

## County budget savings plan reignites fight with deputies

Written by KRISTYN HALBIG ZIEHM  
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### Officials intend to cut pension benefit by stripping jailers of protected status

The proposed Ozaukee County budget has rekindled a fight with the deputies union, this time over a decision to classify jailers as non-protected employees.

While the county says it has incorrectly classified these deputies for years and the move properly defines their status — resulting in a reduction in the county's contribution to their retirement accounts — deputies disagree.

Protective status means that an officer spends 51% of his time on active law enforcement duties, officials say, and staffing the jail is not considered active law enforcement.

But Deputy Eric Lusty told the County Board during its annual budget hearing that jailers have high-stress jobs that expose them to a high degree of risk.

He was attacked and seriously injured while working in the jail a decade ago, he said.

"We're actively involved in arrests. We're actively involved in investigations. I think the distinction is inappropriate," Lusty said. "I think it's egregious."

If the plan is approved, the county will only be required to pay 12% for jailer's retirement benefits and the employee will pay half of that amount.

For employees classified as protected, the retirement contribution is 19% and the county pays the entire amount.

The deputies' status was one of three budget changes addressed Monday during the budget hearing.

A number of people asked that the county reinstate funding for the Railroad Consortium, citing its economic development benefits, and reinstate the family living educator in the University of Wisconsin Extension office.

An amendment calling for those changes to be made was expected to be considered by the County Board Wednesday when it was scheduled to adopt the proposed \$78.3 million budget.

In addition to the budget, the board is expected to consider a resolution that would formally change the status of the jailers, who will remain sworn law enforcement officers.

It's the second time in the past year that the county has taken steps to change the status of jailers. Last year, the county attempted to replace the sworn jailors with a civilian guard corps.

A compromise reached with the union representing the deputies called for sworn officers to staff the jail, but secured concessions on wages and benefits for new jailers.

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County Board Chairman Rob Brooks said Tuesday that officials expect the deputies to mount a legal challenge to the change in the jailers' classification, as well as a budget move to triple the health insurance deductible for other deputies.

Jerri Behnke, a member of the executive board of the Labor Association of Wisconsin unit that represents Ozaukee County sheriff's deputies, said a challenge is likely.

"I would think so and hope so," he said. "We're sworn personnel. We're doing the job of law enforcement. To take that away basically makes us a second-class citizen."

The county analyzed the compensation for employees and found that when vacation, insurance and retirement benefits are included, protected staff members receive more than \$10,000 in additional compensation annually, Brooks said.

The county has proposed increasing the health insurance deductible to \$3,000 for a individual plan and \$6,000 for a family plan as a way to bridge the gap, he said.

Brooks said the change is an effort to "be equitable and share the pain (of budget cuts) among all employees. It's really the only tool we have with protected employees."

Since Act 10 was passed by the Legislature, other county employees have been contributing 6% of their salaries to their retirement account — the county matches that amount — but the sheriff's deputies have been spared that, he said. .

The board held a closed session prior to Monday's budget hearing to discuss the matter with supervisors, Brooks said, outlining for them the justifications for the move and explaining the county's strategy.

"There are court cases all over the place," Brooks said, noting different agencies have different definitions of protected officers.

"That's where it becomes very muddled," he added. "But we wouldn't be proceeding if we didn't feel we're on solid ground."

Not all officials are comfortable with the changes.

"This makes no sense to me. Why are we treating the protected service employees like this?" Supr. Tom Richart said during a committee meeting following the budget hearing. "Personally, I'm ashamed of what we're proposing. I'm not sure of the real reason why we're doing this."

According to a memo by Assistant County Administrator Jason Dzwinel, active law enforcement requires frequent exposure to a high degree of danger and a high degree of physical conditioning.

The Employee Trust fund defines active law enforcement as being authorized to make arrests and to be actively, currently and directly involved in detecting and preventing crime and

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enforcing laws, he wrote.

Most of the comments during the roughly 70-minute public hearing were directed at the contributions for the Railroad Consortium (\$30,000) and the family living educator.

Former Supr. Bob Walerstein told the board that not funding the railroad would be a mistake, noting these funds are used to maintain the tracks. County businesses that depend on rail are responsible for roughly 600 jobs, he said.

“This program is all about job creation and job growth,” said Ken Lucht, director of government relations for the Wisconsin and Southern Railroad.

If the businesses were forced to depend on trucks instead of rail, he said, it would add 6,000 trucks onto area highways each year and increase costs.

Nancy Milbauer spoke in favor of reinstating the family living educator, saying she has learned much from the office through the years.

“My husband and I know what it’s like to live on a budget. We would certainly find a way to fit it in our budget,” she said.

Unless the position is reinstated, Milbauer said, Ozaukee County will be the only county in Wisconsin without a family living educator.