



Legislation Details (With Text)

**File #:** 130184      **Version:** 2  
**Type:** Charter Ordinance      **Status:** Passed  
**File created:** 5/21/2013      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 6/11/2013  
**Effective date:**

**Title:** A substitute charter ordinance relating to separation benefits from the employees' retirement system.  
**Sponsors:** ALD. MURPHY  
**Indexes:** CHARTER ORDINANCES, EMPLOYEE BENEFITS, EMPLOYES RETIREMENT SYSTEM, RETIREMENT BENEFITS  
**Attachments:** 1. Hearing Notice List, 2. Notice Published on 6-27-13

Date	Ver.	Action By	Action	Result	Tally
5/21/2013	0	COMMON COUNCIL	ASSIGNED TO		
5/31/2013	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
6/5/2013	2	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
6/5/2013	1	FINANCE & PERSONNEL COMMITTEE	SUBSTITUTED	Pass	5:0
6/5/2013	2	CITY CLERK	DRAFT SUBMITTED		
6/11/2013	2	COMMON COUNCIL	PASSED	Pass	15:0
6/18/2013	2	MAYOR	SIGNED		
6/27/2013	2	CITY CLERK	PUBLISHED		

130184  
SUBSTITUTE 2  
091068  
ALD. MURPHY

A substitute charter ordinance relating to separation benefits from the employees' retirement system.  
36-05-6-a am

Current charter provisions provide that a member enrolled after December 31, 1970, who separates from service may withdraw his or her accumulated contributions if the member has completed 8 years of creditable service. This charter ordinance changes the provision to allow a member who separates from service as a general city employe to withdraw his or her accumulated contributions after completing 4 rather than 8 years of creditable service. The current provision does not apply to a policeman enrolled after June 30, 1983, or a fireman enrolled after October 31, 1983. This charter amendment does not apply to a policeman enrolled between December 31, 1970, and June 30, 1983, or a fireman enrolled between December 31, 1970, and October 31, 1983.

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

Part 1. Section 36-05-6-a of the city charter is amended to read:

**36-05. Benefits.**

6. SEPARATION BENEFITS. a-1. Return of Accumulated Contribution. Should a member cease to be an employe except by death or retirement under the provisions of this act, he or she shall be paid his or her accumulated contributions as they were at date of separation from service, upon filing with the board a request for such return of contributions on a form provided by the board for that purpose, except that this provision will not apply to a member enrolled after December 31, 1970, until he or she has completed 8 years of creditable service >>or 4 years of creditable service if the member separates from service as a general city employe<<, and will not apply to a policeman enrolled after June 30, 1983, or a fireman or paramedic enrolled after October 31, 1983, unless he or she has completed 10 years of creditable service. However, with respect to the 1% contribution made by policemen, this provision shall not be applicable and as to such 1%, such policemen shall have the withdrawal rights without change. The separation benefits provided for in this paragraph as to policemen shall be effective from and after July 1, 1972, and policemen entering this system prior to such date shall be governed by the separation benefits as the same were prior to the enactment of ch. ord. 365, File #70-2387, approved by the common council on February 17, 1971.

a-2. Return of Member-Paid Accumulated Contribution. The retirement system shall return to members who separate from service prior to vesting the contributions made by the members under [[ s. 36-08-7-a-2]] >>s. 08-7-a-1 to 3, b or c<<. A member may elect to withdraw his or her contribution either after separation or upon termination of membership under s. 36-03-5. Upon filing with the board a request for return of member-paid contribution, on a form provided by the board, the member shall be paid his or her contribution and the regular interest credited on the contribution as it was at the date of separation and 1/2 the regular interest credited to the account thereafter. A member who withdraws his or her contribution shall not be eligible for any benefits under this chapter and his or her membership shall be terminated. In the event the member dies after separation, the contribution, if not previously paid, shall be paid with the credited interest to the member's estate or designated beneficiary.

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: \_\_\_\_\_

LRB146868-3

Mary E. Turk

6/4/2013