



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #128

Transfer of the State Fair Park Police Function to DOA (DOA -- General Agency Provisions and State Fair Park)

[LFB 2001-03 Budget Summary: Page 55, #8 & Page 619, #3]

CURRENT LAW

The State Fair Park is authorized 6.5 PR positions related to law enforcement activities. These positions include 4.0 FTE police officers, 1.0 FTE police lieutenant, 1.0 FTE program assistant and 0.5 FTE police chief. At least one officer is on duty around the clock at the Park. In addition, the Park hires limited-term employees to supplement the regular police force during high-use times, such as the annual state fair. DOA is currently authorized 61.5 PR positions related to law enforcement activities. These include 56.5 FTE positions in Madison (State Capitol police) and 5.0 FTE positions assigned to the Milwaukee area.

GOVERNOR

Transfer 6.5 PR law enforcement positions from the State Fair Park to the State Capitol police function under DOA. Shift base level State Fair Park salary, limited-term employee and fringe benefits related funding (including 3% and 7.1% increases) of \$449,100 PR in 2001-02 and \$465,300 PR in 2002-03 to supplies and services. These funds, when added to base level supplies and services funding of \$207,200 PR annually, would provide the agency with \$656,300 PR in 2001-02 and \$672,500 PR in 2002-03 to contract with DOA for the provision of police services at the Park.

Provide DOA with \$1,193,000 PR and 6.5 PR positions (5.0 classified and 1.5 unclassified) in 2000-01 and \$1,163,100 PR and 6.0 PR positions (5.0 classified and 1.0 unclassified) in 2002-03 to reflect the transfer of the State Fair Park police force to the State Capitol police.

Stipulate that the transferred employees would have the same rights and status as state employees, including state employment labor relations rights, as they had attained immediately before the transfer. In addition, provide that employees who had already attained permanent status before the transfer would not be required to serve a probationary period. Further, as a result of this transfer, delete the statutory reference to the State Fair Park police from the list of employees who continue to receive pay if they suffer injuries due to their performance of duties in a hazardous occupation.

DISCUSSION POINTS

Transfer of State Fair Park Positions

1. The State Fair Park Board requested the transfer of the police officer positions in its budget submittal to the Governor. In addition, the State Fair Park Interim Director testified to the Joint Committee on Finance at the March 15, 2001, budget briefing that the transfer would increase efficiency and safety at the Park.

2. DOA assumed some State Fair Park police functions during 2000-01 under an interim agreement under which individual Park officers reported directly to the State Capitol police chief. The remaining State Fair Park officer supervisory responsibilities would be moved formally to the Milwaukee area State Capitol police function upon passage of the bill.

3. During the period since this proposal was originally developed, the half-time State Fair Park police chief has retired. Consequently, the funding and associated position authority (provided under DOA in 2001-02 only but included in the State Fair Park base level funding in both fiscal years) can be deleted.

4. Further, the salary and fringe benefits associated with the 6.0 FTE remaining Park law enforcement personnel who would be transferred to DOA required adjustment to reflect estimated overtime costs and Wisconsin Retirement System (WRS) fringe benefits add-on costs for protective status employees.

5. Finally, it has been determined that the LTE salary and fringe benefits funding proposed to be transferred to DOA to support short-term law enforcement supplemental employees during high-use periods at the Park also included funding for parking attendants and security personnel. These costs should continue to be budgeted under the State Fair Park, rather than under DOA.

6. As a result of these adjustments, it now appears that DOA will require expenditure authority of \$1,063,900 PR annually and 6.0 PR positions in order to assume the law enforcement functions at the State Fair Park. These revised DOA funding needs would result in reductions of \$129,100 PR and 0.5 PR position in 2001-02 and \$99,200 PR in 2002-03 from the expenditure authority recommended by the Governor.

7. It is estimated that State Fair Park will spend \$1,126,700 PR for law enforcement activities in 2000-01. However, under these revised cost projections, it would now appear that the Park's contract with DOA to provide police services will cost only \$1,063,900 PR annually. Consequently, the Committee could consider deleting \$62,800 PR annually of base level expenditure authority under the State Fair Park to recognize the efficiencies that will occur under the arrangement. Under this alternative, an additional \$431,300 PR in 2001-02 and \$415,100 PR in 2002-03 of base level law enforcement-related salary and fringe benefits funds would be shifted to the agency's supplies and services line (to provide total funding of \$1,063,900 PR annually) to support the DOA police services contract costs.

Hazardous Duty Coverage

8. State Fair Park police are currently enumerated as state employees who can collect full salary (with no reduction of sick leave credits, compensatory time for overtime accumulations or vacation) following an injury due to the performance of duties in a hazardous occupation. The statutes also enumerate State Fair Park police under various "performance of duty" activities that qualify them for the hazardous duty pay.

9. As a result of the proposed transfer of Park police to DOA, the bill deletes all reference to the State Fair Park police from: (a) the list of employees who continue to receive pay if they suffer injuries due to their performance of duties in a hazardous occupation; and (b) the list of employees subject to the performance of duty qualifying activities. These references are deleted since the former State Fair Park police would be subsumed under "other state facility officers" who are currently subject to the hazardous duty coverage.

10. An apparent inconsistency in current law lists "other state facility officers" as types of state employees who qualify for hazardous duty pay but does not enumerate such employees under the "performance of duty" activities that would actually qualify them for the hazardous duty payments. This situation creates a statutory ambiguity with respect to whether State Capitol police are fully covered and protected under the hazardous duty pay statute.

11. Regardless of whether or not the Committee approves the transfer of the State Fair Park police function to DOA, it may wish to amend the statutes to make it unambiguous that State Capitol police ("state facility police officers") are enumerated under the definition of "performance of duties" so that they are entitled to receive the same injury benefits as other employees with hazardous duties who are injured in the performance of duties.

ALTERNATIVES

A. Transfer of State Fair Park Positions

1. Approve the Governor's recommendation to delete 6.5 PR law enforcement positions from State Fair Park and provide DOA with \$1,193,000 PR and 6.5 PR law enforcement

positions in 2000-01 and \$1,163,100 PR and 6.0 PR positions in 2002-03. Shift \$449,100 PR in 2001-02 and \$465,300 PR in 2002-03 available from State Fair Park base level salary and fringe benefits-related funding to its supplies and services line to permit the Park to contract with DOA for police services.

2. Modify the Governor’s recommendation by: (a) deleting \$129,100 PR and 0.5 PR position in 2001-02 and \$99,200 PR in 2002-03 under DOA to reflect the actual costs of the transferred positions; (b) deleting \$62,800 PR annually of excess base level funding under the State Fair Park to recognize the efficiencies that will occur under the arrangement; and (c) shift an additional \$431,300 PR in 2001-02 and \$415,100 PR in 2002-03 of base level law enforcement-related salary and fringe benefits funds at the State Fair Park to the agency’s supplies and services line (to provide total funding of \$1,063,900 PR annually) to support the DOA police services contract.

<u>Alternative A2</u>	<u>PR</u>
2001-03 FUNDING (Change to Bill)	- \$353,900

3. Maintain current law.

<u>Alternative A3</u>	<u>PR</u>
2001-03 FUNDING (Change to Bill)	- \$2,356,100
2002-03 POSITIONS (Change to Bill)	0.50

B. Hazardous Duty Coverage

1. Approve the Governor’s recommendation to delete the State Fair Park police from the list of employees who continue to receive pay if they suffer injuries due to their performance of duties in a hazardous occupation.

2. Modify the Governor’s recommendation by also including a specific statutory reference to "state facilities police officers" under the current definition of "performance of duties" to clarify that these employees are entitled to receive the same injury benefits as other employees with hazardous duties who are injured in the performance of duties.

3. Maintain current law.

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