

# HOUSE BILL NO. 4156

February 06, 2019, Introduced by Rep. Vaupel and referred to the Committee on Health Policy.

A bill to amend 1943 PA 240, entitled  
"State employees' retirement act,"  
by amending section 68c (MCL 38.68c), as amended by 2018 PA 357.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 68c. (1) Except as otherwise provided in this section, a  
2   retirant who is receiving a retirement allowance under this act and  
3   is employed by this state beginning after October 1, 2007 agrees to  
4   forfeit his or her right to receive that retirement allowance

1 during this period of state employment. The retirement system shall  
2 stop payment of the retirement allowance to a retirant described in  
3 this subsection during this period of state employment and shall  
4 reinstate payment of the retirement allowance without recalculation  
5 when the period of state employment ceases. This subsection does  
6 not apply to a retirant who is directly or indirectly employed by  
7 this state on October 1, 2007 while he or she remains in the  
8 position held by the retirant on October 1, 2007. As used in this  
9 subsection, "employed by this state" means employed directly by  
10 this state as an employee, indirectly by this state through a  
11 contractual arrangement with other parties, or by engagement of the  
12 retirant by this state as an independent contractor. This  
13 subsection does not apply to a retirant who is engaged as an  
14 independent contractor on October 1, 2010 while the retirant  
15 remains engaged in the same contract that was held by the retirant  
16 on October 1, 2010 without amendment or extension.

17 (2) A hospital, medical-surgical, and sick care benefits plan,  
18 dental plan, vision plan, and hearing plan that covers retirants,  
19 retirant allowance beneficiaries, former qualified participants,  
20 and health benefit dependents under this act must contain a  
21 coordination of benefits provision that provides all of the  
22 following:

23 (a) If the person covered under any of the plans is also  
24 eligible for Medicare, the benefits under Medicare must be  
25 determined before the health insurance benefits under this act.

26 (b) If a person covered under any of the plans provided by  
27 this act is also covered under another plan that contains a  
28 coordination of benefits provision, the benefits must be  
29 coordinated as provided in the coordination of benefits act, 1984

1 PA 64, MCL 550.251 to 550.254.

2 (c) If the person covered under any of the plans provided by  
3 this act is also covered under another plan that does not contain a  
4 coordination of benefits provision, the benefits under the other  
5 plan must be determined before the benefits provided under this  
6 act.

7 (3) Subsection (1) does not apply to a retirant if all of the  
8 following apply:

9 (a) The retirant is hired to provide health care services to  
10 individuals under the jurisdiction of the department of  
11 corrections.

12 (b) The retirant is hired in a position that is limited in  
13 term, no benefits are paid, and pay is on a per diem basis.

14 (c) The department of corrections provides written notice to  
15 the state budget office and the department of technology,  
16 management, and budget that attempts have been made to fill the  
17 position through postings and recruitment and that the position  
18 vacancy still exists.

19 (d) The department of corrections reports the employment of a  
20 retirant under this subsection within 30 days of employment of the  
21 retirant to the state budget office and the department of  
22 technology, management, and budget. The report must include the  
23 name of the retirant, the capacity in which the retirant is  
24 employed, and the total compensation paid to the retirant.

25 (e) The retirant retired after a bona fide termination.

26 (4) Subsection (1) does not apply to the appointment of a  
27 retirant who retired after a bona fide termination and who was an  
28 assistant attorney general as a special assistant attorney general  
29 if the attorney general determines that, as a result of his or her

1 previous employment with this state, the retirant possesses  
2 specialized expertise and experience necessary for the appointment  
3 and that the appointment is the most cost-effective option for this  
4 state.

5 (5) Until September 30, 2015, subsection (1) does not apply to  
6 a retirant if all of the following apply:

7 (a) The retirant is hired to provide for the custody of  
8 individuals under the jurisdiction of the department of  
9 corrections.

10 (b) The retirant is hired in a position that is limited in  
11 term, no benefits are paid, and the pay is not more than 80% of the  
12 maximum hourly wage granted to classified civil service employees  
13 employed by the department of corrections to perform the same  
14 duties as the retirant for the fiscal year during which the  
15 retirant is employed.

16 (c) The retirant works no more than 1,040 hours in a 12-month  
17 period of state employment.

18 (d) The retirant retired after a bona fide termination of  
19 employment.

20 (6) Subsection (1) does not apply to a retirant if all of the  
21 following apply:

22 (a) The department of attorney general contracts with the  
23 retirant as a witness, expert, or consultant for litigation  
24 involving this state. The contract must provide that the retirant's  
25 service as a witness, expert, or consultant ends at the conclusion  
26 of the litigation.

27 (b) The attorney general determines that, as a result of the  
28 retirant's previous employment with this state, the retirant  
29 possesses specialized expertise and experience necessary for the

1 litigation and the contract is the most cost-effective option for  
2 the state.

3 (c) The retirant retired after a bona fide termination of  
4 employment.

5 (7) Subsection (1) does not apply to a retirant if all of the  
6 following apply:

7 (a) The retirant is hired by the department of natural  
8 resources for active wildland fire suppression.

9 (b) There is an immediate continual need for prequalified,  
10 skilled, and trained personnel to address wildfire suppression.

11 (c) The retirant works no more than 600 hours in a fiscal  
12 year.

13 (d) The retirant is hired in a position that is limited in  
14 term, no benefits are paid, and the pay is not more than 70% of the  
15 maximum hourly wage granted to classified civil service employees  
16 employed by the department of natural resources to perform the same  
17 duties as the retirant for the fiscal year during which the  
18 retirant is employed.

19 (e) The department of natural resources reports the employment  
20 of a retirant under this subsection within 30 days after employment  
21 and within 30 days after termination of employment or within 30  
22 days after the end of each fiscal year, whichever occurs first, to  
23 the state budget office and the department of technology,  
24 management, and budget. The report required under this subdivision  
25 must include the name of the retirant, the capacity in which the  
26 retirant is employed, the equivalent civil service position in  
27 which the retirant is employed, the hourly wage paid to the  
28 retirant, and the total hours of service provided by the retirant  
29 for the fiscal year. The department of natural resources may submit

1 a report required under this subdivision electronically.

2 (f) By March 1 of each year, the department of natural  
3 resources submits a summary of all the reports required under  
4 subdivision (e) for the preceding fiscal year to the house of  
5 representatives and senate appropriations subcommittees that  
6 consider the budget of the department of natural resources, the  
7 state budget office, the house and senate fiscal agencies, and the  
8 department of technology, management, and budget. The department of  
9 natural resources may submit a summary required under this  
10 subdivision electronically.

11 (8) Subsection (1) does not apply to a retirant if all of the  
12 following apply:

13 (a) The retirant is employed by the legislative service bureau  
14 as legal counsel through a contractual arrangement.

15 (b) The legislative council administrator determines that, as  
16 a result of the retirant's previous employment with this state, the  
17 retirant possesses specialized expertise and experience necessary  
18 for the hiring of the retirant and that the hiring of the retirant  
19 is the most cost-effective option for this state.

20 (c) The legislative service bureau reports the employment of a  
21 retirant under this subsection within 30 days after employment and  
22 within 30 days after termination of employment to the department of  
23 technology, management, and budget, office of retirement services.  
24 The legislative service bureau may submit a report required under  
25 this subdivision electronically.

26 (9) Subsection (1) does not apply to a retirant if all of the  
27 following apply:

28 (a) The department of health and human services hires the  
29 retirant as a psychiatrist to provide mental health services to

1 individuals in psychiatric hospitals operated by the department of  
2 health and human services.

3 (b) The department of health and human services determines  
4 that, as a result of the retirant's previous employment with this  
5 state, the retirant possesses specialized expertise and experience  
6 necessary for the hiring of the retirant and that the hiring of the  
7 retirant is the most cost-effective option for this state.

8 (c) The retirant retired before October 1, 2015 and after a  
9 bona fide termination of employment.

10 (d) The department of health and human services reports the  
11 employment of a retirant under this subsection within 30 days after  
12 employment and within 30 days after termination of employment or  
13 within 30 days after the end of each fiscal year, whichever occurs  
14 first, to the state budget office and the department of technology,  
15 management, and budget. The report required under this subdivision  
16 must include the name of the retirant, the capacity in which the  
17 retirant is employed, the equivalent civil service position in  
18 which the retirant is employed, the hourly wage paid to the  
19 retirant, and the total hours of service provided by the retirant  
20 for the fiscal year. The department of health and human services  
21 may submit a report required under this subdivision electronically.

22 (e) By March 1 of each year, the department of health and  
23 human services submits a summary of all the reports required under  
24 subdivision (d) for the preceding fiscal year to the house of  
25 representatives and senate appropriations subcommittees that  
26 consider the budget of the department of health and human services,  
27 the state budget office, the house and senate fiscal agencies, and  
28 the department of technology, management, and budget. The  
29 department of health and human services may submit a summary

1 required under this subdivision electronically.

2 (10) Subsection (1) does not apply to a retirant if all of the  
3 following apply:

4 (a) The department of health and human services hires the  
5 retirant as either of the following:

6 (i) A mental health professional other than a physician to  
7 provide mental health services to individuals in psychiatric  
8 hospitals operated by the department of health and human services.

9 (ii) A residential care aide. As used in this subparagraph,  
10 "residential care aide" means a position in the classified civil  
11 service with a classification of residential care aide.

12 (b) The department of health and human services determines  
13 that, as a result of the retirant's previous employment with this  
14 state, the retirant possesses specialized expertise and experience  
15 necessary for the hiring of the retirant and that the hiring of the  
16 retirant is the most cost-effective option for this state.

17 (c) The department of health and human services reports the  
18 employment of a retirant under this subsection within 30 days after  
19 employment and within 30 days after termination of employment or  
20 within 30 days after the end of each fiscal year, whichever occurs  
21 first, to the state budget office and the department of technology,  
22 management, and budget. The report required under this subdivision  
23 must include the name of the retirant, the capacity in which the  
24 retirant is employed, the equivalent civil service position in  
25 which the retirant is employed, the hourly wage paid to the  
26 retirant, and the total hours of service provided by the retirant  
27 for the fiscal year. The department of health and human services  
28 may submit a report required under this subdivision electronically.

29 (d) By March 1 of each year, the department of health and

1 human services submits a summary of all the reports required under  
2 subdivision (c) for the preceding fiscal year to the house of  
3 representatives and senate appropriations subcommittees that  
4 consider the budget of the department of health and human services,  
5 the state budget office, the house and senate fiscal agencies, and  
6 the department of technology, management, and budget. The  
7 department of health and human services may submit a summary  
8 required under this subdivision electronically.

9 (11) ~~(10)~~ As used in ~~subsection (9)~~: **this section:**

10 (a) "Mental health professional" means that term as defined in  
11 section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

12 (b) ~~(a)~~ "Mental health service" means service as that term as  
13 defined in section 100d of the mental health code, 1974 PA 258, MCL  
14 330.1100d.

15 (c) ~~(b)~~ "Psychiatric hospital" means that term as defined in  
16 section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

17 (d) ~~(e)~~ "Psychiatrist" means that term as defined in section  
18 100c of the mental health code, 1974 PA 258, MCL 330.1100c.