



HOUSE BILL No. 5737

May 4, 2000, Introduced by Rep. Jannick and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 45, 46, and 47 (MCL 38.45, 38.46, and 38.47), section 45 as amended by 1988 PA 351.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 45. As used in sections 45 to 47:

2 (a) ~~Except as provided in subparagraph (v), on and after~~
3 ~~January 1, 1989, "covered"~~ "COVERED position" means any of the
4 following:

5 (i) ~~A~~ ON OR AFTER JANUARY 1, 1989, A position in the clas-
6 sified civil service with a classification of corrections offi-
7 cer; resident unit officer; corrections medical aide; corrections
8 shift supervisor; corrections security specialist; deputy prison
9 warden; or departmental administrator-prison warden.

1 (ii) ~~A~~ ON OR AFTER JANUARY 1, 1989, A position that is
2 assigned to a work station inside the security perimeter of a
3 state correctional facility designated as "medium", "close", or
4 "maximum".

5 (iii) ~~A~~ ON OR AFTER JANUARY 1, 1989, A position within a
6 state correctional facility that requires the employee to be in
7 direct contact with prisoners for more than 50% of the employee's
8 work time performing supervisory or disciplinary duties including
9 1 or more of the following:

10 (A) Supervising prisoners in the performance of tasks.

11 (B) Supervising prisoners for the purpose of enforcing the
12 facility's rules.

13 (C) Direct participation in the disciplinary process.

14 (iv) ~~A~~ ON OR AFTER JANUARY 1, 1989, A position with the
15 center for forensic psychiatry that is classified by civil serv-
16 ice as forensics security aide IIB, forensics security aide IIIB,
17 forensics security supervisor IVB, forensics security supervisor
18 VB, forensics security supervisor VIB, or forensics supervisor
19 VII.

20 (v) A position that was a covered position under this sec-
21 tion before January 1, 1989, that is excluded by subparagraphs
22 (i), (ii), (iii), and (iv), if and only as long as the person in
23 the position on January 1, 1989, continues in the position after
24 January 1, 1989.

25 (vi) A POSITION THAT WAS A COVERED POSITION UNDER THIS SEC-
26 TION WITH A CORRECTIONS CENTER BEFORE THE POSITION WAS TERMINATED
27 DUE TO THE CLOSING OF THE CORRECTIONS CENTER BETWEEN AUGUST 1,

1 1999 AND AUGUST 1, 2000, IF THE PERSON WHO WAS IN THE POSITION
2 BEFORE THE CORRECTIONS CENTER CLOSING IS TRANSFERRED TO A NONCOV-
3 ERED POSITION AND WHO EITHER CONTINUES IN A NONCOVERED POSITION
4 UNTIL RETIRING AS A SUPPLEMENTAL MEMBER UNDER SECTIONS 46 AND 47
5 OF THIS ACT OR WHO TRANSFERS TO A COVERED POSITION BUT WHOSE LAST
6 3 YEARS OF CREDITED SERVICE ARE A COMBINATION OF COVERED AND
7 UNCOVERED SERVICE DUE TO THE TERMINATION OF THE COVERED POSITION
8 BY THE CLOSING OF A CORRECTION CENTER.

9 (b) "Supplemental member" means a member who is employed in
10 a covered position.

11 (c) "Covered service" means credited service acquired in a
12 covered position.

13 (d) "Supplemental final average compensation" means 1/3 of
14 the compensation paid a supplemental member during the period of
15 3 consecutive years of the member's covered service producing the
16 highest average and contained within the member's last 10 years
17 of credited service immediately preceding the date the member's
18 employment in a covered position last terminates.

19 (e) "State correctional facility" means a facility under the
20 jurisdiction of the department of corrections that has a designa-
21 tion of "maximum", "close", "medium", "minimum", "prison camp",
22 or "correction center".

23 Sec. 46. (1) A supplemental member may retire with a sup-
24 plemental early retirement allowance AS provided FOR in section
25 47 ~~upon satisfaction of each~~ IF THE SUPPLEMENTAL MEMBER MEETS
26 ALL of the following conditions:

1 (a) He OR SHE is age 51 years or older but less than age 62
2 years.

3 (b) He OR SHE has 25 or more years of covered service.

4 (c) His OR HER last 3 years of credited service are covered
5 service OR HE OR SHE WAS EMPLOYED IN A COVERED POSITION IN A COR-
6 RECTIONS CENTER AND HIS OR HER COVERED POSITION WAS TERMINATED
7 DUE TO THE CLOSING OF THE CORRECTIONS CENTER BETWEEN AUGUST 1,
8 1999 AND AUGUST 1, 2000, RESULTING IN THE EMPLOYEE'S TRANSFER TO
9 A NONCOVERED POSITION.

10 (d) He OR SHE files a written request for retirement with
11 the retirement board stating the date that he OR SHE wishes to be
12 retired, which shall not be less than 30 days or more than 90
13 days after the date ~~his application~~ THE WRITTEN REQUEST is
14 filed.

15 (2) A supplemental member may be separated from employment
16 in a covered position the first day of the calendar month follow-
17 ing the month in which he OR SHE attains age 56 years. A supple-
18 mental member so separated may retire with a supplemental early
19 retirement allowance AS provided FOR in section 47 if ~~he satis-~~
20 ~~fies each~~ THE SUPPLEMENTAL MEMBER MEETS ALL of the following
21 conditions:

22 (a) He OR SHE has not attained age 62 years.

23 (b) He OR SHE has 10 or more years of covered service.

24 (c) His OR HER last 3 years of credited service are covered
25 service OR HE OR SHE WAS EMPLOYED IN A COVERED POSITION IN A COR-
26 RECTIONS CENTER AND HIS OR HER COVERED POSITION WAS TERMINATED
27 DUE TO THE CLOSING OF THE CORRECTIONS CENTER BETWEEN AUGUST 1,

1 1999 AND AUGUST 1, 2000, RESULTING IN THE EMPLOYEE'S TRANSFER TO
2 A NONCOVERED POSITION.

3 (d) He OR SHE files a written request for retirement with
4 the retirement board stating the date that he OR SHE wishes to be
5 retired, which shall not be less than 30 days or more than 90
6 days after the date ~~his application~~ THE WRITTEN REQUEST is
7 filed.

8 (3) The state personnel director shall determine all ques-
9 tions on eligibility for supplemental early retirement benefits
10 ~~within the meaning of~~ UNDER sections 45 to 47.

11 Sec. 47. (1) Upon retirement as provided in section 46, a
12 supplemental member shall be paid a temporary straight life sup-
13 plemental early retirement allowance terminating upon ~~his~~
14 ~~attainment of~~ THE SUPPLEMENTAL MEMBER REACHING age 62 years or
15 his OR HER death, whichever occurs first. Prior to the effective
16 date of ~~his~~ retirement, ~~he~~ THE SUPPLEMENTAL MEMBER may
17 ~~elect~~ CHOOSE to be paid his OR HER retirement allowance under
18 an optional form of payment provided in section ~~31(a)~~
19 31(1)(A). For the purposes of this election, the provisions of
20 section ~~31(a)~~ 31(1)(A) are modified to reflect the temporary
21 nature of a supplemental early retirement allowance.

22 (2) The amount of ~~his~~ THE SUPPLEMENTAL MEMBER'S temporary
23 straight life supplemental early retirement allowance ~~shall be~~
24 IS equal to the difference between (i) 2.0% of his OR HER supple-
25 mental final average compensation multiplied by his OR HER cov-
26 ered service plus 1.5% of ~~his~~ THE SUPPLEMENTAL MEMBER'S final
27 average compensation multiplied by the excess, if any, of his OR

1 HER credited service over his OR HER covered service; and (ii)
2 the amount of retirement allowance paid ~~pursuant to~~ UNDER sec-
3 tion 20.