



**House
Legislative
Analysis
Section**

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CORRECTIONS EMPLOYEES/"COVERED" POSITIONS

House Bill 4762 (Substitute H-1) **RECEIVED**
First Analysis (12-11-87)

FEB 04 1988

Sponsor: Rep. D.J. Jacobetti
Committee: Senior Citizens & Retirement

State Law Library

THE APPARENT PROBLEM:

Certain positions within the prison system — positions which require contact with prison inmates — are defined under the State Employees Retirement Act of 1943 as "covered" positions, and the act provides for early retirement benefits for persons in those positions. Many feel that these definitions are too vague, creating inconsistencies within classifications which result in complaints and grievances. The Department of Corrections and the State Employees Retirement System have attempted, unsuccessfully, to promulgate rules to define "covered positions." It is felt that the act should be amended to specifically identify persons whose positions are to be considered "covered."

THE CONTENT OF THE BILL:

The bill would amend the sections of the State Employees Retirement Act governing corrections employees by clarifying the definitions of the terms "covered position" and "state correctional facility." Under the bill, the term "covered position" would be defined as any one of the following: 1) a position in the classified civil service with a classification of corrections officer, resident unit officer, corrections medical aide, corrections shift supervisor, corrections security specialist, deputy prison warden or departmental administrator-prison warden; 2) a position having a work station inside the security perimeter of a state correctional facility having a designation of "medium," "close," or "maximum;" 3) a position within a state correctional facility that required an employee to be in direct contact with prisoners for more than 50 percent of the employee's work time, performing supervisory or disciplinary duties including supervising prisoners in the performance of tasks, supervising prisoners for the purpose of enforcing the facility's rules and/or direct participation in the disciplinary process; or, 4) a position within a center for forensic psychiatry that required the employee to expend more than 50 percent of his or her work time providing security for, custody of, or direct care and control of a person who was under the continuing jurisdiction of the Department of Corrections, or a person who was under the jurisdiction of a circuit or district court and who had been referred to a forensic center. The bill would also include a "grandfather" clause to ensure that persons previously designated as being in a "covered position" by the act, before these new definitions became effective, would remain covered.

The bill would define the term "state correctional facility" to mean a facility under the jurisdiction of the Department of Corrections that had a designation of "maximum," "close," "medium," "minimum," "prison camp," or "correction center."

MCL 38.45

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the fiscal implications of this bill for the state are unknown at present. (12-10-87)

ARGUMENTS:

For:

The language in the act at present has led to inconsistencies among correctional facilities, which has resulted in a great deal of confusion concerning "covered positions." The attorney general ruled that the State Employee Retirement System had an obligation to define eligible positions, but this has never been accomplished. The bill would help eliminate inconsistencies by providing more specific definitions of "covered positions."

For:

Arbitration regarding disputes over which positions are "covered," and which are not, has resulted in a wide divergence of opinions. It is unfair that some employees who undertake work which is extremely stressful should receive the benefits of early retirement, while others do not. By providing clarification of "covered positions," the bill would reduce the need for arbitration and allow for a fairer retirement system for those who work within the prison system.

POSITIONS:

The Department of Corrections supports the bill. (12-9-87)

The State Employees Retirement System supports the bill. (12-9-87)

The Service Employees International Union (S.E.I.U.) supports the bill. (12-10-87)

The Retirement Coordinating Council supports the bill. (12-10-87)

The Michigan Corrections Organization supports the bill. (12-10-87)

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