

WORKERS COMPENSATION FOR EMERGENCY PERSONNEL

PRESENTED BY

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AGENDA



- Intro
- Workers Compensation for Emergency Personnel
- Wage basis for volunteers
- New PTSD benefit
- Rate changes for 2021
- Question and Answer

KEY BENEFITS UNDER WC ACT



- When are you in the course of your duty: When the call goes out!
- Mutual Aid- you are an employee of the municipality that called for mutual aid.
- How are wages determined for volunteers
- If I work somewhere else and lose time from work, how is that handled?
- Death benefit is 4 times salary of nearest paid dept up to max benefit.
- The Good News is that Wisconsin's workers compensation act does go the distance to protect our emergency personnel.

LOST WAGE CALCULATION

Wage Calculation - Volunteers

Wage Information for Volunteers and Paid On-call Members of Fire Departments, Rescue Squads and Diving Teams

Setting the Average Weekly Wage

For Volunteers and Paid On-call Members of Fire Departments, Rescue Squads and Diving Teams

When the injured worker has sustained a work-related injury or illness as a member of a volunteer fire company or a fire department organized under Ch. 213 Wis. Stats., or a legally organized rescue squad or diving team, the average weekly wage (AWW) is determined under the provision of DWD 80.30 Administrative Code. See s.102.07(7)(a) Wis. Stats.

DWD 80.30 establishes the average weekly earnings to be the maximum in effect on the date of the injury except where a specific showing may be made in individual cases where the maximum is not proper.

If the maximum rate is thought to be not proper for a volunteer and/or paid on-call member of fire departments, rescue squad or diving team, the AWW is then based on the equivalent earnings for a full-time position with the nearest full-time (career) fire department. When selecting a position with equivalent earnings, factors to be considered include, but are not limited to, the injured worker's years of service, level of experience and/or responsibility, certification, and training for the position.

NEW PTSD BENEFIT IN 2021

2021

■ Wisconsin Bill Allows Workers' Compensation for Emergency Responders Suffering from PTSD

- Governor Tony Evers signed into law Senate Bill 11, now 2021 Wisconsin Act 29, which allows a law enforcement officer or firefighter to receive workers' compensation if they have been diagnosed with post-traumatic stress disorder.
- The bill provides that if a law enforcement officer or firefighter is diagnosed with PTSD by a licensed psychiatrist or psychologist and the mental injury that resulted in that diagnosis is not accompanied by a physical injury, that public safety officer can bring a claim for workers' compensation benefits if the conditions of liability are proven by a preponderance of the evidence and the mental injury is not the result of a good-faith employment action by the person's employer.
- Under prior law, public safety officers were required to prove that PTSD was caused by usual stress compared with what their co-workers regularly experience on the job to claim workers' compensation. The new bill only requires a diagnosis from a licensed professional that does not need to be based on the officer suffering greater stress than his or her co-workers.
- The bill limits the liability for treatment and compensation to 32 weeks after the injury is reported, and restricts compensation for such injuries and diagnoses to three times within an individual's lifetime, regardless of a change in employment status.



WORK COMP RATES ARE DOWN AGAIN!

2021

Class Code	Description	2021-22 Rates	2020-21 Rates	Percentage Increase/Decrease	Dollar Increase/Decrease
9412	Municipal Operations Miscellaneous - City	3.49	3.61	-3.32%	-0.12
9413	Municipal Operations Miscellaneous - Town & County	3.83	3.94	-2.79%	-0.11
9414	Municipal Operations Miscellaneous - Village	5.17	5.23	-1.15%	-0.06
7720	Police Officers	2.89	3.17	-8.83%	-0.28
7520	Waterworks Operation	3.45	3.74	-7.75%	-0.29
8810	Clerical	0.19	0.19	0.00%	0
7704	Firefighters & Drivers - Paid	3.50	3.70	-5.41%	-0.2
5507	Street and Road Construction Subsurface Work	5.52	6.21	-11.11%	-0.69

City WC Sample Rate Impact Approximately: -5.9%
Village WC Sample Rate Impact Approximately: -6.7%
Town WC Sample Rate Impact Approximately: -6.1%



QUESTIONS?

