



Van H. Wanggaard

Wisconsin State Senator

Testimony on Senate Bill 564

Thank you Mr. Chairman and committee members for today's hearing on Senate Bill 564.

The job duties of a first responder is not one with which most people can relate. They are under immense pressure and public scrutiny at all times. I can tell you first hand, first responders leave home every day wondering if they will return to their loved ones. They charge headfirst into dangerous conditions, face dramatic and traumatic situations, and are expected to perform perfectly every time.

If they don't perform perfectly, they risk public backlash, intense media scrutiny, or firing from a position they love. Sometimes, even if they do everything right, they face injury, mental illness, or even death.

This is the uncomfortable reality that first responders face every day. While some people can mentally handle these situations, for others, the pressure may manifest into Post-Traumatic Stress Disorder, or PTSD. Post-Traumatic Stress Disorder is a real problem, and is not something that anyone wishes to develop.

The stress and pressure placed on public safety employees is, frankly, different than most other professions. Unfortunately, Wisconsin's workers' compensation law does not make a distinction between the role of a banker, small business owner, retail clerk, or public safety employee. All employees are expected to handle the "day-to-day strain" on their duties. While this is a good idea in theory, the reality is the day-to-day strain of a first responder is more likely to lead to PTSD than that of a typical worker.

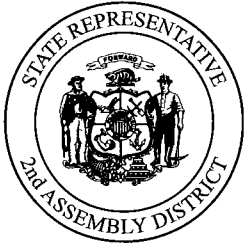
It is time that Wisconsin's workers' compensation law reflect this reality. SB 564 specifies a public safety employee does not have to prove a diagnosis of PTSD is the result of greater than the day-to-day stress of the job itself to qualify for workers' compensation.

I recognize that it is possible that some people could try to take advantage of this change for their own benefit. That is not my intention. Potential bad actors should not be reason to stop this necessary reform. If the committee believes it should tighten the language to prevent abuse, I am open to those discussions.

As more is known about mental illness and PTSD it is important that legislators update our laws to reflect that knowledge. Our first responders take care of us when we are in need, and we should do the same.

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TO: Members of the Senate Committee on Labor & Regulatory Reform
FROM: Rep. André Jacque
DATE: January 17, 2018
RE: Senate Bill 564

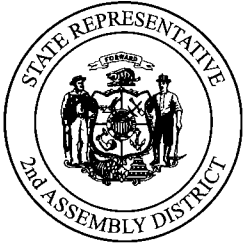
Chairman Nass and Members of the Senate Committee on Labor & Regulatory Reform,

Thank you very much for holding this hearing and the opportunity to testify with Sen. Wanggaard as the authors of SB 564. This common sense, strongly bi-partisan legislation will reduce the barriers faced by public safety first responders (law enforcement, firefighters, or emergency services personnel) with clinically-diagnosed Post Traumatic Stress Disorder (PTSD) so that they can receive the necessary help to heal properly.

While current law provides that an employer is liable for accidents or diseases of its employees if the accident or disease causing injury arose out of the employee's employment, it also requires that for a mental injury to be compensable under the worker's compensation law, the mental injury must result "from a situation of greater dimensions than the day-to-day emotional strain and tension which all employees must experience" within an occupation. However, the day-to-day situations faced by public safety first responders, by the inherent nature of their profession, involve death, danger and violence with such frequency that they are much more likely to experience PTSD from the cumulative effect and suffer greatly as a result.

This bill eliminates the "greater dimensions" requirement for coverage of a public safety first responder's work-related PTSD diagnosis, recognizing that while a single event can trigger PTSD, so can repeated exposure to dangerous high stress events (the emotional responses to which may often be very different between any two people). I have met with the Workers Compensation Advisory Council at their December meeting, and I believe that they will soon be formally indicating their support for a substitute amendment to SB 564 that aligns with the intent of this legislation.

PTSD can be treated effectively and allow those affected to return to protecting and serving the public. It is critical that we meet our obligation to the men and women we have depended on as first responders that are affected by PTSD by giving them access to the treatment and the support they need to recover, both for their own health and those who depend on them.



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This legislation is supported by the Wisconsin Professional Police Association, Wisconsin Chiefs of Police Association, Professional Fire Fighters of Wisconsin, Wisconsin State Fire Chiefs Association, Wisconsin EMS Association, Wisconsin Troopers Association, Milwaukee Police Association, Milwaukee Professional Fire Fighters Association, and Wisconsin State Firefighters Association.

Thank you for your consideration of Senate Bill 564.



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MEMORANDUM

TO: Honorable Members of the Senate Committee on Labor and Regulatory Reform

FROM: Marcie Rainbolt, Government Affairs Associate

DATE: January 17, 2018

SUBJECT: Opposition to Senate Bill 564; relating to worker's compensation claims by certain public safety employees for post-traumatic stress disorder

The Wisconsin Counties Association (WCA) is opposed to Senate Bill 564 (SB 564). 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.

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. SB 564 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 many years making it incredibly difficult to determine if the claim was a result of county employment. Presuming county employment caused PTSD 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, SB 564 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 SB

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564. 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, SB 564 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.



Written Testimony of:

Jim Palmer, Executive Director
WISCONSIN PROFESSIONAL POLICE ASSOCIATION

Before the:

Senate Committee on Labor & Regulatory Reform
WISCONSIN STATE LEGISLATURE

January 17, 2018

Mr. Chairman and Distinguished Members of the Committee:

Representing nearly 10,000 members from more than 300 local association affiliates, the Wisconsin Professional Police Association (WPPA) is the state's largest law enforcement group. Our mission is to protect and promote public safety, as well as the interests of the dedicated men and women that serve to provide it. In that vein, we offer this written testimony in **SUPPORT of 2017 Senate Bill 564**, which would establish a presumption for the purposes of worker's compensation that a diagnosis of Post-Traumatic Stress Disorder (PTSD) in a public safety employee arises out of their employment.

When PTSD was first recognized as a distinct illness by the American Psychiatric Association in 1980, the diagnosis was viewed with considerable skepticism. Unlike a physical injury that is readily identifiable, the concept of a mental illness stemming from occupational hazards and events was viewed with broad skepticism.

In the midst of this new controversial classification and out of concern that workers compensation claims on the basis of PTSD would unduly burden taxpayers, courts and legislatures throughout the nation established strict parameters designed to limit what they anticipated to be a surge of stress-related workplace claims.

The Wisconsin Supreme Court did just that when in 1974 when it decided the case of *School District No. 1 v. Department of Industry, Labor & Human Relations*. In that case, the court held that in order for an employee's mental injury to be compensable under our worker's compensation laws, the employee must show that the mental injury was caused by unusual stress of greater dimensions than the day-to-day emotional strain and tension experienced by similarly-situated employees. In arriving at this decision on a case involving a high school guidance counselor that had alleged acute anxiety after discovering a note submitted by students requesting her dismissal, the court established a longstanding precedent that has been adversely applied to law enforcement officers and other first responders following a broad range of extraordinarily traumatic occupational events, such as officer-involved shootings, brutal attacks, and a wide variety of death and depravity not fit for description within these remarks.

In the last few decades, however, the medical community's understanding and acceptance of PTSD has changed dramatically. The diagnosis and treatment of PTSD is now well-established, and, according to the U.S. Department of Veterans Affairs, "the PTSD diagnosis has filled an important gap in psychiatric theory and practice." In short, the medical community has come to firmly recognize PTSD and how to diagnose and treat those afflicted with this disorder in ways it was unable to 30 years ago.

While most people exposed to traumatic events do not develop PTSD, studies have indicated that the illness is more pervasive amongst law enforcement officers, despite the fact that they are trained to respond nonemotionally. According to the American Psychiatric Association, included in the list of symptoms for PTSD are difficulty concentrating, hypervigilance, irritability, outbursts of anger, and the tendency to exhibit exaggerated responses. The adverse consequences of PTSD for law-enforcement officers are increased rates of divorce, alcoholism, and suicide, to name a few, and it's clear that PTSD can pose significant risks to individual officers, their families, and communities they serve.

Fortunately, more states have amended their worker's compensation laws to recognize PTSD as a compensable injury when it is triggered by horrific occupational events. Currently, at least 32 states have laws that permit first responders to file worker's compensation claims on the basis of PTSD without having to demonstrate an accompanying physical injury. In that context, SB 564 not only reflects the evolution of how PTSD is viewed by medical practitioners throughout the country, but by public policymakers as well. Indeed, the U.S. Department of Veterans Affairs even covers PTSD services to members of the armed forces that completed active military service, *regardless* of whether that service was even performed in a combat zone.

While it is anticipated that there will be those that will raise concerns regarding some notion of increased costs associated with this legislation, as indeterminate as they may be, it's worth noting that those same implications could be applied to any and all compensable injuries covered under our worker's compensation laws. The fact remains, however that Wisconsin, like most states, has wisely recognized in the past that the employees in certain high-risk professions are due some degree of special consideration when the injuries they sustain in the performance of their work are unique to that profession. Such is clearly the case with PTSD.

It also bears mentioning that evidence exists to indicate that the concerns about cost increases related to this kind of legislation are overblown. For example, since Minnesota extended the coverage afforded under its worker's compensation statutes to include PTSD in late 2013, the impact on the state's public-sector worker's compensation programs within that state appears to have been relatively modest, at about 1%, according to the League of Minnesota Cities Insurance Trust.

Medical professionals and public policymakers across the United States have demonstrated a growing recognition of PTSD and of the obligation to take care of those that incur this devastating mental injury in the course of their service to their communities. SB 564 reflects the value that we ought to place in the duties performed by our dedicated first responder and take care of those after they have suffered in their service to protect us. As such, we respectfully request that this committee vote in support of this measure as soon as it may be possible to do so.

Thank you.

WORKER'S COMPENSATION COVERAGE FOR MENTAL-MENTAL INJURIES

A Survey of the General Approaches Utilized Throughout the United States

I. MENTAL-MENTAL INJURIES ARE COMPENSABLE IF CAUSED BY GRADUAL STRESS, EVEN IF THE STRESS IS NOT UNUSUAL

The following states provide coverage for mental injuries caused by gradual stress, even if the stress was "not unusual by comparison with that of ordinary life or employment":

California, CAL. LAB. CODE § 3208.3 (West 2011 & Supp. 2015);
Delaware, *State v. Cephas*, 637 A.2d 20, 21 (Del. 1994);
Hawaii, HAW. REV. STAT. ANN. § 386-3 (LexisNexis 2010);
Indiana, *Hansen v. Von Duprin, Inc.*, 507 N.E.2d 573, 576 (Ind. 1987);
Massachusetts, MASS. ANN. LAWS ch. 152, § 1 (LexisNexis 2000 & Supp. 2014);
Michigan, MICH. COMP. LAWS ANN. § 418.301 (West Supp. 2014);
Minnesota, MINN. STAT. ANN. § 176.011 (West Supp. 2015)¹;
New Jersey, *Simon v. R. H. H. Steel Laundry, Inc.*, 95 A.2d 446, 450 (Hudson County Ct. 1953),
aff'd, 98 A.2d 604, 605 (N.J. Sup. Ct. App. Div. 1953);
Oregon, OR. REV. STAT. § 656.802 (2013).

II. MENTAL-MENTAL INJURIES ARE COMPENSABLE IF THE STIMULUS IS UNUSUAL AND/OR SUDDEN

The following 23 states require that the mental stimulus be unusual and/or sudden:

Alaska, ALASKA STAT. § 23.30.010 (2012);
Arizona, ARIZ. REV. STAT. ANN. § 23-1043.01 (1995);
Colorado, COLO. REV. STAT. ANN. § 8-41-301 (West 2013);
Illinois, *Pathfinder Co. v. Indus. Comm'n.*, 343 N.E.2d 913, 917 (Ill. 1976);
Iowa, *Dunlavey v. Econ. Fire & Cas. Co.*, 526 N.W.2d 845, 855 (Iowa 1995);

¹ For injuries occurring on or after Oct. 1, 2013, Minnesota Statutes § 176.011, subdivisions 15 and 16, were amended to include PTSD as a compensable workers' compensation injury if it arises out of and in the course of employment. To be compensable, PTSD must be diagnosed by a licensed psychiatrist or psychologist and must meet the description of PTSD in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. PTSD is not considered a personal injury if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action taken in good faith by the employer. An occupational disease is only compensable if it is: (1) directly and proximately caused by the employment, (2) recognized as a hazard characteristic of and peculiar to the: trade; occupation; process; or employment, and (3) not from a hazard the worker would have been equally exposed to outside of employment.

Louisiana, LA. REV. STAT. ANN. § 23:1021 (2010 & Supp. 2015);
Maine, ME. REV. STAT. ANN. tit. 39-A, § 201 (2001);
Maryland, *Means v. Baltimore Cnty.*, 689 A.2d 1238, 1242 (Md. 1997);
Mississippi, *Dillon v. Roadway Express, Inc.*, 823 So. 2d 588, 591 (Miss. Ct. App. 2002);
Missouri, *Fogelson v. Banquet Foods Corp.*, 526 S.W.2d 886, 892 (Mo. Ct. App. 1975);
Nebraska, NEB. REV. STAT. ANN. § 48-101.01 (LexisNexis 2012 & Supp. 2013) (coverage limited to first responders);
Nevada, NEV. REV. STAT. ANN. § 616C.180 (LexisNexis 2012);
New Mexico, N.M. STAT. ANN. § 52-1-24 (LexisNexis 2004);
New York, N.Y. WORKERS' COMP. LAW § 2 (McKinney 2013);
North Carolina, *Lane v. Am. Nat'l Can Co.*, 640 S.E.2d 732, 735 (N.C. Ct. App. 2007);
Pennsylvania, *C. Hannah & Sons Constr. v. Workers' Comp. Appeal Bd. (Days)*, 784 A.2d 860, 865 (Pa. Commw. Ct. 2001);
Rhode Island, R.I. GEN. LAWS § 28-34-2 (2003);
South Carolina, S.C. CODE ANN. § 42-1-160 (Supp. 2013);
Utah, UTAH CODE ANN. § 34A-2-402 (LexisNexis 2011);
Vermont, *Bedini v. Frost*, 678 A.2d 893, 894 (Vt. 1996);
Virginia, *Teasley v. Montgomery Ward & Co.*, 415 S.E.2d 596, 598 (Va. Ct. App. 1992);
Washington, *Rothwell v. Nine Mile Falls Sch. Dist.*, 206 P.3d 347, 352 (Wash. Ct. App. 2009);

III. MENTAL-MENTAL INJURIES ARE NEVER COMPENSABLE

The following states do not compensate mental-mental injuries at all:

Alabama, ALA. CODE § 25-5-1(9) (LexisNexis 2007);
Arkansas, ARK. CODE ANN. § 11-9-113(a)(1) (2012) (stating that the physical injury limitation does not apply to "any victim of a crime of violence");
Connecticut, CONN. GEN. STAT. ANN. § 31-275(16)(B) (West 2011 & Supp. 2014);
Florida, FLA. STAT. ANN. § 440.093(1) (West 2009);
Georgia, *Columbus Fire Dep't v. Ledford*, 523 S.E.2d 58, 61 (Ga. Ct. App. 1999);
Idaho, IDAHO CODE ANN. § 72-451 (2006);
Kansas, *Bernard v. Doskocil Cos.*, 861 F. Supp. 1006, 1016 (D. Kan. 1994);
Kentucky, KY. REV. STAT. ANN. § 342.0011(1) (LexisNexis 2011);
Montana, MONT. CODE ANN. § 39-71-119(3) (2013);
New Hampshire, N.H. REV. STAT. ANN. § 281-A:2(XI) (LexisNexis 2008 & Supp. 2014);
North Dakota, N.D. CENT. CODE § 65-01-02(10) (2010 & Supp. 2013);
Ohio, OHIO REV. CODE ANN. § 4123.01(C) (LexisNexis 2007 & Supp. 2014) (allowing recovery if PTSD arose "from sexual conduct in which the claimant was forced by threat of physical harm to engage or participate");
Oklahoma, OKLA. STAT. ANN. tit. 85A, §13(A)(1) (West Supp. 2015);

South Dakota, S.D. CODIFIED LAWS § 62-1-1(7) (2009 & Supp. 2014);
Tennessee, TENN. CODE ANN. § 50-6-102(15) (2014);
Texas, *Duncan v. Emp'rs Cas. Co.*, 823 S.W.2d 722, 725 (Tex. App. 1992);
West Virginia, W. VA. CODE ANN. § 23-4-1f (LexisNexis 2010); and
Wyoming, WYO. STAT. ANN. § 27-14-102(xi) (2013 & Supp. 2014).

IV. WISCONSIN'S APPROACH

Technically, Wisconsin would appear to fall into the second category of states that require that the mental stimulus be unusual or sudden. Upon closer examination, however, the judicial precedent established by the courts has established an incredibly high, and nearly impossible, standard for compensability.

In *School District No. 1 v. Department of Industry, Labor & Human Relations*, the Wisconsin Supreme Court held that "mental injury non-traumatically caused must have resulted from a situation of greater dimensions than the day-to-day emotional strain and tension which all employees must experience."² Subsequent decisions significantly heightened that already high standard by requiring a determination as to the unusualness of the mental stimuli on the basis of what other similarly-situated employees face, as opposed to people more generally.³ This standard has resulted in law enforcement officers and other first responders in Wisconsin from being largely able to qualify for worker's compensation benefits for mental injuries sustained in the line of duty when not accompanied by physical injuries as well.

² *School District No. 1 v. DILHR*, 62 Wis. 2d (1974).

³ *Bretl v. LIRC*, 204 Wis. 2d 93, 106, 553 N.W.2d 550 (Ct. App. 1996); *Probst v. LIRC*, 153 Wis. 2d 185, 190-91, 450 N.W.2d 478 (Ct. App. 1989).

WMC

WISCONSIN MANUFACTURERS & COMMERCE

TO: Members, Senate Committee on Labor and Regulatory Reform

FROM: Chris Reader, WMC Director of Health & Human Resources Policy

DATE: January 17, 2018

RE: Opposition to Senate Bill 564

Chairman Nass and committee members, thank you for the opportunity to share my opposition to Senate Bill (SB) 564 today, which relates to PTSD and worker's compensation for certain workers.

My name is Chris Reader, and I am the Director of Health and Human Resources Policy for Wisconsin Manufacturers and Commerce (WMC). WMC is the statewide chamber of commerce, the state manufacturers' association and the state safety council. I also serve on the Worker's Compensation Advisory Council and the Wisconsin Compensation Rating Bureau Governing Board.

SB 564 states that any PTSD diagnosis of a public safety employee shall be covered by worker's compensation, regardless of causation, and it further eliminates the current standard from *School District No 1 v. DILHR* (1974), which requires that a worker with a PTSD claim needs to show that the stress they endured on the job is beyond the ordinary stresses and strains that all employees in that position encounter. Both aspects of the bill are troubling.

Wisconsin has avoided designated particular types of injuries as automatically work related because each injury and situation is unique and the circumstances of an individual's life may involve many other experiences that may also contribute or be the source of their problems. Beyond dismissing individual life circumstances, as written the bill sets a bad precedent. If enacted, there is no end of occupations that would also come forward and argue for a presumption of injury work relatedness.

Specific to PTSD caused by extraordinary stress, overturning the long-standing standard as proposed in the bill will add costs to employers and will necessarily cause insurance rates to increase in order to cover the expense of proving causation of injuries.

While we oppose the bill as written, the idea that workers should get help and treatment when injured on the job is something employers support – and that includes treating PTSD that is caused by work related activities. We have been in discussions with the Assembly author, Rep. Andre Jacque, and I do believe a compromise solution is available on this topic. Additionally, the issue has come before the Advisory Council, and there is general agreement at least from management representatives on the council that compromise can be found on the issue.

While compromise language is not yet fully developed, I encourage this committee to work with Rep. Jacque, the Advisory Council, and all stakeholders to help develop a compromise that will ensure employees suffering from job-related PTSD are able to get the help they seek, while not upending the longstanding worker's compensation system that generally serves our state very well.

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Founded in 1911, WMC is Wisconsin's chamber of commerce and largest business trade association.



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Intergovernmental Relations Division

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La Keisha W. Butler
Director of Intergovernmental Relations

**City of Milwaukee Testimony on SB-564
Senate Committee on Labor and Regulatory Reform
January 17, 2018**

The City of Milwaukee recognizes that public safety jobs are becoming increasingly difficult and challenging. We strive to address the needs of our injured public safety personnel in an effective, efficient and compassionate manner. In addition to the benefits provided by state law, our first responders have access to a wide array of services and programs established to address PTSD situations, including a workplace clinic, EAP services, and Care24 (Care24 services is a complimentary benefit that offers employees access to a wide range of health and well-being information and support—seven days a week, 24 hours a day). Registered nurses or Master’s-level counselors are available to help with almost any problem ranging from medical and family matters to personal legal, financial, and emotional needs.

This bill appears to follow a national trend to expand and, in some cases, create benefit eligibility and protections for first responders suffering from post-traumatic stress disorder (PTSD) as a result of their jobs. This bill seeks to accomplish three main goals: reduce barriers to receiving help first responders need to heal; increase access to services to treat PTSD effectively and allow those affected to return to work to protect and serve the public; and expand coverage to include repeated exposure to dangerous and/or stressful events.

Legislators must first understand the state-specific provisions that govern employees of the State of Wisconsin and how those provisions differ from those of other states. For example, in some states first responders are precluded from filing stress claims because of the belief that the nature of the work of a first responder is a function of the job. That is not the case in Wisconsin. In Wisconsin, the law provides that a claimant must demonstrate that the stress diagnosis is the result of a situation of greater dimensions than the day to day emotional strain and tension experienced by similarly situated employees. Examples of when this standard has been met in Milwaukee include: the police officer who crossed the blue line in connection with the investigation of the beating of Frank Jude; an officer who witnessed his partner getting hit by a car, resulting in serious injuries; and firefighters responding to the collapse of the O'Donnell Park parking structure.

All of these individuals received worker’s compensation benefits as a result of a claim of PTSD. This is because Wisconsin has a long history of allowing mental injuries in the absence of physical injury provided the mental injury arose out of a situation of greater dimensions than the countless emotional strains encountered by other similarly situated employees unlike jurisdictions which significantly inhibited or completely prohibited worker’s compensation benefits for mental injuries without a physical cause. Wisconsin law has also always provided workers compensation for the stress or mental injury (PTSD, depression, anxiety) that accompanies a work related physical injury.

Recognizing the fact that there might be an opportunity to strengthen the current provisions in state law, the City recommends a number of amendments to the bill. First, the link to the diagnosis of PTSD should be a specific traumatic experience or situation during which the employee was fulfilling their job duties and it should meet the extraordinary stress standard, established by the Wisconsin Supreme Court in the



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1974 case *School District No. 1. V. DILHR*, in order to distinguish work stress that rises to the level of an injury (without any accompanying physical injury) from stress that is part of the expected and compensated part of a first responder's usual work. Workers compensation claims should not be the result of the public safety employee being investigated for misconduct or any other employment issue. We need to distinguish stress that arises out of fulfilling their job duties vs stress which arises out of a personnel/investigative matter which does not relate to job duties. Matters personal to the employee and not to the job duties like personnel investigations are not work injuries. Additionally, there is the need to tie the diagnosis to an industry recognized standard, such as that of the American Psychiatric Association (APA). This would require that the diagnosis be validated by medical evidence instead of relying on self-reported data. Finally, the City is also recommends language disallowing claims for triggering events known to be non-occupational. Examples of such situations include:

- An officer involved in a shooting, investigated, and cleared but subsequently arrested for sexual assault. He filed a stress claim due to media attention.
- A firefighter who was assigned to the Survive Alive House with students and did not want the assignment filed a stress claim and walked off the job the same day.
- An officer who filed a stress claim for harassment after he found his wife and partner in an intimate encounter at a camp site and stated that his co-workers became aware of the situation.
- An officer filed a stress claim alleging inappropriate communication with a fellow officer. The texting with the other officer included photos of cleavage and genitalia and comments. The female filed the stress claim after her boyfriend discovered the photos on her phone. An internal affairs investigation determined that no charges would be filed since the texting was mutual.

As you can see, these recommended changes would still allow public safety employees to be treated for PTSD as part of a worker's compensation claim while providing important safeguards to the system to prevent abuse.

The City asks that you oppose this bill in its current form.

Proposed Amendments to AB-434

SECTION 1. 102.03 (6) of the statutes is created to read:

102.03 (6) (a) A diagnosis of post-traumatic stress disorder of a law enforcement officer, as defined in s. 23.33 (1) (ig), a fire fighter, an emergency medical services practitioner, as defined in s. 256.01 (5), or an emergency medical responder, as defined in s. 256.01 (4p) that is directly related to the employee's involvement in a significant traumatic experience or situation is presumed to arise out of the employee's employment when the American Psychiatric Association diagnostic criteria have been met and certified by medical evidence. The burden of proving that the diagnosis or mental condition under this subsection is not related to the employment is on the party asserting that the diagnosis and disorder is not related to the employee's employment. Post traumatic claims stress disorder claims proven to be non-occupational are not compensable under this Chapter.

(b) The presumption in s. 102.03(6)(a) shall not apply when a claim is made under this section while an employee is the subject of an investigation for misconduct, disciplinary action is contemplated or issued, or criminal charges are contemplated or filed.

(c) A claim of post-traumatic stress disorder shall not be presumed to be an injury arising out of the employment if it results from a decision consistent with actions defined under s. 111.90 that concern the employment of any employee as defined in 102.03(6)(a).

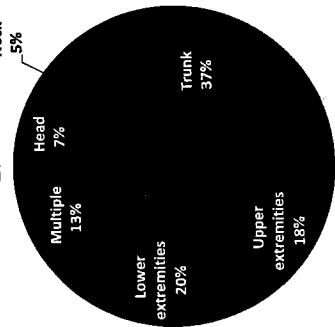
(d) A law enforcement officer, as defined in s. 23.33 (1) (ig), a fire fighter, an emergency medical services practitioner, as defined in s. 256.01 (5), or an emergency medical responder, as defined in s. 256.01 (4p), who suffers a mental injury that results in a diagnosis of post-traumatic stress disorder that arises out of his or her employment may not be required to show unusual stress of greater dimensions than the day-to-day emotional strain and tension experienced by similarly situated employees for the mental injury to be compensable under this chapter.

(e) The department shall direct payment from the work injury supplemental benefit fund under s. 102.65 of such compensation and such medical expenses as would be due pursuant to this section to or on behalf of the injured employee employed by any city, village, town, or county.

Dated: 10/31/17

transportation incident (27%), and violence (20%). The most frequent type of injury sustained was a sprain, strain, or tear (43%), followed by soreness/pain, contusions (15% for both types), and fractures (12%). The part of body most injured was the trunk region, which includes back, chest, and abdomen.

Percentage of WI Office Injuries, by part of body 2013



SOURCE: Bureau of Labor Statistics, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses, 2009-2013, in cooperation with participating State agencies.

Data Compiled and Analyzed by:
 Rebecca Adams, MPH
 Wisconsin State Laboratory of Hygiene

Funding for our organization is provided through grants, donations and various fundraisers.

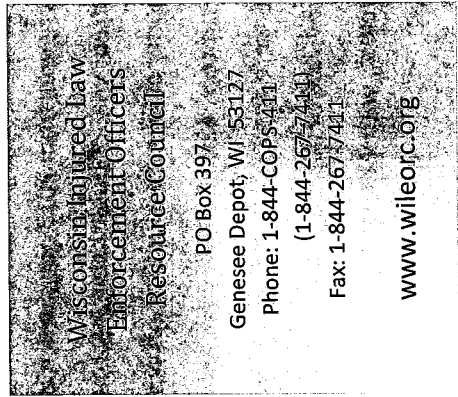
Funds are used to assist injured and disabled law enforcement officers throughout Wisconsin.

We also provide scholarships for the dependents of duty-disabled officers.

Over 60% of funds raised goes directly to the officers and their families.

Please select our charity for donations at

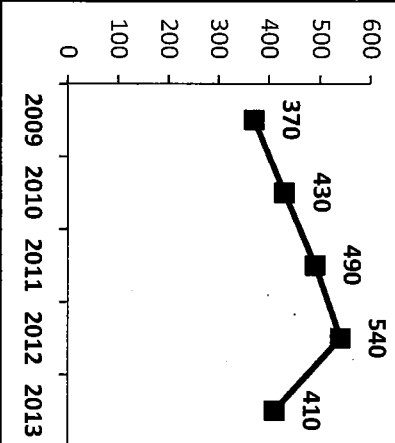
Smile.amazon.com



Wisconsin Injured Law Enforcement Officers Resource Council

The mission of this organization is to assist in the support of injured law enforcement officers throughout the State of Wisconsin through referrals for medical, financial, legal and counseling services, as well as direct and indirect fundraising through charitable donations to assist with the officer's expenses.

Number of Annual Wisconsin Police Officer Work Injuries Requiring Time Off: 2009-2013



Occupational Injuries in Wisconsin

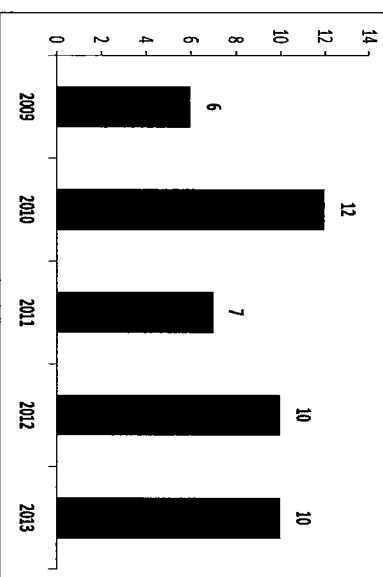
In 2013, there were an estimated 23,600 injured workers in the Wisconsin private and public sector who required time off from work due to injury. Of the 3,840 work injuries which occurred in the public sector, 410 (or 11%) of those were sustained by law enforcement officers. Approximately 11 officers are permanently disabled each year.

Injury Trends

Since 2009, there have been **2,240** law enforcement officers in Wisconsin which sustained injuries severe enough to warrant

time off from work. Injuries increased an annual average of 13%, with the exception of 2013, which decreased 24% from 2012. The average amount of days off for officers due to work injury has ranged from 6 to 12 days.

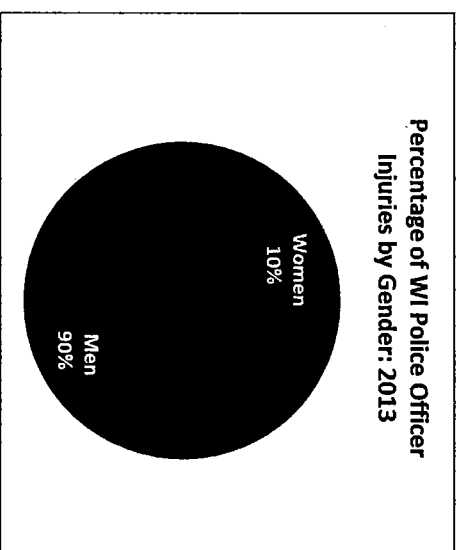
Average Number of Days Off for WI Officers Due to Work Injury: 2009-2013



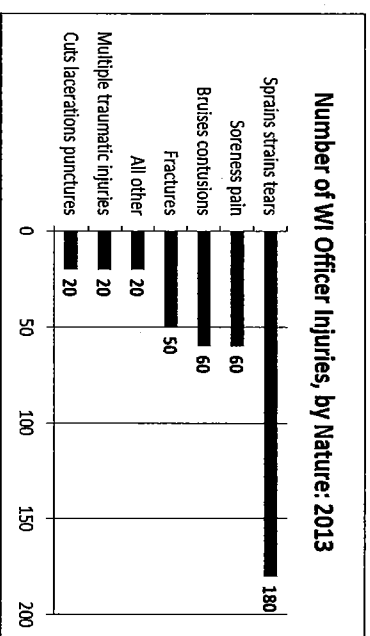
Demographic Profile

The profile for law enforcement officers includes figures from 2013 only, which is the most current year of publishable information. The majority of injuries with time off occurred to male officers, 42% of which were aged 35-44, and 35% were aged 25-34. The length of service worked by 78% of injured officers was "more than 5 years", with 22% ranging from 3 months to 5 years.

Percentage of WI Police Officer Injuries by Gender: 2013



Number of WI Officer Injuries, by Nature: 2013



Injury Profile

The number one cause of severe injuries to law enforcement officers was a fall, slip, or trip (32%), followed by

January 16, 2017

Greetings Members of Labor and Regulatory Reform

I am sending you an email to let you know that I stand in support of Senate Bill 564. I will give you a little background of myself.

I worked as a law enforcement officer for 15 years in Wisconsin. I worked for a smaller agency. In 2006, I watched a 3 year old foster child die at the hands of his foster father. The foster father had also caused great bodily harm to the 2 year old brother as well, who underwent surgery and had to have parts of his intestine removed. Both children injuries were due to blunt force trauma. The foster father was later convicted of homicide. Great bodily harm charges were read in at sentencing and dismissed regarding the injury to the brother.

Fast forward to 2015, I was diagnosed with Post-Traumatic Stress Disorder. The PTSD was determined to be work-related from the event described above. My department allowed me to have the Federal Family Leave of 12 weeks. I was not cleared for duty at the end of 12 weeks to return to patrol. I asked for an unpaid extension of leave so I could continue treatment with hopes to return to patrol. I was denied the extended leave and the department moved to terminate me. On August 07, 2015, I received a letter, delivered to my doorstep by the Deputy Chief, terminating my duties as a law enforcement officer, effective immediately. I lost more than just my job that day.

Prior to termination, I had also filed a worker's compensation claim. The claim was denied just about as fast as it was received. I am still appealing to worker's compensation. I finally testified in December of 2017 regarding my condition. There is a continuance of the hearing into March of 2018. As I sit in some of these hearings, I listen to insurance agencies speak about how there is an appeal process and how it works smoothly. I don't consider a three year wait beneficial for an individual no longer receiving any type of pay or benefits from a work-related injury.

Fortunately, I am married and I remain married. There are many not as lucky as me as PTSD can affect your personal life as well; which it did with me as well. I was able to maintain health insurance because he is employed as a deputy sheriff. I was able to continue therapy and treatment for a condition that occurred due to my course of duties while employed as a law enforcement officer. I have a family of 7 and we went from a two income home to a single income home. This is another blow to individuals on top of the PTSD.

I continued to educate myself about PTSD and the effects on law enforcement and their families. While I continued the worker's compensation fight, I found Assembly Bill 434 authored by Representative Andre Jaque. I immediately got in touch with my state representative Michael Schraa who referred me over to Representative Andre Jaque. I testified at the public hearing for Assembly Bill 434. I told them how important it is that this bill continues on. This bill will save lives. At the current moment, there are more law enforcement suicides than there are that die in the line of duty. We need to stand up and protect

our officers and first responder personnel. If we had the support from our departments and insurance companies, responders could get treatment and return back to the job they were "called" to do.

As I stated in my testimony, had I not had the family support that I did, I would not be here advocating for this bill. I could have been a suicide statistic. Initially, PTSD can be overbearing causing one to feel hopeless and helpless with proper treatment PTSD can be managed.

I know people have discussed the "cost" of this change. My response to that was there are costs no matter which way you look at it. If the bill remains the same, it is likely that suicides by first responders will rise. At that time death benefits could be paid out. Once that individual is dead, now there is the possibility of no income to the family; now the state will have to support them with health insurance, food share, child care etc. And, that is not to mention the departments and agencies themselves. Whether the responders end up terminated like me or deceased, personnel needs to be replaced. Usually there is a process to fill a law enforcement position, which then increases overtime for other employees. When personnel is replaced it costs agencies money to hire an individual, train an individual etc.

The State of Wisconsin is losing good cops! Research has shown that the cops who fit into this particular profile have close to 15 years of service and are around 42 years old. These are hardworking, trained, experienced personnel that cannot be replaced by a rookie.

Law Enforcement and first responders, at the current time, do not have a lifeline to save them. I was called numerous times as an officer to be a life line. When I needed a life line, there was no one to call. This is not acceptable!

If there is anything further I could do for this bill or for you, please feel free to contact me. Thanks for your time!

Andi S. Colker

PTSD Survivor

Chief Wilkinson's Testimony on behalf of Rudi S. Coker
Neenah PD - Chief