

Dear Sir:

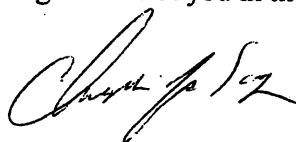
In the near future you will have the opportunity to vote on the bill SB-142 . County Jailers Classified as Protective Participants. I would like to take this opportunity to urge you to vote **YES**, regarding this bill.

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 our 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 strongly 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,



CHRISTOPHER LA SAGE
CORRECTIONAL OFFICER

SHERIFF'S DEPARTMENT

Brown County

300 EAST WALNUT
P.O. BOX 22003
GREEN BAY, WISCONSIN 54306-2003
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 cursive script that reads "Tom Hinz".

Tom Hinz
Brown County Sheriff

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



WISCONSIN SHERIFFS & DEPUTY SHERIFFS ASSOCIATION

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Chippewa Falls, Wisconsin 54729-0145
(715) 723-7173 • FAX: (715) 720-0155

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FOR IMMEDIATE RELEASE:

JANUARY 21, 2000

"STATE WIDE POLL SAYS COUNTY JAILERS SHOULD HAVE PROTECTIVE STATUS"

CHIPPEWA FALLS – The Wisconsin Sheriffs and Deputy Sheriffs Association released a poll today showing that Wisconsin voters overwhelmingly favor granting **"protective occupational status"** to county jailers and correctional officers.

"Protective status" would provide disability, retirement and death benefits to county jailers and correctional officers similar to that granted to police officers and firefighters", according to Jeff Wiswell, public affairs director for the association.

Wiswell said, "The poll recently commissioned by the association and conducted by Chamberlain Research of Madison found the following:

- 81.4% of survey respondents agree that the Legislature and Governor Thompson should grant **protective status** with duty disability, retirement and death benefits to all county jailers and correctional officers uniformly in all Wisconsin counties."

"Protective status" is vitally important to all county correctional officers, particularly since Wisconsin's 71 county jails house just under 12,000 violent inmates on a daily basis," Wiswell added. Each Wisconsin county has the option of granting protective status. All but 28 counties currently grant such status to one degree or another.

– More –

"STATE WIDE POLL SAYS COUNTY JAILERS SHOULD HAVE PROTECTIVE STATUS"

“Under Wisconsin law certain tests must be met in order for a job to receive protective status,” Wiswell pointed out that:

“First, the job must require a high degree of danger or peril.

Second, the job must require a high degree of physical condition.

And third, the job must fall with in the scope of police officer or other active law enforcement officer, as opposed to the duties of a telephone operator, clerk stenographer, machinist or mechanic.”

- The poll found that 81% of respondents agree that the duties of a county jailer and correctional officer require exposure to a high degree of danger or peril.
- A total of 82.5% of respondents also agree that the duties of a county jailer and correctional officer require a high degree of physical condition.
- On the question of job fit, 86% of respondents said that the job of a county jailer or correctional officer falls more with in the scope of a police officer or other active law enforcement officer.

Finally, when asked which of the following jobs should have protective status with duty disability, retirement and death benefits respondents rated various jobs likely to be protective as follows.

	<u>Agree job should be protective</u>
• County jailer and correctional officer	78.7%
• State correctional officer	79.7%
• State conservation patrol boat captain	46.0%
• State criminal investigator	70.2%
• State forest ranger	66.2%
• State motor vehicle inspector	32.3%
• State tax investigator	29.8%
• State veterans home fire watcher	34.8%

All of the above jobs have actually been granted protective status over the last several decades, except for county jailers and correctional officers.

**"STATE WIDE POLL SAYS COUNTY JAILERS
SHOULD HAVE PROTECTIVE STATUS"**

The sample size for the poll was 600. The methodology allowed for the random sampling proportionate to population by Wisconsin county, according to 1997 census bureau population estimates. The margin of error was ±3.97%.

The Wisconsin Assembly voted to approve such a bill granting protective status to all Wisconsin county jailers during the last session of the Legislature. However, neither house of the Legislature has taken any action on this matter during the current legislative session.

On Monday, January 24, 2000, the Legislature's Joint Survey Committee on Retirement Systems will hold a public hearing at the State Capitol in Room 411 South at 1:30 p.m. on two bills that would clear this matter up. The bills are 1999 Assembly Bill 48 and 1999 Senate Bill 142.

A large contingent of law enforcement agencies is expected to be present.

Wiswell closed by saying that "Granting protective status to county jailers and correctional officers is good public policy and long over due for many years!"

WSDS/Rep Status	County	Category Employment		Jailer Numbers		Average Service		Deputized		Firearms		Fitness		Annual SurchARGE	
		General	Protective	General	Protective	General	Protective	Yes	No	Yes	No	Yes	No		
		COMMENTS:													
		Wisconsin Sheriffs and Deputy Sheriffs Association													
	Barron	This profession is exposed to dangerous subjects 24 hours a day, 7 days a week, 365 days a year - others are protective status that probably never come close to that status.													
	Brown	I support protective status for correctional officers.													
	Buffalo	Our jailers are both dispatchers and jailers.													
	Chippewa	All jail officers should be protective status employees.													
	Clark	On duty injuries are as great as injuries sustained on patrol. Jail staff also does some inmate transport and court security.													
	Door	We support protective status for jail staff.													
	Douglas	We have had 2 recent battery to jailer incidents in the last month. Separate occurrences													
	Dunn	I feel that if probation officers have protective status, all jailers should have the same.													
	Eau Claire	If probation officers fall under protective service & the prison guards fall under protective status, so should the jailers working in a county jail system!													
	Florence	I am in favor of protective status. County Board is not an recently passed a resolution to that effect.													
	Grant	We support the protective status for co. jailers.													
	Jefferson	All individuals working in the jail should be protective.													
	LaCrosse	I believe all jailers should have protective & I fully suspport registration for it. Sheriff Mike Weissenberger.													
	Manitowoc	Sheriff wants a copy of this survey.													
	Marathon	Sheriff Gary Martin is willing to testify in favor of this legislation.													
	Menominee	Shawano County Jail services all prisoners from Menominee County.													
	Oneida	We recently open our new jail and are currently contracting with the state for state inmates. It seems foolish that our officers should not be placed with state correctional guards status. I support protective status for jailers.													
	Outagamie	We support protective retirement for correctional officers.													
	Pierce	Our jailer have been on protective since prior to 1970.													
	Portage	Jailers should be protective just as prison guards, probation agents and other corrections professionals.													
	Price	Jail staff was offered protective for 1999 contract, Ratified 4/99.													
	Richland	General jailers are 7 full time and 6 part time. Under protective they have 2 task force deputies and 1 part time and they sometime work the jail and also the road patrol.													
		The County Board Personnell Committee has always turned down our efforts, stating it cost to much and that if the jailers want it they need to bargain for it in collecting bargaining. The only way we will see protective jailers is if it is mandates it.													
	Sheboygan	I have sent letters to numerour legislators in support of protective status for county jailers.													
	St. Croix	Jailers deal with criminals everyday. Most inmates do not wish to be incarcerated, thus making them unprecidatable and very dangerous. We stand a great change of injury or even death.													
	Taylor	Very important to us!													
	Trempealeau	We support protective retirement for county jailers. We have a hard time in keeping and getting good help.													
	Vernon	Staff long term because we're protective.													
	Waupaca	Sheriff Liebe, strongly support the efforts made towards protective status for jailers. Jailers are recognized as dangers experienced by protective status officers on the road. Jailers are recognized as professions-the benefits houdl reflect this. Protective status would eliminate the jail as a stepping stone, and provide stability and continuity amongst jail staff.													
	Winnebago	Protective status has been instrumental in the low turn over rate and inable us to use jail staff for other duties Ultimately shaving us tax dollars.													

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			General	Protective	General	Protective	General	Protective	Yes	No	Yes	No	Yes	No	
5	1	Gener	X					2						X	600,000.00
2	2	Both	X	X	3	5	14	9						X	18,000.00
1	3	Protoc		X		19		5						X	?
1	4	Protoc		X		11		6		X				X	26,000.00
3	5	Both	X		47	10	5	10		X				X	20,910.00
4	6	Protoc		X		10		8		X				X	14,834.00
1	7	Gener	X		14		10			X				X	29,500.00
6	8	Gener	X		11		10			X				X	55,000.00
4	9	Protoc		X		15		9		X				X	36,500.00
4	10	Protoc		X		23		7		X				X	103,972.00
5	11	Gener	X		23		8			X				X	569,600.00
6	12	Protoc		X		12		12		X				X	100,000.00
7	13	Protoc		X		221		10		X				X	33,000.00
6	14	Both	X	X	31	2	8	30		X				X	41,485.00
3	15	Protoc		X		11				X				X	84,000.00
1	16	Gener	X		13		10			X				X	176,939.00
4	17	Gener	X		17					X				X	2,901.00
4	18	Both	X	X	27	3	3	14		X				X	144,000.00
3	19	Gener	X		3		8			X				X	16,844.00
6	20	Gener	X		38					X				X	50,000.00
3	21	Both	X		13	1				X				X	?
5	22	Gener	X		8		9			X				X	?
7	23	Protoc		X		14		7		X				X	?
6	24	Protoc		X		12		7		X				X	?
5	25	Protoc		X		12		8		X				X	None
2	26	Protoc		X		4		20		X				X	None
4	27	Gener	X		16		5			X				X	35,000.00
7	28	Protoc		X		36		6		X				X	100,000.00
5	29	Both	X	X	1	7	1	3		X				X	?
7	30	Gener	X		135		3			X				X	?
3	31	Protoc		X		10		5		X				X	25,000.00
5	32	Gener	X		48		8			X				X	20,000.00
5	33	Protoc		X		8		7		X				X	New jail/NA
2	34	Gener	X		12		4			X				X	29,000.00
2	35	Gener	X		13		7			X				X	100,000.00
6	36	Both	X	X	37	13	5	13		X				X	100,000.00

Joint Retirement Committee
Wisconsin Legislature

01/19/00

James P. Haley
1300 Oak Ct.
Port Washington, Wis. 53074
1-262-284-5588

Dear Ladies and Gentlemen,

I was a police officer for the Mequon Police Department for 18 years. I am currently on disability for injuries I received while carrying out my duties as an officer.

As a result of two situations that I was involved in, a domestic dispute case in 1982, and a drunk driver / fleeing an officer case in 1986, I have had a total of five surgical procedures done on my knees.

I was able to remain on the job for sometime after these surgeries (I was approved for disability in July of 1998), but unfortunately, the condition of my knees continued to get worse, and unfortunately, even on disability, continue to get worse. The orthopedic surgeon who did the majority of the procedures, Domenic Pulito, has told me that clinically, I have the knees of roughly an eighty year old person. At some point I will require total knee replacement surgery on both knees.

As you consider any changes to laws governing duty disability, I hope that consideration is given to those of us, who are currently on disability. Very unfortunately, I did not fear being examined by a state doctor during my application for disability, because I know just how bad my knees really are.

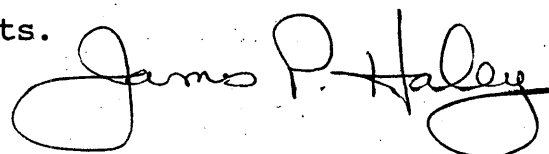
I also realize, that there is probably abuse of the system, for individuals who file claims for disability. I believe the vast majority of us do not fall in that category. I truly loved my job, and did not want to go on disability. However, medical reality is medical reality.

I hope you will consider the provisions already in place in the statutes, do deal with potential fraudulent claims. Have hearings before an individual is granted disability. Any individual with a valid claim would never fear such a hearing.

Finally, if regular examines are part of any law change, and disabled officers are required to return to work, protections should be in place so that we can get positions back, with our former employers. It would certainly be sad to tell any officer, that we(the state) have changed our minds, and you as a disabled officer are now okay to go back to work, but if there is no position for you, you are out on the street with no job or benefit.

Please give careful consideration to those of us who were legitimately injured to the point of being unable to continue in the police profession, and if there are potential abusers, allocate funds to investigate potential fraud complaints, and not make every officer who is legitimately on disability be reexamined repeatedly to continue getting benefits.

Thank you for considering my comments.



I have been associated with LaCrosse county for about 15 years. During that time all 3 sheriffs have supported protective status. Sheriff Boma tried to send the jailers to school to be certified. This was brought to a halt by the county board. Sheriff Halverson wrote letters to you supporting protective status. Present sheriff Weissenberger has done the same. They have stated reasons from "similar benefits for similar work" to "trying to keep qualified help by giving them the protection they deserve," and "from trying to keep the jail from being a stepping stone to a protective service job in corrections and the street officer". A captain from our department said in his supportive letter that the county board made the decision to refuse the jailers protective status without having any direct knowledge of the job.

I have asked a number of supervisors why they did this and those who opposed us wouldn't (or couldn't) answer. Those who were in favor of giving us protective status told me that we deserved it as much as the road officers, and quoted several of their own reasons. Most of them are in the body of this fact sheet.

I haven't talked to any person associated with law enforcement/corrections that doesn't think we should get protective service.

The Wisc counties association estimated that protective status would cost the counties 1.8 million dollars based on 1999 figures. The joint survey committee on retirement systems estimated \$800,000. How can the WCA come up with a figure more than twice that? Did they figure in that some of those counties already have protective status and would not be affected? Did they stop to think about several other factors that would figure into their equation? Replacing a senior jailer at top wages and vacation with one at minimum benefits. A 60 year old jailer would be injured easier than his 25 year old counterpart. He would also take longer to heal therefore costing more. The majority of inmates in our jail are between 17 and 25. Most of us try to stay in pretty good shape, but is it reasonable to think we can hold our own with someone half our age. Someone who is probably playing collage football or is on the wrestling team or any other sporting team that would elevate his physical stature. Even a female cheerleader would be a handful if she would decide not to cooperate. Is the WCA just trying to stack the figures in their favor with no regard to the validity of the issues and figures?

The WCA states in the same issue that the issue of protective status has been negotiated for years at the local level. That it should be left as a collective bargaining issue.

The Wisconsin State Supreme Court has ruled that protective status is not a bargainable issue. The LaCrosse county jailers tried that route. We also offered the county a 3-year contract with no monetary raise for protective status. They turned us down and passed a resolution that the county board would not even discuss protective status again. They won't even talk to us. We weren't even allowed to present our side before they slammed the door in our face. I have asked some of the board members why they did this and those who were against us wouldn't (or couldn't) answer. Those who were in favor of us stated reasons why they thought we should be protective. Many of these are included here.

I asked the Lacrosse county personal office for a copy of injuries incurred the sheriff's dept personal. These figures are from 1998. I haven't gotten them for 1999. Out of 23 injury reports, 11 were turned in by the patrol division. 12 by jailers. Out of the 11 turned in by patrol only 3 were caused by a perpetrator. One of them was in the jail while helping with a combative inmate. The rest were accidents such as cut hand while changing tire, bumping shin on canoe while returning from a rescue. That leaves 2 combative injuries by patrol deputies.

Of the 12 turned in by jailers only one was in a non-combative situation.

That leaves 11 combative injuries by jailers. (1 was responding to a suicide)

12 combative injuries occurred inside the jail, 2 outside the jail.

I am here to urge you to bring the issue of protective service to the floor for a vote, and to support this issue when it gets there.

I would like to bring to your attention some of the things we as county jailers face on a daily basis. As I go through these points I welcome your questions and comments. I will try to answer them as best as I can at that time.

When a city police officer, county deputy, conservation warden, or a state patrol officer, who has protective service, arrests someone they bring them to a county jail. They fill out the card stating the charges etc, and then leave. The charges may run from simple traffic to murder. The officer, from the initial contact with the individual, to leaving the jail is usually less than an hour. Now we live with them.

At this time the inmate faces the most uncertain time in their life and they become unstable, unpredictable, and confused. This stressful period of incarceration now becomes dangerous. The uncertainties of court, promises from their attorneys, alienation of family and friends, adjusting to daily life in jail all lead to dramatic mood swings. These range from suicidal depression, to violent aggressive behavior. We witness these mood swings on a daily basis. I have seen inmates snap, just because they didn't get a letter, or they don't like what is on the dinner tray.

After an inmate is sentenced he goes to prison where the guards are afforded protective service. Now the inmate knows what is going on and is more stable. He knows what is expected of him, and if he behaves himself, he will go to minimum security, and what his release date will be.

When he is released, a probation agent will probably supervise him. Who again has protective service. If he behaves he will stay out of jail.

If not, he comes back to jail, where we have to deal with him. Again in an agitated state because he was removed from society and is unsure of his future.

Everyone in the corrections/law enforcement chain is afforded protective status except the county jailers.

We as county jailers, on a daily basis, are attacked, bitten, scratched, kicked, punched, spit at, have had human waste thrown at us and are exposed to bodily fluids. These fluids could contain any number of deadly diseases from TB, and hepatitis to aids.

The officer on the street deals with this person for about an hour. We live with this person 24 hours a day, 7 days a week and up to 12 to 14 months sometimes before he is sentenced.

The officer, usually only deals with one person at a time. I am usually in a cellblock with 6 to 30 inmates in the day room. I am also outnumbered by about 50 to 1 on any given day, while working in general population. I cannot do my daily duties without turning my back on some of societies most dangerous offenders.

We also deal with some of the more violent mentally ill people because the local hospitals can't deal with them.

The officer has a bulletproof vest, handcuffs, pepper spray, knife, baton, and a gun to protect him self. Along with a radio to summon backup. I have rubber gloves, handcuffs and a radio. I am trained with pepper spray but it is kept up in the office and is no good to me if I have to defend myself "now".

I now have a question for you if I may.

We are held to high degree of professionalism in a dangerous job. Why then aren't we afforded the same protection as our fellow officers and agents?

In closing let me remind you that every inmate being supervised by the prison system first was supervised by a county jailer, and probably will be again.

Thank you for your attention today and I would again ask you to help us by bringing this resolution to the floor and to support it once it gets there.

22:07:10 shot that my family would be
22:07:11 taken care of...or would you
22:07:12 want me to take that risk
22:07:13 without that worry?
22:07:15 Joan Spillner>> Then they go to
22:07:16 the doctor and they get
22:07:18 okayed..we are not trying to
22:07:19 take it away from them...It
22:07:20 they are legit...they keep
22:07:21 getting their pay.
22:07:23 Mitch Henck ... 15 News>> Leon
22:07:24 McQueen chose not to be
22:07:25 interviewed for this story..but
22:07:27 his lawyer says just because
22:07:28 McQueen is too injured to go
22:07:29 back to his old job doesn't
22:07:31 mean he is in his wheelchair
22:07:32 and says McQueen's neighbors
22:07:33 are wrong.
22:07:34 Terry Morris>> If yo defraud an
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22:07:37 trouble..I've talked to
22:07:38 hundreds of people about this
22:07:40 and they all say it's
22:07:56 despicable.
22:07:58 Don Harmon, Neighbor >> There
22:07:59 have been some unscrupulous
22:08:01 people who twist and turn the
22:08:02 disability program to benefit
22:08:03 their own good.
22:08:05 Mitch Henck>> So you don't want
22:08:06 to throw the baby out with the
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22:08:11 Marty Beil>> I don't know how
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22:08:20 employer would then be required
22:08:22 to make a reasonable attempt to
22:08:23 get the person's old job back
22:08:24 but there would be no
22:08:26 guarantee. Democratic Senator
22:08:27 Robert Wirch of Kenosha
22:08:28 co-chairs the committee
22:08:30 considering the bill. He says
22:08:31 he is shocked by the
22:08:32 information presented in our
22:08:33 story.. and says he wants to
22:08:35 work with both sides to reach a
22:08:48 compromise on the legislation.

Bob
This is the
script from
last week's
story.

(I'll hold on to it
for you when you're done) See me Beth

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wisconsin firefighters,
22:04:23 police and prison guards know
22:04:24 they will be taken care of if
22:04:26 they get hurt on the job.
22:04:27 When injured state employees
22:04:28 are declared permanently
22:04:30 disabled they receive 80
22:04:31 percent of their highest
22:04:33 salary...tax free for the rest
22:04:34 of their lives...and they never
22:04:35 have to work again.
22:04:37 NBC 15 Investigates reporter
22:04:38 Mitch Henck joins us now with a
22:04:40 look at charges of widespread
22:04:41 abuse in the disability program.
22:04:43 Nearly two years ago Mitch
22:04:44 reported on legislation that
22:04:46 would have cleaned up that
22:04:47 abuse..what happened tothat?
22:04:48 ... 15 News>> Absolutely
22:04:49 nothing...until last
22:04:51 week....when the very first
22:04:52 public hearing was held on a
22:04:53 bill that would require duty
22:04:55 disability recipients to take
22:04:56 independent medical exams to
22:04:58 make sure they really are
22:04:58 disabled.
22:05:00 Mitch Henck ... 15 News>> In
22:05:01 April of 1998 we showed you
22:05:02 home video of former state
22:05:03 corrections worker Leon
22:05:05 McQueen...at the time he was
22:05:06 receiving 1800 dollars a month
22:05:08 tax free...after a back injury
22:05:09 forced his retirement ten years
22:05:11 before...A bill that would
22:05:12 force retirees like McQueen to
22:05:13 take medical exams to see if
22:05:15 they really are disabled has
22:05:16 been stopped cold in the
22:05:17 legislature with heavy
22:05:18 opposition from public
22:05:20 employees unions...According to
22:05:21 the state's benefits
22:05:22 formula...McQueen is now
22:05:23 receiving 2-thousand 247
22:05:25 dollars a month tax free...not
22:05:26 to work...because he is
22:05:27 supposed to have a bad
22:05:29 back...Those benefits can never
22:05:30 be taken away...unless McQueen
22:05:42 decides to go back to work.
22:05:43 Terry Morris, Neighbor >>
22:05:44 Cutting and splitting wood is
22:05:46 back breaking...(9:39) It
22:05:47 didn't matter if it was zero or

22:05:48 ten below..he was over there
22:05:50 cutting eight to ten hours a
22:05:50 day.
22:05:52 Mitch Henck ... 15 News>> A
22:05:53 bill by Montello State
22:05:54 Representative Joan Spillner
22:05:56 would require duty disability
22:05:57 recipients like McQueen to take
22:05:59 annual medical exams for five
22:06:00 years and every three years
22:06:01 after that to see if they
22:06:02 should still be receiving
22:06:08 benefits.
22:06:09 Rep. Joan Spillner, R-Montello
22:06:10 >> I don't know what's wrong
22:06:12 with that we want to make sure
22:06:13 that if you are getting the pay
22:06:14 you are disabled.
22:06:16 Marty Beil, State Employees
22:06:17 Union >> Why do we want to
22:06:18 change good public policy just
22:06:20 because of what one or two
22:06:21 people do...any benefit system
22:06:23 you have there will be one or
22:06:24 two people who abuse it.
22:06:25 Joan Spillner>> It is riddled
22:06:27 with fraud and instead of the
22:06:28 unions fighting us every step
22:06:30 of the way..it would be nice if
22:06:31 they said okay there is a
22:06:32 problem how do we fix it.
22:06:33 Mitch Henck ... 15 News>>
22:06:35 Spillner points to a 1996 audit
22:06:36 that showed three quarters of
22:06:38 Wisconsin duty disability
22:06:39 recipients....were less than
22:06:40 twenty percent disabled...and
22:06:42 could work somewhere...but the
22:06:43 audit showed that nearly 94
22:06:45 percent of those disability
22:06:46 recipients reported no outside
22:06:47 income...The projected cost of
22:06:49 providing those lifetime
22:06:50 benefits for nearly 750
22:06:51 retirees and their
22:06:52 families...is 215 million
22:06:54 dollars...And only if duty
22:06:55 disability recipients decide to
22:06:56 go back to work...will they
22:06:57 lose some of their
22:06:59 benefits...and have to pay
22:07:00 taxes...so critics of the
22:07:01 program say why would they work?
22:07:03 Marty Beil>> It I was a police
22:07:04 officer and I had to take a
22:07:06 risk..would you as a citizen
22:07:07 want me to take that risk
22:07:08 wondering if I got injured or

PRELIMINARY

1999-2000

LRB-2920/1

STATE OF WISCONSIN

APPENDIX TO 1999 SENATE BILL 142

REPORT OF JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

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

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 Senate Bill 142 [as amended by Senate 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.

Senate 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 Senate 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.

Senate 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 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.

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 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 Senate Bill 142 [represents good public policy, and the Committee recommends its passage] [does not represent good public policy, and the Committee does not recommend its passage].

3/6/00