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Testimony in Support of Assembly Bill 138

Thank you, Chairman Swearingen and members of the Committee on State Affairs, for meeting today to hear public testimony on Assembly Bill 138, which unlocks the potential of Wisconsin's retired protective occupation employees to serve our communities without sacrificing their hard-earned annuities.

Public safety talent is expensive to recruit, train, and retain. This reality is a fact and we must continue to work toward creative solutions to ensure we mitigate the experience loss. In 2023, we hit a record low for law enforcement officers—an 11% drop since 2008. Law enforcement is not alone as firefighters and county jailers face similar strains, leaving gaps in staffing that traditional recruiting efforts cannot fill overnight. Retired professionals carry decades of irreplaceable experience, and tapping that expertise isn't just common sense, it's a practical fix for the staffing crisis staring us down. Despite this, current law ties their hands. Assembly Bill 138 allows retired protective occupation employees to continue to utilize their talents past retirement, while respecting taxpayer dollars.

This bill requires three criteria for a protective occupational employee to collect their annuity while returning to work for a Wisconsin Retirement System (WRS) employer. These targeted measures are key to keeping seasoned professionals in Wisconsin, utilizing that experience.

1. Individual must retire from a WRS job with no pre-arranged deal to return.
2. Individual must opt out of re-enrolling in WRS.
3. Individual must retire as a protective occupation participant or as county jailers—even if they opted out of protective status.

This bill stands apart from Assembly Bill 36 by ensuring *all* protective occupation retirees—including county jailers, newly classified as protective occupation participants under 2023 Wisconsin Act 4—can return to service without penalty.

The need for solutions to our talent loss in public safety is very apparent. This bill has the ability to directly address many of these issues by tapping a ready pool of talent that does not upend WRS. Assembly Bill 138 is about options. It gives our municipalities the tools to solve this issue, one hire at a time. I urge the committee to support this needed piece of legislation.

Bob Donovan

State Representative
61st Assembly District



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Assembly Bill 138 Assembly Committee on State Affairs May 21, 2025

If I have said it once, I have said it 1,000 times – we just don't have enough humans. And even if young families begin to produce more children, it takes *at least* 20 years until they are useful in society. Unfortunately, due to this, we need to come up with creative ways to allow experienced professionals who want to work, get back into the workforce full time. AB 138 would allow a WRS annuitant who is a "protective occupation participant" to return to full time work with a WRS employer without pausing their pension payments. A protective occupation participant is mostly law enforcement and fire services. It is defined in state statute and the list of what occupations that entails is attached to this testimony.

Could a police officer or firefighter return to work with a WRS employer under current law? Yes, however they are only able to work a certain number of hours. Due to the physical toll these jobs take, many of them choose to retire at 55 years old or soon after. At 55, these professionals have a lot of quality years of life left and want to contribute to society using their career experience in a different, less physically demanding way. They may choose to teach at a technical college, work as a security guard, or take an office job at a WRS employer.

Some may say this is "double dipping." Here is why, should AB 138 be signed into law, this bill is not double dipping. Should an annuitant gain employment at a WRS employer, they would be able to continue receiving their pension payments, however would not be allowed to contribute more to their pension, nor would the employer be able to contribute. As long as the annuitant is collecting a pension, they would NOT be able to add to it upon returning to work.

Other measures would be put in place to protect the taxpayer, should AB 138 be signed into law. The annuitant could not have an agreement with their WRS employer to return to work upon retirement. They must also retire as a "protective occupation participant". The bill also applies to jailers who, as a result of 2023 Act 4, chose to become a protective occupation participant or not. A percentage of jailers chose to not receive protective status after that bill was signed into law and we want to ensure that they are ALL included in this change to allow them to return to work at a WRS employer as well. Their organization will be here to testify and explain further.

There might be some confusion as there are two other bills that have been introduced this session that are similar to AB 138. One of them is AB 36. **This bill is distinct from AB 36 and ensures ALL protective occupation employees—including county jailers who opted out of WRS protective status—are treated fairly. AB 36 only applies to a "law enforcement officer."** While this is a good change to the law that we do support, we chose to go a bit further in AB 138 and include all protected occupations. We feel that there is enough need for all protected employees to be given the ability to be rehired and use their skills and experience after retirement. A list of those eligible under AB 138 is attached. The other similar bill is AB 196, which expands the list of eligible employees to be rehired to all annuitants.

Many retirees possess invaluable expertise that can benefit our institutions, yet current law discourages them from returning to service. This bill corrects that issue by removing financial disincentives while maintaining the integrity of the WRS system. I encourage your support for AB 138.

Protective Occupation Participant

A participating employee who is a police officer, fire fighter, an individual determined by a participating employer under par. (a) or (bm) to be a protective occupation participant, county undersheriff, deputy sheriff, county jailer who is certified as a protective occupation participant, state probation and parole officer, county traffic police officer, conservation warden, state forest ranger, field conservation employee of the department of natural resources who is subject to call for forest fire control or warden duty, member of the state traffic patrol, state motor vehicle inspector, University of Wisconsin System full-time police officer, guard or any other employee whose principal duties are supervision and discipline of inmates at a state penal institution, special agent employed by the department of revenue who is authorized to act under s. 73.031, person employed under s. 60.553 (1), 61.66 (1), or 62.13 (2e) (a), or special criminal investigation agent employed by the department of justice.¹

Organizations supportive of SB 105

Wisconsin Professional Police Association
Professional Fire Fighters of Wisconsin
Wisconsin Chiefs of Police Association
Badger State Sheriffs Association
Wisconsin Sheriffs and Deputy Sheriffs Association
Wisconsin Troopers Association
Wisconsin State Lodge of the Fraternal Order of Police
Milwaukee Professional Firefighters Association.

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<https://docs.legis.wisconsin.gov/statutes/statutes/40/i/02/48/b#:~:text=40.65%2C%20E2%80%9Cprotective%20occupation%20participant%2%80%9D,a%20participating%20employer%20under%20par.>



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Remarks to the Assembly Committee on State Affairs

2025 Assembly Bill 138

Tarna Hunter, Budget and Management Director, Department of Employee Trust Funds

May 21, 2025

ETF is the state agency that administers the Wisconsin Retirement System (WRS) and several other fringe benefit programs for state and local government, university, and school district employees across Wisconsin. ETF is a non-cabinet agency. We do retirement estimates and calculations, member counseling, education presentations, and all accounting and actuarial work. Our sister agency, the State of Wisconsin Investment Board, is responsible for investing the assets of the WRS.

ETF administers the WRS on behalf of over 1600 public employers, who have a diverse range of workforce needs and employment practices. The WRS has over 690,000 total members; of which approximately 237,000 are retirees and 265,000 are active employees. Over 70 percent of active employees work for local units of government and school districts around the state.

The topic of rehired annuitants is important for the WRS, both in terms of practice and perception. In 2012, the Legislative Audit Bureau completed an audit of WRS annuitants hired by WRS employers. Following the audit, 2013 Act 20 made statutory changes to WRS return-to-work laws, including increasing the break-in-service from 30 days to 75 days and requiring annuity suspension if a retiree works over two-thirds of full-time in a 12-month period. To properly administer these laws, ETF has invested additional resources to enhance our employer compliance and education efforts. We have revised the WRS Administration Manual, issued new Employer Bulletins, and developed training materials, including print and video. We put in place new systems to track rehired annuitants to ensure compliance with the law and gather more complete data on the rehiring of annuitants.

Since 2013 Act 20, every legislative session has included proposals to change the return-to-work laws (to both the break in service requirement and the annuity suspension requirement). Further, there have been bills that have individually targeted return-to-work laws for teachers, protectives, and law enforcement officers. There have also been proposals to apply changes to all employment categories uniformly.

When evaluating any change to the WRS, ETF begins its assessment by asking the following questions:

- Is the change inconsistent with state and federal laws?
- Will the change diminish the sustainability and integrity of the trust fund?

- Does it add unnecessary complexity?
- Will it diminish the administrative efficiency for ETF, employers, or members?

If the answer to any of these questions is yes, we try to identify alternative approaches to the issue.

2025 AB 138 allows an annuitant who was a protective occupation participant or a county jailer who was not a protective occupation participant under the WRS to return to work with an employer who participates in the WRS, work two-thirds of full-time, and elect to not become a participating employee for purposes of the WRS, and instead continue to receive their annuity.

The bill carves out a group of participants that have different rules. This will increase the difficulty of administrative responsibilities for ETF and participating employers and may make employer and employee compliance more complex.

We understand the practice of rehiring annuitants is an important tool for most of the employers who engage in the practice, allowing them to fill a position for a relatively short term until a permanent replacement can be found. With that in mind, we are ready to assist if you are interested in considering alternative approaches that could reduce unnecessary complexity and ensure we are complying with the law.



To: Members, Assembly Committee on State Affairs
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: May 21, 2025
RE: Testimony in Support of Assembly Bill 138

Chairman Swearingen and members of the committee, my name is Sheriff Mark Podoll. I am the Green Lake County Sheriff, past President of BSSA and current legislative committee member. I am here today to testify on Assembly Bill 138.

This important legislation will allow retired law enforcement officers the ability to return to duty without restrictions on their ability to continue collecting their hard-earned pensions. Our organizations have long advocated for this policy change, recognizing it as a critical tool to address the ongoing staffing shortages faced by Sheriff Offices across Wisconsin.

The ability to recruit and retain qualified law enforcement officers is imperative to maintain public safety. County law enforcement statewide continues to experience significant workforce challenges, including increasing vacancies and difficulties in attracting new hires. While agencies are deploying various recruitment and retention strategies, the demand for experienced and skilled officers remains high. Allowing retired law enforcement officers to return to duty without pension restrictions provides an immediate and effective way to help fill these vacancies with seasoned professionals who are ready to serve their communities.

In addition, AB 138 includes county jailers which is critical as Sheriffs' offices across the state are experiencing severe shortages in jail staff, creating operational challenges that put added strain on our corrections system. Just as retired law enforcement officers can help fill gaps in patrol and investigative roles, retired jailers can play a crucial role in alleviating staffing shortages in county jails.

Our organizations support this bill as it is due time for Wisconsin to fix this issue and help our local communities with the public safety staffing gaps. Thank you for your consideration of this legislation and I am happy to answer any questions.

The Badger State Sheriffs' Association represents all of Wisconsin's 72 elected county sheriffs. The Wisconsin Sheriffs and Deputy Sheriffs Association is a professional organization representing over 1,000 members, including sheriffs, deputies, and jail officers. Our organizations have a joint legislative committee and work closely on public safety issues of concern to our members.



May 21, 2025

To: Chairman Swearingen and Members of the Assembly Committee on State Affairs

From: Wisconsin Chiefs of Police Association

Re: Support Assembly Bill 138 – Rehiring of WRS Participants

Chairman Swearingen, thank you for your willingness to hold a hearing on this legislation. We would also like to thank the authors, Representative Donovan and Senator Tomczyk, for introducing this bill.

We urge support for Assembly Bill 138.

This bill allows for jailers and protective occupation annuitants to be rehired by employers participating in the Wisconsin Retirement System.

It has often been difficult to fill instructor positions at many of the Wisconsin Technical Colleges, where most of our officers attend police academies. The inability of recently retired public safety professionals to fill some of these roles has led to decades of experience and institutional knowledge being lost before it can be passed on.

Many of you are also likely aware of the deficit of candidates for open positions within departments across the state. For example, the Milwaukee Police Department has been trying to recruit and train enough officers to ensure they are fully staffed, but has been unable. They planned for three classes a year of 65 recruits each, and have barely reached half of that number in each class.

This negatively impacts public safety in communities around the state. Officers and departments are being asked to do more with less, leading to burnout, further exacerbating the problem.

We believe that this is a common-sense change that will benefit Wisconsin communities through improved public safety.

The Wisconsin Chiefs of Police Association supports this legislation and asks that the committee move forward on this legislation.

We would be happy to answer any questions regarding this legislation.



Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

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President

Mark Sette
Vice President

Ryan Miller
Secretary

Randy Winkler
Treasurer

Travis Vickney
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Shane Wrucke
Sergeant at Arms

Don Kapla
Immediate Past President

Jerry Johnson
National Trustee

Testimony in Support of Assembly Bill 138 **Assembly Committee on State Affairs**

May 21, 2025

To the Honorable Members of the Assembly Committee on State Affairs,

My name is Ryan Windorff, and I am the President of the Wisconsin Fraternal Order of Police. The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with over 379,000 members in more than 2,200 lodges. The Wisconsin State Lodge proudly represents more than 3,600 members in 33 lodges throughout the state. We are the voice of 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.

On behalf of the Wisconsin FOP, I am honored to express our strong support for Assembly Bill 138. This legislation provides a fair, practical, and precisely crafted solution for retirees under the Wisconsin Retirement System—specifically protective occupation participants and county jailers—allowing them to return to public service without forfeiting the retirement benefits they earned through years of service to Wisconsin's communities.

Protective occupation participants, as defined by the WRS, encompass a broad range of critical roles: law enforcement officers, firefighters, probation and parole officers, state forest rangers, county jailers, and other predefined occupations that demand exceptional physical and mental resilience. These professionals are eligible to retire earlier than many others due to the intense nature of their work. Upon retirement, many remain eager to contribute their expertise, yet current WRS rules discourage this by requiring annuity suspension for those who return to work with a WRS-participating employer and exceed two-thirds of full-time employment. This policy penalizes their financial security and restricts the state's ability to address staffing shortages with experienced personnel.

AB138 resolves this by creating a clear exception. It permits protective occupation participants and county jailers—regardless of whether they opted into protective occupation status—to resume service after a 75-day separation period, provided they had no pre-arranged agreement to return at retirement and elect not to re-enroll as participating employees in the WRS. This allows retirees from these varied roles to take on new public positions without affecting their hard-earned annuities. For public safety agencies, correctional facilities, and other employers facing staffing challenges, AB138 provides a practical tool to leverage the skills of retirees—whether on the front lines or in supportive roles like training and administration.



Wisconsin State Lodge *Fraternal Order of Police*



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Multiple proposals aim to address this issue, but AB138 is the superior choice. Unlike other bills, it uses the precise term “protective occupation participants,” aligning directly with the WRS’s definition. The WRS does not track vague categories like “law enforcement officers” or “firefighters” alone—it recognizes this broader, specific group. By anchoring its language in the WRS framework, AB138 ensures clarity and consistent application across all covered occupations, including our members, firefighters, probation and parole officers, rangers, and others. Additionally, AB138 is better because if additional classifications of employees are added to “protective occupation participants” in the future, this bill will still apply, ensuring its longevity and adaptability.

Critics might raise concerns about “double dipping,” but AB138 is not about retirees exploiting the system. This bill does not allow individuals to collect two paychecks for the same job. Instead, it enables retirees who have earned their annuities through decades of demanding service to take on new roles—often less taxing ones—without penalty. They do not accrue additional WRS benefits upon return; they opt out of participating employee status. The 75-day separation period ensures a clear break from prior employment, eliminating overlap and reinforcing fairness. This is about honoring their past sacrifices while enabling continued public service.

The Wisconsin FOP also values the bill’s equitable treatment of county jailers. Under current law, jailers may opt out of protective occupation status, yet their work is as essential—and taxing—as that of other protective occupation participants. AB138 ensures all jailers, alongside firefighters, rangers, and others, can return to service, recognizing their shared contributions.

The Wisconsin FOP views AB138 as a win for our members, our fellow protective occupation participants, and the state. It respects the service of retirees across these vital occupations by removing barriers to their continued involvement in public safety and service. It acknowledges the toll their careers take by enabling transitions to roles that utilize their expertise without the same strain—all while protecting their annuities. By using WRS-specific terminology, avoiding “double dipping,” and accommodating future classifications, it delivers an effective, equitable, and forward-thinking solution. We respectfully urge the Senate Committee on Judiciary and Public Safety to advance this bill and send it to the full Senate for approval.

Thank you for your attention. The Wisconsin FOP stands ready to assist as you consider this vital legislation.

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STATE SEC. / TREAS.

May 21, 2025

To: Members of the Assembly Committee on State Affairs

Re: Support for Assembly Bill 138

From: Jerry Biggart, President-elect on behalf of the Professional Fire Fighters of Wisconsin

Chairperson Swearingen and members of the committee my name is Jerry Biggart, and I serve as President-elect for the Professional Fire Fighters of Wisconsin serving more than 4,000 firefighters across the state. I also serve as President of Oak Creek Local 1848 where I am an active-duty firefighter as well.

Thank you for the opportunity to testify in support of Assembly Bill 138 (AB138) which will allow retired protective occupation employees, such as firefighters and EMS personnel, to return to service to address workforce shortages, without penalizing them by requiring they forgo their hard-earned WRS retirement benefit.

There are many benefits of AB 138 including:

- 1) **Addressing Workforce Shortages:** Wisconsin, like many states, faces challenges in recruiting and retaining qualified Fire and EMS personnel. Allowing experienced retirees to return to work without penalty can help bridge staffing gaps, especially in rural and underserved areas.
- 2) **Leveraging Experience for Training:** Retired professionals possess invaluable knowledge and experience. Their involvement in training programs can enhance the quality of education for new recruits, ensuring that institutional knowledge is preserved and passed on.
- 3) **Technical colleges need this pool of applicants:** Without instructors you cannot grow public safety training programs which means you cannot put qualified public safety professionals in our communities. Rehiring annuitants in critical roles that may otherwise go unfilled not only makes sense, because they have the knowledge, experience and familiarity with the programs as I previously mentioned, but frankly if they're familiar with Wisconsin Fire and EMS programs they require less training and can quickly adapt.
- 4) **Flexibility for Retirees:** Fire and EMS retirees are committed to their communities and often have a desire to continue to serve following retirement. AB138 provides that opportunity, recognizing their desire to serve, without the financial penalty of losing their annuity benefits

Current state law disadvantages experienced public safety professionals who have served their community – *in Wisconsin* – the option to come out of retirement and train future public safety professionals or serve their community in a leadership role. Current law creates an environment that makes it easier to hire out-of-state retirees from Illinois, Iowa, Minnesota, Michigan and every other state, BUT Wisconsin. This seems counterproductive to putting Wisconsin and Wisconsinites first. Assembly Bill 138 presents a balanced approach to addressing workforce shortages in critical public safety roles while maintaining the integrity of the Wisconsin Retirement System. By allowing retired protective occupation employees to return to service without penalizing their retirement benefits, we can enhance public safety, improve training programs, and make efficient use of experienced personnel.

I urge the committee to support AB138. Thank you for your consideration.

"STRENGTH IN UNITY"



"STRENGTH IN UNITY"