



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 18-033

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. The plain language analysis states that the proposed rule repeals the definition of “employer”. However, the definition of “employer” in s. DWD 100.02 (19) is not affected by the proposed rule. Does the agency intend to repeal this definition, or does the repeal of “employer” refer to the language stricken in s. DWD 115.001 (2)?

b. In the plain language analysis, the agency should explain the changes made in ss. DWD 132.04 (1) and (2) (a) and 132.05 (1) (a) of the proposed rule.

c. Throughout the proposed rule, when all subparts of a part are treated in the SECTION’s treatment clause, only the part should be listed in the SECTION. For example:

- (1) In SECTION 28, the treatment clause should read: “DWD 102.02 (1) and (3) (a) are amended to read:”. The introduction and subdivisions of par. (a) need not be listed.
- (2) In SECTION 33, the treatment clause should read: “DWD 110.05 is amended to read:”. The introduction and subsections of s. DWD 110.05 need not be listed.
- (3) In SECTION 39, the treatment clause should read: “DWD 110.09 (1) is amended to read:”. The introduction and paragraphs of sub. (1) need not be listed.

d. In SECTION 3, “DWD 113.001 (2) (bm)” should replace “DWD 113.001 (1) (cm)” because the definitions are contained in sub. (2) and the definitions in s. DWD 113.001 (2) should appear in alphabetical order.

e. In s. DWD 103.01 (1), “~~directors~~ directors” should replace “directors_” in two instances. [s. 1.06 (2), Manual.]

f. In s. DWD 113.03 (4) (intro.), “any of” should be inserted before “the following”. [s. 1.03 (3), Manual.]

g. In s. DWD 114.30 (1), “~~days~~ days” should replace “days_”. [s. 1.06 (2), Manual.]

h. In s. DWD 136.001 (2) (a), the comma after “s. 108.225 (1) (d)” should not be underscored because it is existing text. [s. 1.06, Manual.]

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

a. In s. DWD 102.02 (3) (am), “, Stats.” should be inserted after “s. 108.18 (2) (c)”. [s. 1.07 (2), Manual.]

b. Section DWD 115.11 (2) (c) references s. DWD 110.07 (5), but that provision is repealed in SECTION 36 of the proposed rule.

c. In s. DWD 132.05 (1) (a), “s.” should be inserted before “108.04 (5), Stats.”. [s. 1.07 (2), Manual.]

d. In s. DWD 136.001 (2) (a) (Note), “s. 108.225 (1) (d), Stats.,” should replace “108.225 (1) (d)”. A similar comment applies to s. DWD 136.001 (2) (b) (Note) and (2) (f) (Note). In addition, in s. DWD 136.001 (2) (a) (Note), “s. 108.225, Stats.” should replace “this section”. [s. 1.07 (2), Manual.]

e. Sections DWD 149.06 (4) and 149.07 (6) reference 42 USC 503 (a) (1), which requires state law to include “methods of administration ... as are found by the Board [Secretary of Labor] to be reasonably calculated to insure full payment of unemployment compensation when due”. The provision does not specifically refer to confidentiality requirements. Does the agency intend to refer to this provision?

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

a. In s. DWD 132.05 (2) (intro.), “, but is not limited to” should be stricken.

b. In s. DWD 140.18, “the department may not” should replace “the department shall not”. [s. 1.01 (2), Manual.]

c. In s. DWD 149.001 (2) (d) (Note), the acronyms “WDB” and “WIOA” should be spelled out in the first instance they are used. [s. 1.01 (8), Manual.]