



2009 ASSEMBLY BILL 776

February 24, 2010 – Introduced by Representatives VAN AKKEREN, BIES, SHERMAN, ZIGMUNT, MASON, BERCEAU, KAUFERT, HRAYCHUCK, MURSAU and POPE-ROBERTS, cosponsored by Senators RISSER, LEIBHAM and HARS DORF. Referred to Committee on Corrections and the Courts. Referred to Joint Survey Committee on Retirement Systems.

1 **AN ACT** *to amend* 40.02 (48) (c); and *to create* 40.02 (17) (n), 40.02 (48) (bd) and
2 40.65 (4w) of the statutes; **relating to:** classifying county jailers as protective
3 occupation participants for the purposes of 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.

This bill classifies county jailers 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.

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For further information see the *state and local* 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 a county jailer
3 shall be granted creditable service as a protective occupation participant for all
4 covered service while a county jailer that was earned on or after the effective date
5 of this paragraph [LRB inserts date], but may not be granted creditable service
6 as a protective occupation participant for any covered service as a county jailer that
7 was earned before the effective date of this paragraph [LRB inserts date], unless
8 that service was earned while the participant was classified under sub. (48) (a) and
9 s. 40.06 (1) (d) as a protective occupation participant.

10 **SECTION 2.** 40.02 (48) (bd) of the statutes is created to read:

11 40.02 (48) (bd) “Protective occupation participant” includes any participant
12 who is a county jailer, if the department receives notification of the participant’s
13 name as provided in s. 40.06 (1) (d). Notwithstanding par. (a), an employer shall
14 classify such a participant as a protective occupation participant without making a
15 determination that the principal duties of the participant involve active law
16 enforcement or active fire suppression or prevention.

17 **SECTION 3.** 40.02 (48) (c) of the statutes is amended to read:

18 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
19 participating employee who is a police officer, fire fighter, an individual determined
20 by a participating employer under par. (a), (bd), or (bm) to be a protective occupation
21 participant, county undersheriff, deputy sheriff, state probation and parole officer,

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1 county traffic police officer, conservation warden, state forest ranger, field
2 conservation employee of the department of natural resources who is subject to call
3 for forest fire control or warden duty, member of the state traffic patrol, state motor
4 vehicle inspector, University of Wisconsin System full-time police officer, guard or
5 any other employee whose principal duties are supervision and discipline of inmates
6 at a state penal institution, excise tax investigator employed by the department of
7 revenue, person employed under s. 61.66 (1), or special criminal investigation agent
8 employed by the department of justice.

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

10 40.65 (4w) A county jailer who becomes a protective occupation participant on
11 or after the effective date of this subsection [LRB inserts date], is not entitled to
12 a duty disability benefit under this section for an injury or disease occurring before
13 the effective date of this subsection [LRB inserts date].

14 **SECTION 5. Effective date.**

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

16 (END)