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State of Wisconsin
Department of Workforce Development

Rule Analysis for Legislative Review

Proposed Rules Relating to Notice to Home Care Consumers and Home Care Workers
Chapter DWD 277
CR 06-138

Basis and Purpose of the Proposed Rules

Section 105.115, Stats., as created by 2005 Wisconsin Act 197, requires a home placement agency that places a home care worker in the residence of a home care consumer to provide notice to the home care consumer of the consumer's duties, responsibilities, and liabilities with respect to the worker and to provide notice to the home care worker stating the worker's employment status.

The proposed rule will assist home care placement agencies in fulfilling their statutory obligation to have signed copies of the required notices in their files and to retain the notices long enough that they are available as a defense to a complaint or action in circuit court alleging a violation of the statute.

Public Hearing Summary

A public hearing was held in Madison on January 25, 2007. A summary of the hearing comments and the department's response is attached.

Response to Legislative Council Staff Recommendations

All comments were accepted.

Changes to Analysis Prepared under s. 227.114 (2), Stats.

The definition of "home care placement agency" was clarified to state that "home care placement agency" does not include a person who employs a home care worker and pays wages or salary, federal social security taxes, and state and federal unemployment contributions or taxes; carries worker's compensation insurance as required by state law; and maintains liability insurance covering the acts of its employees while providing home care services.

Final Regulatory Flexibility Analysis

The proposed rule affects small businesses but does not have a significant economic impact on a substantial number of small businesses.

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