



Testimony before the Senate Committee on Judiciary and Public Safety

Senator André Jacque

Senate Bill 35

March 13, 2025

Chairman Wanggaard and Colleagues:

Thank you for the opportunity to testify as the author of Senate Bill 35, which would allow firefighters and law enforcement officers to fill critically needed roles in public safety, teaching and other government positions in a more meaningful and realistic way without suspending their pensions, as long as they do not participate further in the WRS system.

Law enforcement officers and firefighters are generally allowed to retire at an earlier age than other professions due to the physical nature of the job. They are not allowed to collect their pensions and work full time if their new employer participates in the WRS program.

Law enforcement officers, along with other WRS retirees, do already have the ability to get another job after retirement anywhere without suspending their annuity, except with an employer that uses the WRS system. For Wisconsin government employers, that effectively blocks our law enforcement and firefighters from even considering a return to work to protect and serve in Wisconsin. Unfortunately, it also creates an incentive for them to fill equivalent vital roles across our state line. And nothing prevents an officer from retiring and getting a job at a place like Menard's, in private security or elsewhere. This legislation would allow them to get jobs at police and fire training facilities, technical colleges and firing ranges, and even expand the applicant pool for leading our local departments, helping Wisconsin retain essential experience.

Wisconsin's Technical College System is experiencing a shortage of instructors including Tactical Unit and Firing Range Supervisors. Many who would be applicants are not allowed to apply due to present restrictions. We are also experiencing a shortage of qualified applicants to staff departments across our state even with a significant drop in officers on the street.

This bill would allow these dedicated firefighters and law enforcement officers to be able to fill these imperative vacancies without suspending their pensions, provided they do not participate further in the WRS system. It should be noted that the changes that would be enacted under this legislation were successfully put into place across Wisconsin throughout the COVID-19 public emergency. I have circulated versions of this proposal in past sessions that included correctional employees as well, and I've also previously introduced legislation with Rep. Tittl to allow the rehire of teachers as substitutes. So please know that I am very open to further discussion and amendments to expand or modify this bill to the liking of this committee and the body as a whole, so long as we can get passed something that approaches a more reasonable policy for the treatment of retired public safety employees than chasing them out of public service.

And I have to say, I have introduced this proposal alongside Sen. Wanggaard over several sessions and I am very pleased to have it finally referred to this committee to receive this hearing. The Wisconsin Professional Police Association, Wisconsin Sheriffs and Deputy Sheriffs Association, Badger State Sheriff's Association, Professional Fire Fighters of Wisconsin, and Wisconsin Towns Association are formally registered in support of Senate Bill 35.

Thank you for your consideration of Senate Bill 35. I'd be happy to answer any questions.



CHUCK WICHGERS

STATE REPRESENTATIVE • 84th ASSEMBLY DISTRICT

Senate Committee on Judiciary and Public Safety

Public Hearing on Senate Bill 35

Testimony of Rep. Chuck Wichgers

March 13, 2025

Chairman Wanggaard, and Committee Members,

Thank you for holding a hearing on Senate Bill 35 relating to law enforcement and firefighter annuitants in the Wisconsin Retirement System (WRS) who are rehired by a participating employer.

This bill is needed today more than ever, for reasons you will hear about in testimony that follows mine, but that includes workforce flexibility; and a declining state population driven by historically low fertility rates and an aging population.

Law enforcement and firefighter professionals who retire at 55 due to the physical strains of their jobs are often able and willing to pursue careers that complement their skills.

The idea behind this bill has been developing over many sessions. 2019 Senate Bill 612 was a complex bill and increased the minimum retirement age for protective occupation participants, decreased the minimum break in service, and allowed rehired annuitants to choose to not participate in the WRS.

This bill is a redraft of 2023 AB 671, which passed the Assembly last session but not the Senate. We have been trying for years to get this change made. The bill has broader support than ever. This bill comes down to a policy decision for the state of Wisconsin – how do we want to meet the employment needs of protective occupation employers? How do we tap into a well-qualified, willing population of employees? Should people who have worked for the state of Wisconsin – hopefully the best and most qualified first responders – be penalized?

This bill has bi-partisan support, and I urge the committee's support. Thank you.



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Remarks to the Senate Committee on Judiciary and Public Safety

2025 Senate Bill 35

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

March 13, 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. The vast majority 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.

SB 35 allows an annuitant who was a law enforcement officer or a firefighter 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.

Additionally, the bill defines a "law enforcement officer" as any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed and sworn to enforce, including university police officers.

The WRS does not use the definition of "law enforcement officer" and does not track or get information from the employing entity down to the position type. Rather, the WRS uses the category of protective occupation participants and is able to track those participants.

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 of the Senate Committee on Judiciary and Public Safety

From: Professional Fire Fighters of Wisconsin

Date: March 13, 2025

Re: Testimony in Support of Senate Bill 35 relating to law enforcement and firefighters annuitants in the Wisconsin Retirement System who are rehired by a participating employer

Thank you, Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety for holding a hearing today on Senate Bill 35 and thank you Senator Jacque and others for authoring this critical piece of legislation.

My name is Jeremy Holm. I am here today as an Executive Board Member of the Professional Fire Fighters of Wisconsin. I also serve as President of Greenfield Professional Fire Fighters IAFF Local 1963. The Professional Fire Fighters of Wisconsin is in strong support of Senate Bill 35.

The bill before you today is a common-sense piece of legislation that will help address vacancies of critically needed public safety positions including meeting the educational needs in training future public safety professionals who want to serve their communities. ***I know all of us want to ensure that qualified public safety professionals are available to serve our communities.***

Existing state prohibitions have a negative impact on the ability to hire qualified public safety instructors for Fire and EMS programs:

First, it limits the applicant pool, especially for full-time faculty positions. It is widely understood that in Wisconsin Fire and EMS retirees interested in further serving their communities post-retirement as faculty for training programs would see their hard-earned WRS retirement benefits negatively impacted. As a result, these individuals do not apply for roles at technical colleges.

Second, state prohibitions make it difficult to expand public safety training programs. We are seeing vacancies for public safety positions across Wisconsin. We know there is a need for qualified public safety professionals across communities in our state, yet current state prohibitions make it even more difficult to recruit and retain qualified instructors to grow these training programs. ***Without instructors you cannot grow training programs, and you cannot put qualified public safety professionals in our communities.*** Technical colleges have shared that often they need to hire multiple faculty members to cover what a single retiree could have handled, if state law wasn't so restrictive.

Last, 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. It creates a playing field 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. We all want qualified public safety professionals in our communities, but to get there we need to be able to recruit and retain qualified leaders and instructors. Why penalize Wisconsinites who spent their careers serving their communities?

Thank you for your time today. I would appreciate your support for Senate Bill 35.



Testimony 2025 Senate Bill 35

Issue: There is a candidate pool shortfall in many law enforcement agencies around the State. Current Wisconsin Retirement System (WRS) rules are governed by statute that preclude retirees from feasibly working in a WRS covered position in a full-time capacity.

Discussion: I am the Muskego Police Chief and former President of the Waukesha County Police Chief's Association. I am joined Jodi Crozier the Associate Dean of Law Enforcement at Waukesha County Technical College. I hired two retired Milwaukee Police Officers who are both collecting their well-earned Milwaukee Police Department pensions. They both explained, during their interview processes, they had years left to give to the profession. I hired them bringing experienced officers to the Muskego Police Department. The City of Milwaukee is now transitioning to WRS covered employment which effectively negates this candidate pool under current WRS rules which limit the number of hours a person can be employed while collecting your WRS annuity.

I am currently also an adjunct instructor for Waukesha County Technical College (WCTC) sharing my expertise in the protective services department. If I retired from the City of Muskego and collected my WRS annuity I am limited in the number of hours I can be employed at WCTC due to current WRS bureaucratic restrictions. I am retiring next month from the US Army Reserve where I currently serve as an instructor for the Command and General Staff Officer College. Interestingly, there are no restrictions on where I can be employed post military service regardless of annuity status.

Personally, I have interest in becoming a teacher in my local school district as a non-traditional teacher with real world experience, as a career change, once I retire from the Police Department. Current WRS rules make this option difficult.

The counter argument against any change to WRS rules is proverbial "double dipping." WRS retirees should have access to their earned retirement and be free to work at a location and employer of their choosing post retirement like the vast majority of Americans. Another counter argument is that retirees may take away opportunities from other potential candidates. The reality around the state is that there is no longer a candidate pool, but rather we currently have a candidate puddle in law enforcement. We want to simply hire the best employees regardless of age or WRS benefit status. There is also an argument against rehiring in the same "protective service" category because it may cause a mass retirement exacerbating existing shortfalls.

Recommendation: Pass 2025 Senate Bill 35 as this is a win for the employee, employer, and taxpayer. This gives employees flexibility and the freedom of choice with the ability to collect on their earned pensions. Passing this Bill increases potential candidate pools for employers with experienced people.



Lastly, the municipality, school district, or taxpayer entity receives an employee at less cost due to not having to pay the employer portion for WRS payment. This is truly a win, win, win, scenario.



To: Members, Assembly Committee on Judiciary and Public Safety
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: March 13, 2025
RE: Testimony in Support of Senate Bill 35

The Badger State Sheriffs' Association and Wisconsin Sheriffs and Deputy Sheriffs Association respectfully submit our support for SB 35. 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.

While SB 35 is a significant step forward, we respectfully urge the legislature to include county correctional officers (jailers) in this policy change. Sheriff's 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. Expanding the bill's scope to include correctional officers would provide an additional, much-needed solution to the growing personnel crisis in Wisconsin's correctional facilities.

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.

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.