

Council on Worker's Compensation
Meeting Minutes – Hybrid Meeting (In-person and WebEx)
201 E. Washington Avenue
GEF-1 Building
Madison, Wisconsin
November 11, 2021

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

Members present in-person, by telephone or by video: Ms. Bloomingdale, Mr. Buchen, Ms. Frank, Mr. Kent, Ms. Johnson, Mr. Large, Mr. Nettum, Mr. Peters (Chairperson), Mr. Schwanda, Mr. Streff, Mr. Tindall and Ms. Ver Velde

Excused: Mr. Fugina and Ms. Quigley Knackert

Staff Present: Mr. Brockman, Ms. Brown, Mr. Dipko, Ms. Lake, Mr. Moreth, Ms. McCormick, Mr. O'Malley, Ms. Przybylo and Ms. Weinberger

1. **Call to Order/Introductions:** Mr. Peters convened the Worker's Compensation Advisory Council (WCAC) meeting at approximately 11:30 a.m. in accordance with Wisconsin's open meetings law and called roll of the WCAC members.
2. **Approval of the Minutes:** A motion was made by Ms. Bloomingdale to approve the minutes of the October 26, 2021 meeting. Mr. Buchen seconded the motion. The minutes were unanimously approved without correction.
3. **Correspondence:** Mr. Peters stated that one piece of correspondence was received since the last meeting. The correspondence was a memo dated November 11, 2021 from Mr. Peters, Division Administrator, Worker's Compensation Division (WCD). Mr. Peters informed the WCAC that a Memorandum of Understanding (MOU) had been reached between the Department of Workforce Development WCD and the Division of Hearings and Appeals (DHA) regarding the work duties assigned to each agency related to contested worker's compensation cases. Copies of the correspondence memo and MOU were distributed. Mr. O'Malley read the correspondence memo for the benefit of those who participated at the meeting virtually.
4. **AB-681 Presumption of WC Eligibility for Employees Injured from Employer Required COVID-19 Vaccinations:** AB-681 was introduced on October 29, 2021. This bill relates to employer liability under Chapter 102, Wis. Stats., (Wisconsin Worker's Compensation Act) for mandatory or coerced COVID-19 vaccinations. A rebuttable presumption would be established requiring that the employer be liable for any injury caused by the vaccine. As of the date of the meeting a companion bill has not been introduced in the Wisconsin State Senate.
5. **AB-683 PTSD for Emergency Medical Responders & Emergency Medical Services Practitioners:** AB-683 was introduced on October 29, 2021. This bill extends the same requirements for compensability of PTSD that currently apply to law enforcement officers and full-time fire fighters to paid emergency medical responders and emergency medical service practitioners. The bill does not apply to volunteer emergency medical responders

and emergency medical service practitioners. Mr. Joseph Strohl stated the Professional Fire Fighters of Wisconsin supports this bill. Mr. Strohl also stated there is a companion bill that will soon be introduced in the Wisconsin State Senate, and there is another bill that will extend the PTSD requirements to other employees including volunteer fire fighters which will be introduced in the near future.

6. **Department Proposals:** Mr. Peters stated that the Department has no additional proposals to present at this meeting.
7. **Motion to Caucus:** A motion was made by Mr. Buchen to go into a closed session under s. 19.85 (1) (eg), Wis. Stats., to deliberate items on the agenda. The motion was seconded by Ms. Bloomingdale. 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 12:15 p.m.
8. **Adjournment:** The open session of the meeting was reconvened at about 5:35 p.m. Mr. Buchen stated that a tentative agreement had been reached for the WCAC Agreed Upon Bill for this session but the Council needed additional time to finalize the bill. A virtual meeting was proposed for the Council members to vote on the bill. Mr. Buchen moved to adjourn the meeting for the day. The motion was seconded by Ms. Bloomingdale. The motion passed unanimously. The meeting was adjourned at approximately 5:45 p.m.

The Worker's Compensation Advisory Council's next meeting is scheduled for Wednesday, November 17, 2021.