

Retirement Non-Spiking Resolution

A meeting of the Okemos Public Schools (“District”) Board of Education (“Board”) was held on _____, 2026, at _____ a.m./p.m.

The meeting was called to order by President _____.

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

Whereas:

1. A public school employee’s retirement pension is based on the employee’s final average compensation (“FAC”), which varies based on retirement plan but which is usually an average of the employee’s 3 highest consecutive compensation years.
2. Michigan Public School Employees Retirement Act (“Act”) Section 3a(3)(f) states that the following does not count toward FAC: “Compensation in excess of an amount over the level of compensation reported for the preceding year except increases provided by the normal salary schedule for the current job classification” (the “Exclusion”).
3. In 2019, a group of retired administrators filed a lawsuit against the Michigan Office of Retirement Services (“ORS”), which enforces the Act, concerning the proper interpretation of the Exclusion; on April 15, 2025, the parties signed a Court of Claims settlement entitled “Order Regarding Settlement and Release” (“Settlement Order”).
4. The Settlement Order divides public school retirees into two groups: Group A and Group B.
5. Group A consists of the “plaintiffs and similarly situated retirants ... who retired on or after January 1, 2015, through on or before July 1, 2021.” The Settlement Order states that those retirants “have a right to seek review from the [ORS] whether their individual compensation increases in excess of the normal salary increase ... should have been credited.”
6. Group B consists of “individuals who have or will retire and whose years of service include time on or after July 1, 2021, through on or before June 30, 2025.” The Settlement Order states that Group B retirants “are subject to a default level of annual compensation increase of 8% or below in calculating the annual compensation increase for Fiscal Year 2021 through Fiscal Year 2025” and that those with annual compensation increases above 8% “have a right to seek review from the ORS” whether those increases should be credited. The Settlement Order continues that during such a review, ORS will consider whether the “board of control has passed a resolution attesting that the subject compensation was not paid for the specific purpose of increasing final average compensation (also known as ‘spiking’).”

7. To the best of the Board’s knowledge, the Board has not issued any compensation increases for the specific purpose of increasing final average compensation for any individual.

Now, Therefore, Be It Resolved That:

1. The Board hereby attests that to the best of its knowledge, the Board has not issued any compensation increases for the specific purpose of increasing final average compensation for any individual.
2. The Board waives any applicable Board Policies and Bylaws related to this Resolution.
3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

Secretary, Board of Education

The undersigned, duly qualified and acting Secretary of the Board of Education of Okemos Public Schools hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by said Board of Education at a meeting held on _____, 2026, the original of which is part of the Board’s minutes. The undersigned further certifies that notice of the meeting was given to the public pursuant to the provisions of the “Open Meetings Act” (Act 267, PA 1976, as amended).

Secretary, Board of Education