

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-5841/1	Introduction Number AB-0911
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Description
 various changes to the worker's compensation law and granting rule-making authority

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By DOA/ Travis Martin (608) 266-5877	Authorized Signature Robin Malicki (608) 264-9576	Date 2/10/2022
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Fiscal Estimate Narratives

DOA 2/10/2022

LRB Number	21-5841/1	Introduction Number	AB-0911	Estimate Type	Original
Description various changes to the worker's compensation law and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Assembly Bill 911 (AB 911) proposes changes to the workers compensation law, as administered by the Department of Administration's (Department) Division of Hearings and Appeals (DHA), and the Department of Workforce Development (DWD). The proposed transfers the authority to grant licenses for non-attorneys to appear in worker's compensation cases as outlined in s. 102.17 (1) (c), Wis. Stats., from DWD to DHA. This transfer will require an ongoing increase in workload and licensure that will be absorbed into current position and budget authority under s. 20.505(4)(kp), Wis. Stats.

AB 911 expressly provides DWD the authority to conduct alternative dispute resolution (ADR) activities for cases involving employees not represented by an attorney. On November 9th, 2021, DWD and DHA entered into a memorandum of understanding (MOU) to better distinguish between the jurisdiction of cases and functions of each agency, as authorized under ss. 102.16 and 102.17, Wis. Stats., and Wisconsin Administrative Code. As to ADR for cases where a hearing has been requested, the MOU allowed for a 120-day period from when an answer to an application has been filed for DWD to conduct ADR. By terms of the MOU, this 120-day period is prior to the case being ready to be scheduled for a hearing. AB 911 proposes to formalize DWD case proceeding activities for ADR but removes the 120-day limit. This is anticipated to result in unrepresented claimants taking longer to enter into the hearing process. The implementation of the MOU and responsibility of case proceedings functions is ongoing between DHA and DWD, and the proposal would supersede the MOU and the administrative timeline set on case resolutions. DHA anticipates a potential change in its case workload; however the fiscal impact is currently indeterminate.

The impact to local units of government is indeterminate and appropriate to be addressed by an Agency most directly correlated with its local operations.

Long-Range Fiscal Implications