



HOUSE BILL No. 5899

June 20, 2000, Introduced by Reps. DeHart, Prusi, Schermesser, Bogardus, Minore, and Jacobs 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 section 21 (MCL 38.21).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) Subject to ~~the provisions of~~ sections 33 and
2 34, ~~upon~~ ON the application of a member, or his OR HER depart-
3 ment head, or the state personnel director, a member who becomes
4 totally incapacitated for duty in the service of ~~the~~ THIS state
5 ~~of Michigan~~ without willful negligence on his OR HER part, by
6 reason of a personal injury or disease, which the retirement
7 board finds to have occurred as the natural and proximate result
8 of the ~~said~~ member's actual performance of duty in the service
9 of the state, shall be retired. ~~∴ Provided, The~~

10 (2) IN ORDER FOR THE RETIREMENT BOARD TO FIND THAT A MEMBER
11 IS ENTITLED TO RETIREMENT UNDER THIS SECTION, THE medical advisor

1 after a medical examination of ~~said~~ THE member shall certify in
2 writing that ~~said~~ THE member is mentally or physically totally
3 incapacitated for the further performance of duty in the service
4 of ~~the~~ THIS state, ~~and that such~~ THE incapacity will probably
5 be permanent, and ~~that said~~ THE member should be retired. ~~+~~
6 ~~And provided further, That~~

7 (3) IN ORDER FOR THE RETIREMENT BOARD TO FIND THAT A MEMBER
8 IS ENTITLED TO RETIREMENT UNDER THIS SECTION, the retirement
9 board ~~concur~~ SHALL CONCUR in the recommendation of the medical
10 advisor.

11 (4) FOR PURPOSES OF THIS SECTION, ON OR AFTER JANUARY 1,
12 1993, MEMBER INCLUDES A STATE EMPLOYEE WHO HAS SEPARATED FROM
13 SERVICE BECAUSE OF AN INCAPACITY OR HAS BEEN TERMINATED FROM
14 SERVICE BECAUSE OF AN INCAPACITY AND WHO IS A PARTY TO AN ADMIN-
15 ISTRATIVE OR JUDICIAL PROCEEDING, INCLUDING, BUT NOT LIMITED TO,
16 A GRIEVANCE PROCEEDING, THAT RELATES TO THE SEPARATION OR TERMI-
17 NATION FROM SERVICE. A MEMBER HAS 3 YEARS AFTER THE TERMINATION
18 OF A PROCEEDING THAT RELATES TO THE SEPARATION OR TERMINATION
19 FROM SERVICE OR 3 YEARS AFTER THE TERMINATION OF ALL APPEALS
20 TAKEN FROM THE PROCEEDING THAT RELATES TO THE SEPARATION OR TER-
21 MINATION FROM SERVICE, WHICHEVER IS LATER, TO FILE AN APPLICATION
22 FOR A DISABILITY RETIREMENT ALLOWANCE WITH THE RETIREMENT BOARD.