



Legislation Text

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SUBSTITUTE 1

101160

THE CHAIR

A substitute charter ordinance relating to retirement benefits for employees represented by the Milwaukee Professional Firefighters' Association, Local 215.

36-02-20 am

36-05-1-f am

36-05-3-c-1-a am

36-08-7-b am

This charter ordinance establishes that an employee represented by the Milwaukee Professional Firefighters' Association, Local 215, who first enrolled in the retirement system on or after July 30, 2016, shall be eligible for a service retirement allowance, if he or she is a participant in the combined fund, after attaining 52 years of age and 25 years of service as a fireman. It also further specifies the role of the medical council in duty disability application evaluation and examination.

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

Part 1. Section 36-02-20 of the city charter is amended to read:

36-02. Definitions.

20. MEDICAL PANEL as it relates to policemen and firemen shall mean a panel of physicians consisting of one member to be selected by designation of the city; one member to be selected by the certified bargaining agent for the affected policeman or fireman; and the 3rd member to be selected by the other 2 members. In the case of a policeman who becomes a member of the retirement system after June 28, 2005, or a fireman represented by Local 215, IAFF, who becomes a member of the retirement system after December 13, 2005 and who applies for, or is granted, a duty disability retirement allowance based on a mental injury, "medical panel" shall mean the medical council. Notwithstanding the foregoing, "medical panel" shall mean the medical council as it relates to a policeman represented by the MPSO who files an application for duty disability retirement on or after January 1, 2016>>.<< ~~[[and shall also mean the medical council as it relates to]]~~ a policeman represented by the MPA who files an application for a duty disability retirement on or after June 19, 2016>>, and a fireman represented by Local 215, IAFF, who files an application for a duty disability retirement on or after July 30, 2016.<< In the case of a policeman or fireman who is not represented by a certified bargaining agent, "medical panel" shall mean the medical council. All decisions of the medical panel shall be made by majority vote.

Part 2. Section 36-05-1-f of the city charter is amended to read:

36-05. Benefits.

1. SERVICE RETIREMENT ALLOWANCE

f. Firemen or Policemen. A fireman or policeman who has attained the age of 52 years and has completed 25 years of creditable service in the employees' retirement system in that capacity ~~[[will]]~~ >> shall<< be eligible for a service retirement allowance as computed under par. e. A fireman represented by Local 215, IAFF, in active service on or after January 1, 1998, or a fireman who is not represented by Local 215, IAFF, in active service on or after January 1, 2000 shall be eligible for a service retirement allowance as calculated under par. e. if he or she participates in the combined fund and attains the age of 49 years and completes 22 years of creditable service as a fireman or policeman. A policeman represented by the MPA, in active service on or after January 1, 1998, a policeman represented by MPSO, in active service on or after January 1, 1999, or a policeman who is not represented by the MPA or MPSO in active service on or after January 1, 2000 shall be eligible for a service retirement allowance as calculated under par. e if he or she participates in the combined fund and completes 25 years of creditable service as a policeman or fireman. A fireman, including a person who was a fireman prior to June 1, 1989, shall have all service in a position whose duty it is to provide emergency medical service included in the computation of creditable service for purposes of determining eligibility for a service retirement allowance under this paragraph and for purposes of computing creditable service under subs. 6-e and 7-b-4. Notwithstanding the foregoing, a policeman represented by the MPA who is first enrolled in the retirement system on or after December 20, 2015>>_<< ~~[[will]]~~ >> shall<< be eligible for a service retirement allowance calculated under par. e if he or she participates in the combined fund and has attained the age of 50 years and has also completed 25 years of creditable service as a policeman in the retirement system. >> Notwithstanding the foregoing, a fireman who is first enrolled in the retirement system on or after July 30, 2016, shall be eligible for a service retirement allowance calculated under par. e if he or she participates in the combined fund and has attained the age of 52 years and has also completed 25 years of creditable service as a fireman in the retirement system.<<

Part 3. Section 36-05-3-c-1-a of the city charter is amended to read:

36-05. Benefits

3. DUTY DISABILITY RETIREMENT ALLOWANCE.

c-1-a. Recommendations. Except for policemen who become members after June 20, 2005, and firemen represented by Local 215, IAFF, who become members of the retirement system after December 13, 2005 and apply for duty disability retirement allowance based on a mental injury, such member shall be examined by a medical panel and such medical panel shall make the examination, determination and certification required under the act in accordance with the form prescribed by the board. If the panel recommends that such person is entitled to duty disability retirement allowance provided for in this section, the board shall thereupon grant such allowance. For policemen who become members of the retirement system after June 28, 2005, and firemen represented by Local 215, IAFF, who become members of the retirement system after December 13, 2005, and apply for a duty disability retirement allowance based on a mental injury, the application shall be referred to the medical council established under s. 36-15-12, in lieu of the medical panel, which medical council shall make the determination and certification required under this act. In any reexamination authorized by this act of such retired beneficiary, the beneficiary shall be referred to the medical council, in lieu of the medical panel, for reexamination and such medical council shall make the determination and certification required under this act. Notwithstanding the foregoing, an application for a duty disability retirement filed on or after January 1, 2016>>_<< by a policeman who is

represented by the MPSO>>_<< or an application for a duty disability retirement filed on or after June 19, 2016>>_<< by a policeman who is represented by the MPA>>, or an application for a duty disability retirement filed on or after July 30, 2016, by a fireman represented by Local 215, IAFF, << shall be referred to the medical council established under s. 36-15-12, in lieu of the medical panel, which medical council shall make the determination and certification required under this act, and any authorized reexamination of such beneficiary shall be referred to the medical council, which shall make the determination and certification required under this act. Except as otherwise provided in subd. 3-f and g, the surviving spouse of such member after his or her death but only during the period prior to remarriage shall receive 70% of the amount of the duty disability which the member received at the time of his or her death, and such percentage shall thereafter be based upon the salary of the position of such member at the time of his or her death. Prior to such person attaining the minimum service retirement age, periodic medical examinations of such person shall be made at least once each year but the heads of the respective departments may direct more frequent examinations. Effective January 1, 2000, the annual escalator payable under sub. 1-h-5 shall be extended to the allowance received by the surviving spouse of a retired fireman or policeman who retired on a duty disability retirement allowance under this subpar. prior to January 1, 1993 and died while receiving a duty disability retirement allowance if the member (or the surviving spouse of the member is deceased) participates in the combined fund. Effective January 1, 2000, the annual escalator payable under sub. 1-h-6 shall be extended to the allowance received by the surviving spouse of a retired fireman or policeman who retired on a duty disability allowance under this subpar. on or after January 1, 1993 and dies while receiving a duty disability retirement allowance if the member (or the surviving spouse of the member is deceased) participates in the combined fund. The annual escalator shall be payable to the surviving spouse at the same times and in the same percentages as the increases the member would have received had the member retired on a service retirement allowance on the date of his or her death.

Part 4. Section 36-08-7-b of the city charter is amended to read:

36-08. Method of Financing.

7. MEMBER CONTRIBUTIONS.

b. Except for members of the system, who are initially employed as firemen or policemen on or after October 3, 2011, the employer shall have the obligation to contribute the percentages set forth in this section. Members who are firemen shall have contributed for them by the employer 7% of such firemen's earnable compensation. Members who are policemen shall have contributed by the employer, commencing with the 1st pay period of 1971, 6% of such policemen's earnable compensation; policemen shall contribute 1% of their earnable compensation. Members who are policemen shall have contributed by the employer commencing with the first pay period of 1990, 7% less \$1 of such policemen's earnable compensation. Commencing in 1990, policemen, excluding sergeant of police, detective lieutenant and ranks above same, shall contribute \$1 of their longevity in rank pay, if any, payable at the close of the year. Notwithstanding the foregoing, commencing with the 1st pay period of 2016, policemen who were enrolled as members in the retirement system before October 3, 2011, shall contribute 7% of their earnable compensation. >>Notwithstanding the foregoing, commencing with the 1st pay period of 2015 until the 1st pay period of 2016, firemen who were enrolled as members in the retirement system before October 3, 2011, shall contribute 3.5% of their earnable compensation; thereafter, commencing with the 1st pay period of 2016, these firemen shall contribute 7% of their earnable compensation.<< Members of the system who are initially employed as firemen or policemen on or after October 3, 2011, shall contribute 7% of their earnable

compensation.

Part 5. 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
John Ledvina
LRB 166304-2
9/12/2016