

2009 DRAFTING REQUEST

Bill

Received: **11/14/2008**

Received By: **rchampag**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Suder (608) 267-0280**

By/Representing: **Luke**

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.Suder@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Protective occupation participant status for various DOC and DHS employees

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 11/17/2008	kfollett 12/02/2008	rschluet 12/02/2008	_____	sbasford 12/02/2008	lparisi 02/10/2009	State Retire

FE Sent For:

*at
Intro*

<END>

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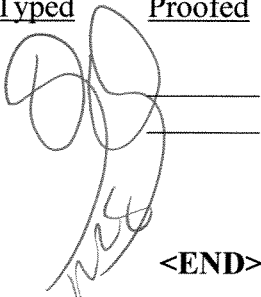
Protection^{ve} occupation participant status for various DOC and DHS employees

Instructions:

See attached.

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	rchampag	11/15/08 12/2					
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FE Sent For:

<END>

Champagne, Rick

From: Duerst, Christina
Sent: Friday, November 14, 2008 9:36 AM
To: Champagne, Rick
Subject: FW: Drafting request for Rep. Suder

Importance: High

From: Hilgemann, Luke
Sent: Friday, November 14, 2008 9:32 AM
To: LRB.Legal
Subject: Drafting request for Rep. Suder

Please redraft AB 354 (Musser) relating to protective status designation for several classified employees for Rep. Suder. Please include the amendments that were added in the Assembly Corrections committee in the redraft as well.

<http://www.legis.state.wi.us/2007/data/AB354hst.html>

Thank you!

LUKE HILGEMANN

*Office of State Representative Scott Suder
Wisconsin's 69th Assembly District
608.267.0280 ~ 888.534.0069 (toll-free)*

ASSEMBLY BILL 354 (LRB -2176)

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. (FE)

2007

- 05-24. A. 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**.
- 05-24. A. Read first time and referred to committee on Corrections and Courts 197
- 06-05. A. Fiscal estimate received.
- 06-12. A. Assembly amendment 1 offered by Representative Musser (**LRB a0558**) 211
- 06-14. A. Fiscal estimate received.
- 06-18. A. Fiscal estimate received.
- 10-04. A. Assembly amendment 2 offered by Representative Musser (**LRB a0741**) 292
- 10-04. A. Public hearing held.
- 12-04. A. Executive action taken.
- 12-19. A. Report Assembly Amendment 1 adoption recommended by committee on Corrections and Courts, Ayes 8, Noes 2 408
- 12-19. A. Report Assembly Amendment 2 adoption recommended by committee on Corrections and Courts, Ayes 8, Noes 2 408
- 12-19. A. Report passage as amended recommended by committee on Corrections and Courts, Ayes 8, Noes 2 408
- 12-19. A. Referred to joint survey committee on Retirement Systems 408

2008

- 03-21. A. Failed to pass pursuant to Senate Joint Resolution 1 717



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0558/1
RAC:jld:pg

ASSEMBLY AMENDMENT 1,
TO 2007 ASSEMBLY BILL 354

June 12, 2007 - Offered by Representative MUSSER.

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:

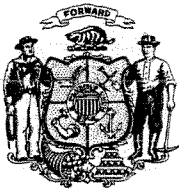
21 40.65 (4vn) A participant who is a psychologist employed by the department
22 of corrections and who performs duties related to ch. 980, who becomes a protective
23 occupation participant on or after the effective date of this subsection ... [revisor
24 inserts date], is not entitled to a duty disability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



A handwritten mark resembling a stylized 'Z' or a checkmark.

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

SECTION 4

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

LRBa0741/1
RAC:jld:jf

**ASSEMBLY AMENDMENT 2,
TO 2007 ASSEMBLY BILL 354**

October 4, 2007 – Offered by Representative MUSSER.

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

2 **1.** Page 1, line 3: after “Commission” insert “; corrections classification
3 specialists employed by the Department of Corrections who perform duties related
4 to sexually violent person commitments;”.

5 **2.** Page 3, line 14: after that line insert:

6 “SECTION 2dm. 40.02 (17) (pm) of the statutes is created to read:

7 40.02 (17) (pm) Notwithstanding par. (d), each participant who is a corrections
8 classification specialist employed by the department of corrections and who performs
9 duties related to ch. 980 on or after the effective date of this paragraph [revisor
10 inserts date], shall be granted creditable service as a protective occupation
11 participant for all covered service while a classification specialist employed by the
12 department of corrections and performing duties related to ch. 980 that was earned
13 on or after the effective date of this paragraph [revisor inserts date], but may not

1 be granted creditable service as a protective occupation participant for any covered
2 service while a corrections classification specialist employed by the department of
3 corrections and performing duties related to ch. 980 that was earned before the
4 effective date of this paragraph [revisor inserts date], unless that service was
5 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
6 a protective occupation participant.”.

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

8 “SECTION 4dm. 40.02 (48) (bdp) of the statutes is created to read:

9 40.02 (48) (bdp) “Protective occupation participant” includes any participant
10 who is a corrections classification specialist employed by the department of
11 corrections and who performs duties related to ch. 980 if the participant’s employer
12 classifies the participant as a protective occupation participant and the department
13 receives notification of the participant’s name as provided in s. 40.06 (1) (d) and (dm).
14 Notwithstanding par. (a), an employer shall classify a participant who is a
15 corrections classification specialist employed by the department of corrections and
16 who performs duties related to ch. 980 as a protective occupation participant without
17 making a determination that the principal duties of the participant involve active
18 law enforcement or active fire suppression or prevention.”.

19 **4.** Page 4, line 18: after “(bd),” insert “(bdp),”.

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

21 “SECTION 6dm. 40.65 (4vs) of the statutes is created to read:

22 40.65 (4vs) A participant who is a corrections classification specialist employed
23 by the department of corrections and who performs duties related to ch. 980, who
24 becomes a protective occupation participant on or after the effective date of this

1 subsection [revisor inserts date], is not entitled to a duty disability benefit under
2 this section for an injury or disease occurring before the effective date of this
3 subsection [revisor inserts date].”

4 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0798/P1 / 1

RA C: jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

4PS:
Fix request
sheet please

- gen. cat

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; psychologists employed by
 4 the Department of Corrections who perform duties related to sexually violent
 5 person commitments; clerical employees employed at a probation, extended
 6 supervision, and parole office; ~~corrections classification specialists employed~~
 7 ~~by the Department of Corrections who perform duties related to sexually~~
 8 ~~violent person commitments~~; and state employees who are employed at a state
 9 correctional institution, ^s juvenile correctional facility, ^{ies} the mental health
 10 institutes at Mendota and Winnebago, the Wisconsin Resource Center, and any

and corrections classification specialists

1

secure mental health unit or facility for sexually violent persons as protective

2

occupation participants under the Wisconsin Retirement System.

Insert Analysis



Analysis by the Legislative Reference Bureau

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

3

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

4

40.02 (17) (n) Notwithstanding par. (d), each participant who is employed at

5

a state correctional institution, a juvenile correctional facility, as defined in s. 938.02

6

(10p), a mental health institute specified in s. 51.05 (1), the Wisconsin Resource

7

Center, established under s. 46.056, or a secure mental health unit or facility,

8

established under s. 980.065 (2), on or after the effective date of this paragraph ...

9

[revisor inserts date], shall be granted creditable service as a protective occupation

10

participant for all covered service while employed at a state correctional institution,

11

a juvenile correctional facility, as defined in s. 938.02 (10p), a mental health institute

12

specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056,

13

or a secure mental health unit or facility, established under s. 980.065 (2), that was

14

earned on or after the effective date of this paragraph ... [revisor inserts date], but

15

may not be granted creditable service as a protective occupation participant for any

16

covered service while employed at a state correctional institution, a juvenile

17

correctional facility, as defined in s. 938.02 (10p), a mental health institute specified

18

in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a

19

secure mental health unit or facility, established under s. 980.065 (2), that was

20

earned before the effective date of this paragraph ... [revisor inserts date], unless

1 that service was earned while the participant was classified under sub. (48) (a) and
2 s. 40.06 (1) (d) as a protective occupation participant.

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

4 40.02 (17) (p) Notwithstanding par. (d), each participant who is a member of
5 the parole commission on or after the effective date of this paragraph [revisor
6 inserts date], shall be granted creditable service as a protective occupation
7 participant for all covered service while a member of the parole commission that was
8 earned on or after the effective date of this paragraph [revisor inserts date], but
9 may not be granted creditable service as a protective occupation participant for any
10 covered service while a member of the parole commission that was earned before the
11 effective date of this paragraph [revisor inserts date], unless that service was
12 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
13 a protective occupation participant.

14 **SECTION 3.** 40.02 (17) (pm) of the statutes is created to read:

15 40.02 (17) (pm) Notwithstanding par. (d), each participant who is a
16 psychologist employed by the department of corrections and who performs duties
17 related to ch. 980 on or after the effective date of this paragraph [revisor inserts
18 date], shall be granted creditable service as a protective occupation participant for
19 all covered service while a psychologist employed by the department of corrections
20 and performing duties related to ch. 980 that was earned on or after the effective date
21 of this paragraph [revisor inserts date], but may not be granted creditable service
22 as a protective occupation participant for any covered service while a psychologist
23 employed by the department of corrections and performing duties related to ch. 980
24 that was earned before the effective date of this paragraph [revisor inserts date],

1 unless that service was earned while the participant was classified under sub. (48)
2 (a) and s. 40.06 (1) (d) as a protective occupation participant.

3 SECTION 4. 40.02 (17) (pt) of the statutes is created to read:

4 40.02 (17) (pt) Notwithstanding par. (d), each participant who is a clerical
5 employee employed at a probation, extended supervision, and parole office on or after
6 the effective date of this paragraph ... [revisor inserts date], shall be granted
7 creditable service as a protective occupation participant for all covered service while
8 a clerical employee employed at a probation, extended supervision, and parole office
9 that was earned on or after the effective date of this paragraph ... [revisor inserts
10 date], but may not be granted creditable service as a protective occupation
11 participant for any covered service while a clerical employee employed at a
12 probation, extended supervision, and parole office that was earned before the
13 effective date of this paragraph ... [revisor inserts date], unless that service was
14 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
15 a protective occupation participant.

16 SECTION 5. 40.02 (17) (pm) of the statutes is created to read:

17 40.02 (17) (pm) Notwithstanding par. (d), each participant who is a corrections
18 classification specialist employed by the department of corrections and who performs
19 duties related to ch. 980 on or after the effective date of this paragraph ... [revisor
20 inserts date], shall be granted creditable service as a protective occupation
21 participant for all covered service while a classification specialist employed by the
22 department of corrections and performing duties related to ch. 980 that was earned
23 on or after the effective date of this paragraph ... [revisor inserts date], but may not
24 be granted creditable service as a protective occupation participant for any covered
25 service while a corrections classification specialist employed by the department of

1 corrections and performing duties related to ch. 980 that was earned before the
2 effective date of this paragraph [revisor inserts date], unless that service was
3 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
4 a protective occupation participant.

5 **SECTION 6.** 40.02 (48) (bc) of the statutes is created to read:

6 40.02 (48) (bc) "Protective occupation participant" includes any participant
7 who is a member of the parole commission if the participant's employer classifies the
8 participant as a protective occupation participant and the department receives
9 notification of the participant's name as provided in s. 40.06 (1) (d) and (dm).
10 Notwithstanding par. (a), an employer shall classify a participant who is a member
11 of the parole commission as a protective occupation participant without making a
12 determination that the principal duties of the participant involve active law
13 enforcement or active fire suppression or prevention.

14 **SECTION 7.** 40.02 (48) (bd) of the statutes is created to read:

15 40.02 (48) (bd) "Protective occupation participant" includes any participant
16 who is employed at a state correctional institution, a juvenile correctional facility, as
17 defined in s. 938.02 (10p), a mental health institute specified in s. 51.05 (1), the
18 Wisconsin Resource Center, established under s. 46.056, or a secure mental health
19 unit or facility, established under s. 980.065 (2), if the participant's employer
20 classifies the participant as a protective occupation participant and the department
21 receives notification of the participant's name as provided in s. 40.06 (1) (d) and (dm).
22 Notwithstanding par. (a), an employer shall classify a participant who is employed
23 at a state correctional institution, a juvenile correctional facility, as defined in s.
24 938.02 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin
25 Resource Center, established under s. 46.056, or a secure mental health unit or

1 facility, established under s. 980.065 (2), as a protective occupation participant
2 without making a determination that the principal duties of the participant involve
3 active law enforcement or active fire suppression or prevention.

4 **SECTION 8.** 40.02 (48) (b~~dm~~) of the statutes is created to read:

5 40.02 (48) (b~~dm~~) "Protective occupation participant" includes any participant
6 who is a psychologist employed by the department of corrections and who performs
7 duties related to ch. 980 if the participant's employer classifies the participant as a
8 protective occupation participant and the department receives notification of the
9 participant's name as provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a),
10 an employer shall classify a participant who is a psychologist employed by the
11 department of corrections and who performs duties related to ch. 980 as a protective
12 occupation participant without making a determination that the principal duties of
13 the participant involve active law enforcement or active fire suppression or
14 prevention.

15 **SECTION 9.** 40.02 (48) (b~~g~~) of the statutes is created to read:

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

25 **SECTION 10.** 40.02 (48) (b~~dp~~) of the statutes is created to read:

1 40.02 (48) (bdp) "Protective occupation participant" includes any participant
2 who is a corrections classification specialist employed by the department of
3 corrections and who performs duties related to ch. 980 if the participant's employer
4 classifies the participant as a protective occupation participant and the department
5 receives notification of the participant's name as provided in s. 40.06 (1) (d) and (dm).
6 Notwithstanding par. (a), an employer shall classify a participant who is a
7 corrections classification specialist employed by the department of corrections and
8 who performs duties related to ch. 980 as a protective occupation participant without
9 making a determination that the principal duties of the participant involve active
10 law enforcement or active fire suppression or prevention.

11 **SECTION 11.** 40.02 (48) (c) of the statutes is amended to read:

12 40.02 (48) (c) In s. 40.65, "protective occupation participant" means a
13 participating employee who is a police officer, fire fighter, an individual determined
14 by a participating employer under par. (a), (bc), (bd), (bdp), (bdm), (bg), or (bm) to be
15 a protective occupation participant, county undersheriff, deputy sheriff, state
16 probation and parole officer, county traffic police officer, conservation warden, state
17 forest ranger, field conservation employee of the department of natural resources
18 who is subject to call for forest fire control or warden duty, member of the state traffic
19 patrol, state motor vehicle inspector, University of Wisconsin System full-time police
20 officer, guard or any other employee whose principal duties are supervision and
21 discipline of inmates at a state penal institution, excise tax investigator employed
22 by the department of revenue, person employed under s. 61.66 (1), or special criminal
23 investigation agent employed by the department of justice.

24 **SECTION 12.** 40.65 (4vm) of the statutes is created to read:

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1 40.65 (4vm) A participant who is a member of the parole commission, who
 2 becomes a protective occupation participant on or after the effective date of this
 3 subsection [revisor inserts date], is not entitled to a duty disability benefit under
 4 this section for an injury or disease occurring before the effective date of this
 5 subsection [revisor inserts date].

6 **SECTION 13.** 40.65 (4vn) of the statutes is created to read:

7 40.65 (4vn) A participant who is a psychologist employed by the department
 8 of corrections and who performs duties related to ch. 980, who becomes a protective
 9 occupation participant on or after the effective date of this subsection [revisor
 10 inserts date], is not entitled to a duty disability benefit under this section for an
 11 injury or disease occurring before the effective date of this subsection [revisor
 12 inserts date].

13 **SECTION 14.** 40.65 (4vr) of the statutes is created to read:

14 40.65 (4vr) A participant who is a clerical employee employed at a probation,
 15 extended supervision, and parole office, who becomes a protective occupation
 16 participant on or after the effective date of this subsection [revisor inserts date],
 17 is not entitled to a duty disability benefit under this section for an injury or disease
 18 occurring before the effective date of this subsection [revisor inserts date].

19 **SECTION 15.** 40.65 (4vs) of the statutes is created to read:

20 40.65 (4vs) A participant who is a corrections classification specialist employed
 21 by the department of corrections and who performs duties related to ch. 980, who
 22 becomes a protective occupation participant on or after the effective date of this
 23 subsection [revisor inserts date], is not entitled to a duty disability benefit under
 24 this section for an injury or disease occurring before the effective date of this
 25 subsection [revisor inserts date].

1 SECTION 16. 40.65 (4w) of the statutes is created to read:

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

10 SECTION 17. Effective date.

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

12 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0798/lins
.....

Insert Analysis:

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.

This bill classifies all of the following state employees as protective occupation participants for the purposes of the WRS:

1. Members of the Parole Commission.
2. 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. S ies
3. Psychologists employed by the Department of Corrections (DOC) who performs duties related to sexually violent person commitments. S
4. Corrections classification specialists employed by DOC who perform duties related to sexually violent person commitments.
5. Clerical employees employed at a probation, extended supervision, and parole office. S

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.

Basford, Sarah

From: Hilgemann, Luke
Sent: Tuesday, February 10, 2009 1:43 PM
To: LRB.Legal
Subject: Please jacket LRB 0798/1 for Rep. Suder

This bill relates to expanding protective status classifications to various employee groups under the WRS.

Thanks!

LUKE HILGEMANN

*Office of State Representative Scott Suder
Wisconsin's 69th Assembly District
608.267.0280 ~ 888.534.0069 (toll-free)*