



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 18-059

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

- a. The word “Stats.,” should be added following “s. 102.16 (1) (c)” in s. HA 4.03 (2) (a) and following “s. 102.26 (3)”, in s. HA 4.03 (3) (note). [See s. 1.07 (2), Manual.]
- b. In s. HA 4.03 (3) (note), “Department of Workforce Development” should be replaced with “department”.

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

- a. In s. HA 4.03 (3) and (Note), is it necessary to modify “rules” with “substantive”? Are there worker’s compensation-related DWD rules that arguably do not have the force and effect of law?
- b. Section HA 4.09 authorizes stipulations, with certain requirements. The intended effect appears to be that stipulations are authorized only in situations in which parties agree to stipulate to all of the facts. If stipulations to only a subset of facts are authorized, that should be specified.
- c. Section HA 4.14 (2) could be reworded to clarify who is a “party to a claim under the act”.
- d. In s. HA 4.14 (4), how is a “party of interest” distinct from any other party?
- e. In s. HA 4.18 (2) (a) 1., “should be used” should be replaced with “is”.
- f. In s. HA 4.18 (2) (b), subs. 2. to 4. should be revised to the past tense.

g. Section HA 4.18 (2) (c) could be condensed. For example: “A party may request a particular administrative law judge mediator. The division shall assign an administrative law judge mediator based on division needs and resources after considering a party’s request.”.

h. In the second-to-last paragraph in s. HA 4.18 (3) (b), “called or” should be added after “the person or entity”.

i. In s. HA 4.18 (3) (d) 4., consider replacing “some” with “an”.