



Legislation Text

File #: 011721, Version: 0

011721
ORIGINAL

ALD. PAWLINSKI

A charter ordinance relating to the eligibility of a beneficiary to file an application for a duty disability retirement allowance.

36-05-3-a rn

36-05-3-a-2 cr

This charter ordinance provides that the beneficiary of an ordinary disability retirement allowance who has been found ineligible by the annuity and pension board for a duty disability retirement allowance may reapply for a duty disability retirement allowance once the beneficiary has reached a plateau of healing for strictly work-related injuries. Currently, s. 36-05-3-a of the charter provides that members be in active service to file applications for duty disability retirement allowances, therefore, making beneficiaries ineligible to reapply for duty disability retirement allowances.

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

Part 1. Section 36-05-3-a of the charter is renumbered 36-05-3-a-1.

Part 2. Section 36-05-3-a-2 of the charter is created to read:

36-05. Benefits.

3. DUTY DISABILITY RETIREMENT ALLOWANCE.

a-2. Reapplication. A general city employee who is the beneficiary of an ordinary disability retirement allowance and who has been found ineligible by the board for a duty disability retirement allowance may reapply for a duty disability retirement allowance once the treating physician has determined that the beneficiary has reached a plateau of healing for strictly work-related injuries provided that the beneficiary has requested and has been provided a review and hearing on an appeal relating to the initial determination on the application for a duty disability retirement allowance and provided that the reapplication for a duty disability retirement allowance occurs within 18 months of the date of the decision of the hearing on appeal relating to the initial determination of the application for duty disability retirement allowance. The provisions of this subdivision shall be retroactive to include beneficiaries whose date of the decision of the hearing on appeal relating to the initial determination of the application for duty disability retirement allowance is on or after January 1, 2000.

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within 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: _____

LRB02123-1

RGP

03/13/02