Legislation Details (With Text)

File #:	110747 **Version:** 2		
Type:	Charter Ordinance	**Status:**	Passed
File created:	10/11/2011	**In control:**	FINANCE & PERSONNEL COMMITTEE
On agenda:		**Final action:**	11/2/2011
Effective date:			
Title:	A substitute charter ordinance relating to retirement benefits for employes represented by the Milwaukee Police Supervisors' Organization and Milwaukee Professional Firefighters' Association, Local #215.		
Sponsors:	THE CHAIR		
Indexes:	FIRE DEPARTMENT, LABOR CONTRACTS, POLICE DEPARTMENT, RETIREMENT BENEFITS		
Attachments:	1. Cover Letter, 2. Fiscal Impact Statement, 3. Hearing Notice List, 4. Notice Published 11-18-11		

Date	Ver.	Action By	Action	Result	Tally
10/11/2011	0	COMMON COUNCIL	ASSIGNED TO		
10/25/2011	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
10/25/2011	0	FINANCE & PERSONNEL COMMITTEE	HEARING NOTICES SENT		
10/26/2011	2	FINANCE & PERSONNEL COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/26/2011	1	FINANCE & PERSONNEL COMMITTEE	SUBSTITUTED	Pass	5:0
11/2/2011	1	COMMON COUNCIL	PASSED	Pass	14:0
11/7/2011	2	MAYOR	SIGNED		
11/18/2011	1	CITY CLERK	PUBLISHED		

110747
SUBSTITUTE 2
041649
090183
THE CHAIR
A substitute charter ordinance relating to retirement benefits for employes represented by the Milwaukee Police Supervisors' Organization and Milwaukee Professional Firefighters' Association, Local #215.
36-02-12-a am
36-02-12-b am
This charter ordinance establishes that, for employes represented by the Milwaukee Police Supervisors' Organization and retiring on a service retirement allowance on or after January 1, 2011, variable shift assignment pay and certification pay shall cease to be included as earnable compensation. Further, this charter ordinance establishes that, for firefighters represented by Local 215 IAFF and retiring on a service retirement allowance on or after January 1, 2011, training standards pay shall cease to be included as earnable compensation.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 36-02-12-a of the city charter is amended to read:

36-02. Definitions.

12. EARNABLE COMPENSATION.

a. The annual regular base salary that would be payable to a member if he or she worked the full normal working time for his or her position, provided, however, that where service is credited during periods of absences as provided in s. 36-04-1-b and e, the employe shall be considered to have an earnable compensation during such periods of absence equivalent to the earnable compensation the employe would have had if the employe had continued to work the full working time for the employe's position during the period of absence. In cases where compensation includes maintenance, the board shall fix the value of that part of the compensation not payable in money. Policemen, excluding sergeant of police, detective lieutenant and ranks above same, retiring on a service retirement allowance on or after January 1, 1983, shall have longevity in rank pay, if any, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation, except that policemen excluding sergeant of police, detective lieutenant and ranks above same, retiring on a service retirement allowance on or after January 1, 1998,who would have accrued 20 years of creditable service if they had remained in active service to the end of the calendar year in which they retire, shall have longevity in rank pay, if any, that would have been payable at the close of the calendar year of their retirement had they not retired included as earnable compensation, policemen of the rank of police sergeant and above (excluding the rank of commander and above) retiring on a service retirement allowance prior to January 1, 2000 shall have variable shift assignment pay, if any, to a maximum of $1,410 per calendar year for police sergeant, administrative police sergeant, police sergeant (garage) and police identification supervisor, and $1,400 per calendar year for all others payable for the calendar year immediately preceding the calendar year in which they retire included as earnable compensation except that such other policemen who retire during calendar year 1985 shall have variable shift assignment pay, if any, payable for calendar year 1985 included as earnable compensation. Policemen of the rank of police sergeant and above (excluding policemen of the rank of police commander and above) retiring on a service retirement on or after January 1, 2000 shall have variable shift assignment pay, if any, to a maximum of $1,060 per calendar year for the ranks of police sergeant, police sergeant (garage) and police identification supervisor and $1,050 per calendar year for all others payable for the calendar year immediately preceding the calendar year in which they retire included as earnable compensation. Policemen of the rank of police sergeant or administrative police sergeant retiring on a service retirement on or after January 1, 2003 shall have variable shift assignment pay, if any, to maximum of $1,360 per calendar year included in the calculation of final average salary for computing an employe's normal service retirement allowance. Policemen of the rank of police commander or above retiring on a service retirement allowance prior to January 1, 2001 shall have variable shift assignment pay, if any, to a maximum of $1,400 per calendar year for the year immediately prior to the calendar year in which they retire included as earnable compensation and policemen of the rank of police commander or above retiring on a service retirement on or after January 1, 2001 shall have variable shift assignment pay, if any, to a maximum of $1,500 per calendar year for the year immediately prior to the calendar year in which they retire included as earnable compensation. >>Variable shift assignment pay for policemen represented by the MPSO and retiring on a service retirement allowance on or after January 1, 2011 shall cease to be included as earnable compensation.<< Firemen retiring on a service retirement allowance on or after January 1, 1992, shall have up to a maximum of $550 in special emergency medical technician pay, if any, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation. Firemen retiring on a service retirement allowance on or after January 1, 2000, shall have longevity pay, payable at the close of the calendar year immediately preceding their retirement included as earnable compensation. Firemen represented by

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Local 215 IAFF and retiring on a service retirement allowance in 2004 shall have training standards pay, if any, up to a maximum of $400, that would have been payable at the close of calendar year 2004 had they not retired, included as earnable compensation. Firemen represented by Local 215 IAFF and retiring on a service retirement allowance on or after January 1, 2005 shall have training standards pay, if any, up to a maximum of $400 received for the calendar year immediately preceding the calendar year of their retirement, included as earnable compensation. >> Training standards pay for firemen represented by Local 215 IAFF and retiring on a service retirement allowance on or after January 1, 2011 shall cease to be included as earnable compensation.<< << Firemen represented by Local 215 IAFF and retiring on a service retirement allowance on or after January 1, 2006 shall have EMT II premium pay, if any, up to a maximum of $1000 received for the calendar year immediately preceding the calendar year of their retirement, included as earnable compensation. Members who are employes of the school board represented by Local 950, Operating Engineers International Union, who retire on or after March 4, 1990, shall have site differential pay if received on or after March 4, 1990, included as earnable compensation. Earnable compensation for any one year of creditable service shall not exceed $150,000. If for any calendar year after 1994 the excess of $150,000 increased by the cost of living adjustment prescribed by section 415(d), Internal Revenue Code, on a base period of the last quarter of calendar year 1993 exceeds $150,000 by an amount in excess of $10,000, the maximum for any subsequent calendar year shall be increased by the amount of the excess rounded to the next lowest multiple of $10,000. Earnable compensation for any calendar year commencing on or after January 1, 2002 shall not exceed $200,000, as adjusted for cost of living increases in accordance with section 401(a)(17)(B) of the Internal Revenue Code. Earnable compensation means compensation during the calendar year or such other consecutive 12-month period over which earnable compensation is otherwise determined by the retirement system (the determination period). The cost of living adjustment in effect for a calendar year applies to any determination period beginning in such calendar year.

Part 2. Section 36-02-12-b of the city charter is amended to read:
b. In computing the service retirement allowance payable to a policeman retiring on a service retirement allowance under s. 36-05-1-e, a policeman retiring during calendar year 1995 shall have the certification pay benefit which would have been payable at the close of calendar year 1995, had such policeman not retired included in earnable compensation. In computing the retirement allowance payable to a policeman retiring on a service retirement allowance under s. 36-05-1-e in calendar years 1996 through 2003, the certification pay benefit payable to such policemen at the close of the calendar year immediately prior to the calendar year of retirement shall be included in earnable compensation. In computing the retirement allowance payable to a policeman who is entitled to certification pay at the time of retirement, other than a sergeant, lieutenant and ranks above, retiring on a service retirement allowance under s. 36-05-1-e in calendar year 2004, such policeman shall have the sum of $1,000 of certification pay included as earnable compensation. In computing the retirement allowance payable to a policeman who is entitled to certification pay at the time of retirement, other than a sergeant, lieutenant and ranks above, retiring on a service retirement allowance under s. 36-05-1-e on or after January 1, 2005, certification pay in an amount not to exceed the first $1,000 of certification pay payable to such policeman at the close of the calendar year immediately prior to the calendar year of retirement shall be included in earnable compensation. >> Certification pay for policemen represented by the MPSO and retiring on a service retirement allowance on or after January 1, 2011 shall cease to be included as earnable compensation.<< << A policeman who has served in the position of police liaison officer, who retires on a service retirement allowance after January 1, 2004 shall have the $150 biweekly payments payable in and after pay period 1, 2004, which are payable in lieu of certain other payments and allowances received by policemen, included as earnable compensation in an amount not toexceed a maximum of 12 months

of such biweekly payments. This par. shall not apply to policemen who receive a retirement allowance under s. 36-05-6-b-2 and 3, 6-c, 6-d or 6-e.

Part 3. 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: _____

DER-Labor Relations Division
LRB135013-3
Mary E. Turk
10/25/2011

clerical correction -- 3/2/12 -- lp