

1 FROM THE OFFICE OF GEORGE L. CHRISTENSON  
2 MILWAUKEE COUNTY CLERK  
3

4 County Ordinance No. 20-8  
5 File No. 20-604  
6

7 AN ORDINANCE  
8

9 The Milwaukee County Board of Supervisors does ordain as follows:  
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11 **SECTION 1.** Effective January 1, 2011, Section 201.24(4.5) of the Milwaukee County  
12 Code of General Ordinances is amended as follows:  
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14 201.24(4.5) – Deferred vested retirement.  
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16 (1) A member shall be eligible for a deferred vested pension if his employment is  
17 terminated for any cause, other than fault or delinquency on his part, provided  
18 that he elects not to withdraw any part of his membership account and that his  
19 pension when he qualifies for a normal retirement as defined in section 4.1 is at  
20 least ten dollars (\$10.00) per month.  
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22 (2) Notwithstanding the foregoing provisions of this section 4.5, **the following**  
23 **vesting provisions will apply:**  
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25 **(a) For members** any member whose last period of continuous membership  
26 began on or after January 1, 1971, but prior to January 1, 1982, **those**  
27 **members** shall not be eligible for a deferred vested pension if his **or her**  
28 employment is terminated prior to his **or her** completion of six (6) years of  
29 service.  
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31 **(b) For** Also, notwithstanding the foregoing provisions of this section 4.5 any  
32 members who first became a member of **ERS** the system on and after  
33 January 1, 1982, **those members** shall not be eligible for a deferred vested  
34 pension if his **or her** employment is terminated prior to his **or her** completion  
35 of ten (10) years of service.  
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37 **(c) Any member who attains normal retirement age as defined in Ordinance**  
38 **section 201.24(2.18) while in active ERS-covered County employment**  
39 **shall be vested and eligible for a deferred vested benefit if the member**  
40 **terminates County employment prior to retirement. This provision shall**  
41 **apply to members who previously received a benefit under this portion**  
42 **of the vesting schedule. For members who would have received a**  
43 **benefit under this vesting schedule, ERS will pay a prospective benefit**  
44 **to those individuals commencing with the adoption of this amendment.**  
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- (3) Notwithstanding the foregoing provisions of this section, any nonrepresented Doyne employee who was a member of the employee's retirement system and any member who was represented by the Federation of Nurses & Health Professionals when they voluntarily resigned their employment between September 1, 1995, and December 31, 1995, at the time of, and in lieu of, a layoff from county service as a direct result of the sale/lease of John L. Doyne Hospital and employees of the School of Nursing who resign from county service in lieu of being laid off due to the closure of the School of Nursing who left county service with seven (7) or more years of service shall be vested for a deferred vested pension.
- (4) Payment of a deferred vested pension shall commence as of the member's normal retirement date, but in no event until timely application for the deferred vested pension is filed with the board. However, if a member has at least fifteen (15) years of service, he may request the board to authorize commencement of his deferred vested pension as of his 55th birthday, or as of any date after his 55th birthday, which precedes his normal retirement date, and if the board consents thereto, his pension shall commence as of the date so requested but the amount thereof shall be reduced as provided in section 5.5. The last payment shall be made as of the date of death of the retired member.

Effective January 1, 2011, the first paragraph of Ordinance section 201.24(3.5) of the Milwaukee County Code of General Ordinances is amended as follows:

201.24(3.5) – Refunds upon severance or death

Notwithstanding the following, a member shall not be eligible to receive a refund of the portion of his membership account attributable to accumulated contributions contributed under section 3.11 if the member's employment was terminated due to fault or delinquency on the member's part under section 4.5 or if the member or a beneficiary of the member is eligible, at the time the request for a refund is made, for the present receipt of any monthly annuity benefit under sections 4.1, 4.5, 6.1, 6.2, 6.4, 7.1 or 7.2 of the chapter 201.24 of the ordinances. **However, a member whose employment terminated after reaching normal retirement age, who is eligible for the present receipt of a benefit, whose pension benefit, as calculated pursuant Ordinance section 201.24(4.1) or (4.5), is below one-hundred (\$100) per month, and who so elected at the time of retirement (or who so elects in accordance with section 3.11 for retirements after June 1, 2020), may receive a refund of the member's membership account instead of receiving an annuity.**

**SECTION 2.** Effective January 1, 2011, Section 201.24(3.5) of the Milwaukee County Code of General Ordinances is amended to read as follows:

Notwithstanding the following, a member shall not be eligible to receive a refund of the portion of his membership account attributable to accumulated contributions contributed under section 3.11 if the member's employment was terminated due to fault

or delinquency on the member's part under section 4.5 or if the member or a beneficiary of the member is eligible, at the time the request for a refund is made, for the present receipt of any monthly annuity benefit under sections 4.1, 4.5, 6.1, 6.2, 6.4, 7.1 or 7.2 of the chapter 201.24 of the ordinances. However, a member whose employment terminated after reaching normal retirement age, who is eligible for the present receipt of a benefit, whose pension benefit, as calculated pursuant Ordinance section 201.24(4.1) or (4.5), is below one-hundred (\$100) per month, and who so elected at the time of retirement (or who so elects for retirements after May 1, 2020), may receive a refund of the member's membership account instead of receiving an annuity.

Upon termination of employment, for reason other than death or retirement, a member shall be entitled to receive a refund of the balance as of the date of termination of his membership account and his savings account, ~~plus accumulated at interest (as described in Rule 403) through the date of disbursement~~ as set from time to time by the board. However, if a member who is eligible for a deferred vested pension withdraws his membership account, he shall forfeit all rights to a deferred vested pension. If a member requests, under this paragraph, a refund of assets in his or her membership account related to contributions made pursuant to sections 3.11 or 3.3, the member shall receive a refund of all assets contained in his or her membership account at that time, with interest as provided above, provided that the request is made within the time limits contained in section 3.11.

Upon termination of employment by reason of a member's death or upon the death of a member who is eligible for a deferred vested pension, the member's beneficiary shall be paid in lump sum the balance, **plus interest (as described in Rule 403) through the date of disbursement,** ~~as of the date of death,~~ of his membership account and his savings account **as well as any applicable benefit under Ordinance section 201.24(6.3),** provided that if a joint and survivor option under section VII is effective or a survivorship benefit under section VI **(excluding section 6.3)** is payable, the membership account shall not be paid to the beneficiary. ~~However, if the amount of the membership account at the date of a member's death exceeds the total of the amount of the payments made to the spouse and children under sections 6.1, 6.2, 6.4 and 7.1, after all payments due thereunder have been made, such excess shall be paid in a lump sum to the member's beneficiaries.~~

Upon retirement of a member, the balance of his savings account shall be paid in one (1) of the following forms as determined by the board:

- (a) Lump sum payment.
- (b) Life annuity with full cash refund or on a term certain basis.
- (c) Installments of a designated amount or over a designated period of time.

If under any of the above options a benefit becomes payable to some other person as a result of the death of the retired member, payment shall be made to the

beneficiary designated by the member or, in the absence of a valid designation, than as provided in section 2.16.

**SECTION 3.** Effective January 1, 2002, a new Section 201.24(5.16)(6) of the Milwaukee County Code of General Ordinances is created to read as follows:

201.24(5.16) – Back drop pension benefit.

**(6) Notwithstanding Rule 711, a surviving spouse who was eligible for and received a Protective Survivorship Option under Ordinance section 201.24(7.1)(3) may elect a back drop if such back drop was previously elected between January 1, 2002 and December 31, 2004.**

**SECTION 4.** Effective January 1, 2007, Section 201.24(7.1) of the Milwaukee County Code of General Ordinances is amended as follows:

201.24(7.1) – Optional Benefits.

(1) By filing an application with the board prior to the date on which the member's pension is due to commence a member may elect to convert the member's pension payable only during his or her life into another form in accordance with the following options:

- (a) *Fifty percent (50%) survivor benefit.* A reduced pension payable during the member's life, with the provision that after the member's death a pension at one-half (1/2) of the member's reduced pension shall be continued during the life of, and shall be paid to, the member's beneficiary as the member shall have nominated by written designation duly executed and filed with the system at the time of retirement.
- (b) *One hundred percent (100%) survivor benefit.* A reduced pension payable during the member's life, with the provision that after the member's death it shall continue in the same amount during the life of, and shall be paid to, such beneficiary as the member shall have nominated by written designation duly executed and filed with the system at the time of retirement.
- (c) *Twenty-five percent (25%) survivor benefit.* A reduced pension payable during the member's life, with the provision that after the member's death a pension at twenty-five percent (25%) of the member's reduced pension shall be continued during the life of, and shall be paid to, such beneficiary as the member shall have nominated by written designation duly executed and filed with the system at the time of retirement.
- (d) *Seventy-five percent (75%) survivor benefit.* A reduced pension payable during the member's life, with the provision that after the member's death

a pension at seventy-five percent (75%) of the member's reduced pension shall be continued during the life of, and shall be paid to, such beneficiary as the member shall have nominated by written designation duly executed and filed with the system at the time of retirement.

(e) *Ten-year certain annuity.* This form of benefit provides a reduced monthly benefit payable to the member for his or her lifetime. If a member who is receiving this form of benefit dies before receiving one hundred twenty (120) monthly payments, then monthly payments in the amount payable at the time of the member's death shall continue to the member's designated beneficiary until a total of one hundred twenty (120) payments have been made in the aggregate to the member and his or her designated beneficiary (or, if the member's designated beneficiary has predeceased the member or dies before a total of one hundred twenty (120) payments have been made, then to the member's spouse, or if none, then to the member's estate). The amount of the benefit shall be computed pursuant to tables supplied by the actuary to the board.

(2) The aggregate of the pension payments expected to be paid to the member and the member's contingent pensioner under paragraphs (1)(a) through (e) above shall be the actuarial equivalent of the pension which the member is otherwise entitled to receive upon retirement.

(3) Any member in active service who, pursuant to section 4.1 or a collective bargaining agreement, has attained eligibility to retire and receive a pension may elect a protective survivorship option by selecting the one hundred (100%) **or fifty (50%) percent** survivor benefit in the manner hereinafter set forth, which option shall then become effective at the member's death with the same force and effect as if such member had retired under such option immediately prior to his or her death. The election of such option shall be in writing on a form prescribed by the board and may be revoked at any time prior to retirement. If the designated beneficiary shall die or if the designated beneficiary is the member's spouse and a divorce is granted prior to the member's retirement, the election shall be automatically revoked. If any member eligible to elect an option shall die in active service, without electing a one hundred (100%) survivor benefit, the member's surviving spouse shall be paid a survivorship pension equal to the amount that would have been payable if such member had retired and elected a one hundred (100%) survivor benefit immediately prior to his or her death.

(4) During any month in which a survivor's pension is payable under section 6.1 or 6.4 the amount of the survivorship pension payable under this section shall be reduced by such amounts.

**(5) Notwithstanding the foregoing, if a member elects a non-spouse beneficiary to receive a benefit and the benefit is subject to the Internal Revenue Code's minimum distribution incidental benefit requirements, the member will only be eligible to elect a survivor benefit in a form that does not exceed the Code**

requirements. If a member elects a form of benefit that does not comply with such requirements, ERS will automatically reduce the member's benefit to the highest survivor benefit option the member was eligible to elect.

**SECTION 5.** Effective August 1, 1994, Section 201.24(11.11) of the Milwaukee County Code of General Ordinances is created to read as follows:

**201.24(11.11) – Assets for purchasing permissive service credit**

**Subject to all other requirements contained within the ordinances and rules with regard to purchases of service credit, at a member's request, and consistent with the requirements of applicable Internal Revenue Code provisions, a member may use amounts rolled over from a prior employer's Internal Revenue Code section 401(k) plan completed between August 1, 1994 and November 1, 1994 to repurchase previously forfeited service credit for which the member received a benefit distribution from the employees retirement system pursuant to section 11.1.**

Effective January 1, 2002, section 201.24(11.11) of the Milwaukee County Code of General Ordinances is amended to read as follows:

**201.24(11.11) - Assets for purchasing permissive service credit.**

Subject to all other requirements contained within the ordinances and rules with regard to purchases of service credit, at a member's request, and consistent with the requirements of applicable Internal Revenue Code provisions, a member may use amounts rolled over from a prior employer's Internal Revenue Code section 401(k) plan completed between August 1, 1994 and November 1, 1994 to repurchase previously forfeited service credit for which the member received a benefit distribution from the employees retirement system pursuant to section 11.1.

**Effective January 1, 2002, for payments made prior to July 1, 2007, subject to all other requirements contained within the Ordinances and Rules with regard to purchases of service credit, at a member's request, and consistent with the requirements of applicable Internal Revenue Code provisions, a member may use amounts held in the member's name pursuant to Milwaukee County's Internal Revenue Code section 457 deferred compensation plan or an individual retirement account described in Internal Revenue Code section 408 to purchase permissive service credit, as described in Rule 207 of the employees retirement system, or to repurchase previously forfeited service credit for which the member received a benefit distribution from the employees retirement system pursuant to section 11.1.**

**SECTION 6.** Unless otherwise noted, the provisions of this ordinance shall become effective upon passage and publication.

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**Adopted by the Milwaukee County Board of Supervisors  
September 24, 2020**