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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2009-10**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Labor, Elections, and Urban  
Affairs (SC-LEUA)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### Committee on Labor, Elections and Urban Affairs

##### **Senate Bill 522**

Relating to: various changes to the worker's compensation law.

By Senators Coggs and A. Lasee; cosponsored by Representatives Sinicki and Honadel.

February 09, 2010      Referred to Committee on Labor, Elections and Urban Affairs.

March 10, 2010      **PUBLIC HEARING HELD**

Present:    (5)      Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Absent:    (0)      None.

##### Appearances For

- John Conway — Department of Workforce Development
- Ron Kent — Wisconsin Labor Council
- James Buchen — Wisconsin Manufacturer's & Commerce

##### Appearances Against

- None.

##### Appearances for Information Only

- Peter Barca — Representative
- Mark Wilde
- Tammy Wilde

##### Registrations For

- Andy Franken — Wisconsin Insurance Alliance
- Susan McMurray — AFSCME

##### Registrations Against

- None.

##### Registrations for Information Only

- None.

March 16, 2010      **EXECUTIVE SESSION HELD**

Present:    (5)      Senators Coggs, Wirch, Lehman, A. Lasee and Grothman.

Absent: (0) None.

Moved by Senator Wirch, seconded by Senator A. Lasee that  
**Senate Bill 522** be recommended for passage.

Ayes: (5) Senators Coggs, Wirch, Lehman, A. Lasee  
and Grothman.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0



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Adam Plotkin  
Committee Clerk

**Vote Record**  
**Committee on Labor, Elections and Urban Affairs**

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Date: Tue. 3/16/10

Moved by: WIRCH

Seconded by: LASEE

AB \_\_\_\_\_ SB 522 \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

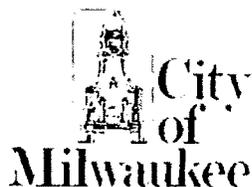
A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Spencer Coggs, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Wirch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator John Lehman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Alan Lasee</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Glenn Grothman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>5</u>	<u>0</u>	_____	_____

Motion Carried

Motion Failed



Department of Employee Relations

February 23, 2010

**Tom Barrett**  
Mayor

**Maria Montegudo**  
Director

**Michael Tobin**  
Fire and Police Commission  
Executive Director

**Michael Brady**  
Employee Benefits Director

**Troy Hamblin**  
Labor Negotiator

Senator Spencer Coggs  
Representative Christine Sinicki  
Wisconsin State Capitol  
Madison, WI 53708

Re: Assembly Bill 706 and Senate Bill 522

Dear Senator and Representative,

In our role as a major Milwaukee employer that self-administers worker's compensation claims for city employees and the Milwaukee School Board, we have reviewed the provisions of Assembly Bill 706 and Senate Bill 522 to determine their impact on our operations.

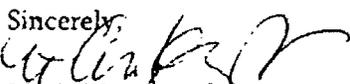
As a result, we would like to point out two provisions that cause concern for us:

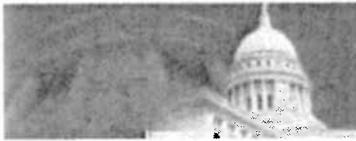
Our first concern is the increase in the burial cost allowance from \$6,000 to \$10,000. An informal survey of six area funeral homes representative of the Milwaukee market revealed that the medium level service average cost is \$6,085 with \$8,025 being the highest cost within the average. Therefore, we are concerned that a rate increase of over 66% for this provision is not warranted especially during tough economic times. We respectfully ask that you reconsider the \$10,000 cap.

The second concern can be found under the section "Assessment and Surcharges," where the current 90-day timeframe to review the annual assessment is reduced to 30 days. The City of Milwaukee's 2010 annual assessment contained 726 claims. It would be impossible to review the entire report within the shortened 30-day window as proposed. This change would lead to increased costs by either requiring us to hire temporary staff or to incur the late fees. Other large employers are likely to face the same dilemma. Therefore, we ask that you reconsider shortening this timeframe.

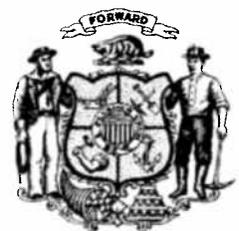
Thank you for your consideration of our concerns. If you have any questions, please feel free to contact me at (414) 286-3335.

Sincerely,

  
Maria Montegudo  
Employee Relations Director



# WISCONSIN STATE LEGISLATURE



# WISCONSIN TEAMSTERS JOINT COUNCIL No. 39

Affiliated with the International Brotherhood of Teamsters



FRED GEGARE  
*President*  
1546 Main Street  
Green Bay, WI 54302  
920-435-8895  
FAX 920-435-1522

PAUL G. LOVINUS  
*Secretary-Treasurer*  
10020 West Greenfield Avenue  
Milwaukee, WI 53214  
414-258-4545  
FAX 414-258-9465

TONY CORNELIUS  
*Vice-President*  
1546 Main Street  
Green Bay, WI 54302

March 8, 2010

To: Senate Committee on Labor, Elections and Urban Affairs

WAYNE SCHULTZ  
*Recording Secretary*  
1314 N. Stoughton Road  
Madison, WI 53714

Re: SB 522

GEROLD JACOBS  
*Trustee*  
1624 Yout Street  
Racine, WI 53404

Dear Senator,

THOMAS MILLONZI  
*Trustee*  
6200 W. Bluemound Road  
Milwaukee, WI 53213

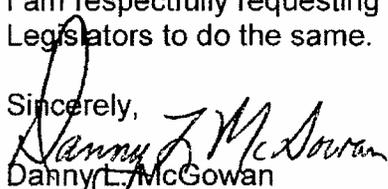
The above referenced bill relates to various changes to Workers Compensation as administered by the Department of Workforce development (DWD). Such changes include increases to permanent partial disability benefits, increases to the maximum supplemental benefits, increases to the burial expenses, etc.

DAVID REARDON  
*Trustee*  
P.O. Box 86  
Eau Claire, WI 54702

On behalf of Wisconsin Teamsters Joint Council 39 I am registering our support for this bill.

I am respectfully requesting that you support this bill and urge your fellow Legislators to do the same.

Sincerely,

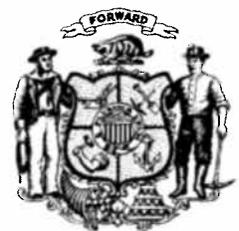
  
Danny L. McGowan  
Legislative Liaison

Wisconsin Teamsters Joint Council 39/ms

Cc: Senators, Coggs, Lehman, Wirch, Lasee, Grothman.  
Representatives, Sinicki and Honadel



# WISCONSIN STATE LEGISLATURE





March 10, 2010

Senate Committee on Labor, Elections and Urban Affairs

Senate Bill 522

Representative Peter Barca

Chairman Cogg and members of the Senate Committee on Labor, Elections and Urban Affairs; thank you for allowing me to testify on Senate Bill 522, which makes a number of changes to the Wisconsin Worker's Compensation program.

As you consider this bill, I would encourage you to examine further modifications to the bill based on the experience of my constituents, Mark and Tammy Wilde of Kenosha. Mark and Tammy are the parents of Robbie Wilde, a young man who was tragically killed a year ago during the robbery of the ice cream stand where he worked. Robbie was 18 years old with no dependants of his own.

Following this, Mark and Tammy were informed that they would not receive any funds from Worker's Compensation because under current law, compensation is not paid to parents of an individual without dependants. I understand that if their son had dependants that the dependants would have been entitled to a maximum of about \$244,500.

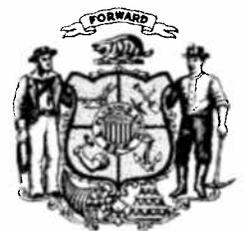
I would also ask you to please consider, especially for cases where the death is caused under such violent circumstances, providing the funds to the county in which the victim resided in order to establish a victim's fund. This fund could be used to fund grief counseling for members of families of individuals whose lives have been changed by the loss of a family member on the jobsite or for other related services.

Under current law, the only funding available to the families of victims such as my constituents, if not dependent, is a \$6,000 statutory stipend to cover burial expenses and \$6,500 from a survivor's fund, meant to handle related expenses. This is little compensation for the actual cost of a modest burial. I am pleased to see that Senate Bill 522 increases the amount allocated for burial costs to actual costs up to \$10,000, but would ask that as end-of-life costs continue to increase that the Worker's Compensation Advisory Council and members of the Assembly and Senate Labor Committees consider increasing the amount to cover all necessary burial expenses, including plot and headstone. This would be especially helpful under circumstances such as this where the family receives so little compensation.

Thank you for your time today. In closing, I hope that you will consider this situation and my suggestions to ensure that the families in these situations are treated with the highest levels of sympathy and fairness.



# WISCONSIN STATE LEGISLATURE





WISCONSIN'S BUSINESS VOICE SINCE 1911

To: Senate Labor, Elections and Urban Affairs Committee

From: James A. Buchen, Vice President of Government Relations

Date: March 10, 2010

Re: Support for Senate Bill 522—Recommendation of the Wisconsin Workers Compensation Advisory Council

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Wisconsin Manufacturers and Commerce supports the provisions of Senate Bill 522, the product of deliberations by the members of the Wisconsin Workers Compensation Advisory Council (WCAC), on which I serve as a Management Representative.

In its 2009-2010 deliberations the WCAC considered a wide range of issues and the reform proposals before you represent the product of those deliberations. For example the WCAC recommends increasing the maximum allowable burial expense, in response to legislative requests to review that area. The bill increases benefits payable to many claimants with older Permanent Total Disability claims with the maximum weekly benefit increasing from \$458 per week to \$582 per week. The WCAC also recommends a ten dollar per week increase in Permanent Partial Disability benefits.

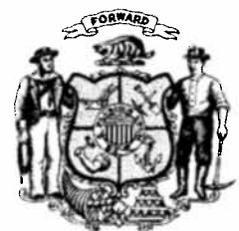
A great deal of the WCAC's deliberations were focused on the area of escalating health care costs. Both Management and Labor Representatives on the WCAC met with the Council's health care advisory representatives. While progress was made in more clearly understanding the parameters of the issue, those deliberations did not produce a comprehensive reform proposal, and discussions will continue into the next cycle of the WCAC's work.

On behalf of the Management Representatives on the WCAC I want to thank the Chair of the Assembly Labor Committee for scheduling this hearing. I also want to thank the present and past Committee Chair's present for their ongoing support of the Advisory Council process. In many states and jurisdictions these matters become politically contentious, to the detriment of all parties at interest.

In closing, I ask for your vote in support for Senate Bill 522, and again thank you for this opportunity to address the Senate Labor, Elections and Urban Affairs Committee.



# WISCONSIN STATE LEGISLATURE





## Wisconsin State AFL-CIO *...the voice for working families.*

David Newby, President • Sara J. Rogers, Exec. Vice President • Phillip L. Neuenfeldt, Secretary-Treasurer

TO: Members of the Senate Labor, Elections and Urban Affairs Committee  
FROM: David Newby, President (and member of the Workers Compensation Advisory Council)  
DATE: March 10, 2010  
RE: Support for SB 522 / AB 706 Workers Compensation Bill

As with any Workers Compensation bill the Advisory Council brings to you, the bill itself is a mixture of technical corrections, administrative updates, and clarifications—as well as matters of greater substance agreed upon unanimously by both the labor and management members of the Council.

Because the bill is mutually agreed upon, it seldom contains major changes that favor one side or the other. That is the case once again in this bill.

But I would like to point out a few aspects of the bill which are both fair and which strengthen the Workers Compensation system for injured workers.

First, we make it clear that volunteer emergency responders are covered from the time they are paged or called to respond to an emergency to the time of their return (as long as they do not deviate in their travel for other purposes). This provision parallels the coverage for paid workers.

Second, the weekly benefit rates for those with permanent partial disabilities are increased by \$10 in each year of the bill, roughly compensating for expected inflation in that period.

Finally, we are very proud to point out that benefit rates for those determined to be permanently and totally disabled a number of years ago have been significantly increased. This has been labor's number one issue for the past three bills. Unfortunately, weekly benefits for those permanently and totally disabled are not indexed for inflation. While we have been able to make some progress in the past couple of bills in raising the minimum benefit level (by tying it to a more recent year), progress has been slow and those on PTD benefits have suffered significantly. Currently, for anyone determined to be permanently and totally disabled before 1993, the rate in effect in 1993 (\$450) is the highest for which they are eligible.

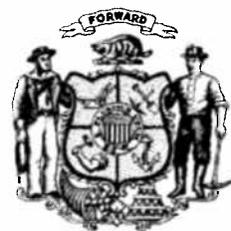
In the bill before you today, that floor is raised to the benefit rate in effect in 2000 (\$582), thus giving these seriously injured workers closer to a living income.

It is our hope that in the next bill brought to you that we can raise all workers previously receiving PTD benefits up to the current level—and then index that rate for inflation going forward. Those who are permanently and totally disabled deserve no less.

*DN/JR/ls/opeiu#9,afl-cio*



# WISCONSIN STATE LEGISLATURE



SB 500?

# DRAFT

## AMENDMENTS TO THE WORKER'S COMPENSATION ACT PLAIN LANGUAGE SUMMARY EFFECTIVE DATE TBD

1. **Emergency Responders Performing Services.** Volunteer fire fighters, first responders, emergency medical technicians, rescue squad members and diving team members are covered under ch. 102, Stats., from the time of being paged or called, including travel to fire station/ambulance garage etc., to location of fire or emergency and return, except for deviations for private and personal purposes. S. 102.03 (1) ( c)2.
2. **Definition of Employer.** This amendment will add the territorial limitation that the services of three or more employees must be performed in Wisconsin to make the employer subject to ch. 102, Stats. s. 102.04 (1) (b) 1.
3. **Permanent Partial Disability.** The maximum weekly benefit rates for permanent partial disability ( PPD ) are increased to \$292 for injuries occurring before January 1, 2011 and to \$302 for injuries occurring on and after January 1, 2011. s. 102.11 (1).
4. **Pre-Hearing Conferences for Bad Faith Claims.** The Worker's Compensation Division will conduct pre-hearing conferences before scheduling hearings in cases where bad faith is claimed. S. 102.17 (1) (b).
5. **Third Party Liability.** This amendment was requested by the drafter for a minor correction in language. S. 102.29 (10).
6. **Notice of Insurance Cancellation or Termination.** The Worker's Compensation Division and Wisconsin Compensation Rating Bureau may require insurance carriers to provide employers with notice of cancellation, termination or non renewal of worker's compensation insurance policies by electronic means only. S. 102.31 (2) (a).
7. **Pharmacy Fee Disputes.** Insurance carriers and self-insured employers are required to provide notice in writing to pharmacists or practitioner that the reasonableness of charge is in dispute. S. 102.425 (4m) (b).
8. **Suspension of Temporary Disability.** Compensation for temporary disability is suspended for employees who have been convicted of a crime, are incarcerated, and are not available to return to work during the hearing period. S. 102.43 (9) (d).
9. **Supplemental Benefits.** Supplemental benefits for employees with old injuries who are permanently and totally disabled are extended covering 8 more years from 1993 to 2000 with the maximum weekly benefit rate

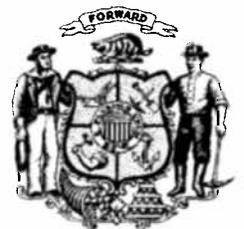
increased from \$450 to \$582 and payable for weeks of disability beginning ( effective date of bill ). s. 102.44 (1).

10. **Social Security Reverse Offset**. The Social Security Reverse offset will not apply to compensation payable for vocational rehabilitation retraining. s. 102.44 (5).
11. **Burial Expense**. Burial expense will be the lesser of the actual charge up to a maximum of \$10,000. s. 102.50.
12. **Occupational hearing Loss**. Liability is eliminated for expense of examination or test, treatment for hearing loss, evaluation of examination or testing, medical treatment for hearing loss, restoring hearing or hearing aids for occupational hearing loss claims that do not reach the level of hearing loss to qualify for indemnity. This amendment applies to claims made after January 1, 2012. s. 102.555 (12).
13. **Illegal Employment of Minors**. This amendment eliminates language for employers to pay additional compensation for wage loss. S. 102.60 (1m ) and (6).
14. **Annual Assessment**. Interest on payments for assessments begins to accrue when assessments are not paid within 30 days rather than 90 days to synchronize payments with the Department of Workforce Development's accounting system. s. 102.75 (2).
15. **Uninsured Employers Fund**. The Department will be permitted to waive payments owed by uninsured employers for any benefits or claim costs paid by the UEF when the Department determines that the employer was a victim of fraud, misrepresentation, or gross negligence by an insurance agent or insurance broker. s. 102.82 (ar)

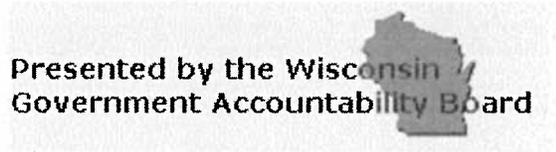
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# WISCONSIN STATE LEGISLATURE



- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Monday, March 08, 2010

**2009-2010 legislative session**  
**Legislative bills and resolutions**

(search for another legislative bill or resolution at the bottom of this page)

**Senate Bill 522**

various changes to the worker's compensation law. (FE)

<p><b>TEXT</b> sponsors LRB analysis</p>	<p><b>STATUS</b> committee actions and votes text of amendments</p>	<p><b>COST &amp; HOURS</b> of lobbying efforts directed at this proposal</p>
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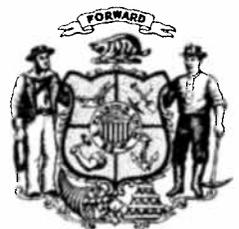
Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments, click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
◆	◆	AFSCME International	2/25/2010	↑	
◆	◆	City of Milwaukee	2/23/2010	?	
◆	◆	Property Casualty Insurers Association of America	2/19/2010	↑	
◆	◆	Sentry Insurance Group	2/10/2010	↑	
◆	◆	Wisconsin Insurance Alliance	2/11/2010	↑	
◆	◆	Wisconsin Manufacturers & Commerce	2/11/2010	↑	
◆	◆	Wisconsin State AFL-CIO	2/17/2010	↑	
◆	◆	Wisconsin State Council of Carpenters	2/16/2010	↑	

Select a legislative proposal and click "go"

<b>House</b>	Assembly Senate
<b>Proposal Type</b>	Bill Joint Resolution Resolution
<b>Proposal Number</b>	522 (enter proposal number)
<b>Legislative Session</b>	2009 Regular Session ▼
	<b>Go</b>



# WISCONSIN STATE LEGISLATURE



# LEVA Exec & Hearing - 3/10/10

EXEC

SB522

broadcast  
on WT Eye

SB390

Russ explains sub

no one says nothing or nothing.



HEARING

AB560

Kurt Stegge - brief remarks

AB567

no testimony - Russ describes briefly

SB522

Ron Kent, James Bucher, John Conway

- AFL + WMC have written testimony
- Conway brief remarks, overview of Warner's Camp + process
- Bucher goes off script, mostly about process
- Ron Kent, opening of script remarks then reads testimony
- SC asks them to comment on efforts to reach consensus
- Bucher talks about how they work together
- Kent talks about how they work together + more on process
- Brothman ?'s on increased PPD + PrD rates
- try to explain how it works

①

SB522 cont.

- Brothman? is on salary offset if working
  - Jim O'Dwyer fields some of the questions
- Rep. Barca w/ Mark & Tammy Wilde
  - Barca has written testimony
  - wants to increase death benefits more, create victims fund
  - Wilde's - stake wound up getting the death benefits from the murder of their son Robbie
    - spent \$30k on funeral
    - likes what's done, still need more

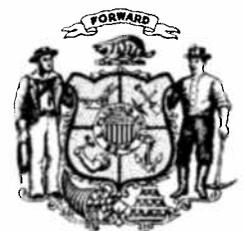
SB429

- Ben. Sullivan
  - has written testimony
  - goes off script at the end
  - creates rebuttable presumption
- SC? - is presumption a stretch?
  - no, there is a process to make a determination
- BW? - least we can do for firefighters
- GG? - how do you get infections?
  - mostly diseases that are blood + airborne
- any studies showing proclivity for EMS over general populace?
  - not much higher than general population
  - SC - need to give them backup
- other occupations that get this protection

(2)



# WISCONSIN STATE LEGISLATURE



# LEVA Exec + Hearing

Tue. Mar. 16, 2010

EXEC

SB 522

AB 560  
AB 562  
SB 522 } nothing

SB 479 - Grothman explains amendment  
Rush explains more  
SC asks ?'s

SB 540 - Rush describes both amendments

## HEARING

SB 595

SC & Rep. Van Arman

- SC reads written testimony
- IVA brief remarks
- 6:30 on preemption
  - Rush answers that it's hard to predict
- Danny McGowan
  - no written testimony
- John Metcalf & Jonathan Swain
  - missed most of Swain's verbal testimony

①