

RESOLUTION# 16-1-10

Introduced by Judicial & Legislative Committee
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Motion: Adopted: X
1st Clendenning Lost:
2nd Feirer Tabled:
No: 1 Yes: 16 Absent: 2
Number of votes required:
[X] Majority [] Two-thirds
Reviewed by: PAK, Corp Counsel
Reviewed by: , Finance Dir.

LAD

INTENT & SYNOPSIS: To go on record in opposition to state legislative efforts to modify the existing worker's compensation law.

FISCAL NOTE: Unknown. The current system has been working well from a financial perspective for about 100 years in keeping damages at realistic levels for both employers and employees and in allocating almost all of the funds to employee care and not administration fees or costs of advocates.

Table with 5 columns: NO, YES, A, and two unnamed columns. Rows list names and their corresponding votes.

WHEREAS, in what is sometimes referred to as the "grand bargain" the worker's compensation law was set up in the early 1900s in Wisconsin (and then pretty much copied by the rest of the country) such that the employees gave up the right to contest the value of an injury while the employers gave up the right to contest allocation of responsibility of a work related injury, and

WHEREAS, the grand bargain has been the foundation of this not perfect but very successful law and has kept the funds allocated by employers for worker's compensation purposes going to the employees and not administrators and attorneys, and

WHEREAS, 2015 Assembly Bill 501 (AB 501) proposes numerous minor changes to the worker's compensation law and one major change that ties the compensation of an injured employee to the employee's level of negligence in sustaining the injury, and

WHEREAS, the current worker's compensation law provides for a fixed penalty for an employee if the employee fails to follow safety rules and provides a fixed penalty for an employer who fails to provide standard safety equipment, thereby providing some level of responsibility for each party, and

WHEREAS, AB 501 changes the structure of the worker's compensation law by tying the level of employee compensation for a work related injury to the level of employee culpability for that injury, thereby eliminating the basis of the grand bargain and the law itself, and

WHEREAS, although there are no doubt instances where employees have been compensated under the worker's compensation law when the cause of the injury was the employee's neglect or even stupidity, the overall equity, efficiency and importance of the law to both employees and employers vastly outweighs the significance of individual instances of inequity. Furthermore, there is a logic to making employers responsible for the training, oversight and negligence of their employees as they are the one who hired them and we don't want to commence dismantling a good system because of few bad employees or a few bad employers, and

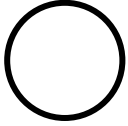
WHEREAS, changing the 'grand bargain' basis of the law will result in two bad consequences, first being the need to determine on a case-by-case basis the amount of negligence attributable to the employee and employer for every compensable injury (AB 501 is full employment legislation for lawyers) and secondly the provisions of the law are likely to swing over the long term with the political control of the legislature as opposed to having a constant, reliable and effective law that the employees, employers and their insurers can rely upon.

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BILL CLENDENNING (Chairman)
GERALD NELSON
ED WAGNER
BILL LEICHTNAM
JOSEPH ZURFLUH

Adopted by the County Board of Wood County, this 19th day of January 20 16 .



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NOW, THEREFORE, THE WOOD COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES to go on record in opposition to 2015 Assembly Bill 501 and any other legislative attempt to undermine the grand bargain that the worker's compensation act is based upon.

BE IT FURTHER RESOLVED that the County Clerk provide a copy of this resolution to all state legislators representing any part of Wood County, the Wisconsin Counties Association, and to the Director of the Department of Workforce Development.

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Adopted by the County Board of Wood County, this _____ day of _____ 20 _____ .

County Clerk

County Board Chairman