

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: January 8, 2016

TO: Theodore Lipscomb Sr., Chairman, County Board of Supervisors

FROM: John T. Chisholm, District Attorney

SUBJECT: Request for Amendments to ERS Pension Ordinances Sections 201.24(4.1), Related to the Rule of 75 and to Section 2.18 and the Normal Retirement Age for District Attorney Investigators

I request that you refer the attached resolutions and proposed ERS ordinance amendments to the Committee on Finance, Personnel and Audit (FPAC), to the Pension Study Commission and to the Pension Board. The proposed amendments relate to eligibility for normal retirement under the rule of 75 for deputy sheriffs who became district attorney investigators after September 29, 2011 and the normal retirement age for district attorney investigators.

The district attorney's office sometimes hires deputy sheriffs as district attorney investigators. Deputy sheriffs who are represented by the Milwaukee Deputy Sheriffs' Association (MDSA), if they were hired prior to January 1, 1994, and if they remain members of the MDSA throughout their County careers, are eligible to retire under the rule of 75. However, district attorney investigators are not members of the MDSA and are nonrepresented employees in the unclassified service.

Under the current ordinances, section 201.24(4.1)(2), if the district attorney investigators had been nonrepresented employees on September 29, 2011, they would be eligible for the rule of 75. However, when the ordinances were amended on September 29, 2011, to "freeze" eligibility for the rule of 75, the ordinances did not address the possible movement, *after* September 29, 2011, of a represented deputy sheriff who was eligible for the rule of 75 into a nonrepresented position like district attorney investigator.

As a result, under the current ordinances, a deputy sheriff who was represented by the MDSA on September 29, 2011, and who had been eligible for the rule of 75 because he or she was hired prior to January 1, 1994, is no longer eligible for the rule of 75. Thus, these district attorney investigators have lost eligibility for the rule of 75 that

they previously had. I request that the ordinances be amended so that these former deputy sheriffs retain that benefit.

In addition, all district attorney investigators are sworn law enforcement officers. In 1999, the County Board amended the pension ordinances to provide district attorney investigators with the same pension multiplier as represented deputy sheriffs in order to retain parity in benefits between represented deputy sheriffs and nonrepresented district attorney investigators. However, district attorney investigators do not currently have the same normal retirement age as represented deputy sheriffs. The normal retirement age is 57, or 55 with 15 years of service, for deputy sheriffs, but the normal retirement age for district attorney investigators is either age 60 or 64, depending on date of hire, or age 55 with 30 years of service. For the same reasons that represented and nonrepresented sworn law enforcement officers should have the same pension multiplier, they should have the same normal retirement age. I request that the ordinances be amended so that district attorney investigators have the same normal retirement age as represented deputy sheriffs.

I requested the assistance of Corporation Counsel to draft the attached resolution and ordinance amendment. It is my understanding from them that the county's intent with the rule of 75 ordinance amendment in September of 2011 was to prevent employees who were not otherwise eligible for the rule of 75 from gaining that benefit as a result of a change in their represented status; the amendment was not intended to cause employees who were eligible for the benefit to lose it. I understand that the situation of these affected district attorney investigators was not anticipated at the time of the amendment in 2011.

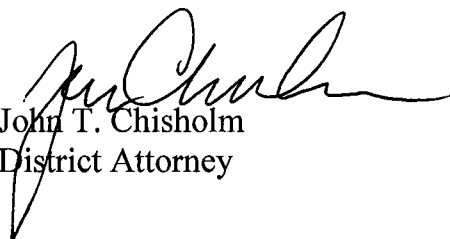
To the best of my knowledge, this situation currently affects two district attorney investigators, but could affect a deputy sheriff hired before January 1, 1994, who might be hired by our office to fill any vacant district attorney investigator positions in the future.

Corporation Counsel also indicates that the same situation could occur with respect to any represented firefighter who had the rule of 75 on September 29, 2011, and who might become a nonrepresented employee prior to retirement. Therefore, the proposed amendment addresses their situation as well.

To the best of my knowledge, the proposal regarding normal retirement age affects all district attorney investigators other than those already eligible to retire under either the

rule of 75 or having already reached age 60. It will affect all future hires for positions of district attorney investigator by providing parity in retirement eligibility with other law enforcement positions.

Respectfully Submitted,



John T. Chisholm
District Attorney

cc: Kelly Bablitch
Janelle Jensen
Stephen Cady
Raisa Koltun
Marian Ninneman