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CLEARINGHOUSE RULE 00-046

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. Section DWD 270.085 (1) (intro.) and (2) (intro.) are awkwardly drafted and should be redrafted as follows:

DWD 270.085 (1) (intro.) SPECIFIC ALLOWABLE ACTIVITIES. A student may perform worklike activities in his or her own elementary or secondary school, with or without compensation, which shall not constitute employment if all of the following conditions are met:

DWD 270.085 (2) (intro.) CONDITIONS FOR OTHER WORKLIKE ACTIVITIES. A student may perform worklike activities, other than those listed in sub. (1) (a), in his or her own elementary or secondary school, with or without compensation, which shall not constitute employment if all of the following conditions are met:

Also, in light of the above, the second sentence of sub. (2) (a) should be deleted.

b. In the treatment clause of SECTION 2, “DWD” should be inserted before “272.085.”

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

a. In s. DWD 272.085 (1) (a), the reference to “established federal Fair Labor Standards Act rates” is insufficient to inform the reader of the specific federal rates or where those rates may be found. This provision should contain a specific reference to the applicable U.S. Code section that sets forth the wage rates. The reference to the “federal Fair Labor Standards Act” may be placed in a note.

b. In s. DWD 272.085, it appears that the correct reference is to s. DWD 270.085.

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

In the first sentence of s. DWD 270.085 (2) (a), “and” should be substituted for the first comma, a period should be inserted after the first “student” and the remainder of the sentence should be deleted. The meaning of the last clause in the sentence is unclear and the clause is probably unnecessary since the activity must be “basically educational.”