

HOUSE JOINT RESOLUTION CC

September 17, 2002, Introduced by Rep. Richardville and referred to the Committee on Veterans Affairs.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to establish a hiring preference for veterans in the classified state civil service.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to establish a hiring preference for veterans in the classified state civil service, is proposed, agreed to, and submitted to the people of the state:

ARTICLE XI

Sec. 5. The classified state civil service shall consist of all positions in the state service except those filled by popular election, heads of principal departments, members of boards and commissions, the principal executive officer of boards and commissions heading principal departments, employees of courts of

1 record, employees of the legislature, employees of the state
2 institutions of higher education, all persons in the armed forces
3 of the state, eight exempt positions in the office of the gover-
4 nor, and within each principal department, when requested by the
5 department head, two other exempt positions, one of which shall
6 be policy-making. The civil service commission may exempt three
7 additional positions of a policy-making nature within each prin-
8 cipal department.

9 The civil service commission shall be non-salaried and shall
10 consist of four persons, not more than two of whom shall be mem-
11 bers of the same political party, appointed by the governor for
12 terms of eight years, no two of which shall expire in the same
13 year.

14 The administration of the commission's powers shall be
15 vested in a state personnel director who shall be a member of the
16 classified service and who shall be responsible to and selected
17 by the commission after open competitive examination.

18 The commission shall classify all positions in the classi-
19 fied service according to their respective duties and responsi-
20 bilities, fix rates of compensation for all classes of positions,
21 approve or disapprove disbursements for all personal services,
22 determine by competitive examination and performance exclusively
23 on the basis of merit, efficiency, ~~and~~ fitness, AND STATUS AS
24 AN HONORABLY DISCHARGED VETERAN OF THE ARMED FORCES OF THE UNITED
25 STATES the qualifications of all candidates for positions in the
26 classified service, make rules and regulations covering all

1 personnel transactions, and regulate all conditions of employment
2 in the classified service.

3 State Police Troopers and Sergeants shall, through their
4 elected representative designated by 50% of such troopers and
5 sergeants, have the right to bargain collectively with their
6 employer concerning conditions of their employment, compensation,
7 hours, working conditions, retirement, pensions, and other
8 aspects of employment except promotions which will be determined
9 by competitive examination and performance on the basis of merit,
10 efficiency and fitness; and they shall have the right 30 days
11 after commencement of such bargaining to submit any unresolved
12 disputes to binding arbitration for the resolution thereof the
13 same as now provided by law for Public Police and Fire
14 Departments.

15 No person shall be appointed to or promoted in the classi-
16 fied service who has not been certified by the commission as
17 qualified for such appointment or promotion. THE COMMISSION
18 SHALL GRANT A PREFERENCE IN APPOINTMENTS IN THE CLASSIFIED SERV-
19 ICE TO THOSE OTHERWISE QUALIFIED PERSONS WHO ARE HONORABLY DIS-
20 CHARGED VETERANS OF THE ARMED FORCES OF THE UNITED STATES. No
21 appointments, promotions, demotions or removals in the classified
22 service shall be made for religious, racial or partisan
23 considerations.

24 Increases in rates of compensation authorized by the commis-
25 sion may be effective only at the start of a fiscal year and
26 shall require prior notice to the governor, who shall transmit
27 such increases to the legislature as part of his budget. The

1 legislature may, by a majority vote of the members elected to and
2 serving in each house, waive the notice and permit increases in
3 rates of compensation to be effective at a time other than the
4 start of a fiscal year. Within 60 calendar days following such
5 transmission, the legislature may, by a two-thirds vote of the
6 members elected to and serving in each house, reject or reduce
7 increases in rates of compensation authorized by the commission.
8 Any reduction ordered by the legislature shall apply uniformly to
9 all classes of employees affected by the increases and shall not
10 adjust pay differentials already established by the civil service
11 commission. The legislature may not reduce rates of compensation
12 below those in effect at the time of the transmission of
13 increases authorized by the commission.

14 The appointing authorities may create or abolish positions
15 for reasons of administrative efficiency without the approval of
16 the commission. Positions shall not be created nor abolished
17 except for reasons of administrative efficiency. Any employee
18 considering himself aggrieved by the abolition or creation of a
19 position shall have a right of appeal to the commission through
20 established grievance procedures.

21 The civil service commission shall recommend to the governor
22 and to the legislature rates of compensation for all appointed
23 positions within the executive department not a part of the clas-
24 sified service.

25 To enable the commission to exercise its powers, the legis-
26 lature shall appropriate to the commission for the ensuing fiscal
27 year a sum not less than one percent of the aggregate payroll of

1 the classified service for the preceding fiscal year, as
2 certified by the commission. Within six months after the conclu-
3 sion of each fiscal year the commission shall return to the state
4 treasury all moneys unexpended for that fiscal year.

5 The commission shall furnish reports of expenditures, at
6 least annually, to the governor and the legislature and shall be
7 subject to annual audit as provided by law.

8 No payment for personal services shall be made or authorized
9 until the provisions of this constitution pertaining to civil
10 service have been complied with in every particular. Violation
11 of any of the provisions hereof may be restrained or observance
12 compelled by injunctive or mandamus proceedings brought by any
13 citizen of the state.

14 Resolved further, That the foregoing amendment shall be sub-
15 mitted to the people of the state at the next general election in
16 the manner provided by law.