

# CITY OF MILWAUKEE

Form CA-43

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Assistant City Attorneys

March 14, 2003

Frank Forbes  
Department of Employee Relations  
Employee Benefits and Labor Relations  
City Hall, Room 701

Re: Military Service Credit Ordinance - Common Council File No. 021584

Dear Mr. Forbes:

By correspondence dated January 27, 2003, you requested that we prepare an ordinance to implement the terms of Article 19 on the collective bargaining agreement between the City of Milwaukee and the Milwaukee Police Association for 2001-2003.


Implementation of this agreement will require a charter ordinance amending the current provisions of section 36-04-1-c of the City of Milwaukee Charter.

We have prepared a charter ordinance to fill this Common Council file. This charter ordinance (marked to show changes from the current ordinance) removes the sunset date of December 31, 2002 for policemen represented by the MPA who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003.

We understand that Labor Relations will prepare the fiscal note for this file.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
ELLEN H. TANGEN  
Assistant City Attorney

Frank R. Forbes  
March 14, 2003  
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Enclosure

c: Barry Zalben (w/encl)  
Joseph Alvarado (w/encl)  
Robert Harvey (w/encl)  
Terry McDonald (w/encl)

EHT:eht  
1128-2003-766:65282

..Number

021584

..Version

..Reference

..Sponsor

..Title

A charter ordinance relating to military service credit under the employees' retirement system.

..Analysis

The global pension settlement allows employees who retired prior to December 31, 2002, one year of creditable year of service for each three years of active military service prior to enrollment in the retirement system to a maximum of three years of creditable service. The added service credit is taken into account for purposes of determining the amount of the service retirement allowance but not for any other purpose, including determining eligibility for a service retirement allowance or eligibility for additional imputed service credit. This charter ordinance removes the sunset to permit policemen represented by the Milwaukee Police Association who retire on a service retirement on or after January 1, 2003 to receive additional creditable service for military service prior to enrollment in the retirement system, as provided in the collective bargaining agreement between the City of Milwaukee and the Milwaukee Police Association for the period 2001-2003.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1: Section 36-04-1-c is amended to read as follows:

c. The board shall allow one year of creditable service for each 3 years of active military service prior to enrollment in the retirement system to policemen represented by the MPA and firemen represented by Local 215, IAFF, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1998 and December 31, 2002, and policemen represented by the MPSO, general city employees who participate in the combined fund and who retire on a service retirement allowance between January 1, 1999 and December 31, 2002 and non-represented firemen or policemen who participate in the combined fund and who retire on a service retirement allowance between January 1, 2000 and December 31, 2002, and policemen represented by the MPA who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003. The creditable service awarded under this par. shall not exceed 3 years. To be eligible the member must be honorably discharged from the armed forces of the United States. To be eligible for inclusion in the calculation, a period of active military service must be a period of not less than 90 consecutive days spent in the active service of the armed forces of the United States and meet the requirements of 10 U.S.C. § 101(d)(1). If a member has accumulated less than 3 years of active military service, the member shall be allowed

additional months of service credit on a pro rata basis calculated as the product of the full months of active military service under this par. multiplied by a fraction, the numerator of which is one and the denominator of which is 3. The additional service credit earned under this par. shall be taken into account for purposes of determining the amount of the service retirement allowance, but shall not be taken into account for any other purpose including, but not limited to determining eligibility for a service retirement allowance under s. 36-05-1-d or f, a deferred retirement allowance under s. 36-05-6-b-2 or 6-d-2, an early retirement allowance under s. 36-05-6-b-3 or 6-c, or eligibility for additional imputed service credit under sub. 4.

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed as provided in s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

..LRB

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

..Requestor

..Drafter      EHT/kef 65271  
                  1045-2003-468  
                  3/14/2003