

CO-SPONSORSHIP MEMORANDUM

To: All Legislators

From: Rep. Mark Born and Sen. Howard Marklein

Date: January 9, 2018

RE: Co-sponsorship of LRB 0856/1, **relating to:** classifying county jailers as protective occupation participants under the Wisconsin Retirement System and the treatment of county jailers under the Municipal Employment Relations Act.

Deadline: **Tuesday, January 15th 2019 at 5PM**

LRB-0856/1 classifies county jailers, otherwise known as detention officers and correctional officers, as protective occupation participants under the Wisconsin Retirement System (WRS) without the requirement that their principal duties involve active law enforcement, or fire suppression or prevention.

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. Even though county jailers hold many of the same responsibilities as state prison guards, they are not included in this classification.

It is important that the treatment of this occupation under the WRS 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, and/or aggressive. They may also be under the influence of drugs or alcohol, stressed about the crime they just committed, or suffering from mental illness. County jailers are responsible for these individuals, regardless of the risk they pose, as well as the safety of both the individual and the facility's other inmates. Our county jailers often deal with the most dangerous individuals during a very stressful time. They deserve protective status under the WRS for all of the hard work they do to keep our communities safe.

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 and Wisconsin Sheriffs and Deputy Sheriffs Association and the Wisconsin Counties Association (which has historically opposed this legislation) that includes county jailers as protective occupation participants under the WRS. The bill allows for county jailers to be classified as protective occupation participants without increasing costs to the county taxpayer.

If you would like to co-sponsor this legislation, please respond to this email or contact Representative Born's office at 6-2540 or Senator Marklein's office at 6-0703 by 5PM on Tuesday, January 15, 2019. All co-sponsors will be added to both versions of the bill unless otherwise specified.

Analysis by the Legislative Reference Bureau

Under current law, participants under the Wisconsin Retirement System (WRS) whose principal duties involve active law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are classified as protective

occupation participants. Current law classifies police officers, fire fighters, and various other individuals as protective occupation participants. Under the WRS, the normal retirement age of a protective occupation participant is lower than that of other participants and the percentage multiplier used to calculate retirement annuities is higher for protective occupation participants.

This bill classifies county jailers as protective occupation participants without a requirement that their principal duties involve active law enforcement or active fire suppression or prevention. The bill defines county jailers as persons employed by a county whose principal duties involve supervising, controlling, or maintaining a jail or persons confined in a jail, regardless of whether the jailers have been sworn regarding their duties or whether they serve on a full-time basis.

Under the bill, county jailers who become protective occupation participants on or after the bill's effective date and are employed by a county that did not classify county jailers as protective occupation participants on July 1, 2018, are required to pay all additional employer costs resulting from their classification as protective occupation participants, including the cost of the duty disability program. County jailers who were classified as protective occupation participants before the bill's effective date and county jailers hired on or after the bill's effective date in counties that did classify county jailers as protective occupation participants on July 1, 2018, are not required to pay the additional employer costs. The bill also allows a county jailer to elect at the time of hire not to become a protective occupation participant. Finally, under the Municipal Employment Relations Act, public safety employees may collectively bargain over wages, hours, and conditions of employment, and general employees may bargain collectively over only an annual percentage wage increase that does not exceed the annual percentage increase in the consumer price index. Under MERA, public safety employees and general employees may not be in the same collective bargaining unit. This bill amends MERA so that a county that treats a county jailer as a public safety employee on the effective date of this bill shall continue to treat any person it employs as a county jailer as a public safety employee except that, if the county subsequently raises a question regarding the appropriateness of including county jailers in a collective bargaining unit containing public safety employees, no person the county employs as a county jailer may be treated as a public safety employee.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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