

Chapter DWD 114

LICENSE REVOCATION AND FINANCIAL RECORD MATCHING PROGRAM

DWD 114.01 Definitions.
 DWD 114.10 Purpose.
 DWD 114.20 Certification of delinquency.

DWD 114.30 Installment payment plans.
 DWD 114.40 Other enforcement actions not prohibited.
 DWD 114.50 Financial record matching program.

DWD 114.01 Definitions. (1) Except as provided in sub. (2), the definitions in ch. DWD 100 apply to this chapter.

(2) Notwithstanding ch. DWD 100, in this chapter:

(a) “Applicant for a license” means an employer as defined in s. 108.02 (13), Stats., or any individual who is found personally liable under s. 108.22 (2) and (9), Stats., and applies for a license as defined in s. 108.227 (1) (e), Stats.

(b) “Contribution” has the meaning given in s. 108.227 (1) (a), Stats.

(c) “Delinquent” means a license holder or applicant for a license who is liable for any contributions or assessments which remain unpaid after the applicable due date.

(d) “Liable for delinquent contributions” has the meaning given in s. 108.227 (1) (d), Stats.

(f) “License holder” means an employer as defined in s. 108.02 (13), Stats., or any individual who is found personally liable under s. 108.22 (2) and (9), Stats., and possesses a license as defined in s. 108.227 (1) (e), Stats.

(fm) “Licensing department” has the meaning given in s. 108.227 (1) (f), Stats.

(g) “Nondelinquency certificate” has the meaning given in s. 108.227 (1) (g), Stats.

History: CR 13-106: cr. Register July 2014 No. 703, eff. 8-1-14; correction in (2) made under s. 13.92 (4) (b) 1., Stats., Register May 2019 No. 761.

DWD 114.10 Purpose. This chapter specifies all of the following:

(1) Procedures to be used before taking action under ss. 102.17 (1) (ct), 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), 105.13 (4), or 108.227 (3) (b), Stats., with respect to a person whose license or credential is to be denied, not renewed, discontinued, suspended, or revoked based on delinquent unemployment insurance tax contributions.

(2) Procedures under which the department shall enter into agreements with financial institutions doing business in this state to operate the financial record matching program under s. 108.223, Stats.

History: CR 13-106: cr. Register July 2014 No. 703, eff. 8-1-14.

DWD 114.20 Certification of delinquency. (1) After the department has issued a determination under s. 108.10, Stats., finding a license holder or applicant for a license delinquent in making contributions under s. 108.227 (1) (d), Stats., and after all potential appeals by the license holder or applicant for a license are exhausted, the department shall do any of the following:

(a) Issue a warrant under s. 108.22 (2) and (3), Stats., unless the department previously issued a warrant.

(b) Issue and provide by personally serving or mailing by certified mail to the last known address of the license holder or applicant for a license, a certified notice of liability that includes all of the following information:

1. The mailing date of the notice.

2. The payment amount demanded.

3. A statement that the department may issue a certificate of delinquency to a licensing department that may result in the license or credential being denied, not renewed, discontinued, suspended, or revoked.

4. A statement that the license holder or applicant for a license has 14 calendar days from the date of mailing of the notice to submit the full payment identified under subd. 2. or to enter into an installment payment plan schedule that is established by the department under s. DWD 114.30.

(2) Upon request of any license holder or applicant for a license who has paid the full amount demanded, has entered into and complied with an installment payment plan, or is otherwise not liable for delinquent contributions, the department shall issue a nondelinquency certificate to the license holder or applicant for a license and any licensing department that received a certificate of delinquency.

(3) The department shall issue a certificate of delinquency to a licensing department if all of the following apply:

(a) The department complied with the requirements under sub. (1) (a) and (b).

(b) The department received a request for a certification from a licensing department as to whether a license holder or an applicant for a license is liable for delinquent contributions.

(c) The license holder or applicant for a license has not paid the full payment demanded or entered into and complied with an installment payment plan.

History: CR 13-106: cr. Register July 2014 No. 703, eff. 8-1-14; CR 18-033: am. (1) (intro.), (a) Register May 2019 No. 761, eff. 6-1-19.

DWD 114.30 Installment payment plans. (1) Any license holder or applicant for a license who is unable to pay the full amount of the delinquent unemployment insurance contributions, costs, penalties, and interest may negotiate with the department to pay such contributions, costs, penalties, and interest in installments through a payment plan. The license holder or applicant for a license shall provide a statement of the reasons such contributions, costs, penalties, and interest cannot be paid in full and shall set forth the plan of installment payments proposed by the license holder or applicant for a license. Upon approval of such plan by the department and the timely payment of installments set forth in the plan, collection proceedings with respect to such contributions, costs, penalties, and interest shall be withheld. If the license holder or applicant for a license fails to make any installment payment as scheduled, the department may cancel the installment payment plan and proceed to collect the unpaid portion of such contributions, costs, penalties, and interest in the manner provided by law, and after providing 7 days’ notice to the license holder or applicant for a license, issue a certificate of delinquency. The department may require license holders or applicants for a license who make installment payments under this paragraph to do so by electronic funds transfer.

(2) A delinquent license holder or applicant for a license may enter into an installment payment plan that will allow the delinquent license holder or applicant for a license to make full payment of all delinquencies. The installment payment plan shall provide sufficient time and payment terms of the license holder or applicant for a license to be able to pay all delinquencies and shall consider the ability of the license holder or applicant for a license to be able to pay all delinquencies.

(3) A license holder or applicant for a license in an active installment payment plan shall pay current and subsequent quarterly contributions in full and on the date specified by the department.

History: CR 13-106: cr. Register July 2014 No. 703, eff. 8-1-14; CR 18-033: am. (1) Register May 2019 No. 761, eff. 6-1-19.

DWD 114.40 Other enforcement actions not prohibited. Certifying a license holder or applicant for a license liable for delinquent contributions does not limit the department

from taking other actions required or permitted by law to collect contributions from the license holder or applicant for a license.

History: CR 13-106: cr. Register July 2014 No. 703, eff. 8-1-14.

DWD 114.50 Financial record matching program.

A financial institution doing business in this state shall enter into an agreement with the department to participate in the exchange of data on a quarterly basis. To the extent feasible, the information required under this agreement shall be submitted by electronic means as prescribed by the department. The financial institution shall sign the agreement and return the agreement to the department within 20 business days of receipt of the agreement. The department shall review the agreement and, if all conditions under s. 108.223, Stats., have been met, shall sign the agreement and provide the financial institution with a copy of the signed agreement. Any changes to the conditions of the agreement shall be submitted by the financial institution or the department at least 60 days before the effective date of the change.

History: CR 13-106: cr. Register July 2014 No. 703, eff. 8-1-14; CR 18-033: am. Register May 2019 No. 761, eff. 6-1-19.