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CHAPTER 323

AN ACT to amend chapter 201, laws of 1937, section 4 (2) (b), as last affected by chapter 445, laws of 1951 and section 5 (3a) as created by chapter 658, laws of 1957; and to repeal and recreate chapter 201, laws of 1937, section 5 (1) (g), (2) (ba) 4, (d) 4, and (3) (c), as last affected by chapter 658, laws of 1957, relating to the employes retirement systems of counties having a population of 500,000 or more.

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

SECTION 1. Chapter 201, laws of 1937, section 4 (2) (b), as last affected by chapter 445, laws of 1951, is amended to read:

(Chapter 201, laws of 1937) Section 4 (2) (b) The board shall allow credit for military service as defined in section 1 (22) * * * to any eligible person in the active service of the county, on or subsequent to the effective date of this paragraph, provided such person returned to county employment not later than * * * 3 months after the termination of his military service. The board shall upon request issue a certificate to evidence the credit for such military service. No absences allowed for military service shall be considered as absences under * * * section 3 (6) * * *.

SECTION 2. Chapter 201, laws of 1937, section 5 (1) (g), (2) (ba) 4, (d) 4 and (3) (c), as last affected by chapter 658, laws of 1957, are repealed and recreated to read:

(Chapter 201, laws of 1937) Section 5 (1) (g) Notwithstanding the provisions of pars. (d) and (e), the service retirement allowance for members of group B shall be computed under par. (d) 1 to 3 for members other than deputy sheriffs and par. (e) for deputy sheriffs, except that after the attainment of the age of eligibility for an unreduced OASI primary retirement benefit, the pension payable to members other than deputy sheriffs shall be reduced by one-two hundred and fortieth, and the pension payable to deputy sheriffs shall be reduced by one-two hundredth, of that part of the member's final average salary which does not exceed the maximum annual earnings upon which OASI benefits are based, for each year of creditable service. In the event a woman member elects to receive a reduced OASI benefit at age 62 or such other age of eligibility for a reduced OASI benefit, then the reduction as computed shall immediately go into effect and shall permanently be applied proportionately in respect to the reduction in benefits as computed under the reduced OASI benefit. Paragraph (d) 4 and 5 shall not apply to members of group B, except that in the case of a person employed by the state where part of his wage or salary is paid by the county, as described in par. (d) 5, the final average salary used in calculating his pension shall be the average of his annual county earnable compensation during all his years of creditable service in state and county employment.

(2) (ba) 4. The pension payable under this paragraph to a member after the attainment of the age of eligibility for an unreduced OASI primary retirement benefit, or attainment of eligibility for an OASI disability benefit, shall be reduced by one-two hundred and fortieth of that part of his final average salary which does not exceed the maximum annual earnings upon which OASI benefits are based, for each year of creditable service which would be credited to him if his service were continued to age 60.

(d) 4. The pension payable under this paragraph to a member after the attainment of the age of eligibility for an unreduced OASI primary retirement benefit, or attainment of eligibility for an OASI disability benefit, shall be reduced by one-two hundredth of that part of his final average salary which does not exceed the maximum annual earnings upon which OASI benefits are based, for each year of creditable service which would be credited to him if his service were continued to age 57.

(3) (c) The pension payable under this paragraph to any member of group B after the attainment of the age of eligibility for an unreduced OASI primary retirement benefit, or attainment of eligibility for an OASI disability benefit, shall be reduced by one-two hundred and fortieth of that part of his final average salary which does not exceed the maximum annual earnings upon which OASI benefits are based, for each year of creditable service which would be credited to the member if his service were continued to age 57 in the case of deputy sheriffs or age 60 in the case of all other members of group B. During any period when such disability insurance benefit is reduced by a workmen's compensation benefit the reduction under this paragraph shall be decreased proportionately.

SECTION 3. Chapter 201, laws of 1937, section 5 (3a), as created by chapter 658, laws of 1957, is amended to read:

(Chapter 201, laws of 1937) Section 5 (3a) The reduction in the pension of a member, provided for by subs. (1) (g), (2) (ba) 4 * * * , (d) 4 and (3) (c), shall be computed on an annual basis and applied proportionately on a monthly basis, but in no instance shall it exceed 50 per cent of the OASI primary retirement benefit payable to such member. *Such reduction for each year of actual or potential creditable service shall be based upon the maximum annual earnings upon which OASI benefits are based during such year, except that (a) whenever such maximum is changed the resulting change in the reduction shall not be effective until one year after the change in the maximum becomes effective, and (b) no changes in such maximum shall affect any pension the payment of which has commenced before the resulting change in the reduction has become effective.* Such reduction shall not be made during any period for which the member is not eligible for an OASI disability or retirement benefit by reason of having insufficient quarters of OASI coverage. The member must furnish proof of such ineligibility in such form and at such intervals as the board prescribes, or such reductions will be made. The board may require any member of group B to authorize the social security administration to provide the retirement system with information regarding the OASI benefits payable or to be payable to such member.

Approved August 14, 1959.