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

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

40.02 (17) (n) Notwithstanding par. (d), each participant who is employed at a state correctional institution, a juvenile correctional facility, as defined in s. 938.02 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a secure mental health unit or facility, established under s. 980.065 (2), on or after the effective date of this paragraph .... [revisor inserts date], shall be granted creditable service as a protective occupation participant for all covered service while employed at a state correctional institution, a juvenile correctional facility, as defined in s. 938.02 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a secure mental health unit or facility, established under s. 980.065 (2), that was earned on or after the effective date of this paragraph .... [revisor inserts date], but may not be granted creditable service as a protective occupation participant for any covered service while employed at a state correctional institution, a juvenile correctional facility, as defined in s. 938.02 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a secure mental health unit or facility, established under s. 980.065 (2), that was
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earned before the effective date of this paragraph .... [revisor inserts date], unless that service was earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as a protective occupation participant.

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

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

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

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

SECTION 4. 40.02 (48) (bd) of the statutes is created to read:
“Protective occupation participant” includes any participant who is employed at a state correctional institution, a juvenile correctional facility, as defined in s. 938.02 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a secure mental health unit or facility, established under s. 980.065 (2), if the participant’s employer classifies the participant as a protective occupation participant and the department receives notification of the participant’s name as provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a), an employer shall classify a participant who is employed at a state correctional institution, a juvenile correctional facility, as defined in s. 938.02 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a secure mental health unit or facility, established under s. 980.065 (2), as a protective occupation participant without making a determination that the principal duties of the participant involve active law enforcement or active fire suppression or prevention.

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

40.02 (48) (c) In s. 40.65, “protective occupation participant” means a participating employee who is a police officer, fire fighter, an individual determined by a participating employer under par. (a), (bc), (bd), or (bm) to be a protective occupation participant, county undersheriff, deputy sheriff, state probation and parole officer, county traffic police officer, conservation warden, state forest ranger, field conservation employee of the department of natural resources who is subject to call for forest fire control or warden duty, member of the state traffic patrol, state motor vehicle inspector, University of Wisconsin System full–time police officer, guard or any other employee whose principal duties are supervision and discipline of inmates at a state penal institution, excise tax investigator employed by the
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department of revenue, person employed under s. 61.66 (1), or special criminal
investigation agent employed by the department of justice.

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

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

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

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

SECTION 8. Effective date.

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