



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 23-023

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

a. It is not clear as to why the clarification provided under SECTION 3 is necessary. Please provide more context describing the need for the clarification. Which category of eligible employee may earn sick leave that is not creditable for health insurance premium purposes? If possible, provide examples of circumstances where employers or employees have attempted to use sick leave credits earned outside of participating employment in the calculation of health insurance premium credits.

b. It is not clear why ss. ETF 10.61 and 10.62 are being repealed in SECTION 4. Please explain why these sections are no longer necessary for the purposes of OASDHI reporting.

c. In SECTION 8, it is not clear why it is necessary to repeal the exclusion of documents transmitted in relation to the private employer health care coverage board. Is the board no longer active or may the documents now be received electronically for some reason?

d. Additional context for the provisions of the proposed rule deleting “obsolete language” and making other “minor substantive changes” would assist in the verification of the statutory authority for such modifications. Please consider adding individual descriptions of the need for each repeal and amendment.

2. Form, Style and Placement in Administrative Code

In SECTION 17, the term “full protective duty” is not defined elsewhere in the rule or in statute. This term should be defined in order to clarify its meaning. Note, however, that in subsequent correspondence, the agency indicated its intent to modify the provision to read, “after the date of their injury”, instead of the original language, “after their last day in full protective duty”. Such modification would rectify the issue.