Notice of Submittal of Proposed Rule to Legislative Council Rules Clearinghouse

On December 7, 2021, the Labor and Industry Review Commission submitted a proposed rule to the Wisconsin Legislative Council Clearinghouse pursuant to s. 227.15 (1), Wis. Stats.

Analysis
The proposed rules affect Chapters LIRC 1 to 4, relating to the rules of procedure of the Labor and Industry Review Commission.

Statement of Scope
The scope statement for this rule, SS 066-21, was approved by the Governor on July 29, 2021, published in Register No. 788A2 on August 9, 2021, and approved by the Chairman of the Labor and Industry Review Commission on September 13, 2021.

Agency Procedure for Promulgation
A public hearing is required and will be held on:

Wednesday, January 26, 2022
9:00 a.m. to 10:30 a.m.

Room W411A
3319 West Beltline Highway, Fourth Floor
Madison, WI 53713

Virtual Location Link: Click here to join the meeting

Agency Organizational Unit Primarily Responsible for Promulgating Rule
Labor and Industry Review Commission

Agency Contact Person
Anita J. Krasno
Labor and Industry Review Commission
3319 West Beltline Hwy
P.O. Box 8126
Madison WI 53708
(608) 266-5700
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NOTICE OF HEARING

The Labor and Industry Review Commission (commission) announces that it will hold a public hearing on a permanent rule revising chs. LIRC 1 to 4 relating to the commission's rules of procedure, at the time and place shown below.

**Hearing Information**

**Date:** Wednesday, January 26, 2022  
**Time:** 9:00 a.m. to 10:30 a.m.  
**Location:**  
Room W411A  
3319 West Beltline Highway, Fourth Floor  
Madison, WI 53713

Virtual Location Link: [Click here to join the meeting](https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%2F1%2F2F19%3ArH2qYkcf-7UVHOBPR9YRFHERZY1%40thread.tacv2%2F1638822117979%3Fcontext%3D%257b%2522Tid%2522%3A%2522f4e2d11c-fae4-453b-b6c0-2964663779aa%2522%252c%2522Oid%2522%3A%25222522051359ad-2964663779aa%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=9fa27416-70cf-4ce6-b404-89c25d8f573d&directDl=true&msLaunch=true&enableMobilePage=false&suppressPrompt=true)

**Accessibility**

Access for individuals with disabilities is available at the hearing location.

**Appearances at the Hearing and Submittal of Written Comments**

The commission invites the public to attend the hearing and to comment on the proposed rule. Following the public hearing, the hearing record will remain open until 4:30 p.m. on Friday, January 28, 2022, for additional written public comments.

The rule may be reviewed and comments made at [https://docs.legis.wisconsin.gov/code/chr/comment](https://docs.legis.wisconsin.gov/code/chr/comment). The rule may also be reviewed at [https://lirc.wisconsin.gov/default.htm](https://lirc.wisconsin.gov/default.htm) (click LIRC News/LIRC Rules Update) and comments made to LIRC@wisconsin.gov. Comments should be made no later than Friday, January 28, 2022.

**Initial Regulatory Flexibility Analysis**

The proposed rule will not have an effect on small businesses, as defined under s. 227.114 (1).

**Agency Small Business Regulatory Coordinator**

Jennifer Koepp  
[jennifer.koepp@wisconsin.gov](mailto:jennifer.koepp@wisconsin.gov)  
(608) 266-9850

**Approved:** December 7, 2021.

/s/ Michael H. Gillick  
Michael H. Gillick, Chairman, Labor and Industry Review Commission
The Labor and Industry Review Commission proposes an order to: **repeal** LIRC 2 (title), 2.01 (title), (1), and (3), 3 (title), 3.01, 3.03, 3.05, 4 (title), and 4.04; **renumber** LIRC 1.026, 1.03, 1.04 (4) to (7), 1.045, 1.05 NOTE, 1.06, 1.06 NOTE, 1.07, 2.015 (2) to (4) and (6), and 4.03; **renumber and amend** LIRC 1.015, 1.025 (3), 1.027, 1.04 (intro.) and (1) to (3), 1.05, 2.01 (2), 2.015 (title), (1), (5), and (7), 2.05, 3.04, 4.01, and 4.03 (title); **amend** LIRC 1.01, 1.015 (1) and (2), and 1.025 (1), (2), (4); **repeal and recreate** LIRC 1 (title); and **create** 1.015 (3) to (8), and 1.025 (1e), (1m), (3) (b) 1., (4) (a) 1. and 2., and (5) (title), relating to the rules of procedure of the labor and industry review commission.

The scope statement for this rule, SS 066-21, was approved by the Governor on July 29, 2021, published in Register No. 788A2 on August 9, 2021, and approved by the Chairman of the Labor and Industry Review Commission on September 13, 2021.

**Analysis by the Labor and Industry Review Commission**

**Statutes interpreted:** None

**Statutory authority:** Wis. Stat. § 103.04(2)

**Explanation of agency authority:**

“103.04 Labor and industry review commission.

... “(2) Notwithstanding s. 227.11, the commission may not promulgate rules except that it may promulgate its rules of procedure.”

**Related statutes or rule:** Wis. Stat. §§ 40.65 (2), 59.88, 62.624, 102.18 (3) and (4), 106.52 (4), 106.56 (4), 108.09 (6), 108.095 (6), 108.10 (2) and (3), 111.39 (5) (a), 303.07 (7) and 303.21, 1981 Wis. Stat. § 66.191.

**Plain language analysis:**

The Labor and Industry Review Commission's (commission) proposed rule order addresses rules identified as unnecessary or conflicting with statutory provisions, pursuant to the process contained in Wis. Stat. § 227.29. The commission also generally reviewed its rules for accuracy and completeness. The commission also seeks to simplify its rules by combining them into a single chapter. Generally, the proposed rule updates addresses, phone numbers, and web addresses that have changed since the rule was last modified in 2006, and makes other minor changes to reflect statutory changes occurring since then.
In LIRC 1, the general operating rules for the commission, the proposed rule order is revised to reflect statutory changes giving the commission jurisdiction for review in worker classification compliance cases under Wis. Stat. § 103.06(6)(c) (enacted by 2009 Wis. Act 292), cases involving false statements with made with respect to an unemployment insurance to obtain benefits payable to another person under Wis. Stat. § 108.095(6) (enacted by 1999 Wisconsin Act 15), and cases involving certain local government duty disability benefits under Wis. Stat. § 59.88 and 62.624 (2015 Wis. Act 55, Sections 1923p and 1948L). The proposed rule also adds definitions to be used generally in the rules. In recognition of the fact that unemployment insurance decisions are subject to time lapse standards, the proposed rule shortens the time period for filing an answer to a petition from 21 to 14 days. The proposed rule also makes a number of stylistic changes to improve clarity and conform to current rule drafting practices.

The proposed rule merges LIRC 2, regarding procedural rules for filing petitions for commission review of unemployment insurance appeal tribunal decisions, with LIRC 1. The proposed rule reflects statutory changes providing that petitions may no longer be filed with the Department of Workforce Development (Wis. Stat. § 108.09(6), as affected by 2015 Wis. Act 334, Section 50). The proposed rule also reflects current LIRC practice which permits the filing of petitions for review in unemployment insurance and worker classification compliance cases in several ways including by mail, by fax, in person at the commission’s office, or online at the commission’s website. The rule is further revised to reflect the fact that the provisions contained in LIRC 2 also pertain to review of appeal tribunal decisions regarding worker classification compliance, pursuant to Wis. Stat. § 103.06(6)(c). The revised rule also deletes the provisions relating to judicial review that restate statutory provisions regarding appealing commission decisions to circuit court and are therefore redundant, except with respect to a provision allowing service of pleadings in actions for judicial review on the commission by mail which is retained.

The proposed rule merges LIRC 3, regarding procedural rules for filing petitions for commission review of worker’s compensation cases, with LIRC 1. The proposed rule updates the location at which petitions for commission review in worker’s compensation cases to reflect statutory changes permitting petitions to be filed with the commission, the Division of Hearings and Appeals of the Department of Administration, or the Department of Workforce Development (see Wis. Stat. § 102.18(3), as affected by 2015 Wis. Act 55, Section 2831d) and clarifies that petitions may be filed in several ways including by mail, by fax, in person, or online at the commission’s website. The proposed rule also provides for the remand of compromises to the Division of Hearings and Appeals to reflect amendments to Wis. Stat. §§ 102.18 (4)(d) by Wis. Act. 55, Sections 2843d, and 2847d. The revised rule also deletes the provisions relating to judicial review that restate statutory provisions regarding appealing commission decisions to circuit court and are therefore redundant, except with respect to provisions allowing service of pleadings in actions for judicial review on the commission by mail which is retained.

The proposed rule merges LIRC 4, regarding procedural rules for filing petitions for commission review of equal rights administrative law judge decisions, with LIRC 1. The revised rule also deletes the provisions relating to judicial review that restate statutory provisions regarding appealing commission decisions to circuit court and are therefore redundant.

Summary of, and comparison with, existing or proposed federal regulation: There is no existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

Comments received during preliminary comment period. The commission solicited comments concerning its scope statement from the bureau of legal affairs in the unemployment insurance division in the department of workforce development; the equal rights division in the department of workforce development; the worker’s compensation division in the department of workforce development; and the
division of hearings and appeals in the department of administration. The commission also posted its scope statement and a draft of the proposed rules on its website on November 22, 2021. The only comment the commission received concerned retaining language in current §§ LIRC 2.05 and 3.05 dealing with acceptance of service of pleadings in actions for judicial review by mail, and the commission’s proposed rules include a provision retaining that language.

**Comparison with rules in adjacent states:**

Illinois and Iowa have administrative rules governing procedures by administrative appellate bodies for review of decisions following hearings in unemployment insurance, workers compensation, and equal rights cases. Michigan has administrative rules governing procedures by administrative appellate bodies for review of decisions following hearings in unemployment insurance and workers compensation cases. Minnesota has administrative rules governing procedures by the Minnesota workers’ compensation court of appeals for review of decisions following hearings in workers compensation cases. Those rules, which are generally consistent with changes to the commission’s procedure made in the proposed rule order, are:

III. Admin. Code tit. 50, sections 9040.10 to 9040.80 (Review by Illinois workers’ compensation commission)
III. Admin. Code tit. 56, sections 2720.300 to 2720.245 (Appeals to board of review – Unemployment insurance)
III. Admin. Code tit. 56, sections 5300.910 to 5300.1170 (Review by Illinois human rights commission of administrative law judge decisions regarding civil rights violations involving labor and employment)
Iowa Admin. Code Rule 161.4.23 et seq. (Review of contested case decisions involving discrimination in employment by Iowa civil rights commission)
Iowa Admin. Code Rule 486.3.1 et seq. (Unemployment insurance appeals before Iowa employment appeal board)
Iowa Admin. Code Rule 876.4.27 et seq. (Review of workers compensation contested cases by Iowa workers’ compensation commissioner)
Mich. Admin. Code Rule 37.16 to 37.18 (Fair employment and employment discrimination decisions of the Michigan civil rights commission are appealed to circuit court)
Minn. Admin. Code Rule 9800.0100 to 9800.1800 (Rules of procedure before the Minnesota workers’ compensation court of appeals)

**Summary of factual data and analytical methodologies:** No factual data or analytical methodologies were used in the preparation of the proposed rule. The proposed rule pertains only to procedure before the commission. It does not establish regulatory standards and includes no substantive or interpretative provisions.

**Analysis and supporting documents used to determine effect on small business:**
The proposed rule makes no policy or other changes having an effect on small business.

**Anticipated costs incurred by private sector:** The proposed rule does not have a fiscal effect on the private sector.
Fiscal Estimate and Economic Impact Analysis: The Fiscal Estimate and Economic Impact Analysis document is attached. The proposed rule pertains only to procedure before the commission. It does not establish regulatory standards and include no substantive or interpretative provisions. There are no anticipated fiscal impacts on state funds, or the liability or revenues of any local unit government. The proposed rule will have no economic impact locally or statewide.

Effect on small business: This proposed rule does not affect small business.

Agency contact person: Please contact Anita J. Krasno at anita.krasno@wisconsin.gov or (608) 266-5700, if you have any questions regarding this proposed rule, including substantive questions on the rules or the internal processing of the rules.

Public Hearing: A public hearing is scheduled on this proposed rule order for:

Wednesday, January 26, 2022
9:00 a.m. to 10:30 a.m.

Room W411A
3319 West Beltline Highway, Fourth Floor
Madison, WI 53713

Virtual Location Link: Click here to join the meeting
https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F%23%2F%2Ffmeet-up-join%2F19%3ArV2ptNq0s6i1WG52bHw2qYkcf-uHOHBP9YRQFHERZY1%40thread.tacv2%2Ff1638822117279%3Fcontext%3D%257b%2522Tid%2522%3A%2522f4e2d11c-fae4-453b-b6c0-2c7f73e735a2%2522%252c%2522Oid%2522%3A%2522051359ad-dd18-4b26-a49-1ced34c5442f%2522%252c%2522th%2522%3Atrue%252c%2522context%2522%3Atrue%252c%2522folders%2522%3Afalse%252c%2522type%2522%3A%2522meet-up-join%2522%252c%2522deeplinkId%2522%3A%25229fa27416-70cf-4ce6-b404-89c25d8f57d3%2522%252c%2522directDl%2522%3Atrue%252c%2522msLaunch%2522%3Ature%252c%2522enableMobilePage%2522%3Afalse%252c%2522suppressPrompt%2522%3Atrue%257d

Place where comments are to be submitted and deadline for submission: Comments may be submitted no later than 4:30 p.m. on Friday, January 28, 2022, by email to LIRC@wisconsin.gov; or to https://docs.legis.wisconsin.gov/code/christ/index; or by mail to

Labor and Industry Review Commission
3319 West Beltline Highway
P.O. Box 8126
Madison, WI 53708.

Text of rule

Section 1. LIRC 1 (title) is repealed and recreated to read:
LIRC 1 (title) LABOR AND INDUSTRY REVIEW COMMISSION PROCEDURE

Section 2. LIRC 1.01 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), 66.191, 1981 Stats., ss. 59.88, 62.624, 102.18 (3) and (4), 106.52 (4),
Section 3. LIRC 1.015 is renumbered LIRC 1.015 (intro.) amended to read:

LIRC 1.015 Definitions. (intro.) In this chapter:

Section 4. LIRC 1.015 (1) and (2 ) are amended to read:

(1) In chs. LIRC 1 to 4, “commission” “Commission” means the Wisconsin labor and industry review commission.

(2) In chs. LIRC 1 to 4, “department” “Department” means the Wisconsin department of workforce development.

Section 5. LIRC 1.015 (3) to (8) are created to read:

LIRC 1.015 (3) “Division of hearings and appeals” means the division of hearings and appeals in the department of administration.

(4) “Equal rights case” means a case in which the commission has jurisdiction under s. 106.52 (4), 106.56 (4), or 111.39 (5) (a), Stats.

(5) “Equal rights division” means the division of equal rights in the department.

(6) “Unemployment insurance case” means a case in which the commission has jurisdiction under s. 108.09 (6), 108.095 (6), or 108.10 (2) or (3), Stats.

(7) “Worker classification compliance case” means a case in which the commission has jurisdiction under s. 103.06 (6), Stats.

(8) “Worker’s compensation case” means a case in which the commission has jurisdiction under s. 40.65, 59.88, 62.624, 102.18 (3) or (4), 303.07 (7), or 303.21, Stats., or s. 66.191, 1981 Stats.

Section 6. LIRC 1.025 (1) is amended to read:

LIRC 1.025 (1) WHEN PETITIONS CONSIDERED FILED. Petitions for review may be filed by mail or personal delivery. A petition for review filed by mail or personal delivery is deemed filed only when it is actually received by the commission or by the division of the department office to which the petition is mailed or delivered, except that petitions for review in unemployment insurance cases under s. 108.09 or 108.10, Stats., and worker classification compliance cases which are filed by mail or personal delivery are deemed filed when received or postmarked as provided for in s. LIRC 2.015 1.031.

Section 7. LIRC 1.025 (1e) and (1m) are created to read:

LIRC 1.025 (1e) UNEMPLOYMENT INSURANCE AND WORKER CLASSIFICATION COMPLIANCE PETITIONS; HOW TO FILE. (a) Except as provided in par. (b), a petition in an unemployment insurance case or worker classification compliance case shall be filed with the commission by one of the following methods:

1. By personal delivery at the commission’s office at 3319 West Beltline Highway, 2nd Floor, Madison, WI 53713.

2. By mail to the commission’s office at 3319 West Beltline Highway, P.O. Box 8126, Madison, WI 53708.

3. On the commission’s website as provided in sub. (4).

4. By facsimile transmission to (608) 257-4409.
**WORKER’S COMPENSATION PETITIONS; HOW TO FILE.** A petition in a worker’s compensation case shall be filed with any of the following:

(a) The commission by any of the following methods:
1. By mail to 3319 West Beltline Highway, P.O. Box 8126, Madison, WI 53708.
2. By personal delivery to 3319 West Beltline Highway, Madison, WI 53713.
3. By facsimile transmission to (608) 267-4409.
4. On the commission’s website as provided in sub. (4).

(b) The division of hearings and appeals by any of the following methods:
1. By mail or personal delivery to 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705, or by facsimile transmission to (608) 266-0018.
2. By mail or personal delivery to 819 North Sixth Street, Room 330, Milwaukee, WI 53203, or by facsimile transmission to (414) 227-4012.
3. By mail or personal delivery to 54 Park Place, Suite 900, Appleton, WI 54914, or by facsimile transmission to (920) 832-5355.

(c) The worker’s compensation division of the department by any of the following methods:
1. By mail to 201 East Washington Avenue, P.O. Box 7901, Madison, WI 53707.
2. By personal delivery to 201 East Washington Avenue, Madison, WI 53703.
3. By facsimile transmission to (608) 267-0394.

Section 8. LIRC 1.025 (2) is amended to read:

LIRC 1.025 (2) **LIMIT ON FILING BY ELECTRONIC DATA TRANSMISSION.** Except as provided for in subs. (3) and (4), petitions for review may not be filed by e-mail or, except as provided in subs. (1), (3), and (4), by any other method of electronic data transmission.

Section 9. LIRC 1.025 (3) is renumbered LIRC 1.025 (3) (a) and amended to read:

LIRC 1.025 (3) **PETITIONS FILED BY FACSIMILE TRANSMISSION.** (a) Petitions for review may be filed by facsimile transmission. A petition for review transmitted by facsimile is not deemed filed unless and until the petition is received and printed at the recipient facsimile machine of the commission, the division of hearings and appeals, or of the division of the department to which the petition is being transmitted. The party transmitting a petition by facsimile is solely responsible for ensuring its timely receipt. The commission is not responsible for errors or failures in transmission.

(b) 2. Except as provided in subd. 3., a petition for review in fair employment and public accommodations cases under s. 106.52 or 111.39 (5), Stats., where a an equal rights case transmitted by facsimile transmission filed after the regular business hours of the equal rights division shall be is considered filed on the next business day, a petition for review transmitted by facsimile is deemed filed on the date of transmission recorded and printed by the facsimile machine on the petition.

3. If the commission’s, the division of hearings and appeals’, or department’s records indicate receipt of the facsimile at a date later than that shown on the date of transmission recorded and printed by the recipient facsimile machine, then the later date shall control.

Section 10. LIRC 1.025 (3) (b) 1. is created to read:

LIRC 1.025 (3) (b) 2. Except as provided in subds. 2 and 3., a petition for review transmitted by facsimile transmission is considered filed on the date of transmission recorded and printed by the recipient facsimile machine.
Section 11. LIRC 1.025 (4) is amended to read:

LIRC 1.025 (4) PETITIONS FILED ON THE COMMISSION’S WEBSITE. (a) Except in the case of petitions for review in fair employment and public accommodations cases under s. 106.52 or 111.39 (5), State equal rights cases, petitions for review may be filed electronically through the internet website of the commission, at the page found at http://dwd.wisconsin.gov/lirc/petition.htm. at the following webpages:

(b) Successful filing of a petition for review electronically through the internet website of the commission will result in a display on the petitioner’s internet browser of a message confirming that the petition has been successfully filed. A petition for review transmitted electronically through the website of the commission is not deemed filed unless and until the confirmation message is displayed.

(c) The commission is not responsible for errors in transmission that result in failure of a petition to be successfully filed electronically through the internet website of the commission. A petition for review filed electronically through the internet website of the commission is deemed filed on the date of filing stated on the commission’s electronic record of the filing.

Section 12. LIRC 1.025 (4) (a) 1. and 2. are created to read:


Section 13. LIRC 1.025 (5) (title) is created to read:

LIRC 1.025 (5) (title). NO FILING BY TELEPHONE.

Section 14. LIRC 1.026, 1.027, 1.03, 1.04, 1.045, 1.05, 1.05 NOTE, 1.06, 1.06 NOTE, and 1.07 are renumbered LIRC 1.041, 1.051, 1.061, 1.071, 1.08, 1.09, 1.09 NOTE, 1.10, 1.10 NOTE and 1.11, and LIRC 1.051, 1.071 (intro.), (1), (2), and (3), and 1.09, as renumbered, are amended to read:

LIRC 1.051 Answers. A party opposing a petition for commission review may file an answer with the commission within 24 14 days from the party’s receipt of a copy of the petition. A party filing an answer with the commission shall supply a copy to the opposing party.

LIRC 1.071 Record used for review. (intro.) Review by the commission shall be based on the record of the case including the evidence previously submitted at hearing before the department or division of hearings and appeals. The record of the hearing may be in the form of a written synopsis or a transcript, and may include an audio recording of the hearing. The form of the record of the hearing which the commission uses in its review shall be determined as follows:

(1) Except as provided in subs. (2) through (5), the commission shall base its review on a written synopsis of the testimony taken at the hearing. The synopsis shall be prepared by the department, by the division of hearings and appeals, the commission, or by an outside contractor, from an audio recording of the hearing or from notes taken at the hearing by the administrative law judge. In those cases any party may obtain a copy of the synopsis as provided for in s. LIRC 1.045 1.08.

(2) The commission shall base its review on a transcript of the hearing rather than a synopsis if a transcript was prepared and was used by the administrative law judge in deciding the case. In such those cases any party may obtain a copy of the transcript as provided for in s. LIRC 1.045 1.08.

(3) Except in unemployment insurance cases and worker classification compliance cases, the commission shall base its review on a transcript of the hearing rather than a synopsis if a party timely requests the commission in writing to conduct its review on the basis of a transcript, the party certifies in
such request that it has ordered preparation of a transcript at the party’s own expense, and the party thereafter files a copy of the transcript with the commission and serves a copy of the transcript on all other parties. To be timely under this subsection, a request must be made no later than 14 days after the requesting party’s receipt from the commission of written confirmation that a petition for commission review has been filed.

1.09 Hearings. If the record in a case is inadequate for the commission to arrive at a decision, the commission shall remand the case to the department of workforce development or division of hearings and appeals, as appropriate, to take additional evidence on behalf of the commission.

Section 15. LIRC 2 (title), 2.01 (title) and (1) are repealed.

Section 16. LIRC 2.01 (2) is renumbered LIRC 1.025 (1e) (b) and amended to read:

LIRC 1.025 (1e) (b) A petition filed by an interstate claimant may be filed at one of the locations in sub. (1) as provided in par. (a) or with a qualified employee of the agent state in which the interstate claimant files his or her claim.

Section 17. LIRC 2.01 (3) is repealed.

Section 18. LIRC 2.015 is renumbered LIRC 1.031 and LIRC 1.031 (title), (1), (5), and (7), as renumbered, are amended to read:

LIRC 1.031 (title) Timeliness of petitions in unemployment insurance cases and worker classification compliance cases.

(1) If the petition is personally delivered, the petition is “received” when the division of unemployment insurance or the commission physically receives the petition.

(5) If the petition is mailed and bears no mark, or bears an illegible mark, the petition is “postmarked” 2 business days prior to the date the petition was physically received by the division of unemployment insurance or the commission.

(7) If the petition is sent using a delivery service other than the United States postal service, and does not bear a delivery service mark which is the equivalent of a United States postal service postmark, or bears an illegible delivery service mark, the petition is “postmarked” 2 business days prior to the date the petition was physically received by the division of unemployment insurance or the commission.

Section 19. LIRC 2.05 is renumbered LIRC 1.14 and amended to read:

LIRC 1.14 Actions for judicial review in unemployment insurance cases, worker classification compliance cases, and worker’s compensation cases. Judicial On judicial review of any a commission decision under s. 108.09 or 108.10, Stats., shall be commenced in the manner and upon the grounds specified in ss. 108.09 (7) and 102.23, Stats., and not under ch. 227 or s. 801.02, Stats. Either party may commence a legal action for review of the commission decision in circuit court within 30 days from the date the decision was mailed to the party’s last known address. Such action is commenced only by filing a summons and complaint with the circuit court and serving an authenticated copy of the summons and the complaint upon the commission, all within 30 days. Service must be made upon a commissioner of the labor and industry review commission or an agent authorized by the commission to accept service only at the commission’s office in Madison. Such service shall be deemed complete service on all parties
but there shall be left with the person so served as many copies of the summons and complaint as there are
defendants. Service in an unemployment insurance case, a worker classification compliance case, or a
worker's compensation case, service by mail is effective only if the pleadings are actually received by the
commission within the appeal period. The complaint shall state the grounds upon which review is sought.
The action shall be commenced against the commission, and the party in whose favor the decision was
made shall also be made a defendant. The proceedings shall be in the circuit court of the county where the
plaintiff resides except that, if the plaintiff is a state agency, the proceedings shall be in the circuit court of
the county where the defendant resides. If the plaintiff is a non-resident of Wisconsin, the proceedings
shall be in the circuit court for the county where the claim arose. The proceedings may be brought in any
circuit court if all parties stipulate and that court agrees. The appealing party seeking judicial review
shall arrange for preparation of the necessary legal documents.

Section 20. LIRC 3 (title), 3.01, and 3.03 are repealed.

Section 21. LIRC 3.04 is renumbered LIRC 1.13 and amended to read:

LIRC 1.13 Compromise settlements in worker's compensation cases. Compromise settlements of worker's compensation claims are governed by s. 102.16, Stats., and s. DWD 80.03. Under s. 102.18 (4) (d), Stats., if a compromise is reached while a case is pending commission review, the compromise shall be submitted to the commission, and the commission shall remand the case to the worker's compensation division of the division of hearings and appeals or department, as appropriate, for consideration of the compromise. If the compromise is not approved, the party who filed the petition for commission review may reinstate its petition by notifying the commission. Under s. 102.24 (2), Stats., if a compromise is reached while a case is pending court review of a commission order, remand shall be to the commission and the commission shall then remand the case to the division of hearings and appeals or department, as appropriate, for consideration of the compromise.

Section 22. LIRC 3.05 and 4 (title) are repealed.

Section 23. LIRC 4.01 is renumbered LIRC 1.025 (1s) and amended to read:

LIRC 1.025 (1s) Petitions for commission review; where filed. EQUAL RIGHTS PETITIONS; HOW TO FILE. A petition for commission review of the findings and order of a department of workforce development administrative law judge under s. 106.52 or 111.39 (5), Stats., in an equal rights case shall be filed with the equal rights division of the department at any of the following locations:

(a) The equal rights division, Milwaukee. By mail or personal delivery to 819 North Sixth Street, Milwaukee, Wisconsin WI 53203 (FAX: 414-227-4984) or by facsimile transmission to (414) 227-4084.

(b) The central administrative office of the equal rights division, Madison. By mail to 201 East Washington Avenue, P.O. Box 8928, Madison, Wisconsin WI 53708 (FAX: 608-267-4592); by personal delivery to 201 East Washington Avenue, Madison, WI 53703; or by facsimile transmission to (608) 327-6001.

Section 24. LIRC 4.03 is renumbered LIRC 1.12 and LIRC 1.12 (title), as renumbered, is amended to read:

LIRC 1.12 (title) Rehearings in equal rights cases.

Section 25. LIRC 4.04 is repealed.
Section 26. Effective date. 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.

(End of text of rule.)
Chapter LIRC 1

LABOR AND INDUSTRY REVIEW COMMISSION PROCEDURE

LIRC 1.01 General. The labor and industry review commission has jurisdiction for review of cases arising under ss. 40.65 (2), 66.191, 1981 Stats., ss. 59.88, 62.624, 102.18 (3) and (4), 106.52 (4), 106.56 (4), 108.09 (6), 108.095 (6), 108.10 (2) and (3), 111.39 (5) (a), 303.07 (7) and 303.21, Stats., and s. 66.191, 1981 Stats.

LIRC 1.015 Definitions. In this chapter:

1. "LIRC 1 to 4. "commission" or "Commission" means the Wisconsin labor and industry review commission.
2. "department" or "Department" means the Wisconsin department of workforce development.
3. "Division of hearings and appeals" means the division of hearings and appeals in the department of administration.
4. "Equal rights case" means a case in which the commission has jurisdiction under s. 108.09 (6), 108.095 (6), or 111.39 (5) (a), Stats.
5. "Equal rights division" means the division of equal rights in the department.
6. "Unemployment insurance case" means a case in which the commission has jurisdiction under s. 108.09 (6), 108.095 (6), or 108.10 (2) or (3), Stats.
7. "Worker classification compliance case" means a case in which the commission has jurisdiction under s. 103.06 (6), Stats.
8. "Worker’s compensation case" means a case in which the commission has jurisdiction under s. 40.65, 59.88, 62.624, 102.18 (3) or (4), 303.07 (7), or 303.21, Stats., or s. 66.191, 1981 Stats.

LIRC 1.02 Petitions for review; appeal period. All petitions for review shall be filed within 21 days from the date of mailing of the findings and decision or order, except that the petition may be filed on the next business day if the 21st day falls on any of the following:

2. The third Monday in January.
3. The first Monday in February.
4. The last Monday in May.
6. The first Monday in September.
7. The second Monday in October.
8. November 11.
9. The fourth Thursday in November.
11. Any other day on which mail is not delivered by the postal authorities.

LIRC 1.025 Petitions for review; filing. (1) When petitions considered filed. Petitions for review may be filed by mail or personal delivery. A petition for review filed by mail or personal delivery is deemed filed only when it is actually received by the commission or by the division of the department office to which the petition is mailed or delivered, except that petitions for review in unemployment insurance cases under s. 108.09 or 108.10, Stats., and worker classification compliance cases which are filed by mail or personal delivery are deemed filed when received or postmarked as provided for in s. LIRC 1.025 (1).

1. EMPLOYMENT INSURANCE AND WORKER CLASSIFICATION COMPLIANCE PETITIONS; HOW TO FILE. (a) Except as provided in par. (b), a petition in an unemployment insurance case or worker classification compliance case shall be filed with the commission by one of the following methods:
1. By personal delivery at the commission’s office at 3319 West Beltline Highway, 2nd Floor, Madison, WI 53713.
2. By mail to the commission’s office at 3319 West Beltline Highway, P.O. Box 8126, Madison, WI 53708.
3. On the commission’s website as provided in sub. (4).
4. By facsimile transmission to (608) 267-0394.

(b) A petition filed by an interstate claimant may be filed at one of the locations in sub. (1) as provided in par. (a) or with a qualified employee of the agent state in which the interstate claimant files his or her claim.

1. EMPLOYEE’S COMPENSATION PETITIONS; HOW TO FILE. A petition in a worker’s compensation case shall be filed with any of the following methods:
1. The commission by any of the following methods:
(a) The commission by any of the following methods:
1. By mail or personal delivery to 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705, or by facsimile transmission to (608) 266-0018.
2. By mail or personal delivery to 819 North Sixth Street, Room 330, Milwaukee, WI 53203, or by facsimile transmission to (414) 227-4012.
3. By mail or personal delivery to 54 Park Place, Suite 900, Appleton, WI 54914, or by facsimile transmission to (920) 832-5355.
(b) The worker’s compensation division of the department by any of the following methods:
1. By mail or personal delivery to 201 East Washington Avenue, P.O. Box 7901, Madison, WI 53707.
2. By personal delivery to 201 East Washington Avenue, Madison, WI 53703.
3. By facsimile transmission to (608) 267-0394.

1.1 Petitions for commission review; where filed. EQUAL RIGHTS PETITIONS; HOW TO FILE. A petition for commission review of the findings and order of a department of workforce classification compliance cases, and worker’s compensation cases.
development administrative law judge under s. 106.52 or 111.39 (5), Stats., in an equal rights case shall be filed with the equal rights division of the department at any of the following locations, methods:

(a) The equal rights division, Milwaukee. By mail or personal delivery to 819 North Sixth Street, Milwaukee, Wisconsin WI 53203 (FAX: 414-227-4981) or by facsimile transmission to (414) 227-4984.

(b) The central administrative office of the equal rights division, Madison. By mail to 201 East Washington Avenue, P.O. Box 8928, Madison, Wisconsin WI 53708 (FAX: 608-267-4592), by personal delivery to 201 East Washington Avenue, Madison, WI 53703; or by facsimile transmission to (608) 327-6001.

LIMIT ON FILING BY ELECTRONIC DATA TRANSMISSION. Except as provided for in subs. (3) and (4), petitions for review may not be filed by e-mail or, except as provided in subs. (1), (3), and (4), by any other method of electronic data transmission.

PETITIONS FILED BY FACSIMILE TRANSMISSION. A petition for review transmitted by facsimile is not deemed filed unless and until the petition is received and printed at the recipient facsimile machine of the commission, the division of hearings and appeals, or the division of the department to which the petition is being transmitted. The party transmitting a petition by facsimile is solely responsible for ensuring its timely receipt. The commission is not responsible for errors or failures in transmission.

1. Except as provided in subs. 2 and 3, a petition for review transmitted by facsimile transmission is considered filed on the date of transmission recorded and printed by the recipient facsimile machine.

2. Except in the case of petitions for review in fair employment and public accommodations cases under s. 106.52 or 111.39 (5), Stats., where an equal rights case transmitted by facsimile transmission filed after the regular business hours of the equal rights division shall be considered filed on the next business day, a petition for review transmitted by facsimile is deemed filed on the date of transmission recorded and printed by the facsimile machine on the petition.

3. If the commission's, the division of hearings and appeals', or department's records indicate receipt of the facsimile at a date later than the date of transmission recorded and printed by the recipient facsimile machine, then the later date shall control.

PETITIONS FILED ON THE COMMISSION'S WEBSITE. Except in the case of petitions for review in fair employment and public accommodations cases under s. 106.52 or 111.39 (5), Stats., equal rights cases, petitions for review may be filed electronically through the internet website of the commission at the page found at http://dwd.wisconsin.gov/lirc/petition.htm, at the following webpages:


Successful filing of a petition for review electronically through the internet website of the commission will result in a display on the petitioner’s internet browser of a message confirming that the petition has been successfully filed. A petition for review transmitted electronically through the website of the commission is not deemed filed unless and until the confirmation message is displayed.

The commission is not responsible for errors in transmission that result in failure of a petition to be successfully filed electronically through the website of the commission. A petition for review filed electronically through the internet website of the commission is deemed filed on the date of filing stated on the commission’s electronic record of the filing.

NO FILING BY TELEPHONE. Petitions for review may not be filed by telephone.

LIRC 1.031 Timeliness of petitions in unemployment insurance cases and worker classification compliance cases.

1. If the petition is personally delivered, the petition is “received” when the division of unemployment insurance of the department or the commission physically receives the petition.

2. If the petition is mailed and bears only a United States postal service postmark, the petition is “postmarked” on the date of that postmark.

3. If the petition is mailed and bears both a United States postal service postmark and a private meter mark, the petition is “postmarked” on the date of the United States postal service postmark.

4. If the petition is mailed and bears only a private meter mark, the petition is “postmarked” on the date of that mark.

5. If the petition is mailed and bears no mark, or bears an illegible mark, the petition is “postmarked” 2 business days prior to the date the petition was physically received by the division of unemployment insurance of the department or the commission.

6. If the petition is sent using a delivery service other than the United States postal service, and bears a delivery service mark which is the equivalent of a United States postal service postmark, the petition is “postmarked” on the date of that delivery service mark.

7. If the petition is sent using a delivery service other than the United States postal service, and does not bear a delivery service mark which is the equivalent of a United States postal service postmark, or bears an illegible delivery service mark, the petition is “postmarked” 2 business days prior to the date the petition was physically received by the division of unemployment insurance of the department or the commission.

LIRC 1.041 Cross-petitions. Any party may file a petition for review, whether or not any other party has already filed a petition for review. The filing of a petition for review by one party does not extend the time within which any other party may file a petition for review. All petitions for review, including cross-petitions, are subject to the requirements of s. LIRC 1.02 concerning timeliness.

LIRC 1.051 Answers. A party opposing a petition for commission review may file an answer with the commission within 21 14 days from the party’s receipt of a copy of the petition. A party filing an answer with the commission shall furnish a copy to the opposing party.

LIRC 1.061 Withdrawals. Requests to withdraw petitions shall be in writing. The commission may deny a request by any party to withdraw a petition if the commission has already reviewed and decided the case, but not yet issued its decision, or if the commission considers that withdrawal is not in the best interests of proper administration of the program involved. Denials of withdrawals shall be in writing, but may be included in the findings and decision of the commission.

LIRC 1.071 Record used for review. Review by the commission shall be based on the record of the case including the evidence previously submitted at hearing before the department or division of hearings and appeals. The record of the hearing may be in the form of a written synopsis or a transcript, and may include an audio recording of the hearing. The form of the record of the hearing which the commission uses in its review shall be determined as follows:
(1) Except as provided in subs. (2) through (5), the commission shall base its review on a written synopsis of the testimony taken at the hearing. The synopsis shall be prepared by the department, by the division of hearings and appeals, the commission, or by an outside contractor, from an audio recording of the hearing or from notes taken at the hearing by the administrative law judge. In those cases any party may obtain a copy of the synopsis as provided for in s. LIRC 1.045 1.08.

(2) The commission shall base its review on a transcript of the hearing rather than a synopsis if a transcript was prepared and was used by the administrative law judge in deciding the case. In such cases any party may obtain a copy of the transcript as provided for in s. LIRC 1.045 1.08.

(3) Except in unemployment insurance cases and worker classification compliance cases, the commission shall base its review on a transcript of the hearing rather than a synopsis if a party timely requests the commission in writing to conduct its review on the basis of a transcript, the party certifies in such request that it has ordered preparation of a transcript at the party’s own expense, and the party thereafter files a copy of the transcript with the commission and serves a copy of the transcript on all other parties. To be timely under this subsection, a request must be made no later than 14 days after the requesting party’s receipt from the commission of written confirmation that a petition for commission review has been filed.

(4) The commission shall base its review on a transcript of the hearing rather than a synopsis if a party shows to the commission that the synopsis is not sufficiently complete and accurate to fairly reflect the relevant and material testimony and other evidence taken. In those cases the commission shall direct the preparation of a transcript at its own expense and provide a copy of the transcript to each party without charge.

(5) On its own motion, the commission may base its review on a transcript of the hearing in addition to a synopsis. In those cases the commission shall direct the preparation of a transcript at its own expense and provide a copy of the transcript to each party without charge.

(6) A transcript used pursuant to subs. (2) to (5) shall be prepared by an independent court reporter or transcriptionist and shall include a certification by the court reporter or transcriptionist that the transcript is an original, verbatim transcript of the proceedings.

(7) On its own motion, the commission may base its review on an audio recording of the hearing in addition to a synopsis or transcript.

LIRC 1.08 Obtaining copy of record. A party in a case before the commission may request the commission to provide a copy of the synopsis or transcript of the testimony, exhibits received at the hearing, or other documents in the administrative record. The commission shall furnish the copies upon request but may charge a fee for photocopying of 25 cents per page. Upon proper showing of financial inability to pay for photocopying, the commission may waive the fee.

LIRC 1.09 Hearings. If Except in equal rights cases, if the record in a case is inadequate for the commission to arrive at a decision, the commission shall remand the case to the department for development or division of hearings and appeals, as appropriate, to take additional evidence on behalf of the commission.

Note: The commission does not conduct hearings as part of its review.

LIRC 1.10 Oral argument. The commission may grant a written request for oral argument if it determines that an issue would be more clearly presented by oral argument.

Note: The commission does not consider oral argument to be necessary because review is on the basis of the record, the parties have the right to file briefs, and oral argument delays disposition of the petition.

LIRC 1.11 Briefs. Either party may request the commission to establish a briefing schedule. Requests to file briefs may be made in the petition for review, in an answer, or in writing after the petition and answer. The commission may deny a request to file a brief which is not made in a petition or answer if the commission has already reviewed the case but not yet issued its decision at the time the request is made. Each party may file with the commission briefs or memoranda within the time limits of the briefing schedule established by the commission. Requests for extensions of time for filing briefs shall be made in writing. Extensions may be approved in writing upon good cause shown. A party filing a brief or memorandum with the commission shall furnish a copy to the opposing party.

LIRC 1.12 Rehearsal in equal rights cases. The provisions of s. 227.49, Stats., with respect to rehearsal shall not apply to decisions of the commission, as the commission does not conduct hearings, and commission review under s. 111.39 (5) (b), Stats., is itself an alternative to the rehearing procedure.

LIRC 1.13 Compromise settlements in worker's compensation cases. Compromise settlements of worker's compensation claims are governed by ch. 102, Stats., and s. DWD 80.02. Under s. 102.18 (4) (d), Stats., if a compromise is reached while a case is pending commission review, the compromise shall be submitted to the commission, and the commission shall remand the case to the worker's compensation division of the division of hearings and appeals or department, as appropriate, for consideration of the compromise. If the compromise is not approved, the party who filed the petition for compromise review may reinstate its petition by notifying the commission. Under s. 102.24 (2), Stats., if a compromise is reached while a case is pending court review of a commission order, remand shall be to the commission and the commission shall then remand the case to the division of hearings and appeals or department, as appropriate, for consideration of the compromise.

LIRC 1.14 Actions for judicial review in unemployment insurance cases, worker classification compliance cases, and worker's compensation cases. Judicial review of any a decision by the commission under s. 108.00 or 108.10, Stats., shall be commenced in the manner and upon the grounds specified in ss. 108.09 (7) and 102.22, Stats., and not under ch. 227 or s. 801.02, Stats. Either party may commence a legal action for review of the commission decision in circuit court within 30 days from the date the decision was mailed to the party's last known address. Such action is commenced only by filing a summons and complaint with the circuit court and serving an authenticated copy of the summons and the complaint upon the commission, all within 30 days. Service must be made upon a commissioner of the labor and industry review commission or an agent authorized by the commission to accept service only at the commission's office in Madison. Such service shall be deemed complete service on all parties but there shall be left with the person served as many copies of the summons and complaint as there are defendants. Service in an unemployment insurance case, a worker classification compliance case, or a worker's compensation case, service by mail is effective only if the pleadings are actually received by the commission within the appeal period. The complaint shall state the grounds upon which review is sought. The action shall be commenced against the commission and the party in whose favor the decision was made shall also be made a defendant. The proceedings shall be commenced in the circuit court of the county where the plaintiff resides except that, if the plaintiff is a
state agency, the proceedings shall be in the circuit court of the county where the defendant resides. If the plaintiff is a non-resident of Wisconsin, the proceedings shall be in the circuit court for the county where the claim arose. The proceedings may be brought in any circuit court if all parties stipulate and that court agrees. The party seeking judicial review shall arrange for preparation of the necessary legal documents.
## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

<table>
<thead>
<tr>
<th>1. Type of Estimate and Analysis</th>
<th>2. Date</th>
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</thead>
<tbody>
<tr>
<td>☑ Original ☐ Updated ☐ Corrected</td>
<td>November 16, 2021</td>
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<thead>
<tr>
<th>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</th>
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<tbody>
<tr>
<td>LIRC 1 through LIRC 4</td>
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<table>
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<th>4. Subject</th>
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<tr>
<td>Labor and Industry Review Commission Procedure</td>
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<tr>
<th>5. Fund Sources Affected</th>
<th>6. Chapter 20, Stats. Appropriations Affected</th>
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</thead>
<tbody>
<tr>
<td>☑ GPR ☑ FED ☑ PRO ☐ PRS ☑ SEG ☑ SEG-S</td>
<td>20.427(1)(a), (k), (km), (m) and (ra)</td>
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<tr>
<th>7. Fiscal Effect of Implementing the Rule</th>
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<tbody>
<tr>
<td>☑ No Fiscal Effect ☐ Increase Existing Revenues ☐ Decrease Existing Revenues ☑ Increase Costs ☐ Decrease Costs</td>
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<thead>
<tr>
<th>8. The Rule Will Impact the Following (Check All That Apply)</th>
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<tbody>
<tr>
<td>☐ State's Economy ☐ Local Government Units ☐ Specific Businesses/Sectors ☐ Public Utility Rate Payers ☐ Small Businesses (if checked, complete Attachment A)</td>
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<tr>
<th>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)?</th>
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<td>☐ Yes ☑ No</td>
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<th>11. Policy Problem Addressed by the Rule</th>
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<tr>
<td>No actual policy problem. The proposed rule pertains only to procedure before the commission. It does not establish regulatory standards and includes no substantive or interpretative provisions.</td>
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</table>

The proposed rule updates addresses, phone numbers, and web addresses that have changed since the rule was last modified. It also reflects changes to where petitions for review may be filed in worker's compensation cases due to an amendment to Wis. Stat. § 102.18(3) in 2015 Wis. Act 55, Section 2831d, and in unemployment insurance and worker classification compliance cases due to an amendment to Wis. Stat. § 108.09(6) in 2015 Wis. Act 334, Section 50. It also modifies a provision dealing with remands in cases of compromises in worker's compensation made necessary by amendments to Wis. Stat. §§ 102.18 (4)(d) by Wis. Act. 55, Sections 2843d, and 2847d.

<table>
<thead>
<tr>
<th>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.</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>The commission has posted its proposed rules and scope statement on its website since November 22, 2021, and solicited comments but has received none. It believes the proposed minor changes to its procedural rules will not affect businesses, business sectors, local governmental units, or individuals.</td>
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<tr>
<th>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</th>
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<tbody>
<tr>
<td>None</td>
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<tr>
<th>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)</th>
<th></th>
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<tbody>
<tr>
<td>None</td>
<td></td>
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</table>
## ADMINISTRATIVE RULES
### Fiscal Estimate & Economic Impact Analysis

<table>
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<tr>
<th>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</th>
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<tbody>
<tr>
<td>Will bring agency procedural rules in compliance with state statutes and lessen the possibility for confusion or error by persons filing petition for review with the LIRC.</td>
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The alternative is to do nothing.

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<tr>
<th>16. Long Range Implications of Implementing the Rule</th>
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<td>Will lessen the possibility for confusion or error by persons filing petition for review with the LIRC.</td>
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<tr>
<th>17. Compare With Approaches Being Used by Federal Government</th>
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<tbody>
<tr>
<td>Not applicable</td>
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<tr>
<th>18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)</th>
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<tr>
<td>The proposed rules are similar to procedural rules governing worker’s compensation procedures in neighboring states.</td>
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<tr>
<th>19. Contact Name</th>
<th>20. Contact Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anita J. Krasno</td>
<td>608 266-5700</td>
</tr>
</tbody>
</table>

This document can be made available in alternate formats to individuals with disabilities upon request.
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:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses


6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
   - Yes
   - No