

SENATE BILL NO. 592

October 16, 2019, Introduced by Senator MCBROOM and referred to the Committee on Appropriations.

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 retirant is a retired department of corrections
5 employee.

6 (b) The retirant is hired indirectly by this state through a
7 contractual arrangement with another party or is engaged by this
8 state as an independent contractor.

9 (c) The retirant has been retired for at least 30 days.

10 (d) The retirant possesses specialized expertise and
11 experience necessary for either of the following:

12 (i) The hiring of the retirant indirectly by this state through
13 a contractual arrangement.

14 (ii) The engagement by this state as an independent contractor.

15 (e) The retirant works at a correctional facility.

16 (f) The retirant does not perform a duty, a service, or work
17 performed by or included in the job classification of a civil
18 service employee.

19 (11) ~~(10)~~—As used in subsection (9):

20 (a) "Mental health service" means service as that term as
21 defined in section 100d of the mental health code, 1974 PA 258, MCL
22 330.1100d.

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

25 (c) "Psychiatrist" means that term as defined in section 100c
26 of the mental health code, 1974 PA 258, MCL 330.1100c.