

Congress of the United States
Washington, DC 20515

April 6, 2012

Honorable Timothy J. Geithner
Secretary
United States Department of Treasury
1500 Pennsylvania Avenue
Washington, DC 20220

Dear Secretary Geithner,

We are writing you regarding the impact of potential rule change (Notice 2009-86) that would affect the retirement age rules for all protective occupation employees in the State of Wisconsin. Under this rule, beginning on or after January 1, 2013, the normal retirement age for public safety employees in Wisconsin would increase from 53 to 62, significantly jeopardizing law enforcement officers and firefighters.

In Wisconsin public safety employees participate in the Wisconsin Retirement System (WRS), rather than a separate pension plan like most states. Because public safety employees in Wisconsin only constitute approximately 8.7 percent of the WRS's plan, public safety employees cannot take advantage of the "safe harbor" rule that exempts public safety employees from normal retirement age (NRA) rules if a significant number of employees participate in the same plan. As a result, this rule puts Wisconsin public safety employees at a significant disadvantage compared to other states.

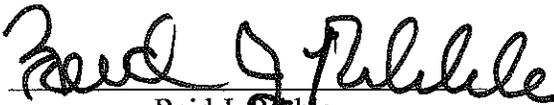
We have heard from numerous public safety employees throughout Wisconsin about the negative impact this potential rule change would have on public safety in our state. Under the WRS's guidelines, employees must give 60-90 days notice of their intent to retire. If the IRS does not make a decision shortly about the extension of the effective date, many Wisconsin public safety employees are likely to retire due to concerns about not being able to retire for another nine years. The Badger State Sheriff's Association has indicated that some Wisconsin counties could lose upwards of 20 percent of their current workforce. To make matters worse, the retiring employees would be among the most experienced, leaving departments with a substantial void of knowledge and expertise.

In addition to the significant workforce reductions implementation of this rule may cause, another concern that has been repeatedly addressed is the general safety of law enforcement officers and firefighters. Engaging in the suppression of criminal activity and firefighting places significant physical demands on those in the field. Whether it is a police officer attempting to take a combative suspect into custody or a firefighter entering a burning building, the fact of the matter is that the risk factor for injury or death increases with age due to multiple health issues, reduced reaction times and decreased physical strength. An additional concern is that due to decreased physical health, aging law enforcement officers, in the interest of protecting their own life, may choose to escalate the use of force in order to take a subject into custody, something that is not normally done by younger officers. If implemented, NRA regulations for public safety workers not covered under safe harbor rules will extend the careers of many law enforcement officers and firefighters across Wisconsin, with a consequence of increased workplace injuries or fatalities and disability claims sure to follow.

We urge you to treat Wisconsin public safety employees the same as public safety employees throughout the country and to issue a decision before May 15 to end the uncertainty facing our public safety sector.

Thank you for your consideration of our comments. We look forward to your timely response.

Sincerely,



Reid J. Ribble
Member of Congress



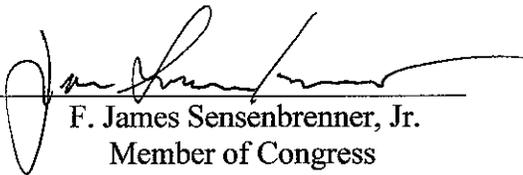
Sean P. Duffy
Member of Congress



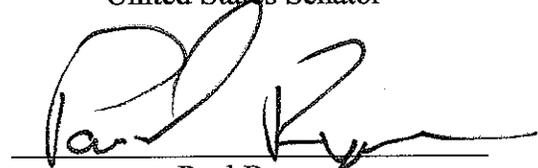
Scott Walker
Governor of Wisconsin



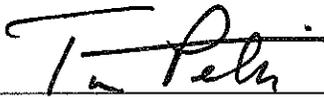
Ron Johnson
United States Senator



F. James Sensenbrenner, Jr.
Member of Congress



Paul Ryan
Member of Congress



Thomas E. Petri
Member of Congress