AN ACT to create 102.07 (4) (a) 1m. of the statutes; relating to: excluding sports officials from coverage under the worker’s compensation law.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, every person in the service of another under any contract of hire, express or implied, is considered to be an employee for purposes of the worker’s compensation law, which requires an employer that is subject to that law to pay disability benefits and the cost of medical treatment for an employee who sustains an injury while performing services growing out of and incidental to employment. Current law, however, excludes from the coverage under the worker’s compensation law independent contractors who, among other things, maintain separate businesses, operate under contracts to perform specific services or work for specific amounts of money, may realize a profit or suffer a loss under those contracts, and control the means of performing their services or work.

This bill excludes from coverage under the worker’s compensation law a person performing services as an umpire, referee, judge, scorekeeper, timekeeper, organizer, or as any other neutral participant in a sports event or contest (sports official) for a public, private, or tribal school; an institution of higher education; a nonstock, nonprofit corporation; or a public agency (the state or a county, city, village, or town) that is sponsoring an interscholastic, intercollegiate, or other amateur sports event or contest, unless the person performing those services is otherwise employed by the
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 102.07 (4) (a) 1m. of the statutes is created to read:

102.07 (4) (a) 1m. Any person performing services as a sports official for a school district, a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), an institution of higher education, as defined in s. 895.515 (1) (b), a nonstock, nonprofit corporation organized under ch. 181, or a public agency, as defined in s. 256.15 (1) (n) that is sponsoring an interscholastic, intercollegiate, or other amateur sports event or contest, unless the person performing those services is otherwise employed by the sponsor of the event or contest and performs those services as part of his or her regular employment duties.

In this subdivision, “sports official” means an umpire, referee, judge, scorekeeper, timekeeper, organizer, or any other neutral participant in a sports event or contest.

SECTION 2. Effective date.

(1) Worker's compensation coverage of sports officials. This act takes effect on July 1, 2012.

(END)