

HOUSE BILL No. 5648

March 29, 1990, Introduced by Reps. Hart, Barns, Porreca 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), 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 a plan for granting longevity
25 pay, the county board of commissioners may exclude this longevity
26 pay from average final compensation for the purpose of computing
27 the rate of employee contribution and the amount of benefits

1 payable to an employee upon retirement. "Longevity pay" means
2 increments of compensation payable at annual or semiannual inter-
3 vals and based upon years of service to the county, exclusive of
4 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~~ 15 years
21 following the county employee's separation from service of the
22 last unit of government by which the county employee was
23 employed.

24 (b) Service rendered before the last break in service of
25 more than ~~5~~ 15 years shall not be credited.

26 (c) Service ~~which~~ THAT is recognized for the purpose of a
27 deferred retirement allowance under a retirement system or other

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

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

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

24 (10) A plan adopted under this section may provide for
25 annual or less frequent postretirement redetermination of a
26 pension. The redetermined amount of pension shall be not greater
27 than the amount of pension otherwise payable multiplied by the

1 following percent: 100%, plus the percentage the county board of
2 commissioners determines appropriate for each full year, exclud-
3 ing a fraction of a year, in the period from the effective date
4 of payments of the pension and the date as of which the redeter-
5 mination is being made. The redetermined amount shall not be
6 less than the amount of pension otherwise payable. A provision
7 of this section ~~which~~ THAT limits the amount of a pension shall
8 not apply to the operation of this subsection redetermining the
9 amount of a pension. As used in this subsection, "the amount of
10 pension otherwise payable" means the amount of pension ~~which~~
11 THAT would be payable without regard to this subsection. The
12 application of a provision redetermining pension amounts may be
13 restricted to pensions having an effective date of payment either
14 before or after a specified date.

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

1 due. A county ~~which~~ THAT has adopted a retirement plan under
2 this section and has established reserves on an actuarial basis
3 shall maintain ~~them~~ THE RESERVES as provided in this
4 subsection. The reserves shall be determined by an actuarial
5 valuation and established and maintained by yearly appropriations
6 by the county and contributions by employees. The reserves shall
7 be established, maintained, and funded to cover the pension and
8 other benefits provided for in the plan in the same manner and
9 within the same limits as to time as is provided for Benefit
10 Program B in the municipal employees' retirement system described
11 in section 14 of the municipal employees retirement act, Act
12 No. 427 of the Public Acts of 1984, being section 38.1514 of the
13 Michigan Compiled Laws. These reserves are trust funds and shall
14 not be used for any other purpose than the payment of pension,
15 retirement, and other benefits and refunds of ~~employees'~~
16 EMPLOYEE contributions ~~in accordance with~~ PURSUANT TO the plan
17 established in a county. An employee's contributions shall be
18 kept and accumulated in a separate fund and used only for the
19 payment of annuities and refunds to employees. This subsection
20 ~~shall~~ DOES not apply to a county that adopted a retirement plan
21 under this section and had not established reserves on an actuar-
22 ial basis before 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 not apply to a county that adopted a retirement plan under this
20 section and had not established reserves on an actuarial basis
21 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 not be eligible for membership in a
25 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 not exclude the participant in a
4 transitional public employment program from the accident, dis-
5 ability, or other benefits available to members of the retirement
6 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 for not less than
9 20 years, the county board of commissioners may allow the probate
10 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 not be effective unless the
10 employee has made the election in the manner prescribed by those
11 sections and has made the payments required by those sections.

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

22 (20) Beginning September 1, 1981, for determining the
23 retirement benefit for a county employee who is a judge of a
24 municipal court of record pursuant to subsection (2), "average
25 final compensation" means the annual average of the highest
26 actual compensation received by the judge as additional salary
27 pursuant to section 13(2) of Act No. 369 of the Public Acts of

1 1919, as amended, being section 725.13 of the Michigan Compiled
2 Laws, during a period of 5 years of service as specified in the
3 plan. This subsection shall not be construed to diminish or
4 impair an accrued financial benefit.

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

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

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

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

23 (d) The county employee deposits in the county employees'
24 retirement system an amount equal to the aggregate amount of con-
25 tributions the employer made at the time of the previous member-
26 ship service plus interest from the date of separation to the
27 date of deposit, at rates determined by the board.

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

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

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

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

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

26 (27) If a county enters into a collective bargaining
27 agreement pursuant to Act No. 336 of the Public Acts of 1947,

1 being sections 423.201 to 423.216 of the Michigan Compiled Laws,
2 which provides for retirement benefits that are in excess of the
3 retirement benefits otherwise authorized to be provided under
4 this section for employees of the county who are covered by a
5 plan under this section, then the county board of commissioners
6 may amend or adopt a plan under this section to provide those
7 benefits to employees who are members of the bargaining unit cov-
8 ered by the agreement, and may, after December 31, 1987, amend or
9 adopt a plan under this section to provide those benefits to
10 other employees of the county.