

EXHIBIT 3
DATE 3/23/05
370

Senate Bill 370

AN ACT ALLOWING COUNTY DETENTION OFFICERS TO TRANSFER FROM THE PUBLIC EMPLOYEE'S RETIREMENT SYSTEM TO THE SHERIFF'S RETIREMENT SYSTEM PROVIDING THAT ALL NEW COUNTY DETENTION OFFICER'S MUST BECOME MEMBERS OF THE SHERIFF'S RETIREMENT SYSTEM.

Mr. /Ms. Chairperson and members of the committee, I appreciate this opportunity to speak to the House State Administration Committee. My name is Tim Neiter and I am a Lieutenant with the Yellowstone County Sheriff's Office and am the Assistant Commander of the Yellowstone County Detention Facility.

in Yellowstone County
At this time the 51 Detention Officers, 7 Detention Sergeants and the Assistant Commander that will be eligible to join the Sheriff's Retirement System if Senate Bill 370 passes. Statewide Detention Facilities, Detention Officers and the Montana Sheriff's and Peace Officers Association has been working and petitioning to allow Detention Officers to transfer from PERS and join the Sheriff's Retirement System.

In the past, some of the reasoning used before both the House and the Senate opposing this transfer include statements that Detention Officers are not "real law enforcement" and that working in a jail does not have the same risks and stress as police. *work* Why then do DOC employees, who receive the same training as Detention Officers, have twenty year retirement? Why are DOT employees accorded twenty year retirement? I have to grant you that the criteria to become a Detention Officer, a Correctional Officer, a "Guard" or whatever terms you care to use is not as stringent as *However* that to become a Sheriff's Deputy or Police Officer. I would put it to you that the criteria for retention of a Detention Officer may be

even more demanding. While our role is not “high profile” as are “street officers” it is no less critical to the Sheriff’s mission of providing public safety and maintaining a strong criminal justice system. The managing of an inmate population today requires trained professionals who maintain safety and security within an environment of criminal offenders while understanding, recognizing and adhering to Federal and State Constitutional standards. We have to be Post Certified and receive yearly training to maintain that certification. Our exposure to **personal liability** in the performance of our duties is every bit as much as a street officer’s.

Each day we work directly with that part of the public that can not or will not control their behavior. They do not want to be where the system has placed them. A jail’s population is not simply locked behind steel doors and safely tucked away until they are released. Our officer’s are face to face with one or dozens of inmates at any given time. In Yellowstone County this last couple of years we have had multiple assaults on jail staff and two escape attempts involving weapons. I would also like to make a comment about stress. I have personally had to wait for weeks, taking a daily cocktail of powerful medications, avoiding close physical contact with my wife and children, while waiting for results from a blood work-up to determine if my exposure to blood borne pathogens had resulted in contraction of HIV or Hepatitis C. Potential blood borne pathogen exposure is a daily occurrence. There are many substantial risks and stressors in this career of ours.

We have even heard the contention that passage of SB 370 may “actually hurt retention”. Staff retention is one major reason that we are still tilting this windmill. ^{and} I have a strong interest in retention since I am so closely tied to hiring and training of staff. On a personal level it is unlikely that I, or others with my years with PERS, could transfer to the Sheriff’s retirement System.

There is no way I can afford to buy in almost twenty years. But if an experienced officer, ~~and there are very few who stay longer than eight or nine years,~~ is considering leaving this profession he would be much more likely to stay having 12 years to retirement than **twenty two**. I know this because I have spoken to not just our staff but with officers working other Facilities and with brand new officers who I have taught during CDOB at the MLEA. Someone even contended that transferring to the Sheriff's Retirement System would mean less take home pay and thus would be a disincentive for retention. This is a mistaken belief. EVERY Detention Officer I have spoken to is willing to pay the increase. Otherwise, why is every other Law Enforcement Agency, including the Dept. of Transportation and Fish and Wildlife, on a twenty year retirement plan. *Would going back to a 30 yr rest then help w/ retention?* Recently, one of our Supervisors, an eight year veteran in our Facility, resigned to go to work for the Department of Corrections. When asked if she had been enrolled in a 20 year retirement system with only 12 years left to retire, instead of 22, would she have been influenced in her decision to leave she replied "Absolutely". This scenario is repeated over and over in all of our Detention Facilities.

Please level the playing field and allow our dedicated, professional Detention Officers the same consideration given to State Officers. Please vote "YES" to allow them into the Sheriff's Retirement System.

Thank you all for your time today.