



Legislation Text

File #: 110348, Version: 1

110348
SUBSTITUTE 1
THE CHAIR

A substitute charter ordinance relating to reservation of plan sponsor rights under the employees' retirement system.

36-13-2-h cr

This charter ordinance establishes that for members enrolled in the employees' retirement system on or after November 23, 2011, the city may amend or repeal by ordinance provisions relating to the benefits and rights of such members. Such members shall have no right to further accrual of benefits or rights for services rendered after the effective date of any ordinance repealing or altering the ordinance that initially authorizes the benefit or right. Benefits accrued and rights earned by a member for service rendered prior to the effective date of any ordinance shall be due as a contractual and vested right and shall not be abrogated or altered by any subsequent legislation. These provisions shall not apply to members of a certified collective bargaining unit with a labor contract while the contract is in force and in effect and contains provisions inconsistent with the provisions of this ordinance.

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

Part 1. Section 36-13-2-h of the city charter is created to read:

36-13. Contractual Benefits; Miscellaneous Provisions.

2. CONTRACTS TO ASSURE BENEFITS.

h. Notwithstanding any other provision of this chapter, the contractual rights of members enrolled on or after November 23, 2011, shall be governed by this paragraph. The right of the city on its own behalf, or on behalf of a city agency, to amend or repeal all or part of this chapter by enactment of ordinance is reserved to the city and the city agency. Members shall have no right to further accrual of benefits or rights for service rendered after the effective date of any ordinance repealing or altering the ordinance that authorizes the benefit or right. Benefits accrued and rights earned by a member under this chapter for service rendered prior to the effective date of any ordinance shall be due as a contractual and vested right and shall not be abrogated or altered by any subsequent legislation. No alteration of an ordinance shall abrogate any rights or benefits earned but not exercised before the effective date of an ordinance altering or abrogating the right or benefit. This paragraph shall not apply to members of a certified collective bargaining unit with a labor contract while it is in force and in effect that contains provisions inconsistent with this paragraph.

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: _____

Department of Employee Relations - Labor Relations

LRB133360-2

Mary E. Turk

8/19/2011