

Chapter ILHR 101

WAGES FOR CONTRIBUTION PURPOSES

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ILHR 101.001 Definition. In this chapter:

(1) "Employer" means any person who is or becomes subject to the reimbursement financing or contribution requirements of ch. 108, Stats., including multiemployer benefit plans and other third party payors which become liable under s. ILHR 110.06.

History: Emerg. cr. (intro.) to (3), (5), (7) and (10), (4) renum. from ILHR 110.001 (9), (6) and (8) renum. from ILHR 110.12 (1) (a) and (b), (9) renum. from ILHR 110.001 (15) and am., eff. 2-19-93; cr. (intro.) to (3), (5), (7) and (10), (4) renum. from ILHR 110.001 (9), (6) and (8) renum. from ILHR 110.12 (1) (a) and (b), (9) renum. from ILHR 110.001 (15) and am., Register, May, 1993, No. 449, eff. 6-1-93; renum. (1) and (2) to be ILHR 100.02 (2) (a) and (b), (3) to be (1), (4) to be ILHR 100.02 (2) (d), r. (5) to (10), Register, October, 1994, No. 466, eff. 11-1-94.

ILHR 101.01 Purpose. The definition of wages in s. 108.02 (26), Stats., 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), 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.

History: Emerg. cr. eff. 2-19-93; cr. Register, May, 1993, No. 449, eff. 6-1-93; am. Register, October, 1994, No. 466, eff. 11-1-94.

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.

History: Emerg. cr. eff. 2-19-93; cr. Register, May, 1993, No. 449, eff. 6-1-93; renum. (intro.) and am., r. (1) to (4), Register, October, 1994, No. 466, eff. 11-1-94.

ILHR 101.03 Remuneration included in the definition of wages. Notwithstanding s. 108.02 (26), Stats., wages shall include all cash and non-cash remuneration paid for agricultural labor.

History: Emerg. cr. eff. 2-19-93; cr. Register, May, 1993, No. 449, eff. 6-1-93; renum. (intro.) and (1) and am., r. (2) to (5), Register, October, 1994, No. 466, eff. 11-1-94.

ILHR 101.04 Employment. **History:** Emerg. cr. eff. 2-19-93; cr. Register, May, 1993, No. 449, eff. 6-1-93; r. Register, October, 1994, No. 466, eff. 11-1-94.

ILHR 101.04 Prospective application of federal interpretations. A final federal interpretation about whether certain payments constitute wages, either generally or as to a particular case, which differs from an earlier departmental interpretation regarding those payments or kinds of payments shall only be applied prospectively. The department may not retroactively change either its interpretation or a determination based on that interpretation due to a subsequent and different federal interpretation.

History: Emerg. cr. eff. 2-19-93; cr. Register, May, 1993, No. 449, eff. 6-1-93; renum. from ILHR 101.05, Register, October, 1994, No. 466, eff. 11-1-94.

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 - \$105.00 per week or \$15.00 per day; and
- (2) Meals - \$86.00 per week, \$12.30 per day or \$4.10 per meal.

History: Cr. Register, June, 1990, No. 414, eff. 7-1-90; emerg. renum. from ILHR 110.08 and am., eff. 2-19-93; renum. from ILHR 110.08 and am., Register, May, 1993, No. 449, eff. 6-1-93; renum. from ILHR 101.09 and am., Register, October, 1994, No. 466, eff. 11-1-94.

ILHR 101.06 Corporate common paymasters. **History:** Emerg. cr. eff. 2-19-93; cr. Register, May, 1993, No. 449, eff. 6-1-93; r. Register, October, 1994, No. 466, eff. 11-1-94.

ILHR 101.06 Internal revenue code requirements. When s. 108.02 (26), Stats., or FUTA requires that a payment must meet the requirements of a particular section of the internal revenue code in order to not be considered wages, the employer shall demonstrate to the satisfaction of the department that the payment meets such requirements.

History: Emerg. cr. eff. 2-19-93; cr. Register, May, 1993, No. 449, eff. 6-1-93; renum. from ILHR 101.10, Register, October, 1994, No. 466, eff. 11-1-94.

ILHR 101.07 Subchapter S corporation payments. **History:** Emerg. renum. from ILHR 110.12 (2) and (3) and am., eff. 2-19-93; renum. from ILHR 110.12 (2) and (3) and am., Register, May, 1993, No. 449, eff. 6-1-93; r. Register, October, 1994, No. 466, eff. 11-1-94.