



Legislation Text

File #: 961656, Version: 0

961656
ORIGINAL

ALD. SCHERBERT

A charter ordinance relating to fire and police duty disability benefits.

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

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

36-05-3-c-3-g am

- Analysis -

This charter ordinance eliminates the so-called remarriage penalty on the receipt of fire and police duty disability benefits. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

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

36-05. Benefits.

3. DUTY DISABILITY RETIREMENT ALLOWANCE.

c. Firemen and Policemen Duty Disability.

c-1. Medical Panel, etc.

c-1-a. Recommendations. 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. Except as otherwise provided in sub. 3-c- f, 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 >>or she<< held at the time of such injury. Except as otherwise provided in sub. 3-c-3-f, 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. 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.

c-1-d. Surviving Spouse and Child Benefits. The surviving spouse of such member 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.

c-3. Period of Eligibility.

c-3-g. Notwithstanding any provision of subpars.c-3-b to f to the contrary, a policeman or fireman receiving a duty disability allowance of 90% of current salary under this section shall continue to receive such allowance for life during their period of eligibility for such 90% duty disability allowance and such fireman's or policeman's surviving spouse after the member's death [[and prior to remarriage]] shall continue to be eligible to receive 75% of the amount which the member received at death.

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.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB97032.2

BJZ:ave

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