



2013 SENATE BILL 663

March 10, 2014 – Introduced by Senators HANSEN, LASSA, HARSDORF, HARRIS, SCHULTZ and L. TAYLOR, cosponsored by Representatives BIES, GENRICH, BORN, KRUG, MASON, MURSAU, MILROY, BERCEAU, BERNIER, HEBL, KAHL, KAUFERT, KOLSTE, OHNSTAD, SARGENT, C. TAYLOR and WRIGHT. Referred to Committee on Judiciary and Labor.

1 **AN ACT** *to amend* 40.02 (48) (c); and *to create* 40.02 (17) (n), 40.02 (48) (am) 23.,
2 40.02 (48) (b) 5. and 40.65 (4w) of the statutes; **relating to:** classifying county
3 jailers, detention officers, and correctional officers as protective occupation
4 participants under the Wisconsin Retirement System.

Analysis by the Legislative Reference Bureau

Under current law, participants under the Wisconsin Retirement System (WRS) whose principal duties involve active law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are classified as protective occupation participants. Current law specifically classifies police officers, fire fighters, and various other individuals as protective occupation participants. Under the WRS, the normal retirement age of a protective occupation participant is lower than that of other participants and the percentage multiplier used to calculate retirement annuities is higher for protective occupation participants than for other participants.

This bill permits counties to classify county jailers, detention officers, and correctional officers eligible as protective occupation participants under the WRS without a requirement that their principal duties involve active law enforcement or active fire suppression or prevention.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

SENATE BILL 663

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 40.02 (17) (n) of the statutes is created to read:

2 40.02 (17) (n) Notwithstanding par. (d), each participant who is a county jailer
3 and who is classified as a protective occupation participant shall be granted
4 creditable service as a protective occupation participant for all covered service while
5 a county jailer that was earned on or after the effective date of this paragraph
6 [LRB inserts date], but may not be granted creditable service as a protective
7 occupation participant for any covered service as a county jailer that was earned
8 before the effective date of this paragraph [LRB inserts date], unless that service
9 was earned while the participant was classified under sub. (48) (a) and s. 40.06 (1)
10 (d) as a protective occupation participant.

11 **SECTION 2.** 40.02 (48) (am) 23. of the statutes is created to read:

12 40.02 (48) (am) 23. A county jailer.

13 **SECTION 3.** 40.02 (48) (b) 5. of the statutes is created to read:

14 40.02 (48) (b) 5. A “county jailer” includes a county detention officer and a
15 county correctional officer. Notwithstanding par. (a), an employer may classify a
16 participant who is a county jailer as a protective occupation participant without
17 making a determination that the principal duties of the participant involve active
18 law enforcement or active fire suppression or prevention. A determination under
19 this subdivision may not be appealed under s. 40.06 (1) (e) or (em).

20 **SECTION 4.** 40.02 (48) (c) of the statutes is amended to read:

SENATE BILL 663

1 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
2 participating employee who is a police officer, fire fighter, an individual determined
3 by a participating employer under par. (a) or (bm) to be a protective occupation
4 participant, county undersheriff, deputy sheriff, county jailer, state probation and
5 parole officer, county traffic police officer, conservation warden, state forest ranger,
6 field conservation employee of the department of natural resources who is subject to
7 call for forest fire control or warden duty, member of the state traffic patrol, state
8 motor vehicle inspector, University of Wisconsin System full-time police officer,
9 guard or any other employee whose principal duties are supervision and discipline
10 of inmates at a state penal institution, excise tax investigator employed by the
11 department of revenue, person employed under s. 60.553 (1), 61.66 (1), or 62.13 (2e)
12 (a), or special criminal investigation agent employed by the department of justice.

13 **SECTION 5.** 40.65 (4w) of the statutes is created to read:

14 40.65 (4w) A county jailer who becomes a protective occupation participant on
15 or after the effective date of this subsection ... [LRB inserts date], is not entitled to
16 a duty disability benefit under this section for an injury or disease occurring before
17 the effective date of this subsection ... [LRB inserts date].

18 **SECTION 6. Effective date.**

19 (1) This act takes effect on the January 1 after publication.

20 **(END)**