

EMPLOYEES' RETIREMENT SYSTEM OF THE COUNTY OF MILWAUKEE
MINUTES OF THE AUGUST 30, 2012 PENSION BOARD SPECIAL MEETING

1. Call to Order

Vice Chairman Dave Sikorski, acting as the Chairman, called the meeting to order at 2:00 p.m. in the Commission Room of the County Courthouse, Suite 210, 901 North Ninth Street, Milwaukee, Wisconsin 53233.

2. Roll Call

Members Present:

Norb Gedemer
D. A. Leonard
Dean Muller
Dr. Sarah Peck
Dave Sikorski

Members Excused:

Mickey Maier (Chairman)
Patricia Van Kampen

Ms. Ninneman pointed out that the purpose of the meeting is to consider granting a survivor benefit to the survivor of a deputy sheriff under Ordinance section 6.1.

Deputy Sheriff Sergio Aleman died on July 31, 2012 from injuries suffered in a motor vehicle accident. At the time of the accident, Deputy Aleman was driving a sheriff's department pickup truck that, among other services, assists disabled motorists on the freeway. The Sheriff's department provided confirmation that Deputy Aleman was on duty at the time of the accident. Deputy Aleman is survived by a spouse and several children.

Ordinance section 201.24(6.1) provides a death benefit for deputy sheriffs as follows: "If the death of a member who is a deputy sheriff occurs in active service as the natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty, as determined by the board on the basis of acceptable evidence presented to it, the board shall grant a survivorship pension equal to fifty (50) percent of the final average salary of such deceased member."

Thus, to be eligible for the benefit described in Ordinance section 201.24(6.1) the deputy's death must have occurred as a "natural and proximate result of an accident occurring at some definite time and place while the member was in the actual performance of duty."

The determination must be made by the Pension Board. Generally, initial determinations with regard to eligibility for benefits are made by the Retirement Office. However, the Ordinances appear to require that the Pension Board make a determination regarding the circumstances of the death of a sheriff's deputy.

Mr. Muller moved that the Pension Board adjourn into closed session under the provisions of Wisconsin Statutes section 19.85(1)(f), with regard to this item for considering the financial, medical, social, or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories, and that the Pension Board adjourn into closed session under the provisions of Wisconsin Statutes section 19.85(1)(g), with regard to this item for the purpose of the Board receiving oral or written advice from legal counsel concerning strategy to be adopted with respect to pending or possible litigation. At the conclusion of the closed session, the Board may reconvene in open session to take whatever actions it may deem necessary concerning these matters.

The Pension Board voted by roll call vote 5-0 to enter into closed session to discuss agenda item 1. Motion by Mr. Muller, seconded by Dr. Peck.

After returning to open session, the Pension Board determined that Deputy Aleman died in the line of duty, and pursuant to Ordinance section 201.24(6.1), his death was the natural and proximate result of an accident and his death was during the actual performance of duty.

Mr. Leonard asked Ms. Ninneman whether the accidental benefit payable is greater than the normal pension benefit. She said she believed it is, but will verify it is. Mr. Leonard asked that the deputy be awarded whichever pension benefit is greater. The Trustees agreed.

Ordinance section 201.24(6.1) does not specify the date that benefits provided thereunder are effective. Benefits could be retroactive to the date of death or could be effective as of the date of the Pension Board's decision. Other ERS benefits are granted with a retroactive start date. For example, normal retirement benefits are retroactive to the date of retirement. Similarly, pursuant to Rule 1027, disability benefits under Ordinance sections 201.24(4.3) or (4.4) are retroactive to the date a member applies for such benefits.

The Pension Board determines that the death of Deputy Sheriff Sergio Aleman was the natural and proximate result of an accident occurring at a definite time and place while in the actual performance of his duties as a deputy sheriff. Accordingly, Deputy Sheriff Aleman's survivor shall be granted a survivorship pension according to the provisions of Ordinance section 201.24(6.1) effective as of July 31, 2012. To the extent the pension

payable to Deputy Aleman's survivor under another Ordinance is greater, then that benefit shall be payable instead.

Motion by Dr. Peck, seconded by Mr. Leonard.

The meeting adjourned at 2:15 p.m.

Submitted by Steven D. Huff,
Secretary of the Pension Board