

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 99-111

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. The analysis states that a particular portion of the rule codifies a court ruling on the subject of a request for reinstatement. The analysis should include a citation to this opinion or, if the court ruling is not a published document, the rule-making order should include copy of all or an appropriate portion of the opinion.

b. The analysis should include a statement of the statutes interpreted by the rule, even if the list of statutes interpreted is the same as the list of statutes authorizing the promulgation of the rule. [See s. 1.02 (2), Manual.]

c. When the amendment to s. ER-MRS 22.11 (2) is completed, the provision should read:

ER-MRS 22.11 (1) When a vacancy . . . occurs . . . as a result of layoff, exercised displacement rights, demotion as a result of layoff or transfer or demotion between agencies as a result of layoff, and the employe was terminated while on probation, the employe may be reinstated by the appointing authority

[See also s. ER-MRS 22.11 (1m) and (2).]

d. In s. ER-MRS 22.11 (2) (a) and (b), the initial word “a” should be capitalized.

e. The bracketed citation to s. 230.27 (2), Stats., in s. ER-MRS 34.08 is unnecessary and should be deleted.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. ER-MRS 16.035, does the phrase “reinstatement in any agency” mean that an employe may be reinstated in any agency of state government or simply reinstated in the agency from which the employe has separated?

b. In s. ER-MRS 34.08 (4), the phrase “those eligibilities were” should be replaced by the phrase “the eligibility was” and the word “are” should be replaced by the word “is.”