

Council on Worker's Compensation
Meeting Minutes – Hybrid Meeting (In-person and WebEx)
201 E. Washington Avenue, Madison, WI
GEF-1 Building
Madison, Wisconsin
September 28, 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. Fugina, Ms. Johnson, Mr. Kent, Mr. Large, Mr. Nettum, Mr. Peters (Chairperson), Mr. Schwanda, Mr. Streff, Mr. Tindall and Ms. Thomas

Excused: None

Staff Present: Mr. Brockman, Ms. Brown, Mr. Dipko, Ms. Lake, Ms. McCormick, Mr. Moreth, 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 10:00 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 August 24, 2021 meeting. Mr. Buchen seconded the motion. The minutes were unanimously approved without correction.
3. **Correspondence:** Mr. O'Malley stated that no correspondence had been received for the WCAC since the last meeting.

Mr. Buchen inquired as to whether the request from the Wisconsin Compensation Rating Bureau constituted correspondence. Mr. Peters and Mr. O'Malley explained that it was not.

4. **Department Proposals:** Mr. O'Malley stated the Department had no additional proposals to present at this meeting but may have proposals to present at a later time.

Ms. Bloomingdale inquired about a bill (LRB/4148) that was being circulated by Representative Shortwell pertaining to a presumption of compensability where an employer's vaccine mandate results in injury to an employee. Ms. Bloomingdale expressed concern that proposed legislation related to worker's compensation should come through the WCAC.

Mr. O'Malley confirmed that if an employee experiences an adverse reaction to a vaccine which is mandated by the employer, there is coverage under the worker's compensation law. He mentioned a Federal program that may help pay the costs of medical care for people who are seriously injured from receiving some vaccines, including vaccines for COVID-19. He clarified that if an employee who is voluntarily vaccinated for COVID-19 and sustains an adverse reaction, the Federal program is available to provide payment for medical expense.

5. **Motion to Caucus:** 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 Mr. Buchen. 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 10:30 a.m.

The Worker's Compensation Advisory Council's next meeting is scheduled for Tuesday, October 26, 2021.