

HOUSE BILL No. 4751

June 3, 1987, Introduced by Reps. Barns, Bartnik, Dobronski, Gire, Leland, DeMars, Gubow, Brown, Stabenow and Ciaramitaro and referred to the Committee on Senior Citizens and Retirement.

A bill to amend section 12a of Act No. 156 of the Public Acts of 1851, entitled as amended

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

as amended by Act No. 395 of the Public Act of 1984, being section 46.12a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 12a of Act No. 156 of the Public Acts of
2 1851, as amended by Act No. 395 of the Public Acts of 1984, being
3 section 46.12a of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 12a. (1) A county board of commissioners at a lawfully
6 held meeting may:

1 (a) Provide group life, health, and accident and
2 hospitalization insurance for a county employee, retired
3 employee, or an employee of an office, board, or department of
4 the county, including the board of county road commissioners, and
5 a dependent of an employee, either with or without cost partici-
6 pation by the employee, and appropriate the necessary funds for
7 the insurance.

8 (b) Adopt and establish a plan by which the county shall
9 purchase or participate in the cost of an endowment policy or
10 retirement annuity for a county employee or an employee of an
11 office, board, or department of the county, including the board
12 of county road commissioners, to provide monthly pension or
13 retirement benefits for each employee 60 years of age or older in
14 an amount not to exceed \$150.00 per month or 2% of the average
15 monthly earnings of the employee for 5 years immediately preced-
16 ing retirement times the years of service of the employee, which-
17 ever is the lesser sum. As an option, a county board of commis-
18 sioners may adopt and establish a plan by which the county shall
19 pay pension or retirement benefits to a county employee or an
20 employee of an office, board, or department of the county,
21 including the board of county road commissioners, who has been
22 employed for not less than 25 years or who is 60 years of age or
23 older, and has been employed for not less than 5 years, to the
24 extent of monthly payments equal to 2% of the employee's highest
25 average monthly compensation or earnings received from the county
26 or county road fund for 5 years of service times the total number
27 of years of service of the employee, including a fraction of a

1 year, not to exceed 3/4 OF the average final compensation of the
2 employee. A plan may also pay early retirement benefits at 55
3 years of age or older to the extent of actuarially equivalent
4 benefits not increasing the costs of the plan. Endowment poli-
5 cies, retirement benefits, pensions, or annuity retirement bene-
6 fits in excess of the amounts stipulated in this subdivision may
7 be provided for by a plan of employee participation to cover the
8 cost of the excess. If the employment or the pension or retire-
9 ment benefits of an employee who participated in the cost of pen-
10 sion or retirement benefits are terminated before the employee
11 received pension or retirement benefits equal to the total amount
12 of the employee's participation, the balance of the total partic-
13 ipation shall be refunded to the employee at the time of termina-
14 tion, if living, or if deceased, to the employee's heir, legal
15 representative, or designated beneficiary as provided in the plan
16 adopted and established by the county board of commissioners. If
17 a terminated employee is subsequently rehired by the county, the
18 employee may repay the amount of participation refunded to the
19 employee upon the employee's termination, together with compound
20 interest from the date of refund to the dates of repayment at the
21 rates provided in the plan. As conditions for repayment, the
22 plan may require return to employment for a period not to exceed
23 3 years and may require that repayment be completed within a
24 period of not less than 1 year following return to employment. A
25 plan adopted for the payment of retirement benefits or a pension
26 shall grant benefits to an employee eligible for pension or
27 retirement benefits according to a uniform scale for all persons

1 in the same general class or classification. An employee shall
2 not be denied benefits by termination of his or her employment
3 after the employee becomes eligible for benefits under the plan
4 and this section. An endowment policy or annuity purchased pur-
5 suant to this section shall be purchased from a legal reserve
6 company authorized to write endowment policies or annuities in
7 this state.

8 (2) In a plan adopted under this section, at least 60% of
9 the total pension or retirement benefit granted to an employee
10 from county funds shall consist of a percentage not to exceed 2%
11 of the employee's average final compensation times the employee's
12 years of service and shall be granted to each employee eligible
13 for retirement under the plan uniformly and without restriction
14 or limitation other than those prescribed in this section.
15 "Average final compensation" as used in this section means the
16 annual average of the highest actual compensation received by a
17 county employee, other than a county employee who is either a
18 judge of a municipal court of record subject to subsection (21)
19 or a judge subject to subsection (24), during either a period of
20 5 consecutive years of service contained within the employee's 10
21 years of service immediately preceding the employee's retirement
22 or a period of 5 years of service as specified in the plan. In a
23 county having adopted a plan for granting longevity pay, the
24 county board of commissioners may exclude this longevity pay from
25 average final compensation for the purpose of computing the rate
26 of employee contribution and the amount of benefits payable to an
27 employee upon retirement. "Longevity pay" means increments of

1 compensation payable at annual or semiannual intervals and based
2 upon years of service to the county, exclusive of compensation
3 provided for a given class of positions.

4 (3) A circuit court stenographer shall be eligible for mem-
5 bership in, and the benefits of, a pension or retirement benefit
6 under a plan established pursuant to this section, or a social
7 security plan established by the county or 1 of the counties
8 which pays a portion of the compensation of a circuit court
9 stenographer.

10 (4) If the employment of a county employee eligible to
11 receive a pension or retirement benefit under a plan established
12 pursuant to this section is terminated after the employee has
13 completed 8 or more years of service in county employment, the
14 employee shall receive the amount of pension or retirement bene-
15 fit to which the employee's service would have entitled the
16 employee under the plan established, if the employee waives the
17 employee's right to a refund of the employee's total participa-
18 tion upon the termination of employment; the payment of pension
19 or retirement benefits to begin, as provided in the plan, after
20 the employee would have become eligible for retirement under the
21 plan had the employee's employment not been terminated, but not
22 later than 90 days after the employee becomes 65 years of age.
23 The payment of pension or retirement benefits shall not begin
24 until the employee has applied for pension or retirement benefits
25 in the manner prescribed in the plan established.

26 (5) A plan established under this section may provide for
27 pension or retirement benefits for a county employee who becomes

1 totally disabled for work in the county service from any cause,
2 after not less than 10 years of county employment, to the extent
3 of the limitations provided in this section. A plan may also
4 provide for pension or retirement benefits to the extent of the
5 limitations provided in this section or \$400.00 per month, which-
6 ever is the greater sum, for an employee who became totally dis-
7 abled for work in the county service from causes which are the
8 direct and proximate result of county employment, to continue for
9 the duration of the disability or until eligible for retirement
10 pursuant to other provisions of the plan authorized by this
11 section. A plan may also provide for pension or retirement bene-
12 fits, to the extent of the limitations provided in this section,
13 for the actual dependents of a county employee who dies while
14 still employed by the county after not less than 10 years of
15 county employment, ~~and~~ OR WHO DIES AFTER LEAVING COUNTY EMPLOY-
16 MENT WITH NOT LESS THAN THE NUMBER OF YEARS OF SERVICE REQUIRED
17 TO VEST IN THE PLAN BUT BEFORE BECOMING ELIGIBLE TO RECEIVE A
18 PENSION OR RETIREMENT BENEFIT. A PLAN may also provide for pen-
19 sion or retirement benefits to the extent of the limitations pro-
20 vided in this section or \$400.00 per month, whichever may be the
21 greater sum, for the actual dependents of a deceased county
22 employee whose death is the direct and proximate result of county
23 employment. The plan may provide that the period from the end of
24 the deceased or disabled employee's period of service to the date
25 that employee would have become eligible for retirement be used
26 as service for the sole purpose of computing the amount of
27 disability or death pension.

1 (6) "County employee" includes a bailiff of the district
2 court in the thirty-sixth district who serves pursuant to section
3 8322 of the revised judicature act of 1961, Act No. 236 of the
4 Public Acts of 1961, as amended, being section 600.8322 of the
5 Michigan Compiled Laws, and a person who receives more than 50%
6 of all compensation for personal services, rendered to governmen-
7 tal units, from a county fund or county road fund, except a
8 person, other than a bailiff of the district court in the
9 thirty-sixth district, engaged for special services on a contract
10 or fee basis. The plan adopted under this section, until
11 December 31, 1979, may include as a county employee a person on
12 leave of absence from county employment who is not a member of
13 another retirement system except as a retirant and who pays or
14 arranges payment of contributions equal to the contributions that
15 would have been required to be paid under the plan by both the
16 county and the employee, based upon the compensation the employee
17 would have received from the county, if the employee had not
18 taken a leave of absence or a person who has complied with the
19 requirements of such a provision approved for inclusion in a plan
20 by the county board of commissioners before January 1, 1976, who
21 shall be considered to be a county employee during the period of
22 compliance. Provision may be made to exclude a person who is
23 employed on a temporary basis and a person employed in a position
24 normally requiring less than 1,000 hours, or some lesser speci-
25 fied number of hours, work per year. A bailiff serving in the
26 district court in the thirty-sixth district shall be eligible to
27 receive benefits under this act if a plan has been established by

1 law by which the cost of benefits shall be payable from sources
2 including charges on all legal instruments in which the service
3 of process by a bailiff is required and earmarked by law for ben-
4 efits, and contributions made by the state and each bailiff pur-
5 suant to section 8322(7) of Act No. 236 of the Public Acts of
6 1961, as amended. The plan shall include provisions by which a
7 bailiff or former bailiff who served as bailiff as of January 1,
8 1967, may retire after 25 years of service regardless of age,
9 with maximum benefits to be computed as follows: starting as of
10 January 1, 1969, the average of any 5 years of earnings of the
11 previous 10 years served in succession before retirement multi-
12 plied by 1.9% times the years of service; starting as of June 1,
13 1975, the average of any 5 years of earnings multiplied by 2%
14 times the years of service. For purposes of this subsection,
15 "earnings" means the salary and fees, other than mileage,
16 received by a bailiff pursuant to section 8322(6) of Act No. 236
17 of the Public Acts of 1961, as amended. The plan shall include
18 provisions by which health, accident, and hospitalization insur-
19 ance premiums may be paid out of the earnings of this fund.
20 These payments shall be made at the discretion of the pension
21 board of trustees. The county which has a retirement fund for
22 bailiffs under this section shall annually review the retirement
23 fund and shall ensure that the fund is maintained in an actuari-
24 ally sound condition. Copies of the actuarial reports shall be
25 provided to ~~the joint legislative committee created under sec-~~
26 ~~tion 9946 of Act No. 236 of the Public Acts of 1961, being~~
27 ~~section 600.9946 of the Michigan Compiled Laws, and to the state~~

1 judicial council created in chapter 91 of Act No. 236 of the
2 Public Acts of 1961, being sections 600.9101 to 600.9107 of the
3 Michigan Compiled Laws.

4 (7) An employee while receiving a pension or retirement ben-
5 efit because of disability, pursuant to this section, may be con-
6 sidered as employed in the county service for the purpose of
7 retirement under this section.

8 (8) A county employee who is included by law in another pen-
9 sion or retirement system by reason of the compensation the
10 employee receives from the county may be excluded from a plan
11 established under this section or included only to the extent of
12 the difference between benefits granted under this section and
13 the other pension or retirement system.

14 (9) The county board of commissioners, upon the request of a
15 county employee, by not less than a 3/5 vote may credit that
16 county employee with the amount of government service resulting
17 from employment with the United States government, except mili-
18 tary service, a state, or any of their political subdivisions
19 under the following conditions:

20 (a) Employment by the county occurred within 5 years follow-
21 ing the county employee's separation from service of the last
22 unit of government by which the county employee was employed.

23 (b) Service rendered before the last break in service of
24 more than 5 years shall not be credited.

25 (c) Service which is recognized for the purpose of a
26 deferred retirement allowance under a retirement system or other
27 employer-funded retirement benefit plan, except for a retirement

1 benefit plan under the social security act, chapter 531, 49
2 Stat. 620, of the United States government, a state, or a politi-
3 cal subdivision of a state shall not be credited if the county
4 employee retired under a retirement system of the United States
5 government, a state, or any of their political subdivisions or
6 until the county employee irrevocably forfeits the right to the
7 deferred retirement allowance.

8 (d) The county employee deposits in the plan established
9 under this section an amount equal to the aggregate amount of
10 contributions the county employee would have made had the service
11 been acquired in the employ of the county, plus interest from the
12 dates the contributions would have been made to the date of
13 deposit, at rates determined by the board. If records are insuf-
14 ficient or unavailable to compute the exact amount of required
15 deposit, the board may estimate the amount.

16 (e) The county employee has 8 or more years of credited
17 service in county employment, has legal vesting in the county
18 plan, and deposits in the county employees' retirement system an
19 amount equal to the aggregate amount of contributions the
20 employer would have made had the government service being cred-
21 ited under this section been acquired in the employ of the
22 county.

23 (10) A plan adopted under this section may provide for
24 annual or less frequent postretirement redetermination of a
25 pension. The redetermined amount of pension shall be not greater
26 than the amount of pension otherwise payable multiplied by the
27 following percent: 100%, plus the percentage the county board of

1 commissioners determines appropriate for each full year,
2 excluding a fraction of a year, in the period from the effective
3 date of payments of the pension and the date as of which the
4 redetermination is being made. The redetermined amount shall not
5 be less than the amount of pension otherwise payable. A provi-
6 sion of this section which limits the amount of a pension shall
7 not apply to the operation of this subsection redetermining the
8 amount of a pension. As used in this subsection, "the amount of
9 pension otherwise payable" means the amount of pension which
10 would be payable without regard to this subsection. The applica-
11 tion of a provision redetermining pension amounts may be
12 restricted to pensions having an effective date of payment either
13 before or after a specified date.

14 (11) In a county pension or retirement plan adopted under
15 this section, the county board of commissioners may ~~require that~~
16 ~~a county employee, except an elected or appointed official, be~~
17 ~~retired from county service when the county employee reaches the~~
18 ~~age designated in the plan which shall not be less than 65 years~~
19 ~~of age, or the county board of commissioners may~~ designate an
20 age which shall not be less than 65 years of age, at which a
21 county employee, including an elected or appointed official,
22 shall cease to be a member of the retirement system and provide
23 that a county employee shall not receive additional pension or
24 retirement benefits because of service rendered after the county
25 employee reaches the designated age. The board may also provide
26 that except in the case of becoming a beneficiary, prior service

1 and membership service which has been credited to the person
2 shall be forfeited if the person's membership terminates.

3 (12) The cost of pension or retirement benefits for a county
4 employee under this section may be paid from the same fund from
5 which the employee receives compensation, and the county board of
6 commissioners may appropriate the necessary funds to carry out
7 the purposes of this section. If a county establishes a plan by
8 which the county pays pension or retirement benefits to an
9 employee pursuant to this section, the county shall, in accord-
10 ance with provisions for pension or retirement benefits which
11 shall be incorporated in the plan, establish and maintain
12 reserves on an actuarial basis in the manner provided in this
13 subsection sufficient to finance the pension and retirement and
14 death benefit liabilities under the plan and sufficient to pay
15 the pension and retirement and death benefits as they become
16 due. A county which has adopted a retirement plan under this
17 section and has established reserves on an actuarial basis shall
18 maintain them as provided in this subsection. The reserves shall
19 be determined by an actuarial valuation and established and main-
20 tained by yearly appropriations by the county and contributions
21 by employees. The reserves shall be established, maintained, and
22 funded to cover the pension and other benefits provided for in
23 the plan in the same manner and within the same limits as to time
24 as is provided for Benefit Program B in the municipal employees'
25 retirement system described in section ~~48~~ 14 of the municipal
26 employees' retirement act, Act No. ~~435~~ 427 of the Public Acts
27 of ~~1945, as amended~~ 1984, being section ~~38.648~~ 38.1514 of the

1 Michigan Compiled Laws. These reserves are trust funds and shall
2 not be used for any other purpose than the payment of pension,
3 retirement, and other benefits and refunds of employees' contri-
4 butions in accordance with the plan established in a county. An
5 employee's contributions shall be kept and accumulated in a sepa-
6 rate fund and used only for the payment of annuities and refunds
7 to employees. This subsection shall not apply to a county that
8 adopted a retirement plan under this section and had not estab-
9 lished reserves on an actuarial basis before October 11, 1947.

10 (13) A plan established by a county for the payment of pen-
11 sion and retirement benefits to an employee under this section
12 shall be approved as complying with this section by a county pen-
13 sion plan committee consisting of the attorney general, the state
14 treasurer, and the executive secretary of the state employees'
15 retirement system established under the state employees' retire-
16 ment act, Act No. 240 of the Public Acts of 1943, as amended,
17 being sections 38.1 to 38.47 of the Michigan Compiled Laws,
18 before the plan becomes effective or operative in the county.
19 Each county retirement plan operating under this section shall be
20 approved by the committee as complying with this section
21 biennially. A financial statement for each county retirement
22 plan operating under this section shall be submitted annually to
23 the county pension plan committee by the county board, official,
24 or employee designated by the county board of commissioners. The
25 financial statement shall be in the form, contain the informa-
26 tion, and be submitted as the county pension plan committee
27 prescribes. The state treasurer shall audit the funds and

1 accounts of county retirement plans established under this
2 section in the same manner as the state treasurer audits other
3 county accounts and may audit and investigate county retirement
4 plan funds and accounts to the extent necessary to effectuate the
5 purposes of this section. This subsection shall not apply to a
6 county that adopted a retirement plan under this section and had
7 not established reserves on an actuarial basis before October 11,
8 1947.

9 (14) If a county establishes a plan for the payment of pen-
10 sion and retirement benefits to its employees pursuant to this
11 section, the county board of commissioners may provide for a
12 board of trustees to administer the plan and for the manner of
13 election or appointment of the members of the board of trustees.
14 The county board of commissioners may grant authority to the
15 board of trustees to fully administer and operate the plan and to
16 deposit, invest, and reinvest the funds and reserves of the plan
17 within the limitations prescribed by the county board of commis-
18 sioners in the plan. The county board of commissioners may
19 authorize the investment of funds of a county retirement plan
20 established under this section in anything in which the funds of
21 the state employees' retirement system or the funds of the munic-
22 ipal employees' retirement system may be invested, pursuant to
23 Act No. 240 of the Public Acts of 1943, as amended, and Act No.
24 ~~+35- 427 of the Public Acts of +1945, as amended-~~ 1984, being
25 sections ~~38.601 to 38.669~~ 38.1501 TO 38.1555 of the Michigan
26 Compiled Laws. A county retirement plan established under this
27 section may provide for financing, funding, and the payment of

1 benefits in the same manner and to the same extent as is provided
2 for in Act No. 240 of the Public Acts of 1943, as amended, and
3 Act No. ~~135~~ 427 of the Public Acts of ~~1945, as amended~~ 1984,
4 may provide for and require contributions by county employees,
5 and may permit additional employee contributions on a voluntary
6 basis.

7 (15) Upon the approval of the county board of commissioners,
8 a member who entered the armed service of the United States
9 before June 1, 1980 or who entered the armed service of the
10 United States on or after June 1, 1980 during a time of war or
11 emergency condition as ~~defined~~ DESCRIBED in section 1 of Act
12 No. 190 of the Public Acts of 1965, as amended, being section
13 35.61 of the Michigan Compiled Laws, may elect to receive cred-
14 ited service for not more than 5 years of active military
15 service. Credit for military service shall be given upon request
16 and payment to the retirement system of an amount equal to 5% of
17 the member's full-time or equated full-time annual compensation
18 for the year in which payment is made multiplied by the number of
19 years, and fraction of a year, of credited service that the
20 member elects to purchase up to the maximum. Service shall not
21 be credited if the service is or would be credited under any
22 other federal, state, or local publicly supported retirement
23 system. Service shall not be credited under this subsection
24 until the member has 10 years of credited service in force. Only
25 completed years and months of armed service shall be credited
26 under this subsection.

1 (16) As used in this subsection, "transitional public
2 employment program" means a public service employment program in
3 the area of environmental quality, health care, education, public
4 safety, crime prevention and control, prison rehabilitation,
5 transportation, recreation, maintenance of parks, streets, and
6 other public facilities, solid waste removal, pollution control,
7 housing and neighborhood improvements, rural development, conser-
8 vation, beautification, veterans' outreach, or any other area of
9 human betterment and community improvement as part of a program
10 of comprehensive manpower services authorized, undertaken, and
11 financed pursuant to the comprehensive employment and training
12 act, former Public Law 93-203, 87 Stat. 839. A person partici-
13 pating in a transitional public employment program shall not be
14 eligible for membership in a retirement system or pension plan
15 established under this section. If the person later becomes a
16 member of a retirement system or pension plan established under
17 this section within 12 months after the date of termination as a
18 participant in a transitional public employment program, service
19 credit shall be given for employment in the transitional public
20 employment program for purposes of determining a retirement
21 allowance upon the payment by the person and the person's
22 employer under the transitional public employment program from
23 funds provided under the comprehensive employment and training
24 act, former Public Law 93-203, 87 Stat. 839, as funds permit, to
25 the retirement system of the contributions, plus regular inter-
26 est, the person and the employer would have paid had the
27 employment been rendered in a position covered by this act.

1 During the person's employment in the transitional public
2' employment program, the person's employer shall provide an oppor-
3 tunity by payroll deduction for the person to make his or her
4 employee contribution to the applicable pension system. To pro-
5 vide for the eventual payment of the employer's contribution, the
6 person's employer shall during this same period place in reserve
7 a reasonable but not necessarily an actuarially determined amount
8 equal to the contributions which the employer would have paid to
9 the retirement system for those employees in the transitional
10 public employment program as if they were members under this act,
11 but only for that number of employees which the employer deter-
12 mined would transfer from the transitional public employment pro-
13 gram into positions covered by this act. If the funds provided
14 under the comprehensive employment and training act, former
15 Public Law 93-203, 87 Stat. 839, are insufficient, the remainder
16 of the employer contributions shall be paid by the person's cur-
17 rent employer.

18 (17) Subsection (16) shall not exclude the participant in a
19 transitional public employment program from the accident, dis-
20 ability, or other benefits available to members of the retirement
21 system covered by this act.

22 (18) Once a probate judge who is a member of a plan estab-
23 lished under this section has contributed for not less than 20
24 years, the county board of commissioners may allow the probate
25 judge to cease further contributions.

26 (19) An employee of the circuit court in the third judicial
27 circuit, the common pleas court of the city of Detroit, or the

1 recorder's court of the city of Detroit who became an employee of
2 the state judicial council on September 1, 1981, and who was 44
3 years of age or older as of that date, and who will have accumu-
4 lated 25 or more years of service credit by September 1, 1987,
5 shall continue to be eligible for membership in, and the benefits
6 of, a pension or retirement benefit plan established pursuant to
7 this section in the same manner as the employee was eligible
8 before September 1, 1981. A person who was an employee of the
9 circuit court in the third judicial circuit, the common pleas
10 court of the city of Detroit, or the recorder's court of the city
11 of Detroit on August 31, 1981, who last entered county employment
12 prior to November 2, 1956, who became an employee of the state
13 judicial council on September 1, 1981, and who had accumulated
14 not less than 24 years of service credit by August 31, 1981,
15 shall continue to be eligible for membership in, and the benefits
16 of, a pension or retirement benefit plan established pursuant to
17 this section in the same manner as the employee was eligible
18 before September 1, 1981. An election to continue to be a member
19 of a pension or retirement benefit plan established pursuant to
20 this section as authorized by section 594(2) of the revised judi-
21 cature act of 1961, Act No. 236 of the Public Acts of 1961, being
22 section 600.594 of the Michigan Compiled Laws, or section 36(2)
23 of Act No. 369 of the Public Acts of 1919, being section 725.36
24 of the Michigan Compiled Laws, shall not be effective unless the
25 employee has made the election in the manner prescribed by those
26 sections and has made the payments required by those sections.

1 (20) A plan adopted under this section may provide that an
2 employee of the circuit court in the third judicial circuit, the
3 common pleas court of the city of Detroit, or the recorder's
4 court of the city of Detroit who is a member of the Wayne county
5 employees' retirement system on August 31, 1981, who becomes an
6 employee of the state judicial council and a member of the state
7 employees' retirement system on September 1, 1981, receive a ben-
8 efit based on the annual average of the highest actual compensa-
9 tion received by the employee during a period of 5 years of
10 county or state service.

11 (21) Beginning September 1, 1981, for determining the
12 retirement benefit for a county employee who is a judge of a
13 municipal court of record pursuant to subsection (2), "average
14 final compensation" means the annual average of the highest
15 actual compensation received by the judge as additional salary
16 pursuant to section 13(2) of Act No. 369 of the Public Acts of
17 1919, as amended, being section 725.13 of the Michigan Compiled
18 Laws, during a period of 5 years of service as specified in the
19 plan. This subsection shall not be construed to diminish or
20 impair an accrued financial benefit.

21 (22) Beginning September 1, 1981, for each county employee
22 who is a judge of a municipal court of record, or of the circuit
23 or district court, the sum of the average final compensation
24 determined for that county employee pursuant to this section and
25 the final salary determined for that county employee as a member
26 of the judges' retirement system pursuant to the judges'
27 retirement act, Act No. 198 of the Public Acts of 1951, as

1 amended, being sections 38.801 to 38.831 of the Michigan Compiled
2 Laws, shall not exceed the employee's total annual judicial
3 salary payable from all sources at the time of his or her
4 retirement. This subsection shall not be construed to diminish
5 or impair an accrued financial benefit.

6 (23) Beginning September 1, 1981, for each county employee
7 who is a judge of the probate court, the sum of the average final
8 compensation calculated for that employee pursuant to this sec-
9 tion and the final salary calculated for that employee as a
10 member of the probate judges' retirement system pursuant to the
11 probate judges retirement act, Act No. 165 of the Public Acts of
12 1954, as amended, being sections 38.901 to 38.933 of the Michigan
13 Compiled Laws, shall not exceed the employee's total annual judi-
14 cial salary payable from all sources at the time of his or her
15 retirement. This subsection shall not be construed to diminish
16 or impair an accrued financial benefit.

17 (24) Beginning September 1, 1981, for determining a retire-
18 ment benefit pursuant to subsection (2) for a county employee who
19 is a judge who receives an annuity pursuant to section 14(5) of
20 Act No. 198 of the Public Acts of 1951, as amended, being section
21 38.814 of the Michigan Compiled Laws, "average final
22 compensation" means the difference between the judge's total
23 annual salary payable from all sources on August 31, 1981, and
24 the judge's state base salary payable on August 31, 1981. This
25 subsection shall not be construed to diminish or impair an
26 accrued financial benefit.

1 ~~(25) Beginning January 1, 1983, a county employee who is a~~
2 ~~judge of the probate court, and who has accumulated fewer than 8~~
3 ~~years of service credit by December 31, 1982, may withdraw his or~~
4 ~~her contributions plus interest from the plan before April 29,~~
5 ~~1983.~~

6 (25) ~~(26)~~ Beginning January 1, 1983, the sum of the final
7 salary determined for each county employee who is a judge of the
8 probate court used as the basis for determining the judge's
9 retirement allowance as a member of a retirement system estab-
10 lished pursuant to this section and the salary or compensation
11 figure used as the basis for determining the judge's retirement
12 allowance as a member of the judges' retirement system created
13 under Act No. 198 of the Public Acts of 1951, shall not exceed
14 the judge's total annual salary payable from all sources at the
15 time of his or her retirement. This subsection shall not be con-
16 strued to diminish or impair an accrued financial benefit.

17 (26) ~~(27)~~ The county board of commissioners, upon the
18 request of a county employee, by not less than a 3/5 vote may
19 credit that county employee with the amount of membership service
20 that the county employee had previously been credited with by the
21 retirement system established under this section under the fol-
22 lowing conditions:

23 (a) The membership service previously credited to the county
24 employee must have been service rendered for the same county.

25 (b) Service which is recognized for the purpose of a
26 deferred retirement allowance under a retirement system or other
27 employer-funded retirement benefit plan, except for a retirement

1 benefit plan under the social security act, chapter 531, 49
 2 Stat. 620, of the United States government, a state, or a politi-
 3 cal subdivision of a state shall not be credited if the county
 4 employee retired under a retirement system of the United States
 5 government, a state, or any of their political subdivisions or
 6 until the county employee irrevocably forfeits the right to the
 7 deferred retirement allowance.

8 (C) ~~-(d)-~~ The county employee deposits in the plan estab-
 9 lished under this section an amount equal to the aggregate amount
 10 of contributions the county employee made at the time of the pre-
 11 vious membership service plus interest from the date of with-
 12 drawal of the accumulated contributions to the date of deposit,
 13 at rates determined by the board. If records are insufficient or
 14 unavailable to compute the exact amount of required deposit, the
 15 board may estimate the amount.

16 (D) ~~-(e)-~~ The county employee deposits in the county
 17 employees' retirement system an amount equal to the aggregate
 18 amount of contributions the employer made at the time of the pre-
 19 vious membership service plus interest from the date of separa-
 20 tion to the date of deposit, at rates determined by the board.

21 (27) ~~-(28)-~~ A person participating in a program described in
 22 this subsection shall not be eligible for membership in a retire-
 23 ment system or pension plan established under this section. In
 24 addition, that person shall not receive service credit for the
 25 employment described in this subsection even though the person
 26 subsequently becomes or has been a member of the retirement
 27 system. This subsection applies to the following:

1 (a) A person, not regularly employed by the county, who is
2 employed by the county through participation in a program estab-
3 lished pursuant to the job training partnership act, Public Law
4 97-300, 96 Stat. 1322.

5 (b) A person, not regularly employed by the county, who is
6 employed by the county through participation in a program estab-
7 lished pursuant to the Michigan opportunity and skills training
8 program, FIRST ESTABLISHED under sections 12 to 23 of Act No. 259
9 of the Public Acts of 1983.

10 (c) A person, not regularly employed by the county, who is
11 employed by the county through participation in a program estab-
12 lished pursuant to the Michigan community service corps program,
13 under sections 25 to 35 of Act No. 259 of the Public Acts of 1983
14 AND SECTIONS 148 TO 160 OF ACT NO. 246 OF THE PUBLIC ACTS OF
15 1984.

16 (d) A person, not regularly employed by the county, who is
17 hired by the county to administer a program described in subdivi-
18 sions (a), (b), and (c).