

Excuse us for all registering on the same sheet - NOT enough forms
for all the bills

SB 142 SB 97 AB 326
AB 48 AB 245 SB 326

CONSIDERATION OF _____
(BILL NUMBER)

DATE 1/24/2000

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

NAME Jane Ellen Howard Hilsmann Hal Reibholz
Eunice Berg Blair Testin
ADDRESS 2564 Branch Street
CITY Middletown STATE WJ ZIP 53562
ORGANIZATION, IF ANY WREA

WOULD LIKE TO TESTIFY (APPEAR BEFORE THE COMMITTEE)

IN FAVOR OPPOSED INFORMATION

WOULD LIKE TO REGISTER

IN FAVOR OPPOSED INFORMATION

PRELIMINARY

1999-2000

LRB-1343/1

STATE OF WISCONSIN

APPENDIX TO 1999 ASSEMBLY BILL 48

REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

(Introduced by Representatives Freese, Klusman, Handrick, Ryba, Underheim, Lassa, Huebsch, Gronemus, Turner, Pettis, Musser, Albers, Boyle, Sykora, Johnsrud, Plouff, Meyer and Seratti, cosponsored by Senators Moen, Schultz, Breske, Fitzgerald and Roessler.)

An Act to amend 40.02 (48) (am) and 40.02 (48) (c); and to create 40.02 (17) (n) and 40.65 (4w) of the statutes; relating to: classifying county jailers as protective occupation participants for the purposes of the Wisconsin retirement system.

EXTRACT OF COMMITTEE'S RECOMMENDATION ON THIS BILL

The Joint Survey Committee on Retirement Systems finds that Assembly Bill 48 [as amended by Assembly Substitute Amendment 1] [represents good public policy, and the Committee recommends its passage] [does not represent good public policy, and the Committee does not recommend its passage].

PURPOSE OF THE BILL

Under current s. 40.02 (48) (a), Stats., a "protective occupation participant" for purposes of the Wisconsin Retirement System (WRS) is any participant whose principal duties *are determined by the participating employer* to involve active law enforcement or active fire suppression or prevention, provided the duties require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning.

Under s. 40.02 (48) (am), Stats., protective occupational participants include conservation wardens, conservation patrol boat captains, conservation patrol boat engineers, conservation pilots, conservation patrol officers, forest fire control assistants, members of the state patrol, state motor vehicle inspectors, police officers, fire fighters, sheriffs, undersheriffs, deputy sheriffs, state probation and parole officers, county traffic police officers, state forest rangers, fire watchers employed by the Wisconsin Veterans Home, state correctional-psychiatric officers, excise tax investigators employed by the Department of Revenue, special criminal investigation agents in the Department of Justice, assistant or deputy fire marshalls and persons employed under s. 61.66 (1), Stats. (combined protective services departments for villages).

If a participant is in a position enumerated in s. 40.02 (48) (am), Stats., the person is a "protective occupation participant" *without* having to meet the requirements of s. 40.02 (48) (a), Stats.

If a person is classified as a protective occupation participant, his or her WRS normal retirement age is lower than those of other participants and the percentage multiplier used to calculate his or her formula benefit retirement annuities is higher than for general employes.

If a person wishes to contest a determination by an employer that he or she is not a protective occupation participant and contends that his or her duties, in fact, do require a frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning, the employe may appeal to the Department of Employee Trust Funds (DETF) Board by filing a written appeal with the Board. [See s. 40.06 (1) (e) 1., Stats.]

This bill amends the definition of "protective occupation participant" to specifically include *county jailers* in the enumerated list of protective occupation participants. It provides that each participant who is a county jailer on or after the effective date of the bill will be granted creditable service for all covered service as a county jailer earned on or after the effective date, but may not be granted creditable service for covered service as a county jailer earned before the effective date of the law unless the service was earned while the participant was classified as a protective occupation participant under the current statutory definition and s. 40.06 (1) (d), Stats., by the employer.

The bill further provides that for purposes of the duty disability and death benefit program under s. 40.65, Stats., county jailers are protective occupation participants. It provides that a county jailer who becomes a protective occupation participant on or after the effective date of the bill is not entitled to a duty disability benefit for an injury or disease that occurred before the effective date.

The bill provides that it takes effect on the January 1 after its publication.

Assembly Substitute Amendment 1 makes the following changes in the original bill:

1. It provides that the definition of protective occupation participant will include a county jailer, pursuant to a collective bargaining agreement entered into under subch. IV of ch. 111, Stats. For county jailers the status of protective occupation participation will no longer be determined exclusively by the participating employer. This change will have the effect of making it a subject of mandatory collective bargaining.

2. It enumerates, under protective occupation participants, any county jailer who has been granted protective occupation status under a collective bargaining agreement entered into under subch. IV of ch. 111, Stats.

3. It creates a definition of "county jailer" as any jailer or employe of a county jail except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist or mechanic or whose functions do not clearly fall within the scope of active law enforcement even though such an employe is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement. "County jailer" will include any

person regularly employed and qualifying as a county jailer even if temporarily assigned to other duties.

4. It amends the definition of protective occupation participant for purposes of the duty disability program under s. 40.65, Stats., to include a county jailer who has been granted protective occupation participant status under a collective bargaining agreement entered into under subch. IV of ch. 111, Stats.

5. It amends provisions of the municipal collective bargaining law to provide that if, in a collective bargaining dispute relating to wages, hours and conditions of employment, if a petition is submitted to the Wisconsin Employment Relations Commission, the submission will not include the granting or terminating protective occupation status under ch. 40, Stats., for county jailers. It further provides that no final offer may contain any proposal relating to the granting or terminating of protective occupation participant status under ch. 40, Stats., for county jailers. This will prevent an arbitrator from either granting or revoking the status of protective occupation participant for county jailers.

ACTUARIAL EFFECT

The bill and Assembly Substitute Amendment 1 would have no actuarial effect on WRS, since the costs of service rendered will be paid for by increases in contribution rates.

PROBABLE COSTS

The fiscal estimate states that 470 jailer positions would newly become protective occupation participants and, assuming an average salary in calendar year 2000 of \$36,000, employers' retirement costs will increase approximately 2.2%, employers' costs for the s. 40.65, Stats., death and duty disability benefits would increase approximately 3.4% of payroll; the total added employers' costs are estimated to be \$939,000. Employee retirement costs would decrease by 1/10 of 1% of payroll or \$17,000. It is also estimated that increased retirement and s. 40.65, Stats., death and disability costs would continue each year to be approximately 5.5% of payroll for the affected positions.

Information submitted to the Committee indicates that the estimate of the number of jailer positions that could be affected may be somewhat conservative. As many as 1,200 jailer positions could newly become protective occupation participants, which could result in increased costs to employers, including duty disability benefits, of \$2,400,000.

The DETF estimates that it will be able to perform administrative activities required by the bill with its existing staff and resources.

Assembly Substitute Amendment 1 would have the same fiscal effects as the original bill only if as a result of collective bargaining, all county jailers in the state who are not presently classified as protective occupation participants become protective occupation participants.

PUBLIC POLICY

Protective occupation participants have a higher benefit formula than general employees and an earlier normal retirement than general employees. WRS statutes clearly define the basic requirements for protective designation and provide that positions may be included in that classification by specific statutory designation, by employer certification or after an employee's successful appeal to the DETF Board.

The classification status of county jailers has previously been reviewed by the DETF Board and the Retirement Research Committee. The DETF carried out a county survey of jailers which reflected differences in county requirements for physical fitness, the degree of contact with inmates, whether or not the positions were deputized, and other duties involved. The DETF survey indicated that there was no uniform job description for county jailers across the state. Appeals to the DETF Board by county jailers have generally been rejected in the past.

The status of county jailers and other groups seeking protective status was also reviewed by a Retirement Research Committee subcommittee working with the s. 40.65, Stats., death and disability program. That subcommittee also chose not to make any recommendations for a mandated protective status for county jailers.

The issue of bargaining of protective occupation status has been the subject of litigation. La Crosse County sought a ruling by the Wisconsin Employment Relations Commission (WERC), that jailers being classified as protective occupation participants in the WRS was not a mandatory subject of bargaining. The WERC held that it was. A circuit court in La Crosse affirmed that holding. The court of appeals reversed that decision.

In *County of La Crosse v. Wisconsin Employment Relations Commission*, 508 N.W.2d 9 (1993), the Wisconsin Supreme Court reversed the court of appeals decision and decided the case on other grounds. It specifically declined to decide the issue of whether protective occupation status was a mandatory subject of bargaining.

Subsequently, in 1996, the WERC, in another case involving La Crosse County jailers, ruled that protective occupation status was a prohibited subject of bargaining. [Decision No. 28773, June 26, 1996.]

This bill would bypass the employer certification process relative to the determination of protective status under the WRS. Recent statutory changes in normal retirement provisions for general employees and protectives have reduced much of the difference between these groups relative to normal retirement (age 57 with 30 years of service for general employees versus age 53 with 25 years of service for protectives). Accordingly, protective designation primarily provides a higher benefit formula and greater death and disability protections under s. 40.65, Stats.

RECOMMENDATION

The Joint Survey Committee on Retirement Systems finds that 1999 Assembly Bill 48 [as amended by Assembly Substitute Amendment 1] [reflects good public policy, and the Committee recommends its passage] [does not reflect good public policy, and the Committee recommends that it not be passed].

3/6/00

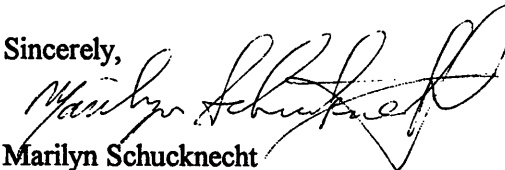
Dear Assembly Person :

I am a voter in your district. I strongly believe that you should support bill **AB-48-COUNTY JAILERS CLASSIFIED AS PROTECTIVE PARTICIPANTS**. County jailers in Wisconsin have a very dangerous job where they are constantly surrounded by dangerous criminals. We deserve protective retirement classification. Some of these inmates also carry very dangerous diseases and we risk that infection and our families are also at risk.

I cannot see myself working as a correctional officer until age 62. This is a very physically demanding job.

Please consider voting yes to protective retirement. I work in a large county jail where we have approx. 500 inmates, and 200 of them are state prison inmates..

Sincerely,



Marilyn Schucknecht
Correctional Officer

Dear Sir:

In the near future you will have the opportunity to vote on the bill AB-48-County Jailers Classified as Protective Participants. I would like to take this opportunity to urge you to vote **YES**, regarding this bill.

Jails and their employees are often overlooked in the broad scheme of law enforcement, but I would like to try and enlighten you to what it is that we do. We are the same mothers, fathers, brothers, and sisters that are now classified as protective in other branches of law enforcement. Our job consists of direct contact with convicted felons and those awaiting trial for often violent criminal behavior. We are entrusted with the responsibilities of inmate control, inmate health, inmate programs and inmates safety. Often these responsibilities bring officers in serious emergency situations where their health and lives may be in danger. Our profession is bombarded with responsibilities and stress that leads to attrition among co-workers, family breakdowns, and physical /mental breakdowns. We are forced to deal with communicable diseases, body fluid exposures, violent assaults, and verbal threats. Our families and personal safety are important to us, please demonstrate that our families and safety is important to you.

County Correctional Officers are pleading to all legislators to recognize our careers as an essential branch of law enforcement. Therefore, we would like to share in the benefits allowed State employees and sworn personnel throughout the state of Wisconsin.

I urge all willing persons to take time and interview members in corrections, take a tour of our facility in Outagamie County or any institution. Please become informed and involved on the bill passing in front of you in the near future.

Sincerely,

Jeff Dietzen
Correctional officer

A handwritten signature in black ink, appearing to read 'Jeff Dietzen', with a long horizontal flourish extending to the right.

02-19-99

Dear Sir or Madam:

RE: 1999 Assembly Bill 48

I am currently employed as a jailer with the LaCrosse county Sheriff's Department. I have been serving in this capacity for two years. Over these two years, I have been made aware of a concern that affects not only myself, but forty other jailers in our department as well.

This concern regards "protective service." Currently, we as county jailers are not entitled to the status of "protective occupation participants."

Like many others who serve in the field of law enforcement, we have chosen a profession which subjects us to a great risk of becoming injured, disabled, or even killed during the course of our duties.

Our profession is equally as unpredictable as that of any law enforcement officer. We encounter a wide range of individuals who are arrested for various crimes. These individuals may suffer from mental defect or be of sound mind. They may be HIV positive or have full-blown AIDS. They may have little or no regard for the physical well-being of others. They may be drunk or sober, cooperative or resistive. These are the people brought to us for crimes involving assault, battery, gang-related activity, even murder. Some of these people feel they have nothing else to lose, perhaps they are facing long prison sentences. They sometimes make the comment, "I don't care, I'm going to prison anyway." This is our profession, this is the unpredictability we are faced with day to day.

We too, are faced with physical confrontations from time to time, confrontations that could be life-threatening. But unlike the officer on patrol, we are not armed with firearms and batons, or protected to some degree by bullet-proof vests, our only defense is our two hands, our verbal tactics, and perhaps a can of pepper spray.

If this is not comparison enough, the similarities between us and prison guards is even greater. The fact is, we deal with exactly the same inmates that the prisons do. We house these inmates long before they are sent off to prison. Yet we do not deserve the same status as they do-"protective occupation participants."

With this, I can only ask, "Why are we, as county jailers, not deserving of this status?"

I can only hope that you realize we do deserve the protection that we, along with our families would receive if this bill is enacted.

I encourage and challenge you to do whatever is necessary to make every effort to get us the protection we have earned.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah A. Moan".

Deborah A. Moan
LaCrosse County Sheriff's Department
Jailer

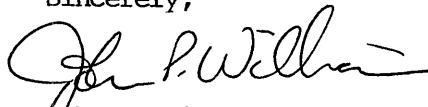
02-22-99

TO WHOM IT MAY CONCERN,

I am writing this letter in support of 1999 Assembly Bill 48. The Protective Status should include County Jailers because it currently includes related fields of Police Officers, Probation Officers, Firefighters, etc.. As a County Jailer we encounter a high degree of danger every day we come to work. This Bill would protect our lifestyles and add another benefit of being a County Jailer. Every Jailer, Law Enforcement Officer, and Probation Officer I have talked with supports this Bill because it ensures them the security if they are put into a dangerous situation. This occurs more often in a jail because we are dealing with dangerous individuals in every situation because nobody wants to stay in jail.

Please pass this Bill to add to the professionalism and responsibility County Jailers strive to perform.

Sincerely,



John P. Williams
LaCrosse County Sheriff's Department
County Jailer

3-5-99

To Whom it May Concern,

I have been a jailer for 16 years. I enjoy my job, and consider myself a professional. I also believe very strongly that jailers should have protected service.

I deal with the same people as Police Officers, only for a longer time. I handle the same inmates that are latter sent to the State Prison system.

I have dealt with many violent, mentally ill people. I have been splattered with blood from an individual known to have AIDS. I have had contact with many people who are probably HIV positive.

Because of the dangers involved with this job, and the fact that all other facets of law enforcement are protective services, I feel it is only fair for jailers to be classified this way also.

Sincerely
Steve Arndson
La Crosse County Sheriff's Dept.

Eric J. Faas

W2912 Anderson Rd
Mindoro, WI 54644

Phone 608-785-5635
Home Phone 608-857-3696
Email efaas68@aol.com

February 21, 1999

Wisconsin State Assembly Representatives

Madison, WI

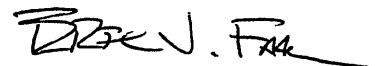
Dear Representatives,

I am writing to you today to urge you to support 1999 Assembly 48. Under current law, law enforcement officers and other law enforcement related professionals are afforded protective service status through the Wisconsin Retirement System. Currently, jailers working in Wisconsin's county jails are not afforded this status.

In any given day, jailers in county jails are subject to a variety of hazardous situations ranging from the risks of contracting AIDS, hepatitis and tuberculosis to being subject to physical violence from inmates some of whom have serious mental difficulties or those who are under the influence of drugs and/or alcohol. I believe that these hazards are consistent with those faced by other protective service participants and those which are defined in the Wisconsin Retirement System.

As a lifelong resident of the state of Wisconsin and La Crosse county and a county jailer, I am asking for your vigorous support of this bill. I believe that your hard work on this bill will reflect your support, respect and appreciation for those who serve the public in this difficult profession. I thank you in advance for your efforts and wish you much success

Sincerely,



Eric J. Faas

Vilas County Civilian Corrections Officers

To: Representatives and Senators

Reference: 1999 Assembly Bill 48

I am a County Jailer working for Vilas County. I would like to acknowledge my support for this Assembly Bill extending protective status to jailers. I would like to encourage you to support this Bill and request that you attempt to persuade others to do the same.

Just imagine what the average citizen would say if you were to propose that a police officer be assigned to a neighborhood that was inhabited by no one but criminals and these officers would be unarmed, patrol on foot, and be heavily outnumbered. I would imagine the overwhelming public opinion would be that the officers would be crazy to accept such an assignment. This scenario goes on daily in all areas of the country.

I am a correctional officer working in a facility providing for the custodial care and control of its inmates. My "beat" is totally inhabited by people who tend to break the laws, ordinances, rules, and regulations. I am outnumbered by 20 to 30 to one at various times during my workday, and contrary to popular belief, I work without any weapons. My neck is on the line every minute of every workday.

The issue of protective status for county jailers has long been overdue and is finally being addressed. Jailers on the county level are a vital and integral part of the overall Law Enforcement picture in the State. The jailers are the "forgotten ones."

Sincerely,



Rodger Haugen
Civilian Correction Officer
Vilas County Sheriff's Department

Pc:file

RECEIVED
MAY 11 1999
POLICE ASSOCIATION
WISCONSIN PROFESSIONAL

Senators and Representatives of the state of Wisconsin:

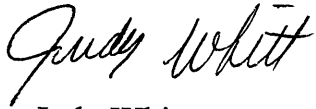
I am writing to show my support for Bill AB 48, protective status for jailers.

I am a county jailer and I deal with prisoners 5 or 6 nights a week. I know the dangers involved with booking in inmates, making rounds through the cell blocks, serving meals, having to pull an inmate out of a block because of disciplinary problems etc.

I realize a lot of prison guards have protective status. Most of the prisoners they have in their prisons come from our county jails. We usually deal with those same prisoners before they do. Any day we come into work the chance is there that we may be injured before our shift is over.

I hope you will show your support for bill AB 48 for our sake.

Thank you,

A handwritten signature in cursive script that reads "Judy Whitt".

Judy Whitt
Civilian County Jailer

TO: REPRESENTATIVES AND SENATORS

REFERENCE: 1999 ASSEMBLY BILL 48


I HAVE WORKED FOR SEVERAL YEARS WITH THE CORRECTIONAL PROFESSIONALS WHO ARE EMPLOYED AT THE VILAS COUNTY JAIL. THESE INDIVIDUALS ARE ALWAYS TAKING THE CRIMINALS THAT I HAVE DEALT WITH ON THE STREET, WHICH I HAVE THE NECESSARY WEAPONS TO PROTECT MYSELF AND COMMUNITY WITH.

THESE JAILERS WORK ON DAILY BASIS WITH THE SAME CRIMINALS BUT HAVE NO WEAPONS OF PROTECTION AND ARE IN CONTACT WITH SEVERAL CRIMINALS AT ONE TIME. WITH THE DANGERS INVOLVED BEING IN THIS PROFESSION I BELIEVE YOUR SUPPORT AND THE PERSUASION OF OTHERS TO SUPPORT THE, ASSEMBLY BILL 48 ARE IN EVERYONES BEST INTEREST.

THE ISSUE OF PROTECTIVE STATUS FOR ALL COUNTY JAILERS HAS LONG BEEN OVERDUE AND SHOULD BE ADDRESSED. THESE POSITIONS ARE A VERY IMPORTANT PART OF MY JOB AS A LAW ENFORCEMENT OFFICER YET ARE ALWAYS FORGOTTEN WHEN I RETURN TO THE STREETS WITH THE PROTECTION OF MY EQUIPMENT.

I WOULD APPRECIATE YOUR SUPPORT WITH THE ASSEMBLY BILL 48 FOR MY FELLOW JAILERS IN LAW ENFORCEMENT.

SINCERELY

A handwritten signature in black ink that reads "Todd Budde". The signature is written in a cursive style with a long horizontal line extending to the right.

**PRESIDENT OF THE EAGLE RIVER PROFESSIONAL POLICE ASSOCIATION
OFFICER TODD BUDDE
EAGLE RIVER POLICE DEPARTMENT**

To whom it may concern:

I have worked in the La Crosse County Jail for approximately 27 months. I feel that as jailers, our job, dealing with inmates, is as dangerous as those of the patrol officers are. Sometimes our job is much more difficult in that we have to be around these people during some of the most difficult times in their lives.

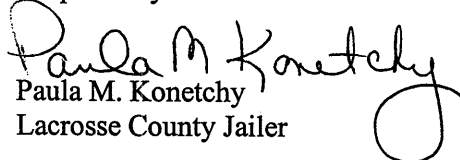
The Patrol officer, who is covered under protective services, arrests a person who is intoxicated or on some form of drugs and brings them to the jail. They leave this person here in the jail with the staff who are not covered under the protective services. We have to deal with this person while they are going through withdrawals from drugs or alcohol. We are also the people who get to explain that they can not go home until they either go to court or get their bail paid. If a probation agent, who is covered under protective services, puts them on a probation hold, we also get to explain to them why their agent will see them at their convenience. Some of the most traumatic events happen in people's lives that are housed in jails such as initial court appearances, revocations and sentencing of several types to include sentencing to prison.

On any shift in the jail we have to deal with individuals who have HIV, Hepatitis of various types and many other contagious infections or diseases. We are at risk with these people when they come in drunk or fighting. There is always the chance that we could get hit, kicked, spit on or even bitten.

In the first couple of months that I worked in the jail, I was working a third shift. We had an individual in our receiving section that at the time was trying to do himself harm. He had taken a pencil and scratched himself until he bled. He then wrote in blood on the inside of his cell. We had to go into this cell and remove him so that we could assess the injuries that he had caused himself. While we were in the process of moving him to another cell he fought with us. During this fight this inmate bit me on my right forearm. I was very lucky in the fact that this inmate did not do much more than scrape the skin. Many of my fellow workers have also been hurt during the course of their jobs.

Please vote YES on AB 48 and give county jail staff the same protection that is afforded to everyone else who deals with violent or aggressive criminals.

Respectfully


Paula M. Konetchy
Lacrosse County Jailer

February 22, 1999

Dear members of the Joint Survey Committee on Retirement Systems and other Legislators:

My name is Ken Dawson and I am a Jailer in the La Crosse County Sheriff's Department, as well as a registered voter in Onalaska, Wisconsin. I am writing to urge you to support Assembly Bill 48, protective status for County Jailers.

I am sure you have heard many times how dangerous Jailing can be and how much Jailers deserve the protective status designation. I will not bombard you with those statistics or stories. Instead I will point out a few obvious facts.

Police Officers, State Patrolmen, and Conservation Wardens arrest people and take them to jail. If those people are found guilty they many spend time in the County Jail or Prison. If they go to prison they will be watched by Gaurds. If they serve time in the County Jail they will be watched by Jailers. When inmates are released they may be released on probation or parole and supervised by one of their agents.

I point these facts out because the only people listed above that are not granted protective status by law are County Jailers and inmates! Something is wrong with this and it needs to be corrected.

The State Supreme Court ruled that protective status is not a negotiable issue. Therefore, the only way to be granted what all Jailers deserve is for the protective status designation to be mandated by law. I urge you all to support Assembly Bill 48.

Respectfully submitted,



Ken Dawson
La Crosse County Sheriff's Department

To whom it may concern,

I am writing you in regard to protective service for jailers in the state of Wisconsin. I feel that jailers face just as much danger on a daily basis as a police officer does, if not more. The numbers are usually not in a jailers favor either. I work in the LaCrosse County jail, and the average jailer is outnumbered 50 to 1. Day in and day out the jailer deals with hardened criminals that are frustrated for being locked up like caged animals, and at any time they could turn on the jailer. The jail can be just as dangerous as the street and the jailer should be afforded the same protection as the police officer.

There are many ways that the jail can be a dangerous place to work. There are many times when a person is arrested and brought into the jail where they are combative. The jailer puts him/her self in danger every time he/she has to use force to escort a person to a cell. Another example is breaking up fights in the jail. The jailer tries to keep peace in the jail but fights do occur, and the jailer is the one who must break it up. Another concern is weapons in the jail. Inmates are searched when they enter the jail environment, but weapons can be and are made from anything an inmate can get his hands on. The jailer needs to be careful every time he/she enters a cell block, because there is always a possibility of being injured. Besides being injured in the jail environment, jailers can also get sick. The jail is one of the most likely spots to pick up diseases such as tuberculosis, hepatitis, or even hiv.

Like I stated at the top of the page, I am writing you because I believe jailers should receive protected services just like police officers and many other professions in law enforcement. I think jailers lay out a pretty good argument when they say the jail is a dangerous place to work. I know that the police officer deals with the unknown on every traffic stop, but there is a lot of hidden danger in the jail as well. I am asking you to please vote in favor of giving jailers protective service. Thank-you.



Jim Verse
Jailer
LaCrosse County Sheriffs Dept.

To Whom It May Concern:

I am currently employed as a jailer for La Crosse County. In the past 19 months that I have worked at the jail, I have been kicked, spit at, elbowed, punched and have wrestled with numerous inmates at our facility.

I have personally witnessed two other jailers actually be bitten by inmates. It's very obvious that today's inmates are more violent and dangerous than those of the past. I have had my life threatened as well as finding weapons on inmates (i.e., toothbrushes sharpened to a point).

We deal with inmates that have HIV and AIDS, hepatitis, tuberculosis and other such contagious diseases. Therefore, it is of the utmost importance that Assembly Bill #48 gets passed.

I can't believe that jailers do not have protective service already! Although I love my job, it can be a very difficult one at times. After all, we are spending 8-12 hours a day with some of society's most violent offenders.

My family and I hope you realize how important this issue is to us. Please pass this bill to give us the protection we deserve.

Thank you for your time and consideration.

Sincerely,

JAY LYNGAAS
5416 Mormon Coulee Road #220
La Crosse, Wi 54601
(608) 788-7345

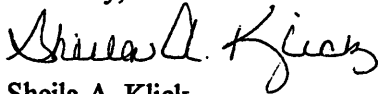
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I cannot see myself working as a correctional officer until age 62. This is a very physically demanding and stressful job. Offenders are entering the system younger and more violent every year. Can you see a correctional officer who is 62 years old defending himself in a physical altercation against a 18 year old violent offender? What if that correctional officer was related to you? How would you feel if they were injured because they did not have the physical strength to defend themselves against the younger, stronger, more violent offender? The non-protective correctional officer does not have the option of retiring early, he/she has to wait till the age of 62.

Please consider voting yes to protective retirement. I work in a large county jail where we have approx. 500 inmates, and 200 of them are state prison inmates. Most of these inmates have a tendency to be violent at any given moment with any correctional officer.

Sincerely,



Sheila A. Klick
Correctional Officer

STATE OF WISCONSIN

APPENDIX TO 1999 ASSEMBLY BILL 48

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(Introduced by Representatives Freese, Klusman, Handrick, Ryba, Underheim, Lassa, Huebsch, Gronemus, Turner, Pettis, Musser, Albers, Boyle, Sykora, Johnsrud, Plouff, Meyer and Seratti, cosponsored by Senators Moen, Schultz, Breske, Fitzgerald and Roessler.)

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The Joint Survey Committee on Retirement Systems finds that Assembly Bill 48 [represents good public policy, and the Committee recommends its passage] [does not represent good public policy, and the Committee does not recommend its passage].

PURPOSE OF THE BILL

Under current s. 40.02 (48) (a), Stats., a "protective occupation participant" for purposes of the Wisconsin Retirement System (WRS) is any participant whose principal duties are determined by the participating employer to involve active law enforcement or active fire suppression or prevention, provided the duties require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning. Furthermore, under s. 40.02 (48) (am), Stats., protective occupational participants include conservation wardens, conservation patrol boat captains, conservation patrol boat engineers, conservation pilots, conservation patrol officers, forest fire control assistants, members of the state patrol, state motor vehicle inspectors, police officers, fire fighters, sheriffs, undersheriffs, deputy sheriffs, state probation and parole officers, county traffic police officers, state forest rangers, fire watchers employed by the Wisconsin Veterans Home, state correctional-psychiatric officers, excise tax investigators employed by the Department of Revenue, special criminal investigation agents in the Department of Justice, assistant or deputy fire marshalls and persons employed under s. 61.66 (1), Stats. (combined protective services departments for villages).

If a person is classified as a protective occupation participant, his or her WRS normal retirement age is lower than those of other participants and the percentage multiplier used to calculate his or her formula benefit retirement annuities is higher than for general employes.

If a person wishes to contest a determination by an employer that he or she is not a protective occupation participant and contends that his or her duties, in fact, do require a frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning, the employe may appeal to the Department of Employee Trust Funds (DETF) Board by filing a written appeal with the Board. [See s. 40.06 (1) (e) 1., Stats.]

This bill amends the definition of "protective occupation participant" to specifically include *county jailers* in the enumerated list of protective occupation participants. Furthermore, it provides that each participant who is a county jailer on or after the effective date of the bill will be granted creditable service for all covered service as a county jailer earned on or after the effective date, but may not be granted creditable service for covered service as a county jailer earned before the effective date of the law unless the service was earned while the participant was classified as a protective occupation participant under the current statutory definition and s. 40.06 (1) (d), Stats., by the employer.

The bill further provides that for purposes of the duty disability and death benefit program for protective occupation participants, county jailers are protective occupation participants. It also provides that a county jailer who becomes a protective occupation participant on or after the effective date of the bill is not entitled to a duty disability benefit for an injury or disease that occurred before the effective date.

The bill also provides that it takes effect on the January 1 after its publication.

ACTUARIAL EFFECT

This bill would have no actuarial effect on WRS since the costs of service rendered after the bill becomes law will be paid for by increases in contribution rates.

PROBABLE COSTS

The fiscal estimate states that 470 jailer positions would newly become protective occupation participants and, assuming an average salary in calendar year 2000 of \$36,000, employers' retirement costs will increase approximately 2.2%, employers' costs for the s. 40.65, Stats., death and, duty disability benefits would increase approximately 3.4% of payroll; the total added employers' costs are estimated to be \$939,000. Employe retirement costs would decrease by 1/10 of 1% of payroll or \$17,000. It is also estimated that increased retirement and s. 40.65, Stats., death and disability costs would continue each year to be approximately 5.5% of payroll for the affected positions.

PUBLIC POLICY

Protective occupation participants have a higher benefit formula than general employes and an earlier normal retirement than general employes. WRS statutes clearly define the basic requirements for protective designation and provide that positions may be included in that classification by specific statutory designation, by employer certification or after an employe's successful appeal to the DETF Board.

The classification status of county jailers has previously been reviewed by the DETF Board and the Retirement Research Committee. The DETF carried out a county survey of jailers which reflected differences in county requirements for physical fitness, the degree of contact with inmates, whether or not the positions were deputized, and other duties involved. The DETF survey indicated that there was no uniform job description for county jailers across the state. Appeals to the DETF Board by county jailers have generally been rejected in the past.

The status of county jailers and other groups seeking protective status was also reviewed by a Retirement Research Committee subcommittee working with the s. 40.65, Stats., death and disability program. That subcommittee also chose not to make any recommendations for a mandated protective status for county jailers.

This bill would bypass the employer certification process relative to the determination of protective status under the WRS. Recent statutory changes in normal retirement provisions for general employes and protectives have reduced much of the difference between these groups relative to normal retirement (age 57 with 30 years of service for general employes versus age 53 with 25 years of service for protectives). Accordingly, protective designation primarily provides a higher benefit formula and greater death and disability protections under s. 40.65, Stats.

RECOMMENDATION

The Joint Survey Committee on Retirement Systems finds that 1999 Assembly Bill 48 [reflects good public policy, and the Committee recommends its passage] [does not reflect good public policy, and the Committee recommends that it not be passed].

1/24/00

received 2-20-00

LEGISLATIVE ALERT

ASSEMBLY BILL 48 / PROTECTIVE STATUS

During the week of February 7, 2000 I received a call from our lobbyist, Forbes McIntosh, who indicated to me that the two co-chairpersons, Senators Daniel Vrakas and Robert Wirch, of the committee where the jailer protective bill is currently resting will not bring the bill up for a vote and as the legislative session winds down, it appears that the bill is dead.

Forbes McIntosh advised me that one of the co-chairs of the committee sounded receptive to introducing an amendment to the bill which would make protective status for jailers a mandatory subject of bargaining. I advised Forbes McIntosh that if it appears that the bill is going to die and the unions that were working on the bill could not save it, I would rather see us get something out of this legislative session rather than, once again, walk away with expending thousands of dollars on lobbying and having no protective status for corrections officers/jailers.

My rationale is as follows: Under the current law, any County in the State of Wisconsin can pass a resolution by the County and relegate protective employees to general employees. There is no requirement that the Counties engage in collective bargaining to change the status of our jailers as the current law exists. If we were able to make protective status a mandatory subject of bargaining, it would protect the corrections officers who now have protective status. If protective status is a mandatory subject of bargaining, the only way the County could take it away is to negotiate the change or have it ordered by the arbitrator.

Therefore, it is the opinion of the undersigned that if we can get protective status listed statutorily as a mandatory subject of bargaining, there would be no more erosion of the jailers who now have protective status and it would enhance the ability of the jailers who do not have protective status to try and work on it through the negotiating process. There are some occasions in life when you cannot obtain your primary goal, but instead, have to settle for a piece of the pie. I believe that we should push for protecting the current employees who have protective status and open the door for negotiations for those who do not. Our attempts to obtain this benefit through lobbying has once again met a dead end.

Unfortunately, the Wisconsin Professional Police Association (WPPA) and AFSCME have decided that they want all of the pie or nothing. I do not believe this is a wise move and would hope they regain their senses. Therefore, I encourage you to take time to write a letter to our lobbyist, Forbes McIntosh, encouraging him to go forward and try to persuade the WPPA and AFSCME to reconsider their position. As an alternative, you could also write to Steve Warner, the lobbyist for the WPPA or Bob Lyons at AFSCME. It is time to protect the persons who now have protective status and work on changing the law in another session. It appears that LAW, Inc. stands along on this issue, so we need your input and support. Due to the fact that the legislative session is winding down, we need it as soon as possible.

Patrick J Coraggio
President

Labor Assoc
of WI

Forbes McIntosh
Broyderick & Associates
44 E Mifflin
Madison, WI 53707-2800

Sen. Daniel Vrakas
Room 119 West
State Capitol
P.O. Box 8953
Madison, WI 53708

Sen. Robert Wirch
Room 310 South
State Capitol
P.O. Box 7882
Madison, WI 53708

Robert Lyons
AFSCME
8033 Excelsior Dr Ste B
Madison, WI 53717



Daniel P. Vrakas

Wisconsin State Representative

March 21, 2000

Majority Caucus Chair

Chair: Assembly Committee on Labor & Employment
Assembly Chair: Joint Survey Committee on Retirement Systems

Senator Robert W. Wirch, Co-Chair
Joint Survey Committee on Retirement Systems
State Capitol
Room 310 South
Madison, WI 53707

Dear Co-Chair Wirch:

I am writing to request that you agree to hold a public hearing and executive session in the Joint Survey Committee on Retirement Systems (JSCRS) on LRB-4800/1, which accomplishes the same goal as Assembly Substitute Amendment 1 to Assembly Bill 48. As you know ASA 1 to AB 48 would make protective status for county jailers a mandatory subject of collective bargaining.

Considering the time and effort we put into reaching and drafting this viable compromise in the form of ASA 1 to AB 48, I think it would be unwise to do nothing, or worse yet, vote on the bill without our mutually agreed-upon amendment. I firmly believe the collective bargaining proposal we crafted would be fair to all parties.

A letter from the Labor Association of Wisconsin (LAW) sent to us in February confirmed the significance of our compromise. In it, LAW President Patrick Corragio urges his union colleagues to support the compromise: "...I would rather see us get something out of this legislative session rather than, once again, walk away with expending thousands of dollars on lobbying and having no protective status for corrections officers/jailers." He concludes later, "...if we can get protective status listed statutorily as a mandatory subject of collective bargaining, there would be no more erosion of the jailers who now have protective status and it would enhance the ability of the jailers who do not have protective status to try and work on it through the negotiation process."

As far as the county side of the coin, we sought feedback from local officials in the counties we represent: Kenosha, Waukesha and Washington Counties. They all gave us their backing of the compromise and used phrases like "well-prepared" and "less burdensome on counties than the original bill" to describe it.

I am surprised at your request for the JSCRS to take a vote on AB 48 and SB 142 without amendments. I was under the impression that we shook hands and had an agreement on this issue in our February 3rd meeting in the Assembly Majority Leader's office—an agreement that would preserve the protective status of county jailers who have attained it and allow for a fair bargaining process for those who do not yet have it.

Please consider and accept my request for a hearing and executive session on LRB-4800/1, legislation that has a chance of becoming law rather than last session's version of the jailer bill (AB 362) that died in your house.

Sincerely,



Daniel P. Vrakas
State Representative
33rd Assembly District

P.O. Box 8953 • Madison, Wisconsin 53708-8953
Office: (608) 266-3007 • Residence: (414) 367-5201
Toll-Free: 1 (888) 529-0033
Rep.Vrakas@legis.state.wi.us

To: Senator Robert Wirch
Room 110 South
State Capitol
P.O. Box 7882
Madison, WI. 53708

From: Ronald Hlavinka
547 W. 24167 Lawnsdale Rd.
Waukesha, WI. 53189

Re: Assembly Bill #48 / Protective Status

Dear Senator Wirch,

My name is Ronald Hlavinka. I have worked in law enforcement in one form, or another for the last thirty years. The last ten years have been with the Waukesha County Sheriff's Department, as a Correctional Officer.

This letter is in response to a legislative alert report I received concerning Bill #48/ Protective Status. For your convenience and review I have included a copy with this letter. It is indicated that Mr. Forbes McIntosh, who is a lobbyist for our labor union, believes that one of the co-chairpersons of the committee sounded receptive to introducing an amendment to the bill that would make protective status for jailers a mandatory subject of bargaining.

It is also stated that under the current law, any county in the State of Wisconsin, can pass a resolution by the county, and regulate protective employees to general employees. There is no requirement that the county engage in collective bargaining to change the status of our jailers, as the current law exists.

It appears we, the jailers for Waukesha County need to change the wording as it presently exists in the statute governing this area. We need your help making the protective status a mandatory subject of bargaining. At present Waukesha County has refused to allow our labor union to bargain for protective services.

I would like to know what your position is concerning Protective Status. If you are against it. I would value the opportunity to discuss this very important issue with you. We need your help as a legislator and we need your support.

Thank you for your time and energy

(Letter also sent to Senator Daniel Vrakas)



Ronald Hlavinka (262) 970-9442

Fax # (262) 970-9442 #51

LEGISLATIVE ALERT

ASSEMBLY BILL 48 / PROTECTIVE STATUS

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8033 Excelsior Dr Ste B
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SHERIFF'S DEPARTMENT

Brown County

300 EAST WALNUT
P.O. BOX 22003
GREEN BAY, WISCONSIN 54305-2003
PHONE (920) 448-4200 FAX (920) 448-4206



THOMAS J. HINZ
SHERIFF

January 21, 2000

Wisconsin Retirement Research Committee
110 East Main Street Room 722
Madison WI 53703

Dear Committee Members;

I am writing this letter to show my support in having County Jailers classified as protective occupation participants for Wisconsin Retirement purposes. For the past three years I have been Sheriff of Brown County, after spending over thirty years with the Green Bay Police Department, retiring with the rank of Assistant Chief 12/31/96. During my time as a city officer I never had the appreciation as I do today, for the difficult job Correctional Officers perform. I hesitate when I use the term jailer, because I feel Correctional Officer more appropriately identifies this profession. For the past three years I have spent over half of my time working on our new jail project in Brown County. This period has been a tremendous learning experience for me and has given me a great appreciation and much better understanding of the role Corrections plays in the Criminal Justice System, because without them the rest of the team would have a difficult time performing their respective roles.

Most people, including police officers, don't appreciate the magnitude of a Correctional Officer's job. They come in daily contact with the individuals society wants to be protected from. Every day the staff in my jail has contact with murderers, rapists, predators, burglars, gang members and individuals with communicable diseases etc. They are responsible for identifying inmates whom are depressed and suicidal. There is no part of the Sheriff's Department that has more potential for liability than the jail.

If given protective service status, we would have fewer turnovers with our jail staff and we would attract more individuals interested in entering this challenging field. We are requiring higher qualifications from our Correctional Officers than we did in the past and I want to be assured that we are able to attract and retain good people. We have recently replaced our sworn deputies in the jail with non-sworn Correctional Officers. Providing protective status for the non-sworn Correctional Officers would make the job more desirable to choose for a career.

I urge you to give this profession the recognition it deserves and support the move to gain Protective Status for County Correctional Officers. Thank you for taking my request under consideration. If you have any questions, please contact me at 920-448/4222.

Sincerely,

A handwritten signature in black ink that reads "Tom Hinz".

Tom Hinz
Brown County Sheriff

pc Senator Gary Drzewiecki
Senator Robert Cowles
Representative John Ryba
Representative Carol Kelso

OFFICE OF THE SHERIFF
SHEBOYGAN COUNTY

525 North 6th Street

Loni Koenig, Sheriff

Sheboygan, WI 53081

Tim A. Grasse, Inspector

January 21, 2000

Dear Politician:

I am writing this letter to express my support for Assembly Bill AB48 which grants correctional officers protective status under the Wisconsin Retirement System. I believe this law is long overdue and as a just reward for those individuals who have devoted their lives to our jails and prisons.

In many aspects the duties of a correctional officer are as dangerous and technical as those of a police officer. Each day the correctional staff must deal with inmate issues of chemical dependency, violence, sexual deviance, mental illness and other forms of anti-social behavior. In fact as recently as late 1999 one of our correctional officers was severely bitten by an inmate in the County jail. Stress that this type of day to day behavior puts on our correction personnel warrants support for this legislation.

As a first term Sheriff I have come to appreciate the impact that the inmate population has on not only the operation of my Department but on the corrections staff as well. Passage of Assembly Bill AB48 would be step towards recognizing the important work that our corrections officers due and the stress that this type of profession puts on their daily lives. Your passage of this Bill would be greatly appreciated by my staff and myself.

Sincerely,

Loni Koenig

Loni Koenig
Sheriff

PKK

Phone: (920) 459-3111
FAX (920) 459-4305