



CR 91-189

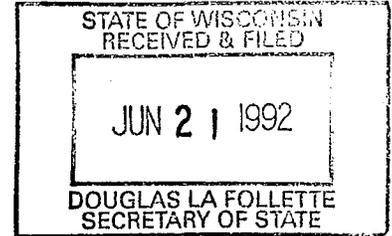
State of Wisconsin \ DEPARTMENT OF EMPLOYE TRUST FUNDS

Gary I. Gates  
Secretary

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MADISON, WISCONSIN 53707

IN REPLY REFER TO:

STATE OF WISCONSIN )  
DEPARTMENT OF EMPLOYE TRUST FUNDS)



I, Gary I. Gates, Secretary of the Department of Employee Trust Funds and custodian of the official records of this department, certify that the attached rule-making order affecting ss. ETF 10.10 (10) and 20.015, Wis. Adm. Code, relating to the election committee for the Teachers Retirement Board election and the definition of one-third of full-time employment, was issued by this department on July 21, 1992.

I further certify that I have compared this copy with the original on file in this department and that it is a true copy of the whole of the original.

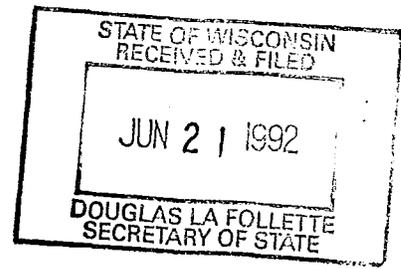
Dated at Madison, Wisconsin, this 21<sup>st</sup> day of July, 1992.

Gary I. Gates  
Gary I. Gates  
Secretary

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ORDER OF THE  
DEPARTMENT OF EMPLOYE TRUST FUNDS - OFFICE OF THE SECRETARY  
and  
EMPLOYE TRUST FUNDS BOARD  
WISCONSIN RETIREMENT BOARD  
TEACHERS RETIREMENT BOARD

To amend s. ETF 10.10 (10) relating to the election committee for the Teachers Retirement Board elections; and to repeal and recreate s. ETF 20.015 relating to the definition of one-third of full-time employment.

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ANALYSIS PREPARED BY THE WISCONSIN DEPARTMENT OF EMPLOYE TRUST FUNDS

Statutory Authority: Sections 40.03 (1) (m), (2) (i), (7) (d) and (8) (d), Wis. Stats.

Statutes Interpreted: Sections 40.03 (2) and 40.22 (2) (a), (2m) (a) and (3) (b), Wis. Stats.

General Summary of Rule: S. 40.03 (2) (p), Stats., requires the secretary of the department of employe trust funds to establish procedures for and conduct elections of some members of the Teachers Retirement Board. S. ETF 10.10 (10), Wis. Admin. Code, requires the secretary to serve on the elections committee which makes final decisions on the validity of questionable ballots. The proposed amendment would allow the secretary to designate an alternate to sit on the elections committee.

S. ETF 20.015, Wis. Admin. Code, currently provides that a person classified as a teacher under s. 40.02 (55), Stats., who is employed with the expectation that there will be at least 440 hours of actual performance of duty during an annual earnings period with that employer shall be deemed to be employed one-third of what is considered full-time with that employer and thereby meet the 600 hours requirement of s. 40.22 (1) (b) and (2), 1981 Stats.

These references are obsolete. Sections 40.22 (1) to (4) were repealed and recreated by 1989 Wisconsin Act 13. Sections 40.22 (2) (a), (2m) (a), and (3) (b), 1989 Stats., authorize the department to define one-third of full-time employment for all classes of employes. S. 40.22 (2m) (b) requires that employes be included under the Wisconsin Retirement System no later than upon completion of 600 hours of work in the immediately preceding 12-month period. ETF 20.015 is being recreated to define one-third of full-time employment as 600 hours for non-teachers and 440 hours for teachers in one 365-day period.

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SECTION 1. ETF 10.10 (10) is amended to read:

ETF 10.10 (10) An election committee shall be appointed by the teachers retirement board and shall consist of the secretary of the department or the secretary's designee and 2 teachers retirement board members not running for re-election. A majority of the election committee shall determine the validity of questionable ballots.

SECTION 2. ETF 20.015 is repealed and recreated to read:

ETF 20.015 PARTICIPATING EMPLOYEES: ONE-THIRD OF FULL-TIME EMPLOYMENT:

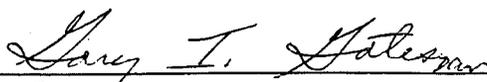
(1) NON-TEACHERS. Except as provided in sub. (2), for purposes of s. 40.22, Stats., 600 hours of employment with an employer in one year is considered one-third of full-time employment.

(2) TEACHERS. For an employe classified as a teacher under s. 40.02 (55), Stats., for purposes of s. 40.22, Stats., 440 hours of employment with an employer in one year is considered one-third of full-time employment.

(3) YEAR. For purposes of this section "year" means 365 consecutive calendar days, or 366 consecutive calendar days if the period measured includes February 29.

SECTION 3. Effective Date: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Wis. Stats.

Signed at Madison, Wisconsin this 21<sup>st</sup> day of  
July, 1992.

  
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Gary I. Gates  
Secretary  
Wisconsin Department of Employee Trust Funds