.

Raymond G. Boland, Secretary
State of Wisconsin
Department of Veterans Affairs

State of Wisconsin

Tommy G. Thompson
Governor

Jon E. Litscher
Secretary



137 East Wilson Street
P.O. Box 7855
Madison, WI 53707-7855

DEPARTMENT OF EMPLOYMENT RELATIONS

February 19, 1998

State Senator Richard Grobschmidt, Senate Chairperson
State Representative Glenn Grothman, Assembly Chairperson
Members, Joint Committee for Review of Administrative Rules
State Capitol
Madison, WI 53702

Dear Senator Grobschmidt, Representative Grothman and Committee Members:

The Department of Employment Relations appreciates the Joint Committee scheduling our request for extension of an emergency rule.

The rule relates to sick leave credits and the catastrophic leave program for nonrepresented state employees and became effective October 12, 1997. The emergency rule increased the sick leave accrual rate for nonrepresented employees from four to five hours per biweekly payperiod. It also expanded the use of catastrophic leave. The emergency rule expires on March 12, 1998.

A permanent rule with the same changes has been submitted to the Revisor of Statutes with a planned effective date of April 1, 1998 — several weeks beyond the expiration date of the emergency rule.

If the emergency rule is not extended, the sick leave accrual rate for nonrepresented employees would revert to its lower level on March 13. Meanwhile, represented employees — who constitute the majority of civil service employees — would still receive the higher rate under their union contracts. When the permanent rule took effect on April 1, the higher rate would then again apply to all employees. Besides the adverse impact on state employees, this scenario would require two payroll programming changes at great inconvenience and cost.



AN EQUAL OPPORTUNITY EMPLOYER



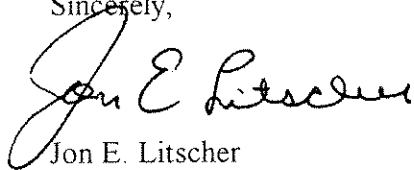
State Sen. Grobschmidt
State Rep. Grothman
February 19, 1998

Page Two

For these reasons, we request a 60-day extension of the emergency rule, which would provide an extra cushion to cover any unforeseen problems in the promulgation process.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher". The signature is written in dark ink and is positioned above the typed name.

Jon E. Litscher
Secretary

JEL:BVH

Senate/Assembly

EXECUTIVE SESSIONS

Joint committee for review of Administrative Rules

The committee will hold an Executive session on the following items at the time specified below:

Thursday, February 19, 1998
10 AM
Hearing Room 1
Lower Level
119 Martin Luther King, Jr. Blvd.
Madison, Wisconsin

ER 18

Relating to annual leave, sick leave credits, the adjustment of sick leave balances for state employees and catastrophic leave.

DOC 310

Relating to the inmate complaint review system.

VA 12

Relating to the personal loan program.


RICHARD GROBSCHMIDT
Senate Co-Chair


GLENN GROTHMAN
Assembly Co-Chair

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

DATE 2-19-98 Executive Session Public Hearing _____ Rule _____

Moved by Grobschmidt Seconded by Welch

MOTION: That the JCRAR extend the effective date of the emergency rule of the Department of Employment Relations relating to annual leave, sick leave credits, the adjustment of sick leave balances for state employees and catastrophic leave for a period of 60 days.

LEGISLATOR	AYE	NO	ABSENT
Senator GROBSCHMIDT	X		
Senator POTTER	X		
Senator GEORGE	X		
Senator WELCH	X		
Senator SCHULTZ	X		
Representative GROTHMAN	X		
Representative GUNDERSON			X
Representative SERATTI	X		
Representative YOUNG			X
Representative KREUSER	X		
Totals			

MOTION CARRIED "

MOTION FAILED "

Committee Meeting Attendance Sheet
Joint Committee for Review of Administrative Rules

Date Feb 19, 1998 Meeting Type Executive Session

Location LL1 119 MLK

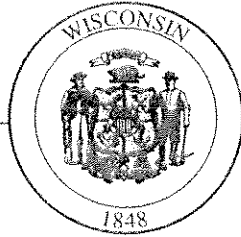
COMMITTEE MEMBER	PRESENT	ABSENT	EXCUSED
1. Senator GROBSCHMIDT	X		
2. Senator POTTER	X		
3. Senator GEORGE	X	X	
4. Senator WELCH	X		
5. Senator SCHULTZ	X		
6. Representative GROTHMAN	X		
7. Representative GUNDERSON		X	
8. Representative SERATTI	X		
9. Representative YOUNG		X	
10. Representative KREUSER	X		
Totals			

s:\comclerk\attend

John Sumi / Steve Krieser, Committee Clerk

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

ROOM 404 • 100 NORTH HAMILTON
MADISON, WI 53707
(608) 266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

ROOM 125 WEST • STATE CAPITOL
MADISON, WI 53702
(608) 264-8486

JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

February 20, 1998

Raymond G. Boland, Secretary
Department of Veterans Affairs
P.O. Box 7843
Madison, WI 53707-7843

Dear Secretary Boland:

We are writing to inform you that the Joint Committee for Review of Administrative Rules met in executive session on February 19, 1998, and adopted the following motion

"Moved by Senator Grobschmidt and seconded by Senator Welch that the JCRAR extend the effective date of the emergency rule of the Department of Veterans Affairs relating to the personal loan program for a period of 60 days."

The motion carried by a vote of eight in favor, none against, and two members absent.

Pursuant to s. 227.24(2)(c), we are notifying the Secretary of State, and the Revisor of Statutes, of the committee's action through copies of this letter.

Sincerely,


RICHARD GROBSCHMIDT
Senate Co-Chair

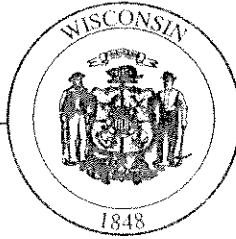

GLENN GROTHMAN
Assembly Co-Chair

RG:GSG:js

cc: Secretary of State La Follette
Gary Poulson, Asst. Revisor of Statute

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

ROOM 404 • 100 NORTH HAMILTON
MADISON, WI 53707
(608) 266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

February 20, 1998

Michael J. Sullivan, Secretary
Department of Corrections
P.O. Box 7925
Madison, WI 53707-7925

Dear Secretary Sullivan:

We are writing to inform you that the Joint Committee for Review of Administrative Rules met in executive session on February 19, 1998, and adopted the following motion

"Moved" by Senator Grobschmidt and seconded by Senator Welch that the JCRAR extend the effective date of the emergency rule of the Department of Corrections relating to the inmate complaint system, for a period of 60 days."

The motion carried by a vote of eight in favor, none against, and two members absent.

Pursuant to s. 227.24(2)(c), we are notifying the Secretary of State, and the Revisor of Statutes, of the committee's action through copies of this letter.

Sincerely,

RICHARD GROBSCHMIDT
Senate Co-Chair

GLENN GROTHMAN
Assembly Co-Chair

RG:GSG:js

cc: Secretary of State La Follette
Mary Poulson, Asst. Revisor of Statute

SENATOR RICHARD GROBSCHMIDT
CO-CHAIRMAN

Room 404 • Hamilton
Madison, WI 53707
Phone: 608-266-7505



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

Room 125 West • State Capitol
Madison, WI 53703
Phone: 608-264-8486

**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

February 20, 1998

Jon E. Litscher, Secretary
Department of Employment Relations
P.O. Box 7855
Madison, WI 53707-7855

Dear Secretary Litscher:

We are writing to inform you that the Joint Committee for Review of Administrative Rules met in executive session on February 19, 1998, and adopted the following motion

"Moved by Senator Grobschmidt and seconded by Senator Welch that the JCRAR extend the effective date of the emergency rule of the Department of Employment Relations relating to annual leave, sick leave credits, the adjustment of sick leave balances for state employees and catastrophic leave for a period of 60 days."

The motion carried by a vote of eight in favor, none against, and two members absent.

Pursuant to s. 227.24(2)(c), we are notifying the Secretary of State, and the Revisor of Statutes, of the committee's action through copies of this letter.

Sincerely,

RICHARD GROBSCHMIDT
Senate Co-Chair

GLENN GROTHMAN
Assembly Co-Chair

RG:GSG:js

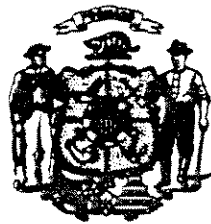
cc: Secretary of State La Follette
Gary Poulson, Asst. Revisor of Statute

WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 97-106

AN ORDER to repeal DOC 310.025 (intro.), (6) and (7), 310.03 (5), 310.04 (2) (a) and (3) (a) to (d), 310.06 (3) and (4), 310.08, 310.09 (7) to (9), 310.12 (1), 310.13 (7) and 310.14 (3); to renumber and amend 310.01 (2) (b) to (g), 310.015, 310.02 (2) to (6) and (8) to (10), 310.025 (title), (1) and (2), 310.0125 (2) (a) to (c) and (3) to (5), 310.03 (title) and (1) to (4), 310.04 (title), (1), (2) (intro.) and (c) to (e), (3) and (5), 310.05, 310.06 (2), (5) and (6), 310.07, 310.09 (title), (1), (2), (4), (10) and (11), 310.10 (1) and (2) (intro.), (b) and (c), 310.12 (2) to (4), 310.13 (1), (2), (5) and (6) and 310.14 (1) and (2); to renumber 310.02 (intro.), (1) and (7), 310.025 (title), 310.04 (2) (b), 310.05 (title), 310.06 (title) and (1), 310.07 (title), 310.09 (3), (5) and (6), 310.10 (title), (2) (a) and (3), 310.12 (title), 310.13 (3) and (4) and 310.14 (title) and (2) (a) to (d); to amend 310.01 (2) (intro.) and (a) and 310.02; and to create 310.01 (2) (b), 310.03 (2), (3), (5), (9), (10), (13), (14), (15) and (17), 310.05, 310.06 (2) (b) and (c) and (6), 310.08 (2) (a) and (f) and (4), 310.10 (3), 310.11 (4), (5) and (11), 310.12 (title) and (1) to (4), 310.14 (2) (d), 310.15 (1) and (2), 310.18 and 310.19, relating to the inmate complaint review system.

Submitted by **DEPARTMENT OF CORRECTIONS**

07-30-97 RECEIVED BY LEGISLATIVE COUNCIL.
08-27-97 REPORT SENT TO AGENCY.

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO

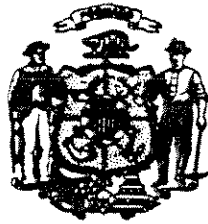
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

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CLEARINGHOUSE RULE 97-106

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 October 1994.]

2. Form, Style and Placement in Administrative Code

- a. In the treatment clause of SECTION 1, "(intro.) and (a)" should replace "and 310.01 (2) (a)."
- b. In SECTION 4, the treatment clause should state that the paragraphs, as renumbered, are amended. This comment applies throughout the rule. Also, throughout the rule, "to" should replace "through" in treatment clauses.
- c. In s. DOC 310.01 (2) (g), "~~and~~" should be inserted after the stricken semicolon.
- d. In s. DOC 310.03 (6), the agency should place the second sentence in a different section since it is a substantive provision. [See s. 1.01 (7) (b), Manual.]
- e. In s. DOC 310.03 (7), the word "inmate" before "complaint" should be underscored. Also in that subsection, "~~that~~" should be deleted.
- f. In s. DOC 310.06 (3), the comma after "authority" should not be underscored.
- g. In s. DOC 310.07 (2), the comma after "examiner" should be deleted. Also in that subsection, the parentheses in "(IC)" should be deleted.
- h. In s. DOC 310.08 (2) (intro.), "~~institution~~" should be replaced with "institutional."
- i. In s. DOC 310.08 (2) (e), "~~of on~~" should be replaced with "on" unless the drafter intends to use a different word.

- j. In the treatment clause to SECTION 28, "(intro.)" should be inserted after the first "(3)."
- k. In s. DOC 310.09 (6), the first use of "complaints" in the first sentence should not be underscored. Also in that subsection, the periods at the end of the two sentences should not be underscored.
- l. In s. DOC 310.11 (1), "Only" should precede "Except." Throughout the rule, stricken material should always precede adjacent underscored material.
- m. In s. DOC 310.11 (2), "dated for purposes of identification" should be underscored.
- n. In s. DOC 310.11 (7), "appropriate reviewing authority" should be placed immediately before the period.
- o. In SECTION 60, in the treatment clause, "(2)" should be inserted between "310.14" and "(b)."
- p. In SECTION 63, "(4) (a) through (4) (c)" should be deleted from the treatment clause. Referencing sub. (4) is adequate. This comment also applies to SECTION 67.
- q. In SECTION 64, "(title)" should be inserted before the period in the treatment clause.
- r. In the treatment clause to SECTION 73, the second "SECTION" should be deleted.
- s. In s. DOC 310.16 (2), the comma after "security" should be underscored.
- t. In the Note to s. DOC 310.01, paragraph 2, sentence 3, "issues" should be underscored and "questions" should be stricken through.
- u. In the Note to s. DOC 310.05, paragraph 4, sentence 1, it appears that "~~should not~~" should be inserted before "may" and that "may" should be underscored.
- v. In the Note to s. DOC 310.09, paragraph 3, sentence 2, "adequately" should be inserted after "possible to."
- w. In the Note to s. DOC 310.09, paragraph 3, sentence 3, "a" should not be underscored.
- x. In the Note to s. DOC 310.12, paragraph 1, sentence 1, "~~calendar~~" should be inserted before "working" and "working" should be underscored.
- y. In the Note to s. DOC 310.13, paragraph 1, sentence 1, "adverse" should not be underscored.
- z. In the Note to s. DOC 310.13, paragraph 2, sentence 1, the period should not be underscored.
- aa. In the Note to s. DOC 310.16, paragraph 2, sentence 2, please review the amendments. It is unclear how the agency wishes to amend the sentence.

ab. In the Note to s. DOC 310.16, paragraph 3, sentence 3, "rather" should be inserted before "abuse."

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the section of the plain language analysis relating to statutory authority, "(2)" should be deleted from the cite to s. 301.02, Stats.

b. In SECTION 16, in the treatment clause, "(intro.)" should be inserted after "310.025 (2)" and "310.06 (2)."

c. In s. DOC 310.06 (2) (d), it appears that the cite to s. DOC 310.11 (9) should be to s. DOC 310.11 (7).

d. In s. DOC 310.06 (2) (e), the cite to s. DOC 310.11 (13) should be to s. DOC 310.11 (3).

e. Section DOC 310.19 allows the secretary to suspend a provision of ch. DOC 310 in an emergency. The Note to this section states that "(t)he rules define an emergency." It is not clear where "emergency" is defined. Can a cross-reference be included?

f. In the Note to s. DOC 310.11, paragraph 5, sentence 1, it appears that the cites to subs. (10) and (11) should be to subs. (8) and (9).

g. In the Note to s. DOC 310.16, paragraph 6, sentence 2, it appears that the cite to s. DOC 303.271 should not be changed.

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

a. In s. DOC 310.03 (6), "employee" should be spelled "employe."

b. In s. DOC 310.06 (2) (a) to (e), the verbs are in the wrong tense due to the amendment to the introductory sentence. For example, in par. (a), "Investigates" should be "Investigate."

c. In s. DOC 310.03 (17), it appears that the text defines "significant issue."

d. In s. DOC 310.09 (4), "should" should be replaced with "shall."

e. In s. DOC 310.06 (6), "reviews" should be replaced with "shall review." If this change is made, "makes" and "ensures" should be replaced with "make" and "ensure."

f. In s. DOC 310.11 (1), the reference to s. DOC 310.07 (2) is not helpful in this subsection without further explanation. Section DOC 310.07 (2) simply permits the warden to appoint someone to function in place of the institution complaint examiner. It would be helpful to explain what the responsibilities of the person appointed are in relation to collecting complaints.

g. In s. DOC 310.11 (2), it appears that the first sentence would be more appropriately placed in the section concerning filing complaints. Alternatively, this subsection could require whoever is processing the complaints to assign a separate file number to each issue contained in a complaint.

Also in that subsection, it would be clearer to delete the comma after "identification" and to insert "and."

h. In s. DOC 310.08 (4), it would be clearer to replace the text after "directed" with "as follows to the appropriate reviewing authority:" or with "as follows:".

i. In s. DOC 310.13 (4), it appears that it would be more appropriate to use "rejected" instead of "dismissed" to be consistent with s. DOC 310.11 (4). This comment also applies to the Note to this subsection.

j. In the Note to s. DOC 310.01, paragraph 2, sentence 3, "form" should be replaced with "forum."

k. In the Note to s. DOC 310.11, paragraph 3, sentence 4, "tension" should be replaced with "tensions."

l. In the Note to s. DOC 310.16, paragraph 2, sentence 1, "identify" should be replaced with "identity."

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