



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0921/P1
GMM:emw:rs

DOA:.....Kirschbaum, BB0297 - Worker's compensation coverage for
postsecondary students

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Currently, a student of a public school or a private school, while he or she is engaged in performing services as part of a school work training, work experience, or work study program, who is not on the payroll of an employer that is providing the work training or work experience or who is not otherwise receiving compensation on which a worker's compensation carrier could assess premiums on that employer, is an employee of a school district or private school that elects to name the student as an employee for purposes of worker's compensation coverage. Also, under current law, a student who is named as an employee of a school district or private school for purposes of worker's compensation coverage and who makes a claim for worker's compensation against his or her school district or private school may not also make a claim for worker's compensation or maintain an action in tort against the employer that provided the work training or work experience from which the claim arose.

This bill extends those provisions to a student of an institution of higher education.

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:

SECTION 1. 102.07 (12m) of the statutes is renumbered 102.07 (12m) (b) and amended to read:

102.07 (12m) (b) A student of a public school, as described in s. 115.01 (1), or a private school, as defined in s. 115.001 (3r), or an institution of higher education, while he or she is engaged in performing services as part of a school work training, work experience, or work study program, and who is not on the payroll of an employer that is providing the work training or work experience or who is not otherwise receiving compensation on which a worker's compensation carrier could assess premiums on that employer, is an employee of a school district ~~or~~, private school, or institution of higher education that elects under s. 102.077 to name the student as its employee.

SECTION 2. 102.07 (12m) (a) of the statutes is created to read:

102.07 (12m) (a) In this subsection:

1. "Institution of higher education" means an institution within the University of Wisconsin System, a technical college, a tribally controlled college controlled by an Indian tribe that has elected under s. 102.05 (2) to become subject to this chapter, a school approved under s. 38.50, or a private, nonprofit institution of higher education located in this state.

2. "Private school" has the meaning given in s. 115.001 (3r).

3. "Public school" means a school described in s. 115.01 (1).

SECTION 3. 102.077 (1) of the statutes is amended to read:

102.077 (1) A school district ~~or a~~, private school, ~~as defined in s. 115.001 (3r),~~ or institution of higher education may elect to name as its employee for purposes of this chapter a student described in s. 102.07 (12m) (b) by an endorsement on its policy of worker's compensation insurance or, if the school district ~~or~~, private school, or institution of higher education is exempt from the duty to insure under s. 102.28 (2) (a), by filing a declaration with the department in the manner provided in s. 102.31 (2) (a) naming the student as an employee of the school district ~~or~~, private school, or institution of higher education for purposes of this chapter. A declaration under this subsection shall list the name of the student to be covered under this chapter, the name and address of the employer that is providing the work training or work experience for that student, and the title, if any, of the work training, work experience, or work study program in which the student is participating.

SECTION 4. 102.077 (2) of the statutes is amended to read:

102.077 (2) A school district ~~or~~, private school, or institution of higher education may revoke a declaration under sub. (1) by providing written notice to the department in the manner provided in s. 102.31 (2) (a), the student, and the employer who is providing the work training or work experience for that student. A revocation under this subsection is effective 30 days after the department receives notice of that revocation.

SECTION 5. 102.29 (8) of the statutes is amended to read:

102.29 (8) No student of a public school, ~~as described in s. 115.01 (1), or a private school, as defined in s. 115.001 (3r),~~ or an institution of higher education who is named under s. 102.077 as an employee of the school district, private school, or institution of higher education for purposes of this chapter and who makes a claim for compensation under this chapter may make a claim or maintain an action in tort

against the employer that provided the work training or work experience from which the claim arose.

(END)