

2001 DRAFTING REQUEST

Bill

Received: 08/21/2001

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Tom Sykora (608) 266-1194**

By/Representing: **Martha**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - employee benefits**
Employ Pub - miscellaneous

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Duty disability benefit coverage under the Wisconsin retirement system for county jailers and corrections officers

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 09/27/2001	rschluet 09/28/2001	pgreensl 10/01/2001	_____	lrb_docadmin 10/01/2001	lrb_docadminS&L 11/08/2001	Retire

FE Sent For:

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1?	champra	RS 9-27-01	10/1 PS	10/1 800			

FE Sent For:

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AFSCME®

WISCONSIN OFFICE • 8033 Excelsior Drive, Suite A • Madison, Wisconsin 53717-1903 • Telephone 608/836-6666

Date: June 26, 2001
To: Rep. Tom Sykora
From: Dennis Boyer
Re: Draft Requests

Thanks for meeting with me and agreeing to introduce these two items:

1. Adjustment of final average earnings cap for protectives by 5% to match increase to general employees under Act 11. (See attached language.)
2. Amend 40.65 to provide that duty disability and death benefits are extended to county jailers and corrections officers irrespective of whether they are in protective occupation status, provide for employer notice to ETF of covered jail employees under 40.06 (d), and provide that no claim for benefits can be made for injuries or disease occurring before the effective date of the bill (January 1, 2003?).

Have the drafter call me if there are questions. Thanks again.

DB:lm

Attachment

xc: Sandra Bloomfield (with attachment)
Roy Kubista (with attachment)
Beth Smith (with attachment)

in the public service

American Federation of State, County and Municipal Employees, AFL-CIO





State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3640/1

RAC:.....

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2001 BILL

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1 AN ACT ...; relating to: extending duty disability and death benefits provided to
2 protective occupation participants to county jailers.

Analysis by the Legislative Reference Bureau

Under current law, participants under the Wisconsin retirement system (WRS) whose principal duties involve 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. In addition, protective occupation participants are eligible to receive a duty disability benefit that is not available to other WRS participants.

This bill specifically classifies county jailers as protective occupation participants only for the purpose of receiving the duty disability and death benefit available for protective occupation participants and not for the other benefits provided to protective occupation participants.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to the bill.

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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 (48) (b) 5. of the statutes is created to read:

2 40.02 (48) (b) 5. A “county jailer” is any jailer or employee of a county jail, except
3 one whose principal duties are those of a telephone operator, clerk, stenographer,
4 machinist, or mechanic or whose functions do not clearly fall within the scope of
5 active law enforcement even though such an employee is subject to occasional call,
6 or is occasionally called upon, to perform duties within the scope of active law
7 enforcement. County jailer includes any person regularly employed and qualifying
8 as a county jailer, even if temporarily assigned to other duties.

9 **SECTION 2.** 40.02 (48) (c) of the statutes is renumbered 40.02 (48) (c) (intro.) and
10 amended to read:

11 40.02 (48) (c) (intro.) In s. 40.65, “protective occupation participant” means a
12 participating employee who is ~~a~~ any of the following:

13 1. A police officer,

14 2. A fire fighter, an,

15 3. An individual determined by a participating employer under par. (a) or (bm)
16 to be a protective occupation participant,

17 4. A county undersheriff,

18 5. A deputy sheriff,

19 6. A state probation and parole officer,

20 7. A county traffic police officer,

21 8. A conservation warden,

BILL

1 9. A state forest ranger,

2 10. A field conservation employee of the department of natural resources who
3 is subject to call for forest fire control or warden duty,

4 11. A member of the state traffic patrol,

5 12. A state motor vehicle inspector, ~~university,~~

6 13. A University of Wisconsin system ~~System~~ full-time police officer,

7 14. A guard or any other employee whose principal duties are supervision and
8 discipline of inmates at a state penal institution,

9 15. An excise tax investigator employed by the department of revenue,

10 16. A person employed under s. 61.66 (1), ~~or,~~

11 17. A special criminal investigation agent employed by the department of
12 justice.

History: 1981 c. 96, 187, 230, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83.

13 **SECTION 3.** 40.02 (48) (c) 18. of the statutes is created to read:

14 40.02 (48) (c) 18. A county [✓]jailer who is not determined by a participating
15 employer under par. (a) or (am) to be a protective occupation participant.

16 **SECTION 4.** 40.06 (1) (d) of the statutes is amended to read:

17 40.06 (1) (d) Each participating employer and, subject to par. (dm), each state
18 agency shall notify the department in the manner and at the time prescribed by the
19 department, of the names of all participating employees classified as protective
20 occupation participants determined in accordance with s. 40.02 (48), including
21 specifically any participant who is a county [✓]jailer described under s. 40.02 (48) (c) 18.,
22 or classified as teacher participants in accordance with s. 40.02 (55) or other
23 classification as specified by the department.

History: 1981 c. 96, 386; 1983 a. 290, 368; 1987 a. 309; 1989 a. 13, 31, 166, 218; 1991 a. 152, 315; 1995 a. 27, 1999 a. 83.

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SECTION 5. 40.65 (4^s) of the statutes is created to read:

40.65 (4^w) A county jailer described under s. 40.02 (48) (c) 18. who becomes a protective occupation participant for the purpose of coverage under this section on or after the effective date of this subsection [revisor inserts date], is not entitled to a duty disability benefit under this section for an injury or disease occurring before the effective date of this subsection [revisor inserts date].

7

SECTION 6. Effective date.

8

(1) This act takes effect on the January 1, 2003.

9

(END)

es



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 1, 2001

MEMORANDUM

To: Representative Sykora

From: Rick A. Champagne, Senior Attorney

Re: LRB-3640/1 Duty disability benefit coverage under the Wisconsin retirement system for county jailers and corrections officers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9930 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.