

VIENNA TOWNSHIP ORDINANCE
Medical Fringe Benefit Continuation Ordinance

No:

ADOPTED:

EFFECTIVE:

Article I - Statement of Purpose

1.0 **Purpose of Ordinance:** The purpose of this Ordinance is:

- A. To establish, pursuant to **MCL 41.110b**, a medical fringe benefit continuation system which provides for persons who have rendered long and continuous service to the Township of Vienna with continued medical fringe benefits after they terminate their service to the Township of Vienna.
- B. To repeal **Ordinance Number 392**, effective December 2, 2008, and replace with the provisions of this Ordinance; and
- C. To repeal **Ordinance Number 327**, effective August 16, 2001, and replace with the provisions of this Ordinance.

Article II - Definitions

2.01 **Medical Fringe Benefits** means the health, medical, hospitalization insurance, dental and vision insurance provided by the Township to a participant.

2.02 **Medicare/Medicaid Benefits** means the medical and hospitalization insurance provided by the United States Government to persons at least 65 years of age.

2.03 **Participant** means an employee of the Township.

2.04 **Similar Coverage** means medical fringe benefits which are substantially similar to the medical fringe benefits coverage provided by the Township.

2.05 **Spouse** means the person to whom Participant has been married at least 12 months before the date of the termination of the full time continuous service of the Participant.

2.06 **Township** means the Charter Township of Vienna.

2.07 **Year of Full Time Service** means any year during which a Participant (if the Participant is an employee of the Township), has been employed by the Township for at least 1820 hours.

Article III - Eligibility

3.01 To be eligible for the continuation of medical fringe benefits from the Township, a Participant must:

- A. Have been hired on or before December 31, 2008; and
- B. Be at least 55 years of age at the time of the termination of his/her service with the Township; and
- C. Have at least 15 continuous years of full time service at the time of the termination of his/her service with the Township; and
- D. Not have similar medical fringe benefits available from a spouse or an employer of a spouse without charge to the Participant; and

E. Not been terminated for cause; and

F. Not been convicted of a crime related to the participant's service with the Township; and

G. Have received medical fringe benefits for at least 1 year prior to the termination of his/her service with the Township.

Article IV - Coverage

4.01 Upon the termination of the service of an eligible Participant, the Township shall continue to provide medical fringe benefits for the eligible Participant and his/her spouse.

4.02 The Township shall continue to provide medical fringe benefits for an eligible Participant and his/her spouse until the death of each.

4.03 The coverage provided by the Township shall be coordinated with Medicare/Medicaid benefits.

Article V - Modification and Termination

5.01 The Township may modify the benefits provided by this Ordinance, in whole or in part, at any time prior to the commencement of benefits for any eligible Participant under this Ordinance.

5.02 The Township may terminate the benefits provided by this Ordinance at any time prior to the commencement of benefits for any eligible Participant under this Ordinance.

Article VI - Miscellaneous

6.01 Nothing contained in this Ordinance shall be construed as a contract of service or employment with a Participant or as giving a Participant any right to be retained in the service or employ of the Township. Accordingly, subject to the terms of any written employment agreement to the contrary, the Township reserves any right it has to terminate or change the terms of employment of a Participant at any time and for any reason whatsoever, with or without cause.

6.02 The Participant shall cooperate with the Township by furnishing any information requested by the Township, taking such physical examinations as the Township or its insurer deem necessary, and taking such other relevant action as may be required by the Township in implementing the medical fringe benefits provided for with this Ordinance. If Participant neglects or refuses to cooperate, the Township shall have no further obligation to a Participant or his/her spouse to provide the medical fringe benefits provided for with this Ordinance.

6.03 This Ordinance shall not affect the medical fringe benefits available to current participants of the Township's medical fringe benefit plan.

Article VII - Validity and Severability

7.01 This Ordinance, and the various Articles, paragraphs and sub-paragraphs, are hereby declared to be severable, and if any Article, paragraph, or sub-paragraph is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

Article VIII - Interpretation

8.01 Conflicting laws of a restrictive nature are not affected or repealed by this Ordinance. Conflicting laws of a more restrictive nature shall supersede the provisions of this Ordinance. Conflicting laws of less restrictive nature or those conflicting in other ways than degrees of restrictiveness are hereby repealed.

Article IX – Effective Date

9.01 This Administrative Ordinance shall become effective immediately upon publication of adoption.

CERTIFICATION

We, the undersigned, being respectively the Township Supervisor and Township Clerk of Vienna Charter Township, Genesee County, Michigan, do hereby certify that the above Vienna Township Ordinance was duly adopted by the Township Board of the Charter Township of Vienna, at which meeting a quorum was present.

Joseph A. Rizk, Supervisor

Cynthia J. Bryan, Clerk