

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

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1. Type of Estimate and Analysis

Original    Updated    Corrected

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2. Administrative Rule Chapter, Title and Number

DWD 80, Worker's Compensation – Creation of Section 80.13

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3. Subject

Audio recording of a worker's compensation hearing

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4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

No fiscal effect.

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6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

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7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses **(if checked, complete Attachment A)**

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8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

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9. Policy Problem Addressed by the Rule

The current rules for worker's compensation administrative hearings do not allow for a party to make its own audio recording of the hearing. DWD has received a request to allow this option. This proposed rule would allow a party to a worker's compensation case to audio record the proceedings of a formal hearing in a non-disruptive and non-obstructive manner, when verbal notice is given to the administrative law judge and all parties involved prior to the start of the hearing and before recording begins.

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10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

This option will be available to any person or entity that is a party to a worker's compensation case. This would include an employee, an employer, or an insurance company.

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11. Identify the local governmental units that participated in the development of this EIA.

None.

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12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

None. The proposed rule would allow a party to pay for and make its own audio recording of a worker's compensation hearing if it chooses to do so. It does not require any party to take any action or incur any expense.

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13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Benefits - allows an additional option to a party to a worker's compensation hearing, as requested. The alternative would be to not create this new provision to allow this option.

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14. Long Range Implications of Implementing the Rule  
None.

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15. Compare With Approaches Being Used by Federal Government  
Not applicable – there are no federal laws regulating worker's compensation insurance.

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16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Minnesota has a rule which prohibits the use of recording devices at a worker's compensation hearing unless permitted by the administrative law judge. This rule differs by providing that an audio recording is permitted when a party gives prior verbal notice.

Iowa, Illinois and Michigan do not have any rules on this topic.

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17. Contact Name Howard Bernstein, DWD Legal Counsel	18. Contact Phone Number (608) 266-9427
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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The rule will have no economic or fiscal impact on small business.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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