



HOUSE BILL No. 5323

February 8 1994 Introduced by Reps Brackenridge Hill McBryde Kukuk and Dalman
and referred to the Committee on Local Government

A bill to amend section 11 of Act No 78 of the Public Acts
of 1935, entitled as amended

An act to establish and provide a board of civil service commis-
sioners in cities, villages and municipalities having full-time
paid members in the fire or police departments, or both to pro-
vide a civil service system based upon examination and investiga-
tion as to merit, efficiency, and fitness for appointment,
employment and promotion of all full-time paid members appointed
in the fire and police departments and respective cities, vil-
lages and municipalities to regulate the transfer reinstatement
suspension and discharge of officers, fire fighters and
police officers and to repeal certain acts and parts of acts

as amended by Act No 155 of the Public Acts of 1986 being sec-
tion 38 511 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 11 of Act No 78 of the Public Acts of
2 1935, as amended by Act No 155 of the Public Acts of 1986, being
3 section 38 511 of the Michigan Compiled Laws, is amended to read
4 as follows

1 Sec 11 (1) The civil service commission in each city,
 2 village, or municipality shall make rules providing for examina-
 3 tions of applicants for positions in the paid fire or police
 4 departments in each city village or municipality under this
 5 act for appointments, and for ~~such~~ ANY other matters ~~as~~ THAT
 6 are necessary to carry out the purposes of this act The minimum
 7 passing grade for numerically scored entry level examinations
 8 shall be at least 70 Seventy shall designate the applicant's
 9 demonstration of the minimum acceptable level of performance on
 10 the individual or cumulative selection procedures, or both
 11 After initial appointment the minimum passing grade for any
 12 examination shall be at least 70- Due notice of the contents of
 13 the rules and of any modifications to the rules shall be given,
 14 by mail, in ~~due season~~ A TIMELY MANNER to appointing officers
 15 affected ~~thereby, and the~~ BY THE RULES ALL rules and rule
 16 modifications shall ALSO be printed ~~also~~ for public
 17 distribution

18 (2) All original appointments to any positions in a fire
 19 department, within the terms of this act, shall be for a proba-
 20 tionary period of ~~6 months~~ 1 YEAR All original appointments
 21 to any positions in a police department, within the terms of this
 22 act shall be for a probationary period of 1 year after the com-
 23 pletion of legally required courses of basic training At any
 24 time during the probationary period, an appointee may be dis-
 25 missed for cause in the manner provided in this act If at the
 26 close of this probationary term the conduct or capacity of the
 27 probationer has not been satisfactory to the appointing officer,

1 the probationer shall be notified within 10 days, in writing,
2 that he or she will not receive permanent appointment, whereupon
3 his or her employment shall cease. Otherwise, his or her reten-
4 tion in the service shall be equivalent to final appointment.
5 The probationer shall be entitled to a hearing before the commis-
6 sion as provided in section 14.

7 (3) ~~(2)~~ Every entry position unless filled by reinstate-
8 ment, shall be filled only ~~in the following manner~~ AS PROVIDED
9 IN THIS SUBSECTION. The appointing officer shall notify the civil
10 service commission of any vacancy in the service which he or she
11 desires to be filled and shall request the certification of
12 eligibles. The commission immediately shall certify from the
13 eligible list the names of the persons who received the highest 5
14 average composite scores on examinations held under the provi-
15 sions of this act within a period of 2 years next preceding the
16 date of the appointment. The appointing officer ~~thereupon~~
17 with sole reference to the merit and fitness of the candidates
18 shall THEN make the appointment from the names certified. As
19 each subsequent vacancy occurs precisely the same procedure
20 shall be followed. When an appointment is made under this sec-
21 tion it shall be in the first instance for the probationary
22 period as provided in this act.

23 (4) ~~(3)~~ All positions, other than entry, shall be filled
24 only ~~in the following manner~~ AS PROVIDED IN THIS SUBSECTION.
25 The appointing officer shall notify the civil service commission
26 of any vacancy in the service which he or she desires to be
27 filled and shall request the certification of eligibles. The

1 commission immediately shall certify from the eligible list the
2 name of the person who received the highest average at preceding
3 examinations held under the provisions of this act within a
4 period of 2 years next preceding the date of the appointment
5 The appointing officer ~~thereupon,~~ with sole reference to the
6 merit and fitness of the candidates shall THEN make the appoint-
7 ment certified As each subsequent vacancy occurs, precisely the
8 same procedure shall be followed When an appointment is made
9 under this section, it shall be in the first instance for the
10 probationary period as provided in this act

11 (5) ~~(4)~~ Whenever there are urgent reasons for filling a
12 vacancy in any position in the fire or police department and
13 there is no list of persons eligible for appointment, the
14 appointing officer may nominate a person to the civil service
15 commission for a noncompetitive examination If the nominee is
16 certified by the commission as qualified, after a noncompetitive
17 examination he or she may be appointed temporarily to fill the
18 vacancy until a selection and appointment can be made after a
19 competitive examination and in the manner prescribed in this
20 act However, the temporary appointment shall not continue for
21 more than 3 months ~~nor shall~~ AND successive temporary
22 appointments SHALL NOT be made to the same position In the
23 event of an emergency due to a war in which this country is
24 involved, the civil service commission may make temporary
25 appointments to fill vacancies when appointments cannot be made
26 under the provisions of this act These appointments shall be

1 temporary and only during hostilities and for 6 months

2 ~~thereafter~~ AFTER THE CESSATION OF THE HOSTILITIES

3 (6) ~~-(5)- In event any~~ IF A position as an electrician
4 mechanic, radio engineer, fire inspector, or fire alarm operator
5 is to be filled in a paid fire or police department, then the
6 examination to be given to applicants shall be so drawn as to
7 test only the qualifications of the applicants in regard to their
8 ability as an electrician, mechanic, radio engineer, fire inspec-
9 tor, or fire alarm operator The examinations shall be special
10 examinations

11 (7) ~~-(6)-~~ As used in this section, "appointing officer"
12 means the mayor or principal administrative or executive officer
13 in any city, village or municipality