

# SENATE BILL No. 705

February 11, 1988, Introduced by Senators CHERRY, DILLINGHAM and CONROY and referred to the Committee on Judiciary.

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 Acts 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~~ AN INSURER authorized to write endowment policies or  
7 annuities in 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~~ THE payment of  
19 pension or retirement benefits ~~to~~ SHALL begin, as provided in  
20 the plan, after the employee would have become eligible for  
21 retirement under the plan had the employee's employment not been  
22 terminated, but not later than 90 days after the employee becomes  
23 65 years of age. The payment of pension or retirement benefits  
24 shall not begin until the employee has applied for pension or  
25 retirement benefits in the manner prescribed in the plan  
26 established.

1       (5) A plan established under this section may provide for  
2 pension or retirement benefits for a county employee who becomes  
3 totally disabled for work in the county service from any cause,  
4 after not less than 10 years of county employment, to the extent  
5 of the limitations provided in this section. A plan may also  
6 provide for pension or retirement benefits to the extent of the  
7 limitations provided in this section or \$400.00 per month, which-  
8 ever is the greater sum, for an employee who became totally dis-  
9 abled for work in the county service from causes which are the  
10 direct and proximate result of county employment, to continue for  
11 the duration of the disability or until eligible for retirement  
12 pursuant to other provisions of the plan authorized by this  
13 section. A plan may also provide for pension or retirement bene-  
14 fits, to the extent of the limitations provided in this section,  
15 for the actual dependents of a county employee who dies while  
16 still employed by the county after not less than 10 years of  
17 county employment. ~~and~~ A PLAN may also provide for pension or  
18 retirement benefits to the extent of the limitations provided in  
19 this section or \$400.00 per month, whichever may be the greater  
20 sum, for the actual dependents of a deceased county employee  
21 whose death is the direct and proximate result of county  
22 employment. The plan may provide that the period from the end of  
23 the deceased or disabled employee's period of service to the date  
24 that employee would have become eligible for retirement be used  
25 as service for the sole purpose of computing the amount of dis-  
26 ability 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, OF 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~~ SECTION if a plan has been

1 established by law by which the cost of benefits shall be payable  
2 from sources including charges on all legal instruments in which  
3 the service of process by a bailiff is required and earmarked by  
4 law for benefits, and contributions made by the state and each  
5 bailiff pursuant to section 8322(7) of Act No. 236 of the Public  
6 Acts of 1961, as amended. The plan shall include provisions by  
7 which a bailiff or former bailiff who served as bailiff as of  
8 January 1, 1967, may retire after 25 years of service regardless  
9 of age, with maximum benefits to be computed as follows: start-  
10 ing as of January 1, 1969, the average of any 5 years of earnings  
11 of the previous 10 years served in succession before retirement  
12 multiplied by 1.9% times the years of service; starting as of  
13 June 1, 1975, the average of any 5 years of earnings multiplied  
14 by 2% times the years of service. For purposes of this subsec-  
15 tion, "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) A COUNTY BOARD OF COMMISSIONERS OF A COUNTY HAVING A  
5 POPULATION OF 400,000 OR MORE MAY INCLUDE AS MEMBERS OF A PLAN  
6 UNDER THIS SECTION EMPLOYEES OF A CREDIT UNION ORGANIZED UNDER  
7 ACT NO. 285 OF THE PUBLIC ACTS OF 1925, BEING SECTIONS 490.1 TO  
8 490.31 OF THE MICHIGAN COMPILED LAWS, IF THAT CREDIT UNION'S MEM-  
9 BERSHIP INCLUDES EMPLOYEES OF THE COUNTY AND ELECTED AND  
10 APPOINTED OFFICIALS OF THE COUNTY. THE COUNTY BOARD OF COMMIS-  
11 SIONERS MAY PROVIDE FOR A RETROACTIVE EFFECTIVE DATE FOR MEMBER-  
12 SHIP IN A PLAN UNDER THIS SUBSECTION.

13 (8) ~~-(7)-~~ An employee while receiving a pension or retire-  
14 ment benefit because of disability, pursuant to this section, may  
15 be considered as employed in the county service for the purpose  
16 of retirement under this section.

17 (9) ~~-(8)-~~ A county employee who is included by law in  
18 another pension or retirement system by reason of the compensa-  
19 tion the employee receives from the county may be excluded from a  
20 plan established under this section or included only to the  
21 extent of the difference between benefits granted under this sec-  
22 tion and the other pension or retirement system.

23 (10) ~~-(9)-~~ The county board of commissioners, upon the  
24 request of a county employee, by not less than a 3/5 vote may  
25 credit that county employee with the amount of government service  
26 resulting from employment with the United States government,

1 except military service, a state, or any of their political  
2 subdivisions under the following conditions:

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

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

8 (c) Service which is recognized for the purpose of a  
9 deferred retirement allowance under a retirement system or other  
10 employer-funded retirement benefit plan, except for a retirement  
11 benefit plan under the social security act, chapter 531, 49  
12 Stat. 620, of the United States government, a state, or a politi-  
13 cal subdivision of a state shall not be credited if the county  
14 employee retired under a retirement system of the United States  
15 government, a state, or any of their political subdivisions or  
16 until the county employee irrevocably forfeits the right to the  
17 deferred retirement allowance.

18 (d) The county employee deposits in the plan established  
19 under this section an amount equal to the aggregate amount of  
20 contributions the county employee would have made had the service  
21 been acquired in the employ of the county, plus interest from the  
22 dates the contributions would have been made to the date of  
23 deposit, at rates determined by the board. If records are insuf-  
24 ficient or unavailable to compute the exact amount of required  
25 deposit, the board may estimate the amount.

26 (e) The county employee has 8 or more years of credited  
27 service in county employment, has legal vesting in the county

1 plan, and deposits in the county employees' retirement system an  
2 amount equal to the aggregate amount of contributions the  
3 employer would have made had the government service being cred-  
4 ited under this section been acquired in the employ of the  
5 county.

6       (11) ~~(10)~~ A plan adopted under this section may provide  
7 for annual or less frequent postretirement redetermination of a  
8 pension. The redetermined amount of pension shall be not greater  
9 than the amount of pension otherwise payable multiplied by the  
10 following percent: 100%, plus the percentage the county board of  
11 commissioners determines appropriate for each full year, exclud-  
12 ing a fraction of a year, in the period from the effective date  
13 of payments of the pension and the date as of which the redeter-  
14 mination is being made. The redetermined amount shall not be  
15 less than the amount of pension otherwise payable. A provision  
16 of this section which limits the amount of a pension shall not  
17 apply to the operation of this subsection redetermining the  
18 amount of a pension. As used in this subsection, "the amount of  
19 pension otherwise payable" means the amount of pension which  
20 would be payable without regard to this subsection. The applica-  
21 tion of a provision redetermining pension amounts may be  
22 restricted to pensions having an effective date of payment either  
23 before or after a specified date.

24       ~~(11) In a county pension or retirement plan adopted under~~  
25 ~~this section, the county board of commissioners may require that~~  
26 ~~a county employee, except an elected or appointed official, be~~  
27 ~~retired from county service when the county employee reaches the~~

~~1 age designated in the plan which shall not be less than 65 years~~  
~~2 of age, or the county board of commissioners may designate an age~~  
~~3 which shall not be less than 65 years of age, at which a county~~  
~~4 employee, including an elected or appointed official, shall cease~~  
~~5 to be a member of the retirement system and provide that a county~~  
~~6 employee shall not receive additional pension or retirement bene-~~  
~~7 fits because of service rendered after the county employee~~  
~~8 reaches the designated age. The board may also provide that~~  
~~9 except in the case of becoming a beneficiary, prior service and~~  
~~10 membership service which has been credited to the person shall be~~  
~~11 forfeited if the person's membership terminates.~~

12       (12) The cost of pension or retirement benefits for a county  
13 employee under this section may be paid from the same fund from  
14 which the employee receives compensation, and the county board of  
15 commissioners may appropriate the necessary funds to carry out  
16 the purposes of this section. If a county establishes a plan by  
17 which the county pays pension or retirement benefits to an  
18 employee pursuant to this section, the county shall, in accord-  
19 ance with provisions for pension or retirement benefits which  
20 shall be incorporated in the plan, establish and maintain  
21 reserves on an actuarial basis in the manner provided in this  
22 subsection sufficient to finance the pension and retirement and  
23 death benefit liabilities under the plan and sufficient to pay  
24 the pension and retirement and death benefits as they become  
25 due. A county which has adopted a retirement plan under this  
26 section and has established reserves on an actuarial basis shall  
27 maintain them as provided in this subsection. The reserves shall

1 be determined by an actuarial valuation and established and  
2 maintained by yearly appropriations by the county and contribu-  
3 tions by employees. The reserves shall be established, main-  
4 tained, and funded to cover the pension and other benefits pro-  
5 vided for in the plan in the same manner and within the same  
6 limits as to time as is provided for Benefit Program B in the  
7 municipal employees' retirement system described in section ~~48-~~  
8 14 of the municipal ~~employees'~~ EMPLOYEES retirement act OF  
9 1984, Act No. ~~+35-~~ 427 of the Public Acts of ~~+945, as amended-~~  
10 1984, being section ~~38.648-~~ 38.1514 of the Michigan Compiled  
11 Laws. These reserves are trust funds and shall not be used for  
12 any other purpose than the payment of pension, retirement, and  
13 other benefits and refunds of employees' contributions in accord-  
14 ance with the plan established in a county. An employee's con-  
15 tributions shall be kept and accumulated in a separate fund and  
16 used only for the payment of annuities and refunds to employees.  
17 This subsection shall not apply to a county that adopted a  
18 retirement plan under this section and had not established  
19 reserves on an actuarial basis before October 11, 1947.

20 (13) A plan established by a county for the payment of pen-  
21 sion and retirement benefits to an employee under this section  
22 shall be approved as complying with this section by a county pen-  
23 sion plan committee consisting of the attorney general, the state  
24 treasurer, and the executive secretary of the state employees'  
25 retirement system established under the state employees' retire-  
26 ment act, Act No. 240 of the Public Acts of 1943, as amended,  
27 being sections 38.1 to 38.47 of the Michigan Compiled Laws,

1 before the plan becomes effective or operative in the county.  
2 Each county retirement plan operating under this section shall be  
3 approved by the committee as complying with this section  
4 biennially. A financial statement for each county retirement  
5 plan operating under this section shall be submitted annually to  
6 the county pension plan committee by the county board, official,  
7 or employee designated by the county board of commissioners. The  
8 financial statement shall be in the form, contain the informa-  
9 tion, and be submitted as the county pension plan committee  
10 prescribes. The state treasurer shall audit the funds and  
11 accounts of county retirement plans established under this sec-  
12 tion in the same manner as the state treasurer audits other  
13 county accounts and may audit and investigate county retirement  
14 plan funds and accounts to the extent necessary to effectuate the  
15 purposes of this section. This subsection shall not apply to a  
16 county that adopted a retirement plan under this section and had  
17 not established reserves on an actuarial basis before October 11,  
18 1947.

19 (14) If a county establishes a plan for the payment of pen-  
20 sion and retirement benefits to its employees pursuant to this  
21 section, the county board of commissioners may provide for a  
22 board of trustees to administer the plan and for the manner of  
23 election or appointment of the members of the board of trustees.  
24 The county board of commissioners may grant authority to the  
25 board of trustees to fully administer and operate the plan and to  
26 deposit, invest, and reinvest the funds and reserves of the plan  
27 within the limitations prescribed by the county board of

1 commissioners in the plan. The county board of commissioners may  
2 authorize the investment of funds of a county retirement plan  
3 established under this section in anything in which the funds of  
4 the state employees' retirement system or the funds of the munic-  
5 ipal employees' retirement system may be invested, pursuant to  
6 Act No. 240 of the Public Acts of 1943, as amended, and Act No.  
7 ~~+35-~~ 427 of the Public Acts of ~~1945, as amended~~ 1984, being  
8 sections ~~38.601 to 38.669~~ 38.1501 TO 38.1555 of the Michigan  
9 Compiled Laws. A county retirement plan established under this  
10 section may provide for financing, funding, and the payment of  
11 benefits in the same manner and to the same extent as is provided  
12 for in Act No. 240 of the Public Acts of 1943, as amended, and  
13 Act No. ~~+35-~~ 427 of the Public Acts of ~~1945, as amended~~ 1984,  
14 may provide for and require contributions by county employees,  
15 and may permit additional employee contributions on a voluntary  
16 basis.

17       (15) Upon the approval of the county board of commissioners,  
18 a member who entered the armed service of the United States  
19 before June 1, 1980 or who entered the armed service of the  
20 United States on or after June 1, 1980 during a time of war or  
21 emergency condition as ~~defined~~ DESCRIBED in section 1 of Act  
22 No. 190 of the Public Acts of 1965, as amended, being section  
23 35.61 of the Michigan Compiled Laws, may elect to receive cred-  
24 ited service for not more than 5 years of active military  
25 service. Credit for military service shall be given upon request  
26 and payment to the retirement system of an amount equal to 5% of  
27 the member's full-time or equated full-time annual compensation

1 for the year in which payment is made multiplied by the number of  
2 years, and fraction of a year, of credited service that the  
3 member elects to purchase up to the maximum. Service shall not  
4 be credited if the service is or would be credited under any  
5 other federal, state, or local publicly supported retirement  
6 system. Service shall not be credited under this subsection  
7 until the member has 10 years of credited service in force. Only  
8 completed years and months of armed service shall be credited  
9 under this subsection.

10 (16) As used in this subsection, "transitional public  
11 employment program" means a public service employment program in  
12 the area of environmental quality, health care, education, public  
13 safety, crime prevention and control, prison rehabilitation,  
14 transportation, recreation, maintenance of parks, streets, and  
15 other public facilities, solid waste removal, pollution control,  
16 housing and neighborhood improvements, rural development, conser-  
17 vation, beautification, veterans' outreach, or any other area of  
18 human betterment and community improvement as part of a program  
19 of comprehensive manpower services authorized, undertaken, and  
20 financed pursuant to the FORMER comprehensive employment and  
21 training act OF 1973, ~~former~~ Public Law 93-203. ~~—, 87~~  
22 ~~Stat. 839.~~ A person participating in a transitional public  
23 employment program shall not be eligible for membership in a  
24 retirement system or pension plan established under this  
25 section. If the person later becomes a member of a retirement  
26 system or pension plan established under this section within 12  
27 months after the date of termination as a participant in a



1 transitional public employment program, service credit shall be  
2 given for employment in the transitional public employment pro-  
3 gram for purposes of determining a retirement allowance upon the  
4 payment by the person and the person's employer under the transi-  
5 tional public employment program from funds provided under the  
6 FORMER comprehensive employment and training act OF 1973,  
7 ~~former~~ Public Law 93-203, ~~87-Stat. 839,~~ as funds permit, to  
8 the retirement system of the contributions, plus regular inter-  
9 est, the person and the employer would have paid had the employ-  
10 ment been rendered in a position covered by this act. During the  
11 person's employment in the transitional public employment pro-  
12 gram, the person's employer shall provide an opportunity by pay-  
13 roll deduction for the person to make his or her employee contri-  
14 bution to the applicable pension system. To provide for the  
15 eventual payment of the employer's contribution, the person's  
16 employer shall during this same period place in reserve a reason-  
17 able but not necessarily an actuarially determined amount equal  
18 to the contributions which the employer would have paid to the  
19 retirement system for those employees in the transitional public  
20 employment program as if they were members under this ~~act~~  
21 SECTION, but only for that number of employees which the employer  
22 determined would transfer from the transitional public employment  
23 program into positions covered by this act. If the funds pro-  
24 vided under the FORMER comprehensive employment and training act  
25 OF 1973, ~~former~~ Public Law 93-203, ~~87-Stat. 839,~~ are insuffi-  
26 cient, the remainder of the employer contributions shall be paid  
27 by the person's current employer.

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

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

9       (19) An employee of the circuit court in the third judicial  
10 circuit, the common pleas court of the city of Detroit, or the  
11 recorder's court of the city of Detroit who became an employee of  
12 the state judicial council on September 1, 1981, and who was 44  
13 years of age or older as of that date, and who will have accumu-  
14 lated 25 or more years of service credit by September 1, 1987,  
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. A person who was an employee of the  
19 circuit court in the third judicial circuit, the common pleas  
20 court of the city of Detroit, or the recorder's court of the city  
21 of Detroit on August 31, 1981, who last entered county employment  
22 prior to November 2, 1956, who became an employee of the state  
23 judicial council on September 1, 1981, and who had accumulated  
24 not less than 24 years of service credit by August 31, 1981,  
25 shall continue to be eligible for membership in, and the benefits  
26 of, a pension or retirement benefit plan established pursuant to  
27 this section in the same manner as the employee was eligible

1 before September 1, 1981. An election to continue to be a member  
2 of a pension or retirement benefit plan established pursuant to  
3 this section as authorized by section 594(2) of the revised judi-  
4 cature act of 1961, Act No. 236 of the Public Acts of 1961, being  
5 section 600.594 of the Michigan Compiled Laws, or section 36(2)  
6 of Act No. 369 of the Public Acts of 1919, being section 725.36  
7 of the Michigan Compiled Laws, shall not be effective unless the  
8 employee has made the election in the manner prescribed by those  
9 sections and has made the payments required by those sections.

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

20 (21) Beginning September 1, 1981, for determining the  
21 retirement benefit for a county employee who is a judge of a  
22 municipal court of record pursuant to subsection (2), "average  
23 final compensation" means the annual average of the highest  
24 actual compensation received by the judge as additional salary  
25 pursuant to section 13(2) of Act No. 369 of the Public Acts of  
26 1919, as amended, being section 725.13 of the Michigan Compiled  
27 Laws, during a period of 5 years of service as specified in the

1 plan. This subsection shall not be construed to diminish or  
2 impair an accrued financial benefit.

3 (22) Beginning September 1, 1981, for each county employee  
4 who is a judge of a municipal court of record, or of the circuit  
5 or district court, the sum of the average final compensation  
6 determined for that county employee pursuant to this section and  
7 the final salary determined for that county employee as a member  
8 of the judges' retirement system pursuant to the judges' retire-  
9 ment act, Act No. 198 of the Public Acts of 1951, as amended,  
10 being sections 38.801 to 38.831 of the Michigan Compiled Laws,  
11 shall not exceed the employee's total annual judicial salary pay-  
12 able from all sources at the time of his or her retirement. This  
13 subsection shall not be construed to diminish or impair an  
14 accrued financial benefit.

15 (23) Beginning September 1, 1981, for each county employee  
16 who is a judge of the probate court, the sum of the average final  
17 compensation calculated for that employee pursuant to this sec-  
18 tion and the final salary calculated for that employee as a  
19 member of the probate judges' retirement system pursuant to the  
20 probate judges retirement act, Act No. 165 of the Public Acts of  
21 1954, as amended, being sections 38.901 to 38.933 of the Michigan  
22 Compiled Laws, shall not exceed the employee's total annual judi-  
23 cial salary payable from all sources at the time of his or her  
24 retirement. This subsection shall not be construed to diminish  
25 or impair an accrued financial benefit.

26 (24) Beginning September 1, 1981, for determining a  
27 retirement benefit pursuant to subsection (2) for a county

1 employee who is a judge who receives an annuity pursuant to  
2 section 14(5) of Act No. 198 of the Public Acts of 1951, as  
3 amended, being section 38.814 of the Michigan Compiled Laws,  
4 "average final compensation" means the difference between the  
5 judge's total annual salary payable from all sources on August  
6 31, 1981, and the judge's state base salary payable on August 31,  
7 1981. This subsection shall not be construed to diminish or  
8 impair an accrued financial benefit.

9 ~~(25) Beginning January 1, 1983, a county employee who is a~~  
10 ~~judge of the probate court, and who has accumulated fewer than 8~~  
11 ~~years of service credit by December 31, 1982, may withdraw his or~~  
12 ~~her contributions plus interest from the plan before April 29,~~  
13 ~~1983.~~

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

25 (26) ~~(27)~~ The county board of commissioners, upon the  
26 request of a county employee, by not less than a 3/5 vote may  
27 credit that county employee with the amount of membership service

1 that the county employee had previously been credited with by the  
2 retirement system established under this section under the fol-  
3 lowing conditions:

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

6 (b) Service which is recognized for the purpose of a  
7 deferred retirement allowance under a retirement system or other  
8 employer-funded retirement benefit plan, except for a retirement  
9 benefit plan under the social security act, chapter 531, 49  
10 Stat. 620, of the United States government, a state, or a politi-  
11 cal subdivision of a state shall not be credited if the county  
12 employee retired under a retirement system of the United States  
13 government, a state, or any of their political subdivisions or  
14 until the county employee irrevocably forfeits the right to the  
15 deferred retirement allowance.

16 (C) ~~-(d)-~~ The county employee deposits in the plan estab-  
17 lished under this section an amount equal to the aggregate amount  
18 of contributions the county employee made at the time of the pre-  
19 vious membership service plus interest from the date of with-  
20 drawal of the accumulated contributions to the date of deposit,  
21 at rates determined by the board. If records are insufficient or  
22 unavailable to compute the exact amount of required deposit, the  
23 board may estimate the amount.

24 (D) ~~-(e)-~~ The county employee deposits in the county  
25 employees' retirement system an amount equal to the aggregate  
26 amount of contributions the employer made at the time of the  
27 previous membership service plus interest from the date of

1 separation to the date of deposit, at rates determined by the  
2 board.

3       (27) ~~-(28)-~~ A person participating in a program described in  
4 this subsection shall not be eligible for membership in a retire-  
5 ment system or pension plan established under this section. In  
6 addition, that person shall not receive service credit for the  
7 employment described in this subsection even though the person  
8 subsequently becomes or has been a member of the retirement  
9 system. This subsection applies to the following:

10       (a) 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 job training partnership act, Public Law  
13 97-300, 96 Stat. 1322.

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

19       (c) A person, not regularly employed by the county, who is  
20 employed by the county through participation in a program estab-  
21 lished pursuant to the Michigan community service corps program,  
22 under sections 25 to 35 of Act No. 259 of the Public Acts of 1983  
23 AND SECTIONS 148 TO 160 OF ACT NO. 246 OF THE PUBLIC ACTS OF  
24 1984.

25       (d) A person, not regularly employed by the county, who is  
26 hired by the county to administer a program described in  
27 subdivisions (a), (b), and (c).