

SUBSTITUTE FOR
HOUSE BILL NO. 5301

A bill to amend 1966 PA 293, entitled

"An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,"

(MCL 45.501 to 45.521) by adding section 14a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 14A. (1) BEGINNING SEPTEMBER 30, 2014, EACH COUNTY ROAD
2 AGENCY SHALL ANNUALLY CERTIFY TO THE DEPARTMENT THAT IT SATISFIES 1
3 OF THE FOLLOWING CONDITIONS WITH RESPECT TO TRANSPORTATION
4 EMPLOYEES:

5 (A) THE COUNTY ROAD AGENCY HAS DEVELOPED AND PUBLICIZED A
6 TRANSPORTATION EMPLOYEE COMPENSATION PLAN THAT THE COUNTY ROAD
7 AGENCY INTENDS TO IMPLEMENT WITH ANY NEW, MODIFIED, OR EXTENDED

1 CONTRACT OR EMPLOYMENT AGREEMENTS FOR TRANSPORTATION EMPLOYEES NOT
2 COVERED UNDER CONTRACT OR EMPLOYMENT AGREEMENT. THE TRANSPORTATION
3 EMPLOYEE COMPENSATION PLAN THAT EACH COUNTY ROAD AGENCY PLANS TO
4 ACHIEVE SHALL BE POSTED ON A PUBLICLY ACCESSIBLE INTERNET SITE AND
5 MUST BE SUBMITTED TO THE DEPARTMENT. AT A MINIMUM, THE
6 TRANSPORTATION EMPLOYEE COMPENSATION PLAN SHALL INCLUDE ALL OF THE
7 FOLLOWING:

8 (i) NEW TRANSPORTATION EMPLOYEE HIRES WHO ARE ELIGIBLE FOR
9 RETIREMENT PLANS ARE PLACED ON RETIREMENT PLANS THAT CAP ANNUAL
10 EMPLOYER CONTRIBUTIONS AT 10% OF BASE SALARY FOR TRANSPORTATION
11 EMPLOYEES WHO ARE ELIGIBLE FOR SOCIAL SECURITY BENEFITS. FOR
12 TRANSPORTATION EMPLOYEES WHO ARE NOT ELIGIBLE FOR SOCIAL SECURITY
13 BENEFITS, THE ANNUAL EMPLOYER CONTRIBUTION IS CAPPED AT 16.2% OF
14 BASE SALARY.

15 (ii) FOR DEFINED BENEFIT PENSION PLANS, A MAXIMUM MULTIPLIER OF
16 1.5% FOR ALL TRANSPORTATION EMPLOYEES WHO ARE ELIGIBLE FOR SOCIAL
17 SECURITY BENEFITS, EXCEPT, WHERE POSTEMPLOYMENT HEALTH CARE IS NOT
18 PROVIDED, THE MAXIMUM MULTIPLIER SHALL BE 2.25%. FOR ALL
19 TRANSPORTATION EMPLOYEES WHO ARE NOT ELIGIBLE FOR SOCIAL SECURITY
20 BENEFITS, A MAXIMUM MULTIPLIER OF 2.25%, EXCEPT, WHERE
21 POSTEMPLOYMENT HEALTH CARE IS NOT PROVIDED, THE MAXIMUM MULTIPLIER
22 SHALL BE 3.0%.

23 (iii) FOR DEFINED BENEFIT PENSION PLANS, FINAL AVERAGE
24 COMPENSATION FOR ALL TRANSPORTATION EMPLOYEES IS CALCULATED USING A
25 MINIMUM OF 3 YEARS OF COMPENSATION AND SHALL NOT INCLUDE MORE THAN
26 A TOTAL OF 240 HOURS OF PAID LEAVE. OVERTIME HOURS SHALL NOT BE
27 USED IN COMPUTING THE FINAL AVERAGE COMPENSATION FOR A

1 TRANSPORTATION EMPLOYEE.

2 (iv) HEALTH CARE PREMIUM COSTS FOR NEW TRANSPORTATION EMPLOYEE
3 HIRES SHALL INCLUDE A MINIMUM TRANSPORTATION EMPLOYEE SHARE OF 20%;
4 OR, AN EMPLOYER'S SHARE OF THE LOCAL HEALTH CARE PLAN COSTS SHALL
5 BE COST COMPETITIVE WITH THE NEW STATE PREFERRED PROVIDER
6 ORGANIZATION HEALTH PLAN, ON A PER-TRANSPORTATION-EMPLOYEE BASIS.

7 (B) COMPLY WITH 1 OF THE FOLLOWING:

8 (i) A COUNTY ROAD AGENCY THAT OFFERS MEDICAL BENEFITS TO ITS
9 TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL CERTIFY
10 TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT IS IN COMPLIANCE
11 WITH THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT, 2011 PA
12 152, MCL 15.561 TO 15.569. DENTAL AND VISION COVERAGES ARE NOT
13 CONSIDERED MEDICAL BENEFITS. THE DEPARTMENT SHALL DEVELOP A
14 CERTIFICATION PROCESS AND METHOD FOR COUNTY ROAD AGENCIES TO
15 FOLLOW.

16 (ii) A COUNTY ROAD AGENCY THAT DOES NOT OFFER MEDICAL BENEFITS
17 TO ITS TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL
18 CERTIFY TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT DOES NOT
19 OFFER MEDICAL BENEFITS TO ITS TRANSPORTATION EMPLOYEES OR ELECTED
20 PUBLIC OFFICIALS. DENTAL AND VISION COVERAGES ARE NOT CONSIDERED
21 MEDICAL BENEFITS. THE DEPARTMENT SHALL DEVELOP A CERTIFICATION
22 PROCESS AND METHOD FOR COUNTY ROAD AGENCIES TO FOLLOW.

23 (2) IF A COUNTY ROAD AGENCY DOES NOT MAKE THE CERTIFICATION
24 REQUIRED UNDER SUBSECTION (1), THE DEPARTMENT MAY WITHHOLD ALL OR
25 PART OF THE DISTRIBUTIONS TO THE COUNTY ROAD AGENCY FROM THE
26 MICHIGAN TRANSPORTATION FUND UNDER 1951 PA 51, MCL 247.651 TO
27 247.675. A WITHHOLDING UNDER THIS SUBSECTION SHALL CONTINUE FOR THE

1 PERIOD OF NONCOMPLIANCE WITH SUBSECTION (1) BY THE COUNTY ROAD
2 AGENCY.

3 (3) A COUNTY ROAD AGENCY SHALL MAINTAIN A SEARCHABLE WEBSITE
4 ACCESSIBLE BY THE PUBLIC AT NO COST THAT INCLUDES, BUT IS NOT
5 LIMITED TO, ALL OF THE FOLLOWING:

6 (A) FISCAL YEAR-TO-DATE EXPENDITURES BY CATEGORY.

7 (B) FISCAL YEAR-TO-DATE EXPENDITURES BY APPROPRIATION UNIT.

8 (C) FISCAL YEAR-TO-DATE PAYMENTS TO A SELECTED VENDOR,
9 INCLUDING THE VENDOR NAME, PAYMENT DATE, PAYMENT AMOUNT, AND
10 PAYMENT DESCRIPTION.

11 (D) THE NUMBER OF ACTIVE TRANSPORTATION EMPLOYEES OF THE
12 COUNTY ROAD AGENCY BY JOB CLASSIFICATION.

13 (E) JOB SPECIFICATIONS AND WAGE RATES.

14 (F) A FINANCIAL PERFORMANCE DASHBOARD.

15 (G) THE NAMES AND CONTACT INFORMATION FOR THE COUNTY ROAD
16 COMMISSIONERS.

17 (H) A RECOGNITION OF UNFUNDED LIABILITIES.

18 (I) A COPY OF THE CERTIFICATION REQUIRED BY SUBSECTION (1).

19 (4) A COUNTY ROAD AGENCY MAY DEVELOP AND OPERATE ITS OWN
20 WEBSITE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (3),
21 OR THE COUNTY ROAD AGENCY MAY REFERENCE THIS STATE'S CENTRAL
22 TRANSPARENCY WEBSITE AS THE SOURCE FOR THE INFORMATION REQUIRED
23 UNDER SUBSECTION (3). A COUNTY ROAD AGENCY MAY ALSO POST THE
24 INFORMATION REQUIRED UNDER SUBSECTION (3) ON THE WEBSITE FOR THE
25 COUNTY WITHIN WHICH THE COUNTY ROAD AGENCY IS LOCATED.

26 (5) FOR PURPOSES OF THIS SECTION ONLY:

27 (A) "COUNTY ROAD AGENCY" MEANS A COUNTY ROAD COMMISSION OR A

1 BODY THAT HAS THE POWERS OF A COUNTY ROAD COMMISSION IN A COUNTY
2 THAT ADOPTS A CHARTER UNDER THIS ACT. IN ADDITION, IF A BOARD OF
3 COUNTY ROAD COMMISSIONERS OF A COUNTY IS DISSOLVED AS PROVIDED IN
4 SECTION 6 OF CHAPTER IV OF 1909 PA 283, MCL 224.6, COUNTY ROAD
5 COMMISSION INCLUDES THE COUNTY BOARD OF COMMISSIONERS OF THAT
6 COUNTY.

7 (B) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT.

8 (C) "TRANSPORTATION EMPLOYEE" MEANS AN EMPLOYEE PAID IN WHOLE
9 OR IN PART THROUGH REVENUES DISTRIBUTED UNDER SECTIONS 12 TO 13 OF
10 1951 PA 51, MCL 247.662 TO 247.663, OR AN EMPLOYEE WHO IS ENGAGED
11 PRIMARILY IN WORK FUNDED THROUGH REVENUES DISTRIBUTED UNDER
12 SECTIONS 12 TO 13 OF 1951 PA 51, MCL 247.662 TO 247.663.