

HOUSE BILL No. 5533

February 22, 1990, Introduced by Reps. Joe Young, Sr., Harrison, Hood, Barns, Joe Young, Jr., Watkins and Varga 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. 499 of the Public Acts of 1988, 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. 499 of the Public Acts of 1988, 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~~ PURCHASES or ~~participate~~ PARTICIPATES in the cost of
10 an endowment policy or retirement annuity for a county employee
11 or an employee of an office, board, or department of the county,
12 including the board of county road commissioners, to provide
13 monthly pension or retirement benefits for each employee 60 years
14 of age or older in an amount not to exceed \$150.00 per month or
15 2% of the average monthly earnings of the employee for 5 years
16 immediately ~~preceding~~ BEFORE retirement times the years of
17 service of the employee, whichever is the lesser sum. As an
18 option, a county board of commissioners may adopt and establish a
19 plan by which the county ~~shall pay~~ PAYS pension or retirement
20 benefits to a county employee or an employee of an office, board,
21 or department of the county, including the board of county road
22 commissioners, who has been employed for not less than 25 years,
23 or who is 60 years of age or older ~~—~~ and has been employed for
24 not less than 5 years, to the extent of monthly payments equal to
25 2% of the employee's highest average monthly compensation or
26 earnings received from the county or county road fund for 5 years
27 of service times the total number of years of service of the

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

1 employee eligible for pension or retirement benefits according to
2 a uniform scale for all persons in the same general class or
3 classification. An employee shall not be denied benefits by ter-
4 mination of his or her employment after the employee becomes eli-
5 gible for benefits under the plan and this section. An endowment
6 policy or annuity purchased pursuant to this section shall be
7 purchased from an insurer authorized to write endowment policies
8 or annuities in this state.

9 (2) In a plan adopted under this section, at least 60% of
10 the total pension or retirement benefit granted to an employee
11 from county funds shall consist of a percentage not to exceed 2%
12 of the employee's average final compensation times the employee's
13 years of service and shall be granted to each employee eligible
14 for retirement under the plan uniformly and without restriction
15 or limitation other than those prescribed in this section.

16 "Average final compensation" as used in this section means the
17 annual average of the highest actual compensation received by a
18 county employee, other than a county employee who is either a
19 judge of a municipal court of record subject to subsection (20)
20 or a judge subject to subsection (23), during either a period of
21 5 consecutive years of service contained within the employee's 10
22 years of service immediately ~~preceding~~ BEFORE the employee's
23 retirement or a period of 5 years of service as specified in the
24 plan. In a county ~~having adopted~~ THAT ADOPTS a plan for grant-
25 ing longevity pay, the county board of commissioners may exclude
26 this longevity pay from average final compensation for the
27 purpose of computing the rate of employee contribution and the

1 amount of benefits payable to an employee upon retirement.
2 "Longevity pay" means increments of compensation payable at
3 annual or semiannual intervals and based upon years of service to
4 the county, exclusive of compensation provided for a given class
5 of positions.

6 (3) A circuit court stenographer ~~shall be~~ IS eligible for
7 membership in, and the benefits of, a pension or retirement bene-
8 fit under a plan established pursuant to this section, or a
9 social security plan established by the county or 1 of the coun-
10 ties ~~which~~ THAT pays a portion of the compensation of a circuit
11 court stenographer.

12 (4) If the employment of a county employee eligible to
13 receive a pension or retirement benefit under a plan established
14 pursuant to this section is terminated after the employee has
15 completed 8 or more years of service in county employment, the
16 employee shall receive the amount of pension or retirement bene-
17 fit to which the employee's service would have entitled the
18 employee under the plan established, if the employee waives the
19 employee's right to a refund of the employee's total participa-
20 tion upon the termination of employment. The payment of pension
21 or retirement benefits shall begin, as provided in the plan,
22 after the employee would have become eligible for retirement
23 under the plan had the employee's employment not been terminated,
24 but not later than 90 days after the employee becomes 65 years of
25 age. The payment of pension or retirement benefits shall not
26 begin until the employee has applied for pension or retirement
27 benefits in the manner prescribed in the plan 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~~ BECOMES
9 totally disabled for work in the county service from causes
10 ~~which~~ THAT are the direct and proximate result of county
11 employment, to continue for the duration of the disability or
12 until THE EMPLOYEE BECOMES eligible for retirement pursuant to
13 other provisions of the plan authorized by this section. A plan
14 may also provide for pension or retirement benefits, to the
15 extent of the limitations provided in this section, for the
16 actual dependents of a county employee who dies while still
17 employed by the county after not less than 10 years of county
18 employment, or who dies after leaving county employment with not
19 less than the number of years of service required to vest in the
20 plan but before becoming eligible to receive a pension or retire-
21 ment benefit. A plan may also provide for pension or retirement
22 benefits to the extent of the limitations provided in this sec-
23 tion or \$400.00 per month, whichever is greater, for the actual
24 dependents of a deceased county employee whose death is the
25 direct and proximate result of county employment. The plan may
26 provide that the period from the end of the deceased or disabled
27 employee's period of service to the date that employee would have

1 become eligible for retirement be used as service for the sole
2 purpose of computing the amount of disability or death pension.

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

1 the district court in the thirty-sixth district ~~shall be~~ IS
2 eligible to receive benefits under this section if a plan has
3 been established by law by which the cost of benefits ~~shall be~~
4 IS payable from sources including charges on all legal instru-
5 ments in which the service of process by a bailiff is required
6 and earmarked by law for benefits, and contributions made by the
7 state and each bailiff pursuant to section 8322(7) of Act No. 236
8 of the Public Acts of 1961, as amended. The plan shall include
9 provisions by which a bailiff or former bailiff who served as
10 bailiff as of January 1, 1967, may retire after 25 years of serv-
11 ice regardless of age, with maximum benefits to be computed as
12 follows: starting as of January 1, 1969, the average of any 5
13 years of earnings of the previous 10 years served in succession
14 before retirement multiplied by 1.9% times the years of service;
15 starting as of June 1, 1975, the average of any 5 years of earn-
16 ings multiplied by 2% times the years of service. For purposes
17 of this subsection, "earnings" means the salary and fees, other
18 than mileage, received by a bailiff pursuant to section 8322(6)
19 of Act No. 236 of the Public Acts of 1961, as amended. The plan
20 shall include provisions by which health, accident, and hospital-
21 ization insurance premiums may be paid out of the earnings of
22 this fund. These payments shall be made at the discretion of the
23 pension board of trustees. The county ~~which~~ THAT has a retire-
24 ment fund for bailiffs under this section shall annually review
25 the retirement fund and shall ensure that the fund is maintained
26 in an actuarially sound condition. Copies of the actuarial
27 reports shall be provided to the state judicial council created

1 ~~in~~ BY chapter 91 of Act No. 236 of the Public Acts of 1961,
2 being sections 600.9101 to 600.9107 of the Michigan Compiled
3 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 ALL OF 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~~ THAT 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~~ THAT limits the amount of a pension
7 shall not apply to the operation of this subsection redetermining
8 the amount of a pension. As used in this subsection, "the amount
9 of pension otherwise payable" means the amount of pension ~~which~~
10 THAT would be payable without regard to this subsection. The
11 application 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) The cost of pension or retirement benefits for a county
15 employee under this section may be paid from the same fund from
16 which the employee receives compensation, and the county board of
17 commissioners may appropriate the necessary funds to carry out
18 the purposes of this section. If a county establishes a plan by
19 which the county pays pension or retirement benefits to an
20 employee pursuant to this section, the county shall, in accord-
21 ance with provisions for pension or retirement benefits ~~which~~
22 ~~shall be~~ THAT ARE incorporated in the plan, establish and main-
23 tain reserves on an actuarial basis in the manner provided in
24 this subsection sufficient to finance the pension and retirement
25 and death benefit liabilities under the plan and sufficient to
26 pay the pension and retirement and death benefits as they become
27 due. A county ~~which has adopted~~ THAT ADOPTS a retirement plan

1 under this section and ~~has established~~ ESTABLISHES reserves on
 2 an actuarial basis shall maintain ~~them~~ THE RESERVES as provided
 3 in this subsection. The reserves shall be determined by an actu-
 4 arial valuation and established and maintained by yearly appro-
 5 priations by the county and contributions by employees. The
 6 reserves shall be established, maintained, and funded to cover
 7 the pension and other benefits provided for in the plan in the
 8 same manner and within the same limits as to time as is provided
 9 for Benefit Program B in the municipal ~~employees~~ EMPLOYEES
 10 retirement system described in section 14 of the municipal
 11 employees retirement act, Act No. 427 of the Public Acts of 1984,
 12 being section 38.1514 of the Michigan Compiled Laws. These
 13 reserves are trust funds and shall not be used for any other pur-
 14 pose than the payment of pension, retirement, and other benefits
 15 and refunds of ~~employees~~ EMPLOYEE contributions ~~in accordance~~
 16 ~~with~~ PURSUANT TO the plan established in a county. An
 17 employee's contributions shall be kept and accumulated in a sepa-
 18 rate fund and used only for the payment of annuities and refunds
 19 to employees. This subsection ~~shall~~ DOES not apply to a county
 20 that adopted a retirement plan under this section and ~~had~~ DID
 21 not ~~established~~ ESTABLISH reserves on an actuarial basis before
 22 October 11, 1947.

23 (12) A plan established by a county for the payment of pen-
 24 sion and retirement benefits to an employee under this section
 25 shall be approved as complying with this section by a county pen-
 26 sion plan committee consisting of the attorney general, the state
 27 treasurer, and the executive secretary of the state employees'

1 retirement system ~~established under~~ CREATED BY the state
2 employees' retirement act, Act No. 240 of the Public Acts of
3 1943, as amended, being sections 38.1 to 38.47 of the Michigan
4 Compiled Laws, before the plan becomes effective or operative in
5 the county. Each county retirement plan operating under this
6 section shall be approved by the committee as complying with this
7 section biennially. A financial statement for each county
8 retirement plan operating under this section shall be submitted
9 annually to the county pension plan committee by the county
10 board, official, or employee designated by the county board of
11 commissioners. The financial statement shall be in the form,
12 contain the information, and be submitted as the county pension
13 plan committee prescribes. The state treasurer shall audit the
14 funds and accounts of county retirement plans established under
15 this section in the same manner as the state treasurer audits
16 other county accounts and may audit and investigate county
17 retirement plan funds and accounts to the extent necessary to
18 effectuate the purposes of this section. This subsection ~~shall~~
19 DOES not apply to a county that adopted a retirement plan under
20 this section and ~~had~~ DID not ~~established~~ ESTABLISH reserves
21 on an actuarial basis before October 11, 1947.

22 (13) If a county establishes a plan for the payment of pen-
23 sion and retirement benefits to its employees pursuant to this
24 section, the county board of commissioners may provide for a
25 board of trustees to administer the plan and for the manner of
26 election or appointment of the members of the board of trustees.
27 The county board of commissioners may grant authority to the

1 board of trustees to fully administer and operate the plan and to
2 deposit, invest, and reinvest the funds and reserves of the plan
3 within the limitations prescribed by the county board of commis-
4 sioners in the plan. The county board of commissioners may
5 authorize the investment of funds of a county retirement plan
6 established under this section in anything in which the funds of
7 the state employees' retirement system or the funds of the munic-
8 ipal ~~employees~~ EMPLOYEES retirement system may be invested,
9 pursuant to Act No. 240 of the Public Acts of 1943, as amended,
10 and Act No. 427 of the Public Acts of 1984, being sections
11 38.1501 to 38.1555 of the Michigan Compiled Laws. A county
12 retirement plan established under this section may provide for
13 financing, funding, and the payment of benefits in the same
14 manner and to the same extent as is provided for in Act No. 240
15 of the Public Acts of 1943, as amended, and Act No. 427 of the
16 Public Acts of 1984, may provide for and require contributions by
17 county employees, and may permit additional employee contribu-
18 tions on a voluntary basis.

19 (14) Upon the approval of the county board of commissioners,
20 a member who entered the armed service of the United States
21 before June 1, 1980 or who entered the armed service of the
22 United States on or after June 1, 1980 during a time of war or
23 emergency condition as described in section 1 of Act No. 190 of
24 the Public Acts of 1965, as amended, being section 35.61 of the
25 Michigan Compiled Laws, may elect to receive credited service for
26 not more than 5 years of active military service. Credit for
27 military service shall be given upon request and payment to the

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

11 (15) As used in this subsection, "transitional public
 12 employment program" means a public service employment program in
 13 the area of environmental quality, health care, education, public
 14 safety, crime prevention and control, prison rehabilitation,
 15 transportation, recreation, maintenance of parks, streets, and
 16 other public facilities, solid waste removal, pollution control,
 17 housing and neighborhood improvements, rural development, conser-
 18 vation, beautification, veterans' outreach, or any other area of
 19 human betterment and community improvement as part of a program
 20 of comprehensive manpower services authorized, undertaken, and
 21 financed pursuant to the FORMER comprehensive employment and
 22 training act OF 1973, ~~former~~ Public Law 93-203. ~~87~~

23 ~~Stat. 839.~~ A person participating in a transitional public
 24 employment program ~~shall~~ IS not ~~be~~ eligible for membership in
 25 a retirement system or pension plan established under this
 26 section. If the person later becomes a member of a retirement
 27 system or pension plan established under this section within 12

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

1 are insufficient, the remainder of the employer contributions
2 shall be paid by the person's current employer.

3 (16) Subsection (15) ~~shall~~ DOES not exclude the partici-
4 pant in a transitional public employment program from the acci-
5 dent, disability, or other benefits available to members of the
6 retirement system covered by this section.

7 (17) ~~Once~~ IF a probate judge who is a member of a plan
8 established under this section ~~has contributed~~ CONTRIBUTES for
9 not less than 20 years, the county board of commissioners may
10 allow the probate judge to cease further contributions.

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

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

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

23 (20) Beginning September 1, 1981, for determining the
24 retirement benefit for a county employee who is a judge of a
25 municipal court of record pursuant to subsection (2), "average
26 final compensation" means the annual average of the highest
27 actual compensation received by the judge as additional salary

1 pursuant to section 13(2) of Act No. 369 of the Public Acts of
2 1919, as amended, being section 725.13 of the Michigan Compiled
3 Laws, during a period of 5 years of service as specified in the
4 plan. This subsection shall not be construed to diminish or
5 impair an accrued financial benefit.

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

18 (22) Beginning September 1, 1981, for each county employee
19 who is a judge of the probate court, the sum of the average final
20 compensation calculated for that employee pursuant to this sec-
21 tion and the final salary calculated for that employee as a
22 member of the STATE OF MICHIGAN probate ~~judges'~~ JUDGES retire-
23 ment system pursuant to the probate judges retirement act, Act
24 No. 165 of the Public Acts of 1954, as amended, being sections
25 38.901 to 38.933 of the Michigan Compiled Laws, shall not exceed
26 the employee's total annual judicial salary payable from all
27 sources at the time of his or her retirement. This subsection

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

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

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

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

1 retirement system established under this section under the
2 following conditions:

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

6 (b) Service ~~which~~ THAT 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) The county employee deposits in the plan established
17 under this section an amount equal to the aggregate amount of
18 contributions the county employee made at the time of the previ-
19 ous membership service plus interest from the date of withdrawal
20 of the accumulated contributions to the date of deposit, at rates
21 determined by the board. If records are insufficient or unavail-
22 able to compute the exact amount of required deposit, the board
23 may estimate the amount.

24 (d) The county employee deposits in the county employees'
25 retirement system an amount equal to the aggregate amount of con-
26 tributions the employer made at the time of the previous

1 membership service plus interest from the date of separation to
2 the date of deposit, at rates determined by the board.

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

11 (a) A person, not regularly employed by the county, who is
12 employed by the county through participation in a program estab-
13 lished pursuant to the job training partnership act, Public Law
14 97-300, 96 Stat. 1322.

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

20 (c) A person, not regularly employed by the county, who is
21 employed by the county through participation in a program estab-
22 lished pursuant to the Michigan community service corps program,
23 FIRST ESTABLISHED under sections 25 to 35 of Act No. 259 of the
24 Public Acts of 1983 and sections 148 to 160 of Act No. 246 of the
25 Public Acts of 1984.

1 (d) A person, not regularly employed by the county, who is
2 hired by the county to administer a program described in
3 ~~subdivisions~~ SUBDIVISION (a), (b), ~~and~~ OR (c).

4 (27) If a county enters into a collective bargaining agree-
5 ment pursuant to Act No. 336 of the Public Acts of 1947, being
6 sections 423.201 to 423.216 of the Michigan Compiled Laws, which
7 provides for retirement benefits that are in excess of the
8 retirement benefits otherwise authorized to be provided under
9 this section for employees of the county who are covered by a
10 plan under this section, then the county board of commissioners
11 may amend or adopt a plan under this section to provide those
12 benefits to employees who are members of the bargaining unit cov-
13 ered by the agreement, and may, after December 31, 1987, amend or
14 adopt a plan under this section to provide those benefits to
15 other employees of the county.

16 (28) IF A COUNTY RETIREMENT PLAN ESTABLISHED UNDER THIS SEC-
17 TION PROVIDES AN OPTIONAL FORM OF PAYMENT OF A RETIREMENT ALLOW-
18 ANCE, A RETIREMENT ALLOWANCE MAY BE MADE PAYABLE UNDER THIS SUB-
19 SECTION, BY RESOLUTION OF THE COUNTY BOARD OF COMMISSIONERS, TO
20 THE SURVIVING SPOUSE OF A DECEASED RETIRANT IF ALL OF THE
21 REQUIREMENTS OF THIS SUBSECTION ARE MET. IF A MEMBER OF A COUNTY
22 RETIREMENT PLAN ESTABLISHED UNDER THIS SECTION RETIRED AFTER MAY
23 1, 1981 BUT BEFORE NOVEMBER 12, 1985, ELECTED TO RECEIVE HIS OR
24 HER RETIREMENT ALLOWANCE IN LIFE PAYMENTS TO THE RETIRANT, AND
25 DIED AFTER NOVEMBER 1, 1989 BUT BEFORE DECEMBER 31, 1989, THE
26 SURVIVING SPOUSE OF THAT DECEASED RETIRANT SHALL RECEIVE A
27 RETIREMENT ALLOWANCE PURSUANT TO THIS SUBSECTION. THE COUNTY

1 BOARD OF COMMISSIONERS SHALL COMPUTE THE RETIREMENT ALLOWANCE IN
2 THE SAME MANNER AS IF, ON THE DAY BEFORE THE RETIRANT'S DEATH,
3 THE DECEASED RETIRANT HAD ELECTED TO RECEIVE A REDUCED RETIREMENT
4 ALLOWANCE IN LIFE PAYMENTS TO THE RETIRANT WITH FULL CONTINUATION
5 TO THE RETIREMENT ALLOWANCE BENEFICIARY AND HAD NOMINATED THE
6 SURVIVING SPOUSE AS THE RETIREMENT ALLOWANCE BENEFICIARY. THE
7 SURVIVING SPOUSE SHALL BEGIN TO RECEIVE THE RETIREMENT ALLOWANCE
8 UNDER THIS SUBSECTION EFFECTIVE THE FIRST DAY OF THE MONTH FOL-
9 LOWING THE MONTH IN WHICH APPLICATION TO THE COUNTY RETIREMENT
10 PLAN IS MADE BY THE SURVIVING SPOUSE. A PAYMENT OF A RETIREMENT
11 ALLOWANCE UNDER THIS SUBSECTION SHALL NOT BE PAID FOR ANY MONTH
12 BEFORE THE FIRST MONTH A RETIREMENT ALLOWANCE IS PAYABLE UNDER
13 THIS SUBSECTION. AS USED IN THIS SUBSECTION, "SPOUSE" MEANS THE
14 PERSON, IF ANY, TO WHOM THE DECEASED RETIRANT WAS MARRIED ON THE
15 EFFECTIVE DATE OF HIS OR HER RETIREMENT UNDER THE COUNTY RETIRE-
16 MENT PLAN AND ON THE DATE OF HIS OR HER DEATH.