

**AMENDMENTS TO THE WORKER'S COMPENSATION ACT
PLAIN LANGUAGE SUMMARY
2021 WISCONSIN ACT 232
EFFECTIVE APRIL 10, 2022**

1. **WC Insurance Coverage of Fiscal Agents.** Clarification that individuals who provide services to elderly and disabled people under long-term care programs are considered employees for purposes of worker's compensation of the entities providing fiscal management services (fiscal agents). ss. 46.275 (4m), 46. 227 (3r), 46.281 (1k), 46.2897 (3) & 46.995 (3)
2. **Employer Subjectivity.** The definition of "employer" is amended to clarify that every person who at any time employs three (3) or more employees in Wisconsin is subject to ch. 102, Wis. Stats. (Wisconsin Worker's Compensation Act) on the day on which the person employs three (3) or more employees in this state. s. 102.04 (1) (b) 1.
3. **Farmers Withdrawal from Subjectivity.** Farmers will have the same statutory authority to withdraw from subjectivity to ch. 102, Wis. Stats. (Wisconsin Worker's Compensation Act) as other employers who have had no employee in the previous two (2) years. s. 102.05 (1) (a)
4. **PPD Rate.** The maximum weekly permanent partial disability (PPD) rate will increase to \$415 for injuries occurring on and after the effective date and to \$430 for injuries occurring on and after January 1, 2023. s. 102.11 (1) (intro.)
5. **Wage Expansion for Part-Time Employees.** The average weekly wage for a part-time employee will be calculated as the greater of the actual average weekly earnings of the employee for the 52 calendar weeks before the injury, except that weeks when no work was performed will not be considered, or the employee's hourly earnings on the injury date multiplied by the average number of hours worked in the 52 weeks before the injury, except that weeks when no work was performed will not be considered. An employee's wage will be expanded only when the employee is employed by another employer at the time of injury, or if the employee was employed at part-time employment for less than 12 months before the injury. Wage expansion may be rebutted when there is evidence to show an employee chose to restrict employment to part-time. Wage expansion to 24 hours per week for a part-time employee working as part of class will be eliminated. Repeal of s. 102.11 (1) (am) & (f) 1., renumber of s. 102.11 (1) (f), and creation of 102.11 (1) (ap)

6. **Examinations Requested by Employers & Insurers.** Employees who appear at examinations directed by employers and worker's compensation insurance carriers will be authorized to have an observer present at the examination. s. 102.13 (1) (b)
7. **Administrative Rules.** The Worker's Compensation Division will have statutory authority to promulgate administrative rules that are necessary to carry out its duties and functions. s. 102.15 (1)
8. **Alternate Dispute Resolution.** The Worker's Compensation Division will have statutory authority to conduct alternative dispute resolution activities to resolve disputed cases in which employees are not represented by attorneys. Creation of s. 102.16 (1) (b)
9. **License to Appear.** The license to appear process will be transferred from the Worker's Compensation Division to the Division of Hearings and Appeals. s. 102.17 (1) (c), (cg), (cm), (cr), (ct) & s. DWD 80.20 Wis. Admin. Code
10. **Limited Exception for Release of Confidential Records.** The Worker's Compensation Division will be authorized to provide limited information from records to the Department of Health Services or a county department of social services. The information will be limited to the name and address of an employee, name and address of the employee's employer and financial information about the employee contained in the record. Creation of s. 102.33 (2) (b) 7.
11. **Uninsured Employer Fund.** The Uninsured Employer Fund (UEF) will receive the same distribution of proceeds from third party settlements as worker's compensation insurance carriers and self-insured employers. ss. 102.80 (1) (d), 102.81 (4) (b) (intro.), 102.81 (4) (b) 2., 102.81 (5), 102.82 (1) and creation of s. 102.81 (4) (c).