



Legislation Text

File #: 111504, Version: 1

111504
SUBSTITUTE 1
090049
ALD. MURPHY

A substitute charter ordinance relating to the selection of a retirement option in the employees' retirement system.

36-05-7-b-4-a am

This charter ordinance provides that general city employees participating in the employees' retirement system who previously selected a protective survivorship option may reselect his or her retirement option at the time of retirement or if that member marries after his or her initial election of a protective survivorship option.

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

Part 1. Section 36-05-7-b-4-a of the city charter is amended to read:

36-05. Benefits.

7. OPTIONAL BENEFITS.

b. Retirement Options.

b-4. Protective Survivorship Option.

b-4-a. Any member eligible for normal service retirement under this act, except policemen who attain eligibility for normal service retirement under sub. 1-f on or after January 1, 1985, and firemen who attain eligibility for normal service retirement under sub. 1-f on or after March 1, 1985, may elect a protective survivorship option without a reduction because of such election by selecting an option under this subdivision in the manner hereinafter set forth, which option shall then become effective at his or her death, with the same force and effect as if such member had retired under such option immediately prior to his or her death. Any policeman who attains 25 years of creditable service as a policeman under this act on or after January 1, 1985, any fireman who attains 25 years of creditable service as a fireman under this act on or after March 1, 1985, and any fireman eligible for a service retirement allowance under sub. 1-f after attaining the age of 49 years and 22 years of creditable service, may elect a protective survivorship option without a reduction because of such election by selecting an option under this subdivision in the manner hereinafter set forth, which option shall then become effective at or after his or her death with the same force and effect as if such member had retired under such option immediately prior to his or her death, provided sub. 5 is inapplicable. Such option shall operate as do other options selected under the provisions of this section. A member in order to be eligible for the election of such option based on eligibility for normal service retirement shall be required to make his or her election in writing on a form prescribed by the board within 6 months prior to the date when he or she shall first become eligible for normal service retirement. A fireman eligible for election of such option based on 22 years of creditable service shall be required to make his or her election within 6 months of attaining 22 years of creditable service. A policeman or fireman eligible for election of such option based on 25 years of creditable service shall be required to make his or her election within 6 months of attaining 25 years of creditable service. A policeman

who is in the Milwaukee Police Association bargaining unit on or after November 3, 1988, a policeman not in the Milwaukee Police Association bargaining unit who was in the Milwaukee Police Association bargaining unit between November 3, 1988, and December 31, 1988, a policeman who is not in the Milwaukee Police Association bargaining unit on or after July 25, 1989, and a fireman in active service on or after January 16, 1990, shall be permitted to make a new election within 6 months of marriage or remarriage. ~~[[Thereafter he or she shall be barred from making such election.]]~~ ~~[[In the event]]~~ >>If<< a fireman or policeman has a spouse at the time he or she becomes eligible to make an election under this subd. such fireman or policeman shall be deemed to have elected the option specified in subd. 1; namely, "option 2", the option which provides a 100% survivor option to the member's beneficiary and to have named his or her spouse as the designated survivor, unless, at the time he or she becomes eligible to make an election under this subd., he or she elects a different option within the time allotted. ~~[[Except for firemen or policemen, the election shall be irrevocable and shall continue after retirement.]]~~ If a ~~[[fireman or policeman]]~~ >>member<< marries, is divorced or retires, the ~~[[fireman or policeman]]~~ >>member<< shall be permitted to reselect an option under subd. 7-b. The election shall be irrevocable and shall continue after retirement. The option shall be automatically revoked in the event the joint annuitant predeceases the member before retirement; or if the member is legally divorced from the joint annuitant before retirement when such election shall be canceled upon written notice from the member to the board requesting such cancellation. The benefit payable shall be the actuarial equivalent of the benefits otherwise payable. For firemen and policemen eligible for the option provided for by this subdivision based on attaining the minimum service retirement age, the option shall be effective 30 days after written election thereof is made by the member. For firemen and policemen eligible for the option provided in this subdivision, the option shall be effective on the date of death in the event the member has attained the minimum service retirement age or on the date the member would have attained the minimum service retirement age in the event the member has not attained such age on the date of death. The election of a survivorship option heretofore made shall be deemed to have been made under the provisions of this subdivision as amended.

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: _____

LRB137456-2

Mary E. Turk
3/7/2012