## SUBSTITUTE FOR

## HOUSE BILL NO. 5313

## A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,"

(MCL 45.551 to 45.573) by adding section 4a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 4A. (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

- 1 AGENCY INTENDS TO IMPLEMENT WITH ANY NEW, MODIFIED, OR EXTENDED
- 2 CONTRACT OR EMPLOYMENT AGREEMENTS FOR TRANSPORTATION EMPLOYEES NOT
- 3 COVERED UNDER CONTRACT OR EMPLOYMENT AGREEMENT. THE TRANSPORTATION
- 4 EMPLOYEE COMPENSATION PLAN THAT EACH COUNTY ROAD AGENCY PLANS TO
- 5 ACHIEVE SHALL BE POSTED ON A PUBLICLY ACCESSIBLE INTERNET SITE AND
- 6 MUST BE SUBMITTED TO THE DEPARTMENT. AT A MINIMUM, THE
- 7 TRANSPORTATION EMPLOYEE COMPENSATION PLAN SHALL INCLUDE ALL OF THE
- 8 FOLLOWING:
- 9 (i) NEW TRANSPORTATION EMPLOYEE HIRES WHO ARE ELIGIBLE FOR
- 10 RETIREMENT PLANS ARE PLACED ON RETIREMENT PLANS THAT CAP ANNUAL
- 11 EMPLOYER CONTRIBUTIONS AT 10% OF BASE SALARY FOR TRANSPORTATION
- 12 EMPLOYEES WHO ARE ELIGIBLE FOR SOCIAL SECURITY BENEFITS. FOR
- 13 TRANSPORTATION EMPLOYEES WHO ARE NOT ELIGIBLE FOR SOCIAL SECURITY
- 14 BENEFITS, THE ANNUAL EMPLOYER CONTRIBUTION IS CAPPED AT 16.2% OF
- 15 BASE SALARY.
- 16 (ii) FOR DEFINED BENEFIT PENSION PLANS, A MAXIMUM MULTIPLIER OF
- 17 1.5% FOR ALL TRANSPORTATION EMPLOYEES WHO ARE ELIGIBLE FOR SOCIAL
- 18 SECURITY BENEFITS, EXCEPT, WHERE POSTEMPLOYMENT HEALTH CARE IS NOT
- 19 PROVIDED, THE MAXIMUM MULTIPLIER SHALL BE 2.25%. FOR ALL
- 20 TRANSPORTATION EMPLOYEES WHO ARE NOT ELIGIBLE FOR SOCIAL SECURITY
- 21 BENEFITS, A MAXIMUM MULTIPLIER OF 2.25%, EXCEPT, WHERE
- 22 POSTEMPLOYMENT HEALTH CARE IS NOT PROVIDED, THE MAXIMUM MULTIPLIER
- 23 SHALL BE 3.0%.
- 24 (iii) FOR DEFINED BENEFIT PENSION PLANS, FINAL AVERAGE
- 25 COMPENSATION FOR ALL TRANSPORTATION EMPLOYEES IS CALCULATED USING A
- 26 MINIMUM OF 3 YEARS OF COMPENSATION AND SHALL NOT INCLUDE MORE THAN
- 27 A TOTAL OF 240 HOURS OF PAID LEAVE. OVERTIME HOURS SHALL NOT BE

- 1 USED IN COMPUTING THE FINAL AVERAGE COMPENSATION FOR A
- 2 TRANSPORTATION EMPLOYEE.
- 3 (iv) HEALTH CARE PREMIUM COSTS FOR NEW TRANSPORTATION EMPLOYEE
- 4 HIRES SHALL INCLUDE A MINIMUM TRANSPORTATION EMPLOYEE SHARE OF 20%;
- 5 OR, AN EMPLOYER'S SHARE OF THE LOCAL HEALTH CARE PLAN COSTS SHALL
- 6 BE COST COMPETITIVE WITH THE NEW STATE PREFERRED PROVIDER
- 7 ORGANIZATION HEALTH PLAN, ON A PER-TRANSPORTATION-EMPLOYEE BASIS.
- 8 (B) COMPLY WITH 1 OF THE FOLLOWING:
- 9 (i) A COUNTY ROAD AGENCY THAT OFFERS MEDICAL BENEFITS TO ITS
- 10 TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL CERTIFY
- 11 TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT IS IN COMPLIANCE
- 12 WITH THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT, 2011 PA
- 13 152, MCL 15.561 TO 15.569. DENTAL AND VISION COVERAGES ARE NOT
- 14 CONSIDERED MEDICAL BENEFITS. THE DEPARTMENT SHALL DEVELOP A
- 15 CERTIFICATION PROCESS AND METHOD FOR COUNTY ROAD AGENCIES TO
- 16 FOLLOW.
- 17 (ii) A COUNTY ROAD AGENCY THAT DOES NOT OFFER MEDICAL BENEFITS
- 18 TO ITS TRANSPORTATION EMPLOYEES OR ELECTED PUBLIC OFFICIALS SHALL
- 19 CERTIFY TO THE DEPARTMENT BY SEPTEMBER 30, 2014 THAT IT DOES NOT
- 20 OFFER MEDICAL BENEFITS TO ITS TRANSPORTATION EMPLOYEES OR ELECTED
- 21 PUBLIC OFFICIALS. DENTAL AND VISION COVERAGES ARE NOT CONSIDERED
- 22 MEDICAL BENEFITS. THE DEPARTMENT SHALL DEVELOP A CERTIFICATION
- 23 PROCESS AND METHOD FOR COUNTY ROAD AGENCIES TO FOLLOW.
- 24 (2) IF A COUNTY ROAD AGENCY DOES NOT MAKE THE CERTIFICATION
- 25 REQUIRED UNDER SUBSECTION (1), THE DEPARTMENT MAY WITHHOLD ALL OR A
- 26 PART OF THE DISTRIBUTIONS TO THE COUNTY ROAD AGENCY FROM THE
- 27 MICHIGAN TRANSPORTATION FUND UNDER 1951 PA 51, MCL 247.651 TO

- 1 247.675. A WITHHOLDING UNDER THIS SUBSECTION SHALL CONTINUE FOR THE
- 2 PERIOD OF NONCOMPLIANCE WITH SUBSECTION (1) BY THE COUNTY ROAD
- 3 AGENCY.
- 4 (3) A COUNTY ROAD AGENCY SHALL MAINTAIN A SEARCHABLE WEBSITE
- 5 ACCESSIBLE BY THE PUBLIC AT NO COST THAT INCLUDES, BUT IS NOT
- 6 LIMITED TO, ALL OF THE FOLLOWING:
- 7 (A) FISCAL YEAR-TO-DATE EXPENDITURES BY CATEGORY.
- 8 (B) FISCAL YEAR-TO-DATE EXPENDITURES BY APPROPRIATION UNIT.
- 9 (C) FISCAL YEAR-TO-DATE PAYMENTS TO A SELECTED VENDOR,
- 10 INCLUDING THE VENDOR NAME, PAYMENT DATE, PAYMENT AMOUNT, AND
- 11 PAYMENT DESCRIPTION.
- 12 (D) THE NUMBER OF ACTIVE TRANSPORTATION EMPLOYEES OF THE
- 13 COUNTY ROAD AGENCY BY JOB CLASSIFICATION.
- 14 (E) JOB SPECIFICATIONS AND WAGE RATES.
- 15 (F) A FINANCIAL PERFORMANCE DASHBOARD.
- 16 (G) THE NAMES AND CONTACT INFORMATION FOR THE COUNTY ROAD
- 17 COMMISSIONERS.
- 18 (H) A RECOGNITION OF UNFUNDED LIABILITIES.
- 19 (I) A COPY OF THE CERTIFICATION REQUIRED BY SUBSECTION (1).
- 20 (4) A COUNTY ROAD AGENCY MAY DEVELOP AND OPERATE ITS OWN
- 21 WEBSITE TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (3),
- 22 OR THE COUNTY ROAD AGENCY MAY REFERENCE THIS STATE'S CENTRAL
- 23 TRANSPARENCY WEBSITE AS THE SOURCE FOR THE INFORMATION REQUIRED
- 24 UNDER SUBSECTION (3). A COUNTY ROAD AGENCY MAY ALSO POST THE
- 25 INFORMATION REQUIRED UNDER SUBSECTION (3) ON THE WEBSITE FOR THE
- 26 COUNTY WITHIN WHICH THE COUNTY ROAD AGENCY IS LOCATED.
- 27 (5) AS USED IN THIS SECTION:

- (A) "COUNTY ROAD AGENCY" MEANS A COUNTY ROAD COMMISSION IN A 1
- 2 COUNTY THAT ADOPTS AN OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT
- 3 UNDER THIS ACT. IN ADDITION, IF A BOARD OF COUNTY ROAD
- COMMISSIONERS OF A COUNTY IS DISSOLVED AS PROVIDED IN SECTION 6 OF 4
- 5 CHAPTER IV OF 1909 PA 283, MCL 224.6, COUNTY ROAD COMMISSION
- 6 INCLUDES THE COUNTY BOARD OF COMMISSIONERS OF THAT COUNTY.
- (B) "DEPARTMENT" MEANS THE STATE TRANSPORTATION DEPARTMENT. 7
- (C) "TRANSPORTATION EMPLOYEE" MEANS AN EMPLOYEE PAID IN WHOLE 8
- 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.