



Legislation Text

File #: 981492, Version: 1

981492

SUBSTITUTE 1

950929

THE CHAIR

A substitute charter ordinance relating to funding of duty disability benefits.

36-08-2-b am

36-08-2-c am

- Analysis -

Prior to February 1, 1996, charter pension law provided for 2 duty disability funds - the duty disability fund and the duty disability special fund. The common council merged these funds in Council File No. 950929, passed November 10, 1995, effective February 1, 1996. This charter ordinance amends the fund merger provisions, pursuant to the ruling in MPA, et al. v. City of Milwaukee, et al. In that case, the judgment upheld the merger of the funds for employees hired on or after February 1, 1996, and enjoined the merger for employees hired prior to that date. The charter ordinance complies with the judgment requirements by merging the 2 funds only for employees hired on or after February 1, 1996. The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 36-08-2-b and c of the charter is amended to read:

36-08. Method of Financing.

2. b. Duty Disability Fund. The actuary for the board shall each year determine what funds are required to provide duty disability benefits under s. 36-05-3 and heart and lung law benefits under s. 891.45, Wis. Stats. He or she shall certify the contributions required of the city and the city agencies to pay for the duty disability benefits for firemen and policemen and general employees; and also the contributions required of the city to pay benefits which arise and are allowed under the heart and lung law in excess of any disability and/or death benefits otherwise payable under the system. Benefits arising under the heart and lung law shall be paid only from a fund established for such purpose and such heart and lung benefits shall not be paid out of any other funds of the retirement system. Effective [[January]] >>February<< 1, 1996, there shall no longer be separate determinations each year relative to the funds required to provide duty disability retirement benefits under s. 36-05-3 >>for persons who first became members on or after February 1, 1996<< .

c. Duty Disability, Special Fund. The actuary shall annually determine the funds necessary to provide all duty disability benefits under s. 36-05 >>for persons who first became members prior to February 1, 1996<< . He or she shall certify the contributions required of the city and the city agencies to provide such benefits. Benefits arising under s. 36-05-3-c >>for persons who first became members prior to February 1, 1996,<< shall be paid only from a fund established for such purpose and such benefits shall not be paid from any other funds of the retirement system. It shall be a violation of law to do so. [[Effective January]] >>For persons who first became members on or after February<< 1, 1996, [[the duty disability, special fund shall be merged with the retirement fund. Thereafter,]] >>there shall be established a combined retirement fund and<< there shall [[no longer]] >>not<< be separate determinations each year of the funds necessary to provide all necessary duty disability benefits under s. 36-05 and benefits arising under s. 36-05-3 [[-c shall be paid from the retirement fund]] >>for such persons<< .

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 under s. 66.01(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: _____

City Attorney

City Atty:

TEH:kef 1/7/99

11251 ordinance - 16951
LRB: 99021-2
CW
1/28/99