

## 2001 ASSEMBLY BILL 631

November 13, 2001 - Introduced by Representatives SYKORA and SHERMAN, cosponsored by Senators BURKE, RISSER and SCHULTZ. Referred to Joint survey committee on Retirement Systems.

1 **AN ACT** *to renumber and amend* 40.02 (48) (c); *to amend* 40.06 (1) (d); and *to*  
2 *create* 40.02 (48) (b) 5., 40.02 (48) (c) 18. and 40.65 (4s) of the statutes; **relating**  
3 **to:** extending duty disability and death benefits provided to protective  
4 occupation participants to county jailers.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, participants under the Wisconsin retirement system (WRS) whose principal duties involve law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are classified as protective occupation participants. Current law specifically classifies police officers, fire fighters, and various other individuals as protective occupation participants. Under the WRS, the normal retirement age of a protective occupation participant is lower than that of other participants and the percentage multiplier used to calculate retirement annuities is higher for protective occupation participants than for other participants. In addition, protective occupation participants are eligible to receive a duty disability benefit that is not available to other WRS participants.

This bill specifically classifies county jailers as protective occupation participants only for the purpose of receiving the duty disability and death benefit available for protective occupation participants and not for the other benefits provided to protective occupation participants.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to the bill.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 40.02 (48) (b) 5. of the statutes is created to read:

2           40.02 **(48)** (b) 5. A “county jailer” is any jailer or employee of a county jail, except  
3 one whose principal duties are those of a telephone operator, clerk, stenographer,  
4 machinist, or mechanic or whose functions do not clearly fall within the scope of  
5 active law enforcement even though such an employee is subject to occasional call,  
6 or is occasionally called upon, to perform duties within the scope of active law  
7 enforcement. County jailer includes any person regularly employed and qualifying  
8 as a county jailer, even if temporarily assigned to other duties.

9           **SECTION 2.** 40.02 (48) (c) of the statutes is renumbered 40.02 (48) (c) (intro.) and  
10 amended to read:

11           40.02 **(48)** (c) (intro.) In s. 40.65, “protective occupation participant” means a  
12 participating employee who is ~~a~~ any of the following:

13           1. A police officer,<sub>2</sub>

14           2. A fire fighter,~~an~~<sub>2</sub>

15           3. An individual determined by a participating employer under par. (a) or (bm)  
16 to be a protective occupation participant,<sub>2</sub>

17           4. A county undersheriff,<sub>2</sub>

18           5. A deputy sheriff,<sub>2</sub>

19           6. A state probation and parole officer,<sub>2</sub>

20           7. A county traffic police officer,<sub>2</sub>

21           8. A conservation warden,<sub>2</sub>

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1           9. A state forest ranger,<sub>2</sub>

2           10. A field conservation employee of the department of natural resources who  
3           is subject to call for forest fire control or warden duty,<sub>2</sub>

4           11. A member of the state traffic patrol,<sub>2</sub>

5           12. A state motor vehicle inspector,~~university.~~

6           13. A University of Wisconsin system System full-time police officer,<sub>2</sub>

7           14. A guard or any other employee whose principal duties are supervision and  
8           discipline of inmates at a state penal institution,<sub>2</sub>

9           15. An excise tax investigator employed by the department of revenue,<sub>2</sub>

10          16. A person employed under s. 61.66 (1),~~or.~~

11          17. A special criminal investigation agent employed by the department of  
12          justice.

13          **SECTION 3.** 40.02 (48) (c) 18. of the statutes is created to read:

14          40.02 **(48)** (c) 18. A county jailer who is not determined by a participating  
15          employer under par. (a) or (am) to be a protective occupation participant.

16          **SECTION 4.** 40.06 (1) (d) of the statutes is amended to read:

17          40.06 **(1)** (d) Each participating employer and, subject to par. (dm), each state  
18          agency shall notify the department in the manner and at the time prescribed by the  
19          department, of the names of all participating employees classified as protective  
20          occupation participants determined in accordance with s. 40.02 (48), including  
21          specifically any participant who is a county jailer described under s. 40.02 (48) (c) 18.,  
22          or classified as teacher participants in accordance with s. 40.02 (55) or other  
23          classification as specified by the department.

24          **SECTION 5.** 40.65 (4s) of the statutes is created to read:

