



STATE OF WISCONSIN
Department of Employee Trust Funds
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 SECRETARY

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Correspondence Memorandum

Date: March 20, 2023
To: Employee Trust Funds Board
 Budget and Operations Committee
From: Tarna Hunter, Government Relations Director
Subject: Legislative Update

This memo is for informational purposes only. No Board action is required.

Proposed Legislation

[2023 SB 9](#) and [2023 AB 18](#) make the following changes to the return-to-work requirements for teachers:

- Eliminates the annuity suspension requirement for teachers of school districts who return-to-work as a substitute teacher for a school district and work more than two-thirds of full time;
- Reduces the break-in-service requirement for teachers of school districts from 75 days to 30 days; and
- Applies to retired teachers who are hired between the effective date of the bill and August 1, 2026.

2023 SB 9 was introduced by Sen. Jacque and referred to Senate Committee on Government Operations, Elections and Consumer Protection. 2023 AB 18 was introduced by Rep. Tittl and referred to the Assembly Committee on State Affairs.

[2023 SB 28](#) and [2023 AB 28](#), as amended, make the following changes to the county jailer classification under the Wisconsin Retirement System:

Pamela L Henning

Reviewed and approved by Pamela Henning, Assistant Deputy Secretary
 Electronically Signed 03/23/23

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- Classifies county jailers as protective occupation participants under the Wisconsin Retirement System without a requirement that their principal duties involve active law enforcement.
- Provides that county jailers who are employed by a county that did not classify county jailers as protective occupation participants on the effective date of the bill, and become protective occupation participants under this bill, are required to pay all employer costs resulting from their classification as a protective occupation participant, including the cost of the duty disability program.
- Provides that 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 classified county jailers as protective occupation participants on the effective date of the bill are not required to pay the additional employer costs.
- Establishes procedures for counties and jailers in counties that classified jailers as protective occupation participants on the bill's effective date and subsequently determines to classify them as general employees.
- Permits a county jailer to elect (irrevocable) at the time of hire not to become a protective occupation participant.
- Amends the Municipal Employment Relations Act regarding county jailers.

2023 SB 28 was introduced by Sen. Marklein and referred to the Senate Committee on Judiciary and Public Safety. 2023 AB 28 was introduced by Rep. Born and referred to the Assembly Committee on State Affairs.

On March 8, 2023, the Assembly Committee on State Affairs recommended adoption of Assembly Amendment 1 and passage of the bill, as amended, on a vote of 13-0. On March 14, 2023, the Assembly passed AB 28, as amended, 96-0. On March 16, 2023, the Senate Committee on Judiciary and Public Safety recommended passage of the bill, as amended, on a vote of 8-0.

I will be available at the March 23, 2023, Board meeting to answer any questions.