

1989 Assembly Bill 413

Date of enactment: **April 27, 1990**
Date of publication*: **May 10, 1990**

1989 WISCONSIN ACT 357

AN ACT to amend 40.02 (48) (c); and to create 40.02 (48) (bm) and 40.65 (4r) of the statutes, relating to: classifying emergency medical technicians as protective occupation participants for the purposes of the Wisconsin retirement system.

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

SECTION 1. 40.02 (48) (bm) of the statutes is created to read:

40.02 (48) (bm) "Protective occupation participant" includes any participant who is an emergency medical technician if the participant's employer classifies the participant as a protective occupation participant and the department receives notification of the participant's name as provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a), an employer may classify a participant who is an emergency medical technician as a protective occupation participant without making a determination that the principal duties of the participant involve active law enforcement or active fire suppression or prevention. A determination under this paragraph may not be appealed under s. 40.06 (1) (e) or (em), but a determination under this paragraph regarding the classification of a state employe is subject to review under s. 40.06 (1) (dm). Notwithstanding sub. (17) (d), each participant who is classified as a protective occupation participant under this paragraph 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 as an emergency medical technician that was earned on or after the date on which the department 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 as an emergency medical technician that was earned before that date.

SECTION 2. 40.02 (48) (c) of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

40.02 (48) (c) In s. 40.65, "protective occupation participant" means a participating employe who is a police officer, fire fighter, an individual determined by a participating employer under par. (a) or (bm) to be a protective occupation participant, county undersheriff, deputy sheriff, county traffic police officer, conservation warden, state forest ranger, field conservation employe of the department of natural resources who is subject to call for forest fire control or warden duty, member of the state traffic patrol, university of Wisconsin system full-time police officer, guard or any other employe whose principal duties are supervision and discipline of inmates at a state penal institution, excise tax investigator employed by the department of revenue, person employed under s. 61.66 (1), or a special criminal investigation agent employed by the department of justice.

SECTION 3. 40.65 (4r) of the statutes is created to read:

40.65 (4r) A protective occupation participant who is an emergency medical technician is not entitled to a duty disability benefit under this section for an injury or disease occurring before the date on which the department receives notification of the participant's name as provided in s. 40.06 (1) (d) and (dm).

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SECTION 4. Effective date. This act takes effect on the January 1 after publication.
