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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Corrections and the Courts...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Appearances for Information Only

- None.

Registrations For

- Bryon Wirth — Wood County Jail
- Kathleen Hagen — Dodge County Sheriff's Department
- Ramie Leonard — Labor Association of WI, Inc/WCPA
- Mack Christensen
- Steve Flackey — Eau Claire County
- Jim Brace — Dodge County Jail
- Rich Kuchenbecker
- Jim Palmer — WPPA
- Cheryl Kuchenbecker — Walworth County Sheriff's Department
- Joel Harmelink

Registrations Against

- Mark Wadium — Outagamie County
- Mike Serpe — Kenosha County
- David Krahn — Waukesha County

June 1, 2005

EXECUTIVE SESSION HELD

Present: (10) Representatives Bies, Gundrum, Underheim, Owens, Suder, LeMahieu, Pope-Roberts, Wasserman, Seidel, Parisi.

Absent: (0) None.

Moved by Representative Suder, seconded by Representative Bies that **Assembly Bill 225** be recommended for passage.

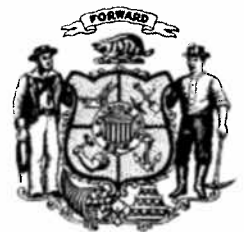
Ayes: (8) Representatives Bies, Gundrum, Underheim, Suder, Pope-Roberts, Wasserman, Seidel and Parisi.

Noes: (2) Representatives Owens and LeMahieu.

PASSAGE RECOMMENDED, Ayes 8, Noes 2



Andrew Nowlan
Committee Clerk





SHEBOYGAN COUNTY SHERIFF

OFFICE OF THE SHERIFF SHEBOYGAN COUNTY

MICHAEL HELMKE
Sheriff

GARY TEN HAKEN
Inspector

May 17, 2005

To: Assembly Committee on Corrections and Courts,
and
Joint Survey Committee on Retirement Systems

Ref: AB225 and SB 114 "Protective Status for County Jailers/Correctional Officers"

Honorable Committee Members,

Please be advised that I as Sheriff fully support legislation that would allow County Jailers and Correctional Officers the ability to participate in the Wisconsin Retirement System under the protocol of other "Protective Status" employee benefits. Unfortunately I can not attend today's hearing to offer my position and reasons for this personally but will make myself available to any of you for future input. I am sure you have heard or will hear of many valid agreements which support protective status classification for these county employees. I can only add that the real dangers of their jobs don't differ from many of the other protective status occupations.

Currently the WRS doesn't recognize county jailers as a defined protective occupation and thereby exclude them from participating even if the employing county agrees to their protective status designation. This has been the case in the past when civilian jailers were allowed protective status by their employer only to be denied participation in the program by WRS. Proposed legislation has to make county jailers/correctional officers a defined occupation eligible to participate in the protective status benefits program. Without this change even if the employers agrees the WRS will deny enrollment into the program.

In addition to this the legislation must include a provision that would either mandate counties to include jailers as protective status employees or allow them to collectively bargain for protective status with their jailers.

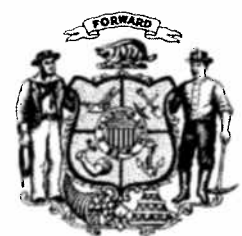
Again, if I can be of any assistance to your committees please don't hesitate to call upon me.

Sincerely,

Michael W. Helmke
Sheriff



WISCONSIN STATE LEGISLATURE



WISCONSIN OFFICE • 8033 Excelsior Drive, Suite A • Madison, Wisconsin 53717-1903 • Telephone 608/836-6666

Wednesday, May 18, 2005

To: Members, Assembly Committee on Corrections and Courts

From: Bob Chybowski, AFSCME Council 40 Executive Director
Susan McMurray, AFSCME Lobbyist

Re: AB 225/SB 114: granting protective occupation status to county corrections officers

This legislation would add county corrections officers (COs) to the *long* list of workers who currently have protective service status under chapter 40.02 (48) of the Wisconsin Statutes. A few examples of the types of occupations that are covered include:

State corrections officers, county sheriffs and deputy sheriffs, state probation and parole officers, county traffic police officers, conservation wardens, state forest rangers, members of the state patrol, UW system police, state motor vehicle inspectors, DOJ special agents, DOR tax investigators.

County COs must deal with inmates who may be armed, inmates who may be on drugs or drunk, inmates who are criminally insane; inmates who may carry infectious diseases. They interact with inmates who have severe mental health and behavioral problems.

Jail work has become more and more like prison work each year. Today's jails are not the old-fashioned small town drunk tanks that we see in movies; they're high-tech facilities dealing with the worst elements of our society at their angriest.

State COs deal with inmates who have been evaluated by a complex corrections process of intake and evaluation. County corrections officers must deal with offenders right off the streets. County COs do not have the same means of controlling offenders as police – they have no guns, batons or bullet proof vests.

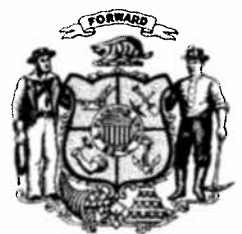
Many of our county jails are overcrowded, which makes them even more dangerous places to work. Overcrowding is one of the reasons why inmates riot and become difficult to manage. County COs literally risk their lives every day to keep county jails safe.

Society has an obligation to those who have the duty to undertake certain risks. We extend protective service status to those who have a higher level of duty to the public. Where most people are expected to pull away from danger, the protective employee must confront it. Without a doubt, county corrections officers fall into this category. Classifying them as protective occupation participants under the WRS is only fair; it's the right thing to do.

Wisconsin's system of protective occupation retirement and duty disability benefits is the *social contract* we must make with public safety workers and their families! We urge you to recommend AB 225 for passage. Thank you for considering AFSCME's views on this important legislation.



WISCONSIN STATE LEGISLATURE



TESTIMONY IN SUPPORT OF LRB-0853 / 1

**by
Martin Drapkin, Education Consultant
Training and Standards Bureau
Wisconsin Department of Justice**

May 18, 2005

As a state employee, I have worked for almost thirty years on jail officer training issues, mostly with the Department of Justice's program for basic training of county correctional officers. During that time, I have had the privilege of working with people from sheriff's departments throughout Wisconsin and have gotten to know the people who work in our jails – administrators, supervisors and line officers. They are a fine group of people, and it has been my honor to work with them and for them.

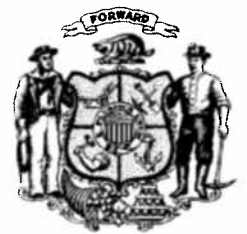
Our key goal has been to try to do all we can to underscore the professionalism of people who work in county jails. That has not always been easy. Everyone agrees that law enforcement work is a professional endeavor, but sometimes it takes convincing to demonstrate that the same is true of jail work. You have the opportunity to do that – to underscore the professionalism of people who work in county jails – by supporting this important bill. Your doing so will show that you recognize that these people are professional people doing a professional job – a difficult and demanding job, and a potentially-dangerous job – just like the other job categories that are currently classified as protective occupation status.

That said, no reasonable person can argue against this bill on the merits. That is, no one can deny that people who work in jails deserve the same protections as other people who are currently classified under state law as being in protective occupation status. The issue instead is a political one – the “unfunded mandate” issue of the state imposing unfunded requirements on municipalities. That is the argument forwarded by advocates for counties when this bill has come up in the past.

I submit to you that the time has come for you to take the position that the merits of placing jail personnel in protective occupant status outweigh the political considerations of unfunded state mandates. It is time for this committee to do the right thing, and to underscore the professionalism of our many Wisconsin citizens who are doing a difficult and potentially-dangerous job.



WISCONSIN STATE LEGISLATURE





**Wisconsin Speaker Pro Tempore
Representative Stephen J. Freese**

**Testimony of Representative Stephen J. Freese
Assembly Bill 225
Assembly Committee on Corrections and the Courts
May 18, 2005**

Good morning Chairman Bies and committee members. Thank you for this opportunity to testify before you on Assembly Bill 225, relating to classifying county jailers as protective occupation participants for the purposes of the Wisconsin retirement system.

This is an important piece of legislation and I am pleased to share this time with the lead senator sponsor, Senator Zien. I will keep my remarks brief because I believe Assembly bill 225 is fairly straight forward and reasonable. And I believe there may be some jailers here today who will tell their personal stories about why this legislation is important. The jailers are the ones who are personally affected everyday by our lack of providing them the same benefits as other law enforcement officers. They are the ones who will tell the real-life stories of being attacked and battered by violent and dangerous inmates.

Fifty-First Assembly District

**Capitol Office: P.O. Box 8952 • Madison, Wisconsin 53708-8952
(608) 266-7502 • Toll-Free: (888) 534-0051 • Fax: (608) 261-9474 • Rep.Freese@legis.state.wi.us
District: 310 E. North • Dodgeville, Wisconsin 53533 • (608) 935-3789**

Under current law, participants in 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. There is little reason why county jailers should not be included. They fit the criteria.

There should be consistency in participation in WRS. Currently a county may chose to have their county jailers classified as protective occupation participants. Iowa, Lafayette and Sauk counties - all within my assembly district - have protective status for their jailers. Lafayette County has had this status since 1986. Richland County, also in my district, does not.

Grant County – which does not provide protective status – borders by assembly district. A number of years ago a tragedy occurred in their county jail when a jailbreak caused great bodily harm to two county jailers. These jailers face dangers no less important than those faced by other law enforcement personnel?

In Lafayette County where protective status is provided, the “revolving door syndrome” has virtually been eliminated. Retention has been enhanced because there is little, if any, difference in the status of jailer/dispatcher and patrol. Counties that have allowed the inclusion of county jailer to the WRS have benefited. I believe this should be the rule for all counties rather than the exception.

Wisconsin is seeing a substantial increase in the manufacturing and use of methamphetamine - a long-lasting, highly addictive drug that causes extreme paranoia and violent behavior in users. I spoke with police chiefs and sheriffs who have to deal with bringing these people into the jails for processing. Their testimonials convinced me that they aren't dealing with the usual, unruly inmate. Meth is on the rise today and the potential for serious harm to a jailer can increase significantly with a meth user.

Traditionally, the position of county jailer was a deputized position (i.e. county jailers were deputy sheriffs). Nonetheless, a small but increasing number of counties have removed the deputy status so as to evade paying certain benefits. The latest statistics I can produce have 31 counties with protective status and 39 counties without it. Milwaukee county has a separate retirement system and Menominee

County does not have a county jail. With incarceration rates now rising, it only creates a greater liability exposure for jailers. Jailer staffs often do not increase, but there are always more inmates coming in. Simply put, the good guys are outnumbered leaving room for trouble.

Finally, there is an increase in the violent nature of today's inmates. More violent in part due to societal changes, and due to the offenses, and there are more repeat offenders than ever before. To often the Legislators forget that dangerous criminals are first housed in a county jail before they are sent to a state facility. If county jailers must maintain and control the same dangerous criminals that state corrections officers are responsible for, then I believe we must offer the same protective status benefits to county jailers as offered to state corrections officers.

Please recognize that county jailers ARE exposed to a high degree of danger or peril and their jobs require a high degree of physical conditioning. This fits the definition for protective occupation participants. They have an important responsibility and duty to protect the public and their fellow co-workers from the harm of dangerous individuals. By having these expectations and demands places upon them, this state has an obligation to those who put

themselves at risk for our betterment. I believe it is time they are included and recognized for the contribution they make to the people of this state. Please help them by passing Assembly Bill 225.

Thank you!



WISCONSIN STATE LEGISLATURE



Roy W. Kluss
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Ph# (920) 459-9003
Email: roykluss@hotmail.com

I'm here in reference to Assembly Bill 225 and Senate Bill 114 – classifying County Correctional Officers as Protective Occupational Participants in the state retirement system.

In past hearings on this same subject, I have talked about the injuries I have received, the inmates we house, and things I believe warrant County Correctional Officers being classified as Protective Occupational Participants. I know from attending past hearings you will hear the same from many others, so this year I decided to talk about: “ What is Protective Occupational Status”?

I could read State Statute 40.02 (48) and tell you all the different participants currently under this Status but instead I would like to tell you why and how this status came into effect and how it relates to County Correctional officers.

The Wisconsin Retirement Fund, which is the predecessor to the Wisconsin Retirement System, stated the rationale for granting special benefits for specific Occupational Groups is as follows:

The public interest requires that employees whose duties relate directly to public safety should possess the necessary mental and physical skills to cope with any type of emergency situation. Failure to maintain standards in this regard is to subject the public, as well as other employees, to unwarranted danger. Unfortunately little is known as to nature of the aging process, nor is it possible to predict or even measure accurately, the point at which an employee ceases to be an asset and becomes a liability. In the absence of completely objective standards for performance in such critical areas, most newer retirement systems have evolved a benefit program under which the normal retirement age for any occupational group is the age at which the efficiency of the average member of the group has deteriorated to such a point that the public interest is jeopardized.

Under State Statute it states any participant whose duties 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.

So how does this relate to County Correctional Officers? In my normal 8 hour shift I expected to be a first responder, firefighter, police officer, nurse, counselor and the list goes on. In my job description it states the following: Search for contraband and any unauthorized or dangerous materials, detect activities which are illegal or are violations of inmate rules, transport inmates to activities to insure that they do not escape nor violate any laws, employ enough force as is necessary to quell disturbances and maintain discipline. I also had to pass a Physical examination, drug screening and background investigation prior to being hired. This in itself would be enough for us to be covered under protective Status

I have heard many say we should bargain for this. None of the others currently in this category were required to and per the Wisconsin Employment Relations Commission; Protective Status as currently defined is a prohibited subject of bargaining. Which leaves us with the county boards, they all seem to want to talk about protective status when a bill is in Madison, they all want you to believe they will work on it themselves without you mandating it. The truth is once the bill is dead they forget all about us.

Is there a cost to this? Yes, but there is always a cost with public safety and security. We are obligated to protect the public from the people sentenced to our Jail. Which now includes 20-30 state inmates who are here for Murder to Sexual Assault. This does not include 7 state inmates we now have as a part of a reintegration program. There always seems to be extra money for Guns, Tazers, bulletproof vests but never enough for us. Aren't we part of the same team?

Before making a judgment, please keep this in mind: how would you feel if your husband or wife came home and told you that they were just spit in the face by a person infected with HIV, or you were just bitten by a person with AIDS or maybe that your husband was attacked during an attempted Jail and would be off work for the next few months. Speaking from 18 years experience I have been punched, kicked, spit on, exposed to HIV and Hepatitis and during an escape attempt clubbed over the head. I have worked as a state Correctional officer and as a Probation Officer both these groups are covered under Protective status and are no more dangerous than my current job as a county Correctional officer. Ask your self if you were in your late fifties or sixties could you restrain a drunken inmate, an inmate high on drugs or maybe a mentally ill inmate that should be hospitalized. I would guess most of you could not.

In closing, in my current job description as a County 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 to you is who is looking out for us, your county correctional officer? I find it funny that you assume that a criminal is only dangerous at the time of arrest, trial, state incarceration and initial release into the community and not when they are incarcerated in our county jails. We face a high degree of danger, guarding and supervising the same inmates that Police and Probation agents bring into our jail daily; the same inmates that State Correctional officers guard start out in our jails and now are being housed here due to prison over crowding. We deserve to be covered under same Protective Occupational Provisions of the state retirement system that our colleagues listed above are. After all aren't we a part of the same team sworn to protect and serve?

Summary: Alphabetic Inmate Listing
Set.....: DETENTION CENTER - RECEPTION
User....: SOHEINEMAN

JALB004R

Page 5
5/16/05
7:57:42

Cell	Inmate Name
MH-D-06	WIDUCKI, WILLIAM J. 09/01/1974
M-L-2B	WIELD, ERIN D. 05/17/1983
M-P-5A	WILBURN, ANDRON A. 12/23/1979
M-S-4A	WILLIAMS, TRAVIS S. 02/18/1981
FH-19-C	WINDER, SARAH L. 01/27/1978
MH-C-5B	WINKEL, THOMAS J. III 07/28/1971
MH-C-1C	WISE, CHRISTOPHER W. 03/14/1985
MH-D-02A	WITZEL, CLARENCE JR 05/14/1983
MH-D-05A	WORTMAN, MICHEL L.
F-17-A1	WRIGHT, MICHELLE C. 11/20/1975
M-O-3A	YBANEZ, FRANCISCO R. 02/25/1974
MH-B-2B	YBANEZ, JAIME JR 02/05/1981
M-S-1A	YENG, THAO 08/10/1973
M-P-1B	ZEPEDA, ANTONIO 05/21/1982
MH-E-6A	ZUNIGA, MARTIN S. III 03/07/1987
MH-A-2B	ZUNIGA, MICHAEL A. 03/21/1967

TOTAL INMATES PRINTED: 292

For Official Use

STATE OF WISCONSIN, CIRCUIT COURT, SHEBOYGAN COUNTY

State of Wisconsin

Bail/Bond
 Amended

WILLIE vs. E. SUMMERS, JR.

Case No. 04CT1217

7-16-82
Date of Birth

Citation No. _____

A. Monetary Conditions of Release

- CASH BAIL: Cash bail of \$ _____ shall be deposited. Date deposited _____
Any fines, forfeitures or costs imposed against the defendant shall be paid out of the cash bail without further notice.
- SIGNATURE BOND: Defendant and/or Surety guarantees compliance with the terms of this bond by pledging \$ 1000.00 and understands that if the defendant does not comply with the terms of this bond, the bond will be forfeited and the defendant and/or surety may be ordered to pay the amount of the bond.
- PROPERTY BOND: Defendant and/or Surety guarantees compliance with the terms of this bond by pledging \$ _____ in personal or real property (description attached) and understands that if the defendant does not comply with the terms of this bond, the bond will be forfeited and the defendant and/or surety may be required to surrender the property.

Surety name(s): _____

B. Additional Conditions of Release

- Defendant shall appear on all court dates.
- Defendant shall give written notice to the Clerk of this Court within 48 hours of any change of address or telephone number.
- Defendant shall not commit any crime.
- Defendant shall neither directly nor indirectly threaten, harass, intimidate or otherwise interfere with victims or witnesses in this action.
- Other: _____
 See Attached.

The sheriff shall detain the defendant in custody until the defendant has signed the bond, complied with the monetary conditions of release, or is otherwise discharged.

I have received a copy of this bail/bond and I agree to its terms. I understand that my next court date is: 5/13/05

Circuit Court Location <u>B1#4</u>	Date	Time
Defendant's Signature <u>Willie E. Summers</u>	Date <u>5/13/05</u>	Defendant's Address <u>M.waukee, WI. 53210</u>
Surety's Signature	Date	Surety's Address <u>4325 N. Sherman Blvd</u>
		Telephone Number <u>(414) 393-301</u> <u>(414) 839-4487</u>

I have furnished the defendant with a copy of this document.

[Signature]
Signature
L.O.
Title
5-13-05
Date





May 18, 2005

TO: Representative Garey Bies
Members of the Assembly Committee on Corrections and the Courts

FR: Dave Krahn
Legislative Policy Advisor

Re: **AB 225 – Classifying County Jailers as Protective Occupation Participants per the WRS**

AB 225 amounts to an unfunded mandate for counties whose jailers are correctional officers, not sworn deputies. This kind of legislation flies in the face of the ongoing efforts to “freeze” property taxes, for it is the county property taxpayer who will foot the bill for this decree.

The issue of whether or not to provide the classification of “protective occupation participant” to county jailers is one that should be decided at the bargaining table in light of all fiscal issues at the time of contract negotiations. This is not a matter to be decided by legislation that in effect circumvents Waukesha County’s ability to determine in consultation with our correctional officer’s union representatives what is the most cost-effective way to achieve the stated goal of AB 225, without placing an undue burden on our property taxpayers.

AB 225 would cost Waukesha County property taxpayers in excess of \$400,000 a year.

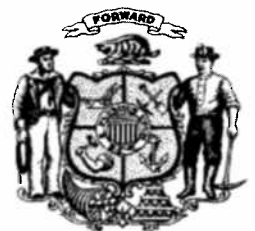
We have been and continue to be willing to discuss this issue at the bargaining table, where it belongs.

Please do not unilaterally thwart our ability to provide efficient, prudently priced government services for our taxpayers.

Thank you for your consideration.



WISCONSIN STATE LEGISLATURE



The Labor Association of Wisconsin, Inc.

Serving Public Employees Throughout Wisconsin



To: Members of the Assembly Committee on Corrections and Courts
From: The Labor Association of Wisconsin, Inc. (LAW, Inc.)
Date: Wednesday, May 18, 2005
Re: Support 2005 Assembly Bill 225

The Labor Association of Wisconsin, Inc. (LAW, Inc.) would like to thank the committee for holding a public hearing on Assembly Bill 225 and urge committee members to support this bill, which would define county jailers as protective occupation participants under the Wisconsin Retirement System.

Wisconsin county jails face continual challenges. Traditionally, county jails were constructed to house lesser offenders for a short period of time. Unfortunately, a higher number of offenders and lengthy judicial processes have turned county jails into a mini prison system. County jails are now serving a larger, more diverse, more dangerous population for longer periods of time.

Statutorily, protective occupations status has been reserved for public employees participating in jobs that have inherent risk such as, law enforcement officers, fire fighters, and state corrections officers. Historically, the position of a county jailer was a deputized position, meaning a county jailer was classified as a deputy sheriff. Under the title of deputy sheriff a county jailer would be given protective occupation status. Because protective occupation status is NOT a mandatory subject of collective bargaining an increasing number of counties have removed the deputy status of county jailers in an effort to decrease labor costs through decreased retirement benefits.

Law enforcement officers that charge and arrest dangerous persons for criminal acts are given protective status. Law enforcement officers serving as security during criminal trials are given protective status. State correctional officers who transport convicted criminals from a county jail to a state prison are given protective status. Law enforcement officers serving as guards in the Wisconsin prison system are given protective status. Probation and parole officers who deal with convicted criminals released into a community are given protective status. Yet, county jailers who interact with the same criminals and perform many of the same duties are denied the acknowledgment that their job is inherently dangerous.

It is puzzling to our organization that Wisconsin assumes a criminal is dangerous at the time of arrest, trial, transport to a state prison, and during their

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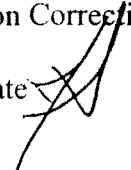
initial release, but not when a criminal is incarcerated in a county jail. County jailers guard the same criminals from pre-trial to transport; yet they are denied protective occupation status.

County jailers perform a necessary law enforcement duty that involves day-to-day inherent risks to their lives. On behalf of the Labor Association of Wisconsin, Inc., we urge the committee to support AB 225.



MEMORANDUM

TO: Honorable Members of the Committee on Correction and the Courts

FROM: Jayme Sellen, WCA Legislative Associate 

DATE: May 18, 2005

RE: Opposition to Senate Bill 114 and Assembly Bill 225

The Wisconsin Counties Association (WCA) strongly opposes Senate Bill 114 (SB 114) and Assembly Bill 225 (AB 225). SB 114 and AB 225 will automatically designate county jailers as "protective status" employees within the Wisconsin Retirement System. This enhanced status results in higher contribution rates for the employer.

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.

The Wisconsin Counties Association recently sent out a web-based survey to all 72 counties regarding county jailers. Of the 43 counties that responded to the survey, 28 counties do not classify jailers as a protective occupation in WRS. In order for these 28 counties to give county jailers the benefits of a protective status employee in WRS, it will cost over \$2.8 million annually.

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 frequent exposure to a high degree of danger and also requires 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.

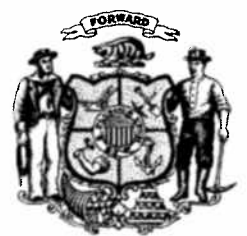
Thank you for considering our comments.

In 2005, WCA conducted a survey asking counties for their estimated cost under SB 114 and AB 225 would be for their county in 2006. The following counties responded:

ADAMS	\$ 26,000
ASHLAND	\$ 52,213
BARRON	\$ 76,681
CALUMET	\$ 25,000
COLUMBIA	\$150,000
DODGE	\$150,000
Eau Claire	\$150,000
FLORENCE	\$ 11,825
FOND DU LAC	\$110,000
JACKSON	\$ 25,000
KENOSHA	\$230,000
LA CROSSE	\$209,900
MANITOWOC	\$ 68,000
MARATHON	\$250,000
MARINETTE	\$ 51,886
OCONTO	\$ 44,334
ONEIDA	\$ 48,000
OUTAGAMIE	\$250,000
RACINE	\$144,000
RICHLAND	\$ 14,196
SHEBOYGAN	\$181,000
WASHINGTON	\$184,000
WAUKESHA	\$405,839
WAUPACA	\$ 11,924
TOTAL	\$2,869,798



WISCONSIN STATE LEGISLATURE





COUNTY OF KENOSHA

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

To: The Assembly Committee on Correction and the Courts

From: Michael J. Serpe, Assistant to the County Executive

Re: Kenosha County Position regarding AB 225

Date: Monday, May 18, 2005

Kenosha County is strongly opposed to and AB 225 that mandate the classification of jailers as protective occupation participants. This legislation represents an attempt by 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. Counties have estimated that this mandate would increase county costs in excess of 2.7 million dollars annually, costs borne exclusively by the property tax payer.

Kenosha County joins the Wisconsin Counties Association in the belief that counties should have the option to grant county jailers protective status within the WRS in cases in which the employee's duties involve a high degree of danger or require a high level of physical conditioning. We realize that in some counties this may be an appropriate option. However, we believe 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 "we know what's best for you" fashion.

We view unfavorably the attempt to gain through legislation what could not be reached through collective bargaining:

In the Matter of the Arbitration of a Dispute Between
THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION/LAW ENFORCEMENT EMPLOYEE
RELATIONS DIVISION

and

LA CROSSE COUNTY (SHERIFF'S DEPARTMENT)

Case 110 No. 41498 MIA-1375 Decision No. 26493-A

Madison, Wisconsin Richard B. Bilder

December 27, 1990

The Association, on its part, contended that the duties of Jail Officers do involve a high degree of danger or peril. However, it presented little specific evidence specifically bearing on this point, or establishing that the Jailers responsibilities in this respect were comparable in danger or peril to those of Deputies. The Arbitrator has no doubt that the position of Jail Officer involves significant responsibilities and risks. Moreover, it is apparently the case that Jailers may, under certain circumstances or in-particular counties or other jurisdictions, be given duties that involve active law enforcement or "frequent exposure to a high degree of danger or peril."

However, in the Arbitrator's opinion, the evidence before him fails to establish that the Jail Officers in this bargaining unit, as compared with the Deputies, are routinely either involved in active law enforcement or that their duties routinely involve "frequent exposure to a high degree of danger or peril;" at least to an extent that presents a persuasive case for an obvious and inherent inequity in treating Jailers differently from Deputies with respect to their classification as protective service employees for retirement purposes. As the County points out, Arbitrators in interest arbitrations have generally been reluctant to impose through arbitral decision substantial changes in contract language, preferring that any significant changes or new benefits be settled by the parties' own bargaining. The fact that most of the comparable counties do not consider Jailers as entitled to protective service status for retirement purposes buttresses the Arbitrator's conclusion that the Association has failed to present a compelling case for the Arbitrator here to mandate such a change regarding the La Crosse County Jailers, in the absence of a negotiated agreement between the parties in this respect. Thus, in the Arbitrator's opinion, viewed in terms of a comparison of the Jailers responsibilities with those of Deputies, the evidence for the County's position with respect to the Jailers retirement proposal is also more persuasive than that of the Association.

This decision was upheld in:

In the Matter of the Petition of

LaCROSSE COUNTY

Requesting a Declaratory Ruling

Pursuant to Sec. 111.70(4)(b),

Wis. Stats., Involving a Dispute

Between Said Petitioner and

WISCONSIN PROFESSIONAL POLICE

ASSOCIATION/LAW ENFORCEMENT

EMPLOYEE RELATIONS DIVISION

Case 146

No. 52775 DR(M)-563

Decision No. 28773

Dated at Madison, Wisconsin this 26th day of June, 1996.

To implement WPPA's proposal, the County would be obligated to classify its jailers as protective occupation participants under Sec. 40.02(48)(a), Stats., and to certify the names of the participants to ETF pursuant to Sec. 40.06(1)(d), Stats. Sec. 40.02(48)(a), Stats., defines "protective occupation participant" to mean "any participant whose principal duties are determined by the participating employer. . .to involve active law enforcement. . .provided the duties require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning." Section 40.06(1)(e), Stats., allows an employe to appeal an employer's failure or refusal to classify the employe as a protective occupation participant to ETF and ETFB. Further, as provided in Sec. 40.06(1)(em), Stats., ETF may review the employer's determination on its own initiative and appeal the determination to ETFB.

The foregoing statutory provisions establish that although the County is obligated to make an initial determination as to whether its jailers qualify as protective occupation participants, the County lacks the power to make a final determination that its jailers do or do not qualify as such participants. Ultimately, the Legislature has given that task to ETF and ETFB.

The above-noted statutes also satisfy us that the Legislature has created a structure which entitles employes who meet the protective occupation participant definition to certain benefits and provides a mechanism by which disputes over this entitlement are to be resolved. Particularly in light of the expression of legislative interest in the integrity of the Public Employe Trust Fund which is contained in Sec. 40.01(2), Stats., 1/ we are persuaded that the statutory process set forth in Chapter 40 is the exclusive means by which protective occupation participant issues are to be

resolved. If these issues were subject to the collective bargaining process, it is obvious that employees who do not meet the statutory standards could acquire the legislatively established benefits and also that employees who do meet the standards in question could lose those benefits. We do not think that potential is within the range of options and alternatives contemplated by the Legislature when it created the Public Employee Trust Fund. Given all of the foregoing, we do not believe the collective bargaining process can be reconciled with the processes and rights created by Chapter 40, and we therefore conclude that the WPPA proposal is a prohibited subject of bargaining.

If adopted, this legislation would result in a substantial increase in property taxes in Kenosha County. In the first year of this proposed legislation, the Kenosha County tax levy would increase \$150,000. In the long run this legislation could result in over \$600,000 annually of increased property taxes.

In the 2005 County budget, total wages for all correctional officers in the Jail, and direct supervision officers in the Correctional Facility is \$5.6 million. In 2005, the protective retirement rate is 2.7% higher than the general rate (10.2% vs. 12.9%). If the protective rate were used for these jail staff, it would increase retirement costs for the County by \$150,000 annually. If supervisory, booking clerks, custodial staff, and administrative staff come under the protective rate, retirement costs would increase an additional \$80,000 annually, bringing the resulting property tax increase to \$230,000.

Kenosha pays post-retirement health insurance benefits to protective employees (commonly known as "other post retirement benefits" or OPEB). Presently, there are 31 retired protective employees on County paid health insurance. Over time, this legislation could cause that to double. As a result, over 60 County protective employees would receive post retirement health insurance benefits with the resulting property tax increase exceeding \$500,000 annually.

As this legislation 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 legislation. In Kenosha, this would clearly apply to staff in the position of corrections officers and direct supervision officers. It is unclear as to whether the legislation would apply to other staff, such as

detention systems supervisors, detentions corporals, and detentions sergeants. This legislation could also have the affect of indirectly causing other corrections staff to receive protective retirement.

This legislation appears to provide protective benefits prospectively. However, if this legislation provides retrospective benefits, it would increase Kenosha County's unfunded actuarial pension liability.

This legislation appears to exclude duty disability from the protective retirement rate. However, if duty disability were included, the estimates reflected in this analysis would increase by a factor of three.

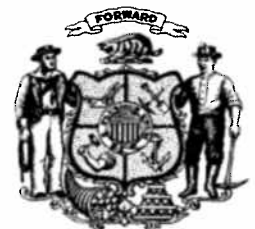
If this proposed legislation becomes law, Kenosha County requests that language be added that would exempt the resulting levy increases from the State mill rate cap. An exemption should be added that would permit Counties to levy the resulting tax increase without being penalized under any levy cap or cost control imposed by the State.

The legislation is unclear as to whether protective retirement for non-sworn jail staff would become a mandatory item of collective bargaining. Kenosha County is opposed to this benefit becoming a mandatory item of collective bargaining.

Thank you for the opportunity to express our concerns regarding this legislation.



WISCONSIN STATE LEGISLATURE



05/18/05

WE THE UNDERSIGNED CORRECTIONAL OFFICERS & DIRECT
SUPERVISION OFFICERS OF KENOSHA COUNTY BACK AN
SUPPORT BILL 225 REGARDING PROTECTIVE STATUS FOR
COUNTY JAILERS:

C/O #1252 Keith Tatten

C/O #1300 Theresa Mierke

Correctional Officer Denise Bell

C.O. Scott Eggers 1327

C/O 1274 James L. Post

Glaschauer #1315

C.O. John Giannini 1344

C.O. Rhonda Moore 1306

C.O. Rob Fallamolla #1204

C/O Angela M. Overly 1272

James Kuehn #1225

C/O Kirsten Ruzicki #1273

C/O Pat Anderson #1268

C/O Dennis Remus #1330

C/O Michele Memon #1219

C/O Tim Wasik #1333

C/O 1297 Walter J. Hoziel

C/O 1345 Bob Cox

C/O Scott Dull #1317

Gianette Dahl 362

C/O #1352

05/18/05

WE THE UNDERSIGNED CORRECTIONAL OFFICERS & DIRECT
SUPERVISION OFFICERS OF KENOSHA COUNTY BACK AN
SUPPORT BILL 225 REGARDING PROTECTIVE STATUS FOR
COUNTY JAILERS:

Cyrtal D. [unclear] #1413

M. [unclear] #1500

R. [unclear] #1462

[unclear] #1457

@ #1499 (A. Molinaro)

D. Pflieger #1531

T. [unclear] #1545

A. Gonzalez #1412

J. Schroeder #1517

M. Koverch #1508

J. [unclear] #1439

M. [unclear] #1519

M. [unclear] #1414

J. Ellis #1453

J. [unclear] #1471

[unclear] #1422

[unclear]

DAVE Virgili #1482

P. VAN Deyn #1493

J. Smith #1538

S. Buch #1548

[unclear] #1503

O. Dampier #1531
DAMPIER JR

R. Hawley #1534

R. Check #1535

E. [unclear] #1520

K. DeOcampo #1490

T. Smith #1505

J. Hawley #1554

S. [unclear] #1520

S. [unclear] #1424

J. [unclear] #1451

E. [unclear] #1455

G. [unclear] #1452

Pete Hansen #1421
S. [unclear] #1552

A. [unclear] #1518

L. Brown #1515

J. [unclear] #1499

J. [unclear] #1501

J. [unclear] #1522

L. [unclear] #1532

P. [unclear] #1540

Cpl. Dan [unclear]

05/18/05

WE THE UNDERSIGNED CORRECTIONAL OFFICERS & DIRECT
SUPERVISION OFFICERS OF KENOSHA COUNTY BACK AN
SUPPORT BILL 225 REGARDING PROTECTIVE STATUS FOR
COUNTY JAILERS:

Correctional officer Mary McCarthy 1261

C.O. Phil White #1318

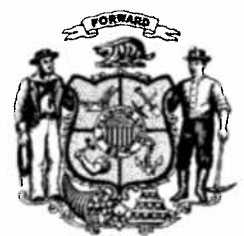
C/O Brett Boy #1343

C/O Kristina Tolson 1352

C/O Janelle Lepore 1308



WISCONSIN STATE LEGISLATURE



WISCONSIN COUNTY POLICE ASSOCIATION

President

Walworth County
Robert Wierenga
N5532 Johnson Rd.
Delavan, WI 53115

Vice President

Kewaunee County
Chris Gulbrand
E592 Canyon Creek Ln.
Luxemburg, WI 54217



Secretary

Jefferson County
Teri Wegner
1429 Lakeview Dr.
Fort Atkinson, WI 53538

Treasurer

Outagamie County
Donna Schevers
2107 E. Main St.
Kaukauna, WI 54130

To: Members of the Assembly Committee on Corrections and Courts

From: Robert Wierenga

Date: Wednesday, May 18, 2005

Re: Support 2005 Assembly Bill 225

On behalf of the Wisconsin County Police Association I would like to thank the committee for holding a public hearing on Assembly Bill 225 and urge the committee members to support this bill, which would define county jailers as protective occupation participants under the Wisconsin Retirement System.

Wisconsin county jails face continual challenges. Traditionally, county jails were constructed to house lesser offenders for a short period of time. Unfortunately, a higher number of offenders and lengthy judicial processes have turned county jails into a mini prison system. County jails are now serving a larger, more diverse, more dangerous population for longer periods of time.

Statutorily, protective occupations status has been reserved for public employees participating in jobs that have inherent risk such as law enforcement officers, fire fighters, and state corrections officers. Historically, the position of a county jailer was a deputized position, meaning a county jailer was classified as a deputy sheriff. Under the title of deputy sheriff, a county jailer would be given protective occupation status. Because protective occupation status is NOT a mandatory subject of collective bargaining, an increasing number of counties have removed the deputy status of county jailers in an effort to decrease labor costs through decreased retirement benefits.

Law enforcement officers that charge and arrest dangerous persons for criminal acts are given protective status. Law enforcement officers serving as security during criminal trials are given protective status. State correctional officers who transport convicted criminals from a county jail to a state prison are given protective status. Law enforcement officers serving as guards in the

Wisconsin prison system are given protective status. Probation and parole officers who deal with convicted criminals released into a community are given protective status. Yet, county jailers who interact with the same criminals and perform many of the same duties are denied the acknowledgment that their job is inherently dangerous.

It is puzzling to our organization that Wisconsin assumes a criminal is dangerous at the time of arrest, trial, transport to a state prison, and during their initial release, but not when a criminal is incarcerated in a county jail. County jailers guard the same criminals from pre-trial to transport; yet they are denied protective occupation status. This past March, an officer was assaulted by an inmate in the Rock County Jail. The injured officer was fixing a plumbing problem in a cell, which was left open so that inmates sleeping on the floor, due to overcrowding, could use the bathroom (the capacity of the jail is 477 inmates, but the jail averages about 577 each day). Incidents such as this clearly highlight the unsafe environments that county jailers work in day in and day out.

County jailers perform a necessary law enforcement duty that involves day-to-day inherent risks to their lives. On behalf of the Wisconsin County Police Association, I urge the committee to support AB 225.

The Wisconsin County Police Association is committed to representing the best interests of county law enforcement across this great state. In this endeavor the Wisconsin County Police Association wishes to recognize and endorse those individuals who promote the best interests of county law enforcement. The Wisconsin County Police Association remains Wisconsin's only statewide organization to exclusively represent the interest of county law enforcement officers.

The Wisconsin County Police Association has maintained a membership of approximately 1,200 full-time members representing nearly every county in the state. We continue to be an important and effective representative of county law enforcement and its officers.



5/18/05
Z

**TESTIMONY FOR AB 225 – JAILER BILL
ASSEMBLY CORRECTIONS AND COURTS COMMITTEE
REP. BIES, CHAIRMAN
9:30 A.M., 400 NE**

Thank you for holding a hearing on AB 225. I am the Senate sponsor of AB 225, and the author of the Senate companion bill, SB 114.

Giving county jailers protective status is long overdue. County jailers oversee the same population that later resides in Wisconsin prisons.

State correctional staff and state probation and parole officers are protected, while jailers are not. Further, sheriff's deputies, traffic officers, state forest rangers and even conservation wardens already have protective status. County jailers are exposed to at least as much danger as these positions, and in some cases, more.

Because the prisoners have already been through the county system, the prison staff know and understand the inmate they are receiving, based on the county jailer's initial assessment and inmate incarceration history. Jailers are not afforded the same opportunity, and must learn about each new inmate as he/she enters their system – the first step in the incarceration process.

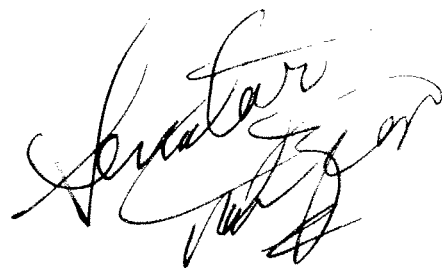
Beyond the potential dangers of inmates attacking or escaping, they are also increasingly faced with dangerous medical conditions that are now prevalent in jails across the country. Tuberculosis, HIV and Hepatitis are becoming more common, putting jailers who deal with the inmates on a daily basis at risk for contracting one of these potentially deadly diseases.

Some county government officials are now supporting classifying county jailers into the WRS. They have found that from an economic standpoint, it makes sense to try to retain the jailers they have, rather than continually training new ones. In Eau Claire County alone, it is estimated to cost over \$12,000 to merely initiate a new employee.

There is also a grave toll on the jailers who stay. They are forced to work extensive overtime to cover for others who leave and while new ones are trained. And, they are put in even more danger by continually working with rookies who are inexperienced in dealing with some of the situations that arise in this sometimes volatile climate.

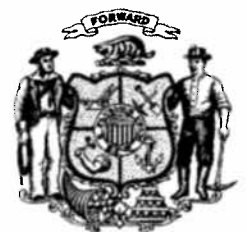
County jailers deserve the same protection and benefits as others who deal with dangerous criminals each day.

Thank you again for holding a hearing on this very important issue.

A handwritten signature in black ink, appearing to read "Senator" followed by a name that is partially obscured and difficult to decipher. The signature is written in a cursive style.



WISCONSIN STATE LEGISLATURE



Nowlan, Andrew

From: Dana Bailey [neverhome52@yahoo.com]

Sent: Monday, January 02, 2006 9:04 PM

To: Rep.Bies

Subject: Thank Youfrom a Jailer

Dear Mr Bies,

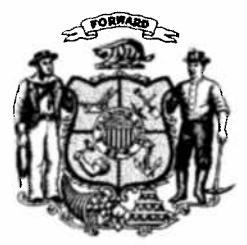
I would personally like to Thank You for your supporting the bill for Protective Status for Jailers. I am a jailer in Forest County and I appreciate your efforts on my behalf and the behalf of my coworkers. We have been trying to get this for a long time and we are really appreciative that there are people in your position that see that we also deserve the same benefit as the others who receive this same benefit. Again, Thank You and may you have a Happy New Year.

Cpl. Dana Bailey
Forest County Jail, Wisconsin

Yahoo! Photos
Ring in the New Year with Photo Calendars. Add photos, events, holidays, whatever.



WISCONSIN STATE LEGISLATURE



no date

Assembly bill 225

As Correctional Officers we are responsible for overseeing individuals who have been arrested and are awaiting trial or have been convicted of a crime and sentenced to serve time in a jail or correctional facility.

Correctional officers in our county jail system admit and process more than a thousand people a year. When individuals are arrested, we do not know their true identity or criminal record. Violent detainees may be among us at any given time. **This is the most dangerous phase of the incarceration period for correctional officers and jailers.**

A majority of County's in the state of Wisconsin, rent out bed space to other agency's, Kenosha County alone currently house's, U.S. Federal Marshal and BICE (Bureau of Immigration and Customs Enforcement) detainees. A vast majority of detainees have a violent past history and are currently facing charges that could put them away for life. Constantly, we are reminded by the incarcerated, with the ill-famous saying: **(Do you know who I am, M. F.? You don't know what I have done and who you dealing with. Beating up some punk ass correctional officer isn't shit to me.)** Every year, a number of correctional officers are injured in confrontations with inmates on and off the job. As Correctional Officers and Jailers, we are also subject to retaliation. There has been numerous accounts reported of released inmates who retaliate against officers over incidents that occurred when the inmate was incarcerated. **We are subject to great bodily harm just as much as a Police Officer and Probation and Parole agent, only on a 24 / 7 basis.**

We work unarmed, equipped only with a communications device so that we can summon help if necessary. We work alone or sometimes with another officer, guarding the 50 to 100 inmates in direct supervision open dormitory type settings and cellblocks. We enforce rules and keep the peace. Our best line of defense is primarily through the use of interpersonal communication skills.

Working in a correctional / jail institution can be very stressful. **We are always understaffed.** The turnover rate just in our faculty alone within the past 7 years averaged 1 officer for every 35 days. We work 8- hour days on a 6-day a week scheduled with rotating shifts. Security must be provided around the clock, which means our officers also work weekends and holidays. In addition, officers are required to work overtime putting in an average of 12 to 16 hour days.

Note: As you can see there would be more officers here. But somebody's got to do the job. Even if a small percent of us came, the Sheriff would have to declare a state of emergency.

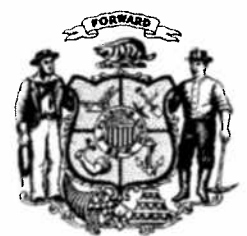
Civil service systems or merit boards cover officers employed by the Federal Government and most State Governments. This retirement coverage entitles Police, P&P and all other Enforcement Officers to retire at age 52 or 53 after 20 years of service or any age with 25 years of service. **As Correctional / Jailer Officers, we to should be included into the same class of Protective Status as all other Professional Law Enforcement Personal.**

Note: And when the county argues its not cost effective, I' am a taxpayer and this is coming out of my check to. And when the County states its use as a bargaining tool. Since when do you bargain with people's lives.

Respectfully submitted
DSO R. JULIUS



WISCONSIN STATE LEGISLATURE



AB 225

Protective Service Classification for County Jailers

County jailers deserve the same benefits as other protective service officers as they perform the same functions as other protective services officers.

FE → Increase required payments to the WRS by ~\$2.3 annually.

Parisi - A specific funding option?

Maybe an amendment from Parisi?

> Some counties already offer this status. (Verify)
↑ protective occupation participants^{type}

"We never met a tax we didn't like"

5-18-05 Bob Chybowsky - AFSCME Council 40

Counties believe this should remain a decision of individual counties. However cannot be bargained.

> unfunded mandate

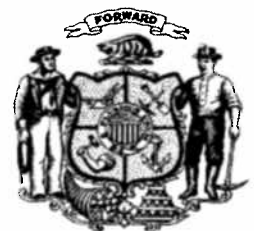
> disadvantage to those county jailers that negotiated away salary to get pop status.

> Should older individuals be working as correctional officers? Without POP status these individuals are being required to prolong their careers. ← 65 year olds number units of dangerous indiv.

- > Continually stress the danger the correctional officers face without the status of protective service. It is an inequity. This was a very loud presentation!
- > Under the ETF/WRS definitions, do county jailers meet the standards for protection occupation? → yes.



WISCONSIN STATE LEGISLATURE



Owens

Voting no - too many left out.

LeMah

↳ No - should be negotiated item.

↳ Cost. Funding for the bill lacking.

Suder Req. a listing of those
that have protective service.