

**INSTRUCTION SHEET
ADDITIONS TO MILWAUKEE CITY CHARTER**

SUMMARY

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

201540 Substitute charter ordinance relating to furlough days for general city employees.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #189)					
36-04-1-e	am	201540	9/24/2021	i-ii v-vi 307-310	i-ii v-vi 307-310

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For questions concerning the content of the Milwaukee Code or Ordinances contact the Municipal Research Library, (414) 286-2297.

Abbreviations:

am=amended
cr=created

ra=renumbered and amended
rc=recreated

rn=renumbered
rp=repealed

CITY OFFICIALS

2020 to 2024

Mayor
Tom Barrett

Council President
Cavalier Johnson

The Common Council
(By Aldermanic District)

1. Ashanti Hamilton
2. Cavalier Johnson
3. Nik Kovac
4. Robert J. Bauman
5. Nikiya Dodd
6. Milele A. Coggs
7. Khalif Rainey
8. JoCasta Zamarripa

9. Chantia Lewis
10. Michael Murphy
11. Mark A. Borkowski
12. Jose G. Perez
13. Scott Spiker
14. Marina Dimitrijevic
15. Russell W. Stamper, II

City Clerk: Jim Owczarski
Deputy: Dana Zelazny

City Attorney
Tearman Spencer

City Comptroller
Aycha Sawa

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
July 2021

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 July 27, 2021.

Revised 7/27/2021
Suppl. #190

g. Persons who are receiving a retirement allowance under any provision of this chapter.

h. Persons who are employed by the city as fire cadets.

i. Persons who are employed by the city as management trainees.

j. Persons who are employed by the Milwaukee board of school directors as management interns - restricted terms. *(Sub. 6 rc. Ch. Ord. 332, File #67-355-a, July 25, 1967. Par. a am. Ch. Ord. 375, File #71-1754, Dec. 7, 1971. Par. f rc. File #930123, May 25, 1993; eff. Aug 11, 1993. Par. e am. File #941981, April 25, 1995; eff. July 12, 1995. Par. f rp. File #060982, Dec. 12, 2006; eff. Mar 5, 2007. Par. f cr. File #110289, July 26, 2011; eff. Oct. 11, 2011. Par. g cr. File #110779, Oct. 11, 2011; eff. Dec. 27, 2011. Par. h cr. File #110798, Nov. 30, 2011; eff. Feb. 15, 2012. Par. l cr. File #120022 July 24, 2012; eff. Oct. 9, 2012. Par. b, f and h am. File #120057 Sept. 25, 2012; eff. Dec. 11, 2012. Par. j cr. File #120894 Dec. 18, 2012; eff. March 11, 2013.)*

36-04. Creditable Service. 1. SERVICE

CREDITED. a. The board shall fix and determine by appropriate rules and regulations how much service in any years is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year. In no case shall the board allow credit as service for any period of more than one month's duration during which the employee was absent without pay, except that members employed by the school board for a 10-month school year shall receive credit for one year of service, and except as provided for in par. b. A determination of any service credit by the board is and has been declared to be a contractual and vested right of the member consistent with retirement requirements of this system. *(Par. a am. Ch. Ord. 375, File #71-1754, Dec. 7, 1971.)*

b. The board shall allow as creditable service all time during which any employee was absent due to service in the military, air or naval forces, service in the National Disaster Medical System, or in any defense or compulsory military training programs of the United States of America, and absence during federal hospitalization because of injuries or sickness resulting from such service, provided that such employee was duly excused or granted leave of absence from his services as an employee, and provided further that the period allowed for such service shall begin with the date the employee was excused or granted leave of absence, and shall extend until a date of not more than 90 days after his discharge from military, air or naval service or immediately related federal

hospitalization incurred as a result of such service. No absence allowed for such service under the provisions of this paragraph shall be considered as absences under the provisions of s. 36-03-5. City, city agency and member contributions shall continue to be made during periods of absence as though the employee had continued to work the full working time for the employee's position during the periods of such absence. *(Par. b am. Ch. Ord. 375, File #71-1754, Dec. 7, 1971. Par. b am. File #070075, May 8, 2007; eff. July 24, 2007. Par. b am. File #100894, Feb. 8, 2011; eff. April 26, 2011.)*

c. The board shall allow one year of creditable service for each 3 years of active military service prior to enrollment in the retirement system. The creditable service awarded under this par. shall not exceed 3 years. To be eligible the member must be honorably discharged from the armed forces of the United States. To be eligible for inclusion in the calculation, a period of active military service must be a period of not less than 90 consecutive days spent in the active service of the armed forces of the United States and meet the requirements of 10 U.S.C. § 101(d)(1). If a member has accumulated less than 3 years of active military service, the member shall be allowed additional months of service credit on a pro rata basis calculated as the product of the full months of active military service under this par. multiplied by a fraction, the numerator of which is one and the denominator of which is 3. The additional service credit earned under this par. shall be taken into account for purposes of determining the amount of the service retirement allowance, but shall not be taken into account for any other purpose including, but not limited to determining eligibility for a service retirement allowance under s. 36-05-1-d or f, a deferred retirement allowance under s. 36-05-6-b-2 or 6-d-2, an early retirement allowance under s. 36-05-6-b-3 or 6-c, or eligibility for additional imputed service credit under sub. 4. *(Par. c cr. File #991585, April 11, 2000; eff. Jan. 19, 2001. Par. c am. File #001306, Jan. 16, 2001; eff. April 3, 2001. Par. c am. File #021584, March 25, 2003; eff. June 10, 2003. Par. c am. File #021798, April 15, 2003; eff. June 24, 2003. Par. c am. File #040265, July 7, 2004; eff. Sept. 13, 2004. Par. c am. File #040886, Nov. 3, 2004; eff. Jan. 10, 2005. Par. c. rc. File #041075, Dec. 21, 2004; eff. March 14, 2005. Par. c rc. File #041438, March 16, 2005; eff. May 31, 2005. Par. c rc. File #041775, May 3, 2005; eff. July 19, 2005. Par. c am. File #061455, March 22, 2007; eff. June 11, 2007. Par. c am. File #080369, July 30, 2008; eff. Oct. 15, 2008. Par. c am. File #081398, March 3, 2009; eff. May 19, 2009. Par. c am. File #090204, July 7, 2009, eff. Sept. 1, 2009. Par. c am. File #090613, Sept. 22, 2009; eff. Dec. 9, 2009. Par. c am. File #090951, Dec. 1, 2009; eff. Feb. 16, 2010. Par. c*

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am. File #091068, Dec. 22, 2009; eff. March 10, 2010. Par. c am. File #091214, Jan. 20, 2010; eff. April 5, 2010. Par. c am. File #091308, Mar. 2, 2010; eff. May 18, 2010. Par. c am. File #091530, Mar. 24, 2010; eff. June 1, 2010. Par. c am. File #100173, June 15, 2010; eff. August 25, 2010. Par. c am. File #100241, July 7, 2010; eff. Sept. 22, 2010. Par. c am. File #100286, July 27, 2010; eff. Oct. 2, 2010. Par. c am. File #100697, Oct. 12, 2010; eff. Dec. 21, 2010. Par. c am. File 101418, Apr 12, 2011; eff. June 28, 2011; Par. c am. File 101246, July 26, 2011; eff. Oct. 11, 2011.)

NOTE: The foregoing amendment to s. 36-04-1-c shall apply only to policemen represented by the MPA and firemen represented by Local 215, IAFF, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1998 and December 31, 2002; policemen represented by the MPSO, and general city employees, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1999 and December 31, 2002; non-represented firemen or policemen who participate in the combined fund and who retire on a service retirement allowance between January 1, 2000 and December 31, 2002; policemen represented by the MPA, firemen represented by Local 215, IAFF, nonrepresented firemen, and general city management and nonrepresented employees, who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003; city of Milwaukee employees who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003, and who are represented by Milwaukee District Council 48, AFSCME, AFL-CIO; city of Milwaukee employees represented by the Milwaukee Building and Construction Trades Council who participate in the combined fund and who retire on a service retirement allowance on or after August 1, 2007; city of Milwaukee employees represented by 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 the association of Law Enforcement Allied Services Personnel, Local #218, I.U.P.A., AFL-CIO, (Police Support Service Personnel) who participate in the combined fund and who retire on a service retirement or allowance on or after January 1, 2007; city of Milwaukee employees represented by the International Association of Machinists and Aerospace Workers who participate in the combined fund and who retire on a service retirement allowance between January 1, 2003 and December 31, 2006; and city of Milwaukee employees represented by Local 494, IBEW, AFL-CIO, Electrical Group, who participate in the combined fund and who retire on a service retirement allowance on or after June 1, 2007; and members represented by the Administrators and Supervisors Council who participate in the combined fund and retire on a service retirement allowance between January 1, 2003 and June 30, 2007; and Milwaukee public schools employees represented by Local 150, FSA/SNA/HCA, Local 150, BSH, and Local 950, International Union of Operating Engineers who participate in the combined fund and who retire on a service retirement between

January 1, 2004 and June 30, 2007; and Milwaukee public schools employees represented by Milwaukee Building and Construction Trades Council, AFL-CIO, and Local 1616, AFL-CIO, District Council 48, and Milwaukee public schools employees represented by, and clerical employees exempt from, Local 1053, AFL-CIO, District Council 48, who participate in the combined fund and who retire on a service retirement allowance on or after July 1, 2007; and employees of Veolia Water Milwaukee, LLC., represented by District Council 48, AFSCME, AFL-CIO, Local 366, or IBEW, Local 494, or Steamfitters, Local 601, or International Union of Operating Engineers, Local 317, or District No. 10, I.A.M.A.W., Lodge 66, who participate in the combined fund and retire on a service retirement allowance on or after March 1, 2008; and employees of the Milwaukee Metropolitan Sewerage District represented by District Council 48, AFSCME, AFL-CIO, Local 366, who participate in the combined fund and retire on a service retirement allowance on or after March 8, 2010; and employees of the Milwaukee Metropolitan Sewerage District who are management or nonrepresented, who participate in the combined fund and retire on a service retirement allowance on or after September 1, 2010.

d. Notwithstanding any provision of s. 36-05 and the rules of the board, hours worked as city laborer-seasonal or playground laborer-seasonal (MPS), including time worked in other titles while maintaining city laborer-seasonal status, shall be taken into account as creditable service in determining the amount of a service retirement allowance. The additional creditable service earned under this paragraph shall be granted in accordance with the rules of the board and shall not exceed one year of creditable service. The additional creditable service earned under this paragraph shall not be taken into account for any other purpose including but not limited to determining eligibility for a service retirement allowance under s. 36-05-1-d or f, a deferred retirement allowance under s. 36-05-6-b-2 or 6-d-2, an early retirement allowance under s. 36-05-6-b-3 or 6-c, or eligibility for additional imputed service credit under sub. 4. (*Par. d cr. File #040886, Nov. 3, 2004; eff. Jan. 10, 2005. Par. d rc. File #040987, Nov. 23, 2005; eff. Feb. 12, 2005. Par. d rc. File #041075, Dec. 21, 2004; eff. March 14, 2005. Par. d rc. File #041078, Dec. 21, 2004; eff. March 14, 2005. Par. d rc. File #041081, Dec. 21, 2004; eff. March 14, 2005. Par. d rc. File #041309, Feb. 1, 2005; eff. April 19, 2005. Par. d rc. File #041775, May 3, 2005; eff. July 19, 2005.*) **NOTE:** The foregoing amendment to section 36-04-1-d shall apply only to individuals who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2005 with at least 5 years of creditable service as a general city employee and who are city of Milwaukee employees represented by Milwaukee District Council 48, AFSCME, AFL-CIO; the Public Employees' Union 61, LIUNA, AFL-CIO; the Technicians, Engineers and Architects of Milwaukee; Local 195, IBEW, AFL-CIO and Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO; Local 494, IBEW,

AFL-CIO, Machine Shop; the Milwaukee Building and Construction Trades Council; the International Association of Machinists and Aerospace Workers; Local 494, IBEW, AFL-CIO, Electrical Group; Local 494, IBEW, AFL-CIO, Fire Equipment Dispatchers; and city of Milwaukee management employees, and nonmanagement, nonrepresented employees.

e. The board shall allow as creditable service periods of unpaid furlough time authorized or imposed by the city or city agencies, subject to the limitations of par. a. (*Par e cr. File #090183, June 16, 2009; eff. August 25, 2009. Par e am. File #201540, July 27, 2021; eff. September 24, 2021.*)

f. City employees represented by Milwaukee District Council 48, AFSCME, AFL-CIO, the Technicians, Engineers and Architects of Milwaukee, the Association of Scientific Personnel, and 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 and nonmanagement/nonrepresented employees who during the calendar year 2010 retire from active service on a normal service retirement allowance, including allowances under s. 36-05-1-d-3, or on an immediate retirement allowance under s. 36-05-6-c, shall be eligible for a bonus year. At the member's discretion, the bonus year may be added either to the member's age for purposes of retirement eligibility, or to creditable service. The bonus year may be divided into one month increments and used for a combination of additions to age and creditable service, not to exceed a total of 12 months. All or part of the bonus year cannot be applied to earn more than 35 years of creditable service or to exceed the 70% of final average salary limitation stated in s. 36-06-10-f. In order to be eligible for the bonus year provided in this paragraph, a non-represented/nonmanagement employee must provide notice of his or her intent to retire to his or her department head or designee by August 31, 2010. Employees of the Milwaukee Metropolitan Sewerage District represented by District Council 48, AFSCME, AFL-CIO, Local 366, who during the period commencing May 1, 2010 and ending April 30, 2011, retire from active service on a normal service retirement allowance, including allowances under s. 36-05-1-d-3, or on an

immediate retirement allowance under s. 36-05-6-c, shall be eligible for a bonus year pursuant to this paragraph and must give notice by February 1, 2011, of their intent to retire in order to be eligible for the bonus year. This provision shall expire at the end of April 30, 2011. Employees of the Milwaukee Metropolitan Sewerage District who are management or non-represented, who during the period commencing January 1, 2011 and ending December 31, 2011, retire from active service on a normal service retirement allowance, including allowances under s. 36-05-1-d-3, or on an immediate retirement allowance under s. 36-05-6-c, shall be eligible for a bonus year pursuant to this paragraph and must give notice by November 1, 2011, of their intent to retire in order to be eligible for the bonus year. This provision shall expire at the end of December 31, 2011. City employees represented by Local 494, IBEW-AFL-CIO, Electrical Group, who during the period commencing June 1, 2010, and ending December 31, 2010, retire from active service on a normal service retirement allowance, including allowances under s. 36-05-1-d-3, or on an immediate retirement allowance under s. 36-05-6-c, shall be eligible for a bonus year pursuant to this paragraph. This provision shall expire at the end of December 31, 2010. Employees 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 s. 36-05-1-d-3, or on an immediate retirement allowance under s. 36-05-6-c, shall be eligible for a bonus year pursuant to this paragraph. This provision shall expire January 1, 2011. Employees of Milwaukee public schools represented by, and clerical employees exempt from, Local 1053, AFL-CIO, District Council 48, and employees 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 s. 36-05-1-d-3, or on an immediate retirement allowance under s. 36-05-6-c, shall be eligible for a bonus year pursuant to this paragraph and must give written notice by April 1, 2011 of their intent to retire in order to be eligible for the bonus year. This provision shall expire January 1, 2012. City employees represented by Milwaukee Building

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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 s. 36-05-1-d-3, or on an immediate retirement allowance under s. 36-05-6-c, shall be eligible for a bonus year pursuant to this paragraph. This provision shall expire at the end of December 31, 2010. City employees represented by the Public Employees' Union #61, LIUNA, AFL-CIO, CLC, who during the period commencing May 1, 2010, and ending April 30, 2011, retire from active service on a normal service retirement allowance, including allowances under s. 36-05-1-d-3, or on an immediate retirement allowance under s. 36-05-6-c, shall be eligible for a bonus year pursuant to this paragraph. This provision shall expire at the end of April 30, 2011. (*Par f cr. File #090613, Sept. 22, 2009; eff. Dec. 9, 2009. Par f am. File #090951, Dec. 1, 2009; eff. Feb. 16, 2010. Par f am. File #091068, Dec. 22, 2009; eff. March 10, 2010. Par f am. File #091214, Jan. 20, 2010; eff. April 5, 2010. Par f am. File #091308, Mar. 2, 2010; eff. May 18, 2010. Par f am. File #091530, Mar. 24, 2010; eff. June 1, 2010. Par f am. File #091609, May 25, 2010; eff. August 10, 2010. Par f am. File #100173, June 15, 2010; eff. August 25, 2010. Par c am. File #100241, July 7, 2010; eff. Sept. 22, 2010. Par f am. File #100286, July 27, 2010; eff. Oct. 2, 2010. Par f am. File #100574 Sept. 21, 2010; eff. Dec. 6, 2010. Par f am. File #101070, Jan. 19, 2011; eff. March 29, 2011. Par f am. File #101418, April 12, 2011; eff. June 28, 2011.*)

2. PRIOR SERVICE CERTIFICATES. The board shall issue prior service certificates certifying to each member the length of service with which he is credited and which was rendered prior to January 1, 1938, or prior to any subsequent amendment to the act which made him eligible for membership. So long as membership continues, a prior service certificate shall be final and conclusive as to prior service credit except a member may request modification within one year of the date of issue. When membership ceases for any cause other than retirement, a prior service certificate shall become void and shall not be renewed upon any return to service as an employee except as provided in ss. 36-05-6-b-4, 6-c and d, and 36-07-3. (*Sub. 2 am. Ch. Ord. 332, File #67-355-a, July 25, 1967.*)

3. DUTY DISABILITY RETIREMENT CREDIT. a. Any member employed as a policeman on or after October 5, 1973, who is thereafter retired from active service upon becoming entitled to a duty disability retirement

allowance or who was restored to active service prior to October 5, 1973, following termination of a duty disability retirement allowance, any member employed as a fireman on or after July 28, 1974, who is thereafter retired from active service upon becoming entitled to a duty disability retirement allowance or who was restored to active service prior to July 28, 1974, following termination of a duty disability retirement allowance, and any member other than a fireman or policeman employed or receiving a duty disability retirement allowance on or after May 15, 1973, shall be allowed toward his or her service retirement a credit for each year or part thereof during which he or she is eligible to receive a duty disability retirement allowance, or in which duty disability retirement allowance is suspended under s. 36-07-3, in computing his or her service retirement on the basis of the formula applicable. Such credit shall only be reflected for the purposes of establishing eligibility for and calculating the amount of the service retirement allowance but not otherwise. The service retirement allowance shall be computed on the basis of the annual regular base salary in effect for the member's position in the year immediately prior to the member's service retirement and the additional amount that would have been includable under s. 36-02-12 in the member's earnable compensation if the member had retired from active service on a service retirement allowance on the date of the member's service retirement. The cost thereof shall be reflected by the actuary in computing the employer's contribution to the fund. (*Par. a am. File #880374, June 7, 1988; eff. Aug. 22, 1988. Par a am. File #001476, Feb. 27, 2001; eff. May 15, 2001. Par. a am. File #011514, March 5, 2002; eff. May 21, 2002.*)

b. Upon retirement of an employee, all creditable service and all other credits provided for in this act shall be reflected in determining his retirement allowance. (*Par. b rc. Ch. Ord. 398, File #73-120, May 2, 1973.*)

4. IMPUTED SERVICE CREDIT.

a. A fireman or policeman in active service as of January 1, 2000, who participates in the combined fund and who has attained 20 years of creditable service in the retirement system as a fireman or policeman shall be allowed 1.5 years of additional imputed creditable service toward the computation of his or her service retirement allowance if he or she applies for retirement as a fireman. A fireman or policeman in active service as of January 1, 2000, who participates in the combined fund and