

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**CHARLES R. THEIS**  
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD 288-2025  
FAX (414) 288-8550

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
LINDA ULISS BURKE  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
HARRY A. STEIN  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
DAVID R. HALBROOKS  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WYCK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
CHRISTOPHER J. CHERELLA  
LEONARD A. TOKUS  
JENNIFER K. HENZL-MCVEY

Assistant City Attorney

February 21, 2000

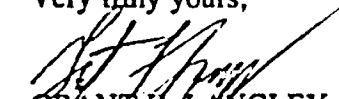
Alderman Marvin Pratt, Chairman  
Finance and Personnel Committee  
City Hall, Room 205

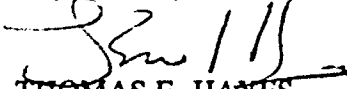
Re: Pre-employment Agreement  
Common Council File No. 991587

Dear Alderman Pratt:

Some time ago we introduced this file by title only. Enclosed please find a resolution to fill the file. This resolution is necessary because under the terms of the global settlement, the Firemen and Policemen's Survivorship Fund is to close to new members as of January 1, 2000. Without a memorandum of understanding between the City and the respective unions and a pre-employment signed by the recruit classes in both the police and fire departments, the settlement could not be implemented as agreed upon because the charter ordinance to implement the global settlement has not been adopted and is not in effect.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
THOMAS E. HAYES  
Special Deputy City Attorney

2476 TEH:kcf  
Enclosures

## MEMORANDUM OF UNDERSTANDING

### RECITAL

A. The State of Wisconsin established the City of Milwaukee Employees' Retirement System ("MERS"), a defined benefit pension plan to provide retirement benefits and other benefits to employees of the City of Milwaukee ("City") and City Agencies.

B. The Milwaukee Police Association, Local 21, IUPA, AFL-CIO, the Milwaukee Police Supervisors' Organization and the Milwaukee Professional Fire Fighters Association, Local 215, IAFF, AFL-CIO ("Unions"), are certified bargaining agents under § 111.70, Stats., and represent police officers and fire fighters for purposes of collective bargaining.

C. The City and each of the Unions have an agreement in principal calling for a global pension settlement under which the Firemen and Policemen's Survivorship Fund of MERS will be closed to new participants and will be dissolved effective January 1, 2000.

D. The aforementioned global pension settlement will require implementation through the adoption of a charter ordinance and final court approval and will therefore not become effective for an extended period of time.

E. The parties hereto are interested in preserving the terms of the global pension settlement agreement and have negotiated this Memorandum of Understanding setting forth the terms upon which the City may require the execution of a Pre-Employment Agreement by employees hired between January 1, 2000 and the effective date of the global pension settlement agreement (hereinafter "new employees").

1. The City, City Agencies and the Unions hereby agree that the City may require each police officer or fire fighter hired between January 1, 2000 and the effective date of implementation of the global pension settlement to execute a Pre-Employment Agreement, a copy of which is annexed hereto as Exhibit A, as a condition of employment in consideration of which the City shall indemnify and hold harmless each such new employee from any obligation

he or she would otherwise have to contribute to the Firemen and Policemen's Survivorship Fund. Provided however, that the City shall not require any such new employee to sign a Pre-Employment Agreement if he or she was a member of the Firemen and Policemen's Survivorship Fund prior to January 1, 2000. The parties agree that such Pre-Employment Agreement shall constitute the consent of each new employee to the dissolution of the Firemen and Policemen's Survivorship Fund effective January 1, 2000. The parties further agree that as a result of such consent, each such new employee required to execute said Agreement shall forego property rights in survivorship benefits in the Firemen and Policemen's Survivorship Fund.

2. The parties agree that the Pre-Employment Agreement shall become null and void if the global pension settlement is not implemented relative to the Firemen and Policemen's Survivorship Fund for any reason. The parties further agree in that event, the employee and City shall be obligated to make all required contributions to the Firemen and Policemen's Survivorship Fund retroactive to the date the new employee was hired as a police officer or fire fighter.

3. The City and Unions agree further that the City shall indemnify and hold harmless each employee who was a member of the Firemen and Policemen's Survivorship Fund prior to January 1, 2000 from any obligation he or she would otherwise have to contribute to the Firemen and Policemen's Survivorship Fund subsequent to December 31, 1999. This provision shall become null and void if the global pension settlement is not implemented relative to the Firemen and Policemen's Survivorship Fund for any reason. The parties further agree in that event, the employee and City shall be obligated to make all required contributions to the Firemen and Policemen's Survivorship Fund. If for any reason any employee is required to make, or has made, a contribution to the Firemen and Policemen's Survivorship Fund after January 1, 2000,

the City shall reimburse the employee not later than 30 days following final approval of the global pension settlement.

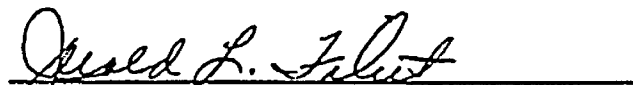
4. The City shall indemnify the Unions with reference to any constitutional or statutory claims that may be made against them as a consequence of the implementation of this agreement.

Dated this 17th day of February, 2000.

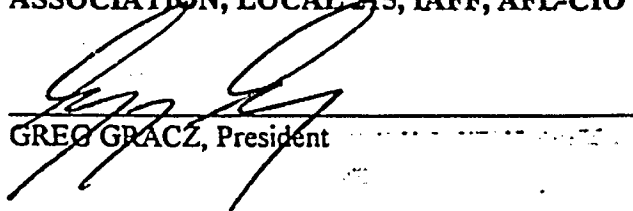
**MILWAUKEE POLICE ASSOCIATION  
LOCAL 21, IUPA, AFL-CIO**

  
BRADLEY DEBRASKA, President

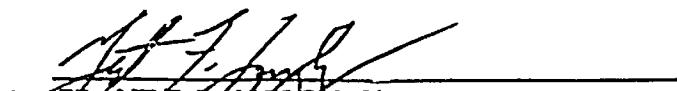
**MILWAUKEE POLICE SUPERVISORS'  
ORGANIZATION**

  
GERALD FILUT, President

**MILWAUKEE PROFESSIONAL FIREFIGHTERS  
ASSOCIATION, LOCAL 215, IAFF, AFL-CIO**

  
GREG GRACZ, President

**CITY OF MILWAUKEE**

  
GRANT F. LANGLEY, City Attorney  
Chief City Negotiator

## PRE-EMPLOYMENT AGREEMENT

This pre-employment agreement is entered into by \_\_\_\_\_

(Participant) as of the date indicated below.

### RECITAL

A. The State of Wisconsin established the City of Milwaukee Employees' Retirement System (MERS), a defined benefit pension plan to provide retirement benefits and other benefits to employees of the City of Milwaukee (City) and City Agencies.

B. The MERS provides survivorship benefits to survivors of policemen or firemen who die while in active employment. Such benefits are funded through a Firemen and Policemen's Survivorship Fund authorized under s. 36-08 of the Milwaukee City Charter. The employees contribute \$.087 of his or her annual pay to the Firemen and Policemen's Survivorship Fund.

C. The City, the Milwaukee Police Association, the Milwaukee Police Supervisors' Organization and Local 215 of IAFF, entered into agreements in principal under which the Firemen and Policemen's Survivorship Fund will be closed and dissolved effective January 1, 2000.

D. The dissolution of the Firemen and Policemen's Survivorship Fund effective January 1, 2000, is part of a global pension settlement between the City, City Agencies, unions representing all employees and the Association of Retired City Employees. This settlement requires implementation by the Common Council of the City of the adoption of a charter ordinance and the final approval of a court of competent jurisdiction.

E. During the implementation phase, the City will be hiring policemen and firemen. A pre-employment agreement is necessary in order that firemen and policemen hired

amendments to Chapter 36 of the City Charter necessary to affect the changes described in the recitals to this Pre-employment Agreement.

B. Participant acknowledges and represents that participant has been afforded ample opportunity to review this Pre-employment Agreement and to consult with legal counsel or other advisors as to the content and legal significance. Participant understands the terms of this Pre-employment Agreement and has executed this Pre-Employment Agreement freely and voluntarily and not under duress.

C. In the event the global pension settlement is not implemented for any reason relative to the Firemen and Policemen's Survivorship Fund, this agreement shall be null and void. In such event, the participant shall be required to make all contributions required of such employee to the Firemen and Policemen's Survivorship Fund.

Participant hereby consents to all of the foregoing as of this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Participant

Subscribed and sworn to before me  
this \_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires: \_\_\_\_\_.

27613 TEH:kcf

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**CHARLES R. THEIS**  
Special Deputy City Attorneys



**OFFICE OF CITY ATTORNEY**  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD 286-2025  
FAX (414) 283-8550

January 18, 2000

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
LINDA ULISS BURKE  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
HARRY A. STEM  
STUART S. MURAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
DAVID R. HALBROOKS  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRLICH  
CHRISTOPHER J. CHERELLA  
LEONARD A. TOKUS  
JENNIFER K. HENZL-MCVEY

Assistant City Attorney

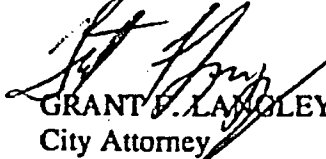
To the Honorable Common Council  
of the City of Milwaukee  
Room 205, City Hall


Re: Changes to Chapter 36

Dear Members:

Enclosed for introduction by title only are a charter ordinance relating to the global pension settlement regarding changes to Chapter 36 of the City Charter, a resolution relating to a memorandum of understanding relating to the global pension settlement and a resolution relating to a memorandum of understanding relative to the Firemen and Policemen's Survivorship Fund.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
THOMAS E. HAYES  
Special Deputy City Attorney