

No. 299, S.]

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CHAPTER 534

AN ACT to amend chapter 201, laws of 1937, section 1 (9), as amended by chapter 144, laws of 1941; section 1 (10) as amended by chapter 445, laws of 1951; section 3 (2); section 3 (6), as amended by chapter 144, laws of 1941 and chapter 357, laws of 1947; and to create chapter 201, laws of 1937, section 5 (1) (a) 1, relating to earnable compensation, membership and entitlement to retirement rights in a retirement system in counties having a population of 500,000 or more, for the payment of benefits to the employes of such counties and to the widows and children of such employes and requiring no state appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 201, laws of 1937, section 1 (9), as amended by chapter 144, laws of 1941, is amended to read:

(Chapter 201, laws of 1937) Section 1. (9) "Earnable compensation" shall mean the full rate of compensation that would be payable to a member if he worked the full normal working time for his position, *plus all payments for authorized overtime but excluding payments in lieu of vacation*, provided * * * that where service is credited during periods of absences as provided in section 4 (2) (b) of this act, the employe shall be considered to have an earnable compensation during such periods of absence equivalent to his earnable compensation as of his last month of employment prior to the beginning of such absences. In cases where compensation includes maintenance, the board shall fix the value of that part of the compensation not payable in money. *Where the county pays less than the full rate of compensation for a position and the balance is payable by some other government, company or individual the full amount paid by all parties shall be considered the "earnable compensation" as that term is used in subsection (10) hereof for the purpose of determining the 5 consecutive calendar years of creditable service during which the member's earnable compensation was the highest.*

SECTION 2. Chapter 201, laws of 1937, section 1 (10), as amended by chapter 445, laws of 1951, is amended to read:

(Chapter 201, laws of 1937) Section 1. (10) "Final average salary" * * * *means the average annual earnable compensation for the 5 consecutive calendar years of creditable service during which the member's earnable compensation was the highest, or, if he should have less than 5 years of creditable service, then his average annual earnable compensation during his creditable service. Where a member's compensation at the point of retirement is paid partly by the county and partly from another source, the computation of the pension benefit of the retirement allowance shall be based on the "final average salary" calculated on the ratio that the county payment bears to the full compensation paid by all parties to the member; provided, that this calculation on the ratio shall only be applicable to future members upon entry into the system subsequent to the effective date of this enactment.*

SECTION 3. Chapter 201, laws of 1937, section 3 (2), is amended to read:

(Chapter 201, laws of 1937) Section 3. (2) Any person who becomes an employe after the date of establishment of the retirement system shall become a member as a condition of his *continued* employment.

SECTION 4. Chapter 201, laws of 1937, section 3 (6), as last amended by chapter 357, laws of 1947, is amended to read:

(Chapter 201, laws of 1937) Section 3. (6) Should any member in a period of 10 consecutive years after last becoming a member be absent from service more than 5 years, except as provided in section 4 (2) (b) and * * * section 5 (6), or should he withdraw more than 50 per cent of his accumulated contributions *after severance of employment with the county*, or should he become a beneficiary or die, he shall thereupon cease to be a member.

SECTION 5. Chapter 201, laws of 1937, section 5 (1) (a) 1, is created to read:

(Chapter 201, laws of 1937) Section 5. (1) (a) 1. Discharge from active service by reason of mental or physical unfitness to perform duties shall not act to bar a member from any retirement rights to which he would be entitled if termination of employment were voluntary.

Approved August 6, 1957.
