

..Number

090613

..Version

PROPOSED SUBSTITUTE

..Reference

081398

..Sponsor

THE CHAIR

..Title

A substitute charter ordinance relating to retirement benefits for employes represented by District Council 48, AFSCME, AFL-CIO.

..Sections

36-04-1-c am

36-04-1-f cr

36-05-1-h-5 rn

36-05-1-h-5-b cr

36-08-7-a ra

36-08-7-a-2 cr

36-08-7-m am

..Analysis

This ordinance changes retirement benefits for employes represented by District Council 48, AFSCME, AFL-CIO as follows:

1. The sunset clause relating to creditable service for military service is eliminated.
2. A bonus year is added to the pension payment formulary thus qualifying an employe to retire earlier or add pension-eligible service time, or both. Employes who retire in 2010 are eligible.
3. Employes retiring in 2010 and 2011 shall receive an earlier cost-of-living increase of 2% effective the first anniversary of their retirement.
4. Employes hired on or after January 1, 2010, shall contribute 5.5% of their earnable compensation as a contribution to the retirement system.

..Body

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

Part 1. The note appended to s. 36-04-1-c of the charter, as affected by Common Council File Number 081398, passed March 3, 2009, is amended to read:

36-04. Creditable Service.

1. SERVICE CREDITED. c.

NOTE: The foregoing amendment to s. 36-04-1-c shall apply only 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; policemen represented by the MPSO, and general city employes, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1999 and December 31, 2002; 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; policemen represented by the MPA, firemen represented by Local 215, IAFF, nonrepresented firemen, and general city management and nonrepresented employees, who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003; city of Milwaukee employees who participate in the combined fund and who retire on a service retirement allowance between January 1, 2003 and December 31, 2006, and who are represented by ~~[[Milwaukee District Council 48, AFSCME, AFL-CIO;]]~~ the Public Employees' Union 61, LIUNA, AFL-CIO; the Technicians, Engineers and Architects of Milwaukee; the Association of Scientific Personnel; the Staff Nurses Council; Local 195, IBEW, AFL-CIO, Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO; Local 494, IBEW, AFL-CIO, Machine Shop; the Association of Municipal Attorneys; the Association of Law Enforcement Allied Services Personnel; or Local #218, I.U.P.A., AFL-CIO (Police Support Service Personnel); Local 494, IBEW, AFL-CIO, Fire Equipment Dispatchers; >>city of Milwaukee employees who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003, and who are represented by Milwaukee District Council 48, AFSCME, AFL-CIO;<< city of Milwaukee employees represented by the Milwaukee Building and Construction Trades Council who participate in the combined fund and who retire on a service retirement allowance on or after August 1, 2007 ; city of Milwaukee employees represented by Local 75, Journeyman Plumbers and Gasfitters Union, AFL-CIO, and the International Association of Machinists and Aerospace Workers who participate in the combined fund and who retire on a service retirement allowance between January 1, 2003 and December 31, 2006; and city of Milwaukee employees represented by Local 494, IBEW, AFL-CIO, Electrical Group, who participate in the combined fund and who retire on a service retirement allowance on or after June 1, 2007; and members represented by the Administrators and Supervisors Council who participate in the combined fund and retire on a service retirement allowance between January 1, 2003 and June 30, 2007; and Milwaukee public schools employees represented by Local 150, FSA/SNA/HCA; Local 150, BSH; Local 950, International Union of Operating Engineers; Local 1616, District Council 48 and Milwaukee Building and Construction Trades Council who participate in the combined fund and who retire on a service retirement between January 1, 2004 and June 30, 2007.

Part 2. Section 36-04-1-f of the charter is created to read:

f. City employees represented by Milwaukee District Court 48, AFSCME, AFL-CIO, who during the calendar year 2010 retire from active service on a normal service retirement allowance, including allowances under s. 36-05-1-d-3, or on an immediate retirement allowance under s. 36-05-6-b-3 or c, shall be eligible for a bonus year. At the member's discretion, the bonus year may be added either to the member's age for purposes of retirement eligibility, or to creditable service. The bonus year may be divided into one month increments and used for a combination of additions to age and creditable service, not to exceed a total of 12 months. All or part of the bonus year cannot be applied to earn more than 35 years of creditable service or to exceed the 70% of final average salary limitation stated in s. 36-06-10-f.

Part 3. Section 36-05-1-h-5 of the charter is renumbered 36-05-1-h-5-a.

Part 4. Section 36-05-1-h-5-b of the charter is created to read:

36-05. Benefits.

1. SERVICE RETIREMENT ALLOWANCE.

h-5-b. City employes represented by Milwaukee District Council 48, AFSCME, AFL-CIO, who during the calendar years 2010 and 2011 retire from active service on a normal service retirement allowance, including allowances under par. d-3, or on an immediate retirement allowance under par. 6-b-3 or c, shall receive a 2% pension escalator effective with the installment next following the first anniversary of their retirement.

Part 5. Section 36-08-7-a of the charter is renumbered 36-08-7-a-1 and amended to read:

36-08. Method of Financing.

7. MEMBER CONTRIBUTIONS.

a-1. Members who are not firemen, policemen or elected officials shall contribute or have contributed on their behalf, 5.5% of the member's earnable compensation.

~~[[Subsequent]]~~ >>Except as provided in subd. 2, subsequent<< to and commencing with the first pay period of 1970, the city shall contribute on behalf of general city employes 5.5% of such member's earnable compensation. Members employed by city agencies participating in the system shall contribute 5.5% of their earnable compensation less any contribution made on their behalf as determined by the governing bodies of such agencies.

Part 6. Section 36-08-7-a-2 of the charter is created to read:

a-2. City employes hired on or after January 1, 2010, who are represented by Milwaukee District Council 48, AFSCME, AFL-CIO, shall contribute 5.5% of their earnable compensation.

Part 7. Section 36-08-7-m of the charter is amended to read:

m. During the 8-year period immediately following their enrollment, general city employes who are enrolled as members on or after January 1, 2000 shall contribute to the combined fund a sum expressed as 1.60% of the member's pensionable earnings if they participate in the combined fund. If a member who makes contributions under this par. separates from service without a vested pension or withdraws his or her accumulated contributions, amounts contributed under this par. shall be returned to the contributor without interest. >> This subsection shall not apply to city employes hired on or after January 1, 2010 who are represented by Milwaukee District Council 48, AFSCME, AFL-CIO.<<

Part 8. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within 60 days a referendum petition is filed as provided in s. 66.0101(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
DER – Labor Relations Division
..Drafter
LRB09399-3
MET
9/21/09