

Council on Worker's Compensation
Meeting Minutes
201 E. Washington Avenue
GEF-1 Building
Madison, Wisconsin
September 26, 2023

The Department of Workforce Development (DWD) provided public notice of the meeting under Wis. Stat. § 19.84.

Members present: Ms. Bloomingdale, Mr. Buchen, Ms. Frank, Mr. Fugina, Mr. Kent, Mr. Large, Mr. Nettum, Mr. Peters (Chairperson), Mr. Schwanda, Mr. Tindall, and Ms. Ver Velde.

Excused: Ms. Johnson, Mr. Streff and Ms. Zarecki.

Staff Present: Mr. Aiello, Ms. Brown, Ms. Egan, Ms. Lake, Ms. McCormick, Mr. Moreth, Mr. O'Malley, Ms. Przybylo and Mr. Spencer.

- 1. Call to Order/Introductions:** Mr. Peters convened the Worker's Compensation Advisory Council (WCAC) meeting at approximately 10:00 a.m. in accordance with Wisconsin's open meetings law and called roll of the WCAC members. Staff and attendees introduced themselves.
- 2. Approval of the Minutes:** A motion was made by Ms. Bloomingdale to approve the minutes of the July 25, 2023 meeting. Ms. Ver Velde seconded the motion. The minutes were unanimously approved without correction.
- 3. Correspondence:** Mr. O'Malley reviewed the correspondence received since the last meeting.

Mr. Robert G. Hurley submitted an e-mail message dated August 14, 2023. Mr. Hurley has been permanently and totally disabled since September 1982 and is now receiving supplemental benefits. He noted the last cost-of-living update for supplemental benefits was in 2016 and requested the WCAC to vote for an increase in supplemental benefits for cost-of-living purposes and to implement an automatic cost-of-living increase in inflationary years.

An e-mail message dated September 18, 2023 was received from Ms. Chris L. Segedy. Ms. Segedy appeared at a worker's compensation hearing in her claim on April 27, 2023 and the defense attorney brought his school aged son to the hearing. Ms. Segedy believes that bringing a child to her hearing was inappropriate because of the nature of her injury. She commented in her message that if there is currently no precedent regarding children being allowed to attend hearings in worker's compensation cases appropriate guidelines should be adopted.

Mr. Brad Harrell submitted an e-mail message dated September 22, 2023. Mr. Harrell has been permanently and totally disabled since 1979 and he is recipient of supplemental benefits. He inquired whether the WCAC would be considering an increase in supplemental benefits since the last increase was seven years ago. He noted that supplemental benefits are crucial assets for himself and other workers.

- 4. Update on new WC Legislation:** Mr. O'Malley discussed two (2) bills that were recently introduced in the Wisconsin Legislature to amend Chapter 102, Wis. Stats.

2023 AB-398 relates to participants in clinical drug trials where remuneration is received. 2023 SB-387 is a companion bill. These bills will establish that participants are not employees of the entity that is conducting the clinical trial, except for government units, Indian tribes and nonprofit organizations. The entity may elect to be covered for worker's compensation and unemployment insurance coverage purposes. These bills amend s. 102.07 (8), Wis. Stats., related to independent contractors. No hearings have been scheduled on these bills as of the date of the meeting.

2023 SB-436 eliminates the requirement for 14 and 15 year-old minors to obtain a work permit. 2023 AB-442 is a companion bill. These bills will result in the elimination of payments into the Work Injury Supplemental Benefit Fund (WISBF) for the illegal employment of minors under s.102.60 (1m) (a), Wis. Stats. No hearings have been scheduled on these bills as of the date of the meeting. The fiscal impact of these bills on the WISBF has not yet been studied. Mr. Aiello stated that the number and amount of penalties assessed for the illegal employment of minors who did not have work permits for the last few years could be provided to the WCAC.

- 5. Labor and Management Proposals:** The WCAC members indicated their intent to go into closed caucus for the remainder of the meeting.
- 6. Other Business of the Council:** Mr. Peters stated that Public Records training was provided at the WCAC meeting on March 9, 2023, and on-line training is available for members who have not completed the training for this year.
- 7. Adjournment:** A motion was made by Ms. Bloomingdale to go into closed session under s. 19.85(1) (eg), Wis. Stats., to deliberate items on the agenda and to adjourn the meeting from closed session. The motion was seconded by Ms. Ver Velde. The motion passed unanimously. Mr. Peters announced the closed session, statutory authority, and the nature of business to be considered. The open session of the meeting was adjourned at approximately 10:32 a.m. The WCAC's next meeting is scheduled for November 2, 2023.