

## SECTION 18j FREQUENTLY ASKED QUESTIONS

- **For Section 18j compliance, does the law require us to comply with both 18j(1) (a) and (b)?** No. Section 18j(1) requires that if you certify compliance with (a) you MUST comply with (i) through (iv). If you certify compliance with (b) you comply with either (i) or (ii).
- **Is 18j(1) only for new employees?** No. The requirements of the legislation relate to all employees of the local road agency or county road commission regardless of when hired. Section 18j(1)(a) (i) and (iv) apply to new hires. These two sections pertain to caps on annual employer contributions to retirement plans and set the cost limits for health care premiums. Section 18j(1)(a) (ii) and (iii) apply to all employees. These two sections pertain to multipliers for defined benefit pension plans and final average compensation calculation conditions.
- **Our existing compensation plan covers employees and is in compliance with Section 18j(1)(a). Do I need to mail a copy of our compensation plan to you?** No. This requirement only applies to compensation plans agencies intend to implement if employees are not currently covered in accordance with items (i-iv).
- **Can I provide you with the internet site where the compensation plan that we intend to achieve can be found or should I also send a paper copy in the mail as Section 18j(1)(a) requires?** MDOT will accept an electronic version in lieu of the paper copy. Provide the internet site of your intended compensation plan on your certification form. Electronic versions can also be emailed to MDOT-Outreach@michigan.gov.
- **How does 18j(3)(b) relate to our municipality? Our employees allocate their time across various funds. It would be misleading to post that we have x employees and their wage information as requested.** PA 301 of 2014 amended this section and now only County Road Commissions need to meet this requirement. If you choose to report employees as full time equivalents, be certain to so designate in your reporting.
- **Do I need to post a copy of my compensation plan or intended compensation plan on my Section 18j(3) required searchable website?** PA 301 of 2014 amended this section and now only County Road Commissions need to meet this requirement. The compensation plan is not specifically called out as one of the 5 items listed however, if you certify compliance with Section 18j(1)(a), you may want to post the compensation plan you intend to achieve on this site. Section 18j(3) requires you to post your current budget, employees by classification and wage rate, financial performance dashboard which includes unfunded liabilities, contact information and your MDOT certification form #2067.
- **If I am exempt “opt out” from the Publically Funded Health Contribution Act 152 of 2011 by meeting requirements of MCL 15.568, am I also exempt from Section 18j?** No. Exempting your agency from the requirement of PA 152 of 2011 does not release you from certifying compliance with Section 18j. You must complete the required certification form and the requirements of 18j(3). If the agency certifies that they are in compliance with the Publically Funded Health Insurance Contribution Act, 2011 PA 152, MCL 15.561 to 15.569; the agency is in compliance with 18j(1)(b).

- **If I am exempt from the Publically Funded Health Contribution Act, am I still eligible to receive Act 51 funding?** Yes. Exemption from PA 152 has no effect on your eligibility to receive Michigan Transportation Funds as distributed through Act 51.
- **My fiscal year does not end September 30th of each year. Can I create my dashboard and annual certification form (Form 2067 or Form 2068) with information as of my fiscal year end?** Yes. Using information from your fiscal year end annual financial reports is a best practice for future years. You must meet the deadlines for the current year. Your first certification form is due by September 30, 2014.
- **Where do I find the required certification forms?** MDOT has created Form 2067 for counties and Form 2068 for cities and villages to report certification. The forms can be found at [www.michigan.gov/act51](http://www.michigan.gov/act51) under the Forms link.
- **Can I complete and mail my certification form as soon as my fiscal year ends or should I hold it and mail it in September?** You can have the Certification Form signed, dated and mailed as part of your fiscal year end process. We will accept forms any time prior to September 30 of each year but need to receive an updated form at least once a year. Your first form is due September 30, 2014.
- **Where do I find the MDOT searchable website?** The link is [www.michigan.gov/act51](http://www.michigan.gov/act51). Under the heading Section 18j. MDOT's dashboard is at <http://www.mcgi.state.mi.us/MITRP/DATA/PaserDashboard.aspx>.
- **If my agency has a web page am I able to just reference the state's central transparency webpage as the source of the information required under subsection (3) or am I required to post that to my agencies web page?** Yes, the agency can add a link pointing to the state's central transparency website as follows: [www.michigan.gov/act51](http://www.michigan.gov/act51), look under the heading Resources and click on Legislative Reports.
- **Where do I find the MDOT certification process and method for local road agencies to follow?** The process is explained on MDOT Forms 2067 and 2068 and is as follows: Beginning September 30, 2015, and annually each September 30 thereafter, certification must be made for compliance to Section 18j of Public Act 51 of 1951, MCL 248.668j. A local road agency must certify that it has (a) developed an employee compensation plan for its transportation employees as described OR (b) the local road agency must certify that medical benefits are offered to its transportation employees or elected public officials in compliance with the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 or 15.569, or it has exempted itself from the requirement of the publicly funded health insurance contribution act, or, that it does not offer medical benefits to its transportation employees or elected public officials.