



Van H. Wanggaard

Wisconsin State Senator

TESTIMONY ON SENATE BILL 120

Thank you for today's hearing on Senate Bill 120, which clarifies the definition of "health care plan" for public safety employees.

I want to start with some background. In 2011 and 2013, the Legislature passed Act 32 and Act 20, respectively. Combined, these two acts state that public safety employees may only negotiate the cost of the employee contribution to their health care plan. Like all other public and private sectors employees, the design and selection of the health care plan was solely up to the employer, and not subject to negotiation.

In 2009 and 2019, the Legislature voted unanimously to ensure that the families of fallen fire fighters and police officers would maintain their health insurance coverage if their loved ones died in the line of duty.

Over the last several years, Racine Mayor Cory Mason has been negotiating with the local fire fighter and police associations for a new contract. During these negotiations, Cory Mason intended to kick retired police and fire fighters off of the city's health insurance coverage, and eliminate the city portion Medicare Part B premium payment.

To bolster his efforts to eliminate retired police and fire fighter health care coverage, Cory Mason sought a declaratory ruling with the Wisconsin Employment Relations Commission (WERC). Last July, WERC ruled that while the city needed to negotiate over the Medicare Part B premiums, Mason was under no obligation to offer health insurance to police and fire fighters at all.

To quote the ruling directly "the City [has] discretion whether it will even have a health insurance plan for public safety employees."

In Mason's efforts to eliminate police and fire retiree health care coverage, Cory Mason put the health care coverage for every police officer and fire fighter in the state at risk.

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State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510
E-Mail: Sen.Wanggaard@legis.wi.gov • SenatorWanggaard.com

In that single ruling, WERC made 2009 Act 285, 2011 Act 32, 2013 Act 20, and 2019 Act 19 irrelevant nullities. The statutory ability to negotiate public safety employee health care coverage premiums was eliminated, as the city is under no obligation to offer public safety employees health care coverage. The families of fire fighters and police officers who die in the line of duty, can lose their health insurance because there doesn't have to be any health insurance.

Why would the Legislature allow for negotiations of health coverage premiums if there were to be no health care coverage? Why would the Legislature unanimously ensure the families of fallen fire fighters and police officers maintain their health insurance if they were not eligible to have health insurance in the first place? Simply put, they wouldn't. Obviously, I believe WERC was incorrect in their interpretation of the law.

Senate Bill 120 corrects WERC's misinterpretation by stating the existence of a health care plan is allowed to be negotiated and clarifying 2011 Act 32 to ensure who is covered by the plan is not considered part of the "design" of a health care plan. The bill does not seek to expand negotiations between public safety employees and municipalities. The bill is a simple restatement of existing law. It is narrow in nature as it only applies to the two aspects of the WERC ruling I believe were facially incorrect.

I trust that you will agree that our police officers, fire fighters and EMTs deserve health insurance coverage, and will support SB 120.



BOB DONOVAN

STATE REPRESENTATIVE • 84TH ASSEMBLY DISTRICT

(608) 237-9184
Toll-Free: (888) 534-0084
Rep.Donovan@legis.wisconsin.gov

P.O. Box 8952
Madison, WI 53708-8952

Testimony in Support of Senate Bill 120

Thank you members of the Committee on Judiciary and Public Safety for meeting today to hear public testimony on Senate Bill 120, which clarifies state statute ensuring public safety employees have proper healthcare coverage.

Public safety employees are the backbone of any municipality. We depend on police, fire and EMS for our essential services to keep ourselves and our community safe. Given the risks they undertake in their employment, it is only fair that these employees have health insurance plans.

This past summer, the Wisconsin Employment Relations Commission ruled that municipalities have, “discretion to determine whether it will even have a health insurance plan for public safety employees.” This decision jeopardizes health insurance for all public safety employees – casting a cloud of doubt over their future. Active members would no longer be able to secure employer contributions for the cost of healthcare. Retired members may even owe back pay to comply with the decision – upending the fiscal situation of citizens who served and protected their communities. Attracting talented individuals to become public safety employees would instantly become difficult and retaining them nearly impossible. This ruling is incorrect and is in contrast with the Legislature’s desire to protect our essential public safety employees.

Senate Bill 120 merely protects the status quo by clarifying existing statute regarding healthcare plans for public safety employees. Without clarification, public safety could be compromised – putting citizens at risk of emergency response and care.

I want to thank the many legislators who also recognize this as a critical issue and decided to cosponsor this legislation. Committee members, please join me in supporting Senate Bill 120 to correct this incorrect decision. I would be happy to respond to any questions or concerns about the legislation.