

State of Misconsin 2011 - 2012 LEGISLATURE



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.

AN ACT to amend 40.65 (2) (b) 3.; and to create 40.65 (2) (b) 2m. of the statutes;

relating to: annual medical examinations for individuals receiving duty

disability benefits under the Wisconsin Retirement System.

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.

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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.

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

Section 1. 40.65 (2) (b) 2m. of the statutes is created to read:

40.65 (2) (b) 2m. The department may require that any participant receiving a benefit under this section be examined by at least one physician, as defined in s. 448.01 (5), and who is approved by the department, during any calendar year the participant is receiving the benefit. A written report of the examination in a form approved by the department, which shall indicate whether or not the participant is still disabled as specified in sub. (4), shall be filed with the department. The benefit shall be terminated and no payment shall be payable after the first of the month in which a determination is made by the department that the written physician's report indicates that the participant has recovered from the disability so the participant is no longer disabled to the extent required under sub. (4) or the participant refuses to submit to an examination under this subdivision.

SECTION 2. 40.65 (2) (b) 3. of the statutes is amended to read:

40.65 (2) (b) 3. The department shall determine whether or not the applicant is eligible for benefits under this section on the basis of the evidence in subd. 2. or 2m. An applicant may appeal a determination under this subdivision to the department of workforce development.

18 (END)