

Sec. 5. Election to Become a Participating Court; Adoption of Plan; Establishment of Benefit and Contribution Programs; Requirements.

- (1) A judicial circuit, district, or probate court may elect to become a participating court by administrative order of the court's chief judge that is concurred in by resolution of the governing bodies of the municipalities that are required by law to fund the circuit, district, or probate court, or by resolution of the joint board or commission of the municipalities that are required by law to fund the relevant court if those municipalities have entered into a contract to transfer functions and responsibilities pursuant to 1967 PA 8 (Ex Sess) of 1967, MCL 124.531 to 124.536 of the Michigan Compiled Laws. The chief judge, in the administrative order, shall specify in the Adoption Agreement, the plan, effective date of participation, benefit programs and contribution programs that shall apply to the employees of the court. All employees of a court who are in the same plan or benefit program coverage classification shall be covered by the same plan and benefit program. All employees of a court who are in the same contribution program coverage classification shall be covered by the same contribution program.
- (2) The chief judge of the circuit, district, or probate court shall certify to the Retirement System, in the manner and form prescribed by the Retirement Board, the determination of the court to participate in the Retirement System. The certification shall be made within 10 days after the date of concurrence of the governing bodies of the municipalities that are required by law to fund the court or the joint board or commission of the municipalities that are required by law to fund the court.
- (3) A court (or bargaining unit or non-bargaining group) shall not participate in the Retirement System unless on the effective date of participation 10% or more of all employees of the court (or bargaining unit or non-bargaining group) are included as members of the Retirement System. However, a court that includes less than 10% of all judicial employees (or bargaining unit or non-bargaining group) as members of the Retirement System under this Plan may participate if the court has elected to include all individuals first hired after the effective date of the court's participation.