

SENATE BILL No. 443

July 25, 1991, Introduced by Senators WELBORN, DINGELL,
CARL and DILLINGHAM and referred to the Committee on
Mental Health, Human Resources, and Senior Citizens.

A bill to amend section 45 of Act No. 240 of the Public Acts
of 1943, entitled as amended

"State employees' retirement act,"

as amended by Act No. 351 of the Public Acts of 1988, being sec-
tion 38.45 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 45 of Act No. 240 of the Public Acts of
2 1943, as amended by Act No. 351 of the Public Acts of 1988, being
3 section 38.45 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 45. As used in THIS SECTION AND sections ~~45~~ 46 to
6 47:

7 (a) Except as provided in subparagraph ~~(v)~~ (vi), on and
8 after January 1, 1989, "covered position" means any of the
9 following:

1 (i) A position in the classified civil service with a
2 classification of corrections officer; resident unit officer;
3 corrections medical aide; corrections shift supervisor; correc-
4 tions security specialist; deputy prison warden; or departmental
5 administrator-prison warden.

6 (ii) A position that is assigned to a work station inside
7 the security perimeter of a state correctional facility desig-
8 nated as "medium", "close", or "maximum".

9 (iii) A position within a state correctional facility that
10 requires the employee to be in direct contact with prisoners for
11 more than 50% of the employee's work time performing supervisory
12 or disciplinary duties including 1 or more of the following:

13 (A) Supervising prisoners in the performance of tasks.

14 (B) Supervising prisoners for the purpose of enforcing the
15 facility's rules.

16 (C) Direct participation in the disciplinary process.

17 (iv) A POSITION WITHIN A SPECIAL ALTERNATIVE INCARCERATION
18 UNIT ESTABLISHED PURSUANT TO SECTION 3 OF THE SPECIAL ALTERNATIVE
19 INCARCERATION ACT, ACT NO. 287 OF THE PUBLIC ACTS OF 1988, BEING
20 SECTION 798.13 OF THE MICHIGAN COMPILED LAWS, THAT REQUIRES THE
21 EMPLOYEE TO BE IN DIRECT CONTACT WITH PROBATIONERS INCARCERATED
22 IN THE SPECIAL ALTERNATIVE INCARCERATION UNIT FOR MORE THAN 50%
23 OF THE EMPLOYEE'S WORK TIME PERFORMING SUPERVISORY OR DISCI-
24 PLINARY DUTIES INCLUDING 1 OR MORE OF THE FOLLOWING:

25 (A) SUPERVISING PROBATIONERS IN THE PERFORMANCE OF TASKS.

26 (B) SUPERVISING PROBATIONERS FOR THE PURPOSE OF ENFORCING
27 THE UNIT'S RULES.

(C) DIRECT PARTICIPATION IN THE DISCIPLINARY PROCESS.

(v) ~~(iv)~~ A position with the center for forensic psychiatry that is classified by civil service as forensics security aide IIB, forensics security aide IIIB, forensics security supervisor IVB, forensics security supervisor VB, forensics security supervisor VIB, or forensics supervisor VII.

(vi) ~~(v)~~ A position that was a covered position under this section before January 1, 1989, that is excluded by subparagraphs (i), (ii), (iii), ~~and~~ (iv), AND (v) if and only as long as the person in the position on January 1, 1989, continues in the position after January 1, 1989.

(b) "Supplemental member" means a member who is employed in a covered position.

(c) "Covered service" means credited service acquired in a covered position.

(d) "Supplemental final average compensation" means 1/3 of the compensation paid a supplemental member during the period of 3 consecutive years of the member's covered service producing the highest average and contained within the member's last 10 years of credited service immediately preceding the date the member's employment in a covered position last terminates.

(e) "State correctional facility" means a facility under the jurisdiction of the department of corrections that has a designation of "maximum", "close", "medium", "minimum", "prison camp", or "correction center".