

AGENDA

Eau Claire County
Committee on Judiciary and Law Enforcement
Thursday, February 01, 2018 at 4pm
Courthouse – Room 1273

1. Call Meeting to Order
2. Public Comment
3. Approve minutes from January 11, 2018 meeting – discussion/action Page 2
4. Treatment Courts – Judge Michael Schumacher - discussion
5. TRY will be reporting 4th quarter numbers – Todd Tollefson – discussion/action Page 17
6. Sheriff Department
 - Update on jail population
 - Update on staff recruitment
 - Protective status legislation update
7. Future Agenda Item(s) requested
 - Treatment Court Update – Tiana Glenna (March)
8. Adjourn

MINUTES

Eau Claire County
Committee on Judiciary and Law Enforcement
Thursday, January 11, 2018 at 4:00p.m.
Courthouse – Room 1301

Members Present: Sue Miller, Sandra McKinney, Douglas Kranig, and Brandon Buchanan

Others Present: Todd Tollefson, Tiana Glenna, Sheriff Ron Cramer, Capt. Dan Bresina, Gary King, DA, and Ruth Ebert

Call Meeting to Order

Meeting called to order by Chairperson Sue Miller at 4:01pm

Public Comment

No public comments

Approve minutes from December 7, 2017 meeting

Brandon Buchanan makes motion to approve the minutes. Vote 4-0

Factors Affecting Jail Population - Gary King, DA

Handout for review given to the committee. The jail population could be much higher if there weren't programs in place already. Beginning 1-1-18, DOC is not to use jail as their 1st option for their PO holds. The County is growing and will continue, as will the jail population.

Treatment Courts/Program participation – Tiana Glenna

Update given to committee. DOC coming in to meet with Tiana later this month to provide an overview. Many moving parts with right now, however as the months go by there will be additional information to provide to the committee. Statewide conference on Meth was held today at UWEC. Focus is on out-right prevention; don't even start. Good news: Starting to see people succeed after meth use. Questions by committee members were answered by Gary King and Tiana. Additional questions from committee, Tiana will research and follow-up on.

Sheriff Department – Sheriff Cramer & Capt. Bresina

- Sheriff's Option to deputize – Update given to committee
- Update on correctional officers getting protective status.
Handout provided to committee members. Committee has follow-up requests. Committee will discuss and clarify requests as per protocol.
- Status of jail overcrowding – Handout provided to committee members. Questions by committee members with answers by Sheriff and Capt.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire WI 54703

- Update on staff recruitment – Fully staffed. However with promotions, there are some new openings. Sheriff Dept. working on “holding positions.”

Future Agenda Item(s) requested

- Treatment Courts – Judge Schumacher – February meeting
- Treatment Courts – Tiana Glenna - March meeting
- Protective status update – Sheriff Dept.
- Update on jail population – Sheriff Dept.
- Update staff recruitment – Sheriff Dept.

Adjourn. Sue Miller adjourns meeting at 5:43pm

Respectfully submitted by:

Ruth Ebert- Clerk

Copy: Committee Members
Media

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters or other auxiliary aids. For additional information or to request the service, contact the County ADA Coordinator at 839-4710, (FAX) 839-1669 or 839-4735, tty: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire WI 54703

Eau Claire County CJCC Jail Population Analysis - DRAFT

*Cases reflect court cases pulled from 1/1/2008 - 12/31/2017 based on court case # in PROTECT

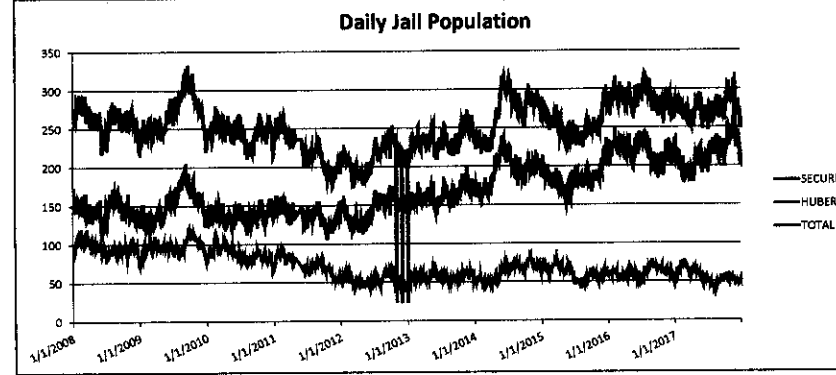
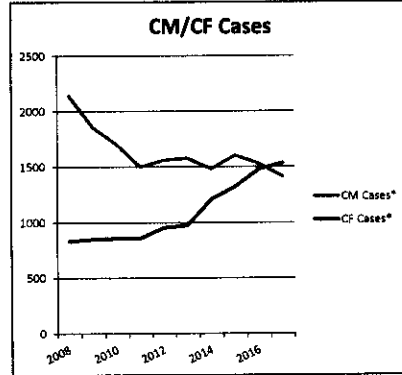
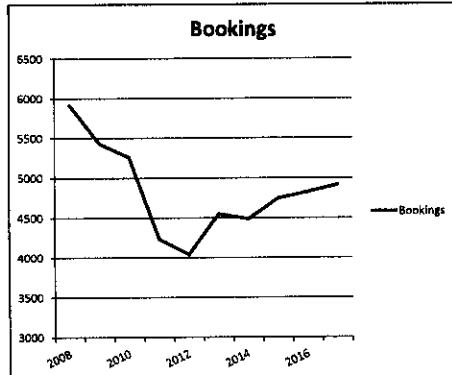
**Sources include: United States Census Bureau through 2016

Annual Percent Increase is calculated by (current value/beginning value)(1/years)-1

	2009	% Change	2010	% Change	2011	% Change	2012	% Change	2013	% Change	2014	% Change	2015	% Change	2016	% Change	2017	% Change
CM Cases*	1853	1.1%	1700	-8.0%	1499	-12.4%	1560	4.07%	1575	0.96%	1479	-6.3%	1602	1.56%	1526	-4.7%	1411	-7.8%
CF Cases*	848	2.17%	856	0.94%	858	0.23%	951	10.84%	972	2.21%	1208	24.28%	1317	9.02%	1476	12.07%	1533	3.86%
Bookings	5428		5252	-3.2%	4233	-19.2%	4040	-4.5%	4547	12.55%	4484	-1.4%	4739	5.69%	4819	1.69%	4914	1.97%
ECC Population**	99409	1.22%	99036	-0.37%	99935	0.91%	100897	0.96%	101789	0.88%	101677	-0.11%	102105	0.42%	102965	0.84%	-	-
ECC Jail ADP	269	3.07%	245	-8.9%	220	-10.2%	209	-4.5%	235	12.44%	269	14.47%	253	-6.0%	287	13.44%	276	-3.8%
ECC Jail Total Secure	152	5.56%	138	-9.2%	137	-0.7%	143	4.36%	162	13.29%	194	19.75%	184	-5.2%	218	18.48%	215	-1.4%
ECC Jail Huber	98	2.08%	87	-11.2%	72	-16.1%	53	-26.4%	57	7.55%	63	10.53%	61	-3.2%	61	0.00%	56	-8.3%
Projected 2% Yearly ADP	268	2.00%	274	2.00%	279	2.00%	285	2.00%	290	2.00%	296	2.00%	302	2.00%	308	2.00%	314	2.00%
Projected 3%	271	3.00%	279	3.00%	287	3.00%	296	3.00%	305	3.00%	314	3.00%	323	3.00%	333	3.00%	343	3.00%
Projected 4%	274	4.00%	284	4.00%	296	4.00%	308	4.00%	320	4.00%	333	4.00%	346	4.00%	360	4.00%	374	4.00%
Projected 5%	276	5.00%	290	5.00%	304	5.00%	320	5.00%	336	5.00%	352	5.00%	370	5.00%	389	5.00%	408	5.00%
Projected 6%	279	6.00%	296	6.00%	313	6.00%	332	6.00%	352	6.00%	373	6.00%	395	6.00%	419	6.00%	444	6.00%
Projected 7%	281	7.00%	301	7.00%	322	7.00%	345	7.00%	369	7.00%	395	7.00%	422	7.00%	452	7.00%	484	7.00%

% Change Since 2008	Annual Percent Increase
84.70%	7.00%
4.84%	0.59%
-5.75%	0.62%
49.31%	4.55%
19.51%	2.00%
30.48%	3.00%
42.33%	4.00%
55.13%	5.00%
68.85%	6.00%
83.85%	7.00%

% Change Since 2010	Annual Percent Increase
79.09%	8.60%
3.97%	0.65%
12.85%	1.72%
55.80%	6.54%
14.87%	2.00%
22.99%	3.00%
31.59%	4.00%
40.71%	5.00%
50.36%	6.00%
60.58%	7.00%



*Data pulled based on Release Date in Spillman (3/1/2017 - 11/30/2017)

**Data pulled from legacy system via Cognos based on Release Date (1/1/17 - 2/28/17)

Length of Stay (Release - Intake)	*Nov	%
< 2 days	228	53.65%
2 - 10 days	96	22.59%
10 - 20 days	21	4.94%
20 - 30 days	10	2.35%
> 30 days	70	16.47%
Total Releases	425	

**YTD	%
2418	53.44%
1018	22.50%
209	4.62%
113	2.50%
767	16.95%
4525	

Length of Stay			Booking Type		
< 2 days	228	53.65%			
<i>Meth Charges - 13 (5.70%)</i>			Misd Pre-Trial	51	22.37%
			Felony Pre-Trial	42	18.42%
			Responsible Party	36	15.79%
			Other County Warrant	26	11.40%
			EC Warrant	25	10.96%
			PO Hold	18	7.89%
			Print and Release	15	6.58%
			Pre-trial w/PO Hold	10	4.39%
			Blank	3	1.32%
			PO w/Warrant	1	0.44%
			Pre-trial w/other hold type	1	0.44%
2 - 10 days	96	22.59%			
<i>Meth Charges - 11 (11.46%)</i>			PO Hold	26	27.08%
			Felony Pre-Trial	20	20.83%
			Pre-trial w/PO Hold	16	16.67%
			Pre-trial w/other hold type	8	8.33%
			EC Warrant	6	6.25%
			Misd Pre-Trial	5	5.21%
			Other County Warrant	5	5.21%
			Huber Sentence	3	3.13%
			PO w/Warrant	3	3.13%
			Out of State Warrant	2	2.08%
			Hub Transfer/Other Agency	1	1.04%
			Secure Sentence	1	1.04%
10 - 20 days	21	4.94%			
<i>Meth Charges - 3 (14.29%)</i>			Huber Sentence	5	23.81%
			PO Hold	5	23.81%
			Pre-trial w/PO Hold	5	23.81%
			EC Warrant	2	9.52%
			Felony Pre-Trial	2	9.52%
			Hub Transfer/Other Agency	1	4.76%
			Out of State Warrant	1	4.76%
20 - 30 days	10	2.35%			
<i>Meth Charges - 1 (10.00%)</i>			Huber Sentence	6	60.00%
			EC Warrant	2	20.00%
			PO Hold	1	10.00%
			Secure Sentence	1	10.00%
> 30 days	70	16.47%			
<i>Meth Charges - 16 (22.86%)</i>			PO Hold	25	35.71%
			Felony Pre-Trial	12	17.14%
			Pre-trial w/PO Hold	11	15.71%
			Huber Sentence	7	10.00%
			EC Warrant	4	5.71%
			Secure Sentence	3	4.29%
			Misd Pre-Trial	2	2.86%
			Other County Warrant	2	2.86%
			Blank	2	2.86%
			PO w/Warrant	1	1.43%
			Pre-trial w/other hold type	1	1.43%
Total Releases	425				

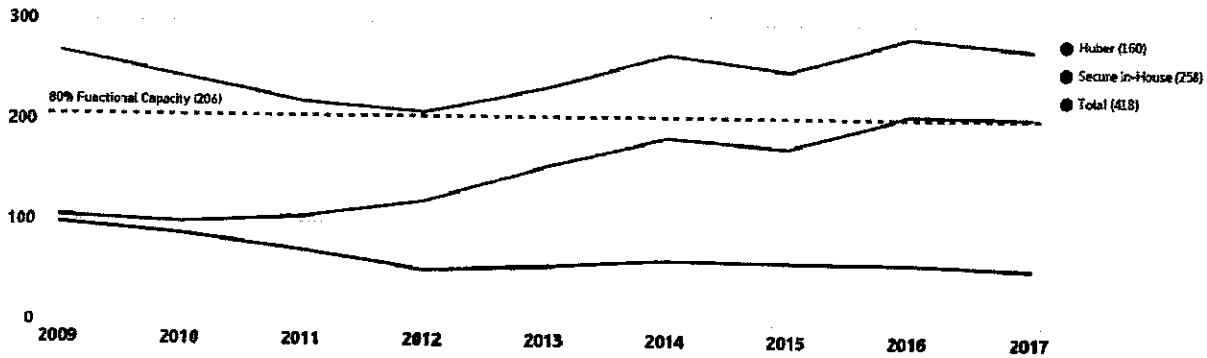
Average Daily Population						
Secure In-House	208	209	176	186	156	
Secure Transfers	7	9	8	8	6	
Total Secure	215	218	184	194	162	
Huber	56	61	61	63	57	
Electronic Monitoring	4	4	5	9	10	
Other*	1	3	3	3	6	
Total	276	287	253	269	235	

*Other includes transfers, inmates in hospitals, inmates in other counties for court, etc.

Bookings and Releases					
Jail Bookings	4914	4,819	4751	4,496	4,556
Jail Releases	4916	4,822	4735	4,474	4,546
Print and Releases	166	223	232	234	248

*Data collected through 12/31/2017

Average Daily Population





2017 ASSEMBLY BILL 676

November 29, 2017 - Introduced by Representatives BORN, EDMING, E. BROOKS, FELZKOWSKI, GENRICH, GOYKE, HORLACHER, JACQUE, JARCHOW, KITCHENS, KOLSTE, KRUG, LOUDENBECK, MACCO, MILROY, MURSAU, NOVAK, RIPP, ROHRKASTE, SCHRAA, STEFFEN, STEINEKE, STUCK, SUBECK, SWEARINGEN, TRANEL, TUSLER and VANDERMEER, cosponsored by Senators MARKLEIN, BEWLEY, DARLING, ERPENBACH, HANSEN, HARSDOF, RISSER, TESTIN, VINEHOUT and WIRCH. Referred to Committee on Corrections.

1 **AN ACT to renumber and amend** 40.05 (2) (ar); **to amend** 40.02 (48) (b) 3., 40.02
2 (48) (c) and 40.23 (3) (a); and **to create** 40.02 (17) (n), 40.02 (48) (am) 23., 40.02
3 (48) (b) 5., 40.05 (1) (a) 7., 40.05 (2) (ap), 40.05 (2) (ar) 2., 40.23 (3) (c), 40.65 (4w),
4 59.52 (8m) and 111.70 (4) (bn) of the statutes; **relating to:** classifying county
5 jailers as protective occupation participants under the Wisconsin Retirement
6 System and the treatment of county jailers under the Municipal Employment
7 Relations Act.

Analysis by the Legislative Reference Bureau

Under current law, participants under the Wisconsin Retirement System (WRS) whose principal duties involve active 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 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.

This bill classifies county jailers as protective occupation participants without a requirement that their principal duties involve active law enforcement or active

ASSEMBLY BILL 676

fire suppression or prevention. The bill defines county jailers as persons employed by a county whose principal duties involve supervising, controlling, or maintaining a jail or persons confined in a jail, regardless of whether the jailers have been sworn regarding their duties or whether they serve on a full-time basis.

Under the bill, county jailers who become protective occupation participants on or after the bill's effective date and are employed by a county that did not classify county jailers as protective occupation participants on July 1, 2017, are required to pay all additional employer costs resulting from their classification as protective occupation participants, including the cost of the duty disability program. County jailers who were classified as protective occupation participants before the bill's effective date and county jailers hired on or after the bill's effective date in counties that did classify county jailers as protective occupation participants on July 1, 2017, are not required to pay the additional employer costs. The bill also permits a county jailer to elect at the time of hire not to become a protective occupation participant.

Finally, under the Municipal Employment Relations Act, public safety employees may collectively bargain over wages, hours, and conditions of employment, and general employees may bargain collectively over only an annual percentage wage increase that does not exceed the annual percentage increase in the consumer price index. Under MERA, public safety employees and general employees may not be in the same collective bargaining unit. This bill amends MERA so that a county that treats a county jailer as a public safety employee on the effective date of this bill shall continue to treat any person it employs as a county jailer as a public safety employee except that, if the county subsequently raises a question regarding the appropriateness of including county jailers in a collective bargaining unit containing public safety employees, no person the county employs as a county jailer may be treated as a public safety employee.

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:

- 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 county jailer
 3 and who is classified as a protective occupation participant shall be granted
 4 creditable service as a protective occupation participant for all covered service while
 5 a county jailer that was earned on or after the effective date of this paragraph

ASSEMBLY BILL 676

1 [LRB inserts date], but may not be granted creditable service as a protective
2 occupation participant for any covered service as a county jailer that was earned
3 before the effective date of this paragraph [LRB inserts date], unless that service
4 was earned while the participant was classified under sub. (48) (a) and s. 40.06 (1)
5 (d) as a protective occupation participant.

6 **SECTION 2.** 40.02 (48) (am) 23. of the statutes is created to read:

7 40.02 (48) (am) 23. A county jailer.

8 **SECTION 3.** 40.02 (48) (b) 3. of the statutes is amended to read:

9 40.02 (48) (b) 3. A “deputy sheriff” or a “county traffic police officer” is any
10 officer or employee of a sheriff’s office or county traffic department, except one whose
11 principal duties are those of a telephone operator, clerk, stenographer, machinist or
12 mechanic and whose functions do not clearly fall within the scope of active law
13 enforcement even though such an employee is subject to occasional call, or is
14 occasionally called upon, to perform duties within the scope of active law
15 enforcement. Deputy sheriff or county traffic police officer includes also does not
16 include a county jailer, but does include any person regularly employed and
17 qualifying as a deputy sheriff or county traffic police officer, even if temporarily
18 assigned to other duties.

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

20 40.02 (48) (b) 5. A “county jailer” is an employee of a county whose principal
21 duties involve supervising, controlling, or maintaining a jail or the persons confined
22 in a jail, as assigned by the sheriff under s. 59.27 (1), regardless of whether they have
23 been sworn regarding their duties or whether they serve on a full-time basis.
24 Notwithstanding par. (a), an employer may classify an employee who is a county
25 jailer as a protective occupation participant under par. (am) 23. without making a

ASSEMBLY BILL 676**SECTION 4**

1 determination that the principal duties of the employee involve active law
2 enforcement or active fire suppression or prevention. A determination under this
3 subdivision may not be appealed under s. 40.06 (1) (e) or (em). A county jailer is not
4 a protective occupation participant if he or she so elects with the employer under s.
5 59.52 (8m) or 2017 Wisconsin Act (this act).

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

7 40.02 (48) (c) In s. 40.65, "protective occupation participant" means a
8 participating employee who is a police officer, fire fighter, an individual determined
9 by a participating employer under par. (a) or (bm) to be a protective occupation
10 participant, county undersheriff, deputy sheriff, county jailer, state probation and
11 parole officer, county traffic police officer, conservation warden, state forest ranger,
12 field conservation employee of the department of natural resources who is subject to
13 call for forest fire control or warden duty, member of the state traffic patrol, state
14 motor vehicle inspector, University of Wisconsin System full-time police officer,
15 guard or any other employee whose principal duties are supervision and discipline
16 of inmates at a state penal institution, excise tax investigator employed by the
17 department of revenue, person employed under s. 60.553 (1), 61.66 (1), or 62.13 (2e)
18 (a), or special criminal investigation agent employed by the department of justice.

19 **SECTION 6.** 40.05 (1) (a) 7. of the statutes is created to read:

20 40.05 (1) (a) 7. For a county jailer covered under subd. 3., the percentage of
21 earnings equal to the total actuarially required contribution rate, as approved by the
22 board under s. 40.03 (1) (e), for a participating employee whose formula rate is
23 determined under s. 40.23 (2m) (e) 3., less the contribution rate paid by the employer
24 for a county jailer under sub. (2) (a). This subdivision applies only to a county jailer
25 who becomes a protective occupation participant on or after the effective date of this

ASSEMBLY BILL 676

1 subdivision [LRB inserts date], and is employed in a county that did not classify
2 county jailers as protective occupation participants on July 1, 2017.

3 **SECTION 7.** 40.05 (2) (ap) of the statutes is created to read:

4 40.05 (2) (ap) The contributions under par. (a) that are required to be paid by
5 a participating employer for a county jailer whose formula rate is determined under
6 s. 40.23 (2m) (e) 3. shall be a percentage of earnings equal to one-half of the total
7 actuarially required contribution rate, as approved by the board under s. 40.03 (1)
8 (e), for an employee whose formula rate is determined under s. 40.23 (2m) (e) 1. This
9 paragraph applies only to contributions paid for a county jailer who becomes a
10 protective occupation participant on or after the effective date of this paragraph
11 [LRB inserts date], and is employed in a county that did not classify county jailers
12 as protective occupation participants on July 1, 2017.

13 **SECTION 8.** 40.05 (2) (ar) of the statutes is renumbered 40.05 (2) (ar) 1. and
14 amended to read:

15 40.05 (2) (ar) 1. ~~Participating~~ Except as provided in subd. 2., participating
16 employers of employees subject to s. 40.65 shall contribute an additional percentage
17 or percentages of those employees' earnings based on the experience rates
18 determined to be appropriate by the board with the advice of the actuary.

19 **SECTION 9.** 40.05 (2) (ar) 2. of the statutes is created to read:

20 40.05 (2) (ar) 2. County jailers who become protective occupation participants
21 on or after the effective date of this subdivision [LRB inserts date], and are
22 employed in a county that did not classify county jailers as protective occupation
23 participants on July 1, 2017, shall make the contribution under subd. 1. in lieu of
24 their employers.

25 **SECTION 10.** 40.23 (3) (a) of the statutes is amended to read:

ASSEMBLY BILL 676**SECTION 10**

1 40.23 (3) (a) Except as provided in ~~par.~~ pars. (b) and (c), the initial monthly
2 amount of any retirement annuity in the normal form shall not be less than the
3 money purchase annuity which can be provided by applying the sum of the
4 participant's accumulated additional and required contributions, including interest
5 credited to the accumulations, plus an amount from the employer accumulation
6 reserve equal to the participant's accumulated required contributions, less any
7 accumulated contributions to purchase other governmental service under s. 40.25
8 (7), 2001 stats., or s. 40.285 (2) (b) to fund the annuity in accordance with the
9 actuarial tables in effect on the annuity effective date.

10 **SECTION 11.** 40.23 (3) (c) of the statutes is created to read:

11 40.23 (3) (c) Under par. (a), for a county jailer described in s. 40.02 (48) (am)
12 23., the amount to be paid from the employer accumulation reserve is equal to the
13 employer required contributions, including interest, paid for a county jailer under
14 s. 40.05 (2) (a). This paragraph applies only to a county jailer who becomes a
15 protective occupation participant on or after the effective date of this paragraph
16 [LRB inserts date], and is employed in a county that did not classify county jailers
17 as protective occupation participants on July 1, 2017.

18 **SECTION 12.** 40.65 (4w) of the statutes is created to read:

19 40.65 (4w) A county jailer who becomes a protective occupation participant on
20 or after the effective date of this subsection [LRB inserts date], is not entitled to
21 a duty disability benefit under this section for an injury or disease occurring before
22 the effective date of this subsection [LRB inserts date].

23 **SECTION 13.** 59.52 (8m) of the statutes is created to read:

24 59.52 (8m) **EMPLOYMENT OF COUNTY JAILERS.** The board shall provide an
25 individual who is employed as a county jailer an option to elect not to be a protective

ASSEMBLY BILL 676

1 occupation participant under s. 40.02 (48) (b) at the time the individual is hired as
2 a county jailer. An individual shall make an election under this subsection in writing
3 on a form provided by the board.

4 **SECTION 14.** 111.70 (4) (bn) of the statutes is created to read:

5 111.70 (4) (bn) *Public safety employee determination regarding county jailers.*

6 1. Except as provided under subd. 2., a county jailer, as defined in s. 40.02 (48) (b)
7 5., is a general municipal employee.

8 2. A county that treats a county jailer as a public safety employee on the
9 effective date of this subdivision (LRB inserts date), shall continue to treat any
10 person it employs as a county jailer as a public safety employee except that, if the
11 county raises a question concerning the appropriateness of including county jailers
12 in a collective bargaining unit that includes public safety employees, no person it
13 employs as a county jailer may be treated as a public safety employee.

14 **SECTION 15. Nonstatutory provision.**

15 (1) COUNTY JAILER OPT OUT FROM PROTECTIVE OCCUPATION PARTICIPANT STATUS
16 UNDER WISCONSIN RETIREMENT SYSTEM. No later than 60 days after the effective date
17 of this subsection, if an individual employed as a county jailer on the effective date
18 of this subsection does not want to be a protective occupation participant under the
19 Wisconsin Retirement System, the person shall notify his or her employer in writing
20 on a form provided by the employer. An election not to be a protective occupation
21 participant is irrevocable.

22 **SECTION 16. Effective date.**

23 (1) This act takes effect on the January 1 after publication.

24 (END)



STATE OF WISCONSIN
Department of Employee Trust Funds
Robert J. Conlin
SECRETARY

Wisconsin Department
of Employee Trust Funds
PO Box 7931
Madison WI 53707-7931
1-877-533-5020 (toll free)
Fax 608-267-4549
etf.wi.gov

Remarks to the Assembly Committee on Corrections

2017 Assembly Bill 676

Tarna Hunter, Government Relations Director, Department of Employee Trust Funds

January 9, 2018

Good morning Chairman Schraa and Vice-Chairman Hutton, and members of the Assembly Committee on Corrections. My name is Tarna Hunter, Director of Government Relations for the Department of Employee Trust Funds. With me today is Matt Stohr, Administrator of Retirement Services at ETF. Thank you for the opportunity to appear before this Committee. We are here today to speak for information only on Assembly Bill 676.

As you know, Assembly Bill 676 classifies county jailers as protective occupation participants under the Wisconsin Retirement System without a requirement that their principal duties involve active law enforcement.

The bill would essentially require county jailers who are employed by a county that did not classify county jailers as protective occupation participants on July 1, 2017 and become protective occupation participants under this bill to pay the employer share of the WRS contribution rate, as well as the duty disability rates, which is currently entirely an employer cost.

If the county jailer does not wish to pay the additional cost of being a protective, the bill allows them at the time of hire to be classified as a general. This choice is irrevocable.

The bill also provides that county employers who currently classify their jailers as protectives will continue to pay the employer cost for current and future employees.

We think the policy embodied in the bill is a fairly stark departure from the policy that has been in place regarding protective category participants. We would like to spend a few minutes to make you aware of some of the policy implications for both the employees and employers.

Historically the state has recognized that protective occupation employees are exposed to a high degree of danger and have protected them by providing them an earlier retirement age, a higher retirement benefit, and duty disability insurance benefits. This policy is a recognition that these jobs are dangerous and critical to maintaining public safety and also that those who perform these jobs may not be able to perform them for as long. Under current law, the employer, who is in the best position to do so,

determines whether the particular positions qualify for protective status based upon the specific job duties. This bill changes that policy – it recognizes that jailers should be classified as protective, but require the employee, and not society in general, to pay for these extra protections.

If the employee does not or cannot pay the additional costs, the employee may opt out of the protective category and be classified as a general employee, even though the job duties would be the same.

This creates inequity among employees who are presumably doing the same job, both across the state and in the same jail. For example, some jailers at the same employer may be classified as protectives and some may be classified as generals. This also creates inequities between the counties, allowing some counties to pay for the cost of being protective and other counties to require the employee to pay for the cost of being protective.

While determining whether this is the proper policy is clearly the legislature's prerogative, we are concerned that a policy that no longer requires the duties of the particular job to be the defining element of whether someone enjoys the protections of protective status has implications for the broader class of public safety professionals in general.

There are two main costs associated with the protective occupation category: WRS contribution rates and duty disability rates. Currently, the protective employee pays the same WRS contribution rate as general employees and the employer picks up the rest of the contribution rate. Employees classified as protectives under the bill, would be required to pay the employer share, as well as the duty disability rates, which is currently entirely an employer cost.

For example, if this bill were in effect for 2018, on average in a sampling of 10 counties, county jailers who do not opt out of the protective class under the bill would need to pay 12.86% of salary which includes 10.7% of salary for the WRS contribution and 2.57% of salary for duty disability coverage – instead of the WRS employee rate of 6.7%. However, the specific rate will vary from county to county due to differences in disability rates which are affected by claims experience. 2018 duty disability rates range from 0.23% of payroll to 6.07% of payroll.

To illustrate the effect of the bill, here are three different scenarios that would occur based on county specific information we collected in 2017.

Scenario 1 – County with high duty disability rates.

In Racine County, the annual starting wage was \$35,838 for county jailers, and the duty disability rate was 5.28%. A new hire in Racine County who elected to participate in the WRS as a protective employee would pay a total of \$5,691, or 15.88% of salary.

Scenario 2 – County with low duty disability rates.

For Ozaukee County, the annual starting wage was \$48,568, and the duty disability rate was 0.20%. A new hire in Ozaukee County who elected to participate in the WRS as a protective employee would pay \$5,245, or 10.80% of salary.

Scenario 3 – County classifying employees as protective as of 7/1/17.

The employee would pay the regular employee WRS rate of 6.8% of salary. That would be 9.08% less than the Racine County employee, and 4% less than the Ozaukee County employee.

On the more technical side, there may also be policy implications to the duty disability program. Allowing employees to select whether to be in a job classification and in a disability program or not may change experience in that the older, more likely to be disabled employees may select the program and others wouldn't, thereby increasing the costs to everyone in the long run. Generally, this is typically referred to as adverse selection. An actuarial analysis would be the best way to develop a more detailed impact analysis and fiscal estimate on premiums for the program.

Additionally, there are questions that would need to be worked out about the taxation of duty disability premiums. Federal tax law provides limited exceptions for employers and employees to pay insurance premiums like duty disability on a pre-tax basis. It is unclear if federal law would allow an employee to pay the employer's share and if it did, if it could be pre-tax.

Finally, many of the administrative aspects would be handled by the counties, such as determining what county jailer is or isn't a protective occupation employee for WRS purposes. ETF's fiscal estimate provides you information on the costs these administrative changes would have on ETF.

This bill is a significant change to a long-standing legislative policy regarding the compensation of protective employees. It does raise some equity issues and questions on the long-term impact on the duty disability program. ETF believes that an actuarial analysis would be the best way to determine what impact these changes would have on the programs.

If you have any questions about this testimony, please contact Tarna Hunter at 608-267-0908.

2017 CASELOAD SUMMARY (CASES OPENED)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
Eau Claire County:					
Family Cases	65	75	56	44	240
Small Claims	126	107	121	129	483
Parent Coordinator			1		1
Family Assessment				1	1
Financial					
Other/Voluntary	9	3	7	4	23
Eau Claire County Total:	200	185	185	178	748
Other Counties:					
Buffalo County	5	5	4	11	25
Chippewa County	47	68	46	39	200
Dunn County	21	29	22	24	96
Pepin County	2	4	3	2	11
Other Counties					
Other Counties Total:	75	106	75	76	332
ALL COUNTIES TOTAL:	275	291	260	254	1080

TRY MEDIATION

**EAU CLAIRE COUNTY
CASE LOAD REPORT
4TH QUARTER 2017**

MEDIATION CASELOAD:	
Eau Claire County:	
Family Cases	44
Small Claims	129
Parent Coordinator	
Family Assessment	1
Financial	
Other/Voluntary	4
Eau Claire County Total:	178

PARENT EDUCATION:	Classes Offered	Attendees
October	2	31
November	2	24
December	2	23
4th Quarter Total:	6	78

2017 PARENTING CLASSES

	Classes Offered	Attendees	2016 Comparison
January	2	34	30
February	2	37	27
March	2	29	51
1st Quarter Total:	6	100	108
April	2	29	24
May	2	24	29
June	2	28	24
2nd Quarter Total:	6	81	77
July	2	41	31
August	2	34	30
September	2	25	27
3rd Quarter Total:	6	100	88
October	2	31	34
November	2	24	24
December	2	23	42
4th Quarter Total:	6	78	95
Year-to-date Total:	24	359	368

2017 CASES CLOSED

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
Eau Claire County:					
Family Cases	56	65	77	52	250
Small Claims	148	125	121	129	523
Parent Coordinator			1		1
Family Assessment					
Financial					
Other/Voluntary	13	5	8	6	32
Eau Claire County Total:	217	195	207	187	806
Other Counties:					
Buffalo County	2	6	7	5	20
Chippewa County	49	47	49	47	192
Dunn County	29	27	28	30	114
Pepin County	2	3	3	3	11
Other Counties					
Other Counties Total:	82	83	87	85	337
ALL COUNTIES TOTAL:	299	278	294	272	1143

2017 SMALL CLAIMS

	Cases	Resolved	No Agreement	No Show/Other
January	57	31	22	4
February	53	35	17	1
March	38	29	7	2
1st Quarter Total:	148	95	46	7
April	35	16	18	1
May	41	23	12	6
June	49	21	24	4
2nd Quarter Total:	125	60	54	11
July	29	20	6	3
August	59	32	23	4
September	33	11	21	1
3rd Quarter Total:	121	63	50	8
October	60	34	21	5
November	42	24	14	4
December	27	15	9	3
4th Quarter Total:	129	73	44	12
Year-to-date Total:	523	291	194	38

SMALL CLAIMS 4TH QUARTER COMPARISON

2017	Cases	Resolved	No Agreement	No Show/Other
October	60	34	21	5
November	42	24	14	4
December	27	15	9	3
4th Quarter Total:	129	73	44	12
2016				
October	27	15	10	2
November	51	35	14	2
December	42	23	13	6
4th Quarter Total:	120	73	37	10

**OUTCOME SUMMARY
4TH QUARTER 2017
(CASES CLOSED)**

	Agreement	No Agreement	Not Mediated/ No Show	Other	Total
Eau Claire County:					
Family Cases	29	17	6		52
Small Claims	73	44	12		129
Parent Coordinator					
Family Assessment					
Financial					
Other/Voluntary	5			1	6
Eau Claire County Total:	107	61	18	1	187
Other Counties:					
Buffalo County	4	1			5
Chippewa County	20	12	11	4	47
Dunn County	11	7	11	1	30
Pepin County	1		2		3
Other Counties:					
Other Counties Total:	36	20	24	5	85
ALL COUNTIES TOTAL:	143	81	42	6	272

2017 INCOME SUMMARY

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total
Revenue:					
Buffalo	\$750	\$750	\$750	\$750	\$3,000
Chippewa	\$8,333	\$4,167	\$6,250	\$6,250	\$25,000
Dunn	\$4,250	\$4,250	\$4,250	\$4,250	\$17,000
Eau Claire	\$33,405	\$33,405	\$33,405	\$33,405	\$133,620
Pepin	\$1,050		\$1,050		\$2,100
Total:	\$47,788	\$42,572	\$45,705	\$44,655	\$180,720
Mediation Fees:					
Buffalo	\$25	\$850	\$260	\$190	\$1,325
Chippewa	\$1,457	\$685	\$960	\$685	\$3,787
Dunn	\$640	\$625	\$336	\$450	\$2,051
Eau Claire	\$1,721	\$3,220	\$1,982	\$1,023	\$7,946
Pepin	\$175	\$145	\$100		\$420
Other	\$353				\$353
Total:	\$4,371	\$5,525	\$3,638	\$2,348	\$15,882
Parent Education Fees:	\$3,970	\$4,275	\$3,685	\$3,080	\$15,010
Other Income:					
Interest	\$65	\$23	\$46	\$83	\$217
TOTAL INCOME:	\$56,194	\$52,395	\$53,075	\$50,166	\$211,830