

Item #1
Email dated 12/11/2025

From: Rep.Gundrum <Rep.Gundrum@legis.wisconsin.gov>
Sent: Thursday, December 11, 2025 3:52 PM
To: Dipko, John A - DWD (WC) <john.dipko@dwd.wisconsin.gov>
Subject: Letter to Wisconsin Worker's Compensation Division

Chairman Dipko –

As you know, our healthcare workforce crisis is at an all-time high here in Wisconsin. It is especially true for our long-term care facilities. These facilities have to be innovative in order to ensure proper staffing levels to care for our family members. One of the tools being utilized to fill shifts is through healthcare platforms. Clipboard is one of those companies which provides an electronic staffing platform allowing participating healthcare facilities to post available shifts via easy-to-use apps and qualified, independent healthcare professionals to find and sign up for open shifts at facilities near them. The platform and the company running the platform are not healthcare providers.

We, the legislators and Clipboard LLC., would respectfully ask for an opportunity to discuss this issue at the January 2026 Council meeting by being placed on the agenda.

We believe these platforms are modern day tools to deal with this crisis, but we respect the challenge with the law as it stands in identifying these workers as independent contractors. We would like to discuss modernizing the law. Also, we have attached LRB 4574/1 and LRB 5683/1 as one of the legislative tools we would like to discuss with the Council for consideration.

If you could please acknowledge receipt of this communication and reach out with any questions.

Thank you for your consideration, and please let us know what else you need from us in regard to attending the January 2026 meeting.

We look forward to hearing from you.

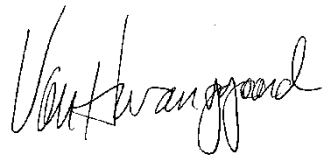
Thank you –

Rick Gundrum



**State Representative
 58th Assembly District**

Van Wanggaard



**State Senator
 21st Senate District**

Margaret Arney



**State Representative
 18th Assembly District**

Wisconsin has a critical healthcare workforce shortage, despite repeated bipartisan efforts to address the issue. According to DWD, Wisconsin faces a potential shortage of 20,000 nurses by 2040 and nearly 32,000 annual openings across healthcare occupations between 2020 and 2030.

In 2024, the Governor's Task Force on the Healthcare Workforce stated that *"Wisconsin's healthcare industry continues to face significant challenges filling jobs, with historically low unemployment rates, high workforce participation rates and a shrinking labor pool."* The task force noted that these challenges negatively impact people's health, by potentially delaying needed care. The Task Force concluded that Wisconsin must work *"to identify potential solutions that support the healthcare industry and everyone our healthcare system aims to serve."*

LRB 4574 responds to this call by recognizing the evolving landscape of healthcare staffing, particularly the rise of electronic staffing platforms. Electronic staffing platforms are the 21st century version of job posting boards. Electronic staffing boards allow participating healthcare facilities to post available shifts via easy-to-use apps, and allow qualified, independent healthcare professionals to find and sign up for open shifts at facilities near them. These platforms help alleviate workforce shortages, increase access to care, and give healthcare professionals more control over when, where, and how they work. **LRB 4574** establishes a clear legal framework for the relationship between healthcare worker platforms and the professionals who use them. Specifically, it defines that, under certain conditions, healthcare workers utilizing these platforms are to be considered 1099 independent contractors, not employees, for purposes of Wisconsin law.

This is not an attempt to circumvent worker protections or undermine traditional employment. Rather, it reflects the reality of how these platforms operate: offering flexible, voluntary opportunities without imposing the obligations or control that characterize a traditional employer-employee relationship.

LRB 4574 does not prohibit healthcare workers from pursuing employment arrangements if they choose to. Rather, it gives them the freedom to choose how they wish to engage with healthcare employers, whether through full-time employment, per diem shifts, or multiple platforms. Under **LRB 4574**, Healthcare workers could choose to hold a full-time or part-time job and also find shifts through a platform when it is convenient for them.

LRB 4574 responds directly to the mounting pressures faced by the nursing profession and the broader healthcare workforce by bringing clarity, flexibility, and opportunity to Wisconsin's network of healthcare professionals and the technology platforms that connect them with healthcare facilities and the patients that they serve.

If you are interested in co-sponsoring this legislation, please reply to this e-mail or contact Representative Gundrum's office at 9158 or Senator Wanggaard's office at 6-1832 by December 8, 2025 at 5:00 PM. Co-sponsors will be added to both the Assembly and Senate versions of the bill unless specified otherwise.

Analysis by the Legislative Reference Bureau

This bill provides that under specific circumstances, health care workers (workers) who perform shifts at health care facilities are not employees of health care worker platforms (platforms), health care facility

operators, or health care facilities for the purposes of worker's compensation insurance, minimum wage laws, and unemployment insurance. In the bill, "health care worker platform" is defined as a person that operates or offers an electronic platform, system, or application through which health care workers may accept an offer to work one or more shifts at a health care facility. Under the bill, a health care worker is not an employee of a health care worker platform, a health care facility, or a health care facility operator, if all of the following conditions are met: 1) the platform and the worker agree that the worker is an independent contractor for all shifts the worker schedules through the platform; 2) the platform allows a worker to accept a shift at a facility without requiring the worker to accept a minimum number of shifts; 3) the platform allows a worker to agree to the hourly rates offered or set by the facility or the platform; 4) the platform does not penalize a worker for accepting or rejecting a shift at a facility; 5) the platform does not require the worker to be available during specific periods; 6) the platform does not restrict the worker from engaging in any other occupation or business; 7) the platform does not require the worker to use specific tools while working at a facility during a shift scheduled through the platform; 8) the platform does not prescribe or control the means or methods of work performed by a worker during a shift the worker schedules through the platform; 9) the agreement between the worker and the platform may be terminated by either party at any time with or without cause; 10) the worker is responsible for remitting any federal, state, or local taxes on the worker's earnings from shifts the worker schedules through a platform; 11) the platform does not require a worker to enter into a noncompete agreement with the platform; 12) the platform does not require a worker or facility to pay any fee or compensation to the platform if a worker accepts an offer of permanent employment from a facility; 13) the platform does not restrict a worker from accepting shifts through another platform or from a facility that does not offer shifts on the platform, however a platform may remove a worker who schedules simultaneous shifts or "multi-apps"; 14) the platform maintains occupational accident insurance that applies to any work performed by the worker during a shift that the worker schedules through the platform; and 15) the platform maintains general liability insurance and professional liability insurance.

Item # 2

Email dated 3/25/2026

From: Peter Carman <peter@peterjcarman.lawyer>
Sent: Wednesday, March 25, 2026 7:52 AM
To: DWD MB WC Advisory Council <WCAdvisoryCouncil@dwd.wisconsin.gov>
Cc: WAJ Workers Compensation ListServ <wajworkerscomp@lists.trialsmith.com>; O'Malley, Jim T - DWD <Jim.OMalley@dwd.wisconsin.gov>; Lake, Cathy A - DWD <CathyA.Lake@dwd.wisconsin.gov>
Subject: Recommendation to the Worker's Compensation Advisory Council to Propose Amendment of Wis. Stat. § 102.13(1)

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Members of the Worker's Compensation Advisory Council:

I write as a stakeholder in Wisconsin's worker's compensation system who represents applicants in worker's compensation cases to respectfully recommend that the Council propose an amendment to Wis. Stat. § 102.13(1) expressly permitting an employee to audio record an examination requested by an employer or insurance carrier, provided the recording is made in a manner that does not refuse, obstruct, or interfere with the examination.

This is a modest and practical change. It would promote transparency in the examination process, reduce avoidable disputes, and increase confidence in the fairness and accuracy of examinations conducted under § 102.13(1). It would also protect all participants by creating an objective record of what occurred during the examination, including the history taken, the statements made, and any instructions or responses given during the encounter.

Expressly authorizing passive audio recording under reasonable conditions would benefit employees, employers, carriers, attorneys, and examining practitioners alike. For employees, it would provide reassurance that the examination process is fair and accurately documented. For employers and carriers, it would reduce collateral disputes over what occurred during the examination and thereby limit unnecessary litigation over procedural issues that do not advance resolution of the merits. For examining practitioners, a recording may strengthen the credibility of the examination by preserving an objective account of the interaction.

At present, the statute does not directly address audio recording. That silence has led to uncertainty and recurring disagreement in practice. A clear statutory rule would replace uncertainty with an administrable standard.

This proposed amendment would also be consistent with the position the Worker's Compensation Division has taken when asked about the issue. As I understand it, the Division has taken the position that the passive operation of an audio-recording device during a § 102.13(1) examination does not constitute refusal or obstruction where the device is placed in the room, is not held by the employee or kept on the employee's person, the practitioner is not required to alter the examination to assist the recording, and the recording otherwise does not interfere with the examination. Codifying a similar rule would align the statute with a practical approach that the Division has already recognized.

The proposed change is narrow. It would not authorize an employee to disrupt the examination, direct the practitioner, or impose recording conditions that interfere with the exam. It would simply clarify that

a passive audio recording, made under reasonable conditions, is permitted and is not, by itself, a refusal or obstruction under the statute.

For those reasons, I respectfully urge the Council to consider proposing an amendment to Wis. Stat. § 102.13(1) to expressly authorize passive audio recording of examinations requested by employers and carriers.

Proposed statutory sentence:

An employee may make a passive audio recording of an examination under this subsection, provided the recording does not refuse, obstruct, or interfere with the examination.

Thank you.

Best regards,

Peter J. Carman, Esq.

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