



## MEMORANDUM

**TO:** Honorable Members of the Senate Committee on Judiciary and Public Safety

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** March 19, 2019

**SUBJECT:** Support of Senate Bill 5

The Wisconsin Counties Association (WCA) supports Senate Bill 5 (SB 5), which classifies county jailers as protective occupation participants under the Wisconsin Retirement System (WRS) and mandates that employees pay the enhanced WRS contributions resulting from the classification. SB 5 represents a negotiated compromise between WCA, the Badger State Sheriffs Association, and the Wisconsin Sheriffs and Deputy Sheriffs Association that addresses the desires of county jailers without forcing additional costs on to county property taxpayers.

In recent years, negotiations have been ongoing between WCA and the law enforcement community regarding protective status for county jailers. The negotiations followed years of litigation regarding protective status for jailers. Currently, 13 counties have their jailers as protective. Counties were successful in the litigation as the Department of Employee Trust Funds (ETF) found that county jailers are not entitled to WRS protective status because a jailer's job is not considered "active law enforcement" under the law.

Through discussions with law enforcement associations, SB 5 was drafted which provides protective status to jailers without regard to their "active law enforcement" status and, therefore, allows jailers to receive duty disability insurance and early retirement. The legislation also clarifies that jailers are not designated as public safety employees for collective bargaining purposes (*i.e.*, they are general municipal employees and may bargain only over base wages) and jailers are responsible for all—employee and employer—additional WRS contributions.

County jailers are critical to ensuring safety in the jail for inmates, staff, and the general public. As such, SB 5 provides jailers with the additional benefits they desire while protecting local property taxpayers. It is anticipated that this legislation will bring an end to all litigation surrounding jailer protective status, thus providing legal certainty for 70 of our 72 counties with county jailers.

During the 2017-2018 Legislative Session, this legislation was known as Assembly Bill 676 (Senate Bill 577) and passed the Assembly on a voice vote.

WCA respectfully requests that the Committee support SB 5.