

1999 DRAFTING REQUEST

Bill

Received: **01/29/99**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Joan Spillner (608) 266-7746**

By/Representing: **Jason**

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

Drafter: **champra**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Duty disability benefits for protective occupation participants under WRS

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>
/?	champra 02/6/99	chanaman 02/9/99		_____			S&L Retire
/1			jfrantze 02/9/99	_____	lrb_docadmin 02/9/99	lrb_docadmin 02/11/99	S&L Retire
/2	champra 03/4/99	chanaman 03/4/99	hhagen 03/5/99	_____	lrb_docadmin 03/5/99	lrb_docadmin 03/5/99	

FE Sent For:

03-22-99

<END>

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/?	champra 02/6/99	chanaman 02/9/99		_____			S&L Retire
/1		<i>CMM</i> 3/2 1/2	jfrantze 02/9/99 <i>44 3/5 44 3/5</i>	_____	lrb_docadmin 02/9/99	lrb_docadmin 02/11/99	

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<END>

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1/?	champra cmu 2/8 /1		Jo 2/9	Jo / rh 2/9			

FE Sent For:

<END>



1997 ASSEMBLY BILL 706

LISA Allen



Joan Wade Spillner

State Representative • 42nd District

REYNOLDS, R. YOUNG, RYBA,
Senator WEEDEN. Referred to

Richard -

As per our conversation,
please draft as is.

* Please see notes on pg.
2 + 3.

Thanks,
Jason

create 40.65 (3) (b) and (c)
its for protective occupation
em.

Police Bureau

in the Wisconsin retirement
category — a category that consists
enforcement or active fire
danger or peril and requiring a
duty disability benefits under
injured while performing his
occupation; 2) the disability is
employee to retire from his or
she is assigned to light duty
service are adversely affected
policies or written agreements
ability. Under current law, a
duty disability benefit is not
provisions to determine if the

is a duty disability benefit be
designated or approved by the
first 5 years that the person

ASSEMBLY BILL 706

receives the benefit and then once every 3 years thereafter. The monthly benefits under the program must be terminated if the examination by the physician determines that the person is no longer permanently disabled or the person refuses to submit to the physical examination. The bill provides that any person who is terminated because the person is no longer permanently disabled must immediately be offered reinstatement by the employer with whom the person was last employed before receiving the duty disability benefit in the position that the person occupied before terminating employment.

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 this bill.

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.** 40.65 (3) of the statutes is renumbered 40.65 (3) (a) and amended
2 to read:

3 40.65 (3) (a) The Wisconsin retirement board shall determine the amount of
4 each monthly benefit payable under this section and its effective date. The board
5 shall periodically review the dollar amount of each monthly benefit and adjust it to
6 conform with the provisions of this section. The board may request any income or
7 benefit information, or any information concerning a person's marital status, which
8 it considers to be necessary to implement this ~~subsection~~ paragraph and shall
9 require a participant to submit a certified copy of his or her most recent state or
10 federal income tax return. The board may terminate the monthly benefit of any
11 person who refuses to submit information requested by the board or who submits
12 false information to the board.

13 **SECTION 2.** 40.65 (3) (b) and (c) of the statutes are created to read:

14 40.65 (3) (b) The Wisconsin retirement board shall require that any person who
15 receives a monthly benefit under this section be examined by at least one licensed
MAY

ASSEMBLY BILL 706

1 and practicing physician, designated or approved by the board, in each of the first
2 5 years that the person receives a monthly benefit under this section and once every
3 3 years thereafter. A written report of the examination in a form approved by the
4 department, which shall indicate whether the person is still disabled as specified in
5 sub. (4) (b), shall be filed with the department. The department shall pay the cost
6 of any examination conducted under this paragraph.

7 (c) The monthly benefit payable under this section shall be terminated and no
8 payment shall be payable after the first of the month in which a determination is
9 made by the department that any of the following occurs:

10 1. The written physician's report required in par. (b) indicates that the person
11 has recovered from the disability so the person is no longer disabled to the extent
12 required under sub. (4) (b).

13 2. The person refuses to submit to an examination under par. (b).

14 (d) If the department terminates a monthly benefit under par. (c) 1., the
15 employer with whom the person was last employed before receiving the monthly
16 benefit shall offer to reinstate the person in the position that the person occupied
17 before terminating employment.

18 (END)





1999

LRB-2063/1

RAC
cmk
kbn

1997 ASSEMBLY BILL 706

D-NOTE

January 13, 1998 - Introduced by Representatives REYNOLDS, R. YOUNG, RYBA, GROTHMAN, GOETSCH and BOYLE, cosponsored by Senator WEEDEN. Referred to Joint survey committee on Retirement Systems.

- gen. cat.

- 1 AN ACT *to renumber and amend* 40.65 (3); and *to create* 40.65 (3) (b) and (c)
- 2 of the statutes; **relating to:** duty disability benefits for protective occupation
- 3 participants under the Wisconsin retirement system.

Analysis by the Legislative Reference Bureau

Under current law, an employe participating in the Wisconsin retirement system (WRS) who is a protective occupation participant — a category that consists of certain employes whose duties involve active law enforcement or active fire suppression, frequent exposure to a high degree of danger or peril and requiring a high degree of physical conditioning — is entitled to duty disability benefits under the WRS if all of the following occur: 1) the employe is injured while performing his or her duty or contracts a disease due to his or her occupation; 2) the disability is likely to be permanent; and 3) the disability causes the employe to retire from his or her job, the employe's pay or position is reduced or he or she is assigned to light duty or the employe's promotional opportunities within the service are adversely affected if state or local employer rules, ordinances, policies or written agreements specifically prohibit promotion because of the disability. Under current law, a protective occupation participant who qualifies for a duty disability benefit is not subject to any additional or subsequent medical examinations to determine if the employe remains eligible for the benefit.

This bill ~~requires that~~ every person who receives a duty disability benefit be examined by a licensed and practicing physician, designated or approved by the employe trust funds board, every year during the first ~~5~~ years that the person

five

require that ~~that the Wisconsin~~ provides that the Wisconsin retirement board may

ASSEMBLY BILL 706

receives the benefit and then once every ^{three} 3 years thereafter. The monthly benefits under the program must be terminated if the examination by the physician determines that the person is no longer permanently disabled or the person refuses to submit to the physical examination. The bill provides that any person who is terminated because the person is no longer permanently disabled, ~~must immediately be offered reinstatement~~ ^{also} by the employer with whom the person was last employed before receiving the duty disability benefit in the position that the person occupied before terminating employment. ^{with respect to}

must make every reasonable effort to reinstate the person

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 this bill.

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. 40.65 (3) ^X of the statutes is renumbered 40.65 (3) (a) and amended [✓]
2 to read:

3 40.65 (3) (a) The Wisconsin retirement board shall determine the amount of
4 each monthly benefit payable under this section and its effective date. The board
5 shall periodically review the dollar amount of each monthly benefit and adjust it to
6 conform with the provisions of this section. The board may request any income or
7 benefit information, or any information concerning a person's marital status, which
8 it considers to be necessary to implement this ~~subsection~~ [✓] paragraph and shall
9 require a participant to submit a certified copy of his or her most recent state or
10 federal income tax return. The board may terminate the monthly benefit of any
11 person who refuses to submit information requested by the board or who submits
12 false information to the board.

+0 (d)

13

SECTION 2. 40.65 (3) (b) ^X and [✓] (d) of the statutes are created to read:

14

14 40.65 (3) (b) The Wisconsin retirement board ~~shall~~ ^{may} require that any person who
15 receives a monthly benefit under this section be examined by at least one licensed

ASSEMBLY BILL 706

1 and practicing physician, designated or approved by the board, in each of the first
 2 5 years that the person receives a monthly benefit under this section and once every
 3 3 years thereafter. A written report of the examination in a form approved by the
 4 department, which shall indicate whether the person is still disabled as specified in
 5 sub. (4) (b), shall be filed with the department. The department shall pay the cost
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 11 has recovered from the disability so the person is no longer disabled to the extent
 12 required under sub. (4) (b).

13 2. The person refuses to submit to an examination under par. (b).

14 (d) If the department terminates a monthly benefit under par. (c) 1., the
 15 employer with whom the person was last employed before receiving the monthly
 16 benefit shall ~~try~~ to reinstate the person in the position that the person occupied
 17 before terminating employment.

(END)

make every reasonable effort

Conrad

D-Note

① In s. 40.65(3)(d), I provided that the employer "must make every reasonable effort" to reinstate the person as opposed to "make every effort". In this way, the employer's required degree of effort is bounded. Is this OK?

RAC

1100

1100

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2063/1dn
RAC:cmh&ksh:jf

February 9, 1999

In s. 40.65 (3) (d), I provided that the employer “must make every reasonable effort” to reinstate the person as opposed to “make every effort”. In this way, the employer’s required degree of effort is bounded. Is this OK?

Richard A. Champagne
Legislative Attorney
Phone: (608) 266-9930
E-mail: Rick.Champagne@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 2/9/99

To: Representative Spillner

Relating to LRB drafting number: LRB-2063

Topic

Duty disability benefits for protective occupation participants under WRS

Subject(s)

Employ Pub - employe benefits, Employ Pub - retirement

1. **JACKET** the draft for introduction _____

in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney
Telephone: (608) 266-9930



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2063/1-2

RAC:cmh&ksh:jf

*Redraft notes
has been run*

soon

1999 BILL

— gen. cat.

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2 the statutes; **relating to:** duty disability benefits for protective occupation
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This bill provides that the Wisconsin retirement board may require that every person who receives a duty disability benefit be examined by a licensed and practicing physician, designated or approved by the employe trust funds board, every

BILL

year during the first five years that the person receives the benefit and then once every three years thereafter. The monthly benefits under the program must be terminated if the examination by the physician determines that the person is no longer permanently disabled or the person refuses to submit to the physical examination. The bill also provides that, with respect to any person who is terminated because the person is no longer permanently disabled, the employer with whom the person was last employed before receiving the duty disability benefit must make every reasonable effort to reinstate the person in the position that the person occupied before terminating employment.

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15 employer with whom the person was last employed before receiving the monthly
16 benefit shall make every reasonable effort to reinstate the person in the position that
17 the person occupied before terminating employment.

18 (END)

Insert
3-17

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2063/2ins
RAC:.....

How

This paragraph does not require an employer to leave vacant the position that the person occupied before terminating employment or to terminate any employee who is employed in the position that the person occupied before terminating employment.