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Joint Committee on Finance

Paper #795

State Patrol Officer Positions and Overtime Funding (Transportation -- State Patrol)

[LFB 2023-25 Budget Summary: Page 658, #1 and Page 659, #4 and #5]

CURRENT LAW

The primary duty of the Division of State Patrol (DSP) is the enforcement of state and federal traffic and commercial motor vehicle laws by conducting highway patrols, inspecting trucks, school buses, and ambulances, and aiding local law enforcement agencies with natural disasters or civil disturbances. DSP employs traffic officers, who are typically deployed to cover state highways based upon traffic volumes, and generally provide patrols on interstate highways on a 24-hour basis (except those in Milwaukee County, which are patrolled by Milwaukee County Sheriff's deputies). The DOT Secretary is authorized by statute to hire no more than 399 traffic officers, a figure that includes both State Troopers and their supervisors such as the ranks of sergeant, lieutenant, captain, major and colonel (the 399 figure does not apply to the State Patrol superintendent). DSP also employs commercial motor vehicle (CMV) inspectors, who specialize in the enforcement of CMV and commercial driver laws and regulations. Inspectors working in the field are assigned either to one of the State Patrol's 12 safety and weight enforcement facilities or to mobile duty. There is no statutory limit on the number of CMV inspectors and supervisors that DOT may employ.

DISCUSSION POINTS

1. This paper discusses three provisions of Assembly Bill 43/Senate Bill 70 (AB 43/SB 70) to increase funding and position authority for State Patrol officers: (a) hiring 35 additional traffic officers; (b) hiring 10 motor carrier inspectors; and (c) providing increased overtime funding for State Patrol officers.

2. The Department indicates that both recommendations for additional State Patrol positions were not included in its original agency request because they were finalized by its 2023-25 Biennial Budget Safety Taskforce after its internal budget request was drafted. The Department formed the Taskforce in 2022 to generate proposals for multi-disciplinary safety initiatives that could lead to a reduction in crashes, serious injuries, and fatalities on Wisconsin roadways, with the goal of incorporating these recommendations into the state budget. The Taskforce was comprised of DOT engineers, planners, and analysts, law enforcement representatives, and behavioral safety experts.

A. Traffic Officer Positions

3. Although DOT is statutorily authorized to hire 399 traffic officers, the Department is currently only provided with budget authority for 377 positions, including 307 State Trooper positions and 70 supervisory positions. The 1999-01 biennial budget act (Act 9) raised the number of traffic officers authorized in statute from 385 to 399, and provided funding and position authority for these 399 positions. However, in succeeding years, position authority has been changed without altering the statutory authorization of 399 officer positions. For example, the 2003-05 biennial budget act (Act 33) eliminated a total of 54 DSP positions, including 24 traffic officers and five higher-ranking positions in the State Patrol command structure. Subsequently, the 2005-07 biennial budget act (Act 25) restored 10 traffic officer positions.

4. Since DOT's statutory authorization for hiring of traffic officers was increased to 399 in the 1999-01 biennium, demands have grown related to traffic officers' primary duty of traffic enforcement on state highways. Estimated miles travelled by vehicles in the state since 2001 have increased by 13.4% (from 57.3 billion in 2001 to 65.0 billion in 2021), with 56.0% of statewide vehicle travel in 2021 occurring on state highways (36.3 billion miles). In addition, the number of heavy trucks registered in the state, which are primarily used for commercial purposes, has also grown by 35.2% over the past six years (from 274,525 in 2015-16 to 371,191 in 2021-22).

5. An increase in dangerous driving behavior, vehicle crashes, and vehicle crash fatalities has also been observed in recent years following the COVID-19 pandemic. Nationally, the National highway Traffic Safety Administration reported that, in early 2022, traffic fatalities reached a 20-year high. In Wisconsin, DOT reports that more fatal crash incidents occurred in 2021 and 2020 than in each of the previous five years (2015-19). In addition, serious injuries from vehicle crashes were eight percent higher in 2021 than the average rate during the five preceding years (2016-2020).

6. In addition to traffic enforcement, the Department indicates that traffic officers' duties can include supporting local law enforcement agencies. DSP can deploy officers to assist local law agencies in response to protests, civil disturbances, natural disasters, and other events, in most cases providing three to 10 officers for increased traffic enforcement for the event. In some cases, traffic officers are also asked to provide support with crowd control, enforcement, and foot patrols. Officers can also be deployed to support to sheriffs in rural areas when they request assistance from DSP.

7. The Department also indicates that it has recently invested in new initiatives to counter the recent rise in traffic crashes and fatalities, including: (a) its technical reconstruction unit, which serves as DSP's primary asset in crash investigation; (b) the DSP air support unit, which employs 17 licensed drone pilots and six fix-winged pilots to operate DSP's fleet of manned and unmanned

aircraft; (c) use of predictive analysis to identify and provide increased traffic enforcement in problem areas of the state; and (d) increased participation in federal and interstate task forces. The Department indicates that it currently assigns approximately 35 officers to perform these duties. While these initiatives have been effective, they also effectively decrease the number of officers that are available for conventional traffic enforcement activities.

8. The amount of overtime hours logged by traffic officers may provide evidence that demand for their services exceeds their current funding and position authority. State Patrol officers, whether they are traffic officers or motor carrier inspectors, earn overtime pay of 1.5 times their hourly wage when they work more than 40 hours per week. The Department indicates that DSP overtime expenses have exceeded the Division's overtime budget (\$1,022,300 annually) by between 43% and 100% in each of the last six years (2016-17 to 2021-22). [The additional overtime funding for DSP officers is discussed later.]

9. Many law enforcement agencies in the state have reported staffing shortages and difficulty recruiting and retaining qualified officers in recent years. The Department of Justice indicates that there has been a decline in the number of law enforcement officers in the state, from nearly 14,400 in 2008 to fewer than 13,400 in 2022. Staffing shortages in local law enforcement agencies may create additional demand for assistance from State Patrol traffic officers, which takes traffic officers off the roadways. For example, the Department indicates that rural sheriff offices have been requesting more assistance from State Patrol officers in the past three years than they had previously.

10. The statewide law enforcement staffing shortage may be impacting DSP as well. In a March, 2023, agency budget briefing, the DOT secretary indicated that the current State Patrol recruiting classes contains fewer recruits than in the past. Also, despite DSP being provided 377 traffic officer positions, not all of these positions are currently filled. As of May 1, 2023, 24 of DSP's 307 budgeted State Patrol traffic officer positions were vacant (7.8%), including 17 vacancies that had not been filled for over three months. In addition, as of May 1, 2023, eight State Patrol supervisory positions (sergeant, lieutenant, and captain) were vacant, including five vacancies that had not been filled in over three months. DSP had similar vacancy levels of 26 traffic officer vacancies in March, 2022, 24 in March, 2021, and 38 in March, 2019

11. AB 43/SB 70 would provide \$8,507,600 SEG in 2023-24 and \$3,587,200 SEG in 2024-25, and 35.00 positions annually to the Division of State Patrol general operations appropriation to expand the size of the traffic officer force by 35 positions. Since the Department currently assigns 35 officers to duties related to its various new initiatives (listed previously), this recommendation would provide a dedicated supplement of position authority to reflect these commitments, although the additional officer positions would primarily be assigned to DSP's core duty of highway patrol, as DSP already provides dedicated staff support for these initiatives. In addition, AB 43/SB 70 would increase DOT's statutory authorization for traffic officers by 35, from 399 to 434 positions. The Administration indicates that the higher recommended funding level in 2023-24 would be associated with initial costs of onboarding the new officers, including recruitment, provision of equipment such as vehicles and body armor, and training at the State Patrol academy. [Alternative A1]

12. While DSP is provided with statutory authority for 399 traffic officers, its current

position authority of 377 FTE for traffic officers is 22 positions less than that amount. The provision of an additional 35 officers would increase State Patrol's actual position authority from 377 to 412, rather than the 434 statutory amount recommended. Thus, if the recommended funding and position authority is adopted, the statutory authority for traffic officers could be set at 412, rather than 434. [Alternative A2]

13. Considering State Patrol's current staffing as well as law enforcement recruitment concerns throughout the state, providing a more limited increase in traffic officer position authority of 22 positions would return State Patrol to its statutory level of 399, and provide proportional funding increases of \$5,347,600 in 2023-24 and \$2,254,800 in 2024-25. This would reinstate a level of traffic officer position authority consistent with existing legislative intent, and still bolster State Patrol's capability to enforce traffic safety laws in the state. [Alternative A3]

14. Wage rates for State Patrol traffic officers and motor carrier inspectors are established under a collective bargaining process that occurs separately from the state budget. The current officer pay scale was established under a February 13, 2022, collective bargaining agreement between the State of Wisconsin and the Wisconsin Law Enforcement Association (WLEA), which increased officers' wages by 4.0% from previous levels. The agreement contains a pay progression structure, shown in Table 1, based on years of State Patrol law enforcement experience (the officer pay scale is capped after seven years of experience).

TABLE 1

State Patrol Traffic Officer and Inspector Pay Progression Structure

<u>Years of State Patrol Law Enforcement Experience</u>	<u>Hourly Pay Rate</u>
0.0	\$25.80
0.5	26.50
2.0	27.00
3.0	27.50
4.0	28.25
5.0	30.00
6.0	32.00
7.0	37.41

15. The current collective bargaining agreement is scheduled to terminate on June 30, 2023, unless the parties mutually agree to extend any or all of its terms. The Department of Administration's Division of Personnel Management (DPM) is responsible for negotiating and administering these agreements, and is required by statute to maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements.

16. The Committee should note that on April 7, 2023, DPM and the WLEA submitted a tentative 2021-23 agreement to the Joint Committee on Employment Relations (JCOER) for approval. If approved by JCOER and subsequently the Legislature, the agreement would structure hourly wages

as identified in Table 2. The amounts in the tentative agreement reflect a 2% wage increase for hours since January 2, 2022, and 4.7% for hours since January 1, 2023 with a lump sum payment for hours through the effective date of the agreement.

TABLE 2

**State Patrol Traffic Officer and Inspector Pay Progression Structure
2021-23 Tentative Agreement**

<u>Pay Progression Structure Effective with Agreement for Hours since 1/2/22</u>		<u>Pay Progression Structure Effective with Agreement for Hours since 1/1/23</u>	
<u>Years of State Patrol Law Enforcement Experience</u>	<u>Hourly Pay Rate</u>	<u>Years of State Patrol Law Enforcement Experience</u>	<u>Hourly Pay Rate</u>
0.0	\$26.32	0.0	\$27.56
0.5	27.03	0.5	28.31
2.0	27.54	2.0	28.84
3.0	28.05	3.0	29.37
4.0	28.82	4.0	30.18
5.0	30.60	5.0	32.04
6.0	32.64	6.0	34.18
7.0	38.16	7.0	39.96

17. Under both the current agreement and the tentative agreement Wisconsin State Patrol officer pay is less than that of some neighboring states. For example, the Minnesota State Patrol pays officers a base salary of \$33.81 per hour (\$70,595 per year), and \$45.52 per hour (\$94,837 per year) after eight years of service, while the Illinois State Patrol pays officers a base salary of \$67,236 (\$32.33 per hour), a salary of \$95,988 (\$46.15 per hour) after 10 years of service, and a salary of \$126,016 (\$60.58 per hour) after 25 years of service. If the Committee chose to provide additional funding to State Patrol's general operations appropriation to fund a wage increase, which would be negotiated separately through a future collective bargaining agreement, funding could be placed in compensation reserves. Compensation reserves are funds that are set aside for any increases in state employee salary and fringe benefit costs that may be required in the biennium, but are not included in individual agency operations appropriations as a part of the biennial budget. The funding would not be immediately released to DSP, but would rather be retained in the transportation fund and could be released later upon the approval of a new collective bargaining agreement approved by the JCOER and the Legislature. The release of funding from compensation reserves would occur at the end of a fiscal year based on actual determined need and approved by the Joint Committee on Finance.

18. As an acknowledgment of the statewide law enforcement recruitment concerns, and that State Patrol's wage rates are lower than some neighboring states, funding could be provided in compensation reserves that would correspond to a wage increase of up to \$5 per hour for the 377

existing State Patrol officers. This would provide \$4,775,100 annually in reserve to fund a potential wage increase (including variable fringe benefits and protective services add-on). Providing funding for a wage increase could improve the current State Patrol vacancy rate, and also allow DSP to recruit and retain the additional officers. The Committee may also need to provide corresponding funding for a motor carrier inspector wage increase [Alternative B2c], as inspectors' wage rates are collectively bargained jointly with traffic officers. [Alternative A4]

19. The Governor's budget recommendations include a variety of requests for the appropriation of additional SEG funding, which introduce competing demands on the transportation fund while limited revenues are available. If concerns exist regarding funding demands in the transportation fund or the need for additional traffic officers, particularly given the existing level of State Patrol traffic officer vacancies, the Committee could choose not to provide the additional funding and position authority. [Alternative A5]

B. Motor Carrier Inspector Positions

20. In addition to traffic officers, State Patrol also employs motor carrier inspectors in its commercial motor vehicle (CMV) enforcement program. The primary activities performed by DSP inspectors are roadside inspections, traffic enforcement, and driver education. Inspectors conduct inspections either on mobile patrol or at one of DSP's 12 fixed-site safety and weight enforcement facilities located across the state. Inspectors on mobile duty carry mobile scales and patrol other routes in order to discourage trucks from taking alternate routes to avoid the fixed facilities and to patrol others areas with potential safety or violation problems.

21. DSP is currently provided with budget and position authority of 112 positions in its CMV enforcement program, including 88 CMV inspectors and 24 CMV supervisors (including the ranks of sergeant, lieutenant, captain, major and colonel). The most recent legislative action to change position authority for DSP's CMV enforcement program occurred in the 2003-05 biennial budget, which eliminated seven motor carrier inspector positions. In addition, of DSP's 88 currently budgeted inspector positions, 17 positions (19.3%) were vacant as of May 1, 2023, including 15 positions that have been vacant for over three months, and 11 positions that have been vacant for over six months. Unlike traffic officers, ongoing inspector vacancies appear to be higher in more recent years, with four inspector vacancies in March, 2019, eight in March, 2020, 14 in March, 2021, and 12 in March, 2022.

22. The Department indicates that up to 75% of pavement maintenance costs in the state can be attributed to CMV traffic. The damage that vehicles cause to highway infrastructure can increase exponentially with vehicle weight. Based on engineering studies conducted by the American Association of State Highway and Transportation Officials, an axle load that is 10% above the legal weight limit can cause approximately 46% more damage than an axle load at the legal weight limit. For this reason, the state has size and weight laws for CMVs, including prohibition of vehicles with a gross weight over 80,000 pounds. Large trucks also play an important role in highway safety. In 2019, 4,479, or 13.3% of fatal vehicle crashes in the United States involved large trucks. In Wisconsin, an average of 70 fatal vehicle crashes involving large trucks occurred annually between 2015 and 2019, or 13.4% of all fatal crashes in the state over the same period. In 2019, the DSP CMV enforcement program weighed 1.8 million CMVs and conducted over 98,000 inspections. The

Department indicates that statistical modeling done by the Federal Motor Carrier Safety Administration has shown that for each 10,000 inspections, an estimated 2.2 lives are saved, 38 injuries are avoided, and \$24.1 million in monetary benefits are realized.

23. The Department indicates that DSP inspectors also participated in 81 driver education events in 2021, reaching local law enforcement officers, company safety officials, truck drivers, and driver education and technical college students. The goal of these outreach activities is to improve motor carriers' voluntary compliance with safety regulations, and to educate non-CMV drivers on how to safely operate their vehicles around CMVs. In addition to these core duties, inspectors are also sworn personnel that have completed the State Patrol Academy, and can support DSP traffic enforcement and other law enforcement activities when needed.

24. The Department's safety and weight enforcement facilities, which are used to weigh CMVs and conduct vehicle safety inspections along major highways, are designed to operate 24 hours a day. However, due to current staffing shortages, DSP has been forced to reduce its enforcement facilities hours of operation and now targets enforcement between the hours of 6:00 AM to 6:00 PM from Monday through Friday. Even with these reductions, the Department still faces challenges with adequately staffing facilities during these limited hours.

25. While the state's CMV enforcement operations have been reduced in recent years, evidence suggests that CMV activity in the state has grown. As mentioned previously, the number of heavy trucks registered in the state, which are primarily used for commercial purposes, has grown by 35.2% over the past six years (from 274,525 in 2015-16 to 371,191 in 2021-22). In addition, while vehicle travel in the state has been generally decreased in the years following the COVID-19 pandemic, miles travelled by large trucks in the state have exceeded pre-pandemic levels since 2021.

26. Statistics on large truck crash fatality rates could also provide a measure of the performance of, and need for, DSP's CMV inspection program. From 2010 to 2020, fatal vehicle crashes involving large trucks per million people in Wisconsin increased from 8.97 to 10.12, a rise of 12.8%. However, Wisconsin's 2020 fatal crash rate was lower than the national average of 13.49, and its growth from 2010 to 2020 was lower than the national average growth rate of 27.4%. Wisconsin's rate in 2020 was better than the neighboring states of Iowa, Indiana, and Illinois, but above those in Minnesota and Michigan.

27. AB 43/SB 70 would provide \$1,036,500 SEG in 2023-24 and \$574,000 SEG in 2024-25, 10.00 SEG positions annually, and \$338,200 FED in 2023-24 and \$451,000 FED in 2024-25 for DSP to hire 10 additional motor carrier inspectors. The Department indicates that the requested funding would allow DSP to fully staff its safety and weight enforcement facilities. The higher recommended funding level in 2023-24 is associated with initial costs of onboarding the new officers, including recruitment, provision of equipment such as vehicles and mobile scales, and training at the State Patrol academy. The recommended \$1,025,000 funding level in 2024-25 (\$574,000 SEG and \$451,000 FED) would reflect ongoing salary, fringe, and other associated personnel costs for the additional inspectors. The Department's current practice is to split inspector salary and fringe benefits at a rate of 56% SEG and 44% FED. The bill would provide the ongoing state and federal funds for the additional inspectors at this ratio. [Alternative B1]

28. Federal funds play a central role in the state's CMV enforcement program. The federal

Motor Carrier Safety Administration Program (MCSAP) provides formula grant funding to states to reduce CMV-involved crashes, fatalities, and injuries through supporting consistent, uniform, and effective state CMV safety programs. Under the federal Infrastructure Investment and Jobs Act (IIJA), passed in November, 2021, MCSAP formula funding provided to states increased from previous levels, beginning in 2022. Table 3 indicates Wisconsin's federal MCSAP funds for the five most recent program grant cycles. As shown in the table, these funds increased by \$3.0 million, or 47.8% in 2022. The state is expected to continue receiving this heightened level of MCSAP funding throughout the 2023-25 biennium. As a result, the federal appropriation could be increased by \$2,962,600 annually to reflect this additional federal funding. [Alternative B2]

TABLE 3

Wisconsin Federal MCSAP Funding, 2018-22

<u>Year</u>	<u>Amount</u>	<u>Change</u>
2018	\$6,190,700	
2019	6,297,000	1.7%
2020	6,439,600	2.3
2021	6,313,500	-2.0
2022	9,334,000	47.8

29. The Department provides state funds to match the federal funds received under MCSAP. Federal regulations specify that MCSAP can reimburse at least 85% of eligible expenses that a state incurs for CMV enforcement. Accordingly, the Department indicates that it initially finances all of its CMV enforcement activities with state funds, then invoices MCSAP for reimbursement of eligible costs. The Department spends all funding received from MCSAP under its State Patrol general operations FED appropriation, and provides matching state funds for CMV enforcement from its larger SEG state patrol general operations appropriation. The majority of funding appropriated to State Patrol's general operations FED appropriation is used to pay inspector salary and fringe benefits costs. The Department indicates that it currently funds inspector salary and fringe benefits costs at a rate of 56% SEG and 44% FED, reflecting the amount of time that inspectors currently spend performing non-federally reimbursable activities, such as traffic enforcement, incident response, and assisting local law enforcement agencies. These activities are not eligible for federal reimbursement, as they are not directly related to the MCSAP's goal of CMV enforcement. However, as mentioned previously, inspectors are sworn State Patrol officers who can perform these other duties when necessary.

30. Given the availability of additional federal funds, the 10 recommended inspector positions could instead be created as FED positions at the 15% state/85% federal minimum match rate allowed under MCSAP. This action would cause a small increase in the existing 56% SEG/44% FED match rate for the division's inspector positions. DSP may have some difficulty funding its inspector positions at this higher FED match rate, as inspectors perform some non-federally reimbursable duties, though most inspectors would continue to be funded with a larger percentage of state funds. The additional SEG funding needed for the 15% state match of federal funding under this alternative would be \$206,200 in 2023-24 and \$153,800 in 2024-25. In addition, \$1,168,500 FED in

2023-24 and \$871,300 FED in 2024-25 in MCSAP funding would need to be allocated for the 10.00 additional FED motor carrier inspector positions for the Division of State Patrol. [Alternative B2a]

31. To recognize the challenges that DOT may face in funding the recommended additional inspector positions at a lower SEG match rate, while also reducing transportation fund expenditures compared to the bill, the funding recommended in 2023-25 for the additional inspectors could be provided at a 60% FED/40% SEG match rate. This alternative would alleviate most of the concern related to inspectors performing non-federally reimbursable duties. The alternative would require \$549,900 SEG in 2023-24 and \$410,000 SEG in 2024-25 for the 40% state match of the federal funding. In addition, \$824,800 FED in 2023-24 and \$615,000 FED in 2024-25 in MCSAP would need to be allocated for 10.00 additional FED motor carrier inspector positions for the Division of State Patrol. [Alternative B2b]

32. As mentioned earlier, inspector wages are negotiated jointly with traffic officers through a collective bargaining process that occurs separate from the budget. Inspectors' current pay scale, (shown previously in Table 1) was established under a collective bargaining agreement that is scheduled to expire on June 30, 2023, unless the parties mutually agree to extend any or all of the terms. As with traffic officers, if additional SEG funding were provided to increase inspectors' wages, the funds could be placed in compensation reserves and be available for release following the adoption of a new collective bargaining agreement.

33. Given that 16 of DSP's 88 budgeted inspector positions are currently vacant and the recent trend in the vacancy rate for inspector positions, the provision of additional inspector positions may not be warranted at this time. Rather, providing \$1,114,600 in funding to compensation reserves to fund up to a \$5 per hour wage increase for its existing positions could better help DSP inspector staffing at this time. Using DOT's existing practice of funding inspector salary costs at 56%/44% state-federal match, \$624,200 SEG annually could be provided for the additional inspector pay. In addition, \$490,400 FED annually in MCSAP funding could be allocated for such pay increases. This additional funding for a motor carrier inspector wage increase could allow the Department to recruit and retain inspectors and address its vacancy rate, and thus better staff its safety and weight facilities during peak hours. It should be noted additional funding for increased traffic officer pay may also be needed, as compensation for both traffic officers and inspectors is established through a combined collective bargaining process. [Alternative B2c]

34. Again, given the demands on the transportation fund, the Committee could also choose to provide no additional SEG or FED for State Patrol's CMV enforcement program. Additional federal funds would still be available to the Department, but the amounts in the schedule of appropriations would not reflect the amounts available. Not providing additional funding could result in continued challenges staffing safety and weight facilities. Further, DOT could have to reallocate funding from other State Patrol programs in order to provide the minimum 15% state matching funds that are required for federal MSCAP dollars the Department will receive. [Alternative B3]

C. State Patrol Overtime Funding

35. State Patrol traffic officers and inspectors can earn overtime pay of 1.5 times their hourly wage when they work more than 40 hours per week. Officers may work overtime when providing

necessary coverage on Wisconsin highways, as State Patrol posts officers on roadways for 24 hours a day. They may also work overtime for tasks outside of their normal patrol duties such as traffic incidents, natural disasters, large events, and providing assistance to local law enforcement agencies.

36. The 2015-17 budget act provided \$1,036,000 SEG annually to DSP to partially fund State Patrol overtime costs. Correspondingly, the Department indicates that State Patrol has allocated \$1,022,300 annually for overtime pay over the past several years. However, the Department reports that State Patrol's actual overtime expenditures have exceeded this allocation by between \$1.4 and \$2.0 million in each of the past six fiscal years. Table 4 shows the reported number of overtime hours worked by State Patrol officers, State Patrol's overtime allocation, actual overtime expenditures between 2016-17 and 2021-22.

TABLE 4

State Patrol Overtime Expenditures, 2016-17 through 2021-22

	<u>2016-17</u>	<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>	<u>2020-21</u>	<u>2021-22</u>	<u>Average</u>
Overtime Hours Worked	82,573	81,233	80,735	67,966	66,035	67,569	74,352
Overtime Expenditures	3,064,920	2,961,145	2,930,809	2,484,641	2,495,514	2,694,082	2,771,900
State Patrol Overtime Allocation	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>	<u>\$1,022,300</u>
Overtime Overage	\$2,042,620	\$1,938,845	\$1,908,509	\$1,462,341	\$1,473,214	\$1,671,782	\$1,749,600

37. As shown in Table 4, reported State Patrol overtime expenditures have consistently exceeded the amount allocated for overtime by the Department over the past several years. The Department indicates that any excess overtime expenditures are not paid from DSP's overtime budget, and must instead be paid from DSP's larger general operations appropriation, which results in a decreased amount of funding being available to State Patrol for other purposes.

38. The Department also indicates that its overtime expenditures have increased over time due to general wage adjustments that State Patrol officers have received through the collective bargaining process. These adjustments directly impact DSP's overtime costs, as the Division pays officers an overtime rate of 1.5 times the officer's hourly wage rate. The Department states that recent wage increases, such as a 4.0% general wage adjustment provided in February, 2022, have increased overtime expenditures while DSP has not received additional funding to cover these costs. In addition, if any new general wage adjustment were provided in the 2023-25 biennium, DSP's overtime costs would also increase.

39. AB 43/SB 70 provides \$1,725,000 SEG annually to the Division of State Patrol general operations appropriation to fund additional overtime pay for State Patrol traffic officers and inspectors. This amount is similar to the average amount of overage for State Patrol overtime expenditures (\$1,749,600) between 2016-17 and 2021-22. This would provide additional ongoing base level funding of \$1,725,000 SEG for the DSP general operations appropriation to continue funding state patrol overtime costs, and allow the Department to avoid excess overtime expenditures

in future years. This would eliminate the need for State Patrol to use existing funding budgeted for other purposes to fund overtime costs. [Alternative C1]

40. As mentioned previously, the 2015-17 budget act provided partial funding for DSP's overtime costs. Instead of the \$1,725,000 annually recommended under the bill, the Committee could continue the practice of supplying partial funding for overtime costs, while also adjusting for Division's actual overtime expenditures and the impact of any future general wage adjustments by providing \$1,000,000 annually to DSP. This would establish an ongoing increase of \$1,000,000 to the base level of funding in State Patrol's general operations appropriation. [Alternative C2]

41. The Committee could also choose to deny the funding, as the Department has demonstrated that it is capable of funding its overtime expenditures within its appropriated budget over the past several years. However, this alternative would likely require DSP to continue expending funds for overtime costs that had originally been provided for other purposes. In addition, the Department indicates that its overtime expenditures may increase following the adoption of any future general wage adjustments for State Patrol officers. [Alternative C3]

ALTERNATIVES

A. Traffic Officer Positions

1. Provide \$8,507,600 in 2023-24 and \$3,587,200 in 2024-25, and 35.00 positions annually to the Division of State Patrol general operations appropriation, and increase the statutory authority for traffic officer positions from 399 to 434. This would establish an ongoing increase of \$3,587,200 and 35 positions to the base level of funding and position authority in State Patrol's general operations appropriation.

ALT A1	Change to Base	
	Funding	Positions
SEG	\$12,094,800	35.00

2. Provide \$8,507,600 in 2023-24 and \$3,587,200 in 2024-25, and 35.00 positions annually to the Division of State Patrol general operations appropriation, but only increase the statutory authority for traffic officer positions from 399 to 412. This would establish an ongoing increase of \$3,587,200 and 35 positions to the base level of funding and position authority (of 377 positions) in State Patrol's general operations appropriation.

ALT A2	Change to Base	
	Funding	Positions
SEG	\$12,094,800	35.00

3. Provide \$5,347,600 in 2023-24 and \$2,254,800 in 2024-25, and 22.00 positions annually to the Division of State Patrol general operations appropriation. This would establish an ongoing,

increase of \$2,254,800 to the base level of funding and an increase of 22 positions from the base level position authority of 377 to the existing statutory amount of 399 positions in State Patrol's general operations appropriation.

ALT A3	Change to Base	
	Funding	Positions
SEG	\$7,602,400	22.00

4. Place \$4,775,100 SEG annually in compensation reserves to provide traffic officers with additional pay of \$5 per hour. If this funding is fully-allocated from compensation reserves, it would establish an increase of \$4,775,100 to base level funding in State Patrol's general operations appropriation.

ALT A4	Change to Base
SEG	\$9,550,200

5. Take no action.

B. Motor Carrier Inspector Positions

1. Provide \$1,036,500 SEG in 2023-24 and \$574,000 SEG in 2024-25, 10.00 SEG positions annually, and \$338,200 FED in 2023-24 and \$451,000 FED in 2024-25 for the Division of State Patrol to supply additional State Patrol inspectors and offer increased funding for safety and weight enforcement facilities in the state. This would establish ongoing increases of \$574,000 SEG, \$451,000 FED, and 10 positions to the base level of funding and position authority in State Patrol's general operations appropriations.

ALT B1	Change to Base	
	Funding	Positions
FED	\$789,200	0.00
SEG	<u>1,610,500</u>	<u>10.00</u>
Total	\$2,399,700	10.00

2. Increase the Division of State Patrol federal operations appropriation by \$2,962,600 FED annually to reflect the increased federal MCSAP funding provided under the federal IJJA. This would increase base level funding by \$2,962,600 FED in State Patrol's general operations appropriation.

ALT B2	Change to Base
FED	\$5,925,200

a. Provide \$206,200 SEG in 2023-24 and \$153,800 SEG in 2024-25, and from the amounts under Alternative B2, allocate \$1,168,500 FED in 2023-24 and \$871,300 FED in 2024-25 for 10.00

additional FED motor carrier inspector positions for the Division of State Patrol. This would reflect an 85% FED/15% SEG funding for these positions.

ALT B2a	Change to Base	
	Funding	Positions
FED	\$0	10.00
SEG	<u>360,000</u>	<u>0.00</u>
Total	\$360,000	10.00

b. Provide \$549,900 SEG in 2023-24 and \$410,000 SEG in 2024-25, and from the amounts under Alternative B2, allocated \$824,800 FED in 2023-24 and \$615,000 FED in 2024-25 for 10 additional FED motor carrier inspector positions for the Division of State Patrol. This would reflect a 60% FED/40% SEG funding for these positions.

ALT B2b	Change to Base	
	Funding	Positions
FED	\$0	10.00
SEG	<u>959,900</u>	<u>0.00</u>
Total	\$959,900	10.00

c. Provide \$624,200 SEG annually, and from the amounts under Alternative B2, allocate \$490,000 FED annually to compensation reserves to split fund an increase motor carrier inspector pay by up to \$5 per hour. If this funding is fully-allocated from compensation reserves, it would establish an increase of \$624,200 SEG and \$490,400 FED to base level funding in State Patrol's SEG and FED general operations appropriation.

ALT B2c	Change to Base
SEG	\$1,248,400

3. Take no action.

C. State Patrol Overtime Funding

1. Provide \$1,725,000 SEG annually to the Division of State Patrol general operations appropriation to fund overtime pay for Wisconsin State Patrol officers. This would establish an ongoing increase of \$1,725,000 the base level of funding and position authority in State Patrol's general operations appropriation.

ALT C1	Change to Base
SEG	\$3,450,000

2. Provide \$1,000,000 SEG annually to the Division of State Patrol general operations appropriation to fund overtime pay for Wisconsin State Patrol officers. This would establish an ongoing increase of \$1,000,000 the base level of funding and position authority in State Patrol's general operations appropriation.

ALT C2	Change to Base
SEG	\$2,000,000

3. Take no action.

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