

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date November 19, 2025</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) DWD 80, Worker's Compensation, SS 068-25</p>	
<p>4. Subject Emergency rule regarding procedural rules for hearings and adjudicatory functions for worker's compensation cases and similar cases.</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.445 (1) (ra)</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$There will be no cost of implementation and compliance to businesses, local governmental units or individuals.</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule Worker's compensation adjudicatory functions, including hearings, were transferred from the Department to the Division of Hearings and Appeals (DHA) by 2015 Wisconsin Act 55, effective January 1, 2016. Following the transfer of worker's compensation adjudicatory functions, rules in ch. DWD 80 primarily related to worker's compensation adjudicatory functions were transferred to ch. HA 4 by the Legislative Reference Bureau (LRB) under s. 13.92 (4) (b), Stats. As a result the Department has no rules related to worker's compensation adjudicatory functions and hearings in effect. Worker's compensation adjudicatory functions will be transferred from the DHA to return to the Department by 2025 Wisconsin Act 33, effective January 1, 2026. This emergency rule will create appropriate amendments in ch. DWD 80 to provide the Department with authority for all procedural matters that will be under its purview as of January 1, 2026, and before the Department is able to promulgate permanent rules.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. Not applicable. Section 227.137 (3) (intro.), Stats., requires this information for an economic impact analysis (EIA). Section 227.137 (5), Stats., provides that an EIA is not required for emergency rules.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. Not applicable. Section 227.137 (3) (intro.), Stats., requires this information for an EIA. Section 227.137 (5), Stats., provides that an EIA is not required for emergency rules.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The emergency rule will have no noticeable economic or fiscal impact on employers, business sectors, rate payers, local governmental units or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</p>	

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The policy alternative is to do nothing. If the Department does not move forward with promulgating the emergency rules, the Department will not have authority for adjudicatory procedural matters necessary for conducting worker's compensation adjudicatory functions including hearings. Without the emergency rule there will be confusion and uncertainty for the parties in worker's compensation cases about the procedural rules that apply to litigated cases beginning on January 1, 2026.

16. Long Range Implications of Implementing the Rule

The long-range implication of implementing the emergency rule is to allow the Department time to promulgate permanent rules to incorporate adjudicatory procedural rules into ch. DWD 80 and allow the Department to make further amendments to procedural rules, as warranted, in ch. DWD 80 when the permanent rule is promulgated.

17. Compare With Approaches Being Used by Federal Government

There are no proposed or existing federal statutes or rules related to the emergency rule.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Rules in Illinois for procedures applicable to hearings before worker's compensation arbitrators contain some matters that are similar but are generally more complicated compared to rules in Wisconsin. An example is the Illinois rules provide the Illinois Rules of Evidence apply to all proceedings subject to a few limited exceptions. In Wisconsin rules of evidence and procedure for worker's compensation hearings are promulgated to secure the facts in as direct and simple manner as possible.

Iowa: The rules in Iowa for worker's compensation contested cases procedures contain some similar matters but are more complicated to rules in Wisconsin. Examples are the Iowa rules require the Iowa Rules of Civil Procedure to apply to worker's compensation hearings, including formal motions and discovery that are available in courts of general jurisdiction. Rules of evidence and procedure are less formal and relaxed in Wisconsin.

Michigan: In Michigan the rules applicable to hearings and conferences for mediation before the worker's compensation agency are similar to rules in Wisconsin.

Minnesota: The Minnesota rules covering litigation procedures for worker's compensation cases are similar to rules in Wisconsin but are more complex and formal. Examples are the Minnesota rule authorizes discovery under the Minnesota Rules of Civil Procedure in some cases, and allows intervenors, such as health insurance companies, to join a case as a party. In Wisconsin rules of evidence and procedures for worker's compensation hearings are significantly less formal.

19. Contact Name

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20. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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