
Wisconsin Legislative Council

ACT MEMO



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2021 Wisconsin Act 232
[2021 Assembly Bill 911]

**Various Changes to the Worker's
Compensation Law**

2021 WISCONSIN ACT 232

2021 Wisconsin Act 232 makes changes to the state worker's compensation law. The changes were recommended by the Worker's Compensation Advisory Council, which is statutorily directed to advise the Department of Workforce Development (DWD) on the worker's compensation law and to recommend legislative changes.

Act 232 does all of the following:

- Increases the maximum weekly compensation rate for permanent partial disability to \$415 for injuries occurring before January 1, 2023, and to \$430 for injuries occurring on or after that date.
- Removes the provision in state law regarding employees who are members of a regularly scheduled class of part-time employees, and replaces it with a provision that applies to employees who work less than full time. Under Act 232, an injured employee's average weekly wage is calculated under one of two formulas provided in the act and weeks not worked are not counted under either calculation. However, earnings are expanded to be based on full-time work if the employee provides evidence as specified in the act. An employer may rebut the employee's evidence by providing evidence that the employee chose to work less than full time.
- Allows an employee to have an observer, chosen and provided by the employee, present during a medical examination that is requested by an employer or insurer following a claim for worker's compensation.
- Provides that if an injured employee or dependent receives compensation from the employee's employer or a third party, and the employee received payments from DWD due to the employer being uninsured, the employee or dependent must reimburse DWD in accordance with the formula prescribed in the statutes.
- Clarifies that any person who "at any time," rather than "usually," employs three or more employees for services performed in this state, is subject to the worker's compensation law. The person becomes subject to the worker's compensation law at the time the person employs three or more employees.
- Allows a person engaged in farming who has had no employee at any time within a continuous two-year period to be deemed to have effected withdrawal from the worker's compensation law.
- Clarifies that the provision in state law that provides coverage for an individual who performs services for a person receiving long-term care benefits under certain long-term care programs and who does not otherwise have worker's compensation coverage for those services is considered to be an employee, only for worker's compensation purposes, of the entity providing financial management services for the person receiving the benefits.

- Creates an exception from the general non-disclosure requirement regarding certain records of DWD, the Division of Hearings and Appeals, and the Labor and Industry Review Commission that reveal information about injured employees for records requested by the Department of Health Services, or a county department of health services or social services, if the request is limited to the name and address of the employee, the name and address of the employee's employer, and any financial information about that employee contained in the record.
- Makes various changes to statutes regarding administration of the worker's compensation law.

Effective date: April 10, 2022

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