



1995 ASSEMBLY BILL 1001

March 7, 1996 - Introduced by Representatives HARSDORF, OLSEN, GRONEMUS, MUSSER, BALDUS, NOTESTEIN, R. YOUNG and PLACHE. Referred to Committee on Labor and Employment.

1 **AN ACT to amend** 102.29 (6) of the statutes; **relating to:** 3rd-party liability of
2 an employer that compensates a temporary help agency for the services of an
3 injured employe who claims worker's compensation against the temporary help
4 agency.

Analysis by the Legislative Reference Bureau

Under current law, worker's compensation is the exclusive remedy against the employer of an employe who is injured while performing services growing out of and incidental to his or her employment. As such, an injured employe who claims worker's compensation may not maintain an action in tort against his or her employer to collect damages for his or her injury. An injured employe may, however, subject to certain exceptions, maintain an action in tort against a 3rd party to collect damages for his or her injury. One of those exceptions is that no employe of a temporary help agency who makes a claim for worker's compensation against the temporary help agency may maintain an action in tort against any employer who compensates the temporary help agency for the employe's services. This bill permits an employe of a temporary help agency who makes a claim for worker's compensation against the temporary help agency to maintain an action in tort against any employer who compensates the temporary help agency for the employe's services.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 102.29 (6) of the statutes is amended to read:

