



Legislation Details (With Text)

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Title: A charter ordinance relating to duty disability benefits for surviving spouse and children.
Sponsors: THE CHAIR
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Date	Ver.	Action By	Action	Result	Tally
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3/25/2008	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
4/4/2008	0	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
4/9/2008	0	COMMON COUNCIL	PASSED	Pass	13:0
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071497
ORIGINAL

THE CHAIR

A charter ordinance relating to duty disability benefits for surviving spouse and children.

36-05-3-c-1-a am

36-05-3-c-1-d am

Current charter provisions are inconsistent in relation to duty disability retirement allowances for surviving spouses and children. This ordinance clarifies the allowances for surviving spouse and child benefits related to percentage of duty disability.

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

Part 1. Section 36-05-3-c-1-a of the charter is amended to read:

36-05. Benefits.

3. DUTY DISABILITY RETIREMENT ALLOWANCE.

c-1-a. Recommendations. Except for policemen represented by the Milwaukee Police Association who become members after June 28, 2005, and firemen represented by Local 215, IAFF, who become members of the retirement system after December 13, 2005 and apply for duty disability retirement allowance based on a mental injury, such member shall be examined by a medical panel and such medical panel shall make the examination, determination and certification required under this act in accordance with the form prescribed by the board. If the panel recommends that such person is entitled to duty disability retirement allowance provided for in this section, the board shall

thereupon grant such allowance. For policemen represented by the Milwaukee Police Association who become members of the retirement system after June 28, 2005, and firemen represented by Local 215, IAFF, who become members of the retirement system after December 13, 2005 and apply for a duty disability retirement allowance based on a mental injury, the application shall be referred to the medical council established under s. 36-15-12, in lieu of the medical panel, which medical council shall make the determination and certification required under this act. In any reexamination authorized by this act of such retired beneficiary, the beneficiary shall be referred to the medical council, in lieu of the medical panel, for reexamination and such medical council shall make the determination and certification required under this act. Except as otherwise provided in subd. 3-f >> and g<<, any fireman or policeman who shall become disabled as the direct result of injury incurred in the performance of one or more specific acts of duty shall have a right to receive duty disability benefit during the period of such disability of an amount equal to 75% of the current annual salary for such position which he held at the time of such injury. Except as otherwise provided in subd. 3-f >> and g<<, the surviving spouse of such member after his or her death but only during the period prior to remarriage shall receive 70% of the amount of the duty disability which the member received at the time of his or her death, and such percentage shall thereafter be based upon the salary of the position of such member at the time of his or her death. Prior to such person attaining the minimum service retirement age, periodic medical examinations of such person shall be made at least once each year but the heads of the respective departments may direct more frequent examinations. Effective January 1, 2000, the annual escalator payable under sub. 1-h-5 shall be extended to the allowance received by the surviving spouse of a retired fireman or policeman who retired on a duty disability retirement allowance under this subpar. prior to January 1, 1993 and died while receiving a duty disability retirement allowance if the member (or the surviving spouse of the member is deceased) participates in the combined fund. Effective January 1, 2000, the annual escalator payable under sub. 1-h-6 shall be extended to the allowance received by the surviving spouse of a retired fireman or policeman who retired on a duty disability allowance under this subpar. on or after January 1, 1993 and dies while receiving a duty disability retirement allowance if the member (or the surviving spouse of the member is deceased) participates in the combined fund. The annual escalator shall be payable to the surviving spouse at the same times and in the same percentages as the increases the member would have received had the member retired on a service retirement allowance on the date of his or her death.

Part 2. Section 36-05-3-c-1-d of the charter is amended to read:

c-1-d. Surviving Spouse and Child Benefits >>Related to 90% Duty Disability Allowance<<. The surviving spouse of ~~[[such]]~~ >>a<< member >> receiving a duty disability allowance of 90% of current salary<< after his or her death but only during the period prior to remarriage shall receive 75% of the amount of duty disability which the member received at the time of his or her death and such percentage shall thereafter be based upon the salary of the position of such member at the time of his or her death. The period of time during which duty disability benefits shall be paid shall in no event be less than the time provided for under similar circumstances in this act prior to this amendment. Any such fireman or policeman shall also have a right to receive child's disability benefit of amounts of \$40 a month on account of each child less than 18 years of age; provided, the total amount of child's disability benefits which shall be granted or paid to any such fireman or policeman shall not exceed 20% of the salary as aforesaid to such fireman or policeman. Such benefit or benefits shall be paid to such disabled fireman or policeman periodically according to rules concerning such benefits to be adopted by the retirement board.

Part 3. 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.

LRB08079-1

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2/20/08