



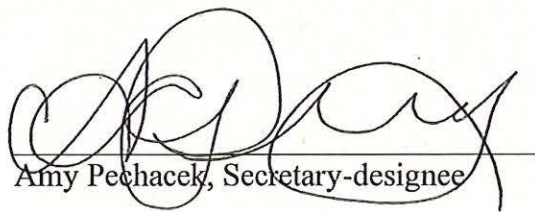
STATE OF WISCONSIN)
) SS
DEPARTMENT OF WORKFORCE)
DEVELOPMENT)

TO THE PEOPLE OF THE STATE OF WISCONSIN:

I, Amy Pechacek, Secretary-designee of the Wisconsin Department of Workforce Development, and custodian of the department's official records, certify that the attached rule affecting ch. DWD 80, relating to worker's compensation hearings and adjudicatory functions, was duly approved and adopted by this department on May 18, 2026.

I further certify that I have compared the attached rule copy with the signed original on file with the department and that the attached copy is a true and complete copy of the original.

Signed at the department offices in the city of Madison,
Dane County, Wisconsin, this 18th day of May 2026.


Amy Pechacek, Secretary-designee



**ORDER OF THE WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT**

The Wisconsin Department of Workforce Development (Department) adopts the following emergency rule *to repeal* HA 4 (title), 4.01, 4.02, 4.03, 4.04 (2) (Note), (3), (4) and (5), 4.05, 4.06, 4.09, 4.14, 4.15 (2) (Note) and 4.18; *to renumber* HA 4.10 and 4.12; *to renumber and amend* HA 4.04 (title), (1) and (2), 4.07, 4.08, 4.11, 4.13, 4.15 (title), (1), (2) and (3) to (7), 4.16 and 4.17; *to amend* DWD 80.02 (2) (g) 2. and (2m) (a) 1., 80.025 (6) and 80.49 (8) (c); and *to create* DWD 80.16 and 80.20; relating to worker's compensation hearings and adjudicatory functions.

The statement of scope for this rule, SS 018-26, was approved by Governor Evers on March 19, 2026, published in the Wisconsin Administrative Register No. 843B on March 30, 2026, and approved by the Secretary of the Department of Workforce Development on April 13, 2026.

Analysis Prepared by the Department of Workforce Development

Finding of Emergency

The Department finds an emergency exists and that an emergency rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

2015 Wisconsin Act 55 transferred statutory authority for worker's compensation adjudicatory functions and related rulemaking authority from the Department to the Division of Hearings and Appeals (DHA) in the Department of Administration. This transfer of statutory authority was effective January 1, 2016. 2015 Wisconsin Act 55, s. 9151 (2) (g) also required the Secretary of Administration to determine which of the Department's rules primarily related to worker's compensation adjudicatory functions in order to transfer those rules to DHA. After the Secretary of Administration made that determination, the Legislative Reference Bureau (LRB) transferred the relevant rules from ch. DWD 80 to ch. HA 4 in the May 29, 2018, administrative register. The Department currently has an emergency rule, EmR 2518, related to worker's compensation adjudication in effect. However, EmR 2518 expires May 30, 2026.

Worker's compensation adjudicatory functions were transferred from DHA to return to the Department by 2025 Wisconsin Act 33, effective January 1, 2026. Pursuant to 2025 Wisconsin Act 33, s. 143 (1) (g), DHA rules primarily related to worker's compensation adjudicatory functions in ch. HA 4, as determined by the Department Secretary, are to be transferred to the Department and will be included in ch. DWD 80. The LRB is authorized to correct rules that will be transferred to the Department subject to the limitations under s. 13.92 (4) (b), Stats. Some of the rules in ch. HA 4 are duplicative of or inconsistent with rules currently in effect in ch. DWD

80 relating to non-adjudicatory matters. This emergency rule makes appropriate amendments in ch. DWD 80 to provide the Department with authority for all procedural matters that have been under its purview as of January 1, 2026, and before the Department is able to promulgate permanent rules. The emergency rule will also allow the Department to make further amendments to procedural rules, as warranted, to ch. DWD 80 when the permanent rule is promulgated.

Another emergency rule is necessary and in the best interest of the stakeholders in the Wisconsin worker's compensation system, including injured employees, employers and worker's compensation insurance carriers. During the time the Department needs to complete the process for promulgating permanent rules to conduct worker's compensation adjudicatory functions, an emergency rule is essential for effectively operating adjudicatory functions, including conducting hearings required in the Wisconsin worker's compensation system. Without the emergency rule there will be confusion and uncertainty for the parties in worker's compensation cases about the rules that apply to litigated cases beginning on January 1, 2026. The return of worker's compensation adjudicatory functions to the Department as provided in 2025 Wisconsin Act 33 cannot be successfully accomplished simply by the Department adopting the language contained in ch. HA 4 that will be transferred to the Department.

Statutes Interpreted

Sections 102.01, 102.04, 102.07, 102.12, 102.13, 102.14 to 102.18, 102.195, 102.22 to 102.30, 102.32 to 102.35, 102.42, 102.425 to 102.44, 102.475 to 102.49, 102.51, 102.55 to 102.565, 102.61, 102.62, 102.64 to 102.65, 102.66 and 102.75, as affected by 2025 Wisconsin Act 33.

Statutory Authority

Sections 102.15 (1) (a) and 103.005 (1), Stats.

Explanation of statutory authority

Section 102.15 (1) (a), Stats., grants the Department the specific authority to promulgate rules necessary to carry out its duties and functions under ch. 102, Stats. Section 103.005 (1), Stats., grants the Department the general authority to adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings.

Related statutes or rules

Chapter. HA 4 , which is discussed below.

Plain language analysis

2015 Wisconsin Act 55 transferred statutory authority for worker's compensation adjudicatory functions and related rulemaking authority from the Department to the Division of Hearings and Appeals (DHA) in the Department of Administration. Pursuant to s. 9151 (2) (g) of the 2015

act, the Legislative Reference Bureau transferred the relevant rules from ch. DWD 80 to ch. HA 4. 2025 Wisconsin Act 33 transferred the statutory and rulemaking authority for worker's compensation adjudicatory functions back to the Department effective January 1, 2026. Section 143 (1) (g) of the 2025 act also provided that DHA rules primarily related to worker's compensation adjudicatory functions, as determined by the Department Secretary, are transferred to the Department and remain in effect until amended or repealed by the Department. As a result, the rules in HA 4 are considered rules of the Department and remain in effect until the Department amends or repeals them.

The Department did not have adequate time to promulgate a permanent rule to amend or repeal the rules in ch. HA 4 before 2025 Wis. Act 33 went into effect. Therefore, this emergency rule transfers to ch. DWD 80 those rules in ch. HA 4 that are necessary for the Department to carry out its duties regarding worker's compensation adjudicatory functions. This emergency rule also repeals rules in ch. HA 4 that are not necessary for those duties and creates new rules in ch. DWD 80 regarding some of those duties.

More specifically, this emergency rule does the following:

Procedure on claims. The rule transfers certain rules in s. HA 4.04 to s. DWD 80.05 to specify the procedure for a party to apply to the Department for relief related to disputes under ch. 102, ss. 59.88 (3), 62.624 (2), 106.25, 303.07 (7), 303.21, and 40.65, Stats., and s. 66.191, 1981 Stats., as well as the procedure for filing answers to such applications. The rule repeals rules in s. HA 4.04 that the Department has determined are not necessary for those procedures.

Amendments. The rule transfers s. HA 4.07 to s. DWD 80.08 to establish the procedure for a party to file an amended hearing application or answer.

Witness attendance; extension of time and postponement. The rule transfers s. HA 4.08 to s. DWD 80.09 to create requirements for the attendance of witness at hearings and the procedure for requesting postponement of hearings.

Depositions. The rule transfers restrictions on the use of depositions from s. HA 4.10 to s. DWD 80.11.

Rules of practice; selection of hearing site. The rule transfers rules of practice at hearings, including hearsay testimony and the selection of locations where hearings will be held, from s. HA 4.11 to s. DWD 80.12.

Audio recordings. The rule transfers procedures for a party to audio record a formal hearing from s. HA 4.12 to s. DWD 80.13.

Transcripts. The rule transfers requirements for the production of transcripts of testimony or proceedings at formal hearings from s. HA 4.13 to s. DWD 80.14.

Mediation. The rule repeals s. HA.4.18 and creates s. DWD 80.16 to establish the procedure for a party to request a conference for the purpose of mediation. New s. DWD 80.16

does not include provisions in s. HA 4.18 that the Department has determined are not necessary for that procedure.

Licenses to appear. The rule repeals s. HA 4.05 and creates comparable requirements in s. DWD 80.20 for the Department to issue licenses to appear to persons who are not licensed to practice law in Wisconsin to represent parties in worker's compensation cases.

Use of reports. The rule transfers s. HA 4.15 to s. DWD 80.22 to establish the procedure and requirements for the use of reports from practitioners and expert witnesses as evidence at hearings.

Duty disability and death benefits; protective occupation participants. The rule transfers s. HA 4.16 to s. DWD 80.31 to provide for the forms, rules, and procedures for the Department to observe in processing and determining claims under s. 40.65, Stats.

Witness fees and travel reimbursement. The rule transfers s. HA 4.17 to s. DWD 80.44 to establish fees and travel reimbursement for witnesses and interpreters to attend hearings.

Repeals. The rule repeals ss. HA 4.01 (application of rules), 4.02 (definitions), 4.03 (application of Department rules) because the Department has determined those rules are not necessary. The rule also repeals s. HA 4.06 (service and filing), HA 4.09 (stipulations), and HA 4.14 (reports by practitioners and expert witnesses) because comparable rules are currently in effect in s. DWD 80.07, 80.10, and 80.21.

Other changes. The rule amends several rules in ch. DWD 80 to refer to the Department instead of DHA.

Summary of, and comparison with, existing or proposed federal regulations

There are no proposed or existing federal statutes or rules related to the rule.

Summary of comments on the statement of scope and description of how the comments were taken into account in drafting the rule

A preliminary hearing on the statement of scope for this emergency rule, SS 018-26, was held on April 2, 2026. There were no comments received at the preliminary hearing or submitted in writing following the preliminary hearing.

Comparison with rules in adjacent states

Illinois. Ill. Admin. Code tit. 50, part 9030 covers procedures applicable to hearings before worker's compensation arbitrators. The Illinois procedural rules are similar to rules in Wisconsin but are more complex than this emergency rule. The Illinois rules provide for a more complex process for assigning arbitrators to cases and setting cases for hearing compared to Wisconsin. The Illinois rules provide the Illinois Rules of Evidence apply to all proceedings, except for a few limited exceptions, and for a wide use of depositions for the purpose of discovery. In

Wisconsin, discovery is very limited and the rules of civil procedure do not apply to worker's compensation hearings.

Iowa. Iowa Admin. Code Rule 876-4 covers contested case procedures for worker's compensation cases. The Iowa rules are also somewhat similar to rules in Wisconsin but are more complicated than this emergency rule. Unlike rules in Wisconsin, the Iowa rules require a fee for filing a hearing request for most cases and require the Iowa Rules of Civil Procedure to apply to worker's compensation hearings, including formal motions and discovery such as in a court of general jurisdiction. Iowa Admin. Code Rule 876-10.1 covers dispute resolution procedures after a contested case proceeding is filed in worker's compensation cases.

Michigan. Mich. Admin. Code Rule 408.34 to 408.43t are the administrative rules applicable to hearings before the worker's compensation agency. The Michigan rule is similar to rules in Wisconsin and covers filing applications for hearings, service of documents, requests for advance payments, and redemptions (full and final settlements). Mich. Admin. Code Rule 408.40b applies to appearances by the parties at mediation conferences before the worker's compensation agency.

Minnesota. Minn. Admin. Code Chapter 1420 contains the administrative rules applicable to worker's compensation litigation procedures. The Minnesota rules are similar to rules in Wisconsin but are more complex. The Minnesota rules provide for formal discovery procedures including request for admissions, depositions before hearings for purposes of discovery, other discovery available under the Minnesota Rules of Civil Procedure in certain circumstances, and for penalties that may be imposed against a party for failure to comply with discovery orders. The Minnesota rules also cover intervenors joining as parties in litigated cases. In Wisconsin, discovery is very limited, the rules of civil procedure do not apply to worker's compensation hearings and intervenors are not permitted to join cases as a party.

Summary of factual data and analytical methodologies

As part of the process for developing this emergency rule, the Department reviewed the changes to ch. 102, Stats., made by 2015 Wisconsin Act 55 and 2025 Wisconsin Act 33. The Department also reviewed the rules in ch. HA 4 and current ch. DWD 80. No other data or analysis was needed.

Development of this rule did not involve the gathering, analysis, or use of data. Therefore, s. 227.14 (2m), Stats., does not apply to this rulemaking.

Analysis and supporting documents used to determine effects on small business or in preparation of an economic impact analysis

This emergency rule does not have an economic impact on small business as defined in s. 227.114 (1), Stats., and no analysis is needed.

Fiscal Estimate

The Fiscal Estimate is attached.

Effect on small business

This emergency rule does not have an economic impact on small business, as defined in s. 227.114 (1), Stats.

Agency contact person

Questions and comments related to this rule may be directed to:

James T. O'Malley
Director, Bureau of Legal Services
Worker's Compensation Division
201 East Washington Avenue
P. O. Box 7901
Madison, WI 53707-7901
Telephone: (608) 267-6704
E-mail: Jim.OMalley@dwd.wisconsin.gov

Place where comments are to be submitted and deadline for submission

Comments may be emailed to DWDAdminRules@dwd.wisconsin.gov or submitted to the agency contact person listed above no later than a date to be determined. The date, time and location of the public hearing will be published in the Wisconsin Administrative Register.

Text of Rule

- 1 **SECTION 1.** HA 4 (title), 4.01, 4.02 and 4.03 are repealed.
- 2 **SECTION 2.** HA 4.04 (title), (1) and (2) are renumbered DWD 80.05 (title), (1) and (2) and
- 3 amended to read:
- 4 DWD 80.05 (title) **Procedure on claim.** (1) In cases of disputes in matters coming
- 5 under the jurisdiction of ch. 102, Stats., ~~or s.~~ ss. 40.65, 59.88 (3), 62.624 (2), 106.25, 303.07 (7),
- 6 or 303.21, Stats., and s. 66.191, 1981 Stats., any party to the dispute may apply to the department
- 7 for relief and the department shall make such order or award as shall be lawful and just under the
- 8 circumstances.

1 (2) In all such cases under sub. (1), the applicant shall file his or her application with the
2 department, along with sufficient copies of the application for service on the ~~respondents~~ adverse
3 parties. The department shall thereupon serve the ~~respondents~~ adverse parties with a copy of the
4 application and the ~~respondents~~ adverse parties shall file an answer to the application with the
5 ~~division~~ department within 20 days after the service and likewise serve a copy of the answer on
6 the applicant. If no answer is mailed by the respondent within 20 days of ~~service of the~~
7 ~~application~~ mailing by the department, the ~~division~~ department may issue an order by default,
8 without hearing, in accordance with the application, as provided by s. 102.18 (1) (a), Stats.

9 **SECTION 3.** HA 4.04 (2) (Note), (3), (4) and (5) are repealed.

10 **SECTION 4.** HA 4.05 is repealed.

11 **SECTION 5.** HA 4.06 is repealed.

12 **SECTION 6.** HA 4.07 is renumbered DWD 80.08 and amended to read:

13 DWD 80.08 **Amendments.** Amendment may be made to the application or answer by
14 letter mailed to the ~~division~~ department prior to the date the notice of hearing is mailed. Copies
15 of the letter shall be sent directly to the other parties. The letter shall state reasons for the
16 amendment.

17 **SECTION 7.** HA 4.08 is renumbered DWD 80.09 and DWD 80.09 (2), (3) and (4), as
18 renumbered, are amended to read:

19 DWD 80.09 (2) Requests for postponements ~~or~~ and continuances shall be considered by
20 the ~~division~~ department only if such requests are received within a reasonable time before the
21 date of the hearing.

1 (3) The ~~division~~ department shall grant postponements and continuances only because of
2 extraordinary circumstances. Neither the scheduling problems nor the convenience of the parties
3 shall be considered extraordinary circumstances.

4 (4) A postponement, continuance, or extension of time may not be granted upon the
5 mutual agreement of the parties without the consent of the ~~division~~ department.

6 **SECTION 8.** HA 4.09 is repealed.

7 **SECTION 9.** HA 4.10 is renumbered DWD 80.11.

8 **SECTION 10.** HA 4.11 is renumbered DWD 80.12 and DWD 80.12 (1) (a) and (c), (2) (intro.),
9 (a) and (b), as renumbered, are amended to read:

10 DWD 80.12 (1) (a) The rules of practice before the ~~division~~ department shall be such as
11 to secure the facts in as direct and simple a manner as possible.

12 (c) The administrative law judge may not allow into the record, either on direct or cross-
13 examination, redundant, irrelevant or repetitive testimony. Hearsay testimony ~~with probative~~
14 ~~value~~ may be admitted at the discretion of the administrative law judge provided such testimony
15 has probative value.

16 (2) (intro.) The ~~division~~ department may select places for a hearing after considering the
17 geographical location and volume of claims in an area. ~~A~~ The department will furnish a list of
18 ~~sites will be furnished~~ upon request to interested parties ~~by the division~~. From this list, a hearing
19 site shall be selected at the discretion of the ~~division~~ department. The ~~division~~ department, in
20 determining the site of the hearing, shall consider all of the following:

21 (a) The ~~applicant's~~ location choice of the applicant.

22 (b) The location of the office of the treating practitioner or practitioner appointed by the
23 department under the provisions of s. 102.13 (3) or s. 102.17, Stats.

1 **SECTION 11.** HA 4.12 is renumbered DWD 80.13.

2 **SECTION 12.** HA 4.13 is renumbered DWD 80.14 and DWD 80.14 (intro.), (1) and (3), as
3 renumbered, are amended to read:

4 DWD 80.14 **Transcripts.** (intro.) Transcripts of testimony taken or proceedings had
5 before the ~~division shall~~ department will be furnished to the ~~applicant or respondent parties~~ or
6 their attorneys in accordance with ~~all of~~ the following provisions:

7 (1) After the commencement of an action to review an order of the ~~labor and industry~~
8 ~~review~~ commission in circuit court, a copy of the hearing record will be furnished to the plaintiff
9 or other parties upon payment to the ~~division~~ department of the reporter's fees set forth in s.
10 757.57 (5), Stats., and not as set forth in s. 757.57 (2), Stats.

11 (3) Upon proper showing of financial inability to pay for copies of such testimony or
12 proceedings, the ~~division may~~ department in its discretion will furnish copies of the same on
13 such terms as may be agreed upon.

14 **SECTION 13.** HA 4.14 is repealed.

15 **SECTION 14.** HA 4.15 (title), (1) and (2) are renumbered DWD 80.22 (title), (1) and (2) and
16 amended to read:

17 DWD 80.22 (title) **Use of reports from practitioners and expert witnesses as**
18 **evidence.**

19 (1) In this section, "report" means a report by a practitioner or a report by an expert
20 witness on the issue of loss of earning capacity, ~~as described in s. HA 4.14.~~

21 (2) Matters stated in ~~a~~ such report ~~that~~ which would not be competent or material
22 evidence if given as oral testimony ~~are~~ shall not be competent or material as prima facie evidence
23 if objection is made, except as corroborated by competent and material oral testimony.

1 SECTION 15. HA 4.15 (2) (Note) is repealed.

2 SECTION 16. HA 4.15 (3) to (7) are renumbered DWD 80.22 (3) to (7) and amended to read:

3 DWD 80.22 (3) Use of reports shall be permitted in any case in which claim for
4 compensation is made, provided the reporting practitioner or other expert witness is available
5 for ~~cross-examination~~ cross-examination.

6 (4) ~~Reports shall be submitted to the division on a prescribed form prescribed by the~~
7 ~~department and shall be certified. An applicant~~ A party shall be informed of the provisions of s.
8 102.17 (1) (d), Stats., and ~~ss. DWD 80.21 and HA 4.14~~ the department's rules, and also that a
9 form for reporting will be supplied to the ~~applicant~~ party upon request.

10 (5) Reports shall be submitted to the department upon a form prescribed by the
11 department and shall be certified. ~~The division~~ department may require additional or
12 supplementary reports. Upon failure of the applicant to submit such reports within the time
13 specified prior to hearing, all reports previously filed may, in the discretion of the ~~division~~
14 department, be excluded as evidence.

15 (6) Reports shall be filed with the application for adjustment of claim or as soon
16 thereafter as possible. Reports not filed with the ~~division~~ department 15 days prior to the date of
17 hearing shall not be acceptable as evidence except upon good cause for failure so to file,
18 established to the satisfaction of the ~~division~~ department.

19 (7) Simultaneously with the filing of a report with the ~~division~~ department, a party shall
20 serve copies upon all other parties in interest. Service upon the designated representative of a
21 party shall be deemed service upon the party. Service upon the insurance carrier for an employer
22 shall be deemed service upon the employer. However, if a party does not have a representative,
23 the ~~division~~ department may elect to make service upon the other parties

1 **SECTION 17.** HA 4.16 is renumbered DWD 80.31 and amended to read:

2 DWD 80.31 **Procedure and claims under ~~ch. 40 s. 40.65~~, Stats.** The ~~division~~
3 department shall observe the same rules and procedures and may use the same forms in
4 processing and determining claims made under s. 40.65, Stats., as are used under ch. 102, Stats.

5 **SECTION 18.** HA 4.17 is renumbered DWD 80.44 and amended to read:

6 DWD 80.44 **Witness fees and travel reimbursement.** The fees and travel
7 reimbursement of witnesses and interpreters for attending a hearing before an administrative law
8 judge of the department shall be the statewide rate currently paid under s. 814.67 (1) (b), Stats.,
9 notwithstanding any local county variations

10 **SECTION 19.** HA 4.18 is repealed.

11 **SECTION 20.** DWD 80.02 (2) (g) 2. is amended to read:

12 DWD 80.02 (2) (g) 2. A decision to deny liability for payment of compensation for
13 reported claims after a concession of liability is made, giving the reason for the denial and
14 advising the employee of the right to a hearing before the ~~division of hearings and appeals~~
15 department.

16 **SECTION 21.** DWD 80.02 (2m) (a) 1. is amended to read:

17 DWD 80.02 (2m) (a) 1. A decision to deny liability for payment of compensation giving
18 the specific reason for the denial and advising the employee of the right to a hearing before the
19 ~~division of hearings and appeals~~ department.

20 **SECTION 22.** DWD 80.025 (6) is amended to read:

21 DWD 80.025 (6) The ~~division of hearings and appeals~~ department shall provide
22 transcripts of testimony taken or proceedings had before the ~~division~~ department only in
23 accordance with s. ~~HA 4.13~~ DWD 80.14.

1 **SECTION 23.** DWD 80.16 is created to read:

2 **DWD 80.16 Mediation.** (1) A party may request the department to schedule a
3 conference to discuss a mutually agreeable resolution of a disputed case without a formal
4 hearing.

5 (2) The department may schedule a conference for purposes of mediation after a party has
6 submitted a request, and the other party or parties have confirmed in writing agreement to the
7 conference.

8 (3) A party may request a specific administrative law judge to serve as a mediator at the
9 conference. The department shall assign an administrative law judge to conduct the conference
10 based on staff resources and operational requirements.

11 (4) All written and oral communications or statements associated with a conference for
12 mediation are confidential and not subject to disclosure, except for the following:

13 (a) Hearing applications.

14 (b) Answers to applications.

15 (c) Reports by practitioners and expert witnesses.

16 (d) Payments for compensation and medical expense made by employers and worker's
17 compensation insurance carriers.

18 (e) Form WKC-3 and unpaid medical bills resulting from the injury.

19 (f) Reimbursement claims by health insurance.

20 (g) Claims for family support and medical assistance under s. 102.27 (2), Stats.

21 (5) A party may request a conference for mediation on a form prescribed by
22 the department.

23 **SECTION 24.** DWD 80.20 is created to read:

1 DWD 80.20 **License to appear.** (1) This section shall govern the issuance, suspension,
2 or revocation of licenses to appear before the department in compensation matters under the
3 provisions of s. 102.17 (1) (c), Stats.

4 (2) Permission to appear at a single hearing may be issued by the department through any
5 administrative law judge upon application evidencing qualifications provided by statute and the
6 department's rules. Such permission may be given to appear in 3 cases before the issuing of
7 license. When appearance has been made in 3 cases, license shall be required, which shall be
8 issued only upon execution and filing with the department of an application upon a form
9 prescribed by the department.

10 (3) A license may not be issued unless the applicant has appeared in representation of a
11 party before the department on at least 3 formal hearings.

12 (4) The following conditions shall operate as grounds for refusal, suspension, or
13 revocation of license:

14 (a) Charging of excessive or unconscionable fees, misrepresentation of clients,
15 dishonesty, fraud, sharp practice, neglect of duty, or other improper conduct in the representation
16 of a party before the department, unless satisfactorily explained or excused by the department on
17 the grounds of subsequent good conduct.

18 (b) Disbarment from the practice of law, or resignation by request of properly constituted
19 authorities, unless there has been subsequent reinstatement and continuance in good standing.

20 (c) Contumacious conduct in hearing, gross discourtesy toward department
21 representatives, or failure to conform to rulings or instructions of the department or its
22 representatives.

1 (d) Intentional or repeated failure to observe provisions of the compensation act or rules
2 of procedure adopted by the department.

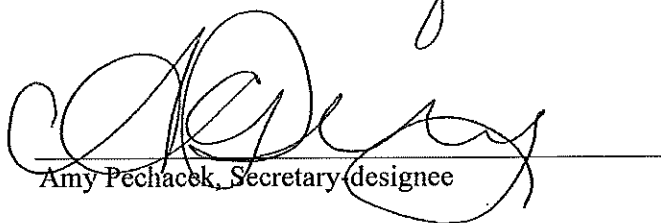
3 (e) Any other gross evidence of lack of good moral character, fitness or act of fraud, or
4 serious misconduct.

5 **SECTION 25.** DWD 80.49 (8) (c) is amended to read:

6 DWD 80.49 (8) (c) A medical report from a physician, podiatrist, psychologist or
7 chiropractor showing that the permanent work restrictions provided by the employee's
8 practitioner are in dispute, and medical or vocational documentation that the difference in work
9 restrictions would materially affect either the employer's ability to provide suitable employment
10 or a specialist's ability to recommend a retraining program. If after 30 days the employee and
11 employer cannot resolve the dispute, either party may request a hearing before the ~~division of~~
12 ~~hearings and appeals~~ department to determine the employee's work restrictions. Within 30 days
13 after the ~~division of hearings and appeals~~ department determines the restrictions, the employer
14 shall provide the written notice required in par. (a) or (b).

15 **SECTION 26. EFFECTIVE DATE.** This rule takes effect on May 31, 2026, or upon
16 publication in the state newspaper, whichever is later, and shall remain in effect for 150 days, as
17 provided in s. 227.24 (1) (c), Stats.

Signed this 18th day of May, 2026.



Amy Pechacek, Secretary designee