

Labor Proposals for 2025 Agreed Bill

1. **Permanent Total Disability Supplemental Benefits and Indexing:** Bump in eligible dates/rates to 6 years prior to date of enactment of Agreed Bill. Rolling indexing with 6-year lag for all dates of injury resulting in permanent total disability to the rate in effect at the time the benefit accrues. Allow supplemental benefits to injured workers who are receiving compensation for permanent total disability from the Second Injury Fund.
2. **Permanent Partial Disability Indexing:** Increase in the maximum PPD rate annually to 22.5% of the maximum average weekly wage in effect for the date of injury.
3. **Death Benefits:** Revise the death benefit statutes to eliminate the concept of dependency. Death benefits shall be payable to surviving spouses, children, siblings, parents, and other next-of-kin in a manner similar to probate/estate law. Employers/insurers may pay the death benefit to an escrow account administered by the Department. The Department shall establish procedures for investigating and determining proper disbursement. A claimant recognized by probate/estate law may file a hearing application disputing the Department's determination. Funding for the Department's responsibilities and representation shall come from Work Injury Supplemental Benefit Fund.
4. **Scholarships:** Provide for a statutory scholarship benefit for injured worker's children, where a parent's injury causes death. Scholarship amount for each child would be for the tuition, room and board, and book expense for up to four years at a Wisconsin State University System school, Wisconsin State Technical College System, or certified apprenticeship program, at the child's choice.
5. **Statute of Limitations Extended by Payment of Medical Expense.** Current law, Wis. Stat. § 102.17(4), provides for a statute of limitations of 6 years for traumatic injuries, measured from the date of injury or the last payment of primary compensation, whichever is later. Payment of medical expense currently does not extend the statute of limitations. This proposal would add the date of the last payment of medical expense as an additional measurement point for the start of the statute of limitations.
6. **Shoulder Replacement, Spinal Fusions:** Amend Wis. Stat. § 102.17(4) to include shoulder replacement, reverse shoulder replacement, as well as spinal fusions as an additional serious traumatic injury with no statute of limitations.

7. **Eliminate Restricted Accounts for Compromise Agreements:** Requirement of a restricted bank account for any of the applicant's compromise amounts is prohibited.
8. **Injured Worker Choice of Third-Party Settlements:** Amend Wis. Stat. § 102.29 to change the law from the employer having an equal voice in whether a settlement offer should be accepted to the worker having the right to control the settlement or no settlement decision.
9. **Reinstatement of Employment and Damages in Wis. Stat. § 102.35(3) Claim:** The Department or Division may order reinstatement of employment upon a finding of unreasonable refusal to rehire if the employee desires reinstatement, along with wage loss after end of healing but before reinstatement. In all other cases, upon a finding of unreasonable refusal to rehire, monetary damages shall be 1 years' wages regardless of the employee's earnings after end of healing.
10. **Continuation of Health Care Coverage:** If during the period of temporary disability an employer fails to continue to provide ongoing group health care coverage for an injured worker or his/her family, if such coverage was provided as of the time of injury, the temporary total disability rate shall be expanded in an amount equal to 100% of the employer contribution for such group health care that the worker (and his/her family, if applicable) had as of the date of injury. In such a circumstance, the maximum TTD rate does not apply to cap TTD benefits.
11. **Loss of Earning Capacity for Scheduled Injuries:** If a worker suffers a scheduled injury, and if retraining has been attempted but fails to fully restore the injured worker's pre-injury earning capacity, or if retraining is not feasible for the injured worker, allow a claim for loss of earning capacity in the same manner as currently allowed for unscheduled injuries.
12. **Limit Number of Medical Record Review Reports.** Under current law, an employer or worker's compensation carrier may commission an unlimited number of medical record reviews by medical providers, and those reports are not required to be disclosed to claimants. Amend Wis. Stat. § 102.13 to provide that an employer or carrier may only obtain a medical record review with either the provider who has or will later conduct an IME pursuant to Wis. Stat. §102.13(1)(a), or with one provider other than a provider who performs an IME pursuant to Wis. Stat. § 102.13(1)(a); that such reports must be disclosed to claimants within a reasonable time of receipt by the employer or carrier; and that record reviews are limited in any event to one every six months, as are IMEs.
13. **Allow Advanced Practice Registered Nurses (APRN) and Physician Assistants (PA) to Provide Opinions on Cause and Extent of Disability:** In WKC-16B forms.

14. **Allow Doctors of Audiology (Au.D.) to Provide Opinions on Cause and Extent of Disability:** In WKC-16B forms in hearing loss cases.

Labor reserves the right to amend or add to these proposals as may be necessary during the Agreed Bill process.