



## 2011 ASSEMBLY BILL 588

February 20, 2012 - Introduced by Representatives KRUSICK, J. OTT, BROOKS, ENDSLEY, LEMAHIEU, A. OTT, SPANBAUER and THIESFELDT, cosponsored by Senators DARLING, LASEE and SCHULTZ. Referred to Committee on Insurance.

- 1     **AN ACT** *to amend* 40.65 (2) (b) 3.; and *to create* 40.65 (2) (b) 2m. of the statutes;  
2           **relating to:** annual medical examinations for individuals receiving duty  
3           disability benefits under the Wisconsin Retirement System.

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### *Analysis by the Legislative Reference Bureau*

Currently, under the Wisconsin Retirement System (WRS), a WRS participant who is employed as a protective occupation participant is entitled to a duty disability benefit if the individual is injured while performing his or her duty or contracts a disease due to his or her occupation; the disability is likely to be permanent; and the disability causes the individual to retire from his or her job, the individual's pay or position is reduced or he or she is assigned to light duty, or the individual's promotional opportunities are adversely affected if state or local employer rules, ordinances, policies, or written agreements specifically prohibit promotion because of the disability. A protective occupation participant under the WRS is generally an employee whose principal duties involve active law enforcement or fire suppression.

This bill permits the Department of Employee Trust Funds (DETF) to require that an individual receiving a duty disability benefit be examined by at least one physician approved by DETF, during any calendar year the individual is receiving the benefit. A written report of the examination in a form approved by DETF, which shall indicate whether or not the individual is still disabled, must be filed with DETF. The benefit must be terminated if a determination is made by DETF that the written physician's report indicates that the individual has recovered from the disability so the individual is no longer disabled or if the individual refuses to submit to an examination.

