

D17-09
Various Administrative Rule Changes

Date: January 19, 2017
Proposed by: DWD
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ANALYSIS OF PROPOSED UI LAW CHANGE
Various Administrative Rule Changes

1. Description of Proposed Change

During the previous agreed bill cycle, the Council agreed that the department's administrative rules should be amended to change the waiting time for appeal tribunal hearings from 15 minutes for appellants and 5 minutes for respondents to 10 minutes for all parties. The department proposes to make this rule change along with several other changes to the rules.

The department proposes several rule changes to amend outdated rules, repeal unused rules, to correct typographical errors, and to amend or repeal rules that are superseded by statute. The changes to Chapters DWD 100 through 150 will include minor edits and other technical changes, including (but not limited to) the following:

Statutes provide that employers with more than 25 employees must file unemployment tax and wage reports online using the department's website. The current administrative rule states that employers may file reports by paper or magnetic tape. The department no longer accepts reports filed on magnetic tape. Current statute requires larger employers to pay their unemployment tax by electronic payment but a current rule permits payments by check. The department proposes to amend these rules to conform to statute.

Current statutes provide deadlines to file reports. The applicable administrative code provisions will be updated accordingly.

Chapter DWD 111 requires employers to notify the department whether the employer provides health insurance for employees. The department proposes to repeal this provision because the department no longer collects this information from employers.

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Chapter DWD 115 states that a mandatory successor must be “owned or controlled” by the same interests. The department proposes to modify the rule to state “owned, managed, or controlled,” which would align with the related statute, Wis. Stat § 108.16(8)(e)1.

Chapter DWD 140 provides procedures for in-person and telephone hearings for unemployment insurance cases. The department proposes to add procedures for videoconference hearings.

2. Proposed Administrative Rule Changes

If the Council approves this proposal, the department will prepare a scope statement and, after the scope statement is published, will begin to draft the proposed rule changes. The proposed rules will be submitted to the Council for its review, comment, and approval.

3. Effects of Proposed Change

- a. Policy. This proposal will implement the Council’s intent to change the rule regarding the wait times for hearings, as agreed in the last agreed bill cycle. This proposal will also update the administrative rules by repealing outdated rules and amending rules that do not conform to statute.
- b. Administrative. The hearing office staff and administrative law judges will need to be trained on the changes to the wait times for hearings. Staff will need to be made aware of the changes to the rules and update relevant citations in forms and decisions.
- c. Fiscal. A fiscal estimate is not yet available.

4. State and Federal Issues

There are no known federal conformity issues with this proposal. The Department recommends that any changes to the unemployment insurance law be sent to the U.S. Department of Labor for conformity review.

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5. Proposed Effective/Applicability Date

This proposal would be effective when the rules are promulgated.