



WISCONSIN STATE SENATE

RODNEY C. MOEN

SENATOR – 31ST DISTRICT

State Capitol, P.O. Box 7882, Madison, Wisconsin 53707-7882 Phone: (608) 266-8546 Toll-free Hotline: 1-800-362-9472

SB-142/AB-48 Protective Occupation Status for County Jailers

Thank you for scheduling Senate Bill 142 (SB-142) for a public hearing today.

I introduced SB-142 and I am the Senate sponsor of the Assembly companion bill, Assembly Bill 48 (AB-48) which was introduced by Representative Steve Freese. Last session, I also served as the Senate lead on 1997 Assembly Bill 362 (1997 AB-362) which was introduced by Rep. Freese.

SB-142 is legislation which specifically classifies county jailers as protective occupation participants for the purposes of the Wisconsin Retirement System (WRS).

Current law defines those eligible for protective occupation status as WRS participants whose principle duties involve law enforcement of fire suppression or prevention and frequent exposure to a high degree of danger or peril and a high degree of physical conditioning.

The list of those currently classified as protective status shows a variety of law enforcement and fire suppression officers, conservation officials and a revenue collector. Anyone who has visited or toured a county jail facility is aware that the responsibilities and exposure to danger of county jailers is comparable to that of other protective occupation employees.

I believe county jailers are deserving of this designation. Last session, this committee found that 1997 AB-362 reflected good public policy and recommended its passage. I hope the committee will make the same recommendation for SB-142 and AB-48.

Thank you.

Roy W. Kluss
2130 Wedemeyer St.,
Sheboygan, WI 53081
(920)459-9003

January 24, 2000

Senate Committee Members:

I'm here in reference to Senate Bill 142 & Assembly Bill 48- classifying jailors as Protective Occupation Participants in the states retirement system.

These bills respond to the changing nature of county jails, which are no longer the low-level community holding cells for teenage trouble makers and drunk drivers that many people still associate with the word Jail. Instead county jails are increasingly housing violators of more serious crimes such as gang related offenses, domestic battery, drug dealers, and probation and parole violators. These offenders are sent to a state prison from our jail. They are brought to our jail first, and housed here for long periods of time because of court back-logs and state prison processing delays.

The injury rate among county jailors is increasing. In the past 6 months we have had 5-6 work related injuries at our Detention Center and Jail. Speaking from 13 years of experience, I have been taken to the emergency room more times then I care to remember. I have been punched, kicked, spit on, exposed to inmates with HIV and Hepatitis. During an attempted jail escape I was jumped by an inmate and clubbed over the head which resulted with being hospitalized with a concussion.

Correctional officers just don't stand behind bars unlocking doors. During our tour of duty, we are expected to be police officers, firefighters, nurses, coroners, counselors, computer operators, mail persons and the list goes on. Corrections is not a second class occupation. We are professionals with advanced training. Advanced training that we need to complete our ever changing and dangerous job. I have an associate degree in corrections, I have worked for the state as a counselor at Lincoln Hills, and as a Probation Officer in Milwaukee, From personal experience those jobs are no more dangerous or stressful than a county correctional officer and they are covered by the protective status.

Roy W. Kluss
2130 Wedemeyer St.,
Sheboygan, WI 53081
(920)459-9003

In my current job description as a correctional officer, listed under general tasks it states “detect potentially dangerous behavior and avert injury or death of inmates. Meaning that it is my responsibility to protect inmates from themselves and each other. My question is Who is looking out for us, the correctional officer? And that is why we are all here today! Are you going to help? Ask yourself if I were in my late fifties or sixties could I restrain and control a drunk inmate, a inmate high on drugs, a mentally ill inmate who should be in a hospital or state institution. I would say most of yours answers would be no! Our Sheboygan County Board and our Sheriff Loni Koenig are behind us on this issue and we are now asking you, for yours.

In closing, we as county correctional officers face a high degree of danger guarding and supervising the same inmates that police officers, and probation/parole officers bring into our jail daily. The same inmates that state correctional officers guard that are brought into our jail from state prisons for court, the same inmates that fill state prisons started out in our county jails. We deserve to be covered by the same Protective Occupational provisions of the WRS as our colleagues listed above are.!



*Wisconsin
Juvenile
Detention
Association*

January 17, 2000

Roy Kluss
Sheboygan Co. Sheriff's Dept.
2923 S. 31st St.
Sheboygan, WI 53081

Dear Mr. Kluss:

Founded in 1996, the Wisconsin Juvenile Detention Association (WJDA) is made up of voluntary participants who, in part, represent all 16 juveniles detention facilities in the State of Wisconsin. One of its primary objectives is "to develop personnel standards which enhance the professionalism and effectiveness of those involved in juvenile detention work." Overwhelmingly, officer personal safety and officer retention are ongoing concerns which face every detention facility. Therefore, as a founding member of the WJDA, I am authorized to declare the Association's official position on the issue of Protective Retirement for county jail and juvenile officers is one of firm support. Any efforts to establish statewide protective retirement classification for all county jail and juvenile officers should be encouraged, promoted and defended vehemently.

Since the establishment of Chapter 938 "The Juvenile Justice Code", the lines between juvenile and adult inmates have been blurred; as has been the case between county and state inmates. Throughout the state, we as county employees, are seeing the same dangerous human beings as juveniles, as county inmates, as state probation detainees, and now more often as state lock-up prisoners. We face the same risk of physical danger and disease transmission from these inmates as do state jailers and probation officers currently classified as protective participants. The physical demands of correctional work, regardless of the facility, are extremely rigorous and forcing officers to work in this capacity until age 62 raises additional safety concerns.

Between the increase in violent crime and the flourishing job market, corrections as a profession is in great danger. These county jail and juvenile officers are highly skilled, trained and dedicated professionals and we need to do whatever it takes to keep them in our county jails and detention facilities. We need protective retirement! Please make known to the Wisconsin State Legislature that the WJDA supports **Protective Retirement** and encourage them to vote in favor of this important measure. Anything less may cause serious financial, staffing, safety and legal repercussions for the future of county jails and detention facilities.

Thank you for your time and attention concerning this matter. If you require additional information, please feel free to contact me at (920) 832-4708 or the WJDA President Mark Gierach at (414) 238-8440.

Sincerely,

Jo Ellen Vogt, Member
Wisconsin Juvenile Detention Association

Washington County

Administration Department

Doug Johnson
Administrative Coordinator
432 E. Washington Street
West Bend, WI 53095-7986

Phone: (262) 306-2200
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TESTIMONY TO THE JOINT SURVEY COMMITTEE ON RETIRMENT SYSTEMS Senator Robert Wirth and Representative Daniel Vrakas, Co-Chairs

By Douglas Johnson, Washington County Administrative Coordinator...January 24, 2000
RE: S.B. 142/ A.B. 48 Classifying County Jailers

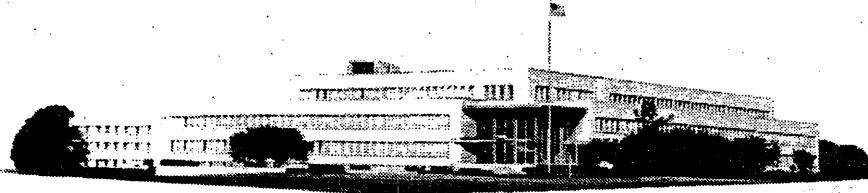
Washington County opposes Senate Bill 142. This legislation would change the classification of county jailers for the purposes of the Wisconsin Retirement System to protective occupation participants. If enacted, the cost to Washington County taxpayers would be increased at least \$105,000 annually based on authorized staffing and pay levels for year 2000. As proposed by the Bill, this new benefit would be mandated by the state legislature without state funding to cover these imposed costs. This is totally unacceptable to Washington County.

Protective occupation status is a bargainable issue between corrections officers and the County. A fair retirement benefit is a valid concern of these officers. So are competitive wages, comprehensive health care, sick leave and disability benefits, vacation and holidays, and safe and well-equipped jail facilities. These issues need to be negotiated locally to reflect a total compensation plan which best meets the needs and priorities of the officers within the funds available from county taxpayers. S.B. 142 interferes with these local negotiations by mandating that retirement benefits must be increased by 46%.

The Bill adds unnecessary burden to all counties at a time when the costs of county jails are growing dramatically. Like many others, Washington County is in the middle of jail construction. Our \$14 million project will increase our jail capacity from 109 to 280 inmates. The newly constructed facility and remodeled current jail space, due to be completed in spring 2001, will be safer to operate, better-equipped to support the work of the corrections officers. The staff expansion to implement this growth contributed to making the jail the biggest cause of increased property tax levy in the 2000 Washington County budget. S.B. 142 adds unnecessary costs at a time when counties are struggling to cope with large, unavoidable jail costs.

I believe that this is a difficult issue for county sheriffs. They are the commanders of their law enforcement force. Their leadership role is closely tied to their ability to have a positive working relationship with their officers. The legislature must not expect them to be the final word on the merits of protective status statewide. S.B. 142 is much more about state-county roles and responsibilities than it is about law enforcement. The Washington County Board has taken a strong position opposing this unfunded mandate. This includes a formal resolution of opposition adopted in January 1996, and a vote in support of a Wisconsin Counties Association resolution of opposition at their September 1999 conference. I ask you to support these elected county officials in opposing enactment of Senate Bill 142.

WAUKESHA COUNTY



515 West Moreland Boulevard
Waukesha, Wisconsin 53188-2428

County Board Office

Phone: (414) 548-7002
Fax: (414) 548-7005

January 24, 2000

TO: Senator Robert Wirch and Representative Dan Vrakas, Co-Chairs
Members of the Joint Survey Committee on Retirement Systems

FR: Dave Krahn
Legislative Policy Advisor

RE: **AB 48/SB 142 - Classify County Correctional Officers as Protective Occupation
Participants for the Purposes of the Wisconsin Retirement System**

The question of classifying county correctional officers (COs) as protective occupation participants for the purposes of the WRS, should remain the domain of the county collective bargaining process. AB 48 and SB 142 are examples of unnecessary and meddlesome state legislation dictating to counties what can and should best be handled at the local level, and furthermore, imposing additional financial obligations on the county absent any consideration as to how they will be met.

Correctional costs continue to be one of the fastest growing segments of governmental budgets, and Waukesha County is no exception. AB 48 and SB 142 irresponsibly add to those costs. For starters, if COs are placed in protective service pension, Waukesha County would need to find an extra \$145,000. When duty disability is factored in, the costs go up even higher, potentially as high as \$450,000. And none of these extra dollars would enhance the delivery of our correctional services, nor would they address the issue of CO turnover. Costs would go up, with no attendant, appreciable benefits to county operations.

All of this is not to say the issue of protective occupation classification for COs is unimportant, or not worthy of discussion. But the point is that this discussion belongs at the local level at the bargaining table. It is Waukesha County's intention during the next round of labor negotiations with the COs to give serious consideration to this issue in conjunction with all of the collective bargaining issues on the table at that time.

Waukesha County simply asks that you allow this local issue to be dealt with at the local level.

Thank you for your consideration.

WISCONSIN COUNTY POLICE ASSOCIATION LTD.

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Madison, WI 53703

To: Members of the Joint Committee on Retirement Systems
From: Eugene Robinson
Date: Monday, January 24, 2000
Re: **SUPPORT AB 48 AND SB 142**
PROTECTIVE STATUS FOR COUNTY JAILERS

I have been a Deputy Sheriff for over 32 years. For a short time I worked the Jail and this last year I was Courthouse Security, in which I worked closely with Jailers. Every Legislative session for the past 20 years, County Law Enforcement is back here fighting for the same thing – protective status for County Correction Personnel.

For reasons unknown to me, some in Madison believe this is not an important issue. It is. This must be given to the full Legislature for discussion. What are we afraid of? This issue is so important it cannot be left in the care of a select few. I plead with you – let it out for full debate.

I know the Counties Association fights us vehemently on this issue. Why? To save a few dollars! They don't like state mandates because many come without state dollars, but this is one mandate that is a must. These correction people are not a dime a dozen, although that seems to be the impression some counties want to give. This is a dangerous job and not everyone can do it. The state mandates the training these people have to have, so they know how crucial this job is, but backs off on protective status. How can the state continue to give protective status to some of their employees who do not have as much contact with violent people as county corrections and yet turn their backs on these same people? Because the Counties Association says they want no more mandates. Someone has to step forward and let the counties know that this is not a job that can be defined to fit ones own definition. Corrections officers are trained and highly qualified professionals.

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Protective Status for Jailers
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I know it sounds like I am coming down very hard on the Counties Association. Maybe I am, but this job is very dangerous and it warrants state intervention.

Not all counties have non-protective status, many counties know how dangerous this job is and have kept corrections a protective status. Prisoners are more dangerous now than ever. There have to be other alternative measures for counties to take to save money and that is what this issue boils down to. This is a dangerous job and it deserves protective status. For those of you who do not think so, I invite you to spend two weeks working in a county jail. I assure you, it will be an eye opening experience for you. Please – I beg you, just let this go for debate to the full legislature. What are we afraid of? That we will find out just how dangerous this job really is?

The Labor Association of Wisconsin, Inc.

Patrick J. Coraggio
Thomas A. Bauer
Robert E. Blumenberg
Kevin W. Naylor
Labor Consultants

2825 N. Mayfair Rd.
Wauwatosa, Wisconsin 53222
Phone (414) 258-3300
Toll Free: 1-800-657-0742
FAX: (414) 258-3822

Memorandum

To: Wisconsin Legislators
From: Patrick Coraggio, President
Date: Monday, January 24, 2000
Re: **Protective Status for County Jailers**
A Situation Which Has Turned into a Crisis

In 1993 a total of 16 counties were identified as denying protective occupational status to their county jailers. Today, the number has grown to nearly 40 counties. When law enforcement first began to debate the issue of protective status for jailers in 1986, the concern was that counties would begin denying jailers this retirement benefit. Unfortunately, the law enforcement community was right. What was once a concern has now turned into a crisis.

The 1999-2000 legislative session is nearly over and the November 2000 elections and the accompanying "campaign season" will soon be upon us. Our Association is concerned that the issue of protective occupational status for county jailers may remain unresolved for another session.

What is Protective Status?

Protective occupational status is a classification within the Wisconsin Retirement System (WRS) that acknowledges certain occupations have a higher degree of risk. This classification allows persons to receive earlier retirement and a higher degree of benefits from WRS as compared to persons under the general classification of WRS.

Brief History:

Traditionally, the position of a county jailer was a deputized position; (i.e. county jailers were deputy sheriffs). However, an increasing number of counties are hiring jailers as civilian or non-deputy related positions in an effort to decrease labor costs through decreased retirement benefits.

Counties began this retirement-elimination effort after the court decision of *County of La Crosse v. WERC*, 170 Wis. 2d 155: *Court of Appeals*. This decision established that protective occupational status for jailers was not a mandatory subject of collective bargaining. Therefore, the employer (i.e. the county) has the ultimate decision of whether protective status can be acted upon in labor negotiations. Thus, the statement made by the Wisconsin Counties Association that the issue of protective status for jailers "has been negotiated for years at the county level" is inaccurate.

The Problem:

Law enforcement officers that charge and arrest a dangerous person for a criminal act are given protective status. Law enforcement officers serving as security during the alleged criminal's trial are given protective status. State correctional officers that transport the same convicted criminal and serve as guards in the corrections system are given protective status. And, as of last session, probation and parole officers who deal with the convicted criminal's release into the community are given protective status.

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Protective Status for County Jailers

All of these law enforcement occupations receive protective status because of the acknowledgment from the state that these professions have a higher degree of risk of danger while on the job. Even though county jailers interact with the same criminals and perform many of the same duties, county jailers continue to be denied the same acknowledgment that their job is inherently dangerous.

Law enforcement organizations throughout Wisconsin have found it puzzling that the state assumes a criminal is only dangerous at the time of arrest, trial, state incarceration and initial release into the community, and not when the criminal is incarcerated in a county jail. Are the same criminals any less volatile or dangerous when they are housed in a county jail? Of course not. County jailers perform a necessary law enforcement duty that involves inherent risk to their well being. A county jailer's duty, like all law enforcement, is an integral part of our mission "to protect and serve".

The Labor Association of Wisconsin urges the Joint Committee on Retirement Systems to make the only fair decision available to them, please support your local county jailers by supporting Assembly Bill 48 and Senate Bill 142. This legislation, if passed, will finally acknowledge that Wisconsin's county jailers do perform an inherently dangerous job and deserve the same benefits as other law enforcement officials. We also invite you to visit your local county jail(s).

Thank you.



COUNTY OF KENOSHA

1010 - 56th Street
Kenosha, WI 53140
(262) 653-2460
Fax (262) 653-2491

To: The Joint Survey Committee on Retirement Systems

From: David Geertsen, Kenosha County Finance Director

Re: Kenosha County Position regarding AB 48 and SB 142

Date: Monday, January 24, 2000

Kenosha County is strongly opposed to SB 142 and AB 48. These bills propose to mandate that jailers be classified as protective occupation participants for purposes of the Wisconsin Retirement System.

If adopted, this bill would result in a substantial increase in property taxes in Kenosha County. Over time, it is most likely that this increase would exceed \$250,000 annually. At the same time, Kenosha County is subject to a State law that limits the ability of the County to levy the taxes to provide the necessary funding that would result if this law were enacted.

In the 2000 County budget, total payroll for all correctional officers in the Jail, and direct supervision officers in the correctional facility is \$4,039,464. The protective retirement rate is 5.2% more than the general rate for Kenosha in 2000 (15.9% vs. 10.7%). If the protective rate were used for these jail staff, it would increase retirement cost for the County by about \$210,000 annually. If supervisory, booking clerks, custodial staff, and administrative staff come under the protective rate, this would cost an additional \$125,000 annually.

As the law is presently constructed, it appears to create ambiguity as to which groups of employees must be classified as protective. The word "jailers" is in the bill. In Kenosha, this would clearly apply to staff in the position of corrections officers, and direct supervision officers. It is unclear as to whether it would apply to other staff, such as detention systems supervisors. Because of the realities of collective bargaining, this law could result in other classes of employees, such as cooks and bookings clerks, becoming protective.

Kenosha pays for health insurance for retirees for a period of time. Because retirees on protective retirement can retire earlier, we have found that the rate of protective retirees on County paid health insurance is about double the rate of general employees on County paid health insurance. The employees in our detention system are newer and younger so the impact of this will not be felt immediately, but eventually there will be an impact. In 2000 dollars, this impact is estimated to be an additional \$75,000 of health insurance costs annually.

Great care needs to be taken to ensure that this legislation is completely prospective. If this bill is structured in such a way that retroactive benefits could result, it would increase our unfunded actuarial liability, which already exceeds \$8 million.

Kenosha County does not have the capacity for this levy increase under the State mill rate cap. If this were adopted, the County would be required to reduce costs and programs in order to fund this State mandate. If these proposed bills are to become law, Kenosha County requests that language be added that would exempt the resulting levy increases from the State mill rate cap. An exemption should be added to DOR form SL-202 (r.7-99) that would permit Counties to levy the tax increase without being penalized under the mill rate cap.

Thank you for the opportunity to express our concerns regarding this legislation. Please contact us if you have any questions, or if we can be of assistance in any way .

Summary of Budget Impact - AB 48

This is a summary by class of employee of the impact that AB 48 would have on the Kenosha County budget. Of 203 employees budgeted in the Kenosha correctional system, the correctional officers and the direct supervision officers would become protective. The 15 detention system supervisors may become protective subject to legal review of the law. The other employees may not come directly under this law, but the law could have an indirect impact on whether certain classes of employees become protective.

Position Description	employees	budget salary	Budget pension	Retirement	
				Protective	Increase
Correctional Officers	57	\$ 1,748,447	\$ 187,089	\$ 278,003	\$ 90,914
Direct Supervision Officers	78	\$ 2,291,017	\$ 245,140	\$ 364,272	\$ 119,132
Detention System Supervisc	15	\$ 713,957	\$ 76,395	\$ 113,519	\$ 37,124
Booking Control Clerks	19	\$ 577,117	\$ 61,751	\$ 91,762	\$ 30,011
Cooks	12	\$ 321,215	\$ 34,369	\$ 51,073	\$ 16,704
Custodians	7	\$ 192,267	\$ 20,571	\$ 30,570	\$ 9,999
Superintendent and other st	15	\$ 598,473	\$ 64,037	\$ 95,157	\$ 31,120
	203	\$6,442,493	\$689,352	\$1,024,356	\$335,004

	2000 budget year
general	10.70%
protective	15.90%
Rate Increase	5.20%

Mailed 11-29-99

Co. 30999 KENOSHA
Code Name

1999 Payable 2000 County Tax Levy Rate Limit Calculation

1999

Operating Levy Rate Calculation 1999-2000

Determination of Actual 1999 payable 2000 Operating Levy Rate

- 1. Allowable 1998 payable 1999 County Operating Levy (Line 9 of 1998 Form) 1. \$ 24,141,650
- 2. 1998 Equalized Value of county exclusive of TID value increments. 2. \$ 6,586,158,300
- 3. 1998 payable 1999 Operating Levy Rate (Line 1 divided by Line 2) 3. 0.003665514
- 4. 1999 Equalized value of the county exclusive of TID value increments. 4. \$ 7,343,084,600
- 5. Allowable 1999 payable 2000 Operating Levy (Line 3 x Line 4). 5. \$ 26,916,180

Adjustments to Allowable Operating Levy

- 6. Adjustments to 1999 payable 2000 Operating Levy allowed by referendum 66.77(3). 6. \$ _____
- 7. Adjustments to 1999 payable 2000 Operating Levy for transfer of services to other governmental units. 66.77(3)(c)1. 7. \$ _____
- 8. Adjustments to 1999 payable 2000 Operating Levy for transfer of services from other governmental units. 66.77(3)(c)2. 8. \$ _____
- 9. Allowable 2000 Operating Levy and adjustments (sum of Lines 5 through 8) 9. \$ 26,916,180

10. Adjusted For AB 48

10. _____

Actual 1999 payable 2000 Operating Levy Rates

- 10. Actual 1999 payable 2000 Operating Levy less special Purpose Levies** 10. \$ 26,676,199
- 11. Actual 1999 payable 2000 Operating Levy Rate (Line 10 divided by Line 4) 11. .003632832

**Warning: Must not exceed line 9 (See S.66.77(4) Penalties)

Actual County Tax Levy Rate

- 1a. Actual 1999 payable 2000 Operating Levy Rate (Line 11) 1a. .003632832
- 2a. Actual 1999 payable 2000 Debt Levy Rate (Line 28) 2a. .001244125
- 3a. Actual County Tax Levy Rate less Special Purpose Levies (Line 1a. + 2a.) 3a. .004876958
- 4a. 1999 County Tax Levy from Line 27 County Tax Apportionment sheet 4a. \$ 36,754,502
- 5a. 1999 Equalized value of the county exclusive of TID value increments. (Line 4) 5a. \$ 7,343,084,600
- 6a. 1999 payable 2000 County Tax Levy Rate (Line 4a. divided by 5a.) 6a. .0050053219

D. M. Let

11-29-99

262-653-2700

Responsible Official

Date

Telephone



Wisconsin Council 40
AFSCME, AFL-CIO

8033 Excelsior Drive, Suite B
Madison, Wisconsin 53717-1903
Phone: 608 836-4040
Fax: 608 836-4444

Michael Murphy
President
Robert W. Lyons
Executive Director

TESTIMONY OF
ROBERT LYONS, EXECUTIVE DIRECTOR
AFSCME COUNCIL 40
ON
AB-48 AND SB-142, JAILER PROTECTIVE STATUS
BEFORE THE JOINT SURVEY COMMITTEE
ON RETIREMENT SYSTEMS

Co-chairpersons Vrakas, Wirch, and committee members:

Our organization appreciates this forum in which to air this critical public policy issue. Since last you took the issue up, concern has heightened and many erstwhile opponents have changed their position.

We start with the assumption that county corrections officers have the most compelling case of any major group seeking protective occupation status under the Wisconsin Retirement System. The case for inclusion grows with each passing day.

We recognize that we fight the somewhat humorous stereotype of the county jail as drunk tank for benign hoboes and other harmless, albeit colorful, characters. Public ideas about jails are perhaps shaped more by viewing Andy Griffith's portrayal of the small town sheriff in Mayberry, R.F.D. then by the wrenching reality of jails jam packed with gang members and violent felons awaiting trial or parole revocation. Those who harbor the romantic television view of jails need to visit them.

Others with direct experience will testify about jail conditions, hazards, and job requirements. Those who work in county jails every day are much more qualified to tell you about the conditions they face than I am. They will describe a world of assaults, hostage taking, homemade weapons, infectious disease, and aberrant behavior on a level that is hard for many of us to imagine. It is a world that is growing more hazardous and more like a state correctional facility every day. Listen to their stories. They are both moving and compelling.

In a perfect world, counties would recognize the compelling nature of the corrections officers' claims to protective status. A number of counties have, in fact, already voluntarily done so. Unfortunately, however, many others have not. The Legislature has not seen fit to leave the issue of protective status for police officers, firefighters, and sheriff's deputies to the tender mercies of local government decision makers. You have opted instead for mandatory coverage. The Legislature has also seen fit to provide protective status to the corrections officers who work in the state corrections system. Those who perform the same jobs at the county level deserve no less consideration.

(over)



in the public service



County corrections officers cannot effectively bargain this issue. The Wisconsin Employment Relations Commission and the courts have determined that WRS protective status is not a mandatory subject of bargaining under our public sector labor laws. There is, therefore, no dispute resolution mechanism available to permit a neutral adjudication of the issue. The result is a lack of uniformity that defies good sense. A county with a lesser risk environment may designate its corrections officers as protectives, while a neighboring county with a higher risk factor may decline to do so. Where is the good public policy in such a hodge-podge of results?

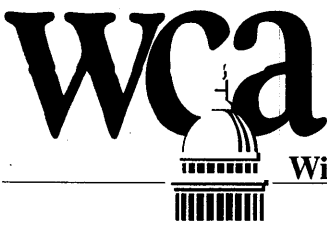
Corrections officer positions are no longer filled solely on the basis of muscles and physique. Applicants are trained and certified. Growing numbers have associate and/or bachelors degrees in criminal justice. Many jails now utilize the latest detection sensors, video surveillance, and computer technology. Jails often depend upon their own tactical teams to deal with disorders. This is not a picture of Mayberry.

It is also not a picture that helps with the recruitment and retention of a high quality workforce. Given the stress, the hazards, the lesser status, and the lower retirement benefits, is it any surprise that county corrections officers vote with their feet and move into state correctional jobs and local law enforcement positions? There is no real savings in an employment situation that serves as a revolving door and training ground for other employers.


This brings me to the heart of the "political" problem in this issue: namely, cost. No one can mount a credible rejection of the corrections officers' claims on a public policy basis. So the hue and cry goes up about "unfunded mandates". I would submit that enforcing the laws of this state is basically one massive unfunded mandate. Every penalty enhancer or criminalization initiative the Legislature passes is an unfunded mandate.

Think about the message we send to county corrections officers when we tell them they are not part of the public safety team and are not entitled to its benefits. Think about how that might influence a corrections officer's behavior in the next jailbreak, the next jail riot, or the next hostage situation.

Protective status under the WRS for county corrections officers is long overdue. We respectfully request that you send AB-48 and SB-142 forward to floor debate with a recommendation that they are good public policy.



MEMORANDUM

TO: Honorable Members of the Joint Committee on Retirement Systems
FROM: Allison Kujawa  WCA Legislative Associate
DATE: January 24, 2000
RE: Opposition to Senate Bill 142 and Assembly Bill 48

Senate Bill 142 (SB 142) and Assembly Bill 48 (AB 48) will automatically designate county jailers as "protective status" employees. Protective status is a designation within the Wisconsin Retirement System (WRS) that acknowledges certain professions have a higher degree of risk of danger while on the job. Persons with the classification of protective status receive earlier retirement and a higher degree of benefits from the WRS than persons that fall under the general classification of the WRS. This enhanced status results in higher contribution rates for the employer. Counties have estimated that this mandate would increase county costs in excess of 2.5 million dollars.

The issue of whether county jailers should be protective status employees has been negotiated for years at the county level across the State of Wisconsin. In the past, WCA has argued successfully that the classification of county jailers should not be mandated by the state; it should be left to the collective bargaining process. Many counties have bargained in protective status, while others have opted to trade protective status for other increased benefits.

SB 142 and AB 48 is an attempt for the state to intervene in this local process and dictate to counties that all jailers must be classified as protective status employees under the WRS. Counties will be required to pay for this unfunded mandate and will no longer have the authority to negotiate this issue at the local level.

WCA believes that counties should have the option to grant county jailers protective status within the WRS in cases in which the employees' duties involve a high degree of danger or require a high level of physical conditioning. We realize that in some counties, this may be the most appropriate option. However, WCA believes it should remain a decision to be made by county officials elected by the citizens of each county, rather than an unfunded mandate imposed in a "one-size-fits-all" fashion.

WCA respectfully requests that you vote in opposition to SB 142 and AB 48.

If you have any questions please do not hesitate to contact me at (608) 224-5330.

WAUPACA COUNTY SHERIFF'S OFFICE



ALLEN R. KRAEGER
Chief Deputy

JAMES R. KNEISLER
Administrative Captain

HARLAN D. DEITZ
Operations Captain

DONALD J. BERGLUND
Detective Captain

January 24, 2000

TO: The State of Wisconsin Joint Survey Committee on Retirement Systems

FROM: Steve Liebe, Sheriff, Waupaca County

Ladies and Gentlemen:

I am present to encourage you to support the designation of Jail Officers as a protective occupation. I began my career in Law Enforcement as a Jail Officer with this Department; I, therefore, feel qualified to address this subject with a base of personal knowledge. In my opinion, this occupation is just as hazardous, and probably more stressful, as those of police officers, prison guards, probation/parole officers, and firefighters; I expect that you will hear considerable testimony to that effect today. Privately, I would argue that jail officers are exposed to greater risk, on a more frequent basis, than some of those occupations which have already been accorded protective status.

The economic impact of this measure would be minimal. The re-classification would affect eleven jail officers in Waupaca County and would increase their retirement contribution from about 11% to 14%. The disparity between protective and non-protective retirements is the primary reason that jail officers in non-protective counties seek protective positions either with their employing agency or with agencies that offer protective classification to jail officers. This results in a significant disruption due to staff turnover and also places non-protective agencies at a disadvantage in a tightening labor market. In addition, I think that the cost of the increased retirement contribution would be more than offset by reducing expenditures for constant recruitment and training of replacement officers. To me, this is money well spent.

Let me reiterate that county jails are extremely dangerous workplaces and our inmates are extremely high-maintenance. Example: inmate disciplines increased fourfold in 1999 as compared to 1998 in little Waupaca County. The fact that there were no successful inmate-on-staff assaults in our jail attests to the competence and effectiveness of our staff rather than the

docile nature of our clients. I urge you to approve this measure.

Sincerely,

Steve Liebe

cc: Sen. Robert Wirch
Rep. Daniel Vrakas
Sen. Jon Erpenbach
Rep. Scott Jensen
Sen. Mary Panzer
Rep. Marlin Schneider

Washington County

Administration Department

Doug Johnson
Administrative Coordinator
432 E. Washington Street
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TESTIMONY TO THE JOINT SURVEY COMMITTEE ON RETIRMENT SYSTEMS Senator Robert Wirch and Representative Daniel Vrakas, Co-Chairs

By Douglas Johnson, Washington County Administrative Coordinator... January 24, 2000
RE: S.B. 142/ A.B. 48 Classifying County Jailers

Washington County opposes Senate Bill 142. This legislation would change the classification of county jailers for the purposes of the Wisconsin Retirement System to protective occupation participants. If enacted, the cost to Washington County taxpayers would be increased at least \$105,000 annually based on authorized staffing and pay levels for year 2000. As proposed by the Bill, this new benefit would be mandated by the state legislature without state funding to cover these imposed costs. This is totally unacceptable to Washington County.

Protective occupation status is a bargainable issue between corrections officers and the County. A fair retirement benefit is a valid concern of these officers. So are competitive wages, comprehensive health care, sick leave and disability benefits, vacation and holidays, and safe and well-equipped jail facilities. These issues need to be negotiated locally to reflect a total compensation plan which best meets the needs and priorities of the officers within the funds available from county taxpayers. S.B. 142 interferes with these local negotiations by mandating that retirement benefits must be increased by 46%.

The Bill adds unnecessary burden to all counties at a time when the costs of county jails are growing dramatically. Like many others, Washington County is in the middle of jail construction. Our \$14 million project will increase our jail capacity from 109 to 280 inmates. The newly constructed facility and remodeled current jail space, due to be completed in spring 2001, will be safer to operate, better-equipped to support the work of the corrections officers. The staff expansion to implement this growth contributed to making the jail the biggest cause of increased property tax levy in the 2000 Washington County budget. S.B. 142 adds unnecessary costs at a time when counties are struggling to cope with large, unavoidable jail costs.

I believe that this is a difficult issue for county sheriffs. They are the commanders of their law enforcement force. Their leadership role is closely tied to their ability to have a positive working relationship with their officers. The legislature must not expect them to be the final word on the merits of protective status statewide. S.B. 142 is much more about state-county roles and responsibilities than it is about law enforcement. The Washington County Board has taken a strong position opposing this unfunded mandate. This includes a formal resolution of opposition adopted in January 1996, and a vote in support of a Wisconsin Counties Association resolution of opposition at their September 1999 conference. I ask you to support these elected county officials in opposing enactment of Senate Bill 142.

WAUKESHA COUNTY



515 West Moreland Boulevard
Waukesha, Wisconsin 53188-2428

County Board Office

Phone: (414) 548-7002
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January 24, 2000

TO: Senator Robert Wirch and Representative Dan Vrakas, Co-Chairs
Members of the Joint Survey Committee on Retirement Systems

FR: Dave Krahn
Legislative Policy Advisor

RE: **AB 48/SB 142 - Classify County Correctional Officers as Protective Occupation
Participants for the Purposes of the Wisconsin Retirement System**

The question of classifying county correctional officers (COs) as protective occupation participants for the purposes of the WRS, should remain the domain of the county collective bargaining process. AB 48 and SB 142 are examples of unnecessary and meddlesome state legislation dictating to counties what can and should best be handled at the local level, and furthermore, imposing additional financial obligations on the county absent any consideration as to how they will be met.

Correctional costs continue to be one of the fastest growing segments of governmental budgets, and Waukesha County is no exception. AB 48 and SB 142 irresponsibly add to those costs. For starters, if COs are placed in protective service pension, Waukesha County would need to find an extra \$145,000. When duty disability is factored in, the costs go up even higher, potentially as high as \$450,000. And none of these extra dollars would enhance the delivery of our correctional services, nor would they address the issue of CO turnover. Costs would go up, with no attendant, appreciable benefits to county operations.

All of this is not to say the issue of protective occupation classification for COs is unimportant, or not worthy of discussion. But the point is that this discussion belongs at the local level at the bargaining table. It is Waukesha County's intention during the next round of labor negotiations with the COs to give serious consideration to this issue in conjunction with all of the collective bargaining issues on the table at that time.

Waukesha County simply asks that you allow this local issue to be dealt with at the local level.

Thank you for your consideration.

WISCONSIN COUNTY POLICE ASSOCIATION LTD.

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To: Members of the Joint Committee on Retirement Systems
From: Eugene Robinson
Date: Monday, January 24, 2000
Re: **SUPPORT AB 48 AND SB 142**
PROTECTIVE STATUS FOR COUNTY JAILERS

I have been a Deputy Sheriff for over 32 years. For a short time I worked the Jail and this last year I was Courthouse Security, in which I worked closely with Jailers. Every Legislative session for the past 20 years, County Law Enforcement is back here fighting for the same thing – protective status for County Correction Personnel.

For reasons unknown to me, some in Madison believe this is not an important issue. It is. This must be given to the full Legislature for discussion. What are we afraid of? This issue is so important it cannot be left in the care of a select few. I plead with you – let it out for full debate.

I know the Counties Association fights us vehemently on this issue. Why? To save a few dollars! They don't like state mandates because many come without state dollars, but this is one mandate that is a must. These correction people are not a dime a dozen, although that seems to be the impression some counties want to give. This is a dangerous job and not everyone can do it. The state mandates the training these people have to have, so they know how crucial this job is, but backs off on protective status. How can the state continue to give protective status to some of their employees who do not have as much contact with violent people as county corrections and yet turn their backs on these same people? Because the Counties Association says they want no more mandates. Someone has to step forward and let the counties know that this is not a job that can be defined to fit ones own definition. Corrections officers are trained and highly qualified professionals.

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Protective Status for Jailers
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I know it sounds like I am coming down very hard on the Counties Association. Maybe I am, but this job is very dangerous and it warrants state intervention.

Not all counties have non-protective status, many counties know how dangerous this job is and have kept corrections a protective status. Prisoners are more dangerous now than ever. There have to be other alternative measures for counties to take to save money and that is what this issue boils down to. This is a dangerous job and it deserves protective status. For those of you who do not think so, I invite you to spend two weeks working in a county jail. I assure you, it will be an eye opening experience for you. Please – I beg you, just let this go for debate to the full legislature. What are we afraid of? That we will find out just how dangerous this job really is?

To David Brandemuehl

In November of 1995 my co-worker Craig Conley & myself, were beaten in a jail escape. Craig was hospitalized with a fractured skull & was in a coma for several days. To this day he still has no memory of this incident. I was luckier in that I was not beaten as severely, but to this day I have occasional panic attacks & severe anxiety concerning what happened to us. I also permanent disability in my back & left leg.

This has been the most harmful thing that has happened in our facility, but far from the first or last occasion that our lives/bodies have been in peril. There have been several lesser incidents, but we all feel the day may be coming. Inmates in our facility have less respect, less care about others in general. They seem to not care about themselves, so why care

about anything or anyone else?

Many road officers feel the jail is more perilous than their job because we deal with known problems day in & day out. So many of our inmates are in & out of our facility we're nearly on a first name basis & in some instances are. We have 3rd generations of some families in & out of here.

I do believe this is one of the most dangerous jobs in our society today & deserves to have protective status coverage.

Thanks to you,

Lynn Blasler

The Labor Association of Wisconsin, Inc.

Patrick J. Coraggio
Thomas A. Bauer
Robert E. Blumenberg
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Memorandum

To: Wisconsin Legislators
From: Patrick Coraggio, President
Date: Monday, January 24, 2000
Re: **Protective Status for County Jailers**
A Situation Which Has Turned into a Crisis

In 1993 a total of 16 counties were identified as denying protective occupational status to their county jailers. Today, the number has grown to nearly 40 counties. When law enforcement first began to debate the issue of protective status for jailers in 1986, the concern was that counties would begin denying jailers this retirement benefit. Unfortunately, the law enforcement community was right. What was once a concern has now turned into a crisis.

The 1999-2000 legislative session is nearly over and the November 2000 elections and the accompanying "campaign season" will soon be upon us. Our Association is concerned that the issue of protective occupational status for county jailers may remain unresolved for another session.

What is Protective Status?

Protective occupational status is a classification within the Wisconsin Retirement System (WRS) that acknowledges certain occupations have a higher degree of risk. This classification allows persons to receive earlier retirement and a higher degree of benefits from WRS as compared to persons under the general classification of WRS.

Brief History:

Traditionally, the position of a county jailer was a deputized position; (i.e. county jailers were deputy sheriffs). However, an increasing number of counties are hiring jailers as civilian or non-deputy related positions in an effort to decrease labor costs through decreased retirement benefits.

Counties began this retirement-elimination effort after the court decision of *County of La Crosse v. WERC, 170 Wis. 2d 155: Court of Appeals*. This decision established that protective occupational status for jailers was not a mandatory subject of collective bargaining. Therefore, the employer (i.e. the county) has the ultimate decision of whether protective status can be acted upon in labor negotiations. Thus, the statement made by the Wisconsin Counties Association that the issue of protective status for jailers "has been negotiated for years at the county level" is inaccurate.

The Problem:

Law enforcement officers that charge and arrest a dangerous person for a criminal act are given protective status. Law enforcement officers serving as security during the alleged criminal's trial are given protective status. State correctional officers that transport the same convicted criminal and serve as guards in the corrections system are given protective status. And, as of last session, probation and parole officers who deal with the convicted criminal's release into the community are given protective status.

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Protective Status for County Jailers

All of these law enforcement occupations receive protective status because of the acknowledgment from the state that these professions have a higher degree of risk of danger while on the job. Even though county jailers interact with the same criminals and perform many of the same duties, county jailers continue to be denied the same acknowledgment that their job is inherently dangerous.

Law enforcement organizations throughout Wisconsin have found it puzzling that the state assumes a criminal is only dangerous at the time of arrest, trial, state incarceration and initial release into the community, and not when the criminal is incarcerated in a county jail. Are the same criminals any less volatile or dangerous when they are housed in a county jail? Of course not. County jailers perform a necessary law enforcement duty that involves inherent risk to their well being. A county jailer's duty, like all law enforcement, is an integral part of our mission "to protect and serve".

The Labor Association of Wisconsin urges the Joint Committee on Retirement Systems to make the only fair decision available to them, please support your local county jailers by supporting Assembly Bill 48 and Senate Bill 142. This legislation, if passed, will finally acknowledge that Wisconsin's county jailers do perform an inherently dangerous job and deserve the same benefits as other law enforcement officials. We also invite you to visit your local county jail(s).

Thank you.

There are many reasons why the County Jailers, Correctional Officers, or any of the other names for this position should be covered under the protective occupation status. One, the dangerous of the position. As a Correctional Officer and for jail security reasons, we do not have all the tools that patrol officers do such as guns, batons, or bullet-proof vests. The same individual that just murdered someone while on drugs, lead the police on a high-speed chase, and then taken into custody at gun point is dealt with by the Correctional Officer with their mind, verbal skills, bare hands, and pepper spray. Just because a person enters the County jail it does not miraculously turn them into a tame kitten.

Sometimes as above, the Correctional Officer will know that there is an officer safety issue with an inmate, but most of the instances that we have seen occur are sudden and unexpected. As a Correctional Officer at the Rock County Jail, we have seen instances when officers had to deal with sudden, expectedly hostile inmates and ended up getting hurt. The following are some examples of what Correctional Officers have encountered where we work.

One night during third shift, an inmate in a Huber unit approached a female officer. At this time on third shift, there were only six officers working throughout the jail. The inmate was yelling that someone was "going to get him". The officer called for assistance, and the officers tried to calm the inmate down by talking to him. Suddenly, this 6'2", very large, muscular inmate with a past history of prison incarceration attacked the officers. One officer was thrown against the cement wall hitting his head. Still stunned and with unknown injuries, this Correctional Officer had to get back up and attempt to physically control the inmate with the other officers. As the officers struggled to control this inmate, other inmates in the housing unit were coming to the section door to watch what was going on. After the situation was stabilized, the officers could then examine themselves for any injuries. The Correctional Officer who was thrown against the wall suffered a mild concussion and bruise. This inmate was arrested for battery and sentenced to three years in state prison.

Another officer was conducting a cleaning inspection of the housing unit in a medium security part of the jail. During the inspection, the officer ordered the inmate to clean something up, and the inmate refused. The officer restated his order, and when the inmate refused, the officer advised the inmate that he was going to the booking room. (This is the typical procedure when an inmate fails to comply with an officer's orders). The inmate stated that he was not going to go, and the officer assumed an escort hold on one of the inmate's arms. The inmate attempted to pull away, and during the struggle, the officer was head-butted by the inmate. This occurred while the other inmates in the section (up to 23) were out of the cells and could have gotten involved. They did not. The officer suffered a small cut to the head, headache, and lump.

Another instance occurred after feeding dinner. An inmate that was already in punitive segregation refused to give back his tray his food was served on. The officer and supervisor attempted to talk the inmate into giving it back, but the inmate would not. Since the tray could be used to form a weapon, it had to be recovered. The officers formed a cell extraction team with ASP bags, gas masks, and pepper spray. The pepper spray was introduced into the cell, and when the inmate realized the pepper spray was being used, the inmate covered his face with a plastic bag to lessen the effects. When the cell door was opened, the officers entered, and the inmate hit one officer on the head with the plastic tray. The inmate was controlled and charged with battery by a prisoner resulting in a seven year prison sentence.

Instances where inmates become hostile towards officers do not only occur in medium and maximum security areas. In our Huber dorm which is a minimum security area, the unit officer received a report of an inmate threatening other inmates. Based on the officer's investigation, it was determined that the inmate was threatening other inmates. The officer advised the inmate that we was going to be moved out of the Huber dorm, and the inmate refused to go. This inmate was 6 feet tall and 450 pounds. After trying to talk the inmate into cooperating, two officers attempted to place handcuffs on him. The two officers involved were about 5'6", 175 pounds and 5'10", 140 pounds. While trying to do this, the inmate began to resist and threw the two officers against the cement walls, banging their heads, and resulting in concussions. Once additional officers arrived, they had difficulty in handcuffing the inmate due to his large size.

Last year, a Huber inmate in the minimum security Huber dorm escaped. The escape was detected by officers and a search began. The inmate was located, chased, and when the officers caught up to him, the inmate resisted. The inmate was apprehended, but during the struggle, one officer suffered a sprained ankle and another problems with his shoulder. After the inmate was outside the jail, he could have picked up a weapon, but luckily he had not.

The Correctional Officer must also deal with inmates that are paranoid, schizophrenic, or have some other mental disease. One inmate thought that the food he was eating was poisoned and that a spell was cast on him by another inmate. The inmate began pounding on his cell door, and when the officer attempted to talk to him, he would not acknowledge the officer or stop kicking the cell door. In order to prevent damage to the door and the inmate's foot, officers entered the cell, handcuffed the inmate, and removed him from the cell. Fortunately, no officers were hurt in this incident.

Sometimes inmates with mental diseases are like a light switch. Their attitudes and emotions change in a second. An inmate was in punitive segregation and wanted to speak to a Sergeant. A supervisor was available and agreed to speak to the inmate. While in the

hallway speaking to the inmate, the inmate suddenly attacked the Sergeant. The unit officer radioed for help, additional Correctional Officers arrived, and the situation was controlled. During this, no officers were hurt, but mental diseases are another officer safety issue that Correctional Officers must consider when dealing with inmates.

Physical confrontations are not the only threat Correctional Officers are exposed to in their duties. There are also health hazards in the job. One inmate threatened to spit and bite officers if they "messed" with him. This inmate was HIV+, and officers took his threats seriously. This inmate was arrested on 1st degree child sexual assault charges, so there should be no hesitation in trying to infect an officer. If an officer had been spit on or bitten by him, that officer would have to go through testing and would wonder for the rest of his or her life "Am I infected?"

The same inmate that hit the officer with the food tray on different occasions threatened and did hit officers with his feces and urine. Not only is this degrading to the officer, but exposes the officer to other health hazards.

As inmates enter our facility, they must be searched for weapons and contraband. During this search, the officer must pat-down the inmate and is in close proximity to him or her. If the inmate has tuberculosis (a jail health problem) or even the flu, the officer could contract it, and end up sick or taking medication for the rest of his or her life. Most officers wear latex gloves to protect them from body fluids, but they offer little (if any) protection to sharp objects such as syringes which could contain blood with the HIV virus or Hepatitis. A single prick from an infected needle could change an officer's life in a second.

The Correctional Officer also faces stress in the position similar to sworn personnel. This occurs not only from the physical and health threats outlined already, but from what might happen. The Correctional Officer must be ever alert to potential weapons. To a Correctional Officer, a pencil, toothbrush, or spoon can be as deadly as a knife. Every Correctional Officer knows there is always the chance an officer or inmate could be murdered or die while they are working. The Correctional Officer must maintain a clear and focused mind and be prepared to react based on their training. Even if a Correctional Officer reacts and does everything properly in such a situation, the officer must live with the possibility of lawsuits and other litigation. The Correctional Officer receives training on a deadly force maneuver and must be ready, willing, and able to use it if the circumstance should arise. These stressors, many of which sworn personnel also face, must be coped with or the officers face stress related health concerns such as high blood pressure and heart attack.

A second reason County Correctional Officers should be covered under the protective occupation status is because of the structural environment we work in. Every Correctional Officer understands that jail security is first. Officer safety is second though not far behind. The Correctional Officer must utilize his greatest assets, his mind and senses, to avoid the ever present risk of being taken hostage. The mandatory training required by the State of Wisconsin teaches Correctional Officers that they have a choice during a confrontation...engage or retreat. Due the physical layout of most jails, the Correctional Officer has little room to retreat and must rely on using his mind, senses, and verbal skills to recognize and prevent ending up in a hostage situation.

The third and final reason why Correctional Officers should be covered under the protective occupation status is professionalism associated with the position. Though some people use and view the County Correctional Officer position as a "stepping stone" in order to get a sworn, law enforcement position, we have shown this job has its own dangers and risks. The people who are Correctional Officers are professionals in their position whether they stay in it or not. Most of the officers at Rock County either have or are in the process of getting a college degree in Police Science, Psychology, or other related field. The State of Wisconsin requires 120 hours of training to become certified as a Jailer, and 16 hours a year thereafter to maintain the certification. Sworn, law enforcement personnel are also required to go through training, be certified, and maintain their certification. At our facility, the sworn supervisors not only attend the patrol in-services, but also attend the Correctional Officer in-services. This shows the importance that our facility places on the skills and abilities that the Correctional Officer must have and use while doing this work.

In conclusion, for the reasons outlined above, the County Correctional Officer should be covered under the protective occupation status. We encourage you to support and pass SB 142 and AB 48. If you should have any questions, please let us know.