

2007 DRAFTING REQUEST

Assembly Amendment (AA-AB354)

Received: **06/08/2007**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Kathie**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - retirement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Corrections employees and POP status

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rchampag 06/08/2007	jdye 06/08/2007	pgreensl 06/08/2007	_____	mbarman 06/08/2007	mbarman 06/08/2007	

FE Sent For:

<END>

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FE Sent For:

<END>

Champagne, Rick

From: Musser, Terry
Sent: Tuesday, June 05, 2007 10:56 AM
To: Champagne, Rick
Subject: Draft Request - simple amendment to AB 354
Attachments: AB 354 - Corrections - Protectives - psychologists; RE: PROTECTIVES DRAFT FROM MUSSER

Hi, Rick..... Terry would like to have a simple assembly amendment drafted to his Assembly Bill 354, relating to Corrections employees.

This will add psychologists (5 employees) and clerical workers in probation and parole Offices (called Community Corrections offices).

Attached are the requests we received

Please let us know if we can assist....

Thanks,

Kathie @ Rep Musser's Office

Champagne, Rick

From: Anderson, Debra L - DOC [DebraL.Anderson@Wisconsin.gov]
Sent: Thursday, May 24, 2007 1:13 PM
To: Rep.Musser; Rep.Boyle; Rep.Albers; Rep.Berceau; Rep.Kaufert; Rep.Hintz; Rep.Gunderson;
Rep.Jorgensen; Rep.Garthwaite; Rep.Mason; Rep.Parisi; Rep.Hines; Rep.Bies
Cc: Rep.lassa@legis.wisconsin.gov; Rep.Roessler@legis.wisconsin.gov;
Rep.Hansen@legis.wisconsin.gov; Rep.schultz@legis.wisconsin.gov;
rep.Erpenbach@legis.wisconsin.gov
Subject: AB 354 - Corrections - Protectives - psychologists

Would AB354 include psychologists who regularly have to GO TO institutions but are not in them as a primary worksite? I do not read it that way. (Reading the bolded items below will give you a quick overview of my request to you today.)

There is a small group of 5 full-time DOC-employed psychologists who are part of a special purpose evaluation unit. Our job is evaluating offenders for possible commitment under Ch. 980 (the Sexually Violent Persons law), and testifying in court commitment proceedings about our opinions. If we do not think the offender should be committed to Sand Ridge, then they never are, but if we think they should be, 90+% of the time they get committed. Even though we are not the final arbiters of the decision, for the offenders, we are the first identifiable people in line in terms of making the decision that they get committed and they correctly perceive us as instrumental. As a result, offenders and their loved ones are often very angry at us.

Though our offices are in the community, we are regularly at risk not only when we go to institutions (prisons) to interview offenders, but in court proceedings (where the respondent may be under control, but not necessarily his friends or family who are often there and among whom we pass unprotected), AND, perhaps worst of all, from offenders who were committed and who may want to vengefully seek us out after they are released from Sand Ridge. These offenders are by definition highly dangerous, all sexual offenders, and some have homicidal and/or sadistic histories. The longer we work in the unit, the more people we have had a hand in committing, and the more at risk we are as they are being released over time from Sand Ridge. For example, I personally have played a significant role in the commitment of more than 30 such offenders, at least four of which have known histories of homicide or diagnosed Sexual Sadism. I have gotten three death threats in the 12 years I have been doing these evaluations, all of which were communicated to authorities through other jail inmates who became alarmed, so presumably these were serious.

There is really no other position in Corrections that involves work resulting in continuing confinement after incarceration, which makes the anger offenders have at us quite unique within DOC. While guards and other personnel are at risk while working in institutions, **we remain at permanent risk long after the offenders leave DOC - even after our own retirements - as long as any of the offenders we had a hand in committing are still alive and living in the community.** The Internet has added an additional threat, as our home addresses are readily located if an offender simply knows our names and general living location.

For these reasons, we are in as much or more peril than any other employees within

DOC, and giving us protective status and earlier retirement potential makes eminent sense.

Please consider making this small addition a part of AB 354, or introducing it in whatever other way would be necessary. It is a small reward for people who will have devoted years of their lives to segregating dangerous sex offenders from Wisconsin communities, at very real personal risk. In terms of cost, it would be miniscule, as the Special Purpose Evaluation Unit is currently comprised of only five employees and will probably not ever even reach double digits in that regard.

Thank you for your attention to this matter and please do not hesitate to write or call if I may provide further information, clarification, or assistance.

Debra L. Anderson, Ph.D.

Chief Psychologist - Sex Offender Programs/Chapter 980 Evaluator

Wisconsin Department of Corrections

POB 26575

Wauwatosa, WI 53226

Telephone: (414) 777-0551

Cell: (414) 750-4993

Fax: (414) 777-0564

Champagne, Rick

From: Hisel, Kimberly L - DOC [Kimberly.Hisel@Wisconsin.gov]
Sent: Thursday, May 17, 2007 2:46 PM
To: Reineking, Marlene
Subject: RE: PROTECTIVES DRAFT FROM MUSSER

Thank you for forwarding this to me. I do have some questions regarding the draft. If I am reading this correctly, this Bill would not include Community Corrections - only those working in the listed facilities. Is this correct?

Would there be a time where some of us could possibly speak or meet with Rep. Musser in order to stress the need for community corrections to be included in this bill? We are the front line for all offenders reporting to the Probation and Parole Offices throughout the state. Working in a small town I have daily contact with offenders in either the public or private sector. In the past, there have been death threats made to the entire office, OOA's were allowed to go on transports and still can, if approval is granted by management.

I personally have attended ACT (arrest, custody and transport) training, which I attend yearly updates with our Probation/Parole Agents (who currently receive protective pay) and have authorization to carry OC spray. I work directly with the offenders - taking their photos to enter into the system when placed on supervision.

There are many reasons why the OOA's in community corrections deserve protective pay. I would appreciate speaking with Rep. Musser regarding the possibility of including our positions in this Bill (if not already done so). The OOA's in Community Corrections, especially those in the rural offices, are in just as much danger as the agents - if not more. We are more accessible and less protected.

Thanks for your time. My work hours are 7:00 a.m. - 3:30 p.m. Right now I'm on my break time, which is ending soon. I appreciate your time and look forward to hearing back. Thanks again.

Kim Hisel - Office Operations Associate
Region 8 Interstate Compact
PHONE: (608) 647-4848
FAX: (608) 647-3694

From: Reineking, Marlene [<mailto:Marlene.Reineking@legis.wisconsin.gov>]
Sent: Thursday, May 17, 2007 2:26 PM
To: Hisel, Kimberly L - DOC
Subject: PROTECTIVES DRAFT FROM MUSSER

<< File: 07-21762.pdf >> Kimberly ... this is the draft and it has been sent for introduction but has not received a bill # as of yet. It will be the same except have a bill number, the co-sponsors names will be added and the committee it was referred to.

Marlene @ Mussers



2007 ASSEMBLY BILL 354

May 24, 2007 - Introduced by Representatives MUSSER, BOYLE, ALBERS, BERCEAU, KAUFERT, HINTZ, GUNDERSON, JORGENSEN, GARTHWAITE, MASON, PARISI, HINES and BIES, cosponsored by Senators ERPENBACH, LASSA, ROESSLER, HANSEN and SCHULTZ. Referred to Committee on Corrections and Courts.

1 **AN ACT to amend** 40.02 (48) (c); and **to create** 40.02 (17) (n), 40.02 (17) (p), 40.02
2 (48) (bc), 40.02 (48) (bd), 40.65 (4vm) and 40.65 (4w) of the statutes; **relating**
3 **to:** classifying members of the Parole Commission and state employees who are
4 employed at a state correctional institution, juvenile correctional facility, the
5 mental health institutes at Mendota and Winnebago, the Wisconsin Resource
6 Center, and any secure mental health unit or facility for sexually violent
7 persons as protective occupation participants under the Wisconsin Retirement
8 System.

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.

ASSEMBLY BILL 354

This bill classifies members of the Parole Commission and state employees who are employed at state correctional institutions, juvenile correctional facilities, the mental health institutes at Mendota and Winnebago, the Wisconsin Resource Center, or any secure mental health unit or facility for sexually violent persons as protective occupation participants for the purposes of the WRS.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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

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

1 **SECTION 1.** 40.02 (17) (n) of the statutes is created to read:

2 40.02 (17) (n) Notwithstanding par. (d), each participant who is employed at
3 a state correctional institution, a juvenile correctional facility, as defined in s. 938.02
4 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin Resource
5 Center, established under s. 46.056, or a secure mental health unit or facility,
6 established under s. 980.065 (2), on or after the effective date of this paragraph ...
7 [revisor inserts date], shall be granted creditable service as a protective occupation
8 participant for all covered service while employed at a state correctional institution,
9 a juvenile correctional facility, as defined in s. 938.02 (10p), a mental health institute
10 specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056,
11 or a secure mental health unit or facility, established under s. 980.065 (2), that was
12 earned on or after the effective date of this paragraph ... [revisor inserts date], but
13 may not be granted creditable service as a protective occupation participant for any
14 covered service while employed at a state correctional institution, a juvenile
15 correctional facility, as defined in s. 938.02 (10p), a mental health institute specified
16 in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a
17 secure mental health unit or facility, established under s. 980.065 (2), that was

ASSEMBLY BILL 354

1 earned before the effective date of this paragraph [revisor inserts date], unless
2 that service was earned while the participant was classified under sub. (48) (a) and
3 s. 40.06 (1) (d) as a protective occupation participant.

4 **SECTION 2.** 40.02 (17) (p) of the statutes is created to read:

5 40.02 (17) (p) Notwithstanding par. (d), each participant who is a member of
6 the parole commission on or after the effective date of this paragraph [revisor
7 inserts date], shall be granted creditable service as a protective occupation
8 participant for all covered service while a member of the parole commission that was
9 earned on or after the effective date of this paragraph [revisor inserts date], but
10 may not be granted creditable service as a protective occupation participant for any
11 covered service while a member of the parole commission that was earned before the
12 effective date of this paragraph [revisor inserts date], unless that service was
13 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
14 a protective occupation participant.

15 **SECTION 3.** 40.02 (48) (bc) of the statutes is created to read:

16 40.02 (48) (bc) "Protective occupation participant" includes any participant
17 who is a member of the parole commission if the participant's employer classifies the
18 participant as a protective occupation participant and the department receives
19 notification of the participant's name as provided in s. 40.06 (1) (d) and (dm).
20 Notwithstanding par. (a), an employer shall classify a participant who is a member
21 of the parole commission as a protective occupation participant without making a
22 determination that the principal duties of the participant involve active law
23 enforcement or active fire suppression or prevention.

24 **SECTION 4.** 40.02 (48) (bd) of the statutes is created to read:

ASSEMBLY BILL 354

1 40.02 (48) (bd) "Protective occupation participant" includes any participant
2 who is employed at a state correctional institution, a juvenile correctional facility, as
3 defined in s. 938.02 (10p), a mental health institute specified in s. 51.05 (1), the
4 Wisconsin Resource Center, established under s. 46.056, or a secure mental health
5 unit or facility, established under s. 980.065 (2), if the participant's employer
6 classifies the participant as a protective occupation participant and the department
7 receives notification of the participant's name as provided in s. 40.06 (1) (d) and (dm).
8 Notwithstanding par. (a), an employer shall classify a participant who is employed
9 at a state correctional institution, a juvenile correctional facility, as defined in s.
10 938.02 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin
11 Resource Center, established under s. 46.056, or a secure mental health unit or
12 facility, established under s. 980.065 (2), as a protective occupation participant
13 without making a determination that the principal duties of the participant involve
14 active law enforcement or active fire suppression or prevention.

15 **SECTION 5.** 40.02 (48) (c) of the statutes is amended to read:

16 40.02 (48) (c) In s. 40.65, "protective occupation participant" means a
17 participating employee who is a police officer, fire fighter, an individual determined
18 by a participating employer under par. (a), ~~(bc)~~, ~~(bd)~~, or (bm) to be a protective
19 occupation participant, county undersheriff, deputy sheriff, state probation and
20 parole officer, county traffic police officer, conservation warden, state forest ranger,
21 field conservation employee of the department of natural resources who is subject to
22 call for forest fire control or warden duty, member of the state traffic patrol, state
23 motor vehicle inspector, University of Wisconsin System full-time police officer,
24 guard or any other employee whose principal duties are supervision and discipline
25 of inmates at a state penal institution, excise tax investigator employed by the

ASSEMBLY BILL 354

1 department of revenue, person employed under s. 61.66 (1), or special criminal
2 investigation agent employed by the department of justice.

3 **SECTION 6.** 40.65 (4vm) of the statutes is created to read:

4 40.65 (4vm) A participant who is a member of the parole commission, who
5 becomes a protective occupation participant on or after the effective date of this
6 subsection [revisor inserts date], is not entitled to a duty disability benefit under
7 this section for an injury or disease occurring before the effective date of this
8 subsection [revisor inserts date].

9 **SECTION 7.** 40.65 (4w) of the statutes is created to read:

10 40.65 (4w) A participant employed at a state correctional institution, a juvenile
11 correctional facility, as defined in s. 938.02 (10p), a mental health institute specified
12 in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a
13 secure mental health unit or facility, established under s. 980.065 (2), who becomes
14 a protective occupation participant on or after the effective date of this subsection
15 [revisor inserts date], is not entitled to a duty disability benefit under this section for
16 an injury or disease occurring before the effective date of this subsection [revisor
17 inserts date].

18 **SECTION 8. Effective date.**

19 (1) This act takes effect on the January 1 after publication.

20 (END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0558/1

RAC:.....
^

jld

**ASSEMBLY AMENDMENT ,
TO 2007 ASSEMBLY BILL 354**

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: after "Commission" insert "; psychologists employed by the
3 department of corrections who perform duties related to sexually violent person
4 commitments; clerical employees employed at a probation, extended supervision,
5 and parole office;".

6 2. Page 3, line 14: after that line insert:

7 "SECTION 2d. 40.02 (17) (pm) of the statutes is created to read:

8 40.02 (17) (pm) Notwithstanding par. (d), each participant who is a
9 psychologist employed by the department of corrections and who performs duties
10 related to ch. 980 on or after the effective date of this paragraph.... [revisor inserts
11 date], shall be granted creditable service as a protective occupation participant for
12 all covered service while a psychologist employed by the department of corrections
13 and performing duties related to ch. 980 that was earned on or after the effective date

1 of this paragraph [revisor inserts date], but may not be granted creditable service
2 as a protective occupation participant for any covered service while a psychologist
3 employed by the department of corrections and performing duties related to ch. 980
4 that was earned before the effective date of this paragraph [revisor inserts date],
5 unless that service was earned while the participant was classified under sub. (48)
6 (a) and s. 40.06 (1) (d) as a protective occupation participant.

7 **SECTION 2h.** 40.02 (17) (pt) of the statutes is created to read:

8 40.02 (17) (pt) Notwithstanding par. (d), each participant who is a clerical
9 employee employed at a probation, extended supervision, and parole office on or after
10 the effective date of this paragraph [revisor inserts date], shall be granted
11 creditable service as a protective occupation participant for all covered service while
12 a clerical employee employed at a probation, extended supervision, and parole office
13 that was earned on or after the effective date of this paragraph [revisor inserts
14 date], but may not be granted creditable service as a protective occupation
15 participant for any covered service while a clerical employee employed at a
16 probation, extended supervision, and parole office that was earned before the
17 effective date of this paragraph [revisor inserts date], unless that service was
18 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
19 a protective occupation participant.”.

20 **3.** Page 4, line 14: after that line insert:

21 **SECTION 4d.** 40.02 (48) (bdm) of the statutes is created to read:

22 40.02 (48) (bdm) “Protective occupation participant” includes any participant
23 who is a psychologist employed by the department of corrections and who performs
24 duties related to ch. 980 if the participant’s employer classifies the participant as a

1 protective occupation participant and the department receives notification of the
2 participant's name as provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a),
3 an employer shall classify a participant who is a psychologist employed by the
4 department of corrections and who performs duties related to ch. 980 as a protective
5 occupation participant without making a determination that the principal duties of
6 the participant involve active law enforcement or active fire suppression or
7 prevention.

8 **SECTION 4h.** 40.02 (48) (bg) of the statutes is created to read:

9 40.02 (48) (bg) "Protective occupation participant" includes any participant
10 who is a clerical employee employed at a probation, extended supervision, and parole
11 office if the participant's employer classifies the participant as a protective
12 occupation participant and the department receives notification of the participant's
13 name as provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a), an employer
14 shall classify a participant who is a clerical employee employed at a probation,
15 extended supervision, and parole office as a protective occupation participant
16 without making a determination that the principal duties of the participant involve
17 active law enforcement or active fire suppression or prevention."

18 **4.** Page 4, line 18: after "(bd)," insert "(bdm), (bg)."

19 **5.** Page 5, line 8: after that line insert:

20 **"SECTION 6d.** 40.65 (4vn) of the statutes is created to read:

21 40.65 (4vn) A participant who is a psychologist employed by the department
22 of corrections and who performs duties related to ch. 980, who becomes a protective
23 occupation participant on or after the effective date of this subsection [revisor
24 inserts date], is not entitled to a duty disability benefit under this section for an

1 injury or disease occurring before the effective date of this subsection[✓].... [revisor
2 inserts date].

3 **SECTION 6h.** 40.65 (4vr)[✓] of the statutes is created to read:

4 40.65 (4vr) A participant who is a clerical employee employed at a probation,
5 extended supervision, and parole office, who becomes a protective occupation
6 participant on or after the effective date of this subsection[✓].... [revisor inserts date],
7 is not entitled to a duty disability benefit under this section for an injury or disease
8 occurring before the effective date of this subsection[✓] [revisor inserts date].”[✓]

9 (END)