

# HOUSE BILL No. 5575

March 8, 1990, Introduced by Reps. Hart, Barns and Scott 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 DO THE FOLLOWING:

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)-~~ (28),  
6 endowment policies, retirement benefits, pensions, or annuity  
7 retirement benefits in excess of the amounts stipulated in this  
8 subdivision may be provided for by a plan of employee participa-  
9 tion to cover the cost of the excess. If the employment or the  
10 pension or retirement benefits of an employee who participated in  
11 the cost of pension or retirement benefits are terminated before  
12 the employee ~~received~~ RECEIVES pension or retirement benefits  
13 equal to the total amount of the employee's participation, the  
14 balance of the total participation shall be refunded to the  
15 employee at the time of termination, if living, or if deceased,  
16 to the employee's heir, legal representative, or designated bene-  
17 ficiary as provided in the plan adopted and established by the  
18 county board of commissioners. If a terminated employee is sub-  
19 sequently rehired by the county, the employee may repay the  
20 amount of participation refunded to the employee upon the  
21 employee's termination, together with compound interest from the  
22 date of refund to the dates of repayment at the rates provided in  
23 the plan. As conditions for repayment, the plan may require  
24 return to employment for a period not to exceed 3 years and may  
25 require that repayment be completed within a period of not less  
26 than 1 year following return to employment. A plan adopted for  
27 the payment of retirement benefits or a pension shall grant

1 benefits to an employee eligible for pension or retirement  
2 benefits according to a uniform scale for all persons in the same  
3 general class or classification. An employee shall not be denied  
4 benefits by termination of his or her employment after the  
5 employee becomes eligible for benefits under the plan and this  
6 section. An endowment policy or annuity purchased pursuant to  
7 this section shall be purchased from an insurer authorized to  
8 write endowment policies 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 (21) or a judge subject to subsection ~~-(23)-~~ (24), during either  
21 a period of 5 consecutive years of service contained within the  
22 employee's 10 years of service immediately ~~preceding~~ BEFORE the  
23 employee's retirement or a period of 5 years of service as speci-  
24 fied in the plan. In a county having adopted a plan for granting  
25 longevity pay, the county board of commissioners may exclude this  
26 longevity pay from average final compensation for the purpose of  
27 computing the rate of employee contribution and the amount of

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

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

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

1 the sole purpose of computing the amount of disability or death  
2 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 with the  
21 requirements of such a provision approved for inclusion in a plan  
22 by the county board of commissioners before January 1, 1976, who  
23 shall be considered to be a county employee during the period of  
24 compliance. Provision may be made to exclude a person who is  
25 employed on a temporary basis and a person employed in a position  
26 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 ARE 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 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~~ THAT has adopted a retirement plan under

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

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

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

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

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

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

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

11 (15) A MEMBER WHO ENTERS OR ENTERED ANY ARMED SERVICE OF THE  
12 UNITED STATES MAY PURCHASE CREDITED SERVICE FOR PERIODS OF CON-  
13 TINUOUS ACTIVE DUTY LASTING 30 DAYS OR MORE, SUBJECT TO THE FOL-  
14 LOWING CONDITIONS:

15 (A) THE COUNTY BOARD OF COMMISSIONERS AUTHORIZES THE PUR-  
16 CHASE OF CREDITED SERVICE UNDER THIS SUBSECTION BY AN AFFIRMATIVE  
17 VOTE OF A MAJORITY OF THE MEMBERS OF THE COUNTY BOARD OF  
18 COMMISSIONERS.

19 (B) THE MEMBER HAS AT LEAST THE NUMBER OF YEARS OF CREDITED  
20 SERVICE NEEDED TO VEST UNDER THE PLAN, NOT INCLUDING ANY CREDITED  
21 SERVICE PURCHASED UNDER THIS SUBSECTION AND SUBSECTION (14).

22 (C) THE MEMBER PAYS THE RETIREMENT SYSTEM 5% OF THE MEMBER'S  
23 ANNUAL COMPENSATION MULTIPLIED BY THE PERIOD OF CREDITED SERVICE  
24 BEING PURCHASED. AS USED IN THIS SUBDIVISION, "ANNUAL  
25 COMPENSATION" MEANS THE AGGREGATE AMOUNT OF COMPENSATION PAID THE  
26 MEMBER DURING THE 4 MOST RECENT CALENDAR QUARTERS FOR EACH OF

1 WHICH THE MEMBER WAS CREDITED 3/12 OF A YEAR OF CREDITED  
2 SERVICE.

3 (D) FRACTIONAL MONTHS OF ARMED SERVICE SHALL NOT BE RECOG-  
4 NIZED FOR THE PURPOSES OF THIS SUBSECTION.

5 (E) ARMED SERVICE CREDITED A MEMBER UNDER SUBSECTION (14)  
6 SHALL NOT BE THE BASIS OF CREDITED SERVICE UNDER THIS SECTION.

7 (F) ARMED SERVICE CREDITED A MEMBER UNDER THIS SUBSECTION  
8 SHALL NOT EXCEED EITHER 5 YEARS OR THE DIFFERENCE BETWEEN 5 YEARS  
9 AND THE ARMED SERVICE CREDITED THE MEMBER UNDER SUBSECTION (14).

10 (G) CREDITED SERVICE SHALL NOT BE GRANTED FOR PERIODS OF  
11 ARMED SERVICE THAT ARE OR COULD BE USED FOR OBTAINING OR INCREAS-  
12 ING A BENEFIT FROM ANOTHER RETIREMENT SYSTEM.

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



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

1 training act OF 1973, ~~former~~ Public Law 93-203, ~~87 Stat. 839,~~  
2 are insufficient, the remainder of the employer contributions  
3 shall be paid by the person's current employer.

4 (17) ~~(+6)~~ Subsection ~~(+5)~~ (16) shall not exclude the  
5 participant in a transitional public employment program from the  
6 accident, disability, or other benefits available to members of  
7 the retirement system covered by this section.

8 (18) ~~(+7) Once~~ IF a probate judge who is a member of a  
9 plan established under this section has contributed for not less  
10 than 20 years, the county board of commissioners may allow the  
11 probate judge to cease further contributions.

12 (19) ~~(+8)~~ An employee of the circuit court in the third  
13 judicial circuit, the common pleas court of the city of Detroit,  
14 or the recorder's court of the city of Detroit who became an  
15 employee of the state judicial council on September 1, 1981, and  
16 who was 44 years of age or older as of that date, and who will  
17 have accumulated 25 or more years of service credit by  
18 September 1, 1987, shall continue to be eligible for membership  
19 in, and the benefits of, a pension or retirement benefit plan  
20 established pursuant to this section in the same manner as the  
21 employee was eligible before September 1, 1981. A person who was  
22 an employee of the circuit court in the third judicial circuit,  
23 the common pleas court of the city of Detroit, or the recorder's  
24 court of the city of Detroit on August 31, 1981, who last entered  
25 county employment prior to November 2, 1956, who became an  
26 employee of the state judicial council on September 1, 1981, and  
27 who had accumulated not less than 24 years of service credit by

1 August 31, 1981, shall continue to be eligible for membership in,  
2 and the benefits of, a pension or retirement benefit plan estab-  
3 lished pursuant to this section in the same manner as the  
4 employee was eligible before September 1, 1981. An election to  
5 continue to be a member of a pension or retirement benefit plan  
6 established pursuant to this section as authorized by section  
7 594(2) of the revised judicature act of 1961, Act No. 236 of the  
8 Public Acts of 1961, being section 600.594 of the Michigan  
9 Compiled Laws, or section 36(2) of Act No. 369 of the Public Acts  
10 of 1919, being section 725.36 of the Michigan Compiled Laws,  
11 shall not be effective unless the employee has made the election  
12 in the manner prescribed by those sections and has made the pay-  
13 ments required by those sections.

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

24       (21) ~~-(20)-~~ Beginning September 1, 1981, for determining the  
25 retirement benefit for a county employee who is a judge of a  
26 municipal court of record pursuant to subsection (2), "average  
27 final compensation" means the annual average of the highest

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

7       (22) ~~-(21)-~~ Beginning September 1, 1981, for each county  
8 employee who is a judge of a municipal court of record, or of the  
9 circuit or district court, the sum of the average final compensa-  
10 tion determined for that county employee pursuant to this section  
11 and the final salary determined for that county employee as a  
12 member of the STATE OF MICHIGAN judges' retirement system pursu-  
13 ant to the judges' retirement act, Act No. 198 of the Public Acts  
14 of 1951, as amended, being sections 38.801 to 38.831 of the  
15 Michigan Compiled Laws, shall not exceed the employee's total  
16 annual judicial salary payable from all sources at the time of  
17 his or her retirement. This subsection shall not be construed to  
18 diminish or impair an accrued financial benefit.

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

1 all sources at the time of his or her retirement. This  
2 subsection shall not be construed to diminish or impair an  
3 accrued financial benefit.

4       (24) ~~-(23)-~~ Beginning September 1, 1981, for determining a  
5 retirement benefit pursuant to subsection (2) for a county  
6 employee who is a judge who receives an annuity pursuant to sec-  
7 tion 14(5) of Act No. 198 of the Public Acts of 1951, as amended,  
8 being section 38.814 of the Michigan Compiled Laws, "average  
9 final compensation" means the difference between the judge's  
10 total annual salary payable from all sources on August 31, 1981,  
11 and the judge's state base salary payable on August 31, 1981.  
12 This subsection shall not be construed to diminish or impair an  
13 accrued financial benefit.

14       (25) ~~-(24)-~~ 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 STATE OF MICHIGAN judges' retirement  
21 system created ~~under~~ BY Act No. 198 of the Public Acts of 1951,  
22 shall not exceed the judge's total annual salary payable from all  
23 sources at the time of his or her retirement. This subsection  
24 shall not be construed to diminish or impair an accrued financial  
25 benefit.

26       (26) ~~-(25)-~~ The county board of commissioners, upon the  
27 request of a county employee, by not less than a 3/5 vote may

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

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

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

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

25 (d) The county employee deposits in the county employees'  
26 retirement system an amount equal to the aggregate amount of  
27 contributions 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       (27) ~~-(26)-~~ 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 FIRST ESTABLISHED under sections 25 to 35 of Act No. 259 of the  
23 Public Acts of 1983 and sections 148 to 160 of Act No. 246 of the  
24 Public Acts of 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).

1       (28) ~~-(27)-~~ If a county enters into a collective bargaining  
2 agreement pursuant to Act No. 336 of the Public Acts of 1947,  
3 being sections 423.201 to 423.216 of the Michigan Compiled Laws,  
4 which provides for retirement benefits that are in excess of the  
5 retirement benefits otherwise authorized to be provided under  
6 this section for employees of the county who are covered by a  
7 plan under this section, then the county board of commissioners  
8 may amend or adopt a plan under this section to provide those  
9 benefits to employees who are members of the bargaining unit cov-  
10 ered by the agreement, and may, after December 31, 1987, amend or  
11 adopt a plan under this section to provide those benefits to  
12 other employees of the county.