



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-139

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 2002.]

2. Form, Style and Placement in Administrative Code

a. Generally, when text of an administrative rule is amended, the full section citation of the amended provision is provided after the treatment clause for the first treatment in each section. For example, in s. ER 3.03 (4), rather than beginning the treatment with “(4),” the treatment should begin with a citation to “ER 3.03 (4).” The entire rule should be reviewed for consistent treatment with this comment. [See s. 1.04 of the Manual for examples of appropriate treatment.]

b. In s. ER 29.03 (1) and in the treatment clause of SECTION 23, the word “through” should be replaced by the word “to.”

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

a. In s. ER 10.02 (4), the reference to s. 230.35 (4e), Stats., should be to s. 230.35 (4) (e), Stats. This comment also applies to the statement of statutes interpreted by the rule.

b. Because s. ER 18.025 (5) (b) combines the treatment of annual leave at the rates of 200 and 216 hours per year, the provision should also refer to s. 230.35 (1p) (bm), Stats.

c. In s. ER 18.15 (1) (c), the statutory reference should be to s. 230.08 (2) (cm), (d), and (k), Stats. In addition, it might be helpful to describe in the analysis to the rule why certain employees are being excluded from coverage under this provision.

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

a. In s. ER 3.03 (4), and throughout both the current and the proposed rule, the term “compensation plan” is used relatively extensively. The term, however, does not seem to be defined. It is suggested that a definition to “compensation plan” or “the compensation plan” be included in ch. ER 1 and that the definition effectively provide that “compensation plan” means the compensation plan adopted under s. 230.12, Stats.

b. In s. ER 18.15 (2) (b) 3., the word “an” should not be stricken.

c. In s. ER 29.01 (4), an “s.” should be inserted before the reference to s. ER 29.05. In addition, it is noted that rather than including the purpose statement in with the definitions for ch. ER 29, the purpose provision could be put in a new s. ER 29.005 or s. ER 29.02, for example.