

DRAFT
Council on Worker's Compensation
Meeting Minutes
201 E. Washington Avenue, Madison, WI
GEF-1 Building, Room F305
Madison, Wisconsin
November 12, 2019

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, Ms. Johnson, Mr. Kent, on, Mr. Nettum, Mr. Peters (Chair), Mr. Reader, Mr. Streff and Mr. Tindall

Excused: Mr. Redman and Ms. Thomas

Staff Present: Ms. Brown, Ms. Lake, Ms. McCormick, Mr. Moreth and Mr. O'Malley

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. Members of the WCAC, the audience, and Worker's Compensation Division (WCD) staff introduced themselves.
2. **Approval of the Minutes:** A motion was made by Ms. Bloomingdale to approve the minutes of the October 8, 2019 meeting. The motion was seconded by Mr. Reader. The minutes were unanimously approved without correction.
3. **Correspondence:** Mr. O'Malley reviewed the correspondence received since the last meeting on October 8, 2019.

A Memorandum dated November 11, 2019 was received from Ms. Maria Monteagudo, Employee Relations Director of the City of Milwaukee. The Memorandum requested the WCAC consider two additional changes to 2019 SB 511/AB 569. The City of Milwaukee requested that language be added to the bill to indicate that a mental injury may not result from an investigation or notice of investigation by the department into allegations of misconduct. The second suggestion was to require evidence of a link between the post-traumatic stress disorder (PTSD) diagnosis and a specific work activity, experience or situation during which the member was fulfilling his/her job responsibilities.

4. **2019 SB-511/2019 AB-569:** Post-traumatic stress disorder (PTSD) claims by law enforcement officers and firefighters.

Senator Janet Bewley appeared at the meeting and expressed her appreciation to the WCAC for its support of the bipartisan legislation and assured the WCAC that there was no intention on the part of the bill's supporters to circumvent the WCAC process.

Senator André Jacque wanted to appear at the WCAC meeting but was unable to attend due to a prior commitment. He requested Mr. Nik Rettinger, his Chief of Staff, to present written testimony in support of the bill to the WCAC on his behalf. Mr. Rettinger expressed Senator Jacque's appreciation for the opportunity to work with the WCAC in bringing forward

this critical legislative change that will allow men and women affected by PTSD to have access to treatment and the support they need to recover, both for their own health and those who depend on them.

Mr. James Palmer, Executive Director of the Wisconsin Professional Police Association, spoke in support of the proposed bill.

Mr. Charles Foulke, Chief of Police of the Middleton Police Department (MPD) expressed support for the bill. He spoke about an incident in September 2018 when a lone gunman entered his place of employment with a weapon. Deadly force was used to subdue the gunman. Four members of the MPD shot the gunman. Each was placed on an administrative leave following the shooting for a period of three months. During this time, the officers were provided with support professionals. Upon a return to work, one of the officers developed a medical condition that was deemed to be brought on by the stress of the shooting incident. The condition was submitted as a work related injury and the claim was denied by the MPD's worker's compensation insurance carrier. The MPD was financially able to place the officer on a paid administrative leave. Chief Foulke advised that the PTSD bill will help officers obtain proper treatment and return to work.

Mr. Mahlon Mitchell, President of the Professional Firefighters of Wisconsin, expressed his appreciation to the WCAC for its support of the bill. He noted the increase in suicide rates amongst firefighters is higher than work-related deaths.

Mr. Brent Jones, a 20-year veteran of the City of Milwaukee Fire Department discussed his personal experience with PTSD. He was denied worker's compensation leave by the City of Milwaukee. He sought treatment on his own and has returned to his position as a firefighter. He expressed his support for the bill.

Ms. Nilsa Rosa-Jurciewicz and Ms. Brenda Wood from the City of Milwaukee reiterated the requested language changes set forth in Ms. Monteagudo's Memorandum of November 11, 2019.

- 5. Labor and Management Proposals:** A motion was made by Ms. Bloomingdale to adjourn to closed caucus. The motion was seconded Mr. Reader. The motion passed unanimously. The meeting was adjourned at approximately 10:47 a.m.

The meeting reconvened at approximately 1:52 p.m.

Ms. Bloomingdale acknowledged that the creation of the Agreed Upon Bill was a long road and required a lot of work on the part of both Labor and Management. She noted that serious discussions were required and that as a result a fair agreement was reached. She expressed gratitude to DWD for its work, to the Labor and Management caucuses and to WC stakeholders.

Mr. Reader expressed appreciation to DWD, the Labor caucus and WC stakeholders. He stated that the WCAC does good work. He also noted that while some meaningful issues were raised but unaddressed in the Agreed Upon Bill, those issues will be discussed in the future.

Upon reconvening, Mr. Reader announced the following provisions of the WCAC's Agreed Upon Bill for 2019:

1. Inclusion of the Department Proposal 1 dated May 23, 2019, returning the administrative law judges (ALJs) to DWD. The WCAC also supports inclusion of all remaining Department Proposals, except for those that are not relevant because of the adoption of Department Proposal 1.
2. Inclusion of the items outlined by the Wisconsin Insurance Alliance in their letter to the WCAC dated March 7, 2019.
3. Inclusion of the language of 2019 SB 511 by Senator Jacque and Senator Bewley regarding PTSD coverage for law enforcement officers and firefighters.
4. Inclusion of language to allow employers to enter into a leased employee arrangement with a Professional Employer Organization (PEO) while maintaining separate worker's compensation insurance coverage in the voluntary market; require employer/client electing to provide coverage to be liable for all coverage required under Chapter 102 Wis. Stats; require reporting by PEO to DWD by Federal Employer Identification Number (FEIN) for both Worker's Compensation (WC) and Unemployment Insurance (UI); and require WC claims to be filed under employer's/client's FEIN. If the employer/client ends election or lapses coverage, the PEO is liable for coverage of workers. Experience modification factor (MOD) stays with employer/client. If employer/client terminates election or ends coverage, they must send notification 30 days prior to the lapsing coverage to DWD WC and the PEO.

Mr. Reader made a motion to accept the proposals as presented as the Agreed Upon Bill for this session. The motion was seconded by Ms. Bloomingdale. The motion was unanimously approved.

6. Other Business: None

Adjournment: A motion was made by Ms. Bloomingdale to adjourn the meeting. The motion was seconded by Mr. Reader. The motion passed unanimously. The meeting was adjourned at approximately 2:00 p.m.

The Worker's Compensation Advisory Council's next meeting is scheduled for Tuesday, December 10, 2019.

[WCAC MEETING MINUTES DRAFT 11-19-19]