

## STATUTORY CHANGES APPROVED BY THE WCAC FOR 2022

1. The WCD will be authorized to increase FTE positions by 0.2 with necessary funding.
2. Clarification that individuals who provide services to elderly and disabled people under long-term care programs are considered employees of the entities providing fiscal management services (fiscal agents) for those persons for worker's compensation purposes. ss. 46.275 (4m), 46.227 (3r), 46.281 (1k), 46.2897 (3) & 46.995 (3)
3. 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. and 2.
4. Farmers will have the same statutory authority to withdraw from subjectivity to ch. 102, Wis. Stats., as other employers who had no employee in the previous two (2) years. s. 102.05 (3)
5. The maximum weekly rates for permanent partial disability (PPD) will be increased to \$415 for injuries occurring in 2022 and to \$430 for injuries occurring in 2023. s. 102.11 (1)
6. There will no longer be wage expansion for employees who restrict employment to part-time. The average weekly wage will be calculated as the greater of the hourly rate on the date of injury times the number of hours the employee was scheduled to work in the week, or the gross earnings from the employer in the 52 weeks preceding the injury divided by the number of weeks actually worked during the preceding year. The wage will be expanded only when the employee is employed elsewhere, or if the employee was employed less than 12 months before being injured. Wage expansion may be rebutted when there is evidence to show an employee chose to restrict employment to part-time. s. 102.11 (1)
7. Employees who appear at examinations directed by employers and WC insurers will be authorized to have an observer present at the examination. s. 102.13 (1) (b)
8. The WCD will be provided with statutory authority to promulgate administrative rules that are necessary to carry out its duties and functions. s. 102.15 (1)
9. The WCD will be provided statutory authority to conduct alternative dispute resolution activities to resolve disputed worker's compensation cases. s. 102.16 (1) (b)
10. The license to appear process will be transferred to the Division of Hearings and Appeals (DHA). s. 102.17 (1) (c), (cg), (cm), (cr), (ct) & s. DWD 80.20 Wis. Admin. Code
11. The WCD will be authorized to provide limited worker's compensation 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 any financial information about the employee in the record. s. 102.33 (2) (b) 7
12. The Uninsured Employer Fund (UEF) will receive the same distribution of proceeds from third party settlements as WC insurers 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 102.81 (4) (c)