

# SENATE BILL No. 982

February 12, 2004, Introduced by Senators BISHOP, GOSCHKA, LELAND, SCHAUER and HARDIMAN and referred to the Committee on Health Policy.

A bill to amend 1966 PA 298, entitled

"An act to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies,"

by amending section 10 (MCL 51.360).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 10.   (1) ~~—(a)—~~ The civil service commission shall  
2   require ~~persons~~ **an individual** applying for admission to ~~any~~  
3   **an** examination provided for under this act or under the rules of  
4   the commission to file in its office, within a reasonable time  
5   prior to the proposed examination, a formal application in which  
6   the applicant shall state under oath or affirmation **all of the**  
7   **following:**

1       (a) ~~—(1) His full~~ **Full** name, residence, and post office  
2 address.

3       (b) ~~—(2) His citizenship~~ **Citizenship**, age, and the place  
4 and date of ~~his~~ birth.

5       (c) ~~—(3) His health,~~ **Health** and ~~his~~ physical capacity for  
6 ~~public service~~ **the position for which the applicant is**  
7 **applying.**

8       (d) ~~—(4) His business and employments and residence for at~~  
9 ~~least 3 years previous to his application.~~ **Each residence and**  
10 **business or place of employment for not less than the previous 3**  
11 **years.** The commission shall establish educational requirements,  
12 but ~~in no case shall~~ the requirements **shall not** call for less  
13 than an eighth grade education. ~~or its equivalent.~~

14       (f) ~~—(5) Such other~~ **Other** information as may reasonably **and**  
15 **legally** be ~~required, touching~~ **requested regarding** the  
16 applicant's qualifications and fitness for the ~~public service~~  
17 **position for which the applicant is applying.**

18       (2) ~~—(b)~~ Blank forms for ~~such~~ applications shall be  
19 furnished by the commission, without charge, to all persons  
20 requesting ~~same~~ **an application.** The commission may require, in  
21 connection with the application, ~~such certificate~~ **certificates**  
22 of citizens, physicians, or others having knowledge of the  
23 applicant as the good of the service ~~may require~~ **requires.** The  
24 commission may refuse to examine an applicant or, after  
25 examination, to certify as eligible ~~one~~ **an applicant** who ~~is~~  
26 ~~found to lack~~ **falls under any of the following**  
27 **disqualifications:**

1       (a) **Lacks** any of the established preliminary requirements for  
2 the examination ~~of~~ or position ~~or~~ of employment for which  
3 ~~he~~ **the applicant** applied. ~~;~~ ~~or who is~~

4       (b) **Is so** physically ~~so~~ disabled as to be rendered unfit  
5 for the performance of the duties of the position to which ~~he~~  
6 **the applicant** seeks appointment. ~~;~~ ~~or who is addicted to the~~  
7 ~~habitual use~~

8       (c) **Is a habitual user** of intoxicating liquors or ~~drugs;~~ ~~or~~  
9 ~~who may have been guilty of any crime or infamous or notoriously~~  
10 ~~disgraceful conduct;~~ ~~or who has~~ **an illegal user of 1 or more**  
11 **controlled substances.**

12       (d) **Has been found guilty of a crime.**

13       (e) **Has** been dismissed from the public service for  
14 delinquency or misconduct. ~~;~~ ~~or who has~~

15       (f) **Has** made a false statement of any material fact, or  
16 practiced or attempted to practice ~~any~~ a deception or fraud in  
17 ~~his~~ **the** application, in ~~his~~ **the** examination, or in securing  
18 ~~his~~ eligibility. ~~;~~ ~~or who refuses~~

19       (g) **Refuses** to comply with the rules **and regulations** of the  
20 commission.

21       (3) If any applicant feels ~~himself~~ aggrieved by the action  
22 of the commission in refusing to examine ~~him~~ **the applicant** or,  
23 after an examination, to certify ~~him~~ **the applicant** as ~~an~~  
24 eligible, ~~as provided in this section,~~ the commission, at the  
25 request of the applicant, shall appoint a time and a place for a  
26 public hearing, at which time the applicant may appear, ~~by~~  
27 ~~himself~~ **personally** or **with** counsel, ~~or both,~~ and the

1 commission shall then review its refusal ~~to make such~~ of  
2 examination or ~~certifications~~ **certification**, and testimony  
3 shall be taken. The commission shall subpoena, at the expense of  
4 the applicant, any competent witnesses requested by ~~him~~ **the**  
5 **applicant**. After review, the commission shall file the testimony  
6 taken in its records and shall again make a decision, which  
7 decision shall be reviewable on writ of certiorari.

8       **(4) ~~(c) All~~ Prior to taking the examination, all** applicants  
9 for any position in the department shall undergo a physical  
10 examination, which **may be performed by a physician or a certified**  
11 **nurse practitioner but** shall be conducted under the supervision  
12 of a commission composed of **at least 2** ~~doctors of medicine~~  
13 **physicians** appointed ~~for~~ **to** the commission by the board of  
14 supervisors. The commission shall certify that an applicant is  
15 free from any bodily or mental defects, deformity, or diseases  
16 that might incapacitate ~~him~~ **the applicant** from the performance  
17 of the duties of the position desired. ~~before the applicant~~  
18 ~~shall be permitted to take further examinations. No application~~  
19 **Applications** will **not** be ~~received~~ **accepted** if the person  
20 applying is less than 18 years of age and has **not** been a resident  
21 of ~~the~~ **this** state for ~~a period of less than~~ **at least** 1 year  
22 prior to ~~his~~ **the** application for any position in the  
23 department. If any applicant has formerly served in the  
24 department of the county to which ~~he makes~~ **the** application **is**  
25 **made** for a period of more than 10 years, ~~and~~ has resigned from  
26 the department at a time when there were no charges of misconduct  
27 or other misfeasance pending against ~~such~~ **the** applicant within

1 a period of 2 years next preceding the date of his **or her**  
2 application, and is a resident of ~~the~~ **that** county, then ~~such~~  
3 ~~person shall be~~ **that applicant is** eligible for reinstatement  
4 ~~in~~ **at** the discretion of the civil service commission. The  
5 applicant, providing his **or her** former term of service so  
6 justifies, may be reappointed to the department without  
7 examination other than a physical examination. ~~if such person~~  
8 ~~shall be~~ **If an applicant is** reinstated to the department, ~~he~~  
9 **the applicant** shall be the lowest in rank in the department next  
10 above the probationers of the department.