



2023 Wisconsin Act 4 for Jailers

Due to 2023 Wisconsin Act 4, county correctional officers (jailers) who are categorized as general employees will become protective occupation employees as of January 1, 2024, under the Wisconsin Retirement System, unless they opt out.

County jailers who become protective occupation employees, will pay all increased costs of being a protective occupation employee, which will decrease their take-home pay.

Act 4 was passed to allow all county jailers, both current and new hires, the opportunity to be classified as a protective occupation employee under the WRS, regardless of whether their employer classifies the jailer as a general employee.

Who's Impacted

You are impacted by this law if you are a county jailer working in a county where:

- Your employer categorizes you as a general category employee.
- Your employer categorizes you as protective occupation employee and opts into Act 4.

You are not impacted if:

- You are a county jailer whose employer categorizes you as a protective occupation employee, and your employer has not opted in to Act 4.
- You work for a county jail or other corrections facility but are not classified as a county jailer.


If you are uncertain if you are impacted by this law, contact your employer.

What to Do

If you are impacted by this law, you need to decide:

- Do you want to be a general employee?
- Or, do you want to be a protective occupation employee?

You must submit your decision to your employer by the deadline listed below. Contact your employer for instructions. If you do not submit a decision to your employer, you will automatically be recategorized as an Act 4 protective county jailer.



Your decision is permanent. After the deadline to make your decision has passed, you cannot change your employment category if you remain a jailer with your current employer. If you do nothing, you will be categorized as an Act 4 protective county jailer which will affect your take-home pay, retirement benefits, and duty disability insurance eligibility.

Decision Deadlines

| You are: | Deadline |
|--|---------------------------|
| A county jailer working in a county that categorized its jailers as general employees before January 1, 2024 | January 1 – March 1, 2024 |

| You are: | Deadline |
|--|---|
| First hired on or after January 1, 2024, at a county that is impacted by or opted into Act 4 | Within 60 days of hire |
| A county jailer working in a county that has opted into Act 4 | Within 60 days of your employer opting in |

Impacts of Becoming an Act 4 Protective County Jailer

Take-Home Pay

Your take-home pay will decrease:

- You will pay more money towards your WRS retirement benefit. In 2024:
 - Act 4 protective county jailers will contribute 14.3% of their salary to their WRS retirement benefit.
 - General employees and protective occupation employees not affected by Act 4 will contribute 6.9% of their salary to their WRS retirement benefit.
 - Rates vary by year, see the [WRS Contribution Rates](#) video to learn how rates are determined.
- You will pay a premium for the Duty Disability Insurance Program, which is an income replacement program for protective occupation participants.
 - In 2024, this is .02% - .57% of your salary.
 - Rates vary from year to year and are determined by your employer's experience.

Example

You earn \$60,000 annually. The duty disability premium for protective occupation employees at your county is .3%.

The table shows how much you would contribute as a general employee, an Act 4 protective county jailer, and a protective occupation employee not impacted by Act 4.

| | General Employee | Act 4 Protective County Jailer | Protective Occupation Employee Not Impacted by Act 4 |
|--|---|--------------------------------|--|
| Annual WRS Retirement Benefit Contribution | \$4,140 | \$8,580 | \$4,140 |
| Annual Duty Disability Contribution | \$0 (General employees are not eligible for duty disability) | \$180 | \$0 (Premium paid by employer) |

This example is an estimate and does not account for whether your contributions are pre- or post-tax. Your individual circumstances will vary. To get a better sense of what your paycheck may look like, use a free paycheck calculator, such as [Smart Asset](#). Smart Asset is not affiliated with ETF. See the next section to learn if your contributions will be made pre- or post-tax.

Contributions to Your WRS Retirement Benefit

The money to pay for your WRS retirement benefit comes from employee-required contributions, employer-required contributions, and investment earnings.

Taxes on Your Contributions

Investment earnings and employer contributions are taxed when you receive your retirement benefit.

Your employee-required contributions will be taxed once, either when you add them to your account or when you receive your retirement benefit. The table below shows when your employee-required contributions will be taxed.

| If you were: | Your employee-required contributions will be taxed when you: |
|---|---|
| First hired by a county after the county was impacted by or opted into Act 4 | Receive your retirement benefit (Contributions to your account are made pre-tax) |
| A participating employee at a county before the county was impacted by or opted into Act 4* | Contribute to your WRS account (Contributions to your account are made post-tax) |

*See the [Returning to Work with the Same Employer](#) section to learn how this can impact your contributions.

Making contributions pre-tax means your taxable income will decrease and your take-home pay will be higher than if you made contributions post-tax. However, these contributions will be taxed when you receive your retirement benefit, which will decrease your income in retirement.

Making contributions post-tax means you are paying taxes now and will not pay them when you receive your retirement benefit. The contribution amount will be included in your taxable income, which means your take-home pay today will be lower than if you made pre-tax contributions. Any part of your benefit payment that is not taxable is known as Investment in Contract (IIC). You can see this amount in Section 3 of the annual Statement of Benefits that ETF sends you each spring.

Jailers that remain categorized as general employees will continue to make their employee-required contributions pre-tax.

Contribution Amount

If your employer categorized jailers as general employees prior to January 1, 2024:

- Your employer's contribution will stay the same.
- Your employee-required contribution, which is the amount you pay towards your WRS retirement benefit, will increase.

If your employer categorizes jailers as protective occupation employees prior to January 1, 2024, but later opts into Act 4:

- Your employer's contribution will decrease.
- Your employee-required contribution, which is the amount you pay towards your WRS retirement benefit, will increase.

The table below shows a comparison of contribution rates for 2024.

| | General Employee | Act 4 Protective County Jailer | Protective Occupation Employee Not Impacted by Act 4 |
|------------------------------|-------------------------|---------------------------------------|---|
| Employee Contribution | 6.9% | 14.3% | 6.9% |
| Employer Contribution | 6.9% | 6.9% | 14.3% |
| Total Contribution | 13.8% | 21.2% | 21.2% |

The higher contribution rate for protective category employees reflects the fact that protectives have a higher formula multiplier (which is a percentage factor that ETF uses to calculate your formula retirement benefit) and earlier minimum and normal retirement ages than general category employees. See the [Calculating Your Retirement Benefits \(ET-4107\)](#) brochure for more information.

Retirement Age

You can retire earlier as a protective occupation employee, but it may reduce your WRS benefit.

Your normal retirement age is the age that you can begin receiving a retirement benefit that is not reduced by an age reduction factor. The normal retirement age varies by employment category:

- General employees – age 65 (or 57 with 30 years of service)

- Protective occupation employees – age 54 (or 53 with 25 years of service)

If you have any service as a general employee and retire before that normal retirement age, the portion of your benefit earned as a general employee will be reduced. See the [Calculating Your Retirement Benefits \(ET-4107\) brochure](#) for more information.

Retirement Estimate

Use the [WRS Retirement Benefits Calculator](#) to get an unofficial estimate of your benefit. Act 4 protective county jailer service can be entered in the “Protective with Social Security” fields on the calculator.

Six to twelve months before you plan to apply for benefits, you can request an official estimate from ETF.

Duty Disability Insurance

You will be eligible for the Duty Disability Insurance Program. This program is an income replacement program for protective occupation employees injured while performing work duties or who have contracted a disease due to occupational exposure. See the [Duty Disability and Survivor Benefits \(ET-5103\) brochure](#) for more information.

You will pay a premium for the Duty Disability Insurance Program. Rates vary from year to year and are determined by your employer’s experience. In 2024, this is .02% - .57% of your salary. Your duty disability premiums will be made:

- **Pre-Tax:** If you were first hired by a county after the county was impacted by or opted into Act 4.
- **Post-Tax:** If you were a participating employee at a county before the county was impacted by or opted into Act 4.*

*See the [Returning to Work with the Same Employer](#) section to learn how this can impact your contributions.

General employees are not eligible for the Duty Disability Insurance Program.

Returning to Work with the Same Employer

Your situation determines if you’ll have the opportunity to opt out of being a protective occupation employee upon return and how your contributions will be made.

| If You Previously Worked for this Employer and: | Impact on Decision and Contributions: |
|--|--|
| Took a separation benefit or minimum annuity. | You will have 60 days to opt out of becoming a protective occupation employee. Your contributions will be taken pre-tax. |
| Did not take a benefit, and made an election as an Act 4 county jailer. | Your prior decision to be a protective occupation or general employee still stands. You cannot change your employment category. If you chose to be a protective occupation employee, your contributions will be taken post-tax. |
| Did not take a benefit, and did not make an election as an Act 4 county jailer. | You will have 60 days to opt out of becoming a protective occupation employee. If you do not opt out, you will become a protective occupation employee, and your contributions will be taken post-tax. |

Changing Employers

If you begin working as a jailer for a new employer impacted by Act 4, you can opt out of the protective occupation category within 60 days of your date of hire. Your contributions will be taken pre-tax.

Questions

If you have questions about how this law impacts you, contact your employer.

Frequently Asked Questions

I'm not classified as a Jailer, but I believe I should be. Can I appeal that decision? +

Generally speaking, no. Act 4 prohibits appeals related to the specific determination about whether an individual meets the definition of county jailer.

How does this law impact a jailer under the Municipal Employment Relations Act (MERA)? +

ETF does not oversee MERA. Questions related MERA may be directed to your employer or the [Employment Relations Commission](#).

Can I now purchase or "buy up" the service I had when I was categorized as a general employee to make that service protective? +

No, county jailers who were general employees may not purchase or otherwise buy-up their service to make their general category employment protective.

I'm a county jailer and my employer categorized me as a protective occupation employee before January 1, 2024. Can I opt out of that category? +

No, you must remain a protective occupation employee unless your employer later determines that jailers in that county should be categorized as general employees. At that time, you will have an opportunity to opt-out of the protective occupation category.

I'm now subject to the earlier protective occupation minimum retirement age. If I retire early, will I be subject to the federal or state early withdrawal penalty? +

Generally speaking, no. The federal 10% early withdrawal penalty does not apply to payments from the WRS made after you separate from service if you are a public safety employee, as defined by federal law, and you are at least age 50 in the year of the separation. For Wisconsin, if the federal early withdrawal penalty doesn't apply, the additional state tax (3.3% for Wisconsin) also won't apply. However, if you currently reside in another state, you will need to work with that state's tax officials or your tax advisor/attorney to determine any withdrawal penalties.

What category will my service be in during the 60 days I have to make my decision? +

The category you choose will be backdated to the beginning of your [decision window](#).

Example 1: You're currently working as a county jailer and have from January 1 – March 1, 2024, to make your decision. On February 2, you opt out. Your service will continue to be categorized as general employee service, as it was prior to the decision window.

Example 2: You have from January 1 – March 1, 2024, to make your decision. You submit your form to opt in and become a protective occupation employee on February 3. As of January 1, the beginning of your decision window, your service is categorized as Act 4 protective county jailer service.

I submitted the required form to be a protective occupation employee. Can I change my mind if it's still within the 60-day decision period? +

ETF will treat your choice as final upon your employer entering the choice in ETF's systems and providing a copy of the signed form to ETF.

How much of my employee-required contributions are taken post-tax? +

If your contributions are taken post-tax, the **entire** contribution is collected post-tax. In 2024, that is 14.3%.

See the [Pre-Tax or Post-Tax Contributions](#) section to learn how your contributions will be taken.