

HOUSE BILL No. 4901

June 7, 1989, Introduced by Reps. Brown, Gilmer, Wartner, Hickner and Weeks and referred to the Committee on Insurance.

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~~ AND DISABILITY insurance for a county employee,
3 retired employee, or an employee of an office, board, or depart-
4 ment of the county, including the board of county road commis-
5 sioners, and a dependent of an employee, either with or without
6 cost participation by the employee, and appropriate the necessary
7 funds for the insurance. FOR A COUNTY WITH 100 EMPLOYEES OR
8 MORE, SELF-INSURE FOR GROUP DISABILITY FOR A COUNTY EMPLOYEE,
9 RETIRED EMPLOYEE, OR AN EMPLOYEE OF AN OFFICE, BOARD, OR DEPART-
10 MENT OF THE COUNTY, INCLUDING THE BOARD OF COUNTY ROAD COMMIS-
11 SIONERS, AND A DEPENDENT OF AN EMPLOYEE, EITHER WITH OR WITHOUT
12 COST PARTICIPATION BY THE EMPLOYEE, AND APPROPRIATE THE NECESSARY
13 FUNDS. AS USED IN THIS SUBDIVISION, "DISABILITY" MEANS THE TERM
14 "POLICY OF DISABILITY INSURANCE" AS USED IN SECTION 3400 OF ACT
15 NO. 218 OF THE PUBLIC ACTS OF 1956, BEING SECTION 500.3400 OF THE
16 MICHIGAN COMPILED LAWS.

17 (b) Adopt and establish a plan by which the county shall
18 purchase or participate in the cost of an endowment policy or
19 retirement annuity for a county employee or an employee of an
20 office, board, or department of the county, including the board
21 of county road commissioners, to provide monthly pension or
22 retirement benefits for each employee 60 years of age or older in
23 an amount not to exceed \$150.00 per month or 2% of the average
24 monthly earnings of the employee for 5 years immediately preced-
25 ing retirement times the years of service of the employee, which-
26 ever is the lesser sum. As an option, a county board of
27 commissioners may adopt and establish a plan by which the county

1 shall pay pension or retirement benefits to a county employee or
2 an employee of an office, board, or department of the county,
3 including the board of county road commissioners, who has been
4 employed for not less than 25 years or who is 60 years of age or
5 older, and has been employed for not less than 5 years, to the
6 extent of monthly payments equal to 2% of the employee's highest
7 average monthly compensation or earnings received from the county
8 or county road fund for 5 years of service times the total number
9 of years of service of the employee, including a fraction of a
10 year, not to exceed $\frac{3}{4}$ of the average final compensation of the
11 employee. A plan may also pay early retirement benefits at 55
12 years of age or older to the extent of actuarially equivalent
13 benefits not increasing the costs of the plan. Except as pro-
14 vided in subsection (27), endowment policies, retirement bene-
15 fits, pensions, or annuity retirement benefits in excess of the
16 amounts stipulated in this subdivision may be provided for by a
17 plan of employee participation to cover the cost of the excess.
18 If the employment or the pension or retirement benefits of an
19 employee who participated in the cost of pension or retirement
20 benefits are terminated before the employee received pension or
21 retirement benefits equal to the total amount of the employee's
22 participation, the balance of the total participation shall be
23 refunded to the employee at the time of termination, if living,
24 or if deceased, to the employee's heir, legal representative, or
25 designated beneficiary as provided in the plan adopted and estab-
26 lished by the county board of commissioners. If a terminated
27 employee is subsequently rehired by the county, the employee may

1 repay the amount of participation refunded to the employee upon
2 the employee's termination, together with compound interest from
3 the date of refund to the dates of repayment at the rates pro-
4 vided in the plan. As conditions for repayment, the plan may
5 require return to employment for a period not to exceed 3 years
6 and may require that repayment be completed within a period of
7 not less than 1 year following return to employment. A plan
8 adopted for the payment of retirement benefits or a pension shall
9 grant benefits to an employee eligible for pension or retirement
10 benefits according to a uniform scale for all persons in the same
11 general class or classification. An employee shall not be denied
12 benefits by termination of his or her employment after the
13 employee becomes eligible for benefits under the plan and this
14 section. An endowment policy or annuity purchased pursuant to
15 this section shall be purchased from an insurer authorized to
16 write endowment policies or annuities in this state.

17 (2) In a plan adopted under this section, at least 60% of
18 the total pension or retirement benefit granted to an employee
19 from county funds shall consist of a percentage not to exceed 2%
20 of the employee's average final compensation times the employee's
21 years of service and shall be granted to each employee eligible
22 for retirement under the plan uniformly and without restriction
23 or limitation other than those prescribed in this section.
24 "Average final compensation" as used in this section means the
25 annual average of the highest actual compensation received by a
26 county employee, other than a county employee who is either a
27 judge of a municipal court of record subject to subsection (20)

1 or a judge subject to subsection (23), during either a period of
2 5 consecutive years of service contained within the employee's 10
3 years of service immediately preceding the employee's retirement
4 or a period of 5 years of service as specified in the plan. In a
5 county having adopted a plan for granting longevity pay, the
6 county board of commissioners may exclude this longevity pay from
7 average final compensation for the purpose of computing the rate
8 of employee contribution and the amount of benefits payable to an
9 employee upon retirement. "Longevity pay" means increments of
10 compensation payable at annual or semiannual intervals and based
11 upon years of service to the county, exclusive of compensation
12 provided for a given class of positions.

13 (3) A circuit court stenographer shall be eligible for mem-
14 bership in, and the benefits of, a pension or retirement benefit
15 under a plan established pursuant to this section, or a social
16 security plan established by the county or 1 of the counties
17 which pays a portion of the compensation of a circuit court
18 stenographer.

19 (4) If the employment of a county employee eligible to
20 receive a pension or retirement benefit under a plan established
21 pursuant to this section is terminated after the employee has
22 completed 8 or more years of service in county employment, the
23 employee shall receive the amount of pension or retirement bene-
24 fit to which the employee's service would have entitled the
25 employee under the plan established, if the employee waives the
26 employee's right to a refund of the employee's total
27 participation upon the termination of employment. The payment of

1 pension or retirement benefits shall begin, as provided in the
2 plan, after the employee would have become eligible for retire-
3 ment under the plan had the employee's employment not been termi-
4 nated, but not later than 90 days after the employee becomes 65
5 years of age. The payment of pension or retirement benefits
6 shall not begin until the employee has applied for pension or
7 retirement benefits in the manner prescribed in the plan
8 established.

9 (5) A plan established under this section may provide for
10 pension or retirement benefits for a county employee who becomes
11 totally disabled for work in the county service from any cause,
12 after not less than 10 years of county employment, to the extent
13 of the limitations provided in this section. A plan may also
14 provide for pension or retirement benefits to the extent of the
15 limitations provided in this section or \$400.00 per month, which-
16 ever is the greater sum, for an employee who became totally dis-
17 abled for work in the county service from causes which are the
18 direct and proximate result of county employment, to continue for
19 the duration of the disability or until eligible for retirement
20 pursuant to other provisions of the plan authorized by this
21 section. A plan may also provide for pension or retirement bene-
22 fits, to the extent of the limitations provided in this section,
23 for the actual dependents of a county employee who dies while
24 still employed by the county after not less than 10 years of
25 county employment, or who dies after leaving county employment
26 with not less than the number of years of service required to
27 vest in the plan but before becoming eligible to receive a

1 pension or retirement benefit. A plan may also provide for
2 pension or retirement benefits to the extent of the limitations
3 provided in this section or \$400.00 per month, whichever is
4 greater, for the actual dependents of a deceased county employee
5 whose death is the direct and proximate result of county
6 employment. The plan may provide that the period from the end of
7 the deceased or disabled employee's period of service to the date
8 that employee would have become eligible for retirement be used
9 as service for the sole purpose of computing the amount of dis-
10 ability or death pension.

11 (6) "County employee" includes a bailiff of the district
12 court in the thirty-sixth district who serves pursuant to section
13 8322 of the revised judicature act of 1961, Act No. 236 of the
14 Public Acts of 1961, as amended, being section 600.8322 of the
15 Michigan Compiled Laws, and a person who receives more than 50%
16 of all compensation for personal services, rendered to governmen-
17 tal units, from a county fund or county road fund, except a
18 person, other than a bailiff of the district court in the
19 thirty-sixth district, engaged for special services on a contract
20 or fee basis. The plan adopted under this section, until
21 December 31, 1979, may include as a county employee a person on
22 leave of absence from county employment who is not a member of
23 another retirement system except as a retirant and who pays or
24 arranges payment of contributions equal to the contributions that
25 would have been required to be paid under the plan by both the
26 county and the employee, based upon the compensation the employee
27 would have received from the county, if the employee had not

1 taken a leave of absence or a person who has complied with the
2 requirements of such a provision approved for inclusion in a plan
3 by the county board of commissioners before January 1, 1976, who
4 shall be considered to be a county employee during the period of
5 compliance. Provision may be made to exclude a person who is
6 employed on a temporary basis and a person employed in a position
7 normally requiring less than 1,000 hours, or some lesser speci-
8 fied number of hours, work per year. A bailiff serving in the
9 district court in the thirty-sixth district shall be eligible to
10 receive benefits under this section if a plan has been estab-
11 lished by law by which the cost of benefits shall be payable from
12 sources including charges on all legal instruments in which the
13 service of process by a bailiff is required and earmarked by law
14 for benefits, and contributions made by the state and each bai-
15 liff pursuant to section 8322(7) of Act No. 236 of the Public
16 Acts of 1961, as amended. The plan shall include provisions by
17 which a bailiff or former bailiff who served as bailiff as of
18 January 1, 1967, may retire after 25 years of service regardless
19 of age, with maximum benefits to be computed as follows: start-
20 ing as of January 1, 1969, the average of any 5 years of earnings
21 of the previous 10 years served in succession before retirement
22 multiplied by 1.9% times the years of service; starting as of
23 June 1, 1975, the average of any 5 years of earnings multiplied
24 by 2% times the years of service. For purposes of this subsec-
25 tion, "earnings" means the salary and fees, other than mileage,
26 received by a bailiff pursuant to section 8322(6) of Act No. 236
27 of the Public Acts of 1961, as amended. The plan shall include

1 provisions by which health, accident, and hospitalization
2 insurance premiums may be paid out of the earnings of this fund.
3 These payments shall be made at the discretion of the pension
4 board of trustees. The county which has a retirement fund for
5 bailiffs under this section shall annually review the retirement
6 fund and shall ensure that the fund is maintained in an actuari-
7 ally sound condition. Copies of the actuarial reports shall be
8 provided to the state judicial council created in chapter 91 of
9 Act No. 236 of the Public Acts of 1961, being sections 600.9101
10 to 600.9107 of the Michigan Compiled Laws.

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

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

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

1 (a) Employment by the county occurred within 5 years
2 following the county employee's separation from service of the
3 last unit of government by which the county employee was
4 employed.

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

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

17 (d) The county employee deposits in the plan established
18 under this section an amount equal to the aggregate amount of
19 contributions the county employee would have made had the service
20 been acquired in the employ of the county, plus interest from the
21 dates the contributions would have been made to the date of
22 deposit, at rates determined by the board. If records are insuf-
23 ficient or unavailable to compute the exact amount of required
24 deposit, the board may estimate the amount.

25 (e) The county employee has 8 or more years of credited
26 service in county employment, has legal vesting in the county
27 plan, and deposits in the county employees' retirement system an

1 amount equal to the aggregate amount of contributions the
2 employer would have made had the government service being cred-
3 ited under this section been acquired in the employ of the
4 county.

5 (10) A plan adopted under this section may provide for
6 annual or less frequent postretirement redetermination of a
7 pension. The redetermined amount of pension shall be not greater
8 than the amount of pension otherwise payable multiplied by the
9 following percent: 100%, plus the percentage the county board of
10 commissioners determines appropriate for each full year, exclud-
11 ing a fraction of a year, in the period from the effective date
12 of payments of the pension and the date as of which the redeter-
13 mination is being made. The redetermined amount shall not be
14 less than the amount of pension otherwise payable. A provision
15 of this section which limits the amount of a pension shall not
16 apply to the operation of this subsection redetermining the
17 amount of a pension. As used in this subsection, "the amount of
18 pension otherwise payable" means the amount of pension which
19 would be payable without regard to this subsection. The applica-
20 tion of a provision redetermining pension amounts may be
21 restricted to pensions having an effective date of payment either
22 before or after a specified date.

23 (11) The cost of pension or retirement benefits for a county
24 employee under this section may be paid from the same fund from
25 which the employee receives compensation, and the county board of
26 commissioners may appropriate the necessary funds to carry out
27 the purposes of this section. If a county establishes a plan by

1 which the county pays pension or retirement benefits to an
2 employee pursuant to this section, the county shall, in accord-
3 ance with provisions for pension or retirement benefits which
4 shall be incorporated in the plan, establish and maintain
5 reserves on an actuarial basis in the manner provided in this
6 subsection sufficient to finance the pension and retirement and
7 death benefit liabilities under the plan and sufficient to pay
8 the pension and retirement and death benefits as they become
9 due. A county which has adopted a retirement plan under this
10 section and has established reserves on an actuarial basis shall
11 maintain them as provided in this subsection. The reserves shall
12 be determined by an actuarial valuation and established and main-
13 tained by yearly appropriations by the county and contributions
14 by employees. The reserves shall be established, maintained, and
15 funded to cover the pension and other benefits provided for in
16 the plan in the same manner and within the same limits as to time
17 as is provided for Benefit Program B in the municipal employees'
18 retirement system described in section 14 of the municipal
19 employees retirement act, Act No. 427 of the Public Acts of 1984,
20 being section 38.1514 of the Michigan Compiled Laws. These
21 reserves are trust funds and shall not be used for any other pur-
22 pose than the payment of pension, retirement, and other benefits
23 and refunds of employees' contributions in accordance with the
24 plan established in a county. An employee's contributions shall
25 be kept and accumulated in a separate fund and used only for the
26 payment of annuities and refunds to employees. This subsection
27 shall not apply to a county that adopted a retirement plan under

1 this section and had not established reserves on an actuarial
2 basis before October 11, 1947.

3 (12) A plan established by a county for the payment of pen-
4 sion and retirement benefits to an employee under this section
5 shall be approved as complying with this section by a county pen-
6 sion plan committee consisting of the attorney general, the state
7 treasurer, and the executive secretary of the state employees'
8 retirement system established under the state employees' retire-
9 ment act, Act No. 240 of the Public Acts of 1943, as amended,
10 being sections 38.1 to 38.47 of the Michigan Compiled Laws,
11 before the plan becomes effective or operative in the county.
12 Each county retirement plan operating under this section shall be
13 approved by the committee as complying with this section
14 biennially. A financial statement for each county retirement
15 plan operating under this section shall be submitted annually to
16 the county pension plan committee by the county board, official,
17 or employee designated by the county board of commissioners. The
18 financial statement shall be in the form, contain the informa-
19 tion, and be submitted as the county pension plan committee
20 prescribes. The state treasurer shall audit the funds and
21 accounts of county retirement plans established under this sec-
22 tion in the same manner as the state treasurer audits other
23 county accounts and may audit and investigate county retirement
24 plan funds and accounts to the extent necessary to effectuate the
25 purposes of this section. This subsection shall not apply to a
26 county that adopted a retirement plan under this section and had

1 not established reserves on an actuarial basis before October 11,
2 1947.

3 (13) If a county establishes a plan for the payment of pen-
4 sion and retirement benefits to its employees pursuant to this
5 section, the county board of commissioners may provide for a
6 board of trustees to administer the plan and for the manner of
7 election or appointment of the members of the board of trustees.
8 The county board of commissioners may grant authority to the
9 board of trustees to fully administer and operate the plan and to
10 deposit, invest, and reinvest the funds and reserves of the plan
11 within the limitations prescribed by the county board of commis-
12 sioners in the plan. The county board of commissioners may
13 authorize the investment of funds of a county retirement plan
14 established under this section in anything in which the funds of
15 the state employees' retirement system or the funds of the munic-
16 ipal employees' retirement system may be invested, pursuant to
17 Act No. 240 of the Public Acts of 1943, as amended, and Act No.
18 427 of the Public Acts of 1984, being sections 38.1501 to 38.1555
19 of the Michigan Compiled Laws. A county retirement plan estab-
20 lished under this section may provide for financing, funding, and
21 the payment of benefits in the same manner and to the same extent
22 as is provided for in Act No. 240 of the Public Acts of 1943, as
23 amended, and Act No. 427 of the Public Acts of 1984, may provide
24 for and require contributions by county employees, and may permit
25 additional employee contributions on a voluntary basis.

26 (14) Upon the approval of the county board of commissioners,
27 a member who entered the armed service of the United States

1 before June 1, 1980 or who entered the armed service of the
2 United States on or after June 1, 1980 during a time of war or
3 emergency condition as described in section 1 of Act No. 190 of
4 the Public Acts of 1965, as amended, being section 35.61 of the
5 Michigan Compiled Laws, may elect to receive credited service for
6 not more than 5 years of active military service. Credit for
7 military service shall be given upon request and payment to the
8 retirement system of an amount equal to 5% of the member's
9 full-time or equated full-time annual compensation for the year
10 in which payment is made multiplied by the number of years, and
11 fraction of a year, of credited service that the member elects to
12 purchase up to the maximum. Service shall not be credited if the
13 service is or would be credited under any other federal, state,
14 or local publicly supported retirement system. Service shall not
15 be credited under this subsection until the member has 10 years
16 of credited service in force. Only completed years and months of
17 armed service shall be credited under this subsection.

18 (15) As used in this subsection, "transitional public
19 employment program" means a public service employment program in
20 the area of environmental quality, health care, education, public
21 safety, crime prevention and control, prison rehabilitation,
22 transportation, recreation, maintenance of parks, streets, and
23 other public facilities, solid waste removal, pollution control,
24 housing and neighborhood improvements, rural development, conser-
25 vation, beautification, veterans' outreach, or any other area of
26 human betterment and community improvement as part of a program
27 of comprehensive manpower services authorized, undertaken, and

1 financed pursuant to the comprehensive employment and training
2 act, former Public Law 93-203, 87 Stat. 839. A person partici-
3 pating in a transitional public employment program shall not be
4 eligible for membership in a retirement system or pension plan
5 established under this section. If the person later becomes a
6 member of a retirement system or pension plan established under
7 this section within 12 months after the date of termination as a
8 participant in a transitional public employment program, service
9 credit shall be given for employment in the transitional public
10 employment program for purposes of determining a retirement
11 allowance upon the payment by the person and the person's
12 employer under the transitional public employment program from
13 funds provided under the comprehensive employment and training
14 act, former Public Law 93-203, 87 Stat. 839, as funds permit, to
15 the retirement system of the contributions, plus regular inter-
16 est, the person and the employer would have paid had the employ-
17 ment been rendered in a position covered by this section. During
18 the person's employment in the transitional public employment
19 program, the person's employer shall provide an opportunity by
20 payroll deduction for the person to make his or her employee con-
21 tribution to the applicable pension system. To provide for the
22 eventual payment of the employer's contribution, the person's
23 employer shall during this same period place in reserve a reason-
24 able but not necessarily an actuarially determined amount equal
25 to the contributions which the employer would have paid to the
26 retirement system for those employees in the transitional public
27 employment program as if they were members under this section,

1 but only for that number of employees which the employer
2 determined would transfer from the transitional public employment
3 program into positions covered by this section. If the funds
4 provided under the comprehensive employment and training act,
5 former Public Law 93-203, 87 Stat. 839, are insufficient, the
6 remainder of the employer contributions shall be paid by the
7 person's current employer.

8 (16) Subsection (15) shall not exclude the participant in a
9 transitional public employment program from the accident, dis-
10 ability, or other benefits available to members of the retirement
11 system covered by this section.

12 (17) Once a probate judge who is a member of a plan estab-
13 lished under this section has contributed for not less than 20
14 years, the county board of commissioners may allow the probate
15 judge to cease further contributions.

16 (18) An employee of the circuit court in the third judicial
17 circuit, the common pleas court of the city of Detroit, or the
18 recorder's court of the city of Detroit who became an employee of
19 the state judicial council on September 1, 1981, and who was 44
20 years of age or older as of that date, and who will have accumu-
21 lated 25 or more years of service credit by September 1, 1987,
22 shall continue to be eligible for membership in, and the benefits
23 of, a pension or retirement benefit plan established pursuant to
24 this section in the same manner as the employee was eligible
25 before September 1, 1981. A person who was an employee of the
26 circuit court in the third judicial circuit, the common pleas
27 court of the city of Detroit, or the recorder's court of the city

1 of Detroit on August 31, 1981, who last entered county employment
2 prior to November 2, 1956, who became an employee of the state
3 judicial council on September 1, 1981, and who had accumulated
4 not less than 24 years of service credit by August 31, 1981,
5 shall continue to be eligible for membership in, and the benefits
6 of, a pension or retirement benefit plan established pursuant to
7 this section in the same manner as the employee was eligible
8 before September 1, 1981. An election to continue to be a member
9 of a pension or retirement benefit plan established pursuant to
10 this section as authorized by section 594(2) of the revised judi-
11 cature act of 1961, Act No. 236 of the Public Acts of 1961, being
12 section 600.594 of the Michigan Compiled Laws, or section 36(2)
13 of Act No. 369 of the Public Acts of 1919, being section 725.36
14 of the Michigan Compiled Laws, shall not be effective unless the
15 employee has made the election in the manner prescribed by those
16 sections and has made the payments required by those sections.

17 (19) A plan adopted under this section may provide that an
18 employee of the circuit court in the third judicial circuit, the
19 common pleas court of the city of Detroit, or the recorder's
20 court of the city of Detroit who is a member of the Wayne county
21 employees' retirement system on August 31, 1981, who becomes an
22 employee of the state judicial council and a member of the state
23 employees' retirement system on September 1, 1981, receive a ben-
24 efit based on the annual average of the highest actual compensa-
25 tion received by the employee during a period of 5 years of
26 county or state service.

1 (20) Beginning September 1, 1981, for determining the
2 retirement benefit for a county employee who is a judge of a
3 municipal court of record pursuant to subsection (2), "average
4 final compensation" means the annual average of the highest
5 actual compensation received by the judge as additional salary
6 pursuant to section 13(2) of Act No. 369 of the Public Acts of
7 1919, as amended, being section 725.13 of the Michigan Compiled
8 Laws, during a period of 5 years of service as specified in the
9 plan. This subsection shall not be construed to diminish or
10 impair an accrued financial benefit.

11 (21) Beginning September 1, 1981, for each county employee
12 who is a judge of a municipal court of record, or of the circuit
13 or district court, the sum of the average final compensation
14 determined for that county employee pursuant to this section and
15 the final salary determined for that county employee as a member
16 of the judges' retirement system pursuant to the judges' retire-
17 ment act, Act No. 198 of the Public Acts of 1951, as amended,
18 being sections 38.801 to 38.831 of the Michigan Compiled Laws,
19 shall not exceed the employee's total annual judicial salary pay-
20 able from all sources at the time of his or her retirement. This
21 subsection shall not be construed to diminish or impair an
22 accrued financial benefit.

23 (22) Beginning September 1, 1981, for each county employee
24 who is a judge of the probate court, the sum of the average final
25 compensation calculated for that employee pursuant to this sec-
26 tion and the final salary calculated for that employee as a
27 member of the probate judges' retirement system pursuant to the

1 probate judges retirement act, Act No. 165 of the Public Acts of
2 1954, as amended, being sections 38.901 to 38.933 of the Michigan
3 Compiled Laws, shall not exceed the employee's total annual judi-
4 cial salary payable from all sources at the time of his or her
5 retirement. This subsection shall not be construed to diminish
6 or impair an accrued financial benefit.

7 (23) Beginning September 1, 1981, for determining a retire-
8 ment benefit pursuant to subsection (2) for a county employee who
9 is a judge who receives an annuity pursuant to section 14(5) of
10 Act No. 198 of the Public Acts of 1951, as amended, being section
11 38.814 of the Michigan Compiled Laws, "average final
12 compensation" means the difference between the judge's total
13 annual salary payable from all sources on August 31, 1981, and
14 the judge's state base salary payable on August 31, 1981. This
15 subsection shall not be construed to diminish or impair an
16 accrued financial benefit.

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

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

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

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

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

1 (d) The county employee deposits in the county employees'
2 retirement system an amount equal to the aggregate amount of
3 contributions the employer made at the time of the previous mem-
4 bership service plus interest from the date of separation to the
5 date of deposit, at rates determined by the board.

6 (26) A person participating in a program described in this
7 subsection shall not be eligible for membership in a retirement
8 system or pension plan established under this section. In addi-
9 tion, that person shall not receive service credit for the
10 employment described in this subsection even though the person
11 subsequently becomes or has been a member of the retirement
12 system. This subsection applies to the following:

13 (a) A person, not regularly employed by the county, who is
14 employed by the county through participation in a program estab-
15 lished pursuant to the job training partnership act, Public Law
16 97-300, 96 Stat. 1322.

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

22 (c) A person, not regularly employed by the county, who is
23 employed by the county through participation in a program estab-
24 lished pursuant to the Michigan community service corps program,
25 under sections 25 to 35 of Act No. 259 of the Public Acts of 1983
26 and sections 148 to 160 of Act No. 246 of the Public Acts of
27 1984.

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

4 (27) If a county enters into a collective bargaining agree-
5 ment pursuant to Act No. 336 of the Public Acts of 1947, being
6 sections 423.201 to 423.216 of the Michigan Compiled Laws, which
7 provides for retirement benefits that are in excess of the
8 retirement benefits otherwise authorized to be provided under
9 this section for employees of the county who are covered by a
10 plan under this section, then the county board of commissioners
11 may amend or adopt a plan under this section to provide those
12 benefits to employees who are members of the bargaining unit cov-
13 ered by the agreement, and may, after December 31, 1987, amend or
14 adopt a plan under this section to provide those benefits to
15 other employees of the county.