



# BOB DONOVAN

STATE REPRESENTATIVE • 84<sup>TH</sup> ASSEMBLY DISTRICT

(608) 237-9184  
Toll-Free: (888) 534-0084  
Rep.Donovan@legis.wisconsin.gov

P.O. Box 8952  
Madison, WI 53708-8952

## Testimony in Support of Assembly Bill 120

Thank you members of the Committee on State Affairs for meeting today to hear public testimony on Assembly Bill 120, which clarifies state statute ensuring public safety employees have proper healthcare coverage.

Public safety employees are the backbone of any municipality. We depend on police, fire and EMS for our essential services to keep ourselves and our community safe. Given the risks they undertake in their employment, it is only fair that these employees have health insurances plans.

This past summer, the Wisconsin Employment Relations Commission ruled that – casting a cloud of doubt over their future. Active members would no longer be able to secure employer contributions for the cost of healthcare. Retired members may even owe back pay to comply with the decision – upending the fiscal situation of citizens who served and protected their communities. Attracting talented individuals to become public safety employees would instantly become difficult and retaining them nearly impossible. This ruling is incorrect and is in contrast with the Legislature’s desire to protect our essential public safety employees.

Assembly Bill 120 merely protects the status quo by clarifying existing statute regarding healthcare plans for public safety employees. Without clarification, public safety could be compromised – putting citizens at risk of emergency response and care.

I want to thank the many legislators who also recognize this as a critical issue and decided to cosponsor this legislation. Committee members, please join me in supporting Assembly Bill 120 to correct this incorrect decision.



# Van H. Wanggaard

Wisconsin State Senator

## TESTIMONY ON ASSEMBLY BILL 120

Thank you for today's hearing on Assembly Bill 120, which clarifies the definition of "health care plan" for public safety employees.

I want to start with some background. In 2011 and 2013, the Legislature passed Act 32 and Act 20, respectively. Combined, these two acts state that public safety employees may only negotiate the cost of the employee contribution to their health care plan. Like all other public and private sectors employees, the design and selection of the health care plan was solely up to the employer, and not subject to negotiation.

In 2009 and 2019, the Legislature voted unanimously to ensure that the families of fallen fire fighters and police officers would maintain their health insurance coverage if their loved ones died in the line of duty.

Over the last several years, Racine Mayor Cory Mason has been negotiating with the local fire fighter and police associations for a new contract. During these negotiations, Cory Mason intended to kick retired police and fire fighters off of the city's health insurance coverage, and eliminate the city portion Medicare Part B premium payment.

To bolster his efforts to eliminate retired police and fire fighter health care coverage, Cory Mason sought a declaratory ruling with the Wisconsin Employment Relations Commission (WERC). Last July, WERC ruled that while the city needed to negotiate over the Medicare Part B premiums, Mason was under no obligation to offer health insurance to police and fire fighters at all.

To quote the ruling directly "the City [has] discretion whether it will even have a health insurance plan for public safety employees."

In Mason's efforts to eliminate police and fire retiree health care coverage, Cory Mason put the health care coverage for every police officer and fire fighter in the state at risk.

---

Serving Racine and Kenosha Counties - Senate District 21

State Capitol, P.O. Box 7882, Madison, WI 53707-7882 • (608) 266-1832 • Toll-free (866) 615-7510  
E-Mail: [Sen.Wanggaard@legis.wi.gov](mailto:Sen.Wanggaard@legis.wi.gov) • [SenatorWanggaard.com](http://SenatorWanggaard.com)

In that single ruling, WERC made 2009 Act 285, 2011 Act 32, 2013 Act 20, and 2019 Act 19 irrelevant nullities. The statutory ability to negotiate public safety employee health care coverage premiums was eliminated, as the city is under no obligation to offer public safety employees health care coverage. The families of fire fighters and police officers who die in the line of duty, can lose their health insurance because there doesn't have to be any health insurance.

Why would the Legislature allow for negotiations of health coverage premiums if there were to be no health care coverage? Why would the Legislature unanimously ensure the families of fallen fire fighters and police officers maintain their health insurance if they were not eligible to have health insurance in the first place? Simply put, they wouldn't. Obviously, I believe WERC was incorrect in their interpretation of the law.

Assembly Bill 120 corrects WERC's misinterpretation by stating the existence of a health care plan is allowed to be negotiated and clarifying 2011 Act 32 to ensure who is covered by the plan is not considered part of the "design" of a health care plan. The bill does not seek to expand negotiations between public safety employees and municipalities. The bill is a simple restatement of existing law. It is narrow in nature as it only applies to the two aspects of the WERC ruling I believe were facially incorrect.

I trust that you will agree that our police officers, fire fighters and EMTs deserve health insurance coverage, and will support AB 120.



# Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

**Ryan Windorff**  
President

**Mark Sette**  
Vice President

**Shane Wrucke**  
Secretary

**Aaron Peterson**  
Treasurer

**Randy Winkler**  
Second Vice President

**Sean Marschke**  
Sergeant at Arms

**Don Kapla**  
Immediate Past President

**Jerry Johnson**  
National Trustee

April 11, 2023

## Wisconsin Fraternal Order of Police Testimony in Support of Assembly Bill 120

### Assembly Committee on State Affairs

Thank you, Representative Swearingen and fellow committee members for the opportunity to provide testimony in support of Assembly Bill 120. My name is John Milotzky, and I am a member and Past President of Wisconsin Fraternal Order of Police Southeast Cities Lodge #11 and a member of the Wauwatosa Peace Officers' Association. The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with more than 364,000 members in more than 2,200 lodges. The Wisconsin State Lodge proudly represents more than 3,000 members in 27 lodges throughout the state. We are the voice off those who dedicate their lives to protecting and serving our communities. We are committed to improving the working conditions of law enforcement officers and the safety of those we serve through education, legislation, information, community involvement and employee representation.

After changes implemented by 2011 Wisconsin Act 32, Wis. Stat. § 111.70(4)(mc) 6 specifies except for the employee premium contribution, all costs and payments associated with health care coverage plans and the design and selection of health care coverage plans by the municipal employer for public safety employees are prohibited subjects of bargaining. In two recent Wisconsin Employment Relations Commission decisions based on petitions by the City of Racine (Decision No. 39446 and 39447), the WERC determined that the statute allowed a municipality to determine whether it would even HAVE a health insurance plan for public safety employee. The WERC based their rationale on the word "design" used in the statute and determined that it included WHO would be covered by the plan as well as what benefits the plan would provide.

You might be asking, would municipalities really take away previously agreed upon health care coverage for public safety employees and/or retirees in a time when departments statewide are struggling to recruit and retain public safety employees, specifically law enforcement officers? After the WERC decision, the City of Wauwatosa unilaterally removed all previously agreed upon language in our collective bargaining agreement requiring the payment of retiree healthcare benefits, even though those obligations had been expressly vested in prior collective bargaining agreements, and even though because of those agreements we have given concessions of other benefits over the years. As a 24-year veteran law enforcement officer approaching retirement age, benefits previously guaranteed to me and my family are now at risk of being stripped away.



# Wisconsin State Lodge Fraternal Order of Police



PO Box 206 West Bend, WI 53095

**Ryan Windorff**  
President

**Mark Sette**  
Vice President

**Shane Wrucke**  
Secretary

**Aaron Peterson**  
Treasurer

**Randy Winkler**  
Second Vice President.

**Sean Marschke**  
Sergeant at Arms

**Don Kapla**  
Immediate Past President

**Jerry Johnson**  
National Trustee

In 2022, the number of law enforcement officers in Wisconsin reached a historic low since they began tracking this in 2008. Violent crime is increasing, and it is becoming increasingly difficult to hire and retain law enforcement officers. Stripping away benefits will only make matters worse. It is not only the public safety officers that are impacted by this bill, but also the citizens of Wisconsin.

We do not believe it was the legislature’s intent when using the word “design” that municipalities be able to determine who will get healthcare coverage and who will not as the WERC interpreted it. Assembly Bill 120 will define the word “design” as used in this statute and ensure that the legislature’s intent is not misinterpreted.

Thank you again for the opportunity to testify in support of this bill, and I am happy to answer any questions you may have.