



MARK BORN

STATE REPRESENTATIVE • 39TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 5
Assembly Committee on Corrections
March 19, 2019

Good afternoon Chairman Schraa and members of the Assembly Committee on Corrections. Thank you for allowing me to testify in favor of Assembly Bill 5 which would classify county jailers as protective occupation participants under the Wisconsin Retirement System (WRS).

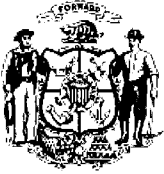
Under current law, individuals whose principal duties involve active law enforcement, or fire suppression or prevention, and require frequent exposure to a high degree of danger are classified as protective occupation participants under the WRS. Examples of individuals who are classified as protective occupation participants are state prison guards and other law enforcement professionals.

AB 5 makes an important change that reflects the challenges and dangers that county jailers face on a regular basis. Every individual incarcerated in the state prison system was held in a county jail first. Upon arrest and arrival at a county jail, suspects are often upset, angry, or aggressive. They may also be under the influence of drugs or alcohol, stressed about the crime they allegedly just committed, or are suffering from mental illness. County jailers are responsible for these individuals, regardless of the risk they pose, as well as their safety and the safety of the facility's other inmates. State prison guards have many of the same responsibilities and are considered protective occupation participants under the Wisconsin Retirement System (WRS), whereas county corrections officers are not.

The concept of granting protective status to county jailers has been around for over 20 years. This bill, identical to AB 676 which passed the Assembly unanimously last session, is different than proposals that have been introduced in the past because it represents an agreement between the Badger State Sheriffs' Association, Wisconsin Sheriffs and Deputy Sheriffs Association, and the Wisconsin Counties Association. The bill allows for county jailers to be classified as protective occupation participants without increasing costs to the county taxpayer.

Under this proposal, county jailers would be classified as protective occupation participants and the employees (jailers) would have to pay the additional costs of having protective status. This includes both the employee's and employer's additional WRS contribution, as well as duty disability costs. Current county jailers would have 60 days after enactment of this bill to opt out of receiving protective status, and new jailers would have the opt-out option at the time they are hired. Some counties currently classify their jailers as protective occupation participants and pay for the additional costs for their employees. Counties with this policy will be grandfathered in under the bill, but those counties retain the ability to no longer pay the additional costs through an action of the county board in the future.

Thank you again for the opportunity to testify in favor of AB 5. I am now happy to answer any questions.



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Assembly Committee on Corrections
State Senator André Jacque
March 19th, 2019*

Chairman Schraa and Members of the Assembly Committee on Corrections,

Thank you for holding this hearing and the opportunity to testify before you today in support of Assembly Bill 63. This common sense legislation will close a correctional system safety loophole by aligning the penalty for sneaking in a prohibited item for personal use with the penalty under current law for sneaking in a prohibited item with intent to give that item to another person.

Inmates sometimes attempt to conceal contraband in an attempt to sneak it into the facility while being booked into jail. Depending on the contraband it may or may not be a crime. Illegal drugs or an item snuck in and given to another person currently constitutes a crime, and the person can be charged. However, if the person tries to sneak something in that is not illegal to possess and keeps it for themselves at the time they are caught with it, it cannot be prosecuted beyond a rules violation, whether that item might be a phone that could facilitate other crimes, something that can be fashioned into a weapon or contain flammable liquid, or even a handcuff key, which is not illegal to possess and not a crime. These items are serious problems in a correctional setting. The idea for Assembly Bill 63 came from corrections and law enforcement officers in Northeast Wisconsin, including those here to testify today.

AB 36 has strong support from the Badger State Sheriffs, the Wisconsin Counties Association, and the Wisconsin Sheriffs and Deputy Sheriffs Association. We ask that you join them and your colleagues in supporting this common sense fix to ensure safety within the correctional system.

Thank you for your consideration of Assembly Bill 36.



STATE OF WISCONSIN
Department of Employee Trust Funds
Robert J. Conlin
SECRETARY

Wisconsin Department
of Employee Trust Funds
PO Box 7931
Madison WI 53707-7931
1-877-533-5020 (toll free)
Fax 608-267-4549
etf.wi.gov

Remarks to the Assembly Committee on Corrections

2019 Assembly Bill 5

Tarna Hunter, Government Relations Director, Department of Employee Trust Funds

March 19, 2019

Assembly Bill 5 classifies county jailers as protective occupation participants under the Wisconsin Retirement System without a requirement that their principal duties involve active law enforcement.

The bill would essentially require county jailers who are employed by a county that did not classify county jailers as protective occupation participants on July 1, 2018 and become protective occupation participants under this bill to pay the employer share of the WRS contribution rate, as well as the duty disability rates, which is currently entirely an employer cost.

If the county jailer does not wish to pay the additional cost of being a protective, the bill allows them at the time of hire to be classified as a general. This choice is irrevocable.

The bill also provides that county employers who currently classify their jailers as protectives will continue to pay the employer cost for current and future employees.

We think the policy embodied in the bill is a departure from the policy that has been in place regarding protective category participants. We would like to spend a few minutes to make you aware of some of the policy implications for both the employees and employers.

Historically the state has recognized that protective occupation employees are exposed to a high degree of danger and have protected them by providing them an earlier retirement age, a higher retirement benefit, and duty disability insurance benefits. This policy is a recognition that these jobs are dangerous and critical to maintaining public safety and also that those who perform these jobs may not be able to perform them for as long. Under current law, the employer, who is in the best position to do so, determines whether the particular positions qualify for protective status based upon the specific job duties. This bill changes that policy – it recognizes that jailers should be

classified as protective, but require the employee, and not society in general, to pay for these extra protections.

If the employee does not or cannot pay the additional costs, the employee may opt out of the protective category and be classified as a general employee, even though the job duties would be the same.

This creates inequity among employees who are presumably doing the same job, both across the state and in the same jail. For example, some jailers at the same employer may be classified as protectives and some may be classified as generals. This also creates inequities between the counties, allowing some counties to pay for the cost of being protective and other counties to require the employee to pay for the cost of being protective.

While determining whether this is the proper policy is clearly the legislature's prerogative, we are concerned that a policy that no longer requires the duties of the particular job to be the defining element of whether someone enjoys the protections of protective status has implications for the broader class of public safety professionals in general.

There are two main costs associated with the protective occupation category: WRS contribution rates and duty disability rates. Currently, the protective employee pays the same WRS contribution rate as general employees and the employer picks up the rest of the contribution rate. Employees classified as protectives under the bill, would be required to pay the employer share, as well as the duty disability rates, which is currently entirely an employer cost.

For example, if this bill were in effect for 2019, on average in a sampling of 10 counties, county jailers who do not opt out of the protective class under the bill would need to pay 12.42% of salary which includes 10.55% of salary for the WRS contribution and 1.87% of salary for duty disability coverage – instead of the WRS employee rate of 6.55%. However, the specific rate will vary from county to county due to differences in disability rates which are affected by claims experience. 2019 duty disability rates range from 0.17% of payroll to 4.42% of payroll.

To illustrate the effect of the bill, here are three different scenarios that would occur based on county specific salary information we collected in 2017.

Scenario 1 – County with a high duty disability rate.

In Racine County, the county said the annual starting wage was \$35,838 for county jailers, and the duty disability rate is 4.42% in 2019. A new hire in Racine County who elected to participate in the WRS as a protective employee would pay a total of \$5,365, or 14.97% of salary.

Scenario 2 – County with a low duty disability rate.

For Ozaukee County, the annual starting wage was \$48,568 according to the county, and the duty disability rate is 0.17% for 2019. A new hire in Ozaukee County who elected to participate in the WRS as a protective employee would pay \$5,206, or 10.72% of salary.

Scenario 3 – County classifying employees as protective as of 7/1/18.

The employee may pay the regular employee WRS rate of 6.55% of salary depending on the collective bargaining agreement. That would be 8.42% less than the Racine County employee, and 4.17% less than the Ozaukee County employee.

On the more technical side, there may be policy implications to the duty disability program. Allowing employees to select whether to be in a job classification and in a disability program or not may change experience in that the older, more likely to be disabled employees may select the program and others wouldn't, thereby increasing the costs to everyone in the long run. Generally, this is typically referred to as adverse selection. An actuarial analysis would be the best way to develop a more detailed impact analysis and fiscal estimate on premiums for the program.

Additionally, we have concerns about the bill's compliance with the Internal Revenue Code (IRC). Generally, the IRC prohibits defined benefit plans such as the WRS from including a cash or deferred arrangement (CODA). CODAs are defined broadly in the IRC and include allowing participants to choose among different contribution levels. The IRS provides one very limited exception for individuals who first become eligible under a plan to make a one-time irrevocable election. Offering current jailers the choice between being categorized as protectives or generals would likely be considered a CODA, potentially resulting in negative tax consequences to both the jailers and the WRS. The IRS may also view giving newly-hired jailers this choice as a CODA if they are already WRS participants.

Finally, many of the administrative aspects would be handled by the counties, such as determining what county jailer is or isn't a protective occupation employee for WRS purposes. ETF's fiscal estimate provides you information on the costs these administrative changes would have on ETF.

This bill is a significant change to a long-standing legislative policy regarding the compensation of protective employees. It does raise some equity issues and questions on the long-term impact on the duty disability program. ETF believes that an actuarial analysis would be the best way to determine what impact these changes would have on the programs.

If you have any questions about this testimony, please contact Tarna Hunter at 608-267-0908.



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
WWW.WICOUNTIES.ORG

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections

FROM: Marcie Rainbolt, Government Affairs Associate

DATE: March 19, 2019

SUBJECT: Support of Assembly Bill 5

The Wisconsin Counties Association (WCA) supports Assembly Bill 5 (AB 5), which classifies county jailers as protective occupation participants under the Wisconsin Retirement System (WRS) and mandates that employees pay the enhanced WRS contributions resulting from the classification. AB 5 represents a negotiated compromise between WCA, the Badger State Sheriffs Association, and the Wisconsin Sheriffs and Deputy Sheriffs Association that addresses the desires of county jailers without forcing additional costs on to county property taxpayers.

In recent years, negotiations have been ongoing between WCA and the law enforcement community regarding protective status for county jailers. The negotiations followed years of litigation regarding protective status for jailers. Currently, 13 counties have their jailers as protective. Counties were successful in the litigation as the Department of Employee Trust Funds (ETF) found that county jailers are not entitled to WRS protective status because a jailer's job is not considered "active law enforcement" under the law.

Through discussions with law enforcement associations, AB 5 was drafted which provides protective status to jailers without regard to their "active law enforcement" status and, therefore, allows jailers to receive duty disability insurance and early retirement. The legislation also clarifies that jailers are not designated as public safety employees for collective bargaining purposes (*i.e.*, they are general municipal employees and may bargain only over base wages) and jailers are responsible for all—employee and employer—additional WRS contributions.

County jailers are critical to ensuring safety in the jail for inmates, staff, and the general public. As such, AB 5 provides jailers with the additional benefits they desire while protecting local property taxpayers. It is anticipated that this legislation will bring an end to all litigation surrounding jailer protective status, thus providing legal certainty for 70 of our 72 counties with county jailers.

During the 2017-2018 Legislative Session, this legislation was known as Assembly Bill 676 and passed the Assembly on a voice vote.

WCA respectfully requests that the Committee support AB 5.



To: Members, Assembly Committee on Corrections
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: March 19, 2019
RE: **Testimony in Support of AB 5 to Provide Protective Status to County Jailers**

Good morning. I am Captain Jeff Klatt of St. Croix County here today with Grant County Sheriff Nate Dreckman and Sauk County Chief Deputy Jeff Spencer. I am the legislative committee chair of the Wisconsin Sheriffs and Deputy Sheriffs Association and Chief Deputy Spencer is the current President. WS&DSA represents over 1,000 members, including Sheriffs, Deputies, and jail officers. Sheriff Dreckman is the vice president and legislative committee chair for the Badger State Sheriffs' Association, representing all of Wisconsin's 72 Sheriffs. Our organizations have a joint legislative committee and work closely on public safety issues of concern to our members.

We are here today to ask for your support for an important piece of legislation that will provide protective status to county jailers statewide. First, we want to thank Representative Born and Senator Marklein for authoring this bill, which has been years in the making. It is also important to note that our organizations negotiated this legislation with the Wisconsin Counties Association to ensure a balanced policy, providing county jailers with protective status without increasing counties' budgets.

Protective occupation status allows employees to retire at an earlier age (50 years old) and receive duty disability benefits if they are injured in the line of duty. While the job responsibilities are the same, state correctional officers are considered protective status under the Wisconsin Retirement System (WRS), while county jailers are not.

Daily, county jailers are responsible for the safety of county jails and the safety of the facility's other inmates. Since every state inmate starts in a county jail, county jailers regularly deal in dangerous and stressful situations. Inmates initially admitted to the jail are often facing various issues, including mental health, alcohol, and other drug abuse, and dealing with the stress from the crime they committed and potential incarceration. To prepare for their difficult job to work in extremely dangerous conditions, county jailers undergo substantial training requirements.

Currently, individuals whose principal duties (51 percent or more) involve active law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger are classified as protective occupation participants under the WRS. For years, there has been variability across Wisconsin counties regarding whether protective status is provided to county jailers.

Under the bill, counties can classify county jailers as protective status under WRS without requiring that their principal duties involve active law enforcement. This legislation will give county jailers *the option* to obtain protective status at the time of hire. The additional cost

associated with protective status, including duty disability, is paid for by the employee (county jailer), not the county. The bill also defines county jailer, providing more uniformity to the job function and duties statewide.

While protective status will be offered in every county statewide, this bill provides for different circumstances to allow for more county-level flexibility. For instance, if counties currently pay for the additional cost to provide protective status to jailers, those counties are grandfathered in under the bill. A grandfathered county would have the ability in the future to not pay the additional costs if the county so decides. In addition, if a county currently collectively bargains with public safety employees, newly hired county jailers will be able to bargain as public safety employees.

Using 2018 data collected by BSSA, we estimate that there would be roughly 2,088 jailers that would benefit from this bill should it become law. This number does not include jailers in the “grandfathered counties,” who already have this benefit. According to WCA, there are 13 counties that already provide protective status to jailers.

Safety within the jail is the top priority. Without protective status, jailers must work longer careers, while facing the same physically dangerous aspects of the job. For a county jailer in their late 50s or early 60s, dealing with younger inmates can be a significant safety risk. The protective status benefit will afford jailers the opportunity to retire at 50, the same as state correctional officers, thus eliminating their exposure to injury later in their careers.

We respectfully request you support this bill to give county jailers the protective status they deserve for the hard and dangerous work they do to keep Wisconsin safe.

Thank you for your time and consideration.



Office of the County Administrator
Joshua Schoemann, County Administrator
Matt Furno, Deputy County Administrator
Ethan Hollenberger, Public Affairs Coordinator

Herbert J. Tennes Government Center
432 E. Washington St.
West Bend, WI 53095-7986
Phone (262) 306-2200

Public Hearing Testimony on Senate Bill 5 & Assembly Bill 5

March 16, 2019

We all agree our jailers are crucial to achieving our county's strategic priority of ensuring a "safe and secure community." Washington County opposes this piece of legislation through a passed board resolution. There are several reasons the board voted to oppose the bill.

Actuarial Studies

Without actuarial studies of both programs it is not possible for our finance and human resource departments to accurately verify whether or not county taxpayers are held harmless from the expanded benefits. Furthermore, it is possible all 255,000 WRS eligible employees statewide are also not held harmless and will lose take home pay through increased contribution rates.

A study would also be necessary for duty disability. Duty disability rates are distributed through several tiers with premium rates increasing in with each tier step. Each employer is placed into a tier based on claims experience. An actuarial study should be done to determine whether all tier rates will increase or counties will shift into higher tiers. As the ETF wrote to the Assembly committee last session, "*allowing employees to select whether to be in a job classification and in a disability program or not may change experience in that the older, more likely to be disabled employees may select the program and others wouldn't, thereby increasing the costs to everyone in the long run.*" The ETF further testified that an actuarial study is the best way to develop fiscal estimates on premiums for the program.

Obtaining an actuarial analysis is common prior to changes to our pension system. In 2016, an actuarial study was completed on a bill to increase the early retirement age and final average salary calculation. The 2013 biennium budget removed so-called "double dipping" from the pension system. In June of 2013, an outside actuarial report was requested and obtained prior to the Legislature voting on the budget. Before that, three actuarial studies were completed in 2009. Each budget, Legislative Council is appropriated \$15,000 for legislative requests for WRS studies. It is our understanding that any of the following may request Legislative Council obtain a study: chamber leaders, co-chairs of finance, or co-chairs of retirement systems.

Local Control

Washington County solved this issue in 1991. Our board must continually weigh different benefits offered to our employees so that we can recruit and retain the best employees. In recent years, Washington County has given multiple raises to our jail staff and will again be completing a compensation plan to both analyze our salaries and improve our pay progression.

This bill could act as an unfunded mandate as the pressure on boards is not alleviated. As ETF testified there is great differences between rates that the new protected status jail staff would pay around the state. Act 10 gave local governments more control of our benefit costs. This bill could reverse some of those decisions and cost jailers more than Act 10 did.

Retirement Age Decrease

Members of our board object to immediately decreasing the retirement age for our staff. Should this bill become law, Washington County could have up to a third of our jail staff eligible for retirement. This would create stress on our remaining employees similar to the state prison system is seeing now.

There is also a concern that the benefit takes immediate effect for current staff. There is no phase in or vesting period.

Recruiting from Other Counties and the State

The state should consider the impact of our vacancies and salary to the prison correctional officer pool. We already pull fully trained jail staff from other jails and the state system. With a Racine County jailer losing about nine percent in take home pay, it makes sense for Racine County staff to move counties. Additionally, the bill could exacerbate the prison officer shortage.

Introduction an Option of Benefit to WRS

This bill introduces an option for employees to determine which pension pool they participate. Currently, to be a protected status employee the job duties must be active law enforcement. Largely, protected status participants are certified law enforcement officers. Job duties and qualifications should remain the standard for which pool an employee participates.

The option then could create inequality among officers. We are expecting a new hire in his or her twenties to make a decision on when they should retire. With young staff increasingly more worried about take home pay, employees may not understand the importance of this benefit.

Need for Public Safety

This bill could force the board to make a decision between adding sheriff deputies or funding this benefit. Washington County is also feeling pressure to fund body cameras, safety equipment for officers, radio systems, Next Generation 911, and other needs. With staff losing take home pay, requests for base salary increases are imminent.

Thank you for your time and consideration of this bill. The legislature should pause to evaluate the true cost of the bill to counties and the pension system. Washington County would prefer to make the best decision for our officers and citizens.

Respectfully Submitted,
Ethan Hollenberger
Public Affairs Coordinator
ethan.hollenberger@co.washington.wi.us
262-335-7702



DODGE COUNTY SHERIFF'S OFFICE

Dale J Schmidt Sheriff Scott Mittelstadt Chief Deputy

March 19, 2019

Honorable members of the Senate Committee on Judiciary and Public Safety and the Assembly Committee on Corrections;

I'm Dodge County Sheriff Dale Schmidt and I would like to take a few moments to request your support of Senate Bill 5 and Assembly Bill 5, Protective Status for County Jailers.

Recently I was reading through the Wisconsin Department of Justice training manual on "Principles of Subject Control" (POSC) that all of our Correctional Officers are required to be trained in as part of their certification in the State of Wisconsin. As I was going through the competencies of the training, I recognized that they vastly mimic the competencies of the Defensive and Arrest Tactics (DAAT) training that our Law Enforcement Officers are trained in when they are certified. Some of the competencies in these trainings include everything from Presence and Dialog, to Control Alternatives such as Escort Holds, Compliance Holds, Oleoresin Capsicum (OC – aka "Pepper Spray), and Protective Alternatives such as Active Countermeasures.

I wouldn't expect non-law enforcement to know what these words and phrases mean as I certainly didn't before I was a law enforcement officer, but they are words that every law enforcement and correctional officer are very familiar with. To bring perspective to this, all of my correctional officers carry OC just like my deputies as a means to protect themselves and others, and as a tool for use when taking a resistive subject into custody. They are also required to be sprayed by it prior to carrying it so they have a clear understanding as to its effects. What other job out there requires being sprayed by and carrying OC every day not only for personal protection, but for the protection of others and as a tool to take offenders into custody?

As a law enforcement officer for 19 years, I have arrested offenders and brought them into the jail. Often times these offenders have been intoxicated by drugs or alcohol and as a result of their arrest or their mental state, they are upset and at times very violent. The luxury of being a cop on the street is that after I drop them off at the jail, my interaction with them has ended. I may have had contact with them for an hour or 2, but my correctional officers must now deal with that person for days, weeks, or even months.

That person may be angry, highly intoxicated, violent, suicidal, and/or mentally unstable and may need to be secured in a restraint chair or placed in a padded cell until they calm down. During this time, there is significant risk to our correctional officers as these

offenders attempt to strike, kick, head butt, or spit on my staff. This presents not only physical risk of bodily injury but also exposure to bodily fluids that pose risk of significant infectious diseases such as HIV and Hepatitis. These are real risks that enter our jails on a daily basis.

In addition, our staff is expected to minimize contraband entering our facilities meaning they must conduct searches on every inmate that enters. How many of you have to be careful of weapons, drugs or drug paraphernalia such as hypodermic needles when you go to work? How many of you are physically searching people daily in an effort to keep it out of the work place?

I mean no disrespect by my questions, as no person should have to put themselves in harm's way like our law enforcement officers and correctional officers do every day. I thank God that we have brave men and women who come to work every day to do this difficult job that most would never want.

What I have shared with you here today is only a sample of what my correctional officers are subjected to each and every day. I am providing you each with a couple photographs of the results of one incident in our jail in which an inmate became extremely violent doing significant damage to the reinforced glass in one of our sections. Thankfully there was no Correctional Officer that was hurt in this incident, but imagine the potential injury if an officer had been the recipient of this kind of violence.

Finally, I would like you to imagine a jail like a small city. We have various neighborhoods within our jail. We provide medical services, meals, snacks, educational opportunities, religious services, libraries, physical fitness and more. Our correctional officers are the police. They do a very difficult job and deserve to be recognized with a little extra support from our great state. One last question, would you want to deal with a 20 year old physically fit, combative and intoxicated subject at the age of 55 or 60? Neither would I.

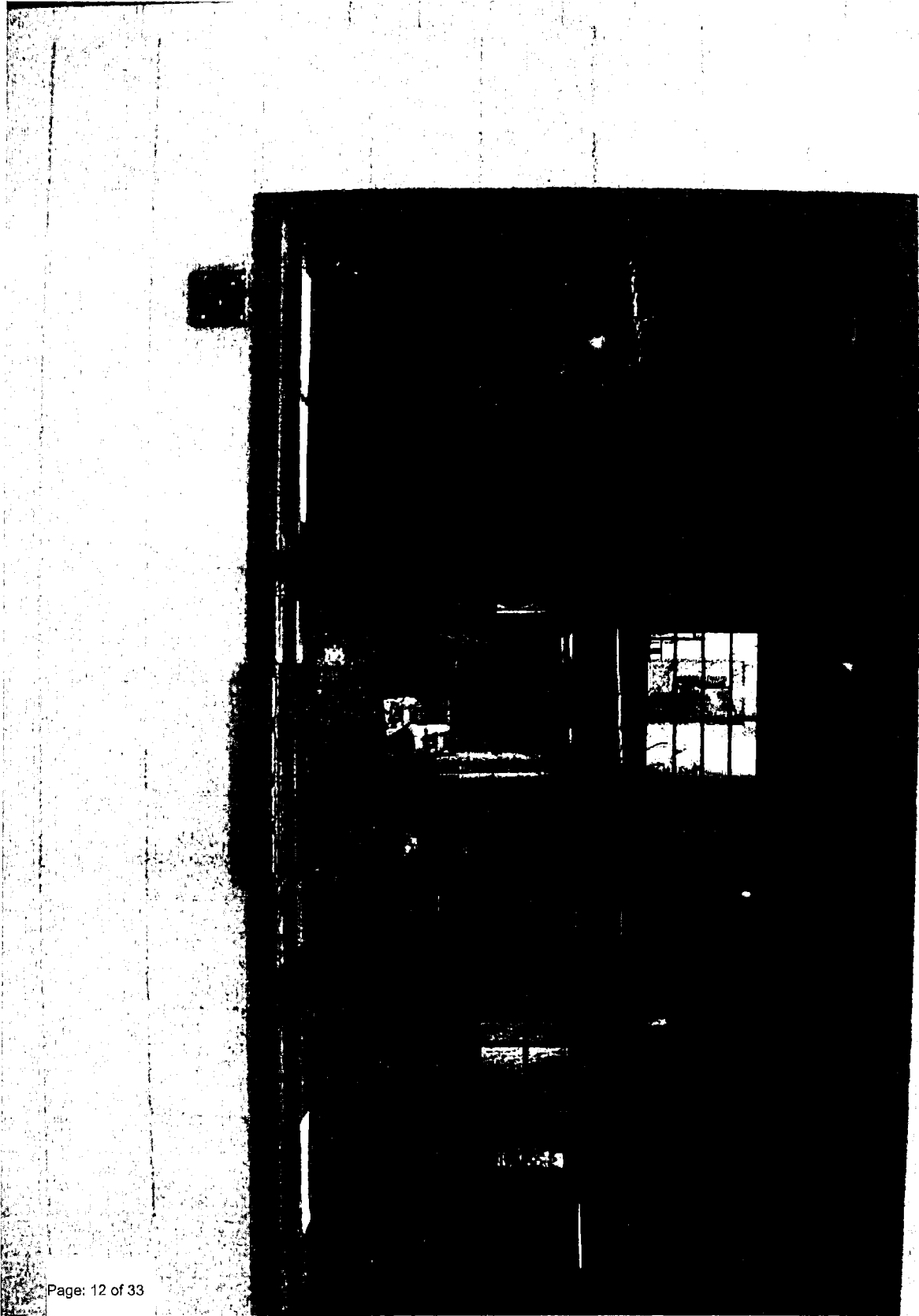
Please find attached 3 letters I received from my staff that are included for your deliberation.

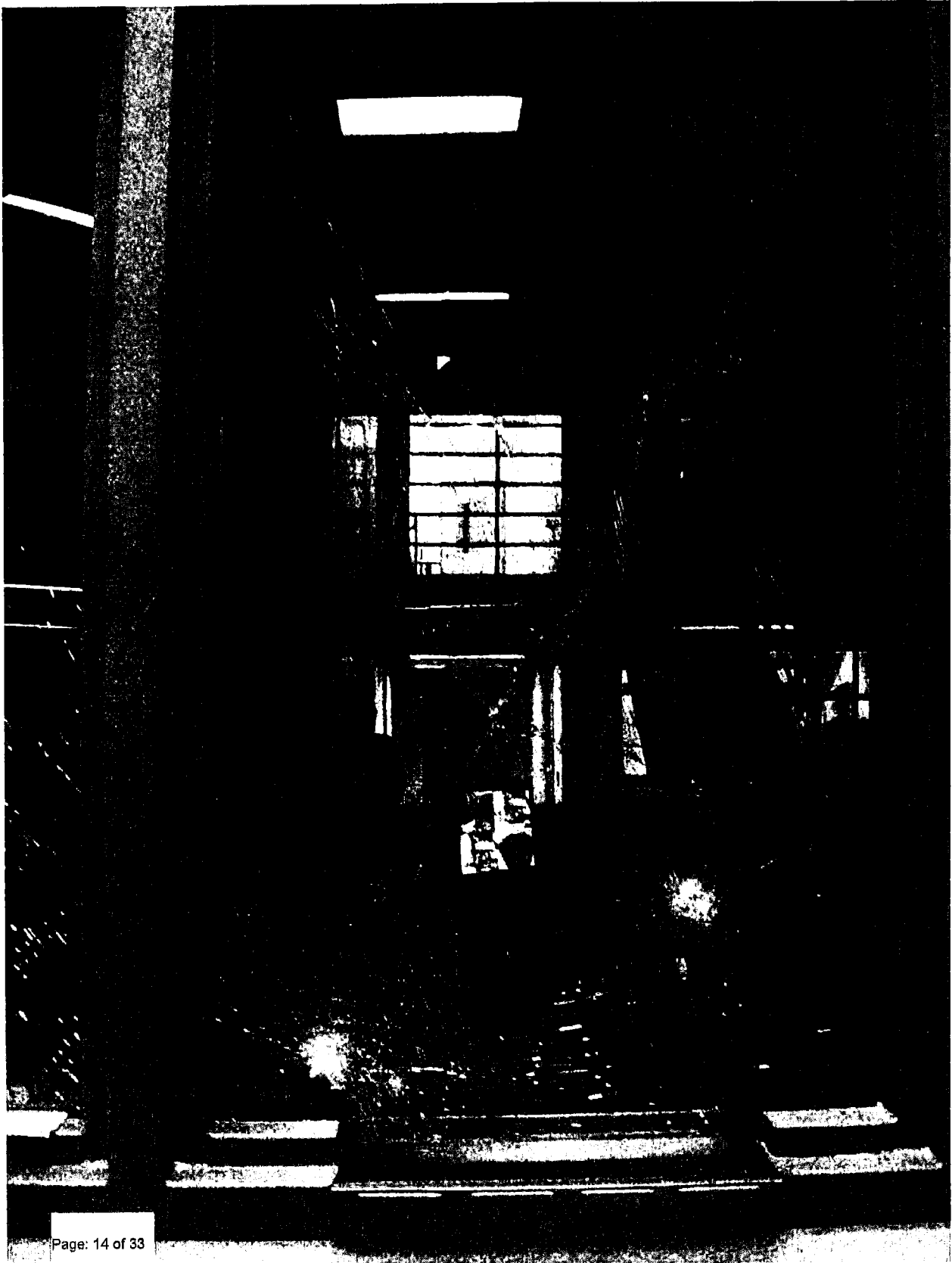
Once again, I respectfully request your support of this bill and ask your support in moving this forward quickly as a means to say thank you for the service and sacrifices our Correctional Officers make for the protection of the citizens we all serve.

Respectfully,



Dale J. Schmidt
Dodge County Sheriff





I have been a Correction Officer for the Dodge County Sheriff's Department for 20 years.

Roughly 16 years ago I recall standing in the same position as our Sheriff stands today. It is sad that as an important part of law enforcement we must continue to beg for protective status!

Over the course of 20 years myself, and my counter parts have been spat at, have had feces and urine thrown at us, poked by needles, have been physically and verbally attacked, have protected the inmates from harming themselves, from being harmed and harming others. We have monitored and protected them as they went through withdrawals as they come off the streets as they no longer have their drugs and alcohol in there system. We protect them as they are having their seizures. We protect them as they no longer have their will to live. We attempt to calm them as they are angry at the world for their current situation. Yet this is our job, to serve and protect!

We also protect civilians, who may be the maintenance, housekeeping, kitchen staff, religious staff, Attorneys, Medical Staff, Clerical Staff, Instructors, Delivery personnel, TAD personnel, and many others who have no means of protecting themselves, but enter our facility, most daily, to perform their job duties, relying on us to come to their aide if an inmate becomes disruptive. Yet this is our job, to serve and protect!

Because of this, we are no less important than anyone else that gets this well-deserved status. And this is why we need to be protected! We have been "swept under the rug" for many years. And yet we go home every day and brush ourselves off, and are thankful we made it home that day.

It is not uncommon for the harden criminals that are behind the State Prison Walls spend up to sometimes three years in our county jails after they have committed their horrendous crimes, and we, as county correctional officers, must deal with them. For Dodge County, know that any inmate committing a crime in any of the Correctional institutes within our county, including the Walls, usually comes back, to the Dodge County Jail to serve his time, and again, we must deal with them.

It is our hope, that you find our existence as important as others that carry this status. We deserve it!

Thank You!

Hanna Mueller
Corrections//Forensic Artist
Dodge County Sheriff's Department

I am currently the only sworn member from the jail on the Dodge County SWAT team. As a member of the SWAT team I am put in high risk situations when we are called upon. I am faced with the same risks as my patrol counterparts but because I'm a correctional officer I am not allowed the same protection and duty disability benefits as the sworn patrol officers even though I am performing the same duties. I train with them and trust them with my life and I know they feel the same. I have a duty to serve in this capacity despite the fact that my team is afforded more protection and benefits in the unfortunate event of injury or worse.

I am also the CERT (correctional emergency response team) commander. I am in charge of a 14 member team that is responsible for the highest risk situations that occur in the jail i.e. fights, hostage situations, barricaded subject, and county facility property damage. We utilize less lethal munitions, team tactics, and wear protective gear to prevent injury. We train every other month focusing on room clearing, cell entries with single/multiple inmates, riot scenarios, and deployment of chemical munitions. We are highly trained and highly motivated to uphold the safety and security of our facility, contracted staff, coworkers and inmate population.

As a correctional officer I am under almost constant stress, work in adverse conditions with humans that most people would shy away from. I am a counselor, medic, mediator and more. I come home mentally and emotionally drained. I work weekends and holidays and miss out on family events. Protective status wouldn't help with these situations but it would allow me to retire at an age where I have more time to spend with my family. Should I become hurt on the job, my family wouldn't have to suffer financial hardship.

Please consider this small glimpse into one correctional officer's life. There are so many of them like me and we are asking for the ability to obtain protective status. Allowing us the ability to retire sooner in our averaged expected 59 year lifespan, allow us better duty disability in an ever changing, uncertain, dangerous, physically and emotionally challenging and job.

Respectfully

Corporal Ryan Martin
Dodge County Sheriff's Office
Jail Division

To whom it may concern,

Our Sheriff sent out an email asking us, the Correctional Officers of the Dodge County Sheriff's Department, to provide specific testimonials as it relates to "Why Correctional Officers should have the opportunity to be considered for Protective status". Here is my response to his email.

I started working as a Correctional Officer with the Dodge County Sheriff's Department in 2005, at age 36. I now have 14 years in with this Department, and during my employment, there has always been one common denominator when it comes to Corrections staff, and that is we constantly have to justify our place in the Law Enforcement picture.

We deal with more than County inmates at our facility; we also have a large population of contract holds, which include state inmates, immigration (ICE) detainees, and US Marshal Holds. We work face to face with murderers, rapists, pedophiles, & such on a daily basis. We are constant victims of their verbal abuse and threats because we are seen as an outlet for their general hatred towards Law Enforcement. Yet, in many circles, we are not considered a part of the Law Enforcement team. We have to deal with those same offenders who broke the law on the streets, just as the Police did. These offenders come to us with the same personality & physical strength that they had on the street. The only difference is they are now confined behind bars while they are awaiting trial, waiting to be sentenced or awaiting deportation.

We as CO's have to deal with unruly inmates/detainees that fight and that use their own fecal matter as an expression of their anger by smearing it on themselves, and or covering their cells & windows with it. We deal with people that are non-compliant, depressed/suicidal, drunk or going through alcohol/drug withdrawals. Often times, we physically go hands on with these individuals in order to control their actions. Through it all, we do it, and do it well, because we are responsible for their wellbeing and that is what we do. However, it is also a young person's game, because we get just as worn out physically as road Officers do. There is constant walking, and both physical and mental stressors to our jobs that takes its toll, as we get older.

In conclusion, it seems the question that should be asked, is not why Correctional Officers should have the opportunity to be considered for Protective status, but rather, why don't we already have protective status? Thank you for your time.

Sincerely,

Brian Harkins



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

To: Waukesha County Legislators
From: Waukesha County Executive Paul Farrow
Date: Friday, January 25, 2019
Re: Opposition to Senate Bill 5

Waukesha County is asking you to oppose Senate Bill 5 that classifies county jailers (corrections officers) as a protective occupation under the Wisconsin Retirement System (WRS).

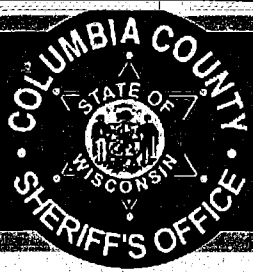
As you may know, if SB 5 is passed and signed into law, county jailers would be considered "protective occupation participants" under WRS, a designation that until now has been reserved for employees whose principal duties involve active law enforcement. This bill increases retirement benefits, and reduces the retirement age, of these employees. While the bill does require county jailers to pay the employer share of the WRS protective contribution rate, as well as the duty disability rates, the true fiscal impact of these changes to county taxpayers is unknown.

I believe an actuarial study should be conducted of both the WRS system and duty disability program prior to any action being taken on the bill. In addition, the following items should be studied further:

- WRS annuities were traditionally funded with 25% contribution and 75% investment returns. In the past 10 years the contribution rate for the WRS has increased because investment results have not kept up with liabilities. The addition of correctional officers to protective status could magnify this problem and raise protective employee contributions.
- Even though the bill has duty disability funded by the correctional officer opting in, any correctional officer that joins could change the contributions paid for our entire protective class of employees in a given county.
- We expect a large number of senior correctional officers to opt in to the program, and therefore, be eligible for a much earlier retirement. This adverse selection could increase both duty disability and protective contribution rates. In addition, like other counties, Waukesha County has seen a high turnover in correctional officers and this action could exacerbate that trend

Aside from the unknown fiscal impact, the bill implements an upside down policy of allowing workers to opt into a program simply to receive greater benefits. It also diminishes the protective classification as a whole and could lead to employees in other types of jobs requesting protective status. We should not make this change without knowing all of the facts and without having a full understanding of the true impact of the legislation.

Thank you for your time and consideration. Please do not hesitate to reach out to me if you have any questions.



COLUMBIA COUNTY SHERIFF'S OFFICE

Roger L. Brandner, Sheriff

March 19, 2019

To: Senate Committee on Judiciary and Public Safety & Assembly Committee on Corrections

Re: Senate Bill 5/ Assembly Bill 5 Protective Status Hearings

I would like to thank you for the opportunity to speak on this bill.

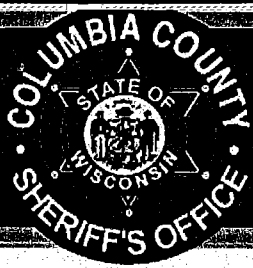
My name is Jim Stilson and I'm a Lieutenant with Columbia County Sheriff's Office where I've served since 1995 and I'm here in support of the professional men and woman that are jailers in our state.

I have worked in and around this profession for many years and I can tell you from experience this is a tough job in a tough environment. The jailers in our county do have many of the same responsibilities as the deputies working the road, as they investigate crimes committed in the jail, prepare reports for the DA's office, and complete mental health commitment paperwork if someone is committed to a state mental institution from the jail. Many of these instances result in them testifying in court as well. Much of their training regimen overlaps and is rigorous when it comes to the jails equivalent of defense tactics training called POSC or Principles of Subject Control training. Because control of these inmates in the jail is not an option, they need to maintain control of the inmates at all times. Our jailers take care of all the inmates in this state before they go on to prison, as every state inmate has started out in a county jail somewhere. I mention these examples to show that jailers have many of the same responsibilities as other professionals that have had Protective Status since its inception.

With regard to the dangerousness of jailing, I can tell you that it is right at the top of the list. This is especially true with drug addictions and the mental health issues we're seeing today more than ever. This coupled with low staffing levels has increased risks that jailers are faced with in our jails.

Last week I had a young jailer in my office because I had received word that he may be leaving us. As I spoke with him he told me that he just doesn't know if he can deal with the inmate population any longer and the risks associated with this work. Last year this jailer was talking to a mentally ill inmate when the inmate lashed out at him and grabbed him by the throat without warning. The inmate was quickly subdued by use of force until he released his grasp, and I know this had a significant effect on this jailer.

Recently there was another incident in which one of my sergeants was escorting an emotionally disturbed inmate to his cell when the inmate turned and swung his fist at the sergeant without warning. The sergeant was able to avoid being struck but had to take the inmate to the ground to control him and in doing so tore up his shoulder. This required surgery and he was off duty for several weeks.



COLUMBIA COUNTY SHERIFF'S OFFICE

Roger L. Brandner, Sheriff

Continued

These are just a few examples of the type of dangerous individuals and situations jailers frequently encounter, and with recent changes in Administrative Code DOC 350 our jailers must have more face to face contact with every inmate to complete wellbeing checks throughout our jails. Our jails are a city within a city, and our jailers are tasked with maintaining order within these walls and they have an awesome responsibility in doing so.

With the continual mental and physical stress that they have to endure, jailers should have always been included as a protective occupation participant. I feel strongly that this will assist us in recruiting and retention when we are able to tell new recruits that they do have the ability to be included in this status. I believe it's long overdue that these fine men and women get the chance to be included in this classification and I urge you to support this bill.

Thank you for your time and thank you for your service.

Sincerely,

Lt. James D. Stilson



**VILAS COUNTY
SHERIFF'S OFFICE**

330 Court Street, Justice Center
Eagle River, WI 54521-8362

Patrick Schmidt, Chief Deputy
Gerard Ritter, Captain
William Weiss, Jail Admin

Joseph A. Fath
Sheriff
www.vilascountywi.gov

Tele: 715 479-4441
Fax: 715 479-6039

March 19, 2019

To: Assembly Committee on Corrections

From: Bill Weiss, Vilas County Jail Administrator

RE: Written Statement in Support of Assembly Bill 5

Wisconsin protected status Deputy Sheriffs, Police Officers and Probation Officers all have contact with many of the same individuals as unprotected status Jail Officers. One difference is that that jail officers contact with these individuals extends for hours, days, and months at a time.

Twenty-one years ago, I attended Jail School in Green Bay where our instructor informed us that one of the most volatile individuals are those that initially enter a jail. This is because the individual's freedom is being taken away along with the high probability that they are under the influence of drugs, alcohol, and/or have mental health issues.

- Most jailers have had to place an inmate in a restraint chair for their safety.
- Many jailers have had to discharge their TASER to regain control of an inmate.
- Many Jailers have had to discharge O.C. (Pepper Spray) to regain control of a situation.

In November 2018, one of our jailers was hurt trying to regain control of two unruly inmates who were throwing food trays. Those inmates retreated to the mezzanine and hung off of the railing to avoid being escorted out of the cell block. That jailer is still seeking treatment for nerve damage to their shoulder and neck.

During my tenure as a jailer, I've been spit-on on three different occasions with one being bloody saliva in my eye which required follow up testing.

Today, I ask for your support to classify county jailers as protective participants as outlined in Assembly Bill 5.



**VILAS COUNTY
SHERIFF'S OFFICE**
330 Court Street, Justice Center
Eagle River, WI 54521-8362

Patrick Schmidt, Chief Deputy
Gerard Ritter, Captain
William Weiss, Jail Admin

Joseph A. Fath
Sheriff
www.co.vilas.wi.us

Tele: 715 479-4441
Fax: 715 479-6039

March 19, 2019

To: Assembly Committee on Corrections

From: Jamie Meier, Vilas County Jail Sergeant

RE: Written Statement in Support of Assembly Bill 5

I am here today asking for your support in classifying county jailers as protective participants as outlined in Assembly Bill 5.

I have worked in Corrections since 2008 dealing with inmates anywhere from an hour to over a year at a time. Some of these individuals are the same people that protected Deputy Sheriff's, Police Officers and Probation Officers deal with as well, but for a shorter period of time. Jailers spend a significant amount of their work day dealing directly with the inmates. Most jails have gone to direct supervision making the job more unpredictable and dangerous due to the amount of access these inmates have to the jailers. Inmates have nothing but time to plan on how to manipulate and in some cases harm jail staff.

A high percentage of individuals arrested and brought to jail are under the influence of drugs, alcohol and/or have mental health issues. These individual arrestees are unpredictable and can be very violent. Jailers have tools, such as tasers, OC and restraint chairs to help protect themselves and their co-workers from inmate harm but those are not always 100 percent effective.

In January of 2013, myself and two male co-workers were dealing with an intoxicated female inmate recently arrested for Disorderly Conduct who became suicidal and needed to be placed in the restraint chair due to not complying with the changeover process. Inmate was resisting and becoming violent and was able to get one of her legs loose and kicked me in my face. I flew back and landed against the cell wall. Fortunately, I was able to get right back up and we were able to secure her into the restraint chair without any further injuries.

I have had to use my taser on numerous occasions to gain compliance from uncooperative or resistive inmates. One occasion was with an intoxicated male who punched a male co-worker who had to go through months of therapy to deal with his shoulder injury.

Due to the rapid increase in drug use many inmates have communicable diseases that can be passed through bodily fluids which happens during altercations with inmates and jail staff.

Again, I am asking for your support in getting our county jailers protected.

Mr. Chairman,

Thank you for your time here today, and your consideration of this bill. I work for a smaller, rural county jail. I worked there during prior to WI Act 10 and after. Perhaps the second most important consideration in the passage of this bill is the recruitment and retention of quality corrections officers. Both have suffered significantly since our county corrections staff lost their protective status.

The first, however, is duty-related injury situations. We have had a couple injuries over the period since we've lost protective status. I'd like to highlight one for you now.

I worked with a correctional officer that taught me a lot about how to do my job. He had served 15 years in a state prison system, working his way up the ranks. Much his time was spent on what we call the CERT team. That is, the Correctional Emergency Response Team. He and his team responded to calls throughout the prison for any high-risk situation. These included inmate fights, inmate suicide attempts, riots, and cell extractions. The latter, most often, being among the most dangerous. Following his 15 years in the prison system, he came to our county. He had been there over a decade prior to his injury. One day, over a year ago, he responded to a call for assistance from our booking officer. However, given his experience, without regard to rank or post-assignment, he quickly became point for the situation.

An inmate was attempting to flush his bedding down the toilet. By the time officers responded, the cell floor was completely covered in water, and it was leaking from under the cell door. During the encounter, this officer was knocked to the floor—aided by the slippery and, frankly, disgusting conditions—and brutally attacked. Injuries he sustained during that contact, ultimately, led to his early resignation. He was not offered the protection of being a protective status employee. He has been fighting ever since with worker's comp. He has been forced to be at work—against the better recommendations of his medical team. While there, he had to wear sunglasses inside at all times, as the light effected his condition. The neurological damage he suffered has had ranging effects—from persistent headaches, to vomiting whenever he is behind the wheel for any length of time.

I do not know how this situation will finally play out. I believe, had he been classified as protective status, it would not be an ongoing battle. Corrections officers such as this one deserve every benefit for their service to their community, the county, and the state. All of our current corrections officers deserve to see such injured officers treated with the utmost care and consideration following such an injury—or, I fear, the staffing hemorrhage started with the loss of our protective status will continue.

I implore you to pass this bill.

Thank you for your time.

Jeromy Cox – Corrections Officer

Senate Committee on Judiciary and Public Safety
Assembly Committee on Corrections
March 19, 2019
Protective Status for County Jailers

Good morning. My name is Jeff Wolf and I am the newly elected Sheriff of La Crosse County. One of the 30 newly elected Sheriff's in Wisconsin.

Today I testify in support of Senate Bill 5/Assembly Bill 5, Protective Status for County Jailers through the Wisconsin Retirement System.

Throughout my nearly 31 years as a deputy for the La Crosse County Sheriff's Office, protective status for jailers has been a topic that has been proposed, discussed, challenged, and debated, but never resolved. It is time that county jailers are classified as protective employees for earlier retirement and duty disability benefits if they are injured in the line of duty.

Currently, only those individuals who are active in law enforcement or fire suppression, and have an exposure to a high degree of danger are classified as protective occupation participants under the Wisconsin Retirement System. The exception to this is State Correctional Officers.

Jailers in each of our county jails have the day to day responsibility to guard and protect our community's most dangerous individuals. The high degree of danger that they are exposed to each day is deserving of being classified as a protective occupation.

In the last 5 years, Correctional Officers for La Crosse County have been assaulted 21 times; just over 4 staff members per year. During that same time period, jail staff has been involved in breaking up numerous fights which frequently puts themselves in danger. They have written

reports involving disrespect, harassment, sexual harassment and threats to jail staff well over 100 times.

On October 11th of 2018, two Jailers at the La Crosse County Jail were injured while conducting a round which included cell and property inspections. As a result of this incident, one of the jailers was transported to the hospital and missed over 2 months of work. The other had cuts to his face, an injured hand and a dislocated finger. This jailer returned to work within a few days.

Fortunately those jailers injured recovered and returned to work. But because of the frequency of these types of incidents, it is time that the leaders in our state and county step up and provide protective status for our correctional officers.

A recent survey from the Wisconsin Counties Association revealed that La Crosse County was not in support of this legislation. After learning of this, I reached out to the County Administrator in La Crosse County. He advised me that he would neither oppose nor support this legislation. He did indicate that he was concerned with the duty disability rate and how it affects each county. While I understand this concern, I feel it is more important to provide the protection the jailers deserve with the classification of protective status.

This bill addresses a mutual agreement which was negotiated by the Wisconsin Counties Association, the Badger Sheriff's Association, and the Wisconsin Sheriff's and Deputy Sheriff's Association. I ask you to support this pending legislation so that all of our county jailers are afforded the opportunity to be classified as a protective occupation under the WRS.