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To: The Senate Committee on Government Operations  
From: Sen. Dan Feyen  
Re: Senate Bill 839

Hello members of the committee, thank you for holding this hearing today.

In 2023 the legislature passed a biennial budget that provided significant pay raises for Department of Corrections (DOC) personnel. This was long overdue to address our understaffed prisons and DOC facilities.

However, the budget also transferred 110 FTE correctional officers working at the Wisconsin Resource Center (WRC) from the DOC to the Department of Health Services (DHS). This meant the security officers working at WRC would not be eligible for the same raises, wage supplements, or enhancements, even though they are performing the same duties. The stresses and difficulty of their job did not change, just the agency that delivers their paycheck.

SB 839 corrects this by making any WRC officer who was transferred to DHS eligible for any salary enhancements they would have otherwise received. It also ensures that we are not passing similar legislation in the future by entitling transferred WRC officers to any future DOC raises for the same position. This bill does not apply to any new hires at WRC, only to those who were moved to DHS through the budget.

If the correctional officers at WRC had remained DOC employees they would have received these necessary raises. SB 839 makes sure that this happens.

Thank you again for your time and consideration.



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## Senate Bill 839 Testimony

Chairman Stroebel and members of the Senate Government Operations Committee, thank you for allowing me to testify in support of Senate Bill 839. This legislation ensures correctional staff at the Wisconsin Resource Center (WRC) receive future pay enhancements due to their time employed in the Department of Corrections (DOC).

To provide some context, WRC is a Department of Health Services (DHS) institution that treats mental illnesses of DOC inmates. Up until the enactment of the 2023-2025 state budget, some of the security staff at WRC were correctional officers under the purview of the DOC with the rest of the staff being DHS employees. While two state agencies ran a single facility, they made it work.

In the budget, correctional officers and sergeants at WRC were transferred from DOC to DHS. While on paper this makes sense, security staff at WRC expressed concerns with this change. One of these concerns was that officers and sergeants at WRC would miss out on future raises for DOC staff. This could result in staff transferring back to positions within the DOC. The exodus of staff from WRC would lead to a security crisis at a facility where the inmates are in most need of assistance. This bill addresses that concern before it truly becomes a problem for the inmates and the staff that remain at WRC.

Senate Bill 839 simply requires that DHS correctional staff at WRC who were DOC employees before the enactment of the 2023-2025 state budget receive any financial pay that security staff at maximum facilities receive.

I thank you again for hearing this legislation and would be glad to answer any questions you might have.

February 1<sup>st</sup>, 2024

Good morning. My name is Rick Herrmann. I am currently a Sergeant at the Wisconsin Resource Center. I have two tours of duty with the Wisconsin correctional system with a total of 25 years of experience. My first tour was from 1989 to 1992 and the second from 2002 until present. During my employment I have worked at Waupun, Dodge, Stanley, Redgranite and Oshkosh Correctional Institutions and now the Resource Center. All of my corrections employment has been in the security ranks.

Over my tenure, I have been involved with many different committees and institutional activities. I am currently a member of the Department of Corrections Recruitment and Retention Work Group. I am the Co-Coordinator for the Wisconsin Resource Center Field Training Officers and also a member of the Institutions Crisis Negotiations Team.

I am here today to speak in favor of 2023 Senate Bill 839.

Myself and my peers have proudly served the Department of Corrections until the passing of the most recent budget when our supervision was transferred from the Department of Corrections to the Department of Health Services. I can remember working for the Department of Health Services during my first tour of duty, when I first began corrections in the late 1980's as corrections was a Division of the Department of Health Services. It is somewhat ironic that that is where my corrections career began and now, likely where it will end.

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Prior to our current supervision transfer in this last budget, my colleagues and I were Department of Corrections employees, employed by Oshkosh Correctional Institution and assigned to the Wisconsin Resource Center. This scenario of having supervision at one site and physically working at another many times created confusion. Who would be responsible for our discipline processes? If Oshkosh employees retained or lost a benefit, should that affect us at the Wisconsin Resource Center? Sometimes it was which policy should we follow, as the Oshkosh policy that we fell under did not fit with the operational

structure of the Wisconsin Resource Center. I understand and do not totally disagree the decision to move our supervision from the Department of Corrections to Department of Health Services. However, this move has seemed to have swept us under the rug when it comes to certain benefits.

When COVID began to disrupt the operations of the correctional system, the Department of Corrections implemented daily overtime to all staff at each institution for checking into the facilities as they were required to complete a medical screening. Our Oshkosh peers initially received 30 minutes of extra daily pay for approximately a year. It was later adjusted to 15 minutes per day, which lasted almost another 12 months. This averaged around 190 hours of additional pay for that duration. At that time, with the starting Officer base rate of \$20 per hour, this comes to approximately \$5,850 of pay for that time period. Although, the memos distributed by the Department of Corrections stated that ALL Department of Corrections employees would be receiving this additional pay, we at the Wisconsin Resource Center however did not. When I inquired as to why, I was told that the Department of Health Services did not implement this pay structure for their employees and because we were assigned to a DHS facility, we would not be receiving the pay. The Department of Corrections staff at the Wisconsin Resource Center lost out of significant money even though we had to follow the same Covid screening protocols simply because we were supervised by a different state agency.

Then the Corrections staffing crisis reached its pinnacle. The Department of Corrections implemented add-on pay for certain institutions to entice staff to fill these vacancies. The maximum-security institutions received several dollars per hour in addition to the \$5 per hour vacancy add-on pay for institutions that had over 40% vacancy rates. Even though the communications from the Department of Corrections stated that ALL maximum-security institutions would receive the add-on pay, the Wisconsin Resource Center was left off that list. When I inquired about why, I was again told that the Wisconsin Resource Center was operated by the Department of Health Services and unless DHS implemented this pay system, we would not be receiving it even though we are employees of the Department of Corrections. Again, my peers and myself lost out on significant money simply because we were supervised by a different state agency.

We had high hopes that this last budget would fix the pay disparity between our Institution and the Department of Corrections. Instead, we simply had our supervision transferred from the Department of Corrections to the Department of Health Services and our Institution was again left off the maximum-security list for any add-on pay.

This brings us to today. The question is, why should the Wisconsin Resource Center staff receive the same monetary incentives as the Department of Corrections facilities?

Before I go any further, I should explain a little about what the Wisconsin Resource Center does. All Department of Corrections inmates that fall under the Chapter 51 Statutes are supervised by the Wisconsin Resource Center. This means that all inmates that have court ordered treatment and rehabilitation for mental health disorders and developmental disabilities are overseen and maintained by the Wisconsin Resource Center. Other than two housing units in our facility that are Department of Corrections, Substance Abuse Disorder overflow inmates, our institution is solely for the purpose of mental health. We house Department of Corrections inmates that have wide variety of diagnoses including; schizophrenia, bi-polar disorders, multi-personality disorders, paranoia, depression, and suicidal ideology just to name a few. These diagnoses are not a sample of our inmate population, it is our total inmate population. Similar to the Wisconsin Secure Program Facility in Boscobel, we take the Department of Corrections inmates that the system cannot handle internally. These inmates come to us typically in an unstable condition. We then utilize medication and individual programming to return the individual to a stabilized level at which time we then give them counseling and resources for them to continue to succeed at a normal functioning level outside of the WRC environment. In fact, due to the efforts of the Wisconsin Resource Center staff, the National Commission on Correctional Health Care awarded us the Facility of the Year, for the year 2022. We are the only prison in Wisconsin with a NCCHC accreditation.

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I unfortunately do not have specific statistics with me today, but I believe the Department of Corrections assault tracker lists the Wisconsin Resource Center as number two on the list for staff assaults by inmates and I do believe that we are number one on the list for use of force incidents.

It is my understanding that the \$3 per hour add-on at the Department of Corrections maximum security facilities is for dealing with the unstable maximum-security environment. I have been told that it is to attract staff to those facilities due to the vacancy rates. However, there is a separate vacancy add on pay for that, and nowhere in the \$3 add on terminology does it say anything about staff vacancies. The Wisconsin Resource Center is listed as a maximum-security prison on all Department of Corrections and Department of Health Services paperwork. In fact, we are the only prison that is on that list twice, as we house both maximum security male and female inmates.

In conclusion, the Wisconsin Resource Center houses Department of Corrections maximum security inmates. The staff at the Wisconsin Resource Center do the same job duties as the Department of Corrections staff and we assume the same risks with our environment as other maximum-security facilities. In fact, our risks may be higher than others due to the specific type inmates that we house at our facility as I mentioned earlier, and our job duties may be more extensive as we conduct intensive treatment services that other facilities do not.

The Wisconsin Resource Center staff should not be denied a benefit that other prison facilities enjoy simply because the supervision structure is through a different state agency. Regardless of which state Department physically operates the facility, if the job duties and assignments are the same, the staff should be receiving the same benefits.

I thank you for your time and consideration in this matter.





State of Wisconsin  
Department of Health Services

Tony Evers, Governor  
Kirsten L. Johnson, Secretary

**TO:** Members of the Senate Committee on Government Operations

**FROM:** HJ Waukau, Legislative Director

**DATE:** February 1, 2024

**RE:** SB 839 relating to: Compensation for certain employees of the Department of Corrections who are transferred to the Department of Health Services

The Wisconsin Department of Health Services (DHS) would like to submit written testimony for information only on Senate Bill 839 (SB 839) regarding the transfer of employees from the Department of Corrections (DOC) to DHS and any attendant wage increases. SB 839 provides that employees who provide security services at the Wisconsin Resource Center (WRC) and were transferred by 2023 Wisconsin Act 19 (Act 19) from DOC to DHS are entitled to any raises, wage supplements, or enhancements that they would have otherwise received or been entitled to had the positions remained with DOC.

The dedicated individuals who provide security services at WRC, indeed all employees at WRC, perform critically important and high-risk jobs for one of the more complex behavioral health populations in the state. The security staff at WRC are highly valued and should be justly compensated at the maximum allowable levels for the services they provide. DHS is prohibited from paying WRC security staff at the same rates as maximum-security staff in other DOC facilities due to legislative oversights during the biennial budget process. Governor Evers' 2023-25 biennial budget included a \$4 per hour add-on for correctional officers at both DOC and DHS maximum security facilities. It also included the transfer of 110 FTEs at WRC from DOC to DHS, which was approved by the Joint Committee on Finance (JCF) in omnibus motion #90.<sup>1</sup> However, the provisions of 2023 Act 19 reduced that add-on to \$3 per hour and was limited only to DOC personnel, as approved by JCF in omnibus motion #115.<sup>2</sup> Had Governor Evers' initial proposal been adopted, or had the legislature not excluded DHS maximum security staff in its budget motions, WRC security staff would currently be receiving the salary and wage add-ons described under SB 839. Further, SB 839 does not provide resources or funding for DHS for the \$3 add-on, either from the state compensation reserve, or other sources of funding. At present there are not funds available from the compensation reserve to cover the costs of the salary increases under SB 839, which are estimated to be \$781,000 GPR annually. Nor can DHS absorb these increases under its current funding structure.

WRC provides mental health and treatment services to individuals referred by DOC with severe and persistent mental health and programming needs. WRC serves a variety of populations, including adult male and female persons in custody from the Division of Adult Institutions; male and female persons in custody from the Division of Community Corrections for Alternative to Revocation (ATR) programming;

<sup>1</sup> "Department of Corrections Omnibus Motion," Wisconsin State Legislature, June 8, 2023, [https://docs.legis.wisconsin.gov/misc/lfb/jfcmotions/2023/2023\\_06\\_08/001\\_department\\_of\\_corrections/motion\\_90\\_omnibus\\_motion](https://docs.legis.wisconsin.gov/misc/lfb/jfcmotions/2023/2023_06_08/001_department_of_corrections/motion_90_omnibus_motion).

<sup>2</sup> "Budget and Management Compensation Reserves Omnibus Motion," Wisconsin State Legislature, June 22, 2023, [https://docs.legis.wisconsin.gov/misc/lfb/jfcmotions/2023/2023\\_06\\_22/002\\_budget\\_management\\_and\\_compensation\\_reserves/motion\\_115\\_omnibus\\_motion](https://docs.legis.wisconsin.gov/misc/lfb/jfcmotions/2023/2023_06_22/002_budget_management_and_compensation_reserves/motion_115_omnibus_motion).



and post-conviction cases from the courts for treat-to-competency education and treatment programs. As of January 2024 WRC housed 414 individuals. Prior to Act 19, WRC's security staff was provided by correctional officers working for DOC, though it is DHS' responsibility for administering the facility. This relationship was specified under Wis. Stat. Under s. 46.056(1), with DHS holding the responsibility for administering WRC as a correctional institution that provides psychological evaluations, specialized learning programs, training, and supervision for inmates whose behavior presents a serious problem to themselves or others in state prisons and whose mental health needs can be met at the center; while under Wis. Stat. 46.056(2), correctional officers providing security at WRC were employees of DOC.<sup>3</sup> Act 19 changed this relationship with the 110 FTE correctional officer positions transferred from DOC to DHS.

The primary reason for the position transfer was to improve efficiency in the operations of WRC. The prior arrangement derived from a decision in 1990 when DOC was created from the Division of Corrections at DHS when it was called the Department of Health and Social Services. Having security staff administered by two different departments created complexity and challenges to human resource administrations for DHS and DOC at both the department and institution level. This included different work rules for DHS and DOC employees at the same facility, different timekeeping processes, and different benefits administration. To remedy these concerns both DHS and DOC mutually agreed DOC would transfer the 110 FTE positions at WRC to DHS, which was subsequently enacted under Act 19.

SB 839 may also have the unintended effect of creating a two-tiered system of pay at WRC, which is what the initial transfer sought to remedy. Increasing pay for the transferred positions at WRC would bring these positions into parity with surrounding DOC institutions such as Dodge Correctional Institution, Waupun Correctional Institution, and Green Bay Correctional Institution. However, under SB 839 the increase would only apply to the recently transferred positions. Any correctional officers who start employment at WRC after the transfer would not be eligible for the increase since it would only apply to the 110 FTEs who were initially transferred. Additionally, correctional staff under SB 839 would be paid at a disproportionately higher rate than their peers in similar classifications such as psychiatric care technicians-advanced and psychiatric care supervisors. It would also create an imbalance in pay between officers, sergeants, and captains at WRC compared to other DHS facilities such as Sand Ridge Secure Treatment Center and Mendota Mental Health Institute. DHS would welcome the opportunity to discuss with bill authors how to best address pay equity issues for security personnel at state-administered facilities.

DHS reiterates its commitment to providing the best salary and benefits it can to its staff across all of its facilities and locations, and specifically WRC in this context. DHS is staffed by dedicated individuals at all levels who perform high-level and exemplary work every day in service to the people of Wisconsin. And each one of them deserves to be compensated at a level commensurate with their hard work and expertise. DHS offers itself as a resource to the Committee should it have any questions.

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<sup>3</sup> "Wisconsin Resource Center Security Operations Transfer, Paper #296," Wisconsin Legislative Fiscal Bureau, June 6, 2023, [https://docs.legis.wisconsin.gov/misc/lfb/budget/2023\\_25\\_biennial\\_budget/302\\_budget\\_papers/296\\_corrections\\_adult\\_institutions\\_wisconsin\\_resources\\_center\\_security\\_operations\\_transfer.pdf](https://docs.legis.wisconsin.gov/misc/lfb/budget/2023_25_biennial_budget/302_budget_papers/296_corrections_adult_institutions_wisconsin_resources_center_security_operations_transfer.pdf).