



2017 ASSEMBLY BILL 434

July 14, 2017 - Introduced by Representatives JACQUE, ALLEN, CONSIDINE, ANDERSON, BALLWEG, BERCEAU, BROSTOFF, DOYLE, GENRICH, HORLACHER, OHNSTAD, SARGENT, SKOWRONSKI, C. TAYLOR and TUSLER, cosponsored by Senators WANGGAARD and BEWLEY. Referred to Committee on Workforce Development.

- 1 **AN ACT to create** 102.03 (6) of the statutes; **relating to:** worker's compensation
2 claims by certain public safety employees for post-traumatic stress disorder.

Analysis by the Legislative Reference Bureau

This bill makes changes to the conditions of liability for worker's compensation benefits for a law enforcement officer, a fire fighter, or a member of emergency services personnel (public safety employee) who is diagnosed with post-traumatic stress disorder.

The bill creates a presumption that a diagnosis of post-traumatic stress disorder in a public safety employee arises out of the employee's employment for purposes of worker's compensation. Current law provides that an employer is liable for accidents or diseases of its employees if the accident or disease causing injury arose out of the employee's employment.

The bill also provides that, in the case that a public safety employee suffers a mental injury that arises out of his or her employment and results in a diagnosis of post-traumatic stress disorder, the employee is not required to show that the mental injury was caused by unusual stress of greater dimensions than the day-to-day emotional strain and tension experienced by similarly situated employees in order for the injury to be compensable under the worker's compensation law. Current law, under *School District No. 1 v. DILHR*, 62 Wis. 2d 370, 215 N.W.2d 373 (1974), requires that, for a mental injury to be compensable under the worker's compensation law, the mental injury must result "from a situation of greater dimensions than the day-to-day emotional strain and tension which all employees must experience."

