



Legislation Text

File #: 011514, Version: 1

011514

SUBSTITUTE 1

THE CHAIR

A substitute charter ordinance relating to duty disability retirement credit.

36-04-3-a am

Section 36-04-3-a of the charter authorizes service credit for time spent on a duty disability retirement in computing service retirement allowance on the basis of the formula applicable. This charter ordinance clarifies the law to make it clear that service credit resulting from time spent on duty disability counts towards establishing eligibility for service retirement as well as computation of the amount of the service retirement benefit.

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

Part 1: Section 36-04-3-a of the charter is amended to read:

36-04. Creditable Service.

3. DUTY DISABILITY RETIREMENT CREDIT. a. Any member employed as a policeman on or after October 5, 1973, who is thereafter retired from active service upon becoming entitled to a duty disability retirement allowance or who was restored to active service prior to October 5, 1973, following termination of a duty disability retirement allowance, any member employed as a fireman on or after July 28, 1974, who is thereafter retired from active service upon becoming entitled to a duty disability retirement allowance or who was restored to active service prior to July 28, 1974, following termination of a duty disability retirement allowance, and any member other than a fireman or policeman employed or receiving a duty disability retirement allowance on or after May 15, 1973, shall be allowed toward his or her service retirement a credit for each year or part thereof during which he or she is eligible to receive a duty disability retirement allowance, or in which duty disability retirement allowance is suspended under s.36-07-3, in computing his or her service retirement on the basis of the formula applicable. Such credit shall only be reflected for the purposes of ~~[[computing]]~~ >>establishing eligibility for and calculating the amount of the<< service retirement allowance but not otherwise. The service retirement allowance shall be computed on the basis of the annual regular base salary in effect for the member's position in the year immediately prior to the member's service retirement and the additional amount that would have been includable under s. 36-02-12 in the member's earnable compensation if the member had retired from active service on a service retirement allowance on the date of the member's service retirement. The cost thereof shall be reflected by the actuary in computing the employer's contribution to the fund.

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. 66.0101(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.

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:_____

TEH/kf 1/24/02

1054-2001-3326 49531

LRB02083-2

TWM/cac

2/14/2002