

# RULES CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
 DEPT. OF INDUSTRY, )  
 LABOR & HUMAN RELATIONS )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to:

Wages for Contribution Purposes and Lump Sum Pension Payments

(Subject)

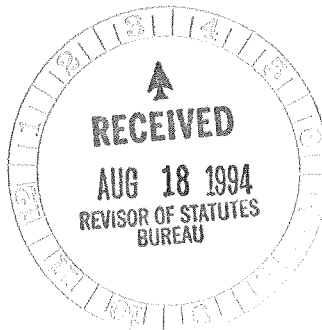
were duly approved and adopted by this department on August 18, 1994.  
 (Date)

I further certify that said copy has been compared by me with the original on file in the department 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 department at 11:15 a.m. in the city of Madison, this 18th day of August A.D. 19 94.

Pat Osborn  
 Secretary

ADM-6056



11-1-94

# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02(1), 108.14(2), 108.02(26), 108.015 and 227.11, Stats.

Stats., the Department of Industry, Labor and Human Relations  creates;  amends;

repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code

chapter(s):

Chapters ILHR 101 & 130

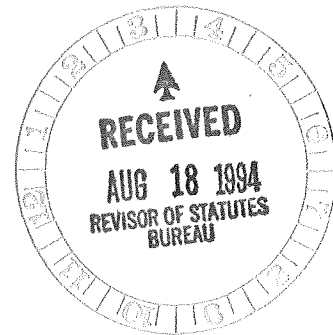
(Number)

Wages for Contribution Purposes & Lump Sum Pension Payments

(Title)

The attached rules shall take effect on the first day of the month following publication in the

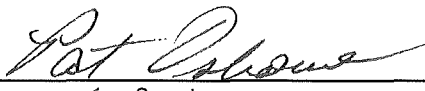
Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: August 18, 1994

DEPARTMENT OF INDUSTRY, LABOR AND  
HUMAN RELATIONS

  
\_\_\_\_\_  
Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

# **RULES in FINAL DRAFT FORM**

**Rule No.:** Chapters ILHR 101 and ILHR 130

**Relating to:** Wages for Contribution Purposes & Lump Sum Pension  
Payments

Clearinghouse Rule No. 94 - 75

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to repeal ILHR 101.001(5) to (10), 101.02, 101.03(2) to (5), 101.04, 101.06, 101.07, 130.001 and 130.09; to renumber ILHR 101.001(1) to (4), 101.05 and 101.10; to renumber and amend ILHR 101.03 (intro) and (1); and to amend ILHR 101.01 relating to wages for contribution purposes and lump sum pension payments.

STATUTORY AUTHORITY: ss. 101.02(1), 108.14(2), 108.015, 108.02(26) and 227.11(2), Stats.

STATUTES INTERPRETED: ss. 108.015, 108.02(26), and 108.05(7), Stats.

#### ANALYSIS OF PROPOSED RULES PREPARED BY

#### THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

The definition of "wages" in s. 108.02(26), Stats., is patterned after the Federal Unemployment Tax Act (FUTA) definition of "wages" found in 26 USC 3306(b). Chapter ILHR 101 clarifies how the department will interpret and apply the Ch. 108, Stats., definition of "wages." 1993 Senate Bill 669 contained a revision of s. 108.02(26), Stats., which incorporated much of what is currently in Ch. ILHR 101 into the statute. As a result, Ch. ILHR 101 has been rewritten to remove those parts which are now contained in the statute. Additionally, sec. ILHR 101.02 has been amended to indicate that law enforcement agency payments to informants are not considered wages. Finally, sec. ILHR 101.09 has been amended to increase the deemed value of lodging and meals supplied by an employer. This deemed value is used when the employer cannot provide either an actual value or a reasonable estimate of the value.

Similarly, portions of Ch. ILHR 130 deal with the unemployment compensation treatment of lump sum pension payments. 1993 Senate Bill 669 incorporated these items into the statute, making these portions of the rule superfluous. As a result, they are being repealed.

STATUTORY AUTHORITY. Pursuant to the authority vested in the department of industry, labor and human relations by ss. 101.02(1), 108.015, 108.02(26), 108.14(2), and 227.11, Stats., the department hereby proposes to repeal, renumber, renumber and amend, and amend rules relating to wages for contribution purposes and lump sum pension payments as follows:

SECTION 1. ILHR 101.001(1) and (2) are renumbered 100.02(2)(a) and (b).

SECTION 2. ILHR 101.001(3) is renumbered 101.001(1).

SECTION 3. ILHR 101.001(4) is renumbered 100.02(2)(d).

SECTION 4. ILHR 101.001 (5), (6), (7), (8), (9), and (10) are repealed.

SECTION 5. ILHR 101.01 is amended to read:

ILHR 101.01 PURPOSE. The definition of wages in s. 108.02(26) is patterned after the FUTA definition of wages found in 26 USC 3306(b). This chapter clarifies how the department shall apply the definition of wages in s. 108.02(26), Stats., to assess employer contributions to the unemployment compensation reserve fund. This chapter also specifies changes to the definition of wages in s. 108.02(26), Stats., under the authority granted in s. 108.02(26)(a), Stats., and provides interpretations which may be inconsistent with those applied to 26 USC 3306(b), under the authority granted in s. 108.015, Stats.

SECTION 6. ILHR 101.02 (intro.) is renumbered 101.02 and amended to read:

ILHR 101.02 REMUNERATION EXCLUDED FROM THE DEFINITION OF WAGES. Notwithstanding s. 108.02(26), Stats., wages shall not include: remuneration paid to an informer or tipster by any federal law enforcement agency or law enforcement agency of the state or any of its political subdivisions for information provided by the individual to the agency.

SECTION 7. ILHR 101.02(1) to (4) are repealed.

SECTION 8. ILHR 101.03 (intro.) and (1) are renumbered 101.03 and amended to read:

ILHR 101.03 REMUNERATION INCLUDED IN THE DEFINITION OF WAGES. Notwithstanding s. 108.02(26), Stats., wages shall include: ~~(1) All~~ all cash and non-cash remuneration paid for agricultural labor.

SECTION 9. ILHR 101.03(2), (3), (4), (5), and 101.04 are repealed.

SECTION 10. ILHR 101.05 is renumbered 101.04.

SECTION 11. ILHR 101.06 and 101.07 are repealed.

SECTION 12. ILHR 101.09 is renumbered 101.05 and amended to read:

ILHR 101.05 VALUE OF ROOM AND MEALS. For purposes of s. 108.02(26), Stats., the employer shall value lodging and meals at the actual value or, if the actual value is not available, the employer shall

make a reasonable estimate of the value. If the actual value or reasonable estimate is not available, the department shall value lodging and meals as follows:

- (1) Lodging - ~~\$70.00~~ \$105.00 per week or ~~\$10.00~~ \$15.00 per day; and
- (2) Meals - ~~\$57.00~~ \$86.00 per week, \$12.30 per day or ~~\$2.75~~ \$4.10 per meal.

SECTION 13. ILHR 101.10 is renumbered 101.06.

SECTION 14. ILHR 130.001 and 130.09 are repealed.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Tommy G. Thompson  
Governor

Carol Skornicka  
Secretary



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## State of Wisconsin Department of Industry, Labor and Human Relations

August 18, 1994

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 W. Wilson St.  
Madison, Wisconsin 53703-3233

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 94-75

RULE NO.: ILHR 101 and ILHR 130

RELATING TO: Wages for Contribution Purposes and Lump Sum  
Pension Payments

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carol Skornicka".

Carol Skornicka  
Secretary