

**SUBSTITUTE FOR
HOUSE BILL NO. 5313**

A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,"

(MCL 45.551 to 45.573) by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 4A. (1) BEGINNING SEPTEMBER 30, 2014, EACH COUNTY ROAD**
2 **AGENCY SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THAT IT SATISFIES 1**
3 **OF THE FOLLOWING CONDITIONS WITH RESPECT TO TRANSPORTATION**
4 **EMPLOYEES:**

5 **(A) THE COUNTY ROAD AGENCY HAS DEVELOPED AND PUBLICIZED A**
6 **TRANSPORTATION EMPLOYEE COMPENSATION PLAN THAT THE COUNTY ROAD**

1 AGENCY INTENDS TO IMPLEMENT WITH ANY NEW, MODIFIED, OR EXTENDED
2 CONTRACT OR EMPLOYMENT AGREEMENTS FOR TRANSPORTATION EMPLOYEES NOT
3 COVERED UNDER CONTRACT OR EMPLOYMENT AGREEMENT. THE TRANSPORTATION
4 EMPLOYEE COMPENSATION PLAN THAT EACH COUNTY ROAD AGENCY PLANS TO
5 ACHIEVE SHALL BE POSTED ON A PUBLICLY ACCESSIBLE INTERNET SITE AND
6 MUST BE SUBMITTED TO THE DEPARTMENT. AT A MINIMUM, THE
7 TRANSPORTATION EMPLOYEE COMPENSATION PLAN SHALL INCLUDE ALL OF THE
8 FOLLOWING:

9 (i) NEW TRANSPORTATION EMPLOYEE HIRES WHO ARE ELIGIBLE FOR
10 RETIREMENT PLANS ARE PLACED ON RETIREMENT PLANS THAT CAP ANNUAL
11 EMPLOYER CONTRIBUTIONS AT 10% OF BASE SALARY FOR TRANSPORTATION
12 EMPLOYEES WHO ARE ELIGIBLE FOR SOCIAL SECURITY BENEFITS. FOR
13 TRANSPORTATION EMPLOYEES WHO ARE NOT ELIGIBLE FOR SOCIAL SECURITY
14 BENEFITS, THE ANNUAL EMPLOYER CONTRIBUTION IS CAPPED AT 16.2% OF
15 BASE SALARY.

16 (ii) FOR DEFINED BENEFIT PENSION PLANS, A MAXIMUM MULTIPLIER OF
17 1.5% FOR ALL TRANSPORTATION EMPLOYEES WHO ARE ELIGIBLE FOR SOCIAL
18 SECURITY BENEFITS, EXCEPT, WHERE POSTEMPLOYMENT HEALTH CARE IS NOT
19 PROVIDED, THE MAXIMUM MULTIPLIER SHALL BE 2.25%. FOR ALL
20 TRANSPORTATION EMPLOYEES WHO ARE NOT ELIGIBLE FOR SOCIAL SECURITY
21 BENEFITS, A MAXIMUM MULTIPLIER OF 2.25%, EXCEPT, WHERE
22 POSTEMPLOYMENT HEALTH CARE IS NOT PROVIDED, THE MAXIMUM MULTIPLIER
23 SHALL BE 3.0%.

24 (iii) FOR DEFINED BENEFIT PENSION PLANS, FINAL AVERAGE
25 COMPENSATION FOR ALL TRANSPORTATION EMPLOYEES IS CALCULATED USING A
26 MINIMUM OF 3 YEARS OF COMPENSATION AND SHALL NOT INCLUDE MORE THAN
27 A TOTAL OF 240 HOURS OF PAID LEAVE. OVERTIME HOURS SHALL NOT BE

1 USED IN COMPUTING THE FINAL AVERAGE COMPENSATION FOR A
2 TRANSPORTATION EMPLOYEE.

3 (iv) HEALTH CARE PREMIUM COSTS FOR NEW TRANSPORTATION EMPLOYEE
4 HIRES SHALL INCLUDE A MINIMUM TRANSPORTATION EMPLOYEE SHARE OF 20%;
5 OR, AN EMPLOYER'S SHARE OF THE LOCAL HEALTH CARE PLAN COSTS SHALL
6 BE COST COMPETITIVE WITH THE NEW STATE PREFERRED PROVIDER
7 ORGANIZATION HEALTH PLAN, ON A PER-TRANSPORTATION-EMPLOYEE BASIS.

8 (B) COMPLY WITH 1 OF THE FOLLOWING:

9 (i) A COUNTY ROAD AGENCY THAT OFFERS MEDICAL BENEFITS TO ITS
10 TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL CERTIFY
11 TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT IS IN COMPLIANCE
12 WITH THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT, 2011 PA
13 152, MCL 15.561 TO 15.569. DENTAL AND VISION COVERAGES ARE NOT
14 CONSIDERED MEDICAL BENEFITS. THE DEPARTMENT SHALL DEVELOP A
15 CERTIFICATION PROCESS AND METHOD FOR COUNTY ROAD AGENCIES TO
16 FOLLOW.

17 (ii) A COUNTY ROAD AGENCY THAT DOES NOT OFFER MEDICAL BENEFITS
18 TO ITS TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL
19 CERTIFY TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT DOES NOT
20 OFFER MEDICAL BENEFITS TO ITS TRANSPORTATION EMPLOYEES OR ELECTED
21 PUBLIC OFFICIALS. DENTAL AND VISION COVERAGES ARE NOT CONSIDERED
22 MEDICAL BENEFITS. THE DEPARTMENT SHALL DEVELOP A CERTIFICATION
23 PROCESS AND METHOD FOR COUNTY ROAD AGENCIES TO FOLLOW.

24 (2) IF A COUNTY ROAD AGENCY DOES NOT MAKE THE CERTIFICATION
25 REQUIRED UNDER SUBSECTION (1), THE DEPARTMENT MAY WITHHOLD ALL OR A
26 PART OF THE DISTRIBUTIONS TO THE COUNTY ROAD AGENCY FROM THE
27 MICHIGAN TRANSPORTATION FUND UNDER 1951 PA 51, MCL 247.651 TO

1 247.675. A WITHHOLDING UNDER THIS SUBSECTION SHALL CONTINUE FOR THE
2 PERIOD OF NONCOMPLIANCE WITH SUBSECTION (1) BY THE COUNTY ROAD
3 AGENCY.

4 (3) A COUNTY ROAD AGENCY SHALL MAINTAIN A SEARCHABLE WEBSITE
5 ACCESSIBLE BY THE PUBLIC AT NO COST THAT INCLUDES, BUT IS NOT
6 LIMITED TO, ALL OF THE FOLLOWING:

7 (A) FISCAL YEAR-TO-DATE EXPENDITURES BY CATEGORY.

8 (B) FISCAL YEAR-TO-DATE EXPENDITURES BY APPROPRIATION UNIT.

9 (C) FISCAL YEAR-TO-DATE PAYMENTS TO A SELECTED VENDOR,
10 INCLUDING THE VENDOR NAME, PAYMENT DATE, PAYMENT AMOUNT, AND
11 PAYMENT DESCRIPTION.

12 (D) THE NUMBER OF ACTIVE TRANSPORTATION EMPLOYEES OF THE
13 COUNTY ROAD AGENCY BY JOB CLASSIFICATION.

14 (E) JOB SPECIFICATIONS AND WAGE RATES.

15 (F) A FINANCIAL PERFORMANCE DASHBOARD.

16 (G) THE NAMES AND CONTACT INFORMATION FOR THE COUNTY ROAD
17 COMMISSIONERS.

18 (H) A RECOGNITION OF UNFUNDED LIABILITIES.

19 (I) A COPY OF THE CERTIFICATION REQUIRED BY SUBSECTION (1).

20 (4) A COUNTY ROAD AGENCY MAY DEVELOP AND OPERATE ITS OWN
21 WEBSITE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (3),
22 OR THE COUNTY ROAD AGENCY MAY REFERENCE THIS STATE'S CENTRAL
23 TRANSPARENCY WEBSITE AS THE SOURCE FOR THE INFORMATION REQUIRED
24 UNDER SUBSECTION (3). A COUNTY ROAD AGENCY MAY ALSO POST THE
25 INFORMATION REQUIRED UNDER SUBSECTION (3) ON THE WEBSITE FOR THE
26 COUNTY WITHIN WHICH THE COUNTY ROAD AGENCY IS LOCATED.

27 (5) AS USED IN THIS SECTION:

1 (A) "COUNTY ROAD AGENCY" MEANS A COUNTY ROAD COMMISSION IN A
2 COUNTY THAT ADOPTS AN OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT
3 UNDER THIS ACT. IN ADDITION, IF A BOARD OF COUNTY ROAD
4 COMMISSIONERS OF A COUNTY IS DISSOLVED AS PROVIDED IN SECTION 6 OF
5 CHAPTER IV OF 1909 PA 283, MCL 224.6, COUNTY ROAD COMMISSION
6 INCLUDES THE COUNTY BOARD OF COMMISSIONERS OF THAT COUNTY.

7 (B) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT.

8 (C) "TRANSPORTATION EMPLOYEE" MEANS AN EMPLOYEE PAID IN WHOLE
9 OR IN PART THROUGH REVENUES DISTRIBUTED UNDER SECTIONS 12 TO 13 OF
10 1951 PA 51, MCL 247.662 TO 247.663, OR AN EMPLOYEE WHO IS ENGAGED
11 PRIMARILY IN WORK FUNDED THROUGH REVENUES DISTRIBUTED UNDER
12 SECTIONS 12 TO 13 OF 1951 PA 51, MCL 247.662 TO 247.663.