



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRB-4115/1

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## 2025 ASSEMBLY BILL 376

July 17, 2025 - Introduced by Representatives MAYADEV, ANDERSON, BARE, CLANCY, DESMIDT, FITZGERALD, JOERS, JOHNSON, MADISON, MIRESE, NEUBAUER, PALMERI, PHELPS, ROE, SHEEHAN, SNODGRASS, STROUD, TENORIO and UDELL, cosponsored by Senators ROYS, HABUSH SINYKIN, HESSELBEIN, L. JOHNSON, KEYESKI, RATCLIFF and LARSON. Referred to Committee on State Affairs.

1     **AN ACT to repeal** 40.26 (1m), 40.26 (5m), 40.26 (6) and 323.19 (3) and (4); **to**  
2             **amend** 40.22 (1), 40.22 (2) (L), 40.22 (2m) (intro.), 40.22 (2r) (intro.), 40.22 (3)  
3             (intro.), 40.26 (1), 40.26 (2) (intro.) and 40.26 (5) (intro.) of the statutes;  
4             **relating to:** rehired annuitants.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, if a Wisconsin Retirement System annuitant, or a disability annuitant who has attained his or her normal retirement date, is appointed to a position with a WRS-participating employer or provides employee services to a WRS-participating employer in which he or she is expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds, the annuity must be suspended and no annuity payment is payable until after the participant again terminates covered employment.

This bill removes the requirement that an annuitant who returns to work for a participating employer have his or her annuity suspended and become a participating employee and instead allows an annuitant who returns to work to either 1) elect to suspend his or her annuity and become a participating employee; or 2) elect to continue receiving his or her annuity and not become a participating employee.

Under current law, a WRS participant who has applied to receive a retirement

**ASSEMBLY BILL 376****SECTION 1**

annuity must wait at least 75 days between terminating covered employment with a WRS employer and returning to covered employment again as a participating employee. The bill reduces that period to 30 days.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 40.22 (1) of the statutes is amended to read:

40.22 (1) Except as otherwise provided in sub. (2) and s. 40.26 ~~(6)~~, each employee currently in the service of, and receiving earnings from, a state agency or other participating employer shall be included within the provisions of the Wisconsin retirement system as a participating employee of that state agency or participating employer.

**SECTION 2.** 40.22 (2) (L) of the statutes is amended to read:

40.22 (2) (L) The employee is employed by a participating employer after the person becomes an annuitant, unless the service is after the annuity is suspended by the election of the employee under s. 40.26.

**SECTION 3.** 40.22 (2m) (intro.) of the statutes is amended to read:

40.22 (2m) (intro.) Except as otherwise provided in s. 40.26 ~~(6)~~, an employee who was a participating employee before July 1, 2011, who is not expected to work at least one-third of what is considered full-time employment by the department, as determined by rule, and who is not otherwise excluded under sub. (2) from becoming a participating employee shall become a participating employee if he or

**ASSEMBLY BILL 376****SECTION 3**

1 she is subsequently employed by the state agency or other participating employer  
2 for either of the following periods:

3 **SECTION 4.** 40.22 (2r) (intro.) of the statutes is amended to read:

4 40.22 (**2r**) (intro.) Except as otherwise provided in s. 40.26 (~~6~~), an employee  
5 who was not a participating employee before July 1, 2011, who is not expected to  
6 work at least two-thirds of what is considered full-time employment by the  
7 department, as determined by rule, and who is not otherwise excluded under sub.  
8 (2) from becoming a participating employee shall become a participating employee if  
9 he or she is subsequently employed by the state agency or other participating  
10 employer for either of the following periods:

11 **SECTION 5.** 40.22 (3) (intro.) of the statutes is amended to read:

12 40.22 (**3**) (intro.) Except as otherwise provided in s. 40.26 (~~6~~), a person who  
13 qualifies as a participating employee shall be included within, and shall be subject  
14 to, the Wisconsin retirement system effective on one of the following dates:

15 **SECTION 6.** 40.26 (1) of the statutes is amended to read:

16 40.26 (**1**) Except as provided in ~~sub. (1m) and~~ ss. 40.05 (2) (g) 2. and 40.23 (1)  
17 (am), if a participant receiving a retirement annuity, or a disability annuitant who  
18 has attained his or her normal retirement date, receives earnings that are subject to  
19 s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified  
20 in s. 40.22 (2) (L), the annuity shall be suspended, including any amount provided  
21 by additional contributions, and no annuity payment shall be payable after the  
22 month in which the participant files with the department a written election to be

**ASSEMBLY BILL 376****SECTION 6**

1 included within the provisions of the Wisconsin retirement system as a  
2 participating employee.

3 **SECTION 7.** 40.26 (1m) of the statutes is repealed.

4 **SECTION 8.** 40.26 (2) (intro.) of the statutes is amended to read:

5 40.26 (2) (intro.) Upon suspension of an annuity under sub. (1) ~~or (1m)~~, the  
6 retirement account of the participant whose annuity is so suspended shall be  
7 established on the following basis:

8 **SECTION 9.** 40.26 (5) (intro.) of the statutes is amended to read:

9 40.26 (5) (intro.) ~~Except as otherwise provided in sub. (5m), if~~ If a participant  
10 applies for an annuity or lump sum payment during the period in which less than  
11 ~~75~~ 30 days have elapsed between the termination of employment with a  
12 participating employer and becoming a participating employee with any  
13 participating employer, all of the following shall apply:

14 **SECTION 10.** 40.26 (5m) of the statutes is repealed.

15 **SECTION 11.** 40.26 (6) of the statutes is repealed.

16 **SECTION 12.** 323.19 (3) and (4) of the statutes are repealed.

17 **SECTION 13. Nonstatutory provisions.**

18 (1) ELECTION TO CONTINUE ANNUITY SUSPENSION. No later than 60 days after  
19 the effective date of this subsection, if an individual who is employed by a covered  
20 employer under the Wisconsin Retirement System has his or her annuity  
21 suspended under s. 40.26 (1m), 2023 stats., on the effective date of this subsection  
22 and wants to continue the suspension, the individual shall notify the department of

# ASSEMBLY BILL 376

## SECTION 13

1 employee trust funds on a form provided by the department. An election to  
2 continue the suspension is irrevocable.

3 (END)