



## Legislation Text

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**File #: 920257, Version: 2**

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920257  
SUBSTITUTE 2

### THE CHAIR

A substitute charter ordinance relating to re-examination of disability beneficiaries.

36-07-3 ra  
36-07-3-a cr

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### - Analysis -

This charter ordinance restores in part the language of the employees' retirement act contained in ch. 441, Laws of Wisconsin, 1947. It provides that any disability beneficiary who is restored or in active service as a part-time or temporary assignment employee shall not become a member at that time. If the beneficiary's employment status would thereafter change, the beneficiary would become a member at that time.

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

Part 1. Section 36-07-3 of the city charter is renumbered 36-07-3-b and amended to read:

36-07. Re-examination of Disability Beneficiaries.

#### 3.MEMBERSHIP RESTORED.

b. [[-Should]] >>Except as provided in par. a, should<< any disability beneficiary be restored to active service prior to attaining the minimum service retirement age, or should any disability beneficiary other than a fireman retired on ordinary disability, or a policeman retired on duty disability and appointed to a position in active service pursuant to s. 66.146, Wis. Stats., on or after May 3, 1988, be at any time in active service prior to attaining the minimum service retirement age, the disability retirement allowance shall cease, and he or she shall again become a member of the retirement system. Should a fireman retired on ordinary disability apply for and accept employment with the city or a city agency prior to attaining the minimum service retirement age, his or her disability retirement allowance shall cease and he or she shall become a member upon completion of a probationary period. Should a policeman retired on duty disability be appointed to a position in active service pursuant to s. 66.146, Wis. Stats., on or after May 3, 1988, payment of the duty disability retirement allowance shall be suspended during the period in which the person holds office pursuant to s. 66.146, Wis. Stats.; and thereafter, notwithstanding s. 36-05-3-c-1, the person shall receive a duty disability allowance during the period of the disability in an amount equal to 75% of the annual salary at the time of appointment pursuant to s. 66.146, Wis. Stats., for the position which the person held at the time

of injury, increased by the percentage of across-the-board management pay increases occurring after appointment pursuant to s. 66.146, Wis. Stats. For a person restored to membership under this section, any prior service certificate on the basis of which an allowance was computed at the time of disability retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement the person shall be credited with all his or her membership service on the basis of which the allowance was computed at the time of disability retirement, and all service credit to which the person is entitled under s. 36-04-3.

Part 2. Section 36-07-3-a of the city charter is created read:

a. Should any disability beneficiary be restored to or in active service, in a position in which such beneficiary would not qualify for membership, he or she shall not become a member at that time.

Part 3. This charter ordinance shall be effective for disability beneficiaries restored to active service or in active service on or after April 14, 1990.

Part 4. 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:

City Attorney

LRB92180-2

BJZ:bsw

10/15/92