

CHAPTER 1– PUBLIC EMPLOYERS INCLUDED

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100 Employers that can Elect to Participate

Participation in the Wisconsin Retirement System is open to any Wisconsin public employer. The city and county of Milwaukee operate independent retirement programs and are excluded. The “governing body” of the employer must file a resolution of participation in the WRS. The resolution must be received at the Department of Employee Trust Funds by November 15 for participation to become effective the following January 1. [Admin. Code ETF 20.017]

A resolution of participation may be withdrawn if the employer’s written notice to withdraw is received by ETF before the November 15 preceding the January 1 effective date.

- Employer is defined in statutes as:
“...the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229 and a long-term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes.” [Wis. Stat. §40.02 (28)].
- Governing Body:
The body having final authority in making decisions for the employer as defined. Examples: common council, village board, county board, town board, school board, or commission. For state departments and agencies, the “governing body” is the head of the department or agency, or designated representative. [Wis. Stat. §40.02 (36)].

Upon receipt of a completed resolution to participate in the WRS, ETF will determine if the employer meets the above definition of a public employer and if so, will provide the employer with the necessary eligibility, enrollment, and reporting requirements and instructions.

For public employers interested in participating in the WRS, detailed information is contained in the handbook *How To Become a Participating Employer Under the Wisconsin Retirement System* (ET-1129).

101 Employers with Mandatory Participation

Participation in the WRS is optional for some public employers. However, the following public employers are statutorily required to participate:

1. Every county (except Milwaukee).
2. Villages and cities as follows:
 - **Villages** with a population of 5,000 or more must continue to cover past, present and future police officers if the village was mandated to include them in the Wisconsin Retirement Fund (WRF) prior to March 31, 1978 [Wis. Stat. §61.65 (6) 1975, repealed by Wis. Stat. §40.21 (4), Chapter 96, Laws of 1981].
 - **Villages** with a population of 5,500 or more must continue to cover past, present and future police officers and firefighters if the village was mandated to include them in the WRF prior to March 31, 1978 [Wis. Stat. §61.65 (7) 1975, repealed by Wis. Stat. §40.21 (4), Chapter 96, Laws of 1981].
 - **Cities** that are second, third and fourth class must continue to cover police officers and firefighters (except volunteer firefighters) if the city was mandated to include them in the WRF prior to March 31, 1978 [Wis. Stat. §62.13 (9) (e), (9a), (10) (f) and (g), 1975, repealed by Wis. Stat. §40.21 (4), Chapter 96, Laws of 1981].
3. A newly created school district for non-teaching personnel, if its territory includes more than one half of the last assessed valuation of a school district which was an employer under the WRS at the time of such creation.
4. All school districts for teaching personnel.

102 Dissolution of Employer

No provision exists in Wisconsin Statutes permitting the withdrawal of a resolution of inclusion after the November 15 due date directly preceding its January 1 effective date. However, if the resolution of inclusion is received after the November 15 due date, the effective date will be the January 1 after the ensuing January 1; in these cases, the employer may withdraw a resolution of inclusion if the employer's written notice to withdraw is received by ETF before the November 15 deadline of the year before the January effective date. [Admin. Code ETF 20.017].

A governing body's resolution to participate in the WRS is irrevocable. Wis. Stat. 40.21 (1) provides that:

“Any employer shall be included within and thereafter subject to the provisions of the Wisconsin retirement system by so electing, through adoption of a resolution by the governing body of the employer.”

Whenever the existence of a participating employer is terminated due to consolidation or any other reason, the employer who thereafter has responsibility for the governmental functions of the previous employer shall be liable for all contributions payable to the WRS. However, if no other employer assumes responsibility, the prior service liability, if any, will be collected from the assets of the (original) employer [Wis. Stat. §40.05 (2) (f)].

103 Employer Name Change

Notification and documentation of an entity's name change (i.e., a copy of statutes or a board resolution) must be forwarded to:

Department of Employee Trust Funds
Social Security Liaison
Division of Retirement Services
PO Box 7931
Madison WI 53707-7931

Following receipt of the legal documentation, ETF will provide notification to the Social Security Administration (SSA) as required by Wisconsin's Section 218 Agreement with the SSA.

