



## MEMORANDUM

**TO:** Honorable Members of the Assembly Committee on Workforce Development

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** November 1, 2017

**SUBJECT:** Opposition to Assembly Bill 434; relating to worker's compensation claims by certain public safety employees for post-traumatic stress disorder

The Wisconsin Counties Association (WCA) is opposed to Assembly Bill 434 (AB 434). The legislation makes drastic changes to worker's compensation law by mandating that post-traumatic stress disorder (PTSD) claims by public safety employees are presumed to be due to their employment. If enacted, this legislation would result in significant disruption to Wisconsin's historically-stable worker's compensation market. Wisconsin has long prided itself on an effective worker's compensation system which provides a clear process for worker's compensation claims and appeals.

All counties provide worker's compensation coverage to their employees. Under current worker's compensation law, injury is defined as any mental or physical harm due to workplace accidents or diseases. A worker's compensation claim of PTSD would be considered an injury due to mental harm. Current law takes into consideration PTSD claims and accommodates employees who believe the affliction is a result of employment. AB 434 changes the standard for PTSD worker's compensation claims by requiring the county to prove the PTSD is not due to employment.

Unlike physical injury which can be directly linked a specific occurrence, a PTSD claim could be the result of multiple events over multiple years making it incredibly difficult to determine if the claim was a result of county employment. Presuming PTSD is due to county employment is an unfair burden to place on counties and local taxpayers. The current worker's compensation claim process has proven successful in ensuring workers are compensated for workplace injuries and should not be upended without input from stakeholders including employers, employees, and insurers.

In addition to placing an unrealistic standard on counties and other employers, AB 434 has the potential to make counties essentially uninsurable in the private marketplace. Because worker's compensation rates are statutorily determined, it would be difficult for the insurance market to react in a timely manner to the new requirements included in AB 434. Without the ability to raise rates, insurers may opt to not provide counties worker's compensation coverage.

PTSD is a legitimate concern for public safety employees and WCA is willing to engage in discussions to ensure employees receive the proper compensation and services they require. However, AB 434 is not a workable remedy and we request the legislature further study the issue before moving forward with legislation that will result in a number of serious unintended consequences.