

Department Response to Legislative Council Comments

Proposed Rules Relating to Disclosure of Unemployment Insurance Records Chapters DWD 100, 140, and 149 CR 08-019

Comment 4. In ss. DWD 149.06 (4) and 149.07 (6), the references to 42 USC 303 (a) (1) appear to be incorrect.

Department response: The references are directly from 20 CFR 603.9 (b)(1)(viii)(d) and 20 CFR 603.10 (d). The statutory provision at 42 USC 303 (a) (1) gives the Department of Labor the authority to create the confidentiality rule based on an interpretation of the provision allowing the “methods of administration” needed to ensure that benefits are paid when due.

Comment 5.e. Throughout the rule, “employing unit” and “employer” are used interchangeably and “claimant,” “individual,” and “worker” are used interchangeably. The agency should select one word and use it consistently.

Department response: These terms are not used interchangeably. “Employing unit” as defined in s. DWD 100.02 (21) is broader than “employer” as defined in s. DWD 100.02 (19). “Individual” is broader than “claimant” and the use of the term “worker” was removed. The Department reviewed the rule to ensure the terms were used appropriately.

Comment 5.n. In s. DWD 149.07 (2), should the phrase “not listed in sub. (1)” be moved so that it is inserted following the phrase “unemployment insurance records?”

Department response: The phrase “not listed in sub. (1)” should not be moved. This reference is to the people, agencies, and others to whom records may be released, not to types of UI records.