

WISCONSIN STATE  
LEGISLATURE COMMITTEE  
HEARING RECORDS

1995-96

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on  
Veterans and  
Military Affairs  
(AC-VMA)

Sample:

Record of Comm. Proceedings ... RCP

- 05hr\_AC-Ed\_RCP\_pt01a
- 05hr\_AC-Ed\_RCP\_pt01b
- 05hr\_AC-Ed\_RCP\_pt02

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

➤ \*\*

➤ Committee Hearings ... CH

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Hearing Records ... HR

➤ **95hr\_ab0099\_AC-VMA\_pt01**

➤ Miscellaneous ... Misc

➤

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

State Representative

**TERRY M. MUSSER** 92nd Assembly District

CHAIR, Veterans and Military Affairs Committee



December 18, 1995

Dear Representative / Senator:

Please accept the enclosed testimony in support of Assembly Bill 16 which I introduced, and is scheduled for a public hearing tomorrow.

I will not be able to attend due to another hearing in Poynette.

I also am enclosing a letter in support of Senate Bill 27 and Assembly Bill 99.

Thank you.

Sincerely yours,

Terry Musser  
State Representative  
92nd Assembly District

State Representative

**TERRY M. MUSSER**

92nd Assembly District



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CHAIR, Veterans and Military Affairs Committee

December 18, 1995

Dear Committee Chairs and Committee members.

I am writing in support of Senate Bill 27 and Assembly Bill 99.

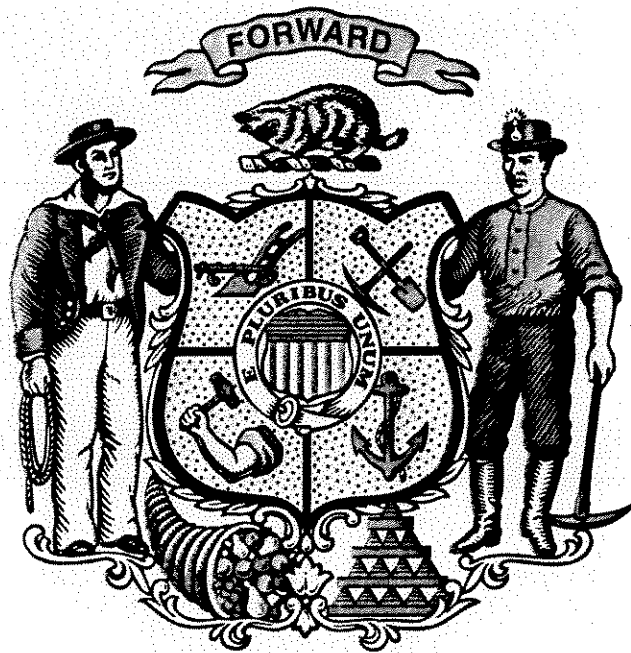
State motor vehicle inspectors are classified as protective participants for a reason. They have the responsibilities and must meet the same requirements for law enforcement certification as others in the law enforcement field do. Thus they also face potential life threatening situations in their line of duty.

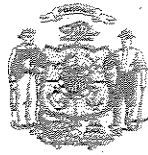
Unfortunately, during the years of 1968 through 1990 they were not recognized by the Wisconsin Retirement System as protective status participants. This is unfair to the inspectors.

It is time to remedy this and give these citizens credit for the years of service as protective participants. Thank you and I strongly urge you to recommend these bills for passage.

Sincerely yours,

Terry Musser  
State Representative  
92nd Assembly District





State Representative  
**Judith A. Klusman**

Assistant Majority Leader

January 18, 1996

Representative Terry M. Musser  
State Capitol, Room 11 West  
Madison, WI 53701

Dear Terry,

At the January 12th meeting of the Joint Survey Committee on Retirement Systems, the committee found that AB 16/ SB 33 represents good public policy and recommended its passage.

Regarding AB 99/SB 27 the Retirement Research Committee, at the suggestion of Blair Testin, has formed a sub-committee to review the protective classification. Enclosed for your review is Mr. Testin's outline for the protective classification study and a brief outline of the protective designation in past sessions.

*do we have any*  
I would appreciate any input you may have regarding this issue. Please contact me or any of the sub-committee members. Your office will be notified of the meetings and I encourage your insight.

Sincerely,

  
Judith A. Klusman  
State Representative

Enclosures



State of Wisconsin

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS  
AND THE RETIREMENT RESEARCH COMMITTEE

BLAIR L. TESTIN  
RESEARCH DIRECTOR

ROOM 316, 110 E. MAIN STREET  
MADISON WISCONSIN 53703

(608) 267-0507  
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JAN 5 1996

January 2, 1996

TO: Representative Judith Klusman, Co-Chair of the RRC  
FROM: Blair Testin, Consultant for the RRC  
RE: SUBCOMMITTEE STUDY OF PROTECTIVES

RRC Subcommittee Study. You have asked for a framework upon which an RRC Subcommittee could tackle the problems relating to protective occupation participants (POP) under the WRS. I presume the subcommittee that you refer to is the one established at the June 5, 1995, meeting of the RRC to review the s. 40.65 death and disability program for POPs. The minutes of that meeting indicate that the Subcommittee would be chaired by you and would include Rep. Wirch, Mayor Meyer, Ms. O'Donnell (DER), Mr. Pelzek, and Mr. Heineck.

I believe a study of the total POP program and problems related thereto could be carried out by the Subcommittee created on June 5. Also, if the Subcommittee is to study the full program, I would suggest that the Subcommittee be expanded to include Mr. Dave Stella from the ETF for his background and expertise. I believe both of those actions could be carried out by action of the Co-Chairs.

Possible Topics and Study Progression. The issues related to the POP WRS benefits and disability insurance programs are numerous and complex, and I believe it will require several meetings to understand all of the information and to come up with possible recommendations. I would suggest the following topics and order of progression:

1. Review all definitions, benefits, and insurance provisions under the WRS and 40.65 programs.
2. Review actuarial information and cost shifting, and compare benefits and costs of all WRS classifications.
3. Review past RRC studies and related history of POP program.
4. Note protective programs and how they are handled in other states.
5. Review Federal age discrimination legislation and potential impact on mandatory retirement.

Representative Klusman  
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6. Discuss possible changes to:
- Definitions and methods of inclusion in POP program.
  - Benefits and differentials among the several WRS classifications.
  - 40.65 modifications and possible extension to general employees.
  - Clarification of bargaining rights re: POP designation.
  - Review cost sharing of WRS and 40.65 programs between ERS and EEs.
  - Possible merits of reinstating mandatory retirement.

**Procedure Suggestions.** I would suggest establishing the first meeting of the RRC Subcommittee on POP to be scheduled for mid-March to cover topics #1 and #2. I believe a second meeting could be scheduled for mid-April to review topics #3 and #4. Then additional meetings could be scheduled after the July floor session to cover topics #5 and #6, and to develop possible recommendations for change.

I would be happy to discuss this further with you. Please let me know your wishes.



State of Wisconsin

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS  
AND THE RETIREMENT RESEARCH COMMITTEE

BLAIR L. TESTIN  
RESEARCH DIRECTOR

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January 16, 1996

TO: Representative Judith Klusman  
Chairperson, RRC Protective Study Committee

FROM: Blair Testin, Consultant for the RRC/JSCRS

RE: **Protective Designation in Past Sessions**

At the last meeting of the JSCRS, you asked for a list of employee positions that have been defined as protective status since the last major review of the protective category in 1967. The 1967 changes were a result of two RRC studies in 1964 and 1966 dealing with the protective category.

Chapter 355, Laws of 1967, reduced the normal retirement age for protectives, established effective dates for mandatory retirement (age 58) and improved the formula upon which benefits were calculated. This Act also contained a new list of criteria for protective status, and also named certain positions which were deemed to meet this criteria. Lastly, this legislation authorized employers to designate other positions which the employer deemed meet the basic criteria for protective designation, and permitted employees to appeal to the retirement board employer decisions in this regard.

Since the 1967 session, bills were introduced in nearly every session to add new positions to the list of those who are deemed to meet the criteria for protective designation. However, no bill newly defining positions as protective became law until the 1989 session. This presumably reflects that the legislature believed there were ample methods for positions to be designated as protective status without mandating those positions under the protective category. Over the years many employees did appeal to the retirement board, but largely, these appeals were unsuccessful.

Two bills were enacted in the 1989 session which newly defined positions as protective. One bill was 1989 Wis. Act 240, which mandated motor vehicle inspectors under the protective category on a prospective basis only. This legislation also expanded the law enforcement authority of motor vehicle inspectors which enhanced the rationale for change. This legislation had the tacit approval of the DOT, and affected about 100 positions with an additional cost of about 6% of payroll for those participants.



1989 Wis. Act 357 was perhaps a more important change and concerned paramedics and ambulance personnel. In most instances, such employees are part of a fire department and are protectives because they are also firefighters. However, in a few counties paramedic services are provided outside of the local fire department; and because such employees are not actively involved in fire suppression, their employers could not designate said employees as protectives.

Wisconsin Act 357 newly allows employers (counties) to elect to place their paramedics and ambulance personnel in the protective category either unilaterally or pursuant to collective bargaining. This is now coded under a separate section --s. 40.02 (48)(bm). This paragraph specifically notes that these positions do not meet the basic definition of a protective, and this was the first statutory exemption to the basic requirements for protective designation.

Hence, the legislature has been remarkably consistent since 1967 in allowing the protective provisions then enacted to govern the designation process. In nearly all instances, the legislature has resisted efforts to mandate protective coverage by adding positions to those who are defined specifically as protective participants. Even in the one exception relative to paramedics and ambulance personnel, the designation is presumably based upon an employer election.

Relative to county jailers specifically, legislation was also introduced in the four previous sessions:

-1987 A.B. 1014, 1989 S.B. 352, 1991 A.B. 482 and  
1993 S.B. 495

Hence, the current county jailer bills do not reflect a new issue but rather an issue which the JSCRS had reviewed for four previous sessions and chosen to take no action (they died in Committee). The county jailer issue was also a subject of a 1986 RRC Subcommittee which reviewed the protective disability program under s. 40.65, and I am enclosing a copy of that memo for your background information. Again, that Subcommittee recommended no specific action relative to county jailers.

I hope this information is helpful to you in establishing the basis for your Subcommittee review of the protective program under the WRS. Undoubtedly, a review after nearly 30 years is warranted, but it may not be necessarily true that such study will conclude that major changes are needed.

BT:db