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April 9, 2007

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

Re: Amendments to §§ 36-02-12-a and 36-04-1-b, City Charter

Dear Council Members:

Enclosed are amendments to Chapter 36, the charter ordinance governing the Employees' Retirement System. The purpose of these amendments is to ensure that the manner in which the ERS calculates and administers the benefits of employees who have taken a military leave of absence conforms to the requirements of the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. § 4301, *et seq.*, and the Reemployment Right after National Guard State Defense Force, or Public Health Emergency Service, Wis. Stat. § 21.80 (commonly referred to as Wisconsin's "little USERRA").

The amendments make two changes:

1. In calculating the final average salary of members who have taken a military leave of absence, the amendment requires the ERS to count increase in salary the member would have received had the member not been on leave, instead of using the salary at the level as it was at the beginning of the leave; and
2. Requires the City and city agencies to make the member contributions while the member is on military leave as opposed to at the time of retirement.

To the Honorable
Common Council of the
City of Milwaukee
April 9, 2007
Page 2

A more detailed explanation is given in the attached opinion to the ERS's executive director dated June 8, 2006. The Milwaukee Employees' Retirement System will furnish you with the appropriate fiscal note to accompany this file.

Very truly yours,

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

RMK:lmb
enclosures
c: Martin Matson, Deputy Director, ERS
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