

# HOUSE BILL No. 4777

May 8, 1989, Introduced by Reps. Owen, Bartnik, DeMars, DeBeaussiaert, Weeks, Barns, Bennane, Profit, Jacobetti and Gagliardi 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:

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 or participate in the cost of an endowment policy or  
10 retirement annuity for a county employee or an employee of an  
11 office, board, or department of the county, including the board  
12 of county road commissioners, to provide monthly pension or  
13 retirement benefits for each employee 60 years of age or older in  
14 an amount not to exceed \$150.00 per month or 2% of the average  
15 monthly earnings of the employee for 5 years immediately preced-  
16 ing retirement times the years of service of the employee, which-  
17 ever is the lesser sum. As an option, a county board of commis-  
18 sioners may adopt and establish a plan by which the county shall  
19 pay pension or retirement benefits to a county employee or an  
20 employee of an office, board, or department of the county,  
21 including the board of county road commissioners, who has been  
22 employed for not less than 25 years or who is 60 years of age or  
23 older, and has been employed for not less than 5 years, ~~to the~~  
24 ~~extent of~~ IN monthly payments ~~equal to 2%~~ OF NOT LESS THAN  
25 2.5% OR MORE THAN 3% of the employee's highest average monthly  
26 compensation or earnings received from the county or county road  
27 fund for 5 years of service times the total number of years of

1 service of the employee, including a fraction of a year, not to  
2 exceed 3/4 of the average final compensation of the employee. A  
3 plan may also pay early retirement benefits at 55 years of age or  
4 older to the extent of actuarially equivalent benefits not  
5 increasing the costs of the plan. Except as provided in subsec-  
6 tion (27), endowment policies, retirement benefits, pensions, or  
7 annuity retirement benefits in excess of the amounts stipulated  
8 in this subdivision may be provided for by a plan of employee  
9 participation to cover the cost of the excess. If the employment  
10 or the pension or retirement benefits of an employee who partici-  
11 pated in the cost of pension or retirement benefits are termi-  
12 nated before the employee received pension or retirement benefits  
13 equal to the total amount of the employee's participation, the  
14 balance of the total participation shall be refunded to the  
15 employee at the time of termination, if living, or if deceased,  
16 to the employee's heir, legal representative, or designated bene-  
17 ficiary as provided in the plan adopted and established by the  
18 county board of commissioners. If a terminated employee is sub-  
19 sequently rehired by the county, the employee may repay the  
20 amount of participation refunded to the employee upon the  
21 employee's termination, together with compound interest from the  
22 date of refund to the dates of repayment at the rates provided in  
23 the plan. As conditions for repayment, the plan may require  
24 return to employment for a period not to exceed 3 years and may  
25 require that repayment be completed within a period of not less  
26 than 1 year following return to employment. A plan adopted for  
27 the payment of retirement benefits or a pension shall grant

1 benefits to an employee eligible for pension or retirement  
2 benefits according to a uniform scale for all persons in the same  
3 general class or classification. An employee shall not be denied  
4 benefits by termination of his or her employment after the  
5 employee becomes eligible for benefits under the plan and this  
6 section. An endowment policy or annuity purchased pursuant to  
7 this section shall be purchased from an insurer authorized to  
8 write endowment policies 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~~  
12 ~~2%~~ OF NOT LESS THAN 2.5% OR MORE THAN 3% of the employee's aver-  
13 age final compensation times the employee's years of service and  
14 shall be granted to each employee eligible for retirement under  
15 the plan uniformly and without restriction or limitation other  
16 than those prescribed in this section. "Average final  
17 compensation" as used in this section means the annual average of  
18 the highest actual compensation received by a county employee,  
19 other than a county employee who is either a judge of a municipal  
20 court of record subject to subsection (20) or a judge subject to  
21 subsection (23), during either a period of 5 consecutive years of  
22 service contained within the employee's 10 years of service imme-  
23 diately preceding the employee's retirement or a period of 5  
24 years of service as specified in the plan. In a county having  
25 adopted a plan for granting longevity pay, the county board of  
26 commissioners may exclude this longevity pay from average final  
27 compensation for the purpose of computing the rate of employee

1 contribution and the amount of benefits payable to an employee  
2 upon retirement. "Longevity pay" means increments of compensa-  
3 tion payable at annual or semiannual intervals and based upon  
4 years of service to the county, exclusive of compensation pro-  
5 vided for a given class of positions.

6 (3) A circuit court stenographer shall be eligible for mem-  
7 bership in, and the benefits of, a pension or retirement benefit  
8 under a plan established pursuant to this section, or a social  
9 security plan established by the county or 1 of the counties  
10 ~~which~~ THAT pays a portion of the compensation of a circuit  
11 court stenographer.

12 (4) If the employment of a county employee eligible to  
13 receive a pension or retirement benefit under a plan established  
14 pursuant to this section is terminated after the employee has  
15 completed 8 or more years of service in county employment, the  
16 employee shall receive the amount of pension or retirement bene-  
17 fit to which the employee's service would have entitled the  
18 employee under the plan established, if the employee waives the  
19 employee's right to a refund of the employee's total participa-  
20 tion upon the termination of employment. The payment of pension  
21 or retirement benefits shall begin, as provided in the plan,  
22 after the employee would have become eligible for retirement  
23 under the plan had the employee's employment not been terminated,  
24 but not later than 90 days after the employee becomes 65 years of  
25 age. The payment of pension or retirement benefits shall not  
26 begin until the employee has applied for pension or retirement  
27 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 eligible  
2 to receive benefits under this section if a plan has been estab-  
3 lished by law by which the cost of benefits shall be payable from  
4 sources including charges on all legal instruments in which the  
5 service of process by a bailiff is required and earmarked by law  
6 for benefits, and contributions made by the state and each bai-  
7 liff pursuant to section 8322(7) of Act No. 236 of the Public  
8 Acts of 1961, as amended. The plan shall include provisions by  
9 which a bailiff or former bailiff who served as bailiff as of  
10 January 1, 1967, may retire after 25 years of service regardless  
11 of age, with maximum benefits to be computed as follows: start-  
12 ing as of January 1, 1969, the average of any 5 years of earnings  
13 of the previous 10 years served in succession before retirement  
14 multiplied by 1.9% times the years of service; starting as of  
15 June 1, 1975, the average of any 5 years of earnings multiplied  
16 by 2% times the years of service. For purposes of this subsec-  
17 tion, "earnings" means the salary and fees, other than mileage,  
18 received by a bailiff pursuant to section 8322(6) of Act No. 236  
19 of the Public Acts of 1961, as amended. The plan shall include  
20 provisions by which health, accident, and hospitalization insur-  
21 ance premiums may be paid out of the earnings of this fund.  
22 These payments shall be made at the discretion of the pension  
23 board of trustees. The county ~~which~~ THAT has a retirement fund  
24 for bailiffs under this section shall annually review the retire-  
25 ment fund and shall ensure that the fund is maintained in an  
26 actuarially sound condition. Copies of the actuarial reports  
27 shall be provided to the state judicial council created ~~in~~ BY



1 chapter 91 of Act No. 236 of the Public Acts of 1961, being  
2 sections 600.9101 to 600.9107 of the Michigan Compiled Laws.

3 (7) An employee while receiving a pension or retirement ben-  
4 efit because of disability, pursuant to this section, may be con-  
5 sidered as employed in the county service for the purpose of  
6 retirement under this section.

7 (8) A county employee who is included by law in another pen-  
8 sion or retirement system by reason of the compensation the  
9 employee receives from the county may be excluded from a plan  
10 established under this section or included only to the extent of  
11 the difference between benefits granted under this section and  
12 the other pension or retirement system.

13 (9) The county board of commissioners, upon the request of a  
14 county employee, by not less than a 3/5 vote may credit that  
15 county employee with the amount of government service resulting  
16 from employment with the United States government, except mili-  
17 tary service, a state, or any of their political subdivisions  
18 under the following conditions:

19 (a) Employment by the county occurred within 5 years follow-  
20 ing the county employee's separation from service of the last  
21 unit of government by which the county employee was employed.

22 (b) Service rendered before the last break in service of  
23 more than 5 years shall not be credited.

24 (c) Service ~~which~~ THAT is recognized for the purpose of a  
25 deferred retirement allowance under a retirement system or other  
26 employer-funded retirement benefit plan, except for a retirement  
27 benefit plan under the social security act, chapter 531, 49

1 Stat. 620, of the United States government, a state, or a  
2 political subdivision of a state shall not be credited if the  
3 county employee retired under a retirement system of the United  
4 States government, a state, or any of their political subdivi-  
5 sions or until the county employee irrevocably forfeits the right  
6 to the deferred retirement allowance.

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

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

22 (10) A plan adopted under this section may provide for  
23 annual or less frequent postretirement redetermination of a  
24 pension. The redetermined amount of pension shall be not greater  
25 than the amount of pension otherwise payable multiplied by the  
26 following percent: 100%, plus the percentage the county board of  
27 commissioners determines appropriate for each full year,

1 excluding a fraction of a year, in the period from the effective  
2 date of payments of the pension and the date as of which the  
3 redetermination is being made. The redetermined amount shall not  
4 be less than the amount of pension otherwise payable. A provi-  
5 sion of this section ~~which~~ THAT limits the amount of a pension  
6 shall not apply to the operation of this subsection redetermining  
7 the amount of a pension. As used in this subsection, "the amount  
8 of pension otherwise payable" means the amount of pension ~~which~~  
9 THAT would be payable without regard to this subsection. The  
10 application of a provision redetermining pension amounts may be  
11 restricted to pensions having an effective date of payment either  
12 before or after a specified date.

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

1 shall maintain them as provided in this subsection. The reserves  
2 shall be determined by an actuarial valuation and established and  
3 maintained by yearly appropriations by the county and contribu-  
4 tions by employees. The reserves shall be established, main-  
5 tained, and funded to cover the pension and other benefits pro-  
6 vided for in the plan in the same manner and within the same  
7 limits as to time as is provided for Benefit Program B in the  
8 municipal employees' retirement system described in section 14 of  
9 the municipal employees retirement act, Act No. 427 of the Public  
10 Acts of 1984, being section 38.1514 of the Michigan Compiled  
11 Laws. These reserves are trust funds and shall not be used for  
12 any other purpose than the payment of pension, retirement, and  
13 other benefits and refunds of ~~employees'~~ EMPLOYEE contributions  
14 in accordance with the plan established in a county. An  
15 employee's contributions shall be kept and accumulated in a sepa-  
16 rate fund and used only for the payment of annuities and refunds  
17 to employees. This subsection shall not apply to a county that  
18 adopted a retirement plan under this section and had not estab-  
19 lished reserves on an actuarial basis before October 11, 1947.

20 (12) A plan established by a county for the payment of pen-  
21 sion and retirement benefits to an employee under this section  
22 shall be approved as complying with this section by a county pen-  
23 sion plan committee consisting of the attorney general, the state  
24 treasurer, and the executive secretary of the state employees'  
25 retirement system ~~established under~~ CREATED BY the state  
26 employees' retirement act, Act No. 240 of the Public Acts of  
27 1943, as amended, being sections 38.1 to 38.47 of the Michigan

1 Compiled Laws, before the plan becomes effective or operative in  
2 the county. Each county retirement plan operating under this  
3 section shall be approved by the committee as complying with this  
4 section biennially. A financial statement for each county  
5 retirement plan operating under this section shall be submitted  
6 annually to the county pension plan committee by the county  
7 board, official, or employee designated by the county board of  
8 commissioners. The financial statement shall be in the form,  
9 contain the information, and be submitted as the county pension  
10 plan committee prescribes. The state treasurer shall audit the  
11 funds and accounts of county retirement plans established under  
12 this section in the same manner as the state treasurer audits  
13 other county accounts and may audit and investigate county  
14 retirement plan funds and accounts to the extent necessary to  
15 effectuate the purposes of this section. This subsection shall  
16 not apply to a county that adopted a retirement plan under this  
17 section and had not established reserves on an actuarial basis  
18 before October 11, 1947.

19 (13) If a county establishes a plan for the payment of pen-  
20 sion and retirement benefits to its employees pursuant to this  
21 section, the county board of commissioners may provide for a  
22 board of trustees to administer the plan and for the manner of  
23 election or appointment of the members of the board of trustees.  
24 The county board of commissioners may grant authority to the  
25 board of trustees to fully administer and operate the plan and to  
26 deposit, invest, and reinvest the funds and reserves of the plan  
27 within the limitations prescribed by the county board of

1 commissioners in the plan. The county board of commissioners may  
2 authorize the investment of funds of a county retirement plan  
3 established under this section in anything in which the funds of  
4 the state employees' retirement system or the funds of the munic-  
5 ipal ~~employees~~ EMPLOYEES retirement system may be invested,  
6 pursuant to Act No. 240 of the Public Acts of 1943, as amended,  
7 and Act No. 427 of the Public Acts of 1984, being sections  
8 38.1501 to 38.1555 of the Michigan Compiled Laws. A county  
9 retirement plan established under this section may provide for  
10 financing, funding, and the payment of benefits in the same  
11 manner and to the same extent as is provided for in Act No. 240  
12 of the Public Acts of 1943, as amended, and Act No. 427 of the  
13 Public Acts of 1984, may provide for and require contributions by  
14 county employees, and may permit additional employee contribu-  
15 tions on a voluntary basis.

16 (14) Upon the approval of the county board of commissioners,  
17 a member who entered the armed service of the United States  
18 before June 1, 1980 or who entered the armed service of the  
19 United States on or after June 1, 1980 during a time of war or  
20 emergency condition as described in section 1 of Act No. 190 of  
21 the Public Acts of 1965, as amended, being section 35.61 of the  
22 Michigan Compiled Laws, may elect to receive credited service for  
23 not more than 5 years of active military service. Credit for  
24 military service shall be given upon request and payment to the  
25 retirement system of an amount equal to 5% of the member's  
26 full-time or equated full-time annual compensation for the year  
27 in which payment is made multiplied by the number of years, and

1 fraction of a year, of credited service that the member elects to  
 2 purchase up to the maximum. Service shall not be credited if the  
 3 service is or would be credited under any other federal, state,  
 4 or local publicly supported retirement system. Service shall not  
 5 be credited under this subsection until the member has 10 years  
 6 of credited service in force. Only completed years and months of  
 7 armed service shall be credited under this subsection.

8 (15) As used in this subsection, "transitional public  
 9 employment program" means a public service employment program in  
 10 the area of environmental quality, health care, education, public  
 11 safety, crime prevention and control, prison rehabilitation,  
 12 transportation, recreation, maintenance of parks, streets, and  
 13 other public facilities, solid waste removal, pollution control,  
 14 housing and neighborhood improvements, rural development, conser-  
 15 vation, beautification, veterans' outreach, or any other area of  
 16 human betterment and community improvement as part of a program  
 17 of comprehensive manpower services authorized, undertaken, and  
 18 financed pursuant to the FORMER comprehensive employment and  
 19 training act OF 1973, ~~former~~ Public Law 93-203. ~~7-87~~

20 ~~Stat. 839.~~ A person participating in a transitional public  
 21 employment program shall not be eligible for membership in a  
 22 retirement system or pension plan established under this  
 23 section. If the person later becomes a member of a retirement  
 24 system or pension plan established under this section within 12  
 25 months after the date of termination as a participant in a trans-  
 26 itional public employment program, service credit shall be given  
 27 for employment in the transitional public employment program for

1 purposes of determining a retirement allowance upon the payment  
2 by the person and the person's employer under the transitional  
3 public employment program from funds provided under the FORMER  
4 comprehensive employment and training act OF 1973, ~~former~~  
5 Public Law 93-203, ~~87 Stat. 839,~~ as funds permit, to the  
6 retirement system of the contributions, plus regular interest,  
7 the person and the employer would have paid had the employment  
8 been rendered in a position covered by this section. During the  
9 person's employment in the transitional public employment pro-  
10 gram, the person's employer shall provide an opportunity by pay-  
11 roll deduction for the person to make his or her employee contri-  
12 bution to the applicable pension system. To provide for the  
13 eventual payment of the employer's contribution, the person's  
14 employer shall during this same period place in reserve a reason-  
15 able but not necessarily an actuarially determined amount equal  
16 to the contributions ~~which~~ THAT the employer would have paid to  
17 the retirement system for those employees in the transitional  
18 public employment program as if they were members under this sec-  
19 tion, but only for that number of employees ~~which~~ THAT the  
20 employer determined would transfer from the transitional public  
21 employment program into positions covered by this section. If  
22 the funds provided under the FORMER comprehensive employment and  
23 training act OF 1973, ~~former~~ Public Law 93-203, ~~87 Stat. 839,~~  
24 are insufficient, the remainder of the employer contributions  
25 shall be paid by the person's current employer.

26 (16) Subsection (15) shall not exclude the participant in a  
27 transitional public employment program from the accident,



1 disability, or other benefits available to members of the  
2 retirement system covered by this section.

3       (17) ~~Once~~ IF a probate judge who is a member of a plan  
4 established under this section has contributed for not less than  
5 20 years, the county board of commissioners may allow the probate  
6 judge to cease further contributions.

7       (18) An employee of the circuit court in the third judicial  
8 circuit, the common pleas court of the city of Detroit, or the  
9 recorder's court of the city of Detroit who became an employee of  
10 the state judicial council on September 1, 1981, and who was 44  
11 years of age or older as of that date, and who will have accumu-  
12 lated 25 or more years of service credit by September 1, 1987,  
13 shall continue to be eligible for membership in, and the benefits  
14 of, a pension or retirement benefit plan established pursuant to  
15 this section in the same manner as the employee was eligible  
16 before September 1, 1981. A person who was an employee of the  
17 circuit court in the third judicial circuit, the common pleas  
18 court of the city of Detroit, or the recorder's court of the city  
19 of Detroit on August 31, 1981, who last entered county employment  
20 prior to November 2, 1956, who became an employee of the state  
21 judicial council on September 1, 1981, and who had accumulated  
22 not less than 24 years of service credit by August 31, 1981,  
23 shall continue to be eligible for membership in, and the benefits  
24 of, a pension or retirement benefit plan established pursuant to  
25 this section in the same manner as the employee was eligible  
26 before September 1, 1981. An election to continue to be a member  
27 of a pension or retirement benefit plan established pursuant to

1 this section as authorized by section 594(2) of the revised  
2 judicature act of 1961, Act No. 236 of the Public Acts of 1961,  
3 being section 600.594 of the Michigan Compiled Laws, or section  
4 36(2) of Act No. 369 of the Public Acts of 1919, being section  
5 725.36 of the Michigan Compiled Laws, shall not be effective  
6 unless the employee has made the election in the manner pre-  
7 scribed by those sections and has made the payments required by  
8 those sections.

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

19 (20) Beginning September 1, 1981, for determining the  
20 retirement benefit for a county employee who is a judge of a  
21 municipal court of record pursuant to subsection (2), "average  
22 final compensation" means the annual average of the highest  
23 actual compensation received by the judge as additional salary  
24 pursuant to section 13(2) of Act No. 369 of the Public Acts of  
25 1919, as amended, being section 725.13 of the Michigan Compiled  
26 Laws, during a period of 5 years of service as specified in the

1 plan. This subsection shall not be construed to diminish or  
2 impair an accrued financial benefit.

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

15 (22) Beginning September 1, 1981, for each county employee  
16 who is a judge of the probate court, the sum of the average final  
17 compensation calculated for that employee pursuant to this sec-  
18 tion and the final salary calculated for that employee as a  
19 member of the STATE OF MICHIGAN probate ~~judges~~ JUDGES retire-  
20 ment system pursuant to the probate judges retirement act, Act  
21 No. 165 of the Public Acts of 1954, as amended, being sections  
22 38.901 to 38.933 of the Michigan Compiled Laws, shall not exceed  
23 the employee's total annual judicial salary payable from all  
24 sources at the time of his or her retirement. This subsection  
25 shall not be construed to diminish or impair an accrued financial  
26 benefit.

1       (23) Beginning September 1, 1981, for determining a  
2 retirement benefit pursuant to subsection (2) for a county  
3 employee who is a judge who receives an annuity pursuant to sec-  
4 tion 14(5) of Act No. 198 of the Public Acts of 1951, as amended,  
5 being section 38.814 of the Michigan Compiled Laws, "average  
6 final compensation" means the difference between the judge's  
7 total annual salary payable from all sources on August 31, 1981,  
8 and the judge's state base salary payable on August 31, 1981.  
9 This subsection shall not be construed to diminish or impair an  
10 accrued financial benefit.

11       (24) Beginning January 1, 1983, the sum of the final salary  
12 determined for each county employee who is a judge of the probate  
13 court used as the basis for determining the judge's retirement  
14 allowance as a member of a retirement system established pursuant  
15 to this section and the salary or compensation figure used as the  
16 basis for determining the judge's retirement allowance as a  
17 member of the judges' retirement system created ~~under~~ BY Act  
18 No. 198 of the Public Acts of 1951, shall not exceed the judge's  
19 total annual salary payable from all sources at the time of his  
20 or her retirement. This subsection shall not be construed to  
21 diminish or impair an accrued financial benefit.

22       (25) The county board of commissioners, upon the request of  
23 a county employee, by not less than a 3/5 vote may credit that  
24 county employee with the amount of membership service that the  
25 county employee had previously been credited with by the retire-  
26 ment system established under this section under the following  
27 conditions:

1 (a) The membership service previously credited to the county  
2 employee must have been service rendered for the same county.

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

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

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

26 (26) A person participating in a program described in this  
27 subsection shall not be eligible for membership in a retirement

1 system or pension plan established under this section. In  
2 addition, that person shall not receive service credit for the  
3 employment described in this subsection even though the person  
4 subsequently becomes or has been a member of the retirement  
5 system. This subsection applies to the following:

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

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

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

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

24 (27) If a county enters into a collective bargaining agree-  
25 ment pursuant to Act No. 336 of the Public Acts of 1947, being  
26 sections 423.201 to 423.216 of the Michigan Compiled Laws, which  
27 provides for retirement benefits that are in excess of the

1 retirement benefits otherwise authorized to be provided under  
2 this section for employees of the county who are covered by a  
3 plan under this section, then the county board of commissioners  
4 may amend or adopt a plan under this section to provide those  
5 benefits to employees who are members of the bargaining unit cov-  
6 ered by the agreement, and may, after December 31, 1987, amend or  
7 adopt a plan under this section to provide those benefits to  
8 other employees of the county.