



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5936/2
MIM:cjs

2019 ASSEMBLY BILL 1033

March 26, 2020 - Introduced by Representatives BRANDTJEN, MURSAU and SCHRAA, cosponsored by Senators JACQUE and KOOYENGA. Referred to Committee on Rules.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT relating to:** allowing certain rehired annuitants to elect to not become
2 new participants in the Wisconsin Retirement System for a defined period.

Analysis by the Legislative Reference Bureau

This bill allows an annuitant under the Wisconsin Retirement System who was a correctional officer or a protective occupation participant upon retirement to return to a position covered by the WRS and elect to not suspend his or her annuity if all of the following apply:

1. The annuitant is hired as a correctional officer or for a position that is in the protective occupation participant category.
2. The annuitant is hired during period beginning on March 12, 2020 and ending on March 11, 2021.
3. The annuitant does not have an agreement with any participating employer to return to employment or enter into a contract to provide employee services for the employer.
4. At least 30 days have elapsed between the annuitant's termination of employment and the annuitant's appointment to the new position.

The bill also allows a participating employee who retired as a correctional officer or from a protective occupation, who returned to work as a correctional officer or to a protective occupation and was required to suspend his or her annuity, to elect to not suspend his or her annuity during the period from March 12, 2020, to March 11, 2021.

Under current law, generally, if a WRS annuitant is appointed to a position with a WRS-participating employer, or provides employee services to a

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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.

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

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

1 **SECTION 1. Nonstatutory provisions.**

2 (1) REHIRED PROTECTIVE OCCUPATION PARTICIPANTS AND CORRECTIONAL OFFICERS.

3 (a) As used in this section:

4 1. "Annuitant" means a participant who retired either as a correctional officer
5 or as a protective occupation participant and who is receiving a retirement annuity
6 from the Wisconsin retirement system.

7 2. "Correctional officer" has the meaning given in s. 102.475 (8) (a).

8 3. "Participant" has the meaning given in s. 40.02 (45).

9 4. "Participating employee" has the meaning given in s. 40.02 (46).

10 5. "Participating employer" has the meaning given in s. 40.02 (47).

11 6. "Protective occupation participant" has the meaning given in s. 40.02 (48).

12 (b) Notwithstanding s. 40.26, if an annuitant first returns to work in a position
13 covered by the Wisconsin retirement system as a protective occupation participant
14 or as a correctional officer during the period beginning on March 12, 2020, and
15 ending on March 11, 2021, the annuitant may elect to not suspend his or her
16 retirement annuity during that period if all of the following apply:

17 1. At least 30 days have elapsed between the termination of employment with
18 a participating employer and becoming a participating employee.

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1 2. At the time the annuitant terminates his or her employment with a
2 participating employer, the annuitant does not have an agreement with any
3 participating employer to return to employment or enter into a contract to provide
4 employee services for the employer.

5 (c) Notwithstanding s. 40.26, if an individual who was formerly an annuitant
6 is a participating employee on the effective date of this paragraph as a protective
7 occupation participant or as a correctional officer and was required to suspend his
8 or her annuity under s. 40.26, the participating employee may elect to not suspend
9 his or her annuity during the period beginning on March 12, 2020, and ending on
10 March 11, 2021.

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(END)