

2005 DRAFTING REQUEST

Bill

Received: **04/15/2005**

Received By: **rchampag**

Wanted: **As time permits**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy**

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

Drafter: **rchampag**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Protective occupation participant status for certain state social workers

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>
/?				_____			State Retire
/1	rchampag 04/18/2005	jdyer 05/10/2005	jfrantze 05/10/2005	_____	lnorthro 05/10/2005		State Retire
/2	rchampag 05/26/2005	jdyer 05/26/2005	jfrantze 05/26/2005	_____	lnorthro 05/26/2005	lnorthro 06/14/2005	

FE Sent For:

At intro

<END>

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1/?	rchampag	1 5/10 jcd	5/10	5/10			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 4-13-05

Legislator, agency, or other person requesting this draft Rep. Grigsby

Person submitting request (name and phone number) Cindy McInnis 6-0685

Persons to contact for questions about this draft (names and phone numbers) Cindy

Describe the problem, including any helpful examples. How do you want to solve the problem?

*Include Initial Assessment worker in the Protective Occupation status designation.
See attached letter*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?
YES NO

Representative Grigsby,

I am writing you as a former social worker and a member of the Committee on Children and Families, as well as a representative of a large portion of the City of Milwaukee. I am employed with the Bureau of Milwaukee Child Welfare and work throughout Milwaukee County to address the safety of children in the community that you represent. Currently there are significant barriers to the provision of quality service in the greater Milwaukee area, and many of the dedicated professionals working to protect children in our area are increasingly placed in dangerous situations without appropriate support from the Department of Health and Family Services. This has affected the ability of the Initial Assessment Social Workers to adequately perform their responsibilities and protect children at risk. As you may be aware in your own district there was a recent fatal shooting involving an Initial Assessment Worker. This worker was placed directly in harm's way in the attempt to assure the safety of children in the community. We are frequently first responders to situations involving violence, guns and illegal narcotics within the most dangerous communities in Milwaukee County.

Due to these considerations, the state employed Initial Assessment Worker in Milwaukee County would appreciate your assistance in seeking Protective Occupation Status designation, similar to that enjoyed by State Motor Vehicle Inspectors, Excise Tax Agents, Members of the State Traffic Patrol, Youth Counselors in State Correctional facilities and numerous other state employees whose employment is considered dangerous and highly stressful as described in Chapter 680 of the Wisconsin Human Resources Handbook. It is my belief that the addition of this benefit would improve the morale and performance of the Initial Assessment Social Workers currently serving the interests of Children in Milwaukee County. I appreciate your time and consideration,

Sincerely,


Bennett

want me to get
this drafted?

yes!
good
bill!

BILL

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.

For further information see the *state* 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 employed by
3 the department of health and family services in a county having a population of
4 500,000 or more to conduct investigations under s. 48.981 (3) (c) on or after the
5 effective date of this paragraph [revisor inserts date], shall be granted creditable
6 service as a protective occupation participant for all covered service while employed
7 by the department of health and family services in a county having a population of
8 500,000 or more to conduct investigations under s. 48.981 (3) (c) that was earned on
9 or after the date on which the department receives notification of the participant's
10 name as provided in s. 40.06 (1) (d) and (dm), but may not be granted creditable
11 service as a protective occupation participant for any covered service while employed
12 by the department of health and family services in a county having a population of
13 500,000 or more to conduct investigations under s. 48.981 (3) (c) that was earned
14 before that date, unless that service was earned while the participant was classified
15 under sub. (48) (a) and s. 40.06 (1) (d) as a protective occupation participant.

of employee trust funds

16 SECTION 2. 40.02 (48) (bd) of the statutes is created to read:

17 40.02 (48) (bd) "Protective occupation participant" includes any participant
18 who is employed by the department of health and family services in a county having
19 a population of 500,000 or more to conduct investigations under s. 48.981 (3) (c) if the
20 participant's employer classifies the participant as a protective occupation

BILL

1 participant and the department ^{of employee trust funds} receives notification of the participant's name as
2 provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a), an employer may
3 classify a participant who is employed by the department of health and family
4 services in a county having a population of 500,000 or more to conduct investigations
5 under s. 48.981 (3) (c) as a protective occupation participant without making a
6 determination that the principal duties of the participant involve active law
7 enforcement or active fire suppression or prevention.

8 **SECTION 3.** 40.02 (48) (c) [✓] of the statutes is amended to read:

9 40.02 (48) (c) In s. 40.65, "protective occupation participant" means a
10 participating employee who is a police officer, fire fighter, an individual determined
11 by a participating employer under par. (a), (bd), [✓] or (bm) to be a protective occupation
12 participant, county undersheriff, deputy sheriff, state probation and parole officer,
13 county traffic police officer, conservation warden, state forest ranger, field
14 conservation employee of the department of natural resources who is subject to call
15 for forest fire control or warden duty, member of the state traffic patrol, state motor
16 vehicle inspector, University of Wisconsin System full-time police officer, guard or
17 any other employee whose principal duties are supervision and discipline of inmates
18 at a state penal institution, excise tax investigator employed by the department of
19 revenue, person employed under s. 61.66 (1), or special criminal investigation agent
20 employed by the department of justice.

21 **SECTION 4.** 40.65 (4w) [✓] of the statutes is created to read:

22 40.65 (4w) A protective occupation participant who is employed by the
23 department of health and family services in a county having a population of 500,000
24 or more to conduct investigations under s. 48.981 (3) (c) is not entitled to a duty
25 disability benefit under this [✓] section for an injury or disease occurring before the date

BILL

of employee trust funds

1 on which the department receives notification of the participant's name as provided
2 in s. 40.06 (1) (d) and (dm).

3 (END)



State of Wisconsin
2005-2006 LEGISLATURE

LRB-2810/1-2
RAC:AMM:jld:jf

Tues

2005 BILL

RMR

- regem. cat.

providing for the classification of
classifying workers as social

1 AN ACT to amend 40.02 (48) (c); and to create 40.02 (17) (n), 40.02 (48) (bd) and
2 40.65 (4w) of the statutes; relating to: protective occupation participant status
3 under the Wisconsin Retirement System for individuals employed by the
4 Department of Health and Family Services in a county having a population of
5 500,000 or more to conduct investigations of suspected or threatened child
6 abuse or neglect.

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.

This bill authorizes the Department of Health and Family Services (DHFS) to classify individuals employed by DHFS in a county having a population of 500,000 or more to conduct investigations of suspected or threatened child abuse or neglect as protective occupation participants for the purposes of the WRS.

a WRS participating employer

as social workers

BILL

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.

For further information see the *state* 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:

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

40.02 (17) (n) Notwithstanding par. (d), each participant who is employed ~~by~~
~~(the department of health and family services in a county having a population of~~
~~500,000 or more to conduct investigations under s. 48.981 (3) (e) on or after the~~
effective date of this paragraph [revisor inserts date], shall be granted creditable
service as a protective occupation participant for all covered service while employed
~~by the department of health and family services in a county having a population of~~
~~500,000 or more to conduct investigations under s. 48.981 (3) (e) that was earned on~~
or after the date on which the department of employee trust funds receives
notification of the participant's name as provided in s. 40.06 (1) (d) and (dm), but may
not be granted creditable service as a protective occupation participant for any
covered service while employed by the department of health and family services in
~~a county having a population of 500,000 or more to conduct investigations under s.~~
~~48.981 (3) (e) that was earned before that date, unless that service was earned while~~
the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as a protective
occupation participant.

as a
SOCIAL
worker

SECTION 2. 40.02 (48) (bd) of the statutes is created to read:

40.02 (48) (bd) "Protective occupation participant" includes any participant
who is employed ~~by the department of health and family services in a county having~~
~~a population of 500,000 or more to conduct investigations under s. 48.981 (3) (e) if the~~

BILL

1 participant's employer classifies the participant as a protective occupation
 2 participant and the department of employee trust funds receives notification of the
 3 participant's name as provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a),
 4 an employer may classify a participant who is employed by the department of health
 5 and family services in a county having a population of 500,000 or more to conduct
 6 investigations under s. 48.981 (3) (a) as a protective occupation participant without
 7 making a determination that the principal duties of the participant involve active
 8 law enforcement or active fire suppression or prevention.

9 **SECTION 3.** 40.02 (48) (c) of the statutes is amended to read:

10 40.02 (48) (c) In s. 40.65, "protective occupation participant" means a
 11 participating employee who is a police officer, fire fighter, an individual determined
 12 by a participating employer under par. (a), (bd), or (bm) to be a protective occupation
 13 participant, county undersheriff, deputy sheriff, state probation and parole officer,
 14 county traffic police officer, conservation warden, state forest ranger, field
 15 conservation employee of the department of natural resources who is subject to call
 16 for forest fire control or warden duty, member of the state traffic patrol, state motor
 17 vehicle inspector, University of Wisconsin System full-time police officer, guard or
 18 any other employee whose principal duties are supervision and discipline of inmates
 19 at a state penal institution, excise tax investigator employed by the department of
 20 revenue, person employed under s. 61.66 (1), or special criminal investigation agent
 21 employed by the department of justice.

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

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 24 department of health and family services in a county having a population of 500,000
 25 or more to conduct investigations under s. 48.981 (3) (c) is not entitled to a duty

Social
 worker

BILL

1 disability benefit under this section for an injury or disease occurring before the date
2 on which the department of employee trust funds receives notification of the
3 participant's name as provided in s. 40.06 (1) (d) and (dm).

4 (END)

Emery, Lynn

From: Mcginnis, Cindy
Sent: Tuesday, June 14, 2005 3:01 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2810/2 Topic: Protective occupation participant status for certain state social workers

It has been requested by <Mcginnis, Cindy> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2810/2 Topic: Protective occupation participant status for certain state social workers