

HOUSE JOINT RESOLUTION II

November 28, 2007, Introduced by Reps. Robertson, DeRoche, Hoogendyk, Sheen, Wenke, Meekhof and Dean and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to increase the number of positions that the civil service commission may exempt from 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 increase the number of positions that the civil service commission may exempt from 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

1 commissions, the principal executive officer of boards and
2 commissions heading principal departments, employees of courts of
3 record, employees of the legislature, employees of the state
4 institutions of higher education, all persons in the armed forces
5 of the state, eight exempt positions in the office of the governor,
6 and within each principal department, when requested by the
7 department head, two other exempt positions, one of which shall be
8 policy-making. The civil service commission may exempt three
9 additional positions of a policy-making nature within each
10 principal department. **AT THE REQUEST OF THE SECRETARY OF STATE, THE**
11 **ATTORNEY GENERAL, OR THE STATE BOARD OF EDUCATION FOR THEIR**
12 **RESPECTIVE DEPARTMENTS, OR OF THE GOVERNOR FOR ANY OTHER**
13 **DEPARTMENT, THE CIVIL SERVICE COMMISSION MAY EXEMPT NOT MORE THAN**
14 **ONE PERCENT OF ALL OF THE POSITIONS IN A DEPARTMENT OF THE**
15 **EXECUTIVE BRANCH OF STATE GOVERNMENT.**

16 The civil service commission shall be non-salaried and shall
17 consist of four persons, not more than two of whom shall be members
18 of the same political party, appointed by the governor for terms of
19 eight years, no two of which shall expire in the same year.

20 The administration of the commission's powers shall be vested
21 in a state personnel director who shall be a member of the
22 classified service and who shall be responsible to and selected by
23 the commission after open competitive examination.

24 The commission shall classify all positions in the classified
25 service according to their respective duties and responsibilities,
26 fix rates of compensation for all classes of positions, approve or
27 disapprove disbursements for all personal services, determine by

1 competitive examination and performance exclusively on the basis of
2 merit, efficiency and fitness the qualifications of all candidates
3 for positions in the classified service, make rules and regulations
4 covering all personnel transactions, and regulate all conditions of
5 employment in the classified service.

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

17 No person shall be appointed to or promoted in the classified
18 service who has not been certified by the commission as qualified
19 for such appointment or promotion. No appointments, promotions,
20 demotions or removals in the classified service shall be made for
21 religious, racial or partisan considerations.

22 Increases in rates of compensation authorized by the
23 commission may be effective only at the start of a fiscal year and
24 shall require prior notice to the governor, who shall transmit such
25 increases to the legislature as part of his budget. The legislature
26 may, by a majority vote of the members elected to and serving in
27 each house, waive the notice and permit increases in rates of

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

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

19 The civil service commission shall recommend to the governor
20 and to the legislature rates of compensation for all appointed
21 positions within the executive department not a part of the
22 classified service.

23 To enable the commission to exercise its powers, the
24 legislature shall appropriate to the commission for the ensuing
25 fiscal year a sum not less than one percent of the aggregate
26 payroll of the classified service for the preceding fiscal year, as
27 certified by the commission. Within six months after the conclusion

1 of each fiscal year the commission shall return to the state
2 treasury all moneys unexpended for that fiscal year.

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

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

12 Resolved further, That the foregoing amendment shall be
13 submitted to the people of the state at the next general election
14 in the manner provided by law.