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Assembly Bill 739 Testimony

Chairman Swearingen and members of the Assembly Committee on State Affairs, thank you for allowing me to testify in support of Assembly Bill 739. This legislation ensures correctional staff at the Wisconsin Resource Center (WRC) receive future pay enhancements due to their time employed in the Department of Corrections (DOC).

To provide some context, WRC is a Department of Health Services (DHS) institution that treats mental illnesses of DOC inmates. Up until the enactment of the 2023-2025 state budget, some of the security staff at WRC were correctional officers under the purview of the DOC with the rest of the staff being DHS employees. While two state agencies ran a single facility, they made it work.

In the budget, correctional officers and sergeants at WRC were transferred from DOC to DHS. While on paper this makes sense, security staff at WRC expressed concerns with this change. One of these concerns was that officers and sergeants at WRC would miss out on future raises for DOC staff. This could result in staff transferring back to positions within the DOC. The exodus of staff from WRC would lead to a security crisis at a facility where the inmates are in most need of assistance. This bill addresses that concern before it truly becomes a problem for the inmates and the staff that remain at WRC.

Assembly Bill 739 simply requires that DHS correctional staff at WRC who were DOC employees before the enactment of the 2023-2025 state budget receive any financial pay that security staff at maximum facilities receive.

I thank you again for hearing this legislation and would be glad to answer any questions you might have.

February 7th, 2024

Good morning, and thank you for the opportunity to testify for Assembly Bill 739.

My name is Rick Herrmann. I am currently a Sergeant at the Wisconsin Resource Center. I have two tours of duty with the Wisconsin correctional system with a total of 25 years of experience. My first tour was from 1989 to 1992 and the second from 2002 until present. During my employment I have worked at Waupun, Dodge, Stanley, Redgranite and Oshkosh Correctional Institutions and now the Wisconsin Resource Center. All of my corrections employment has been in the security ranks.

Over my tenure, I have been involved with many different committees and institutional activities. I am currently a member of the Department of Corrections Recruitment and Retention Work Group. I am the Co-Coordinator for the Wisconsin Resource Center Field Training Officers and also a member of the Institutions Crisis Negotiations Team.

Assembly Bill 739 addresses the issue of lost pay and benefits to myself and my peers that were involuntarily separated from the Department of Corrections. The 2023-25 budget transferred 110 security positions from Oshkosh Correctional Institution which were under the supervision of the Department of Corrections to the Wisconsin Resource Center that is under the supervision of the Department of Health Services.

Although this was no secret in the budget process, there was significant discussion at our work site that this budget proposal may not succeed. Upon the Governor's signature of the budget, we were then notified that our employment supervision was immediately transferred from DOC to DHS. Myself, my colleagues, and my management team did not have any time to prepare for this transition. We literally showed up for work and were told that we were no longer DOC employees. We did not have any active DHS policies in place for our security department or the new management structure, and employees severed from DOC employment did not have any choice in the matter.

We have staff at our facility that wanted to stay DOC employees, however they were not given a choice. In fact, the ability to transfer from WRC back to the Department of Corrections was also taken away due to the budgeted supervision transfer of these positions. If security staff so choose now to retain employment with the Department of Corrections, they must apply as a new hire would. They must submit an employment application through Wisjobs on-line, conduct an interview, complete a background check and attend a medical screening. All of which they would not have needed to do prior to the supervision transfer. Even then, reestablishing employment with the DOC is not a guarantee.

It should be noted that the Wisconsin Resource Center is a maximum-security institution that houses DOC inmates. All Department of Corrections inmates that fall under the Chapter 51 Statutes are supervised by the Wisconsin Resource Center. This means that all inmates that have court ordered treatment and rehabilitation for mental health disorders and developmental disabilities are overseen and maintained by the Wisconsin Resource Center. Other than two housing units in our facility that are Department of Corrections, Substance Abuse Disorder overflow inmates, our institution is solely for the purpose of mental health. We house Department of Corrections inmates that have wide variety of diagnoses including;

schizophrenia, bi-polar disorders, multi-personality disorders, paranoia, depression, and suicidal ideology just to name a few. These diagnoses are not a sample of our inmate population, it is our total inmate population. Similar to the Wisconsin Secure Program Facility in Boscobel, we take the Department of Corrections inmates that the system cannot handle internally. These inmates come to us typically in an unstable condition. We then utilize medication and individual programming to return the individual to a stabilized level, at which time we then give them counseling and resources for them to continue to succeed at a normal functioning level outside of the WRC environment. In fact, due to the efforts of the Wisconsin Resource Center staff, the National Commission on Correctional Health Care awarded us the Facility of the Year, for the year 2022. We are the only prison in Wisconsin with a NCCHC accreditation.

The staff occupying the 110 transferred positions identified in the budget were involuntarily separated from DOC employment. There was no discussion or decision to allow those staff the opportunity to retain their DOC employment or move their supervision to DHS. We simply were told that our Department of Corrections employment ended effective of the Governor's signature of the budget.

DOC offers pay and benefits of which DHS does not, and as stated earlier, there was no choice for these employees to move back to a DOC facility to retain their benefits. Therefore, the staff that were involuntarily separated from the Department of Corrections should be allowed to retain the pay and benefits that any DOC employees receive as drafted in Assembly Bill 739.

As you will read in some of the fiscal estimate papers provided to you, you will see that there is concern that if this legislation passes, that there would be pay disparity within the security ranks as well as with other classifications at WRC. It should be noted that the original budget included specific pay add-on's for the WRC security staff had they stayed DOC employees. However, when the supervision transfer was approved, these pay add-on's were taken away from the security employees. I would like to make note that these issues are not the fault of the displaced employees and should be properly dealt with by the Department or the budgetary processes.

Regardless of the outcome of AB739, Wisconsin Resource Center houses Department of Corrections maximum security inmates. The staff at the Wisconsin Resource Center do the same job duties as the Department of Corrections staff and we assume the same risks with our environment as other maximum-security facilities. In fact, our risks may be higher than others due to the specific type inmates that we house at our facility as I mentioned earlier, and our job duties may be more extensive as we conduct intensive treatment services that other facilities do not. Therefore the Wisconsin Resource Center staff deserve to retain the same pay and benefit structure of DOC employees.

I urge you to pass Assembly Bill 739 to make whole those staff members that were refused options to retain employment and that were involuntarily separated from the Department of Corrections.

Thank you for your time and consideration and I will answer any questions that you have.

Rick Herrmann



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To: The Assembly Committee on State Affairs
From: Sen. Dan Feyen
Re: Assembly Bill 739

Hello members of the committee, thank you for holding this hearing today.

In 2023 the legislature passed a biennial budget that provided significant pay raises for Department of Corrections (DOC) personnel. This was long overdue to address our understaffed prisons and DOC facilities.

However, the budget also transferred 110 FTE correctional officers working at the Wisconsin Resource Center (WRC) from the DOC to the Department of Health Services (DHS). This meant the security officers working at WRC would not be eligible for the same raises, wage supplements, or enhancements, even though they are performing the same duties. The stresses and difficulty of their job did not change, just the agency that delivers their paycheck.

AB 739 corrects this by making any WRC officer who was transferred to DHS eligible for any salary enhancements they would have otherwise received. It also ensures that we are not passing similar legislation in the future by entitling transferred WRC officers to any future DOC raises for the same position. This bill does not apply to any new hires at WRC, only to those who were moved to DHS through the budget.

If the correctional officers at WRC had remained DOC employees they would have received these necessary raises. AB 739 makes sure that this happens.

Thank you again for your time and consideration.