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(ITEM) From the District Attorney, requesting authorization to amend Section 201.24 of the Milwaukee County Code of General Ordinances to clarify eligibility for normal retirement for sworn law enforcement officers in a position of District Attorney Investigator and firefighters, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, under the Collective Bargaining Agreement (CBA) between Milwaukee County and the Milwaukee Deputy Sheriff’s Association (MDSA), deputy sheriffs who were hired prior to January 1, 1994, are eligible to retire when the total of the deputy’s age and years of service equals or exceeds 75 (the “rule of 75”); and

WHEREAS, deputy sheriffs who become District Attorney (DA) Investigators are not members of the MDSA and are non-represented employees; and

WHEREAS, in adopted File No. ORD 11-17, the Milwaukee County Board of Supervisors (County Board) amended Section 201.24(4.1) of the Milwaukee County Code of General Ordinances (the Code) to provide, in general, that a person who was a non-represented employee on September 29, 2011, and who was hired prior to January 1, 2006, is eligible for the rule of 75; and

WHEREAS, some deputy sheriffs who were eligible for the rule of 75 under the terms of the MDSA CBA have become DA Investigators after September 29, 2011, and therefore, are not covered by Section 201.24(4.1) of the Code because they were not non-represented employees on September 29, 2011, and therefore, are not eligible for the rule of 75 under the terms of the Code; and

WHEREAS, the intent of adopted File No. ORD 11-17 was to freeze eligibility for the rule of 75 as of September 29, 2011, so that those employees who were eligible for that benefit retained it and those employees who were not eligible for that benefit did not acquire it; and

WHEREAS, the loss of eligibility for the rule of 75 by deputy sheriffs who became DA Investigators after September 29, 2011, is contrary to the intent of the amendment in adopted File No. ORD 11-17; and

WHEREAS, Corporation Counsel has indicated that the same situation would exist for a firefighter who was represented on September 29, 2011, but who would become a non-represented employee after September 29, 2011, as exists for a represented deputy sheriff who became a DA Investigator after September 29, 2011; and

WHEREAS, like deputy sheriffs, DA Investigators are sworn law enforcement officers; and

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WHEREAS, the normal retirement age for deputy sheriffs is age 57 or age 55 with 15 years of service, but the normal retirement age for DA Investigators is age 60 or age 64, depending on date of membership in the retirement system; and

WHEREAS, the resolution in File No. 99-375, adopted on June 17, 1999, the County Board recognized that significant benefit differences between represented and non-represented sworn law enforcement officers limited the ability to recruit and promote deputy sheriffs into non-represented deputy sheriff positions and amended the pension ordinances to provide that the pension multiplier for such positions should be the same; and

WHEREAS, for those same reasons, the normal retirement age for represented and non-represented sworn law enforcement positions should be the same; and

WHEREAS, the proposed amendments have been referred to the Milwaukee County Pension Board for comment as required by Section 201.24(8.17) of the Code; and

WHEREAS, the proposed amendments have been referred to the pension fund actuary, who has submitted a report on actuarial effect; and

WHEREAS, the Committee on Finance, Personnel, and Audit, at its meeting of March 10, 2016, recommended adoption of the District Attorney's request (vote 8-0); and

WHEREAS, the Pension Study Commission reviewed the actuary's report on March 16, 2016, and recommended adoption to the County Board (vote 4-1); and

WHEREAS, the County Board, at its meeting of March 17, 2016, referred this resolution/ordinance to the Committee on Finance, Personnel, and Audit (vote 14-2); and

WHEREAS, the Committee on Finance, Personnel, and Audit, at its meeting of May 19, 2016, reaffirmed its previous recommendation to adopt (vote 6-0); now, therefore,

BE IT RESOLVED, the Employees' Retirement System Ordinances are hereby amended to clarify eligibility for the rule of 75 so that deputy sheriffs or firefighters who were eligible for the rule of 75, and who became non-represented employees after September 29, 2011, retain their eligibility for the rule of 75; and

BE IT FURTHER RESOLVED, to ensure the above-noted revisions are properly codified, the Milwaukee County Board of Supervisors does hereby adopt the following:

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AN ORDINANCE

To amend Sections 201.24 of the General Ordinances of Milwaukee County as appropriate to clarify the optional forms of benefit available at retirement to members of the Employees' Retirement System.

The County Board of Supervisors of the County of Milwaukee does ordain as follows:

Section 1. Section 201.24(2.18)(2) is amended to read as follows:

(2) Normal retirement age shall be age fifty-seven (57) for a member who is a ~~deputy sheriff~~ sworn law enforcement officer at the time his employment terminates.

Section 2. Section 201.24(4.1)(1)(a) is amended to read as follows:

4.1. – Normal Retirement.

(1) (a) A member shall be eligible for a normal pension if his employment is terminated on or after he has attained age fifty-five (55) and has completed thirty (30) years of service, or if his employment is terminated on or after he has attained normal retirement age as defined in section 2.18. ~~Deputy sheriffs~~ Sworn law enforcement officers shall be eligible to retire at age fifty-seven (57) regardless of their number of years of service or at age fifty-five (55) with at least fifteen (15) years of creditable pension service.

(b) Notwithstanding the provisions of subparagraph (a), a member of the International Association of Machinists and Aerospace Workers whose initial membership date is before January 1, 2012 shall not be eligible for a normal pension until the member has attained normal retirement age as defined in section 2.18 and has completed five (5) years of service.

(c) Notwithstanding the provisions of subparagraph (a), a member of the Federation of Nurses and Health Professionals whose initial membership date is before January 1, 2012 shall not be eligible for a normal pension until the member has attained normal retirement age as defined in section 2.18 and has completed five (5) years of service.

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Section 3. Section 201.24(4.1)(2) is amended as follows:

(2) Rule of 75.

(a) A member who, on September 29, 2011, is employed and is not covered by the terms of a collective bargaining agreement, and whose initial membership in the retirement system under section 201.24 began prior to January 1, 2006, and who retires on and after September 1, 1993, shall be eligible for a normal pension when the age of the member when added to his years of service equals seventy-five (75), but this provision shall not apply to any member eligible under section 4.5 nor to any nonrepresented deputy sheriff who was hired as a deputy sheriff after December 31, 1993 and whose appointment to a nonrepresented position was first effective after June 30, 2009, nor to a member who was formerly a represented correction officer who was hired as a correction officer after December 31, 1993 and who was appointed to a nonrepresented position effective after May 1, 2011.

(b) A member who, on September 29, 2011, is employed and is covered by the terms of a collective bargaining agreement with the American Federation of State, County and Municipal Employees District Council 48, or with the Technicians, Engineers and Architects of Milwaukee County, or with the International Association of Machinists and Aerospace Workers, and whose initial membership date is prior to January 1, 1994, shall be eligible for a normal pension when the age of the member when added to his years of service equals seventy-five (75), but this provision shall not apply to any member eligible under section 4.5.

(c) A member who, on December 31, 2012, is employed and is covered by the terms of a collective bargaining agreement with the Federation of Nurses and Health Professionals, shall be eligible for a normal pension when the age of the member when added to his years of service equals seventy-five (75), but this provision shall not apply to any member eligible under section 4.5.

(d) A member who, on September 29, 2011, is employed and is covered by the terms of a collective bargaining agreement with the Association of Milwaukee County Attorneys, and whose initial membership date is prior to January 1, 2006, shall be eligible for a normal pension when the age of the member when added to his years of service equals seventy-five (75), but this provision shall not apply to any member eligible under section 4.5.

(e) A member who, on September 29, 2011, is employed and is covered by the terms of a collective bargaining agreement with the Milwaukee Building and Construction Trades Council, and whose initial membership date is prior to February 21, 2006, shall be eligible for a normal pension when the age of the member when added to his years of service equals seventy-five (75), but this provision shall not apply to any member eligible under section 4.5.

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(f) A member who was employed and covered by the terms of a collective bargaining agreement with the Milwaukee Deputy Sheriffs Association on September 29, 2011, and whose initial membership date is prior to January 1, 1994, and who is not represented by the Milwaukee Deputy Sheriffs Association at the time of the employee's retirement, shall be eligible for a normal pension when the age of the member when added to his years of service equals seventy-five (75), but this provision shall not apply to any member eligible under section 4.5.

(g) A member who was employed and covered by the terms of a collective bargaining agreement with the Milwaukee County Firefighters Association (IAFF Local 172) on September 29, 2011, and whose initial membership date is prior to December 2, 1996, and who is not represented by the Milwaukee County Firefighters Association (IAFF Local 172) at the time of the employee's retirement, shall be eligible for a normal pension when the age of the member when added to his years of service equals seventy-five (75), but this provision shall not apply to any member eligible under section 4.5.

Section 4. The provisions of this ordinance shall be effective upon passage and publication.

jmj
05/19/16
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