



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone: 517/373-6466

CORRECTIONS EMPLOYEES/"COVERED" POSITIONS

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House Bill 4762 as enrolled
Second Analysis (12-9-88)

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

Mich. 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 after January 1, 1989: 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 assigned to a work station inside the security perimeter of a state correctional facility designated as "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 is classified by civil service as forensics security aide IIB, forensics security aide IIIB, forensics security supervisor IVB, forensics security supervisor VB, forensics security supervisor VIB, or forensics supervisor VII. The bill would also include a "grandfather" clause to ensure that persons designated as being in a "covered position" by the act before January 1, 1989, would remain covered if, and only as long as, the person continued in the position after January 1, 1989.

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."

The bill would take effect January 1, 1989.

MCL 38.45

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the fiscal implications of this bill for the state are unknown at present. (12-8-88)

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.

H.B. 4762 (12-9-88)