



Legislation Text

File #: 990836, Version: 1

990836
SUBSTITUTE 1

A substitute charter ordinance relating to implementation of the negotiated settlement of the Circuit Court Case titled Partipilo, et al. v. City of Milwaukee, et al., Circuit Court Case No. 97-CV-000985 as it relates to the Employees' Retirement System.

This substitute charter ordinance implements the negotiated settlement in the above-captioned case. It also extends the implementation to similarly situated policemen and firemen.

Whereas, A charter ordinance enacted by the City of Milwaukee commencing in 1989 limited the service retirement allowance of policemen who retire on or after July 1, 1989 and firemen who retire on or after March 1, 1989, to 90% of the policeman's or fireman's final average salary provided, however, that the application of this limitation shall not operate to diminish that portion of a policeman's retirement allowance attributable to creditable service earned through July 1, 1989, or that portion of a fireman's retirement allowance attributable to creditable service earned through March 1, 1989; and

Whereas, The parties to the above-captioned case have negotiated a settlement of this matter which provides that the 90% limitation of a policeman's or fireman's service retirement allowance shall not apply to any policemen hired prior to July 1, 1989 or to any firemen hired prior to March 1, 1989; and

Whereas, The Common Council is informed that there are similarly situated policemen and firemen who are not specifically named plaintiffs in Circuit Court Case No. 97-CV-000985 and the Common Council is desirous of extending the implementation of the order of judgment in the above-captioned matter to such similarly situated policemen and firemen; and

Whereas, The Common Council believes that the enactment of a charter ordinance implementing the negotiated settlement is desirable in the interest of administrative efficiency so as to provide clarity in the implementation of said settlement; now, therefore

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

Part 1. Notwithstanding any provision of Section 36-05-1-e-1 to the contrary, the service retirement allowance of policemen who are hired prior to July 1, 1989, and firemen who are hired prior to March 1, 1989, shall not be subject to any percentage limitation of the member's final average salary. The service retirement allowance of policemen who are hired on or after July 1, 1989, and firemen who are hired on or after March 1, 1989, shall not exceed 90% of the member's final average salary.

Part 2. This charter ordinance shall be retrospectively applied so as to permit policemen who were hired prior to July 1, 1989 and retired on or after July 1, 1989, and firemen who were hired prior to March 1, 1989 and retired on or after March 1, 1989, to be made whole for any loss of service retirement allowance from the commencement date as specified in "Exhibit A" to the effective date of this charter ordinance resulting from the application of former charter ordinances which limited the service retirement allowance of such policemen and firemen. For purposes of this charter ordinance, the term "loss of service retirement allowance" shall not include interest.

Part 3. 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.

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: _____

City Atty.
TEH.kefordinanc\Partipilo
Date: 11/12/99 17696