



Legislation Details (With Text)

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Sponsors:	THE CHAIR		
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Date	Ver.	Action By	Action	Result	Tally
11/23/2004	0	COMMON COUNCIL	ASSIGNED TO		
11/29/2004		FINANCE & PERSONNEL COMMITTEE	REFERRED TO		
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12/6/2004	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
12/15/2004	1	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
12/16/2004	1	CITY CLERK	DRAFT SUBMITTED		
12/21/2004	1	COMMON COUNCIL	PASSED	Pass	15:0
12/23/2004	1	MAYOR	SIGNED		
1/12/2005	1	CITY CLERK	PUBLISHED		

041075
SUBSTITUTE 1

THE CHAIR

A substitute charter ordinance relating to retirement benefits for employees represented by certain bargaining units.

36-04-1-c rc

36-04-1-d rc

The approved collective bargaining agreements between the city of Milwaukee and the Staff Nurses Council, Local 195, IBEW, AFL-CIO and Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO include provisions that these represented members who retire on a service retirement allowance between January 1, 2003 and December 31, 2006, shall receive one year of creditable year of service for each 3 years of active military service prior to enrollment in the retirement system to a maximum of 3 years of creditable service. The added service credit is taken into account for purposes of determining the amount of the service retirement allowance but not for any other purpose, including determining eligibility for a service retirement allowance or eligibility for additional imputed service credit. The collective bargaining agreements also contain a provision that grants up to one year of creditable service in determining the amount of a service retirement allowance for members of Local 195,

IBEW, AFL-CIO and Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO who retire on a service retirement allowance on or after January 1, 2005 with at least 5 years of city service, for hours worked as city laborer-seasonal or playground laborer-seasonal (MPS). This charter ordinance implements the provisions of the collective bargaining agreements.

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

Part 1. Section 36-04-1-c and d of the charter as affected by file number 040987, passed November 23, 2004, is repealed and recreated to read:

36-04. Creditable Service.

1. SERVICE CREDITED.

c. The board shall allow one year of creditable service for each 3 years of active military service prior to enrollment in the retirement system to policemen represented by the MPA and firemen represented by Local 215, IAFF, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1998 and December 31, 2002, and policemen represented by the MPSO, general city employees who participate in the combined fund and who retire on a service retirement allowance between January 1, 1999 and December 31, 2002, and non-represented firemen or policemen who participate in the combined fund and who retire on a service retirement allowance between January 1, 2000 and December 31, 2002, and policemen represented by the MPA, firemen represented by Local 215, IAFF, nonrepresented firemen, and general city management and nonrepresented employees, who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003, and members represented by Milwaukee District Council 48, AFSCME, AFL-CIO, the Public Employees' Union 61, LIUNA, AFL-CIO, the Technicians, Engineers and Architects of Milwaukee, the Association of Scientific Personnel, the Staff Nurses Council, Local 195, IBEW, AFL-CIO and Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO, who participate in the combined fund and who retire on a service retirement allowance between January 1, 2003 and December 31, 2006. The creditable service awarded under this par. shall not exceed 3 years. To be eligible the member must be honorably discharged from the armed forces of the United States. To be eligible for inclusion in the calculation, a period of active military service must be a period of not less than 90 consecutive days spent in the active service of the armed forces of the United States and meet the requirements of 10 U.S.C. § 101(d)(1). If a member has accumulated less than 3 years of active military service, the member shall be allowed additional months of service credit on a pro rata basis calculated as the product of the full months of active military service under this par. multiplied by a fraction, the numerator of which is one and the denominator of which is 3. The additional service credit earned under this par. shall be taken into account for purposes of determining the amount of the service retirement allowance, but shall not be taken into account for any other purpose including, but not limited to determining eligibility for a service retirement allowance under s. 36-05-1-d or f, a deferred retirement allowance under s. 36-05-6-b-2 or 6-d-2, an early retirement allowance under s. 36-05-6-b-3 or 6-c, or eligibility for additional imputed service credit under sub. 4.

d. Notwithstanding any provision of s. 36-05 and the rules of the board, for members represented by Milwaukee District Council 48, AFSCME, AFL-CIO, the Public Employees' Union 61, LIUNA, AFL-CIO, the Technicians, Engineers and Architects of Milwaukee, Local 195, IBEW, AFL-CIO and Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO, who participate in the combined fund retiring on a service retirement allowance on or after January 1, 2005 with at least 5 years of creditable service as a general city employee, hours worked as city laborer-seasonal or playground laborer-seasonal (MPS) shall be taken into account as creditable service in determining the amount of a service retirement allowance. The additional creditable service earned under this paragraph shall be granted in accordance with the rules of the board and shall not exceed one year of creditable service.

The additional creditable service earned under this paragraph shall not be taken into account for any other purpose including but not limited to determining eligibility for a service retirement allowance under s. 36-05-1-d or f, a deferred retirement allowance under s. 36-05-6-b-2 or 6-d-2, an early retirement allowance under s. 36-05-6-b-3 or 6-c, or eligibility for additional imputed service credit under sub. 4.

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.

Part 3. If common council file numbers 041078 and 041081, charter ordinances relating to retirement benefits for management employees and nonmanagement, nonrepresented employees, respectively, is passed on the same date as common council file number 041075, with substantially the same text amendments, affecting the same code provision, the legislative reference bureau is authorized to consolidate and standardize such amendments in that provision.

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:_____

Employee Relations
Legislative Reference Bureau
LRB04524-1
BJZ/cac
12/17/2004