



## 1995 ASSEMBLY BILL 1005

March 13, 1996 - Introduced by Representatives FOTI, FREESE, DUFF, POWERS, NOTESTEIN, WARD, MUSSER, SERATTI, HAHN, GRONEMUS and GROTHMAN, cosponsored by Senators PANZER and FITZGERALD. Referred to Committee on Labor and Employment.

1     **AN ACT to amend** 230.36 (1), 230.36 (3) (b) (intro.), 230.36 (3) (e) (intro.), 230.36  
2           (3) (e) 2., 230.36 (3) (e) 3. and 230.36 (3) (e) 4.; and **to repeal and recreate**  
3           230.36 (1) of the statutes; **relating to:** hazardous duty pay for field employes  
4           of the department of transportation.

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### *Analysis by the Legislative Reference Bureau*

Under current law, certain state employes who are injured while performing duties that entail a considerable risk of injury or danger are entitled to receive full pay and other benefits, such as no reduction in sick leave credits, compensatory time for overtime accumulations or vacation, during the period in which they are unable to work because of the injury. These employes include members of the state patrol and state probation and parole officers.

This bill requires that field employes of the department of transportation (DOT) be included among the state employes who are entitled to the above-mentioned pay and other benefits during periods in which they are unable to work because of injuries sustained while performing dangerous or high-risk duties or working on certain DOT projects.

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

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

5           **SECTION 1.** 230.36 (1) of the statutes, as affected by 1995 Wisconsin Act 27, is  
6           amended to read:

1           230.36 (1) If a conservation warden, conservation patrol boat captain,  
2 conservation patrol boat engineer, state forest ranger, conservation field employe of  
3 the department of natural resources who is subject to call for fire control duty,  
4 member of the state patrol, state motor vehicle inspector, field employe of the  
5 department of transportation, lifeguard, excise tax investigator employed by the  
6 department of revenue, special criminal investigation agent employed by the  
7 department of justice, special tax agent, state drivers' license examiner, state fair  
8 park police officer, University of Wisconsin System police officer and other state  
9 facilities police officer and patrol officer, security officer, watcher, engineer,  
10 engineering aide, building construction superintendent, fire fighter employed at the  
11 Wisconsin Veterans Home, or guard or institutional aide or a state probation and  
12 parole officer or any other employe whose duties include supervision and discipline  
13 of inmates or wards of the state at a state penal institution, including a secured  
14 correctional facility, as defined in s. 48.02 (15m), or while on parole supervision  
15 outside of the confines of the institutions, or supervision of persons placed on  
16 probation by a court of record, or supervision and care of patients at a state mental  
17 institution, and the University of Wisconsin Hospitals and Clinics suffers injury  
18 while in the performance of his or her duties, as defined in subs. (2) and (3); or any  
19 other state employe who is not listed in this subsection and who is ordered by his or  
20 her appointing authority to accompany any employe listed in this subsection while  
21 the listed employe is engaged in the duties defined in sub. (3), or any other state  
22 employe who is not listed in this subsection and who is ordered by his or her  
23 appointing authority to perform the duties, when permitted, in lieu of the listed  
24 employe and while so engaged in the duties defined in sub. (3), suffers injury as  
25 defined in sub. (2) the employe shall continue to be fully paid by the employing

1 agency upon the same basis as paid prior to the injury, with no reduction in sick leave  
2 credits, compensatory time for overtime accumulations or vacation and no reduction  
3 in the rate of earning sick leave credit or vacation. The full pay shall continue while  
4 the employe is unable to return to work as the result of the injury or until the  
5 termination of his or her employment upon recommendation of the appointing  
6 authority. At any time during the employe's period of disability the appointing  
7 authority may order physical or medical examinations to determine the degree of  
8 disability at the expense of the employing agency.

9 **SECTION 2.** 230.36 (1) of the statutes, as affected by 1995 Wisconsin Acts 77 and  
10 .... (this act), is repealed and recreated to read:

11 230.36 (1) If a conservation warden, conservation patrol boat captain,  
12 conservation patrol boat engineer, state forest ranger, conservation field employe of  
13 the department of natural resources who is subject to call for fire control duty,  
14 member of the state patrol, state motor vehicle inspector, field employe of the  
15 department of transportation, lifeguard, excise tax investigator employed by the  
16 department of revenue, special criminal investigation agent employed by the  
17 department of justice, special tax agent, state drivers' license examiner, state fair  
18 park police officer, University of Wisconsin System police officer and other state  
19 facilities police officer and patrol officer, security officer, watcher, engineer,  
20 engineering aide, building construction superintendent, fire fighter employed at the  
21 Wisconsin Veterans Home, or guard or institutional aide or a state probation and  
22 parole officer or any other employe whose duties include supervision and discipline  
23 of inmates or wards of the state at a state penal institution, including a secured  
24 correctional facility, as defined in s. 938.02 (15m), or while on parole supervision  
25 outside of the confines of the institutions, or supervision of persons placed on

1 probation by a court of record, or supervision and care of patients at a state mental  
2 institution, and the University of Wisconsin Hospitals and Clinics suffers injury  
3 while in the performance of his or her duties, as defined in subs. (2) and (3); or any  
4 other state employe who is not listed in this subsection and who is ordered by his or  
5 her appointing authority to accompany any employe listed in this subsection while  
6 the listed employe is engaged in the duties defined in sub. (3), or any other state  
7 employe who is not listed in this subsection and who is ordered by his or her  
8 appointing authority to perform the duties, when permitted, in lieu of the listed  
9 employe and while so engaged in the duties defined in sub. (3), suffers injury as  
10 defined in sub. (2) the employe shall continue to be fully paid by the employing  
11 agency upon the same basis as paid prior to the injury, with no reduction in sick leave  
12 credits, compensatory time for overtime accumulations or vacation and no reduction  
13 in the rate of earning sick leave credit or vacation. The full pay shall continue while  
14 the employe is unable to return to work as the result of the injury or until the  
15 termination of his or her employment upon recommendation of the appointing  
16 authority. At any time during the employe's period of disability the appointing  
17 authority may order physical or medical examinations to determine the degree of  
18 disability at the expense of the employing agency.

19 **SECTION 3.** 230.36 (3) (b) (intro.) of the statutes is amended to read:

20 230.36 (3) (b) (intro.) A conservation warden, conservation patrol boat captain,  
21 conservation patrol boat engineer, member of the state patrol, state motor vehicle  
22 inspector, field employe of the department of transportation, university of Wisconsin  
23 system police officer, security officer, watcher, state fair park police officer, special tax  
24 agent, excise tax investigator employed by the department of revenue and special

1 criminal investigation agent employed by the department of justice at all times  
2 while:

3 **SECTION 4.** 230.36 (3) (e) (intro.) of the statutes is amended to read:

4 230.36 (3) (e) (intro.) An engineering aide, engineer, field employe of the  
5 department of transportation or building construction superintendent at all times  
6 while:

7 **SECTION 5.** 230.36 (3) (e) 2. of the statutes is amended to read:

8 230.36 (3) (e) 2. Surveying, working or inspecting within the right of way of  
9 highways on which traffic is maintained.

10 **SECTION 6.** 230.36 (3) (e) 3. of the statutes is amended to read:

11 230.36 (3) (e) 3. Surveying, working or inspecting on construction sites where  
12 heavy equipment is operating.

13 **SECTION 7.** 230.36 (3) (e) 4. of the statutes is amended to read:

14 230.36 (3) (e) 4. Investigating, constructing, repairing or inspecting highways,  
15 structures or terrain under hazardous conditions.

16 **SECTION 8. Initial applicability.**

17 (1) Subject to subsection (2), this act first applies to a field employe of the  
18 department of transportation who sustains an injury, as defined in section 230.36 (2)  
19 of the statutes, on the effective date of this subsection.

20 (2) This act first applies to field employes of the department of transportation,  
21 who are affected by a collective bargaining agreement that contains provisions  
22 inconsistent with this act, on the day after the collective bargaining agreement  
23 expires or on the day on which the collective bargaining agreement is extended,  
24 modified or renewed.

