

SENATE BILL No. 1085

January 21, 2010, Introduced by Senators JANSEN, HARDIMAN, BASHAM, BIRKHOLZ, VAN WOERKOM, CROPSEY, PAPPAGEORGE and GILBERT and referred to the Committee on Reforms and Restructuring.

A bill to amend 1967 (Ex Sess) PA 8, entitled

"An act to provide for intergovernmental transfers of functions and responsibilities,"

by amending section 4 (MCL 124.534).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. A contract shall include:

2 (a) A description of the functions or responsibilities to be
3 transferred.

4 (b) The effective date of the contract.

5 (c) The term of operation under the contract.

6 (d) The manner in which the affected employees, if any, of the
7 participating political subdivisions shall be transferred,
8 reassigned, or otherwise treated subject to the following:

1 (i) Such employees as are necessary for the operation thereof
2 shall be transferred to and appointed as employees subject to all
3 rights and benefits. These employees shall be given seniority
4 credits and sick leave, vacation, insurance, and pension credits in
5 accordance with the records or labor agreements from the acquired
6 system. Members and beneficiaries of any pension or retirement
7 system or other benefits established by the acquired system shall
8 continue to have rights, privileges, benefits, obligations, and
9 status with respect to ~~such~~**THE** established system. The political
10 subdivision to which the functions or responsibilities have been
11 transferred shall assume the obligations of any system acquired by
12 it with regard to wages, salaries, hours, working conditions, sick
13 leave, health and welfare, and pension or retirement provisions for
14 employees. If the employees of an acquired system were not
15 guaranteed sick leave, health and welfare, and pension or
16 retirement pay based on seniority, the political subdivision shall
17 not be required to provide these benefits retroactively.

18 (ii) No employee who is transferred to a position with the
19 political subdivision shall by reason of ~~such~~**THAT** transfer be
20 placed in any worse position with respect to workmen's
21 compensation, pension, seniority, wages, sick leave, vacation,
22 health and welfare insurance, or any other benefits that he **OR SHE**
23 enjoyed as an employee of ~~such~~**THE** acquired system.

24 **(iii) NOTHING IN THIS ACT REQUIRES THAT THE EMPLOYER PAY TO**
25 **EMPLOYEES THE HIGHEST WAGES AND BENEFITS PREVIOUSLY PAID TO ANY OF**
26 **THE EMPLOYEES OR THEIR PREEXISTING BARGAINING UNITS.**

27 (e) The manner in which any real property, facilities,

1 equipment, or other personal property required in the execution of
2 the contract shall be transferred, sold, or otherwise disposed of
3 between the contracting parties.

4 (f) The method of financing to be used and the amount to be
5 paid by each of the participating units in relation to the
6 undertaking involved.

7 (g) Other legal, financial, and administrative arrangements
8 necessary to effectuate the undertaking.