

DRAFT
Council on Worker's Compensation
Meeting Minutes
201 E. Washington Avenue
GEF-1 Building
Madison, Wisconsin
March 9, 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. Nettum, Mr. Peters (Chairperson), Mr. Schwanda, Mr. Streff, Mr. Tindall, and Ms. Ver Velde.

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

Staff Present: Ms. Brown, Mr. Dipko, Mr. Gottfredsen, Ms. Lake, Ms. McCormick, Mr. O'Malley, Mr. Spencer, and Ms. Wakerhauser.

1. **Call to Order/Introductions:** Mr. Peters convened the Worker's Compensation Advisory Council (WCAC) meeting at approximately 10:10 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 February 23, 2023, meeting. Ms. Ver Velde seconded the motion. The minutes were unanimously approved without correction.
3. **PTSD Coverage for Full-Time Paid EMS, Answering Point Dispatchers & Communicators:** Senator Jesse James gave a presentation on draft legislation he is proposing to expand the PTSD coverage provided under s. 102.17(9), Wis. Stats., currently provided to law enforcement officers and full-time fire fighters, to include public safety answering point dispatchers and communicators. Sen. James described how these professionals, upwards of 2000 in the state, are often underserved or overlooked while usually the first point of contact in a crisis with continued involvement as an event develops. Sen. James gave as an example a call to 911 received from someone who was threatening suicide who ultimately did kill themselves while the dispatcher was still on the line. Sen. James concluded by requesting support from the WCAC to move this legislation forward.
4. **Correspondence:** Mr. O'Malley reported that no correspondence was received since the last WCAC meeting.
5. **Wisconsin Open Meetings & Public Records Law:** Ms. Jennifer Wakerhauser, DWD Chief Legal Counsel, gave a PowerPoint presentation about the law related to open meetings and public records in Wisconsin. Ms. Wakerhauser referenced the Wisconsin Department of Justice – Office of Open Government as a source and advised more detailed information could be found at: <http://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/OML-GUIDE.pdf> (Open Meetings) and <https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL-GUIDE.pdf> (Public Records).

Section 19.81, Wis. Stats., is the statute covering the Wisconsin Open Meetings Law, and provides in relevant part, " ... the public is entitled to the fullest and most complete information regarding affairs of government ..."

The Wisconsin Open Meetings Law applies to governmental bodies. The Worker's Compensation Advisory Council (WCAC) is a governmental body and its meetings must be preceded by public notice. Meetings must be held in a public place that is open and reasonably accessible to all members of the public.

A meeting occurs whenever members convene for the purpose of conducting governmental business, and the number of members present is sufficient to determine the body's course of action.

Meetings are presumed to be open to the public. Meetings are to begin in open session. At meetings in open session, citizens have the right to attend and observe. Recording, filming, and photographing a meeting in open session is allowed.

A meeting is permitted to go into closed session by a motion of the governmental body if authorized by statute and the votes of each member must be recorded. Before going into closed session, the chairperson must announce the statutory exemption authorizing the closed session and the nature of the business to be considered. The public should be advised if the body intends to adjourn or return from closed session. The WCAC is authorized by s. 19.85(1)(eg), Wis. Stats., to have closed session meetings.

Section 19.31, Wis. Stats., is the statute covering the Wisconsin Public Records Law. The public records law, "shall be construed in every instance with a presumption of complete public access, consistent with the conduct of government business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied."

The WCAC is required to produce records upon request. "Record" is any material on which written, drawn, printed, spoken, visual or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. s.19.32 (2), Wis. Stats.

A "record" is not a draft, notes, preliminary documents, published material available for sale or at library, purely personal property, or material with limited access rights, such as copyrights or patents. E-mail messages, text messages and documents on private accounts may be records based on content, not the medium format or location. Personal materials on the same private accounts are not subject to disclosure.

Requests to obtain public records may be oral or written. No magic words are required. A request must be reasonably specific as to time and subject matter and must reasonably describe the information or records requested.

Responses to open records requests must be as soon as practicable without delay by providing the records, full or partial denial of records, or a response that no records exist. The Department of Workforce Development (DWD) will assist with requests. Forward all requests for public records without delay to DWD Legal at OpenRecords@dwd.wisconsin.gov. Council members will likely need to search for responsive records.

- 6. Adjournment:** A motion was made by Mr. Tindall to go into a 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. 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 10:45 a.m. The Worker's Compensation Advisory Council's next meeting is scheduled for April 11, 2023.

[WCAC 3.9.23 MEETING MINUTES DRAFT]