

January 25, 2002

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

Re: Amendment to s. 36-04-3

Dear Members:

Section 36-04-3 of the Charter provides that firemen and policemen shall be allowed a credit for each year or part thereof during which they receive a duty disability retirement allowance, in computing their service retirement allowance on the basis of the formula applicable. In an opinion dated October 11, 2001, we stated that our research as to the origin of this language reveals that it was intended that time spent on duty disability be included for purposes of determining normal retirement eligibility as well as calculating the amount of normal retirement pension benefits.

On November 5, 2001, Anne Bahr, Executive Director of the Employees' Retirement System wrote the City Attorney asking that we prepare and introduce on behalf of the ERS amended language to s. 36-04-3 reflecting the original intent of the provision. On behalf of the ERS, we are enclosing an amendment to s. 36-04-3 for introduction.

Very truly yours,

GRANT F. LANGLEY
City Attorney

THOMAS E. HAYES
Special Deputy City Attorney

Enclosure
c: Ms. Anne Bahr
1054-2001-3326 TEH/kef 49529