

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
 DEPT. OF INDUSTRY,)
 LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skomicka, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Active Fresh Perishable Fruit and Vegetable Processing Seasons

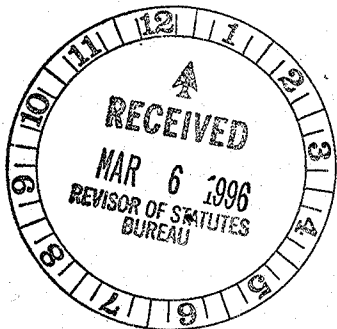
(Subject)

were duly approved and adopted by this department on 3/1/96
 (Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 4:00 pm in the city of Madison, this 1st day of March A.D. 19 96.

Carol Skomicka
 Secretary



ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

Sections 101.02(1), 108.02(15)(k)14, and 227.11(12), Stats.

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 145

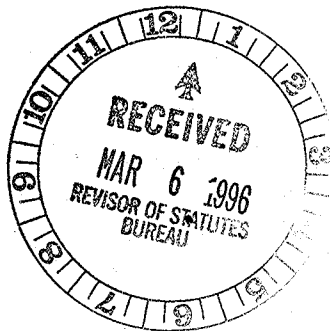
(Number)

Active Fresh Perishable Fruit and Vegetable Processing Seasons

(Title)

The attached rules shall take effect on the first day of the month following publication in the

Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: 3/1/96

DEPARTMENT OF INDUSTRY, LABOR AND
HUMAN RELATIONS

Carol Stamm
Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM

Rule No.:

ILHR 145

Relating to:

Active Fresh Perishable Fruit and Vegetable Processing Seasons

Clearinghouse Report # 95-148

The Department of Industry, Labor and Human Relations., the Department of Industry, Labor and Human Relations hereby proposes to amend ILHR 145 (title) and ILHR 145.01.

Statutory Authority: ss. 101.02(1), 108.14(2) and 227.22(2), Stats

Statutes Interpreted: s. 108.02(15)(k)14

ANALYSIS:

Under s.108.02(15)(k)14, Stats., an individual who works for a processing employer, exclusively within that employer's active processing season, is not eligible for unemployment compensation benefits unless certain conditions are met. Chapter ILHR 145 changes the word "canning" to "processing" to accurately reflect current law, corrects statutory references and updates the outside limits of the active processing season for the crops grown in Wisconsin. This rule specifies which fruits and vegetables are considered "fresh perishable" within the meaning of s. 108.02(15)(k)14, Stats.

SECTION 1. Chapter ILHR 145 (title) is amended to read:

Chapter ILHR 145 (title)

ACTIVE CANNING PROCESSING SEASONS

SECTION 2. ILHR 145.01 (title) and ILHR 145.01 are amended to read:

ILHR 145.01 (title) ACTIVE PROCESSING SEASONS.

(1) ~~The department hereby determines that~~ For purposes of s. 108.02(15)(k)14., Stats., the ~~outside limits beginning and end of active canning processing seasons for all employers engaged in the canning processing of fresh perishable fruits or vegetables in Wisconsin occur entirely between during the following specified dates weeks each year:~~

Active Canning Processing Season

<u>TYPE OF FRUIT OR VEGETABLE</u>	<u>Earliest Week</u>	<u>Latest Week</u>
Apples	First week ending in September	Second week ending in November
Asparagus	First week ending in May	Third week ending in July
Beans	Second week ending in June	Last week ending in October
Beets	Third week ending in July	First week ending in December
Blueberries	First week ending in June	Last week ending in August
Cabbage	First week ending in July	First week ending in December
Carrots	Last week ending in July	First week ending in December
Celery	<u>First week ending in July</u>	<u>First week ending in December</u>
Cherries	Third week ending in June	Third week ending in August
Corn	Fourth week ending in July	Fourth week ending in October
Cranberries	Third week ending in September	Last week ending in November
Cucumbers	Third week ending in July	Third week ending in October
Onions	<u>Third week ending in July</u>	<u>Third week ending in October</u>
Peas	First week ending in June	Third week ending in August
Peppers	<u>First week ending in July</u>	<u>Third week ending in November</u>
Potatoes	First week ending in July	First week ending in December
Pumpkin	First week ending in September	Third week ending in November
Rhubarb	Second week ending in May	Last week ending in October
Spinach (spring crop)	Third week ending in May	Last week ending in July
Spinach (fall crop)	Last week ending in August	Fourth week ending in November
Strawberries	First week ending in June	Third week ending in July
Squash	Second week ending in September	Third week ending in November
Tomatoes	First week ending in August	Fourth week ending in October
Turnips	Second week ending in August	First week ending in December

(2) ~~Of those the fruits and vegetables canned processed commercially in Wisconsin, only those fruits or vegetables listed in sub.(1) are "fresh perishable", within the meaning of §108.02(5)(g)22, Stats. s.108.02(15)(k)14, Stats.~~

(3) ~~In determining the eligibility of any given an employe under §108.02(5)(g)22, Stats. s.108.02(15)(k)14, Stats., the department deputy under s.108.09, Stats., shall in any contested claim and may in any claim determine between what dates, (within the limits imposed by sub.(1)).~~

the active earning processing season or seasons actually occurred in the establishment in which the employe was employed.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Tommy G. Thompson
Governor
Carol Skornicka
Secretary

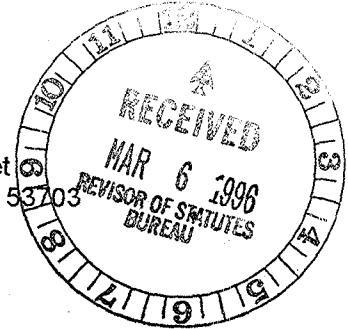


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State of Wisconsin Department of Industry, Labor and Human Relations

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Secretary of State
10th Floor
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Madison, Wisconsin 53703



Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 95-148

RULE NO.: ILHR 145

RELATING TO: Active Fresh Perishable Fruit and Vegetable Processing Seasons

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carol Skornicka".

Carol Skornicka
Secretary