



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 21-052

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

In s. DCF 201.036 (3m) (title), insert a period after “Self-employment”.

4. Adequacy of References to Related Statutes, Rules and Forms

It appears that s. DCF 201.039 (8m) (b) applies after the 24-month period has ended, regardless of whether the parent has begun a new type of self-employment. Assuming that is true, the department could consider modifying s. DCF 201.039 (8m) (a) 4. to reference both subds. 1. and 2., rather than only subd. 1. The revision could appear as follows: “After the end of the time period specified in subd. 1. or 2., whichever is applicable, the child care administrative agency shall determine the maximum number of hours of child care that may be authorized under par. (b).”.

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

a. For clarity, the department could consider using the phrase “24-month period” when referencing the new business time period throughout the proposed rule.

b. The proposed rule creates various requirements for parents “whose approved activity is self-employment”. However, the proposed rule does not specify any standards for when a parent’s self-employment qualifies as an approved activity, other than, perhaps, the reference to the \$400 threshold in s. DCF 201.036 (3m) (e), or the conditions that must be met for an agency when an agency considers information to be “questionable” under s. DCF 201.036 (3m) (d). The department could consider clarifying in the rule when self-employment qualifies as an approved activity.

c. In s. DCF 201.036 (3m) (a), replace “taxes” with “tax returns” for accuracy and consistency throughout the proposed rule.

d. In the first clause of s. DCF 201.036 (3m) (c) 1., the department could consider clarifying to whom the return must be filed, either by adding a cross-reference to par. (a) or the

phrase “with the internal revenue service”, to distinguish between the requirements to file with the Internal Revenue Service under par. (a) and submit to the agency under par. (b).

e. In s. DCF 201.036 (3m) (c) 2., the department might consider replacing “is not representative of the parent’s more recent” with “does not represent the parent’s current”.

f. In s. DCF 201.039 (8m) (a) 1., it may be useful to use an objective reference for the date on which the 24-month period begins, because the “date that the parent began the business” may be subjective or difficult to ascertain.

g. To clarify the precise calculation method, the department could consider inserting “hourly” before “wage” in s. DCF 201.039 (8m) (b) 1. b., or whatever duration is consistent with the department’s intent.