

# INSTRUCTION SHEET ADDITIONS TO MILWAUKEE CITY CHARTER

## SUMMARY

This supplement incorporates changes to the Milwaukee City Charter enacted by the following Common Council files:

- 151274      A substitute charter ordinance relating to benefits for employees represented by the Milwaukee Police Association as a result of contract settlements.
- 151451      A substitute charter ordinance relating to benefits for employees represented by the Milwaukee Police Supervisors Organization as a result of contract settlements.

| <u>Section Affected</u>                     | <u>Action</u> | <u>File Number</u> | <u>Effective Date</u> | <u>Remove Pages</u> | <u>Add Pages</u> |
|---|---------------|--------------------|-----------------------|---------------------|------------------|
| <b>Remove <u>old</u> MEMO (Suppl. #176)</b> |               |                    |                       | i-ii<br>v-vi        | i-ii<br>v-vi     |
| 36-02-20                                    | am            | 151274             | 4/26/2016             | 305-306             | 305-306          |
| 36-05-1-f                                   | am            | 151274             | 4/26/2016             | 313-320             | 313-320          |
| 36-05-1-f                                   | am            | 151451             | 4/26/2016             | ‘                   | ‘                |
| 36-05-3-c-1-a                               | am            | 151274             | 4/26/2016             | 323-324             | 323-324          |

For subscription, distribution or insertion questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code or Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.

**Abbreviations:**

am=amended  
cr=created

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed



**CITY OFFICIALS**

**2016 to 2020**

**Mayor**  
Tom Barrett

**Council President**  
Ashanti Hamilton

**The Common Council**  
(By Aldermanic District)

1. Ashanti Hamilton
2. Cavalier Johnson
3. Nik Kovac
4. Robert J. Bauman
5. James A. Bohl, Jr.
6. Milele A. Coggs
7. Khalif Rainey
8. Robert G. Donovan

9. Chantia Lewis
10. Michael Murphy
11. Mark A. Borkowski
12. Jose G. Perez
13. Terry L. Witkowski
14. Tony Zielinski
15. Russell W. Stamper, II

**City Clerk:** Jim Owczarski  
**Deputy:** Richard G. Pfaff

**City Attorney**  
Grant F. Langley

**City Comptroller**  
Martin Matson

**City Treasurer**  
Spencer Coggs

**Municipal Judges**

Branch 1  
Valarie Hill

Branch 2  
Derek Mosley

Branch 3  
Phil Chavez

## FORWARD

The Milwaukee City Charter is a compilation of laws affecting the City of Milwaukee adopted by the Wisconsin Legislature and the Milwaukee Common Council. It contains the original 1874 charter and all amendments to it subsequently adopted. It also contains session laws adopted by the Legislature which affect the city but are not printed in the Wisconsin Statutes.

In 1984, the Charter was printed in its current format of an updatable looseleaf. A number of session laws contained in the previous (1977) edition of the Charter were removed because of actions by the State Legislative either repealing them or incorporating them into the printed Wisconsin Statutes. A list of those removed and where they are located in the statutes is contained in Appendix I.

As changes are made to this Charter by the Common Council, replacement pages will be issued, along with specific instructions regarding pages to be removed or inserted.

Keith Broadnax, Manager  
Legislative Reference Bureau  
April, 2016

The numbering system for the Milwaukee City Charter and Code of Ordinances is patterned on that used for the Wisconsin Statutes (except for the use of dashes in place of parentheses) and is as follows:

|         |   |         |   |            |   |           |   |             |   |              |
|---------|---|---------|---|------------|---|-----------|---|-------------|---|--------------|
| Chapter | - | Section | - | Subsection | - | Paragraph | - | Subdivision | - | Subparagraph |
| 70      | - | 10      | - | 3          | - | a         | - | 4           | - | b            |

If there are questions regarding the numbering system, or the correct method of citation, please contact the Legislative Reference Bureau.

## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through February 9, 2016.

Revised 2/9/2016  
Suppl. #177



**14.** EMPLOYEES' RETIREMENT SYSTEM. (See Retirement System.)

**14.5.** EMPLOYERS' SHARE OF NORMAL COST shall mean the difference between normal cost as defined under s. 36-2-2.5 and member contributions under s. 36-8-7. (Sub. 14.5 cr. File #121417, April 30, 2013; eff. July 16, 2013.)

**15.** FINAL AVERAGE SALARY shall mean the average annual earnable compensation of a member computed on the 3 years of creditable service preceding his date of death or retirement during which his earnable compensation was the highest or if he should have less than 3 years of creditable service, then his average annual earnable compensation during his creditable service; except that for policemen whose date of death or retirement is on or after October 5, 1973, and firemen whose date of death or retirement is on or after July 28, 1974, "final average salary" shall mean the average annual earnable compensation of a member computed on the year of creditable service preceding his date of death or retirement during which his earnable compensation was the highest. (Sub. 15 am. Ch. Ord. 526, File #83-986, Sept. 27, 1983.)

**16.** FIREMAN shall mean a person first employed on or after July 30, 1947, in the fire department whose duty it is to extinguish fires and to protect property and life therefrom, including the chief and all other firemen officers. Commencing in 1975, this term includes a fireman on detached service under the contract administration provisions of a labor contract. Commencing February 14, 1989, this term includes a person employed in the fire department as a fire alarm dispatcher who was promoted from a position whose exclusive duty it is to provide emergency medical services. Commencing June 1, 1989, this term includes a person employed in the fire department whose exclusive duty it is to provide emergency medical services. (Sub. 16 am. Ch. Ord. 561, File #86-821, Sept. 23, 1986; eff. Dec. 8, 1986. Sub. 16 am. File #890598, July 25, 1989; eff. Oct. 14, 1989.)

**17.** GENERAL CITY EMPLOYEE shall mean: An employe of the city or a city agency who is not a policeman or fireman. For purposes of s. 36-05-1-h-5, general city employe shall include a person meeting this definition on January 1, 2000, even though the person was no longer employed by the city or city agency on

January 19, 2001. (Sub. 17 rc. File #900631, Sept. 25, 1990; eff. Dec. 11, 1990. Par. c cr. File #941982, Apr. 25, 1995; eff. July 12, 1995. Par. b am. File #950563, July 28, 1995; eff. Oct. 16, 1995. Par. c am. File #950563, July 28, 1995; eff. Oct. 16, 1995. Par. c am. File #950869, October 17, 1995; eff. January 2, 1996. Par. d cr. File #950981, November 6, 1995; eff. January 9, 1996. Par. e cr. File #951195, Dec. 19, 1995; eff. Mar. 13, 1996. Par. a am. File #951504, Feb. 13, 1996; eff. April 30, 1996. Par. b am. File #951504, Feb. 13, 1996; eff. April 30, 1996. Par. c am. File #951504, Feb. 13, 1996; eff. April 30, 1996. Par. d am. File #951488, Feb. 13, 1996; eff. April 30, 1996. Par. d am. File 951904, May 14, 1996; eff. July 31, 1996. Sub.17 am. File #971131, Dec. 16, 1997; eff. March 9, 1998. Par. c am. File #980238 June 16, 1998; eff. Sept. 1, 1998. Sub. 17 am. File #991585, April 11, 2000; eff. Jan. 19, 2001. Sub. 17 am. File #011501, March 5, 2002; eff. May 21, 2002.)

**17.5.** LEVEL PERCENT OF PAYROLL AMORTIZATION shall mean a trend in the amortization payments needed, if any, to eliminate unfunded liability, expressed as a constant percentage of projected payroll. (Sub. 17.5 cr. File #091274, March 2, 2010; eff. May 18, 2010.)

**18.** MASCULINE PRONOUN shall include the feminine. (am. Ch. Ord. 332, File #67-355-a, July 25, 1967.)

**19.** MEDICAL COUNCIL shall mean the council of physicians provided for in s. 36-15-12. (Ch. 396, L. 1937.)

**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 a duty disability retirement on

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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. 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 a majority vote. (*Sub. 20 am. Ch. Ord. 552, File #85-118-a, July 16, 1985; eff. Sept. 30, 1985. Sub. 20 am. Ch. Ord. 554, File #85-845, Oct. 1, 1985; eff. Dec. 15, 1985. Sub. 20 am. File #001664, April 10, 2001; eff. June 27, 2001. Sub. 20 am. File #041649, April 12, 2005; eff. June 28, 2005. Sub. 20 am. File #050475, Sept. 27, 2005; eff. Dec. 13, 2005. Sub. 20 am. File #081272, Feb. 10, 2009; eff. Apr. 28, 2009. Sub. 20 am. File #151113, Dec. 15, 2015; eff. Feb. 29, 2016, Sub. 20 am. File #151274, Feb. 9, 2016; eff. April. 26, 2016.*)

**21.** MEMBER shall mean any person included in the membership of the retirement system as provided in section 3 of this act [s. 36-03]. (*S. 1, Ch. 396, L. 1937.*)

**22.** MEMBERSHIP SERVICE shall mean service as an employe since last becoming a member of the retirement system and on account of which contributions are made by the city or city agency. (*am. Ch. Ord. 332, File #67-355-a, July 25, 1967.*)

**22.5.** NORMAL COST shall mean the actuarial present value of the projected retirement benefits under the benefit formulas attributable to members' service during the current year. (*Sub. 22.5 cr. File #121417, April 30, 2013; eff. July 16, 2013.*)

**23.** PARAMEDIC shall mean a person other than a fireman employed in the fire department and classified as a paramedic or paramedic officer. (*am. Ch. Ord. 530, File #82-2109-b, Jan. 24, 1984.*)

**24.** POLICEMAN for the purposes of this act shall mean a person first employed on or after July 30, 1947, in the police department whose duty it is to preserve peace and good order of the city, having the power of arrest without warrant, including the chief and all other policemen, officers and police aides hired on or before October 2, 2011. Commencing in 1969, this term includes a policeman on detached service under the contract administration provisions of a labor contract. (*Sub. 24 am. Ch. Ord. 561, File #86-821, Sept. 23, 1986; eff. Dec. 8, 1986, Sub. 24 am. File #110289, July 26, 2011; eff. Oct. 11, 2011.*)

**25.** PRIOR SERVICE shall mean the service of a member as an employe rendered prior to January 1, 1938, either in the service of the city or city agency, certified on a prior service certificate. In the event, however, that a person ineligible for membership in the retirement system is made eligible by amendments to this act, prior service shall be defined to mean all service of a member rendered prior to the effective date of the amendment which made him eligible for such membership. (*am. Ch. Ord. 332, File #67-355-a, July 25, 1967.*)

**26.** REGULAR INTEREST shall mean interest at such rate as may be set from time to time by the board in accordance with section 9 of this act [s. 36-09]. (*S. 1, Ch. 396, L. 1937.*)

**26.5.** RETIRED LIVES shall mean the portion of plan liabilities attributed to retired members. (*Sub. 26.5 cr. File #121417, April 30, 2013; eff. July 16, 2013.*)

**27.** RETIREMENT ALLOWANCE shall mean the annual payments for life, or any optional benefit payable in lieu thereof. All allowances shall be paid in equal monthly installments. When the allowance begins after the first day of the month or ends before the last day of the month, the pro rata amount shall be paid for that month. (*am. Ch. Ord. 348, File #68-2287, Jan. 21, 1969.*)

**28.** RETIREMENT SYSTEM shall mean the employes' retirement system of the city of Milwaukee.

**29.** SINGULAR. Unless the context clearly indicates otherwise, the singular shall include the plural. (*cr. Ch. Ord. 375, File #71-1754, Dec. 7, 1971. Sub. 29 cr. File #940667, July 29, 1994; eff. Oct. 17, 1994. Sub. 29 rp. File #950869, October 17, 1995; eff. January 2, 1996. Sub. 30 rn. to 29, File #950869, October 17, 1995; eff. January 2, 1996.*)

**30.** SOCIAL SECURITY ACT shall mean Title II of the old-age survivors, disability and health insurance benefits act. (*am. Ch. Ord. 332, File #67-355-a, July 25, 1967. Sub. 31 m. to 30 File #950869, October 17, 1995; eff. January 2, 1996.*)

**31.** SOCIAL SECURITY BENEFIT shall mean the unreduced old-age insurance benefit provided under the social security act to which the member is entitled or would be entitled upon proper application or the reduced social security benefit to which the member is entitled if the member elects an advance against such reduced old-age insurance benefit. (*Sub. 32 am. Ch. Ord. 375, File #71-1754, Dec. 7,*

limitation shall not operate to diminish that portion of a policeman's retirement allowance attributable to creditable service earned through July 1, 1989 or a firemen's retirement allowance attributable to creditable service earned through March 1, 1989. (Subd. 1 am. Ch. Ord. 552, File #85-118-a, July 16, 1985, eff. Sept. 30, 1985. Subd. 1 am. Ch. Ord. 554, File #85-845, Oct. 1, 1985, eff. Dec. 15, 1985. Subd. 1 am. File #872401, May 17, 1988, eff. Aug. 2, 1988. Subd. 1 rc. File #872396, Sept. 20, 1988, eff. Dec. 5, 1988. Subd. 1 am. File #881667, Dec. 20, 1988, eff. March 13, 1989. Subd. 1 am. File #890633, July 25, 1988, eff. Oct. 14, 1989. Subd. 1 am. File #890982, Sept. 19, 1989, eff. Dec. 6, 1989. Subd. 1 am. File #891650, Jan. 16, 1990, eff. Apr. 4, 1990. Subd. 1 am. File #892369, Apr. 9, 1990, eff. June 26, 1990. Subd. 1 am. File #891154, Oct. 15, 1991, eff. Dec. 31, 1991. Subd. 1 am. File #911820, Feb. 11, 1992; eff. Apr. 13, 1992. Subd. 1 am. File #901684, July 28, 1992, eff. Sept. 30, 1992. Subd. 1 am. File #940423, July 15, 1994; eff. Sept. 28, 1994. Subd. 1 am. File #950521, July 28, 1995; eff. Oct. 3, 1995. Subd. 1 am. File #950597, Sept. 27, 1995; eff. Dec. 13, 1995.)

e-2. A fireman or policeman shall receive a pro rata retirement allowance based upon the above formula for service for any period less than a full year. (Subd. 2 rc. Ch. Ord. 344, File #68-726, Nov. 18, 1968.)

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 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 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 policeman represented by the MPSO who is first enrolled in the retirement system on or after December 20, 2015, will 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. (Par. f am. File #900682, Sept. 25, 1990; eff. Dec. 11, 1990. Par. f am. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. f am. File #151274, Feb. 9, 2016; eff. April 26, 2016. Par. f am. File #151451, Feb. 9, 2016; eff. April 26, 2016.)

g. Elected Officials. The annual service retirement allowance for elected officials elected to office by vote of the people, except the mayor, shall equal 2.6% of the member's final average salary times the number of years of creditable service accrued as an elected official for years of service prior to 1996 and 2.5% of the member's final average salary times the number of years of creditable service accrued as an elected official for years of service on or after January 1, 1996. The annual service retirement for the mayor shall equal 2.6% of the mayor's final average salary times the number of years of creditable service accrued for years of service prior to 1996, and 2% of the mayor's final average salary times the number of years of creditable service accrued for years of service on or after January 1, 1996. Notwithstanding the foregoing, the annual service retirement allowance for an elected official who enrolls as a member in the retirement system on or after January 1, 2014, shall equal 1.6% of the member's final average salary times the number of years of creditable service accrued as an elected official. Service before or after service for elected officials shall be credited at the rate applicable to such service. (Par. g am. File #920411, July 7, 1992; eff. Sept. 22, 1992. Par. g am. File #931035, Nov. 9, 1993; eff. Jan. 29, 1994. Par. g am. File #950766,

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October 17, 1995; eff. January 2, 1996. Par. g am. File #951082, Nov. 28, 1995; eff. Feb. 13, 1996. Par. g am. File #121701, May 21, 2013; eff. Aug. 10, 2013.)

h. Escalator. h-1. Firemen who retire on a service retirement allowance under subs. 1-b or f or 3-c-3 between March 1, 1990 and December 31, 1992, policemen who retire on a service retirement allowance under subs. 1-b or f or 3-c-3 between January 1, 1990 and December 31, 1992, and firemen or policemen represented by the Milwaukee Police Association, with 25 years of creditable service as a fireman or policeman who separate from service between January 1, 1993 and December 31, 1994 and elect a deferred retirement under sub. 6-e, shall be eligible for a pension escalator in the amount of \$50 per month on the 4th annual anniversary of service retirement, an additional escalator of \$50 per month on the 7th annual anniversary after service retirement and an additional \$50 per month on the 10th annual anniversary after service retirement.

h-3. An escalator under subd. 1 included in a fireman's or policeman's service retirement allowance at the date of death shall be included for purposes of determining a spouse's survivor allowance upon death of such fireman or policeman under Options 2 and 3 and such spouse's survivor allowance under Option 2 shall be escalated in the amount of \$50 per month and under Option 3 in the amount of \$25 per month at such times as such fireman's or policeman's pension would have been escalated under subd. 1 had the fireman or policeman continued to live. If a fireman or policeman elects Option 4 and selects a reduced service retirement allowance payable in equal installments during the fireman's or policeman's life with the provision that after the fireman's or policeman's death the surviving spouse shall receive an allowance payable in equal installments during the spouse's life which is a proportionate share of the member's reduced service retirement allowance, the escalator under subd. 1 included in the fireman's or policeman's service retirement allowance at the date of death shall be included for purposes of determining the proportionate share of the spouse's survivor allowance upon death of such fireman or policeman and the spouse's survivor allowance shall be escalated by an amount computed by multiplying \$50 by the spouse's proportionate share at such times as the fireman's or policeman's service retirement allowance would have been escalated under

subd. 1 had the fireman or policeman continued to live. If a fireman or policeman elects Option 4 and selects a reduced service retirement allowance with the provision that after the fireman's or policeman's death the surviving spouse shall receive an allowance but does not select a payout option referred to in this subdivision the escalator included in the fireman's or policeman's service retirement allowance at the date of death shall not be included in determining the spouse's survivor allowance upon death of such fireman or policeman but such spouse's survivor allowance shall be escalated \$25 for each escalation the member received or would have been entitled to receive under subd. 1 if the member would have continued to live.

h-4. General city employes who retire on a service retirement allowance under sub. 1-b or 1-d-3, on or after January 1, 1993 (on or after August 16, 1994 for employes represented by the Milwaukee Building and Construction Trades Council, AFL-CIO), and retired general city employes receiving a duty disability retirement allowance, who have attained the minimum service retirement age and convert to service retirement allowance on or after January 1, 1993 (on or after August 16, 1994 for employes represented by the Milwaukee Building and Construction Trades Council, AFL-CIO), shall be eligible for a pension escalator of 2% effective with the installment next following the 8th annual anniversary of service retirement and an additional 2% pension escalator in each successive year effective on each subsequent anniversary of the first adjustment. Each successive adjustment shall be computed on the service retirement allowance as previously adjusted. General city employes receiving retirement benefits under sub. 6-b-2 and 3, 6-c or 6-d-2 shall not be eligible for a pension escalator under this subdivision. If a member who is eligible for an adjustment under this subd. dies without receiving an adjustment prior to death, a beneficiary who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a pension escalator in the amount of 2% effective with the installment in which the member would have received an adjustment had the member lived. If the member has received an adjustment under this subd. prior to death, a beneficiary who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a pension escalator in the amount of 2% effective with the installment in which the member next would have received an

adjustment had the member lived. If a general city employe who has elected a protective survivorship option under sub. 7-b-4 dies on or after January 1, 1993, while in active service, a beneficiary who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a pension escalator in the amount of 2% effective with the installment next following the 8th annual anniversary of the commencement of the spouse survivor allowance. After the first adjustment to the spouse survivor allowance, there shall be an additional 2% escalator to the spouse survivor allowance in each successive year effective on each subsequent anniversary of the first adjustment to the spouse survivor allowance. Each successive adjustment to the spouse survivor allowance shall be computed on the spouse survivor allowance as previously adjusted. Beneficiaries, other than spouses receiving survivor benefits under sub. 7-b-2 and 4, shall not be eligible for a pension escalator. After January 1, 2000 this subd. shall not apply to members, retired members (or spouse survivors if the member or retired member is deceased) who participate in the combined fund and spouse survivors of members and retired members who participate in the combined fund.

h-5-a. A general city employe in active service on or after January 1, 2000, who participates in the combined fund and was enrolled as a member of the retirement system prior to January 1, 2014, shall be eligible for an annual pension escalator of 1.5% effective with the installment next following the second, third and fourth anniversary of his or her retirement, and an annual pension escalator of 2% effective with the installment next following the fifth and each successive anniversary of his or her retirement if he or she retires on a service retirement allowance under par. b or d, a deferred retirement allowance under sub. 6-b-2 or d-2, or an immediate allowance under sub. 6-b-3 or c. Each successive annual increase to the member's allowance under this subd. shall be calculated on the retirement allowance as previously increased. If a member eligible for an adjustment under this subd. retires on a duty disability retirement allowance and converts to a service retirement allowance, the member's adjustment following conversion shall be first payable with the installment next following the second anniversary of his or her conversion and the percentage increase of the annual escalator payable on each anniversary following conversion shall be calculated by reference to the member's date of conversion to a service

retirement allowance rather than by reference to the member's date of retirement on disability. If a member who is eligible for an adjustment under this subd. elects a retirement option under sub. 7-b-1, b-2 or b-3 with a spouse survivor allowance payable to the member's surviving spouse after the member's death in proportionate share to the member's reduced retirement allowance, and the member dies after receiving a retirement allowance, the spouse survivor allowance payable on the member's death shall be calculated as a proportionate share of the member's retirement allowance including adjustments under this subd. up to the date of death and the spouse survivor allowance shall be increased by an annual pension escalator payable at the same time and in the same percentage as the increase the member would have received, had the member lived. If a member who is eligible for an adjustment under this subd. elects a protective survivorship option under sub. 7-b-4, with a spouse survivor allowance payable on the member's death in proportionate share to the member's reduced retirement allowance and the member dies while in active service, the spouse survivor allowance payable on the member's death, shall be increased by an annual pension escalator to the spouse survivor allowance payable at the same time and in the same percentages as the increases the member would have received had the member retired on the date of the member's death. Each successive annual increase to the spouse survivor allowance under this subd. shall be calculated on the spouse survivor allowance as previously increased.

h-5-b. A general city employe who enrolls as a member in the retirement system on or after January 1, 2014 and who retires on a service retirement allowance under sub. 1-b or d shall be eligible for an annual pension escalator of 2% effective with the installment next following the fifth anniversary and each successive anniversary of his or her retirement. Each successive annual increase to the member's allowance under this subparagraph shall be calculated on the retirement allowance as previously increased. General city employees receiving retirement benefits under subs. 2-a, 3, 6-b-2 and 3, 6-c or d-2 shall not be eligible for a pension escalator. If a member who is eligible for an adjustment under this subparagraph dies without receiving an adjustment prior to death, a beneficiary who is eligible for a spouse survivor allowance under subs. 7-b-1, 2 and 3 shall be eligible for a

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pension escalator in the amount of 2% of the spouse survivor's proportionate allowance effective with the installment in which the member would have received an adjustment had the member lived. If the member has received an adjustment under this subparagraph prior to death, a beneficiary who is eligible for a spouse survivor allowance under subs. 7-b-1, 2 and 3 shall be eligible for a pension escalator in the amount of 2% of the spouse survivor's proportionate allowance effective with the installment in which the member next would have received an adjustment had the member lived. If a general city employe who has elected a protective survivorship option under sub. 7-b-4 dies while in active service, a beneficiary who is eligible for a spouse survivor allowance under subs. 7-b-1, 2 and 3 shall be eligible for a pension escalator in the amount of 2% of the spouse survivor's proportionate allowance effective with the installment next following the fifth annual anniversary of the commencement of the spouse survivor allowance. After the first adjustment to the spouse survivor allowance, there shall be an additional 2% escalator to the spouse survivor allowance in each successive year effective on each subsequent anniversary of the first adjustment to the spouse survivor allowance. Each successive adjustment to the spouse survivor allowance shall be computed on the spouse survivor allowance as previously adjusted. Beneficiaries, other than spouses receiving survivor benefits under sub. 7-b, shall not be eligible for a pension escalator.

h-5-c. City employes represented by Milwaukee District Council 48, AFSCME, AFL-CIO, the Technicians, Engineers and Architects of Milwaukee, the Association of Scientific Personnel, the Association of Municipal Attorneys, SEIU Healthcare District 1199 Wisconsin/Staff Nurses Council, Local 195, IBEW, AFL-CIO, Local 75, Journeyman Plumbers and Gasfitters Union, AFL-CIO, Local 494, IBEW, AFL-CIO, Machine Shop, District 10, IAMAW, AFL-CIO, Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO, Local 494, IBEW, AFL-CIO, Fire Equipment Dispatchers, Public Employees' Union #61, LIUNA, AFL-CIO, CLC, and nonmanagement/nonrepresented employes who during the calendar years 2010 and 2011 retire from active service on a normal service retirement allowance, including allowances under par. d-3, or on an immediate retirement allowance under par. 6-c, and their surviving spouses, shall receive a 2% pension escalator

effective with the installment next following the first anniversary of their retirement. City employes represented by Local 494, IBEW-AFL-CIO, Electrical Group, who during the period commencing June 1, 2010, and ending December 31, 2011, retire from active service on a normal service retirement allowance, including allowances under par. d-3, or on an immediate retirement allowance under par. 6-c, and their surviving spouses, shall receive a 2% pension escalator effective with the installment next following the first anniversary of their retirement. Employes of Milwaukee public schools represented by Milwaukee Building and Construction Trades Council, AFL-CIO, who during the period commencing August 1, 2010, and ending December 31, 2010, retire from active service on a normal service retirement allowance, including allowances under par. d-3, or on an immediate retirement allowance under par. 6-c, and their surviving spouses, shall receive a 2% pension escalator effective with the installment next following the first anniversary of their retirement. Employes of Milwaukee public schools represented by, and clerical employes exempt from, Local 1053, AFL-CIO, District Council 48, and employes of Milwaukee public schools represented by Local 1616, AFL-CIO, District Council 48, who during the period commencing June 21, 2011, and ending December 31, 2011, retire from active service on a normal service retirement allowance, including allowances under par. d-3, or on an immediate retirement allowance under par. 6-c, and their surviving spouses, shall receive a 2% pension escalator effective with the installment next following the first anniversary of their retirement. City employes represented by Milwaukee Building and Construction Trades Council, AFL-CIO, who during the period commencing August 1, 2010, and ending December 31, 2011, retire from active service on a normal service retirement allowance, including allowances under par. d-3, or on an immediate retirement allowance under par. 6-c, and their surviving spouses, shall receive a 2% pension escalator effective with the installment next following the first anniversary of their retirement.

h-6. Firemen or policemen in active service on or after January 1, 1993, who become eligible to retire on a service retirement allowance under sub. 1-b or f on or after January 1, 1993, firemen or policemen who retire on a duty disability retirement allowance of 75% of current annual salary for their position under

sub. 3-c-1-a between January 1, 1993 and December 31, 1994 and thereafter convert to a service retirement allowance under sub. 3-c-3-c, policemen in active service on or after January 1, 1995 who separate from service with 25 years of creditable service as a policeman and elect a deferred retirement allowance under sub. 6-e, firemen or policemen who retire on a duty disability allowance of 75% of current salary for their position under sub. 3-c-1-a on or after January 1, 1995 and who are eligible to elect between a service retirement allowance and a duty disability allowance under sub. 3-c-3-f, firemen or policemen who participate in the combined fund and who separate from service on or after January 1, 2000, and elect a deferred retirement under sub. 6-b-2, d-2 or e, and firemen or policemen who participate in the combined fund and who separate from service on or after January 1, 2000 and elect an immediate allowance under sub. 6-b-3 or c shall have the monthly service retirement pension installment which they received in the preceding December increased by the cost of living increase as measured by the increase in the Consumer Price Index (All Urban Consumers - CPI-U) U.S. Cities Average as reported by the U.S. Department of Labor, Bureau of Labor Statistics, for the preceding calendar year, but in no event shall such increase be in an amount which exceeds 3% of such installment. For firemen or policemen who become eligible to retire on service retirement allowance between January 1, 1993 and December 31, 1994, and firemen or policemen who retire on a duty disability allowance between January 1, 1993 and December 31, 1994 and subsequently convert to service retirement allowance, the first increase in the monthly installment shall occur on March 1 of the calendar year following the first full calendar year of the member's service retirement or conversion to a service retirement and subsequent increases in the monthly installment shall occur in the installment next following each subsequent anniversary on March 1 of each calendar year thereafter. For firemen or policemen who retire or become eligible to retire on a service retirement allowance on or after January 1, 1995, policemen who separate from active service on or after January 1, 1995 and elect a deferred retirement allowance under sub. 6-f, firemen or policemen who retire on a duty disability allowance on or after January 1, 1995, and firemen and policemen who participate in the combined fund and who separate from active

service on or after January 1, 2000 and elect a deferred retirement under sub. 6-b-2, d-2 or e, or an immediate allowance under sub. 6-b-3 or c, the first increase shall occur in the monthly installment next following the first full year of the member's service retirement, deferred retirement, immediate allowance or election between a service retirement or duty disability retirement and subsequent increases in the monthly installment shall occur in the installment next following each annual anniversary thereafter. If a member who is eligible for an increase under this subd. selects a retirement option under sub. 7-b-1, b-2, b-3 or b-4 with a spouse survivor allowance payable to the member's surviving spouse after the member's death in a proportionate share to the member's reduced service retirement allowance, the spouse survivor allowance payable on death shall be computed based on the amount of the member's service retirement allowance including increases under this subd. at the date of death and the monthly survivor allowance installment shall be increased by the cost of living as calculated in the manner provided for the member under this subd. If the member dies after service retirement but prior to receiving an increase pursuant to this subd., the spouse survivor allowance shall be increased effective with the pension installment in which such member would have received an increase had the member lived. If the member dies after having received an increase prior to death under this subd., the spouse survivor allowance shall be increased effective with the pension installment in which the member would have received the next increase had the member lived. If the member has selected a retirement option under sub. 7-b-4 and dies in active service on or after January 1, 1993, the spouse survivor allowance shall be increased effective with the pension installment payable March 1 of the calendar year next following the first full calendar year after the member's death. After the first increase to the spouse survivor allowance monthly installment, there shall be an additional increase for the cost of living in the spouse survivor allowance calculated in the manner provided for the member under this subd. in each successive year effective with the pension installment on the anniversary of the previous increase to the survivor allowance. Except as otherwise specifically provided herein, this subd. shall not apply to firemen or policemen or the spouse survivors of firemen or

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policemen who receive a retirement allowance authorized under sub. 6-b-2, 6-b-3, 6-c or 6-d-2.

h-7. A fireman represented by Local 215, in active service on or after January 1, 1998, a policeman represented by the MPA, in active service on or after January 1, 1998, a policeman represented by the MPSO, in active service on or after January 1, 1999, or an unrepresented policeman and fireman in active service on or after January 1, 2000 (and his or her spouse survivor if the member is deceased), shall receive a minimum annual cost of living adjustment at the time of their annual cost of living adjustment under subd. 6 of not less than 2% if the member participates in the combined fund and retires on a service retirement allowance under par. b or f, or if the member participates in the combined fund and dies in active service after electing a protective survivor option with a spouse survivor receiving a proportional share of the member's pension. The minimum annual cost of living adjustment shall be calculated on the service retirement allowance or spouse survivor allowance as previously increased. (Par. h cr. File #891650, Jan. 16, 1990; eff. April 4, 1990. Par. h rn to h-1 File #900239, July 10, 1990; eff. Sept. 25, 1990. Par. h-1 am. File #940423, July 15, 1994; eff. Sept. 28, 1994. Par. h-1 am. File #950521, July 28, 1995; eff. Oct. 3, 1995. Par. h-1 am. File #950597, Sept. 27, 1995; eff. Dec. 13, 1995. Par. h-2 cr. File #900239, July 10, 1990; eff. Sept. 25, 1990. Par. h-2 rp. File #950521, July 28, 1995; eff. Oct. 3, 1995. Par. h-3 cr. File #900239, July 10, 1990; eff. Sept. 25, 1990. Par. h-3 am. File #911154, Oct. 15, 1991; eff. Dec. 31, 1991. Par. h-4 cr. File #921978, April 8, 1993; eff. June 16, 1993. Par. h-4 am. File #940667, July 29, 1994; eff. Oct. 17, 1994. Par. h-4 am. File 941981, April 25, 1995; eff. July 12, 1995. Par. h-4 am. File #950869, Oct. 17, 1995; eff. Jan. 2, 1996. Par. h-4 csra. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. h-5 cr. File #921978, April 8, 1993; eff. June 16, 1993. Par. h-5 csra, (h-5 consolidated as part of h-4) File #991585, April 11, 2001; eff. Jan. 19, 2001. Par. h-5 cr. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. h-6 cr. File #940423, July 15, 1994; eff. Sept. 29, 1994. Par. h-6 am. File #950521, July 28, 1995; eff. Oct. 3, 1995. Par. h-6 am. File #950597, Sept. 27, 1995; eff. Dec. 13, 1995. Par. h-6 am File #991585, April 11, 2000; eff. January 19, 2001. Par. h-7 cr. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. h-5 rn to h-5-a, File #090613, Sept. 22, 2009, eff. Dec. 9, 2009. Par. h-5-b cr. File #090613, Sept. 22, 2009, eff. Dec. 9, 2009. Par. h-5-b am. File #090951, Dec. 1, 2009, eff. Feb. 16, 2010. Par. h-5-b am. File #091068, Dec. 22, 2009; eff. March 10, 2010. Par. h-5-b am. File #091214, Jan. 20, 2010; eff. April 5, 2010. Par. h-5-b am. File #091308, Mar. 2, 2010; eff. May 18, 2010. Par. h-5-b am. File #091530, Mar. 24,

2010; eff. June 1, 2010. Par. h-5-b am. File #091609, May 25, 2010; eff. August 10, 2010. Par. h-5-b am. File #100173, June 15, 2010; eff. August 25, 2010. Par. h-5-b am. File #100241, July 7, 2010; eff. Sept. 22, 2010. Par. h-5-b am. File #100574, Sept. 21, 2010; eff. Dec. 6, 2010. Par. h-5-b am. File #101070, Jan. 19, 2011; eff. March 29, 2011. Par. h-5-b am. File #101418, April 12, 2011; eff. June 28, 2011. Par. h-5-a am File #121701, May 21, 2013; eff. Aug. 10, 2013. Par. h-5-b rn to c File #121701, May 21, 2013; eff. Aug. 10, 2013. Par. h-5-b cr. File #121701, May 21, 2013; eff. Aug. 10, 2013.)

i. Employees retired prior to January 1, 1993.

i-1. The benefits payable under this paragraph are not deferred compensation for services performed by retired members. Any provision of ch. 36 to the contrary notwithstanding, the benefits payable under this paragraph and the terms and conditions under which they are payable are neither contractually guaranteed by the city and the board nor vested in any beneficiary thereof. The city expressly reserves the unilateral right to amend or repeal this paragraph without notice and hearing to or consent of any beneficiary. Members and survivors who separated and received benefits under sub. 6-b-2, 6-b-3, c, d-2 or e shall not be eligible for benefits under this paragraph. This subd. shall not apply on or after January 1, 2000 to retired members and spouse survivors who participate in the combined fund.

i-1-a. Members who retired prior to October 1, 1987 on a service retirement allowance under par. b or f and members who retired on a duty disability allowance and converted to a service retirement allowance under sub. 3-b or 3-c-3 prior to October 1, 1987 shall be eligible for a catch-up adjustment to their service retirement allowance payable with the first installment next following January 1, 1996. Such adjustment shall be a percentage change to the retirement allowance equal to the greater of the total percentage change in the cost of living for each full calendar month between the eighth anniversary of the member's service retirement and October 1, 1995 or the total percentage change required to bring the member's allowance to 60% of the whole inflation adjusted value of the member's allowance at the time of retirement. The percentage change in the cost of living shall be measured by the increase in the Consumer Price Index (All Urban Consumers - CPI-U) U.S. Cities as reported by the U.S. Department of Labor, Bureau of Labor Statistics. The whole inflation adjusted value of a pension at the time

of retirement shall be the sum of the product of the service retirement allowance at the time of retirement multiplied by the total percentage change in the cost of living during each full calendar month between retirement and October 1, 1995 added to the member's service retirement allowance at the time of retirement. Beneficiaries other than spouses receiving survivor benefits or protective survivor benefits shall not be eligible for benefits under this subparagraph. If a member eligible for a service retirement allowance under par. b or f elected a protective survivor option, expressed as a percentage of the member's pension, and died while in active service prior to October 1, 1987, the surviving spouse under such option shall be eligible for a catch-up adjustment to their survivor allowance payable with the first installment next following January 1, 1996 in a percentage change to the survivor allowance equal to the greater of the total percentage change in the cost of living for each full calendar month between the eighth anniversary of the member's death and October 1, 1995 or the total percentage change required to bring the survivor allowance to 60% of the whole inflation adjusted value of the survivor allowance at the date of death. If a member, who retired prior to October 1, 1987 on a service retirement allowance under par. b or f, elected a spouse survivor option, expressed as a percentage of the member's pension, and died following retirement, but prior to October 1, 1995, the surviving spouse under such option shall be eligible for a catch-up adjustment to their survivor allowance payable with the first installment next following January 1, 1996 in a percentage change to the survivor allowance equal to the greater of the total percentage change in the cost of living for each full calendar month between the eighth anniversary of the member's retirement and October 1, 1995 or the total percentage change required to bring the survivor allowance to 60% of the whole inflation adjusted value of the spouse survivor allowance at the time of the member's retirement. If a member, retired prior to October 1, 1987 on a service retirement allowance under par. b or f, elected a spouse survivor option, expressed as a percentage of the member's pension and dies while eligible for catch-up under subpar. a, the surviving spouse under such option shall have the member's catch-up included in the member's allowance in calculating the spouse survivor allowance expressed as a percentage of the member's allowance.

i-2-a. Members who retired prior to January 1, 1993 on a service retirement allowance under par. b or f and members who retired on a duty disability allowance and converted to a service retirement allowance under sub. 3-b or 3-c-3 prior to January 1, 1993 shall be eligible for a pension escalator to their service retirement allowance of up to 2% effective with the installment next following the later of the 8th annual anniversary of service retirement or January 1, 1996 and an additional pension escalator of up to 2% in each successive year effective on each subsequent anniversary of the first adjustment. The first escalator shall be computed on the service retirement allowance as previously adjusted under subd. 1-a. Each successive escalator shall be computed on the service retirement allowance as previously escalated. The payment of each pension escalator or successive escalator first payable in 1997 or in a year subsequent to 1997 shall be subject to the limitations of s. 36-08-2-a. Beneficiaries other than spouses receiving survivor benefits or protective survivor benefits under sub. 7-b-2 shall not be eligible for benefits under this subparagraph. If a member, who elected a spouse survivor option and retired prior to January 1, 1993 on a service retirement allowance under par. b or f, dies, a surviving spouse who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a spouse survivor pension escalator to their survivor allowance of up to 2% effective with the installment next following the later of the 8th anniversary of the member's service retirement or January 1, 1996. If a member elected a protective survivor option and died prior to January 1, 1993 while in active service, a surviving spouse who is eligible for a spouse survivor allowance under sub. 7-b-2 shall be eligible for a spouse survivor pension escalator to their spouse survivor allowance of up to 2% effective with the installment next following the later of the eighth anniversary of the member's death or January 1, 1996. A spouse receiving a spouse survivor pension escalator shall be eligible for an additional escalator of up to 2% in each successive year effective on each subsequent anniversary of the first escalator to the spouse survivor allowance. The first escalator shall be calculated on the spouse survivor allowance as previously adjusted under this subd. Each successive escalator to the spouse survivor allowance shall be computed on the spouse survivor allowance as previously

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escalated. The payment of each escalator or successive escalator first payable in 1997 or in a year subsequent to 1997 shall be subject to the limitations of s. 36-08-2-a. After January 1, 2000 this subpar. shall not apply to members, retired members or spouse survivors (if the member or retired member is deceased) who participate in the combined fund and spouse survivors of members and retired members who participate in the combined fund.

i-2-b. Effective January 1, 2000, the annual escalator payable under par. h-5-a shall be extended to a general city employe, fireman or policeman, retired on a service retirement allowance under par. b, d-3 or f, a general city employe, a fireman or policeman, retired on a duty disability retirement allowance who converted to a service retirement allowance or a general city employe, a fireman or policeman separated from service who retired on a deferred retirement allowance under sub. 6-b-2, d-2 or e or an immediate allowance under sub. 6-b-3 or c and their spouse survivor eligible to receive a proportionate share of the member's allowance if the member (or spouse survivor if the member is deceased) is a participant in the combined fund and the member is a general city employe retired on a service retirement allowance, duty disability retirement allowance or separated from service prior to January 1, 2000 or a fireman or policeman retired on a service retirement allowance, duty disability retirement allowance or separated from service prior to January 1, 1993. If a member eligible for an escalator under this subpar. was eligible for an annual escalator under subpar. a prior to January 1, 2000, the annual escalator payable under this subpar. shall be effective upon the anniversary of the escalator payable under subpar. a if such anniversary is different from the anniversary of the installment next following service retirement. If a member referred to above retires on a duty disability retirement allowance and converts to a service retirement allowance the conversion date shall be used for purposes of determining both the eligibility and the percentage increase of the annual escalator to which the member or spouse survivor is eligible. Effective January 1, 2000, the annual escalator payable under par. h-6 shall be extended to a fireman and policeman who retired on a duty disability retirement allowance of 75% of current salary for their position under sub. 3-c-1-a between October 17, 1992 and December 31, 1994 if he or she is eligible to elect between a service retirement allowance

and a duty disability allowance under sub. 3-c-f effective with the installment next following one year after eligibility for an election to convert to a service retirement. Effective January 1, 2000 the annual escalator payable under par. h-6 shall be extended to a fireman or policeman who separated from service between January 1, 1993 and December 31, 1999 and retired on a deferred retirement allowance under sub. 6-b-2 or 6-d-2 or separated from service between January 1, 1995 and December 31, 1999 and retired on a deferred retirement allowance under sub. 6-e or separated from service between January 1, 1993 and December 31, 1999 and retired on an immediate allowance under sub. 6-b-3 or c and his or her spouse survivor eligible to receive a proportionate share of the member's allowance if the member (or spouse survivor if the member is deceased) is a participant in the combined fund and the member separated from service prior to January 1, 2000. If a member who is eligible for an increase under this subpar. dies on or after January 1, 2000 his or her spouse's proportionate share of spouse survivor allowance shall be computed based on the amount of the deceased member's allowance including increases at the date of death and the spouse survivor shall be eligible for an annual escalator to his or her spouse survivor allowance at the same time and in the same percentages as the deceased member would have received had the deceased member continued to live. (Par. i cr. File #942016, July 14, 1995; eff. Sept. 27, 1995. Par. i-1-0 am. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. i-1-a and b csrn. to i-1-a, File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. i-2-a and b csra. to i-2-a, File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. i-2-b cr. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. i-2-b am. File #121701, May 21, 2013; eff. Aug. 10, 2013.)

j. Internal Revenue Code. In this paragraph, for purposes of testing under s. 415 of the Internal Revenue Code, the limitation year shall be the calendar year.

j-1. Requirements. Notwithstanding any other provisions of the retirement system to the contrary, the member contributions paid to and retirement benefits paid from the plan shall be limited to such extent as may be necessary to conform to the requirements of s. 415 of the Internal Revenue Code for a qualified pension plan.

j-2. Participation in Other Qualified Plans: Aggregation of Limits.

member retired on a service retirement allowance on the date of his or her ordinary disability retirement. (*Par. e cr. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. e am File #121701, May 21, 2013; eff. Aug. 10, 2013.*)

**3. DUTY DISABILITY RETIREMENT ALLOWANCE.** a. While in Active Service. Any member in active service who shall become permanently and totally incapacitated for duty as the natural and proximate result of an injury occurring at some definite time and place while in the actual performance of duty shall, upon filing a request for retirement with the board on a form provided by the board for that purpose, be entitled to a duty disability retirement allowance to begin not less than 30 nor more than 90 days after the filing of the application therefor, provided the medical council or medical panel after a medical examination of such member shall certify that such member is mentally or physically incapacitated for further duty as a result of such service injury and such incapacity is likely to be permanent and such member should be retired. No beneficiary entitled to a duty disability retirement allowance shall receive any allowance on account of ordinary disability. No person first employed by the city as a fireman or paramedic on or after December 1, 1983, shall be eligible to receive a duty disability retirement allowance as a result of an injury occurring during the period he or she is assigned to the Fire Academy or Medical College of Wisconsin for recruit training. No person first employed by the city as a policeman on or after August 1, 1985, shall be eligible to receive a duty disability retirement allowance as a result of an injury occurring prior to field training during the period he or she is assigned to the Police Academy for recruit training. No person first employed by the city as a police aide on or after July 1, 1985, shall be eligible to receive a duty disability retirement allowance as a result of an injury occurring while in the performance of duty. (*Par. a am. Ch. Ord. 552, File #85-118-a, July 16, 1985; eff. Sept. 30, 1985. Par. a am. Ch. Ord. 554, File #85-845, Oct. 1, 1985; eff. Dec. 15, 1985. Par. a am. File #881103, September 20, 1988; eff. Dec. 5, 1988.*)

b. Allowance. b-1. The duty disability retirement allowance shall equal the service retirement allowance if such member has attained the minimum service retirement age; otherwise it shall consist of an allowance which is the actuarial equivalent of his accumulated contributions, plus an additional retirement allowance equal to 75% of his final average

salary. (*Par. b am. Ch. Ord. 382, File #71-2300, Mar. 21, 1972; Par. b renumbered b-1, File #921978, Apr. 8, 1993; eff. June 16, 1993.*)

b-2. If a general city employe is found to be eligible for a duty disability retirement allowance referred to in par. g-0 which is first effective prior to the member attaining age 55, such member shall mandatorily convert to a service retirement allowance upon attaining age 60. If a general city employe is found to be eligible for a duty disability retirement allowance referred to in par. g-0 which is first effective after the member attains the age of 55, such member shall mandatorily convert to a service retirement allowance after attaining age 60 or after the expiration of the maximum period under par. g-2, whichever is later. If the maximum period for a general city employe referred to in par. g-2 extends beyond age 60, such member shall be eligible to voluntarily convert to a service retirement allowance commencing at age 60. (*Subd. 2 cr. File #921978, Apr. 8, 1993; eff. June 16, 1993. Subd. 2 am. File #940667, July 29, 1994; eff. Oct. 17, 1994. Subd. 2 am. File #950869, October 17, 1995; eff. January 2, 1996.*)

b-3. Effective January 1, 2000, the annual escalator payable under sub. 1-h-5-a shall be extended to a general city employe who was enrolled as a member of the retirement system prior to January 1, 2014 and retires and is receiving a duty disability allowance and his or her spouse survivor receiving a proportionate share of the member's pension if the member (or spouse survivor if the member is deceased) participates in the combined fund. If a member who is eligible for an increase under this subsection dies while on duty disability on or after January 1, 2000, his or her spouse's proportionate share spouse survivor allowance shall be computed based on the amount of the member's duty disability retirement allowance including increases at the date of death. The annual increase shall be payable to the member or spouse survivor 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 duty disability retirement. (*Subd. 3 cr. File #991585, April 11, 2000; eff. Jan. 19, 2001. Subd. 3 am File #121701, May 21, 2013; eff. Aug. 10, 2013.*)

c. Firemen and Policemen Duty Disability. c-1. Medical Panel, etc. Firemen and policemen who are eligible for duty disability retirement allowance shall file a request therefor with the board on a form provided by it for that purpose; such disability shall be determined as follows:

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c-1-a. Recommendations. Except for policemen who become members 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 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 this 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 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, any fireman or policeman who shall become disabled as the direct result of injury incurred in the performance of one or more specific acts of duty shall have a right to receive duty disability benefit during the period of such disability of an amount equal to 75% of

the current annual salary for such position which he held at the time of such injury. 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 retirement 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. (*Subpar. a am. Ch. Ord. 554, File #85-845, Oct. 1, 1985; eff. Dec. 15, 1985. Subpar. a am. Ch. Ord. 565, File #861820, Feb. 24, 1987; eff. May 11, 1987. Subpar. a am. File #940423, July 15, 1994; eff. Sept. 28, 1994. Subpar. a am. File #991585, April 11, 2000; eff. Jan. 19, 2001. Subpar. a am. File #001071, Nov. 28, 2000; eff. Feb. 13, 2001. Subpar. a am. File #041649, April 12, 2005; eff. June 28, 2005. Subpar. a am. File #050475, Sept. 27, 2005; eff. Dec. 13, 2005. Subpar. a am. File #071497, April 9, 2008; eff. June 30, 2008. Subpar. a am. File #081272, Feb. 10, 2009; eff. Apr. 28, 2009. Subpar. a am. File #151113, Dec. 15, 2015; eff. Feb. 29, 2016. Subpar. a am. File #151274, Feb. 9, 2016; eff. April. 26, 2016. )*