

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

(ITEM) A resolution/ordinance by Supervisor Lipscomb, Sr., amending Section 201.24(4.1) of the Milwaukee County Code of General Ordinances as it pertains to the “Rule of 75” for members of the Federation of Nurses and Health Professionals, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, the “Rule of 75” allows some members of the Employees Retirement System of Milwaukee County to retire when the sum of their service credit and age equals or exceeds 75; and

WHEREAS, following passage of 2011 Wisconsin Act 10 and its prohibition on collective bargaining concerning pension benefits with certified bargaining units for non-public safety employees, the Milwaukee County Board of Supervisors (County Board) amended Section 201.24(4.1) of the Milwaukee County Code of General Ordinances (Ordinances) on July 28, 2011, ORD 11-9, to codify the Rule of 75 pension benefits applicable to some members of such non-public safety employee bargaining units; and

WHEREAS, because policymakers desired to limit the Rule of 75 benefit to those non-public safety worker employees who were eligible to qualify for it as of September 29, 2011, based on their membership date in the retirement system and their union status, and because policymakers desired to prevent any non-public safety employee from obtaining it who was not so eligible, the County Board amended Section 201.24(4.1)(2) of the Ordinances on September 29, 2011, ORD 11-17, to provide that only non-public safety worker employees eligible on that date to qualify for the benefit could receive it; and

WHEREAS, the collective bargaining agreements with Federation of Nurses and Health Professionals (FNHP) for calendar years 2011 and 2012 provided that all employees covered by the collective bargaining agreements were eligible for the Rule of 75, including those hired after September 29, 2011; and

WHEREAS, as a consequence, it was not legally appropriate to use the date of September 29, 2011, in Section 201.24(4.1)(2)(c) of the Ordinances as the date for qualification for eligibility for the Rule of 75 for members of the FNHP collective bargaining unit during those years; and

WHEREAS, as a consequence, the County Board amended Section 201.24(4.1)(2)(c) of the Ordinances on November 3, 2011, ORD 11-19, to clarify that qualification for eligibility for the Rule of 75 was eliminated only for members of the FNHP certified bargaining unit hired after the expiration of the 2012 FNHP collective bargaining agreement on December 31, 2012; and

45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89

WHEREAS, the amendment adopted on November 3, 2011, to Section 201.24(4.1)(c) of the Ordinances failed to include a reference to December 31, 2012, the date of expiration of the FNHP 2012 collective bargaining agreement, as the relevant date upon which qualification for eligibility for the Rule of 75 benefit is determined for members on that date of the FNHP collective bargaining unit; and

WHEREAS, this amendment adding that reference to December 31, 2012, is required to make this technical correction so that the treatment of members of FNHP in Section 201.24(4.1)(2)(c) of the Ordinances is consistent with the treatment of other non-public safety worker employees in other subsections of Section 201.24(4.1)(2); and

WHEREAS, the Committee on Finance, Personnel, and Audit, at its meeting of May 14, 2015, recommended adoption of this resolution (vote 8-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby amends Section 201.24(4.1) of the Milwaukee County Code of General Ordinances, by adopting the following:

AN ORDINANCE

To amend Section 201.24(4.1)(2) of the General Ordinances of Milwaukee County to clarify qualification for eligibility for the Rule of 75 as a member of the certified bargaining unit represented by the Wisconsin Federation of Nurses and Health Professionals, and to ensure consistency of treatment with previously adopted Ordinance amendments that govern all other non-public safety worker employees.

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

Section 1. Effective upon adoption, Section 201.24(4.1)(2) is amended to read 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

90 December 31, 1993 and who was appointed to a nonrepresented position
91 effective after May 1, 2011.

92
93 (b) A member who, on September 29, 2011, is employed and is covered by the
94 terms of a collective bargaining agreement with the American Federation of
95 State, County and Municipal Employes District Council 48, or with the
96 Technicians, Engineers and Architects of Milwaukee County, or with the
97 International Association of Machinists and Aerospace Workers, and whose initial
98 membership date is prior to January 1, 1994, shall be eligible for a normal
99 pension when the age of the member when added to his years of service equals
100 seventy-five (75), but this provision shall not apply to any member eligible under
101 section 4.5.

102
103 (c) A member who, on December 31, 2012, is employed and is covered by the terms
104 of a collective bargaining agreement with the Federation of Nurses and Health
105 Professionals, ~~and whose initial membership date is prior to January 1, 2013,~~
106 shall be eligible for a normal pension when the age of the member when added
107 to his years of service equals seventy-five (75), but this provision shall not apply
108 to any member eligible under section 4.5.

109
110 (d) A member who, on September 29, 2011, is employed and is covered by the
111 terms of a collective bargaining agreement with the Association of Milwaukee
112 County Attorneys, and whose initial membership date is prior to January 1, 2006,
113 shall be eligible for a normal pension when the age of the member when added
114 to his years of service equals seventy-five (75), but this provision shall not apply
115 to any member eligible under section 4.5.

116
117 (e) A member who, on September 29, 2011, is employed and is covered by the
118 terms of a collective bargaining agreement with the Milwaukee Building and
119 Construction Trades Council, and whose initial membership date is prior to
120 February 21, 2006, shall be eligible for a normal pension when the age of the
121 member when added to his years of service equals seventy-five (75), but this
122 provision shall not apply to any member eligible under section 4.5.

123
124 **Section 2.** The provisions of this ordinance shall become effective upon passage and
125 publication.

126
127
128 jmj
129 05/14/15
130 S:\Committees\2015\May\FPA\Resolutions\15-353.docx