

TOWNSHIP SEASONAL OR TEMPORARY WORKERS

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House Bill 5685

Sponsor: Rep. Marie Donigan

Committee: Intergovernmental and Regional Affairs

Complete to 2-1-10

A SUMMARY OF HOUSE BILL 5685 AS INTRODUCED 12-10-09

House Bill 5685 would amend Public Act 246 of 1965, which creates a civil service system in certain townships. It would provide for new positions to be known as **township seasonal or temporary services workers**.

Currently under the law the civil service of a township is divided into the classified and unclassified services. The unclassified services includes officers elected by popular vote and people appointed to fill vacancies in elective offices, one deputy or assistant each for the supervisor, clerk and treasurer, and heads of departments. The classified service is composed of all positions not specifically included in the unclassified service. House Bill 5685 would retain these provisions, but create a new type of position exempt from the classified service, known as **seasonal or temporary services**.

The bill specifies the exempt seasonal or temporary services would be composed of each position that is left vacant for part of the year because of the nature of the duties and responsibilities of the position. An exempt seasonal or temporary services position could be full-time or part-time within a season, but it could not require 1,040 hours of work or more in a 12-month period.

Under the bill, the township board could adopt a resolution to establish the conditions for hiring and employing exempt seasonal or temporary services employees. Further, if this bill is enacted into law, a township resolution adopted earlier would be considered to be effective if it is consistent with this legislation. The bill further specifies that if a provision of this legislation as enacted conflicts with a provision in a resolution adopted by the township board, then the provisions of the resolution would control.

Now under the law, a township civil service commission classifies all the offices and positions of employment within the classified services, and all salaries must be uniform for like service. In addition, the law requires the commission to prepare and hold open competitive examinations to test the relative fitness of all applicants for appointment. Further, the law requires the commission to make rules and investigate the enforcement of those rules. House Bill 5685 would extend all of these provisions to exempt seasonal or temporary services; however, if these requirements conflicted with a provision in the township's resolution on seasonal and temporary workers, then the provisions of the resolution would control.

Now the law requires that whenever a position in the competitive classified civil service is to be filled, the appointing authority must notify the commission, which then certifies the names and addresses of the three candidates standing highest on the eligible list. One of those three people is then appointed to the position for a probationary period of six months. Within that six-month period, the person can be discharged or transferred. If the person is retained, then the appointment is considered complete. House Bill 5685 would retain these provisions. However, the bill specifies that if these requirements conflicted with a provision in the township's resolution, then the provisions of the resolution would control.

Currently the law requires that wherever possible, vacancies shall be filled by promotion, and describes how that is to be done (attending, for example, to seniority and war service ratings). Under House Bill 5685, this requirement would apply only to the classified civil service.

Now the law says that any officer or employee in the classified civil service can be removed, suspended or reduced in rank or compensation by a written order stating the specific reasons for the action. The civil servant has five days to reply to the action, and can appeal it to the civil service commission within 10 days. The appellant is entitled to a public hearing, and to be represented by counsel. House Bill 5685 would extend this provision to people in the exempt seasonal or temporary services; however, the bill specifies that if these requirements conflicted with a provision in the township's resolution, then the provisions of the resolution would control.

Currently the law prohibits classified officers or employees of the township from making or soliciting contributions for any political party or any political purpose whatsoever. An employee who violates this section can be removed from office. House Bill 5685 would extend this prohibition to people in the exempt seasonal or temporary services.

Now the law prohibits a person in, or seeking a position to, the classified civil service from being favored or discriminated against because of political, racial, or religious opinions or affiliations, except for membership in any organization that has advocated disloyalty to the government of the United States or any of its subdivision. House Bill 5685 would extend this prohibition to people in the exempt seasonal or temporary services.

MCL 38.456 et al

FISCAL IMPACT:

As written, the bill would not have any direct State fiscal impact. Any local fiscal impact is likely to be small.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.