



Legislation Text

File #: 001071, Version: 1

001071
SUBSTITUTE 1

THE CHAIR

A substitute charter ordinance relating to duty disability re-examinations for firemen and policemen.

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

Section 36-07-1 of the city charter provides that disability beneficiaries who have not attained the minimum service retirement age shall be subject to periodic medical re-examinations. This charter ordinance amends s. 36-05-3 (duty disability retirement allowance for firemen and policemen) so that the medical re-examination requirement for firemen and policemen is consistent with this provision of s. 36-07-1. Specifically, this charter ordinance provides that firemen and policemen who receive a duty disability retirement benefit shall only be subject to periodic medical re-examinations if they have not attained the minimum service retirement age.

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

Part 1. Section 36-05-3-c-1-a of the city 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 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]]~~ >>Prior to such person attaining the minimum service retirement age, 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.

Part 2. This charter ordinance 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 charter 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 ENFOCEABLE

Office of the City Attorney

Date: _____

City Attorney

TEH/kf

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11/15/00