



2005 ASSEMBLY BILL 233

March 16, 2005 - Introduced by Representatives MUSSER, BIES, BLACK and HINES, cosponsored by Senators RISSER and COGGS. Referred to Committee on Corrections and the Courts. Referred to Joint Survey Committee on Retirement Systems.

1 **AN ACT to amend** 40.02 (48) (c); and **to create** 40.02 (17) (n), 40.02 (17) (o), 40.02
2 (48) (bd), 40.02 (48) (bf), 40.02 (54p), 40.65 (4s) and 40.65 (4w) of the statutes;
3 **relating to:** classifying certain librarians, teachers, and social workers
4 employed by the state as protective occupation participants under the
5 Wisconsin Retirement System.

Analysis by the Legislative Reference Bureau

Under current law, participants under the Wisconsin Retirement System (WRS) whose principal duties involve 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 specifically 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 than for other participants.

This bill specifically classifies teachers and librarians employed at state correctional institutions, secured correctional facilities, the mental health institutes at Mendota and Winnebago, the Wisconsin Resource Center, or any secure mental health unit or facility for sexually violent persons as protective occupation participants for the purposes of the WRS. In addition, the bill classifies employees of the Department of Corrections who are social workers and who are employed at

ASSEMBLY BILL 233

a state prison or a secured correctional facility as protective occupation participants for purposes of the WRS.

This bill will be referred to the Joint Survey Committee on Retirement Systems for a detailed analysis, which will be printed as an appendix to the bill.

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 40.02 (17) (n) of the statutes is created to read:
2 40.02 (17) (n) Notwithstanding par. (d), each participant who is a teacher or
3 librarian employed at a state correctional institution, a secured correctional facility,
4 as defined in s. 938.02 (15m), a mental health institute specified in s. 51.05 (1), the
5 Wisconsin Resource Center, established under s. 46.056, or a secure mental health
6 unit or facility, established under s. 980.065 (2), on or after the effective date of this
7 paragraph [revisor inserts date], shall be granted creditable service as a
8 protective occupation participant for all covered service as a teacher or librarian
9 employed at a state correctional institution, a secured correctional facility, as defined
10 in s. 938.02 (15m), a mental health institute specified in s. 51.05 (1), the Wisconsin
11 Resource Center, established under s. 46.056, or a secure mental health unit or
12 facility, established under s. 980.065 (2), that was earned on or after the effective date
13 of this paragraph [revisor inserts date], but may not be granted creditable service
14 as a protective occupation participant for any covered service as a teacher or
15 librarian employed at a state correctional institution, a secured correctional facility,
16 as defined in s. 938.02 (15m), a mental health institute specified in s. 51.05 (1), the
17 Wisconsin Resource Center, established under s. 46.056, or a secure mental health
18 unit or facility, established under s. 980.065 (2), that was earned before the effective
19 date of this paragraph [revisor inserts date], unless that service was earned while

ASSEMBLY BILL 233

1 the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as a protective
2 occupation participant.

3 **SECTION 2.** 40.02 (17) (o) of the statutes is created to read:

4 40.02 (17) (o) Notwithstanding par. (d), each participant who is a state
5 correctional institution social worker on or after the effective date of this paragraph
6 [revisor inserts date], shall be granted creditable service as a state correctional
7 institution social worker that was earned on or after the effective date of this
8 paragraph [revisor inserts date], but may not be granted creditable service as a
9 protective occupation participant for any covered service as a state correctional
10 institution social worker that was earned before the effective date of this paragraph
11 [revisor inserts date], unless that service was earned while the participant was
12 classified under sub. (48) (a) and s. 40.06 (1) (d) as a protective occupation
13 participant.

14 **SECTION 3.** 40.02 (48) (bd) of the statutes is created to read:

15 40.02 (48) (bd) "Protective occupation participant" includes any participant
16 who is a teacher or librarian employed at a state correctional institution, a secured
17 correctional facility, as defined in s. 938.02 (15m), a mental health institute specified
18 in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a
19 secure mental health unit or facility, established under s. 980.065 (2), if the
20 participant's employer classifies the participant as a protective occupation
21 participant and the department receives notification of the participant's name as
22 provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a), an employer may
23 classify a participant who is a teacher or librarian employed at a state correctional
24 institution, a secured correctional facility, as defined in s. 938.02 (15m), a mental
25 health institute specified in s. 51.05 (1), the Wisconsin Resource Center, established

ASSEMBLY BILL 233**SECTION 3**

1 under s. 46.056, or a secure mental health unit or facility, established under s.
2 980.065 (2), as a protective occupation participant without making a determination
3 that the principal duties of the participant involve active law enforcement or active
4 fire suppression or prevention.

5 **SECTION 4.** 40.02 (48) (bf) of the statutes is created to read:

6 40.02 (48) (bf) "Protective occupation participant" includes any participant
7 who is a state correctional institution social worker. Notwithstanding par. (a), an
8 employer shall classify a participant who is a state correctional institution social
9 worker as a protective occupation participant without making a determination that
10 the principal duties of the participant involve active law enforcement or active fire
11 suppression or prevention.

12 **SECTION 5.** 40.02 (48) (c) of the statutes is amended to read:

13 40.02 (48) (c) In s. 40.65, "protective occupation participant" means a
14 participating employee who is a police officer, fire fighter, an individual determined
15 by a participating employer under par. (a), (bd), (bf), or (bm) to be a protective
16 occupation participant, county undersheriff, deputy sheriff, state probation and
17 parole officer, county traffic police officer, conservation warden, state forest ranger,
18 field conservation employee of the department of natural resources who is subject to
19 call for forest fire control or warden duty, member of the state traffic patrol, state
20 motor vehicle inspector, University of Wisconsin System full-time police officer,
21 guard or any other employee whose principal duties are supervision and discipline
22 of inmates at a state penal institution, excise tax investigator employed by the
23 department of revenue, person employed under s. 61.66 (1), or special criminal
24 investigation agent employed by the department of justice.

25 **SECTION 6.** 40.02 (54p) of the statutes is created to read:

