

APPEALS UPDATE

City of Madison Stagehands and County Jailers

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December 15, 2016



ETF Administrative Appeal Process

- Chapter 40 of the Wisconsin Statutes provides Board authority to hear and decide appeals.
- ETF Chapter 11 of the Wisconsin Administrative Code governs the specific process.



ETF's Two Largest Appeals

1. City of Madison Stagehands

- Appeal by 77 stagehands of WRS participating employee status.
- ETF Board decisions on March 11, 2013 (six stagehands) and October 24, 2016 (15 stagehands).

2. County Jailers

- Appeal by 335 jailers of WRS employment category change from protective to general category employees.
- ETF Board decision on July 5, 2016 (five jailers).

Stagehands Appeal Update

- Two groups of cases decided by the ETF Board.
- Concluded all appellants should have been enrolled in the WRS, except one who had already been reported.
- March 11, 2013 Board Decision:
 - Related to six stagehands.
 - No appeal to the circuit court.
- October 24, 2016 Board Decision:
 - Related to 15 stagehands.
 - An appeal has been filed in circuit court.

City of Madison Settlement Agreement with ETF

- **July 12, 2016:** ETF sent an Employer Invoice to the City of Madison for the total contributions for the five stagehands involved in the first appeal. The sixth stagehand in this appeal had already been reported.
- **August 2016:** City of Madison contacted ETF about potential litigation involving the payment of that invoice.
- **August-September 2016:** ETF and the city engaged in negotiations related to the payment of contributions for all WRS-eligible stagehands who had not yet been reported to ETF.
- **October 4, 2016:** ETF entered into an agreement with the city relating to the payment of WRS contributions for WRS-eligible stagehands.

City of Madison Settlement Agreement with ETF (continued)

- Terms of the Agreement:
 - City will pay total amount of contributions via quarterly payments over the next two years beginning on January 1, 2017.
 - If those payments are timely, ETF will not exercise its authority under state law to refer outstanding payments to the Department of Administration for withholding those amounts from state aid or taxes payable to the city.

Jailers Appeal Update

- ETF Board decision on July 5, 2016 relating to five jailers:
 - Positions of the five jailers did not meet the definition of WRS protective in state law.
 - No appeal was filed in the circuit court
- 330 remaining appeals by jailers.

Jailers Appeal—Next Steps

- Of the total 335 jailer appeals, 100 represented by attorneys.
- Communication with those attorneys about Board decision.
- Frequently Asked Questions document on the ETF website:
 - Status of the appeals.
 - Link to the ETF Board decision.
- Letter sent to the 235 unrepresented jailers:
 - Explains Board decision.
 - Asks them to contact ETF if their positions might meet the definition of protective in state law.
 - If they do not believe their positions meet that definition, asks them to consider ending their appeals.

Jailers Appeal—Next Steps (continued)

- Continue communicating with attorneys.
- Outcome of those conversations and the letter sent to unrepresented jailers?
- Consider second letter.

Questions?