

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: May 5, 2015

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Paul Bargren, Corporation Counsel *PB*  
Mark A. Grady, Deputy Corporation Counsel *MAG*

SUBJECT: File 15-353, a resolution to amend section 201.24(4.1) of the ordinances

You have asked our opinion on whether the above file requires referral to the Pension Study Commission. In our opinion, such referral is not required.

The County Board adopted changes to this ordinance section related to the "Rule of 75" on September 29, 2011, ORD 11-17. In that resolution and ordinance amendment, the County Board inserted a reference to an employee's representation status on September 29, 2011 as the relevant date for determining the employee's eligibility for the rule of 75. That change was referred to the Pension Study Commission and an actuarial report was obtained. The Commission recommended the change to the County Board in its report dated September 23, 2011.

Subsequently, on November 3, 2011 (ORD 11-19), the County Board modified this section with respect to employees who were members of the Federation of Nurses and Health Professionals bargaining unit. Because FNHP had a collective bargaining agreement in effect at the time, it was not appropriate to insert the September 29, 2011 date into the ordinances for the subsection that applied to FNHP employees.

The ordinance amendment in File 15-353 is a technical correction of a drafting error made at the time the two files referenced above were adopted. File 15-353 merely inserts the appropriate date of December 31, 2012 into the subsection of the ordinance that applies to FNHP employees. Thus, File 15-353 merely accomplishes the change to the pension system that was recommended in ORD 11-17.

Section 200.03 of the ordinances provides:

The pension study commissions established pursuant to the provisions of chapter 405, Laws of 1965, and this chapter shall have the obligation to study and report to the county board on all proposed changes in the employees' retirement system of the county or the sheriffs' annuity and benefit fund of the county. No change in the

retirement system or benefit fund shall be considered by the county board until it has been referred to the appropriate commission for a written report on the proposed change. The report advising the county board as to the actuarial effect, the cost implications and the desirability of the proposed change shall be submitted within a reasonable time after the referral.

Because the Pension Study Commission has previously studied and reported to the County Board on this proposed change to the retirement system, it need not do so again. The change proposed in File 15-353 is the same change that was proposed in ORD 11-17; it is merely being correctly drafted in the current resolution and file. Therefore, referral of this file to the Pension Study Commission is not required again.

Of course, referral to the Commission is not prohibited should you desire to do so, but it would duplicate the review of this policy change performed by the Commission in 2011.

If you have further questions, please let us know.