

Public Hearing Summary

DWD held a public hearing on January 21, 2014 in Madison. Following the public hearing, the hearing record remained open until January 31, 2014. No one attended the public hearings. DWD received one written comment.

Name/ Organization	Comment	DWD Response
Victor Forberger	<p style="text-align: center;">Waiver of Interest for Employers' Unemployment Taxes (Ch. DWD 113)</p> <ol style="list-style-type: none"> 1. Provide a definition and criteria for the terms "newly subject employer" and "has a history" of timely filing of tax reports and payments. 2. Clarify the language in s. DWD 113.025 (1) (f) relating to the waiver of interest and the appeal process. 	<p style="text-align: center;">Waiver of Interest (Response)</p> <p>These issues were addressed by the Unemployment Insurance Advisory Council (UIAC) and recommended changes were implemented.</p>
	<p style="text-align: center;">License Revocation (Ch. DWD 114)</p> <ol style="list-style-type: none"> 1. The 10-day response period for a debtor to cure all delinquencies prior to DWD's certification of delinquency should be extended to 14 or 21 days. 2. In the event the employer fails to respond to DWD's notice of delinquency, and the department certifies the employer delinquent to a licensing agency, the department should be required to notify the employer of this action and provide information on the steps the employer must take to cure the deficiency. 3. Create language that identifies whether the department or the employer is responsible for any fees associated with the employer restoring a license to a licensing department after the delinquency has been cured. 4. Create language that would require the department to provide an employer, who fails to make a payment pursuant to an installment payment plan, at least seven days before the department issues a certificate of delinquency to a licensing agency. 	<p style="text-align: center;">License Revocation (Response)</p> <ol style="list-style-type: none"> 1. This issue was addressed by the UIAC and the 10 day response period was increased to a 14 day response period. 2. The UIAC did not recommend changes to the rule provision. The Notice of Delinquency will clearly state if the employer does not pay all debts owed or enter into an installment payment plan the department will send a certification of delinquency to the licensing agency. 3. The UIAC did not recommend changes to the rule provision. The responsibility for the payment of fees associated with reinstating a license of an employer is determined by each individual licensing agency. 4. This issue was addressed by the UIAC and 7 days notice will be provided to the employer when there is a missed payment before issuing a certificate of delinquency.

Name/ Organization	Comment	DWD Response
Victor Forberger (Continued)	<p style="text-align: center;">Financial Record Matching (Ch. DWD 114)</p> <ol style="list-style-type: none"> 1. Identify criteria for the contracts between the department and financial institutions participating in the program and the rules should include means to resolve disputes between the financial institution, department and Wisconsin residents that may arise under the program. 2. Identify procedures related to how the financial record matching program will function and safeguards and correctives that exist for mistakes or identify theft. 	<p style="text-align: center;">Financial Record Matching (Response)</p> <p>The UIAC did not recommend changes to the rule provision. The provisions related to the financial record matching program are created to solely establish the 20 day time-line associated with the return of the agreement.</p>
	<p style="text-align: center;">Business Transfer (Ch. DWD 115)</p> <p>The term "excusable neglect" should be defined.</p>	<p style="text-align: center;">Business Transfer (Response)</p> <p>The UIAC did not recommend changes to the rule provision. The meaning of "excusable neglect" is a term of art established by court precedent and does not require further definition.</p>
	<p style="text-align: center;">Standard Affidavit Form (Ch. DWD 140)</p> <ol style="list-style-type: none"> 1. The rules should provide clear guidance regarding the use and limitations of affidavits with respect to hearings. The affidavit should include some reference to the evidentiary issues created by a party using an affidavit. 2. Extend DWD's hearing notice requirements to a 10 or 14 day notice for unemployment insurance hearing or eliminate the timeline requirement for a party to submit affidavits for unemployment insurance hearings. 3. Update grammatical mistake under s. DWD 140.22 (3) (a). 	<p style="text-align: center;">Standard Affidavit Form (Response)</p> <ol style="list-style-type: none"> 1. This issue was addressed by UIAC. No changes to the rules were made. An instruction sheet will accompany the affidavit form. 2. The UIAC did not recommend changes to the rule provision. The current language provides an administrative law judge may accept the affidavit as an exhibit even if it is submitted after the deadline. 3. This issue was addressed by the UIAC and the recommended change was made.