

City of Milwaukee Employes' Retirement System

> Bernard J. Allen Executive Director

David M. Silber, CFA, CAIA Chief Investment Officer

> Beth Conradson Cleary Deputy Director

July 7, 2015

Mr. Jim Owczarski City Clerk Room 205, City Hall

Dear Mr. Owczarski:

Please be advised that a Legislative Committee Meeting of the Annuity and Pension Board has been scheduled for Friday, July 10, 2015 at 9:00 a.m., at 789 N. Water St., Suite 300 (Employes' Retirement System). The agenda is as follows:

I. Consideration of Proposed Amendment to ERS Board Rules regarding Duty Disability and Review of Duty Disability Application Form.

II. Consideration of Proposed Amendment to ERS Board Rules to Conform ERS Travel Reimbursement Policy to New City Policy.

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Bernard J. Allen

Executive Director

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<u>NOTICE TO PUBLIC</u> - Meetings of the City of Milwaukee Annuity and Pension Board are open to the public. Those in attendance wishing to address the Board on a specific agenda item may do so by registering in advance of the meeting with the Board Secretary.

<u>PLEASE NOTE</u> - Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, please call 286-3557.



Employes' Retirement System of the City of Milwaukee

Rules and Regulations

(DRAFT_1)

PART I – ADMINISTRATION

F. DEFINITIONS

- 1.A. An active member shall include a member whose name appears on current payrolls or who is on an authorized leave of absence and is not otherwise gainfully employed, except as provided for under the provisions of the global pension settlement.
 - B. For purposes of the global pension settlement, all benefit improvements applying to general city employees in active service shall include members on recognized contractual leave of absence, and members serving disciplinary suspension as of January 1, 2000. For purposes of the global pension settlement, firemen and policemen in active service shall include members on recognized contractual leave of absence, members on detached status and members serving disciplinary suspension as of January 1, 2000.
- CITY AGENCY means any board, commission, division, department, office or agency of the city government as defined in Section 36-02-8 of the Milwaukee City Charter.
- 3. LEGAL COUNSEL means either the City Attorney or the Board designated Legal Counsel under Section VIII. of these Rules and Regulations.
- 4. MEMBER means any person eligible for membership as follows who has not otherwise waived, terminated or been denied membership:
- 5. <u>An APPLICATION FOR DUTY DISABILITY shall consist of the Duty Disability Application Form, A Physician Statement, copies of appropriate Worker's Compensation EB-49's, and properly executed medical authorizations.</u>
- 6. An APPLICATION FOR DUTY DISABILITY is filed when all documentation set forth in I.F.5 above is submitted and certified as complete by the ERS.

III. MEDICAL COUNCIL AND MEDICAL PANEL

A. The Medical Council shall consist of three primary physicians appointed by the Board. The Board may also appoint an alternate physician to the Medical Council. The alternate physician shall serve only as a replacement in the absence of one of the three primary physicians at their periodic meetings. No more than three physicians will serve at any one Medical Council meeting. All appointments shall be approved by a majority vote of the Board. Each physician shall be required to execute a professional service contract and receive the same rate of pay for services rendered.

B. The Medical Council shall:

- 1. arrange for and pass upon the following examinations:
 - a. Duty disability and ordinary disability medical examinations of general city employees that are required by the retirement system;
 - b. Ordinary disability medical examinations of firemen and policemen that are required by the retirement system and duty disability medical examinations of firemen and policemen, who are not represented by a certified bargaining agent, that are required by the retirement system; and
 - c. Medical examinations required by the retirement system of policemen enrolled as members in the retirement system after June 28, 2005 and firemen enrolled as members in the retirement system after December 13, 2005, who apply for a duty disability retirement based on a mental injury.
- 2. investigate all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and,
- 3. report in writing to the Board its conclusions and recommendations upon all the matters referred to it.
- C. The Board may employ specialists if it is deemed necessary. In the event the Medical Council deems it is necessary to consult with or refer members to other physicians for examination in special cases, the Secretary shall arrange for such medical service.
- D. In the event it is necessary for the Medical Council to conduct a medical examination outside of regular headquarters, the Board may allow each examiner expenses in an amount reasonably necessary for such an examination.
- E. A member, retired on account of a duty disability retirement, who lives outside of the City of Milwaukee shall be required to return to Milwaukee to report to the Medical Council or Medical Panel for medical re-examination as provided in Section 36-05-3-c of the Milwaukee City Charter for Firemen and Policemen and Section 36-07-1 of the Milwaukee City Charter for other employes on duty disability retirement. However, the Board may authorize such examination to be made by a physician selected by the Medical Council and the fee for such examination shall be as determined by the Medical Council and shall be paid by the ERS upon receipt of a report from the physician.
- F. 1. Appointment to the Medical Panel by the City as described in Chapter 36-02-20 of the Milwaukee City Charter shall be limited to physicians whose offices are located within the U. S. Census Bureau Statistical Milwaukee Metropolitan Area.
- F. 2. If the first two doctors appointed to the Medical Panel, as provided in Section 36-02-20 of the Milwaukee City Charter, fail to appoint a third doctor within 30 days of the later-dated certification, then the Board will presume that the doctors are unable to fulfill this specific

responsibility that each doctor agreed to undertake as a member of the medical panel. In such circumstances, as soon as administratively possible ERS will notify the union and the City to each select another doctor for the medical panel. within six (6) months, the Executive Director will notify the City that it has 30 days to appoint another doctor and report this action to the Board.

G. Medical Council or Medical Panel certifications relative to the results of duty disability medical examinations and the results of periodic medical re-examinations shall be placed on the agenda for the next regularly scheduled meeting of the Board unless they are received within five working days of the regular meeting in which case they shall be placed on the agenda for the regular meeting of the Board next following the next regularly scheduled meeting. (Amended 05-26-2009 Board Meeting)

Source: Milwaukee City Charter § 36-15-12; Rules and Regulations, § I.5 (Medical Council), p.4

- H. 1. The time period for annual/periodic medical examinations required by 36-05-3-c-1-a for disabilities approved by the Medical Panel or Medical Council, and 36-07 for disabilities approved by the Medical Council, will be calculated from completion of the last medical examination.
- H. 2. If a member of a Medical Panel appointed to undertake a periodic medical reexamination of a retired member under Milwaukee City Charter §36-05-3-c-1-a fails to return the required certification within 30 days of the reexamination of the retired member, the appointing authority shall be notified that it has 30 days to appoint a replacement physician to the medical panel for the member of the medical panel who failed to timely return the required certification.
- H. 3. Any beneficiary whose disability payments have been suspended for failing to undergo the required medical reexamination, and who remains eligible for the benefit after completion of the reexamination, will be paid any retroactive amounts due as soon as administratively feasible on the next regularly scheduled monthly payroll. The Board may suspend disability payments to a beneficiary who fails to sign medical authorizations that are necessary for reexamination and recertification of disability retirement. If subsequent to the suspension of disability payments the beneficiary executes the necessary medical authorizations, then the beneficiary will be paid the retroactive suspended payments as soon as administratively feasible on the next regularly scheduled monthly payroll.

XII. PROCEDURE FOR FUTURE REVISIONS/AMENDMENTS TO THE RULES AND REGULATIONS

These Rules and Regulations may be amended at any regular meeting of the Board by the vote required or other decisions, provided the text of the proposed amendment is submitted to Board members at least seven days in advance of the meeting. The Legislative Committee shall act upon such amendments as provided in Section IV. B. Any revocations or amendments to the Rules and Regulations by the Board shall be filed with the city clerk within 30 days after they have been approved by the Board.

Source: Provision drafted based upon § 36-15-6, Milwaukee City Charter

PART 2 – ELIGIBILITY AND BENEFITS

XVII. RETIREMENT AND DEATH BENEFITS

(Paragraph A repealed - May 26, 2009 Board Meeting).

- B. The Board may, in its discretion, require a medical examination of persons seeking permission to continue in service beyond the compulsory retirement age.
- C. [Affecting Section 36-05-5] A member shall be deemed in the actual performance of his or her duty within the meaning of Section 36-05-5 of the Employes' Retirement Act during the period of time when first directed to perform a duty within the scope of his or her employment and until the member has been released from performance of such duty. The test of whether or not such member is performing a duty within the scope of his or her employment shall depend on whether such employe is subject to the control and direction of a supervisor at the time when the accident has occurred. Proofs of death provided for in Section 36-05-5 in the instance of firemen and policemen may be received from the medical panels of such respective departments.
- D. 1. Should any member who has separated from service and elected a separation benefit under Section 36-05-6-b-2, Section 36-05-6-c or Section 36-05-6-d-2 subsequently return to work in City employment for less than six months, he or she shall not be eligible for service credit for such time, and contributions deducted from the member's compensation during such period shall be returned to him or her and such service shall not terminate the retirement status of the member.
 - 2. Should any member who has elected a separation benefit as provided in Section 36-05-6-b-2, Section 36-05-6-c or Section 36-05-6-d-2 be restored to active service prior to attaining the minimum service retirement age, except members covered under paragraph 1, he or she shall again become an active member and upon subsequent retirement shall be credited with his or her service as member subsequent to his or her last restoration to membership and shall receive a retirement allowance computed as if he or she were a new entrant, and in addition he or she shall receive a retirement allowance for service prior to his or her reinstatement computed on the formula in effect at the time he or she first left such service.
 - 3. Should any member who elects a separation benefit under Section 36-05-6-b-2, Section 36-05-6-c or Section 36-05-6-d-2 and subsequently returns to active service after a lapse of less than one year from the date he or she left City employment and who remains in City employment until reaching retirement, he or she will have his or her ultimate benefit based on his or her total credited service with the city, excluding that period during which he or she was absent.
 - 4. <u>Waiver of Deferred Retirement</u> Any member eligible for deferred retirement allowance at the minimum service retirement age may within six months of attaining

the minimum service retirement age irrevocably establish a commencement date subsequent to attaining the minimum service retirement age but in no event later than April 1 of the calendar year following the calendar year in which the member turns 70½.

Any member who requests additional actuarial computations for retirement shall be required to pay the actuary's charges in excess of the charge for two retirement allowance computations.

- Any reduction of a disability benefit on account of payments paid under United States
 Law other than Title 11 of the Social Security Act shall be discontinued when the
 retired member attains the minimum service retirement age.
 - 2. Prior to filing an application for a duty disability retirement allowance, any member shall apply for a determination of any amounts paid or payable under the provisions of the worker's compensation law on account of the same disability. Any member currently receiving a duty disability retirement allowance who has not applied for or obtained a determination of any amounts paid or payable under the provisions of the worker's compensation law on account of the same disability shall apply for a determination within thirty days of his or her next scheduled periodic medical examination. Upon receipt of a determination of the amount paid or payable under the provisions of the worker's compensation law, an actuarial offset will be prospectively applied to the member's duty disability retirement allowance.
 - 3. Offset of Worker's Compensation Amounts Paid Any amounts paid to a duty disability retiree, under the Worker's Compensation Law, prior to the effective date of such duty disability as approved by the Board, and on account of the same disability, shall be offset against the amounts due from the ERS, on a dollar-for-dollar basis, as provided under XVII.E.4 of these Rules and Regulations.
 - 4. Prior to the effective date of their duty disability retirements, members affected by XVII.E.3 of these Rules and Regulations must elect one of the following options. Members on duty disability on the effective date of this rule may, within 60 days, elect one of the following options:
 - a. Issue a lump sum payment to the ERS equal to the total principal amount of the Worker's Compensation award so that no offsets are applied to their duty disability pensions.
 - b. Authorize a monthly offset against the disability benefits for a period of 5 years from the effective date of such benefits, until an amount equal to the principal amount of the Worker's Compensation award is recovered; provided that the date of re-computation as a service retirement will not take effect before the expiration of said five years offset period.

- c. Authorize a monthly offset against the duty disability for the period between the effective date of such benefits, and the date of the re-computation of the benefits as a service retirement allowance.
- 5. In the event a member does not elect one of the options under Section 4 above, the offset provisions contained in Section 4.c will apply.
- F. In applying provisions of Section 36-06-9 of the ERS law, "Limitations of Payment under Coordinated Plan," it is hereby provided that effective with retirements beginning January 1, 1974, that only the Social Security Old Age Insurance benefit due will be used in determining the limitation for a Coordinated Plan member retiring from this system on a service retirement under Section 36-05-1 or on an early retirement under Section 36-05-6, unless the member is receiving or is eligible to receive a Social Security Disability Insurance benefit beginning on or before the date of his or her ERS service or early retirement. Social Security Disability Insurance benefit will be used only in determining the limitation for a Coordinated Plan member who is retiring under ERS Ordinary or Duty Disability retirement provisions or who is receiving or is eligible to receive a Social Security Disability Insurance benefit beginning on or before the date of his or her ERS service or early retirement.
- G. All members on disability or other type of retirement affected by outside earnings limits provided in the Pension Law, must submit a copy of their federal income tax return not later than May 31 following the year being audited. In the event that the above beneficiaries do not file federal income tax returns due to their filing status, then they must file a certification to that effect in the form prescribed by the Board.
 - 1. When evaluating Federal Income Tax Forms to determine applicable income toward any outside earnings the following will be considered: income identified as wages; salary; tips; business income (including rental property income in accordance with legal opinion dated 2/20/87). The following income will not be considered: interest and dividend income, income identified as alimony received; deferred compensation; dividends from tribal membership; disability income/insurance; and unemployment compensation. The following income will be considered but only if there is additional information indicating the income is from a business or occupation: capital gains/capital losses for real estate investments when the real estate business is identified as a business or occupation; gambling/lottery winnings when gambling is identified as a business or occupation.
 - 2. Any beneficiary who fails to comply with the outside earnings requirement will be assumed, until such time as the beneficiary complies with the requirement, to have outside earnings that result in a total offset of the beneficiary's retirement allowance.
 - 3. If, after compliance with the outside earnings reporting requirement, it is determined that a beneficiary who had been delinquent in reporting his outside earnings should not have had a complete offset of his retirement allowance, then any previously offset

amount that is due will be paid to the beneficiary as soon as administratively feasible on the next regularly scheduled monthly payroll.

- H. All complaints relative to disability recipients will be referred to Employe Benefits Administration ("EBA"). Referrals from EBA relative to a disability recipient shall be presented to the Board for a determination as provided in Section 36-05-3-c-1-b.
- I. If a member who is involuntarily separated as provided under Section 36-05-6-b, or voluntarily separated as provided under Section 36-05-6-d fails to make an election within six (6) months of notification of his or her rights by the Board, the Board, as provided in Section 36-05-6-b-7 and Section 36-05-6-d-3, will elect on the member's behalf, the option to leave the member's contributions in the Fund until minimum service retirement age and thereafter to receive a deferred retirement allowance. If the member is involuntarily separated from employment under Section 36-05-6-b and litigation is commenced within six months, the period is extended to a period ending six months from the completion of litigation.

Source: Rules and Regulations, § VII, p.9

J. If a member of ERS, who is a part-time employee, dies prior to retirement and the beneficiary qualifies for the ordinary death benefit under 36-05-10, the following rule shall apply in calculating the death benefit (1/2 FAS). The final average salary (FAS) will be prorated based on the amount of actual service credit during the period of time used to determine the FAS (excluding the year of death, as a non-representative year). The calculation will be the actual service credit during the FAS period divided by the possible service credit time during the FAS period.

Justification is in CA opinion 63-OCA-430 and CA opinion dated June 22, 1999.

K. Effective August 29, 2001 the minimum monthly allowance referred to in Chapter 36-05-1-a, s. 36-05-6-b-2, s. 36-05-6-d-2 and s. 36-05-10-a-3 is increased from \$25 to \$100. Each benefit authorized on or after July 1, 2001 shall be subject to the new minimum. Annually the minimum allowance shall be reviewed and may be increased by board approval by the cost of living as provided in s. 36-05-01-a rounded to the nearest \$10.

Justification is in CA opinion, dated March 23, 2001.

M. A member in active service, who has received a final denial of a duty-disability allowance application based upon a finding by the medical panel or council that the member's incapacitation from duty was not permanent and/or total, may file a new application for a duty-disability allowance based on the same injury or injuries upon which the previous application was denied, provided that the new application includes a written report from the member's treating physician that the member's medical condition has changed since the final denial to the extent that the member is now permanently and/or totally incapacitated from duty. The treating physician's conclusion must be based on information that establishes a significant change of the active member's condition since his or her final denial and that was not previously considered by the medical panel or council. The medical panel or council shall determine whether a significant change in the member's condition

has occurred so that the member has now become permanently and/or totally incapacitated from duty and shall make its certification based on that determination.

N. FALSE INFORMATION. The Board may dismiss the Application of any person who submits false information regarding an application for disability benefits or who submits false information to the Medical Panel, Medical Council, or any physician retained by the Medical Council to conduct an examination.

XX. REVIEW

A. REQUEST

A "request" is a written communication from a member asking that a previous decision be modified or reversed.

- 1. Written request shall be mailed or delivered to the office of the ERS within 30 days of notice of initial determination.
- 2. The request must state the ground upon which the member contends that the decision should be modified or reversed.
- 3. Any evidence and argument in support of the aggrieved member's position shall be annexed to the request.

Source: Wis. Stat. § 68.08

B. PROCEDURE

- Review shall be made by an independent committee or person determined by the Board.
- Review shall be within 15 days of receipt of a request unless the aggrieved member agrees to extend the time.

Source: Wis. Stat. § 68.09

C. DECISION

The committee or person designated by the Board may affirm, reverse or modify the initial determination and shall notify the member aggrieved the reason for such decision, his or her right to appeal and the time and place to file said appeal. The committee or person designated by the Board shall not have authority to grant a pension.

Source: Wis. Stat. § 68.09; Rules and Regulations, § XIII, p. 17

XXI. APPEAL

A. REQUEST

Appeal from a decision on review shall be taken within 30 days of notice of such decision. Written notice of appeal shall be filed with the person or office designated in the decision on review.

Source: Wis. Stat. §68.10

B. PRACTICE AND PROCEDURE

1. Notice of Appeal.

- a. The Board shall provide a hearing on an appeal within 15 days of receipt of the notice of appeal.
- b. The Board shall serve the appellant with notice of such hearing at least 10 days before such hearing, unless the appellant agrees to extend the time.
- c. The notice shall contain the following: (1) date, time and location of the hearing; (2) name of all parties; and (3) name of the person designated by the Board, as set forth in sub. (2), to conduct the hearing.
- 2. The hearing shall be conducted by an impartial person or committee designated to conduct the hearing and report to the Board.

3. <u>Adjournments; Failure to Appear</u>.

- a. The person conducting the hearing may adjourn a hearing for good cause, upon written request by a party at least 5 business days prior to the scheduled hearing, and the hearing shall be reset or reconvened at his or her discretion.
- b. Failure to appear.
 - (1) If an appellant fails to appear at a hearing following due notice, the person conducting the hearing may dismiss the appeal unless the appellant shows good cause for the failure to appear.
 - (2) If a respondent fails to appear, the person conducting the hearing may take testimony and/or take the allegations in an appeal as true as may be appropriate, unless good cause is shown for the failure to appear.
- c. In determining whether good cause exists in subs. (a) or (b) of this subsection, the person conducting the hearing may consider the reason for the failure to appear, the prejudice to the other party that occurred as a result of the failure to appear, and such other circumstances or facts as may be appropriate.
- Conduct of a Hearing.

- a. At the hearing, both the appellant and the respondent, upon review, may be represented by counsel and call and examine witnesses and cross-examine witnesses of the other party.
- b. Witnesses shall be sworn by the person conducting the hearing.
- c. The Board, or any individual authorized pursuant to Wis. Stat. §68.11(2), may issue subpoenas.
- d. The person conducting the hearing may, in his or her discretion, permit any party, counsel for a party or witness to appear by means other than in-person appearance such as by telephone, upon written request at least 5 days prior to the scheduled hearing for good cause shown. In determining whether good cause exists in this subsection, the person conducting the hearing may consider the factors, to the extent applicable, set forth in Wis. Stat. §807.13(2)(c)1-8.
- e. The person conducting the hearing may require the parties to exchange all proposed hearing exhibits and to submit to him or her all proposed hearing exhibits in advance of the hearing so that a party, counsel for a party or witness appearing by means other than in-person appearance will have access to the proposed exhibits during the hearing, or for such other reason as may be required for the orderly and efficient conduct of the hearing.
- f. The person conducting the hearing shall take notes of the testimony and shall mark and preserve all exhibits and shall cause the proceedings to be taken by a stenographic reporter at the expense of the Board. Any medical or hospital report or record shall be admissible, and may be relied upon by the person conducting the hearing in making his/her recommendation to the Board, so long as it is provided to the other party at least five days prior to the hearing or stipulated to by the parties. The person conducting the hearing shall indicate whether the findings were based on the credibility of the evidence.

5. Resolution of an Appeal without Appellant Appearing.

- a. The appellant may request that the person conducting the hearing decide the appeal based on written submissions. Such a request must be made in writing setting forth the reasons for the request at least 5 days prior to the scheduled hearing.
- b. In determining whether to grant an appellant's request for the appeal to be decided based on written submissions, the person conducting the hearing may consider the appellants reason for the request, prejudice to the other party, location of witnesses, difficulty of the appellant to appear or otherwise participate in a hearing, and such other circumstances or facts as may be appropriate.

- c. If the person conducting the hearing, in his or her discretion, grants the appellant's request for the appeal to be decided on written submissions, the person conducting the hearing shall issue a schedule for the submission of written materials by the parties.
- d. The person conducting the hearing may, in his or her discretion, make such other reasonable accommodations for the preservation of evidence and testimony at a hearing for orderly and efficient conduct of the hearing.
- 6. Within 30 days of the completion of the hearing on appeal, the person or committee designated to conduct the hearings shall simultaneously submit to the Board and all parties or their respective counsel, a written report, together with proof of mailing, in which he or she shall summarize the evidence presented, set forth a proposed decision and the reason therefore (including the evidence upon which the examiner relied), and proposed findings and conclusions in support of such decision.
- 7. Within 45 days of mailing of such report, the parties shall be permitted to file written briefs with the Board setting forth their respective positions. Any reference to transcripts of the proceedings in the brief shall be accompanied by pertinent portions of the transcript. Within ten (10) days of its final decision, the Board shall mail or deliver to the appellant its written determination stating the reasons therefore. Such determination shall be final. (Amended 05-26-2009 Board Meeting)

Source: Wis. Stat. §68.11 and §68.12

C. JUDICIAL REVIEW

Any person, aggrieved within the meaning of ch. 68, Wis. Stats., by a determination of the Board reviewable under ch. 68, Wis. Stats., may have such determination reviewed in accordance with the procedures established under Section 68.13, Wis. Stats.

Source: Wis. Stat. §68.13; Milwaukee City Charter Section 36-15-18; Rules and Regulations,

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Employes' Retirement System City of Milwaukee 789 North Water Street, Suite 300 Milwaukee, WI 53202 1-800-815-8418 or 414-286-3557

APPLICATION FOR DUTY-DISABILITY RETIREMENT

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Employes' Retirement System City of Milwaukee 789 North Water Street, Suite 300

Milwaukee, WI 53202 1-800-815-8418 or 414-286-3557

APPLICATION FOR DUTY-DISABILITY RETIREMENT FIRE AND POLICE

Currant Form

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Employes' Retirement System City of Milwaukee 789 North Water Street, Suite 300 Milwaukee, WI 53202 1-800-815-8418 or 414-286-3557

STATEMENT OF DISABILITY DUTY DISABILITY - FIRE & POLICE

Statement to be returned with Application

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ERS RULES AND REGULATIONS

X. CONFERENCES AND PROFESSIONAL DEVELOPMENT

A. PURPOSE

It is the policy of the Board to encourage its Board members and staff to annually attend educational training in support of their fiduciary responsibilities. Members of the Board owe a fiduciary responsibility to the members and beneficiaries of the ERS. The process of continuing education is necessary for board members to fulfill their fiduciary responsibilities. Board members and staff are expected to continue educating themselves to improve the level of responsibility, proficiency and service to the ERS.

B. REQUIREMENTS

1. Authorization

Members of the Board and professional staff (Executive Director, Deputy Director and Chief Investment Officer) shall submit conference requests to the Executive Director who will schedule such requests for approval at the next Board meeting. Emergency authorization may be granted when time does not permit action by the Board. Such authorization requires written approval by the Chair and will be reported and ratified at the next Board meeting. Other members of the ERS staff shall submit training requests to the Executive Director for approval.

2. Conference Materials

Board members are encouraged to distribute written materials on topical areas acquired from conference attendance to fellow board members and staff.

3. Statement of Expenses

Within [[two weeks]] >> 15 days << of returning from a conference, the attendee shall file a statement of expenses, attaching transportation (i.e.: air, rail, etc.) ground transport (shuttle service, taxi, or auto rental), hotel and registration (if not prepaid) receipts. If traveling by auto, reimbursement for mileage shall be in accordance with [[section 350-183-7-a-3 of the Milwaukee Code of Ordinances using mileage rates for management employees]] >> MCO s. 350-183<<.

C. TRANSPORTATION AND ACCOMMODATIONS

- 1. Registration fees, transportation tickets (i.e.: airfare) and hotel deposits may be prepaid directly from the office of the ERS. The Board, professional staff or staff member may request an advance for the amount of estimated out of pocket expenses exclusive of any amounts being prepaid.
- 2. Discounted airfare rates should be utilized if available.
- 3. Reimbursement for ground transportation will be provided in full.

- 4. Hotel accommodations shall be a standard room in the convention hotel if available for the days of the conference. Additional days are allowed if a savings can be shown (i.e.: the cost of additional lodging and related expenses covered under the per diem allowance is more than offset by savings in airfare.)
- 5. All other related expenses incurred including, but not limited to meals, tips, telephone, etc. will be reimbursed for costs actually incurred, but such reimbursement shall be limited to an established per diem limitation. [[The limitation is the per diem allowance times the number of days in attendance plus one. The Board shall establish the per diem allowance.]] >> The per diem allowance shall be the federal meal per diem for the travel destination shall be in accordance with MCO s. 350-181-6-a-4.<
- 6. In addition to the days allowed under C.4 for hotel accommodations and under C.5 for related expenses, an additional day of hotel accommodation and related expenses shall be allowed [[for individuals who travel to the conference or convention location the day before the event commences and who return from the conference or convention location the day after the event ends]].

Source: ERS [[Guidelines for Seminars, Conventions and]] Travel >> Policy Guidelines <<

XI. REIMBURSEMENT FOR CONFERENCES AND PROFESSIONAL DEVELOPMENT EXPENSES

A. TYPES OF EXPENSES REIMBURSED

Expenditures must be directly related to the operation of the ERS or for educational purposes, which fulfill each trustee's fiduciary responsibility.

B. PROCEDURE FOR SUBMITTING EXPENSES

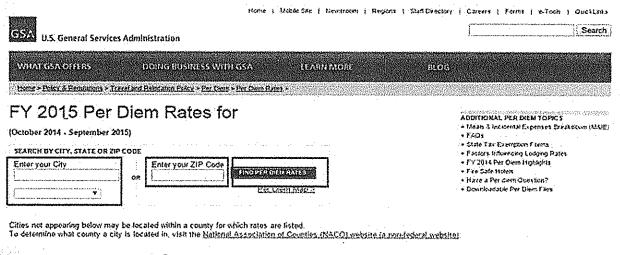
Within [[two-weeks]] >> 15 days << of returning from training, Board and staff members are required to provide an accounting of all expenses related to the training on a form approved for this use by the Board (Statement of Expenses Incurred). This form shall provide for reporting the details of all actual costs incurred as provided for under this section, as well as the per diem limitation. Amounts paid directly by the ERS (either prepaid or charged on an ERS issued ProCard) and advances provided shall be deducted from total costs incurred to determine amounts due from or owed to the Trust by the Board or staff member. The Board or staff member shall sign The Statement of Expenses Incurred prior to submittal for approval, certifying that the expenses were incurred in conjunction with their duties and fiduciary responsibilities.

If amounts paid and advanced to the Board or staff member exceeds the actual cost of the training, a check for the amount owed to the Trust shall accompany the Statement of Expenses Incurred.

Reimbursements to Board and staff members for expenditures associated with travel will be reviewed and approved by the Executive Director prior to settlement. Reimbursements to the Executive Director shall be reviewed by and approved by the Board Chair.

Meal Per Diem Example

- An employee is traveling to Chicago, IL for a conference. The conference lasts three days and lunch will be provided all three days. Attendees must get their own breakfast each day. Dinner will be provided on the last day following the final conference activity.
- To determine the meal per diem (or maximum reimbursement amount per day), the following steps should be followed:
 - 1. Go to the GSA per diem look up site
 - 2. Enter in the destination (zip code or city, state) and press enter or click "FIND PER DIEM RATES" next to the search field.



For this example, Chicago would be entered for the City.

Meal Per Diem Example

- Meal per diem steps (cont.)
 - 3. The chart below will be displayed. The chart contains a lodging category and a category for meals and incidental expenses. The meals and incidentals column is the relevant category, but the amount listed here (\$71) is not the final amount. The amount allocated to incidentals as well as the amounts associated with any provided meals will need to be deducted to determine the final maximum reimbursement amount. To do this, the employee should click on "Breakdown of M&IE Expenses" beneath the chart.

Max fodging by Month (excluding taxes) Meals & Inc.	The following rates apply for C	hicago , Illinois	
2014 2015 Exp.** Oct Nov Dec Jan Feb Mar Apr May Jun Jul Aug Sep	Prince Destination (4)		Max lodging by Month (excluding taxes) Meals
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^{*} NOTE: Traveler reimbursement is based on the location of the work activities and not the accommodations, unless lodging is not available at the work activity, then the agency may authorize the rate where lodging is obtained......

"Meals and Incidental Expenses, see <u>Breakdown of M&IE Expenses</u> for important information on first and last days of travel.

Meal Per Diem Example

- Meal per diem steps (cont.)
 - 4. For an employee traveling to Chicago, IL, the total per diem was listed as \$71. This is the row the employee should look at to determine the amounts allocated for each meal (columns for breakfast, lunch, and dinner).

Total)	Continental Breakfast/ Breakfast	(Eurich,	Dinner	IB
\$46	\$7	511	\$23	\$45 /
\$51	\$ <u>0</u>	\$12	\$26	gà√
\$56	şy	\$13	\$28	sş{\
\$61	\$10	\$15	53	75
\$66	\$11	916	934	/\$5 \
\$/1	\$12	\$18	\$ 3 6	\$5

**The final column containing \$5 for incidental expenses should be deducted as incidental expenses are not reimbursed as a part of the meal per diem and are to be itemized elsewhere on the Statement of Expenses form. The daily maximum meal reimbursement amount would be \$66 if the employee were traveling to Chicago for an event with no provided meals.

- 5. Calculate the maximum meal reimbursement amount. For this conference, the employee will be eligible to receive reimbursement for the following meals:
 - Day One: \$12 for breakfast and \$36 for dinner. Up to a total of \$48 for the day.
 - Day Two: \$12 for breakfast and \$36 for dinner. Up to a total of \$48 for the day.
 - Day Three: \$12 for breakfast. Up to a total of \$12 for the day.

The total **maximum** meal reimbursement amount would be \$108 (\$48+\$48+\$12) for the trip.

Handout



Guidelines for City Employee Travel Expenditures and Reimbursements

Department of Administration 3/1/2015

Guidelines for City Employee Travel Expenditures and Reimbursements

*These guidelines should be used as a supplementary document, providing further clarification for the Milwaukee Code of Ordinances Chapter 350 – Employee Regulations and Benefits, Subchapter 8 – Transportation and Travel. The ordinance should always be consulted first followed by your department's individual regulations related to travel and reimbursements. More restrictive, departmental policies supersede the City ordinance. Be sure to consult with the appropriate staff in your department and/or the Comptroller's Office with further questions regarding allowable and unallowable expenses and reimbursements.

Travel Arrangement

Employees should exercise prudence in making travel arrangements to ensure that the most economical options appropriate for the situation are chosen. This may require some research. Employees should keep in mind that reimbursements will not be issued for arrangements found to be unreasonable in purpose or amount. Approval should be obtained before any final arrangements are made.

Transportation Reimbursement

The City will reimburse for up to the cost of roundtrip, coach fare (air, rail, etc.) and one standard checked bag plus other mandatory transportation expenses. Expenses incurred for seat upgrades, seat preferences, and any other fees for additional items are the responsibility of the employee. Costs for each checked bag after the first and any additional fees for excess weight in relation to baggage will not be reimbursed unless the employee is required to pack additional materials for a business related purpose or physical need.

There are a number of price checking sites available that may be helpful in finding the best rates. When choosing a flight or other mode of transportation, employees should do their best to factor in other charges that may be added to the initial fare.

City Pool Cars

Available for employee use is "a diverse fleet of light and heavy duty vehicles and equipment that are suitable to the needs of the users, available when users need them, reliable when being operated, safe to operate, and economical to own, operate and maintain" (Fleet Vehicle Usage and Safety Manual). Employees are encouraged to use these pool cars when traveling by vehicle on behalf of the City. The cost of using a City vehicle is currently \$9.04/day of use, which is often a more economical option than driving a personal vehicle depending on the distance the employee will be traveling.

Employees can request a pool car from Upper Parking of the Zeidler Municipal Building by sending an email to "Carpool" or contacting the custodian in charge of pool cars. It is best to reserve the vehicle ahead of time, especially if the vehicle will be used to travel out of the City.

DPW – Fleet Services Section has developed a set of guidelines, "Fleet Vehicle Usage and Safety Manual", which should be reviewed before operating all City vehicles, including pool cars.

Other Transportation

Other transportation methods, such as Lake Express Car Ferry, are reimbursable expenses when prior approval is given and documentation is provided demonstrating that the method chosen was the most practical and/or economical method at the time. Employees should make an effort to avoid using unconventional/ less common methods of transportation when possible.

Example:

An employee is granted approval to travel for an unanticipated, last minute event. At the time the arrangements are made, roundtrip airfare is not the most economical method of transportation. The employee chooses to drive a personal vehicle and use the Lake Express Car Ferry.

In order to receive full reimbursement for the trip, the employee must show that approval was granted prior to making the arrangements and that the cost of roundtrip airfare would have been more expensive at the time. The employee should print the page showing the airline ticket prices with the date and all of the required documentation verifying the expenses incurred. The TOTAL cost of the ferry plus ALL expenses related to the employee's use of his/her personal vehicle should be less than airfare at the time travel arrangements were made.

Travel Advances

The travel advance form should be completed and signed by both the employee and supervisor or appropriate designee. Advances will not be issued without a signature from a supervisor. The deadline for settling any issued advances is 15 days from the employee's return.

Employees are allowed to request an advance early to allow for earlier airfare booking, which often results in cheaper fares. Since only one advance will be allowed per trip, employees may request funds exceeding the amount of the airfare to cover other trip expenses. Employees should keep in mind that they will not be able to settle the advance (including the amount for airfare) until after returning from the trip if the advance will be covering expenses other than airfare. Advances for airfare only can be settled at any point before the 15 day deadline.

Enforcement of repayment of travel advances

ALL documentation and repayment of any unused funds must be submitted to the Comptroller's Office NO LATER THAN 15 DAYS AFTER THE EMPLOYEE RETURNS to the City. Failure to comply with this policy may result in the withholding of funds from the employee's paycheck until the full amount of unused funds is recovered and/or the employee's inability to receive advances for future travel.

Employees are encouraged to keep all required documentation and receipts organized during travel. One suggestion for doing so is to place all receipts into an envelope as they are received so the information will be readily available when the time comes to complete and submit the Statement of Expenses.

Communication Expenses

Employees will be reimbursed for communication expenses related to conducting business on behalf of the City of Milwaukee.

Group and meeting travel

Multiple employees traveling together should do their best to separate expenses and indicate clearly which expenses were their own as each employee must submit an individual Statement of Expenses form. Multiple employees will not be reimbursed for the full amount of any shared expense incurred during travel. No employee will be reimbursed for expenses prepaid by the City or other entity.

Example:

If two employees traveling together decide to share one hotel room, one employee will be reimbursed for the cost of the room unless the employees are able to clearly indicate the split charge on the receipt. In that case, each employee will be reimbursed for their portion of the room cost.

Luggage fees

The City will reimburse employees for up to one, standard checked bag. Fees for excess weight charges and additional checked bags are the responsibility of the employee. In the event that an employee will need to take extra bags along for some work-related purpose (materials to be exhibited at a conference, for example) or due to some physical need, the City will reimburse employees for the additional baggage fees incurred.

Employees returning from a conference or event with a significant amount of materials (literature, samples, etc.) should consider shipping the excess materials rather than incurring additional baggage fees.

Meal Allowance/Per Diem

*Employees will be reimbursed for up to the federal <u>meal</u> per diem assigned to the destination they will be traveling to instead of the previous \$50 per diem. Expenses that were previously "per diem" expenses will still be reimbursable provided they are approved and accompanied by the proper documentation. These expenses are to be itemized on the Statement of Expenses form.

Employees traveling to destinations 50 miles or further one way (100 miles roundtrip) from the City are eligible to receive reimbursement for meals not provided by the conference or training event (including tips up to 15%) up to the federal meal per diem rate assigned to the travel destination. Travelers and other staff can <u>visit the GSA website</u> to determine the appropriate meal per diem amount for a specific travel destination. The GSA takes into account various factors such as geographic location, cost of living, and inflation in setting these amounts. The use of the federal rates provided by GSA allows the City to more fairly reimburse employees. Employees will not be required by ordinance to submit receipts for meals. However, individual departments may require receipts at their discretion.

The total daily per diem rate varies by location. In addition, the total daily amount is broken out into different amounts for each meal. For example, a traveler going to Washington, D.C. would receive a total amount of \$66 for each day (\$12 for breakfast, \$18 for lunch, and \$36 for dinner). This amount should be adjusted based on the number of meals provided by the event the employee is attending. For example, on day one of the conference, a continental breakfast is provided. For that day, the employee's meal per diem would be \$54 (\$66 - \$12 for the breakfast provided by the event). Prudent travelers will make an attempt to stay within the amounts specified and will not request reimbursement in excess of the amount actually and reasonably spent despite not being required to submit receipts.

Per the ordinance, employees will not be reimbursed for expenses that have already been prepaid by the City or some other entity. Most registration and conference fees include at least some of the employee's meals. For this reason, employees will need to look at the conference or event agenda prior to and during travel to accurately determine the amount they can expect to be reimbursed each day for meals as the amount associated with each provided meal will be subtracted from the meal per diem amount allowed for that day. Exceptions may be made for employees that need to leave an event and miss a provided meal due to another business commitment.

Employees choosing to purchase food from a grocery store should be sure to subtract any unrelated expenses from the total on the receipt.

Mileage rate

*Employees are encouraged to use the City pool cars available to them instead of personal vehicles when possible.

Reimbursement will be *up to* the IRS mileage rate when use of personal vehicle is the most economical or practical transportation option or when otherwise approved. Consult your department's individual guidelines for the exact reimbursement rate you can expect receive.

Transportation to Chicago will be reimbursed up to the cost of a roundtrip rail (Amtrak) ticket. The full mileage rate will not be reimbursed unless the employee is being required to drive.

Expenses greater than anticipated/approved amounts

Employees must provide documentation proving the necessity of any excess charges. It is the employee's responsibility to make careful estimations prior to incurring expenses during travel as reimbursement for expenses significantly greater than the anticipated and/or approved amount is not guaranteed. With proper documentation, however, employees will not be expected to cover mandatory, unanticipated expenses related to conducting City business.

Foreign currency translation

All amounts should be converted to US dollars and appropriate documentation should be submitted with the Statement of Expenses form.

Alcoholic beverage policy

Employees will not be reimbursed for any alcoholic beverage expenses and are encouraged to refrain from consuming alcoholic beverages while representing the City during travel. If an employee does decide to consume alcoholic beverages with a meal, after his or her duties are completed for the day, the employee should ensure that those charges are deducted from the bill's total and not included in the amount reported on the Statement of Expenses. Employees of departments requiring meal receipts should consider having those items placed on a separate bill if there are concerns about submitting receipts containing charges for alcohol.

Exceptions may be made for City-sponsored events related to legislative advocacy.

Valet parking

Valet parking is not an allowable expense unless more economical options for parking are unavailable. Employees should take advantage of free parking lots and any parking that has been included with the registration fees.

Receipts

Employees must submit an itemized receipt for each expense listed on the Statement Expenses form except meals unless required by their department. Credit card receipts will not be accepted as sufficient documentation. The receipt should include the total amount, the number of guests, and that full payment was received by the vendor.

In some cases, an itemized receipt may not be available. In such a case, there are other forms of documentation that are acceptable. Examples of sufficient documentation when receipts are not available are listed below. Employees should consult the Comptroller's Office and/or the appropriate staff in their department with questions about the appropriateness of other forms of documentation not listed here.

Examples of acceptable documentation:

- Payment confirmation page
 - As with purchasing flights online
- Proof of course completion
 - Specifically for courses in which the completion card cannot be obtained without payment
- Sworn, signed affidavit
 - This should be used as a last resort when receipts and other forms of documentation are not available.
 Staff from the Comptroller's Office must provide this.

*Itemized receipts are the preferred form of documentation and make the processing of expense forms and reimbursements more efficient. Employees should make every effort to avoid submitting alternatives when possible.

Enforcement of the use of CityTime for mileage only reimbursement

Employees with mileage allowance traveling on behalf of the City of Milwaukee that do not incur any expense other than mileage must use CityTime to claim that mileage for reimbursement. A Statement of Expenses form should only be used if other expenses are incurred. Employees cannot claim mileage for the same trip using both methods.

Single-day travel for conferences, meetings, and training

Employees will receive reimbursement for meals, mileage, and other related travel expenses when traveling to destinations 50 miles or further from Milwaukee one way (100 miles roundtrip). Meals and mileage are not reimbursable expenses for single-day travel to destinations closer than 50 miles from Milwaukee.

*If an employee must report to work before reporting to the location of the conference or training event, mileage will be reimbursed from the employee's work location to the location of the event.

Car Rental

Employees that have been authorized to rent a car should take care to avoid incurring any additional fees as some may not be considered standard charges and will not be reimbursed. For example, in the case of refueling, the employee should refuel before returning the vehicle to avoid being charged for the fuel *and* the additional refueling fees often charged by rental agencies.

Employees should also be prepared to provide proof that mileage incurred was business related as mileage for personal use of the rental vehicle will not be reimbursed.

Submission Deadlines and Extensions

The deadline for submitting the Statement of Expenses form and all supporting documentation is 15 days after the employee returns from travel. Extensions may be granted in some cases. For example, employees experiencing a hardship such as illness or the death or illness of a family member may be granted an extension. Employees should contact their supervisor or appropriate staff in their department and the Comptroller's Office to notify them of their need for an extension as soon as possible. Employees should be prepared to provide an explanation or some form of documentation if requested.

Transportation in the Destination Area

While parking and transportation in the destination area are considered to be allowable and reimbursable expenses, employees are strongly encouraged to find and utilize the most economical modes of transportation when appropriate. For example, employees should take advantage of airport shuttles or transportation provided by the event and/or use local transportation (subway, bus, metro, etc.) when it is safe and practical to do so. Employees are also encouraged to avoid taking taxis, especially in major cities where public transportation is abundant, unless other modes of transportation are unsafe, impractical, or unavailable.