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STATE OF WISCONSIN)
) SS
LABOR AND INDUSTRY REVIEW COMMISSION)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, David A. Pearson, Chairman of the Labor and Industry Review Commission and custodian of the official records do hereby certify that the annexed rules relating to procedural rules concerning the petition to and handling by the labor and industry review commission of cases arising under ss. 40.65(2), 56.07(7), 56.21, 66.191, 101.22, 101.223(4), 102.18(2) and (3), 108.09(6)(a), 108.10(2) and 111.36, Stats., were duly approved and adopted by this commission on June 22, 1982. I further certify that this copy has been compared by me with the original on file in this commission and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the labor and industry review commission in the city of Madison, this 23rd day of June, 1982.

David A Pearson



ORDER OF
THE LABOR AND INDUSTRY REVIEW COMMISSION

Relating to procedural rules concerning the petition to and handling by the labor and industry review commission of cases arising under ss. 40.65(2), 56.07(7), 56.21, 66.191, 101.22, 101.223(4), 102.18(2) and (3), 108.09(6)(a), 108.10(2) and 111.36, Stats.

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ANALYSIS PREPARED BY LABOR AND INDUSTRY REVIEW COMMISSION

The changes to LIRC Chapters 2 through 4 in this order reflect statutory amendments in the period to petition for review. Addresses for filing petitions in all programs are made more specific by including post office box numbers. Places for filing are expanded in unemployment and workers compensation to include the commission's office. The commission is specified as the exclusive place for the Department of Industry, Labor and Human Relations to file petitions for review in unemployment compensation cases under its recently created authority to appeal limited kinds of cases.

A fee of 50¢ per page is established for unemployment compensation transcripts, as required under s. 108.09(5)(b), Stats. Provision is made for those who cannot pay to obtain copies free.

The general provisions are amended to clarify commission practice regarding the timeliness of petitions when due dates fall on state holidays as listed in s. 230.35(4)(a), Stats.

Pursuant to authority vested in the Labor and Industry Review Commission by ss. 101.04(2) and 108.09(5)(b), Stats., the Commission proposes to repeal LIRC 2.01(3), 2.02, 3.01(2) and 4.01(2); to amend LIRC 1.01, 1.02, 2.01(title) and (1)(intro.) and (c), 2.03, 2.04, 3.01(1)(intro.) and (a), 3.04, 3.05, 4.01(1)(intro.) and (b); to repeal and recreate LIRC 2.01(2); and to create LIRC 2.01(1)(d) and (e) interpreting ss. 40.65(2), 56.07(7), 56.21, 66.191, 101.22(4p), 101.223(4), 102.18(2) and (3), 108.09(6)(a), 108.10(2), and 111.36, Stats., as follows:

SECTION 1. Section LIRC 1.01 of the Wis. Adm. Code is amended to read:

LIRC 1.01 GENERAL. The labor and industry review commission has jurisdiction for review of cases arising under ss. 40.65(2), 56.07(7), 56.21, 66.191, 101.22, 101.223(4), 102, 108, 102.18(2) and (3), 108.09(6)(a), 108.10(2) and 111.36, Stats.

SECTION 2. Section LIRC 1.02 of the Wis. Adm. Code is amended to read:

LIRC 1.02 PETITIONS. All petitions for commission review shall be received within the statutory appeal period provided in each individual program within the commission's jurisdiction. "Received" means physical receipt. A mailed petition postmarked on or prior to the last day of an appeal period but received on a subsequent day is not a timely appeal. All petitions or appeals shall be in writing. The receipt may be on the next succeeding business day if the last day for filing falls on Saturday, Sunday or any of the following:

- (1) January 1;
- (2) Good Friday;
- (3) the last Monday in May;
- (4) July 4;
- (5) the first Monday in September;
- (6) the fourth Thursday in November;
- (7) December 24, 25 or 31;
- (8) the Monday following if January 1, July 4 or December 25 falls on Sunday.

SECTION 3. Sections LIRC 2.01(title) and (1)(intro.) and (c) of the Wis. Adm. Code are amended to read:

LIRC 2.01 PETITIONS. (1) A petition for commission review of an appeal tribunal decision under s. 108.09, or 108.10, Stats., shall be received within 14 21 days after the date of mailing of the decision to the parties and during regular office hours by an employe of the job service division, department of industry, labor and human relations, or an employe of the commission, at

(c) the central administrative office of the department, bureau of legal affairs, job service division, ~~room-325~~, 201 East Washington Avenue, P. O. Box 7905, Madison, Wisconsin 53707, or

SECTION 4. Sections LIRC 2.01(1)(d) and (e) of the Wis. Adm. Code are created to read:

(d) the office of the labor and industry review commission, room 453, 201 East Washington Avenue, P. O. Box 8126, Madison, Wisconsin 53708.

(e) In the case of an interstate claimant one of the above or by a qualified employe of the agent state in which the interstate claimant files claim.

SECTION 5. Section LIRC 2.01(2) of the Wis. Adm. Code is repealed and recreated to read:

(2) Petitions by the department shall be filed only at the office of the commission.

SECTION 6. Sections LIRC 2.01(3) and 2.02 of the Wis. Adm. Code are repealed.

SECTION 7. Section LIRC 2.03 of the Wis. Adm. Code is amended to read:

LIRC 2.03 HEARING TAPES. Copies of hearing tapes may be requested and obtained according to s. 108.09(5), Stats., from the job service division, department of industry, labor and human relations, bureau of legal affairs, ~~room-325~~, 201 East Washington Avenue, P. O. Box 7905, Madison, Wisconsin 53707.

SECTION 8. Section LIRC 2.04 of the Wis. Adm. Code is amended to read:

LIRC 2.04 TRANSCRIPTS. Copies of transcripts may be requested and obtained according to s. 108.09(5), Stats., from the labor and industry review commission, room 453, 201 East Washington Avenue, P. O. Box 8126, Madison, Wisconsin 53708. A fee of 50 cents per page, or a minimum fee of 10 dollars which shall constitute the advance fee under s. 108.09(5)(b), Stats., shall be charged. Upon proper showing of financial inability to pay for copies of such testimony or proceedings, the commission may furnish copies of transcripts on such terms as may be agreed upon. Transcripts shall be furnished after payment of the fee, except that a transcript need not be furnished if the requesting party does not file a timely appeal and the right to further appeal has expired. In such a situation the commission shall refund all or part of the advance payment after taking into account how much of the transcript was completed.

SECTION 9. Sections LIRC 3.01(1)(intro.) and (a) of the Wis. Adm. Code are amended to read:

LIRC 3.01 PETITIONS. (1) A petition for commission review of the findings or order of a department of industry, labor and human relations' hearing examiner shall be ~~filed~~ ~~(received)~~ received within ~~20~~ 21 days from the date of mailing of the findings and order to the parties and during regular office hours by an employe of either the worker's compensation division or job service division of the department at:

(a) the central administrative office of the worker's compensation division, room 152, 201 East Washington Avenue, P. O. Box 7901, Madison, Wisconsin 53707, or

SECTION 10. Section LIRC 3.01(2) of the Wis. Adm. Code is repealed.

SECTION 11. Sections LIRC 3.04 and 3.05 of the Wis. Adm. Code are amended to read:

LIRC 3.04 TRANSCRIPTS. Transcripts of testimony at hearings conducted by hearing examiners of the worker's compensation division, department of industry, labor and human relations, may be requested and obtained from the worker's compensation division of the department, according to s. Ind 80.14, Wis. Adm. Code. ~~Under s. Ind 80.14(1)(d), Wis. Adm. Code, the~~ The commission may direct the preparation of a transcript for the purpose of commission review if a satisfactory showing is made by any party that the synopsis of testimony prepared by the hearing examiner of the department of industry, labor and human relations is not sufficiently complete and accurate to reflect the relevant and material testimony and other evidence taken.

LIRC 3.05 OTHER PETITIONS. The provisions of s. 102.18, Stats., shall apply to all petitions to the commission under ss. 40.65(2), 56.07(7), 56.21 and 66.191, Stats.

SECTION 12. Sections LIRC 4.01(1)(intro.) and (b) are amended to read:

LIRC 4.01 PETITIONS. (1) A petition for commission review of the findings and order of a department of industry, labor and human relations' hearing examiner shall be ~~filed~~ ~~(received)~~ received within 20 days from the date of mailing of the findings and order to the parties and during regular office hours by an employe of the equal rights division of the department at:

(b) the central administrative office of the equal rights division, room 402, 201 East Washington Avenue, P. O. Box 7946, Madison, Wisconsin 53707.

SECTION 13. Section LIRC 4.01(2) of the Wis. Adm. Code is repealed.

The rules contained in this order shall take effect, as provided in s. 227.026, Stats., on the first day of the month following publication in the Wisconsin Administrative Register.

Dated: June 23, 1982

LABOR AND INDUSTRY REVIEW COMMISSION

David A. Pearson
David A. Pearson, Chairman

Virginia B. Hart
Virginia B. Hart, Commissioner

Pamela I. Anderson
Pamela I. Anderson, Commissioner