

# HOUSE BILL NO. 4393

March 02, 2021, Introduced by Reps. O'Neal, Steckloff, Young, Damoose, Brenda Carter, Hood, Scott, Brixie, Sowerby, Aiyash, Hertel, Tyrone Carter, Cavanagh, Brabec and Whitsett and referred to the Committee on Education.

A bill to amend 1980 PA 300, entitled  
"The public school employees retirement act of 1979,"  
by amending section 68 (MCL 38.1368), as amended by 2003 PA 175.

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

1           Sec. 68. (1) ~~The~~ **Subject to subsection (4), the** retirement  
2 board shall grant 1 year of service credit to a member who has been  
3 employed and remunerated for services performed for not less than  
4 1,020 hours in a school fiscal year. In determining whether a  
5 member is entitled to service credit under this subsection, the

1 retirement system shall calculate service credit using the payroll  
2 cycle reported to the retirement system by the employer of the  
3 member. If a biweekly payroll cycle is reported, the member ~~shall~~  
4 **must** not accrue more than 60 hours in a payroll cycle. If a  
5 semimonthly payroll cycle is reported, the member ~~shall~~**must** not  
6 accrue more than 72 hours in a payroll cycle. If a monthly payroll  
7 cycle is reported, the member ~~shall~~**must** not accrue more than 138  
8 hours in a payroll cycle. If a quarterly payroll cycle is used, the  
9 member ~~shall~~**must** not accrue more than 396 hours in a payroll  
10 cycle.

11 (2) A part-time member or a member employed for a fraction of  
12 the school fiscal year ~~shall~~**must** receive service credit for full-  
13 time service on the basis of 60 or more hours per biweekly period  
14 and proportionate credit for less than 60 hours on the basis of 60  
15 hours for full-time credit in the proportion ~~which~~**that** the hours  
16 employed in the school fiscal year bears to 1,020 hours.

17 (3) ~~In~~**Subject to subsection (4), in** computing terms of  
18 service, a year ~~shall be~~**is** a legal fiscal year at the time and  
19 place where the service was performed. Not more than 1 year's  
20 service ~~shall~~**may** be counted for retirement purposes in any school  
21 fiscal year.

22 (4) **For the school fiscal year ending June 30, 2021, a**  
23 **member's unworked hours incurred in conjunction with a temporary**  
24 **suspension of in-person instruction of a reporting unit or**  
25 **component of a reporting unit under a qualified order or reporting**  
26 **unit determination is creditable as service in accordance with the**  
27 **regular terms and conditions that govern the member's employment,**  
28 **subject to the limits otherwise provided for in this act and by**  
29 **rule of the board, if the member is remunerated at the regular rate**

1 of pay for the unworked hours. As used in this subsection:

2 (a) "Qualified order" means any of the following issued or  
3 declared in response to the COVID-19 epidemic:

4 (i) An emergency order under section 2253 of the public health  
5 code, 1978 PA 368, MCL 333.2253.

6 (ii) An emergency order under section 2453 of the public health  
7 code, 1978 PA 368, MCL 333.2453.

8 (iii) A state of disaster or state of emergency under the  
9 emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

10 (b) "Reporting unit determination" means a reporting unit's  
11 determination of a method of delivering pupil instruction under  
12 section 98a of the state school aid act of 1979, 1979 PA 94, MCL  
13 388.1698a.