

# HOUSE BILL No. 5685

December 10, 2009, Introduced by Rep. Donigan and referred to the Committee on Intergovernmental and Regional Affairs.

A bill to amend 1965 PA 246, entitled

"An act to establish and provide a civil service system in certain townships; to create a civil service commission, and to prescribe the duties thereof; to provide certain exemptions from and classifications in civil service; to prescribe penalties for the violation of the provisions of this act; and to prescribe the manner of adoption of this act by townships,"

by amending sections 6, 8, 9, 11, 12, 15, and 18 (MCL 38.456, 38.458, 38.459, 38.461, 38.462, 38.465, and 38.468).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 6. The civil service of the township is hereby divided  
2 into the unclassified, ~~and~~ classified, **AND EXEMPT SEASONAL OR**  
3 **TEMPORARY** services.

4           (a) The unclassified service ~~shall include~~ **INCLUDES** officers  
5 elected by popular vote and persons appointed to fill vacancies in

1 ~~such~~ **THOSE** elective offices, 1 deputy or assistant each for the  
2 supervisor, clerk and treasurer, and heads of departments.

3 (b) The classified service ~~shall comprise~~ **IS COMPOSED OF** all  
4 positions not specifically included by this act in the unclassified  
5 service **OR EXEMPT FROM THE CLASSIFIED SERVICE AS SEASONAL OR**  
6 **TEMPORARY SERVICES.**

7 (c) **THE EXEMPT SEASONAL OR TEMPORARY SERVICES IS COMPOSED OF**  
8 **EACH POSITION THAT IS LEFT VACANT FOR PART OF THE YEAR BECAUSE OF**  
9 **THE NATURE OF THE DUTIES AND RESPONSIBILITIES OF THE POSITION. AN**  
10 **EXEMPT SEASONAL OR TEMPORARY SERVICES POSITION MAY BE FULL-TIME OR**  
11 **PART-TIME WITHIN A SEASON, BUT SHALL NOT REQUIRE 1,040 HOURS OF**  
12 **WORK OR MORE IN A 12-MONTH PERIOD. THE TOWNSHIP BOARD MAY ADOPT A**  
13 **RESOLUTION TO ESTABLISH THE CONDITIONS FOR HIRING AND EMPLOYING**  
14 **EXEMPT SEASONAL OR TEMPORARY SERVICES EMPLOYEES. A TOWNSHIP**  
15 **RESOLUTION CONSISTENT WITH THIS SUBDIVISION THAT WAS ADOPTED BEFORE**  
16 **THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**  
17 **SUBDIVISION IS EFFECTIVE FOR PURPOSES OF THIS SUBDIVISION.**

18 Sec. 8. The commission shall:

19 (a) Classify all the offices and positions of employment  
20 within the classified service **AND, EXCEPT AS PROVIDED IN**  
21 **SUBDIVISION (J), IN THE EXEMPT SEASONAL OR TEMPORARY SERVICES.** The  
22 classification shall be subdivided into groups and shall be based  
23 upon and graded according to the duties and responsibilities of the  
24 positions, and shall be so arranged as to permit the filling of the  
25 higher grades through promotion. All salaries shall be uniform for  
26 like service in each grade of the classified service **OR THE EXEMPT**  
27 **SEASONAL OR TEMPORARY SERVICES** as ~~the same shall be~~ **THEY ARE**

1 classified and standardized by the commission. The classification  
2 and standardization of salaries shall not be final until approved  
3 by the township board, and salaries shall not be paid except in  
4 accordance with the classification and standardization.

5 (b) From time to time make, in accordance with the provisions  
6 of this act, rules adopted to carry out the purposes of this act  
7 and not inconsistent with its provisions for the examination and  
8 selection of persons to fill the offices and positions in the  
9 classified service ~~which~~ **AND EXEMPT SEASONAL OR TEMPORARY SERVICES**  
10 **THAT** are required to be filled by appointment, and for the  
11 selection of persons to be employed in the service of the township.

12 (c) Supervise the administration of the civil service rules,  
13 **GIVE NOTICE AND** hold examinations ~~thereunder~~ **UNDER THOSE RULES** from  
14 time to time, ~~giving notice thereof,~~ prepare and keep an eligible  
15 list of persons passing ~~such~~ **THOSE** examinations, and certify the  
16 names of **ELIGIBLE** persons ~~thereon~~ to the appointing officers. ~~of~~  
17 ~~the several departments.~~

18 (d) By itself or otherwise, investigate the enforcement of the  
19 provisions of this act, of its own rules, and of the action of  
20 appointees in the classified service **AND EXEMPT SEASONAL OR**  
21 **TEMPORARY SERVICES**. In the course of ~~such~~ **THE** investigation, the  
22 commission or its authorized representative may administer oaths,  
23 and the commission by its subpoena may secure both the attendance  
24 and testimony of witnesses and the production of books and papers  
25 relevant to the investigation.

26 (e) Provide, through the purchasing department of the  
27 township, all needed supplies for the use of the commission.

1           (f) ~~Such~~ **EXERCISE ANY** other powers and perform ~~such~~ **ANY** other  
2 duties as ~~may be~~ **ARE** necessary to carry out the provisions of this  
3 act.

4           (g) Prepare and hold open competitive examinations ~~in order to~~  
5 test the relative fitness of all applicants for appointment to the  
6 classified service **OR EXEMPT SEASONAL OR TEMPORARY SERVICES**. At  
7 least 2 weeks' notice shall be given of all examinations.

8           (h) Cause to be kept in each department and **DEPARTMENT**  
9 division, ~~thereof,~~ records of the service of each employee. ~~, known~~  
10 as ~~"service records"~~. These records shall contain fact statements  
11 on all matters relating to the character and quality of the work  
12 done and the attitude of the individual to his **OR HER** work.

13           (i) Keep a roster of the employees of the township, together  
14 with a record of service, military or naval experience, and ~~such~~  
15 **ANY** other matters as ~~may have a bearing~~ **THAT BEAR** on promotion,  
16 transfer, or discharge. All ~~such "service records" and employees'~~  
17 **EMPLOYEE** records shall be confidential and not open for public  
18 inspection.

19           **(J) IF A PROVISION OF THIS SECTION CONFLICTS WITH A PROVISION**  
20 **IN A RESOLUTION ADOPTED BY THE TOWNSHIP BOARD UNDER SECTION 6(C),**  
21 **THE PROVISIONS OF THE RESOLUTION CONTROL.**

22           Sec. 9. (1) Whenever a position in the competitive classified  
23 civil service is to be filled, the appointing authority shall  
24 notify the commission of that fact, ~~and~~ the commission shall  
25 certify the names and addresses of the 3 candidates standing  
26 highest on the eligible list for the class or grade to which the  
27 position belongs, and the appointing authority shall forthwith

1 appoint to the position 1 of the 3 persons so certified. The  
2 appointment shall be for a probationary period to be fixed by the  
3 rules, but not to exceed 6 months. At or before the expiration of  
4 the probationary period, the appointing officer, by presenting  
5 specific reasons for ~~such~~**THE** action in writing, may discharge a  
6 probational appointee, or, with the approval of the civil service  
7 commission, transfer ~~him~~**THE EMPLOYEE** to another department. If not  
8 discharged prior to the expiration of the period of probation and  
9 if no complaint has been made as to the service rendered, the  
10 appointment shall be ~~deemed~~**CONSIDERED** complete. To prevent the  
11 stoppage of business or to meet extraordinary conditions or  
12 emergencies, the head of any department or office, with the  
13 approval of the commission, may make a temporary appointment to  
14 remain for not exceeding 60 days, and only until regular  
15 appointment under the provisions of this act can be made.

16 **(2) IF A PROVISION OF THIS SECTION CONFLICTS WITH A PROVISION**  
17 **IN A RESOLUTION ADOPTED BY THE TOWNSHIP BOARD UNDER SECTION 6(C),**  
18 **THE PROVISIONS OF THE RESOLUTION CONTROL.**

19 Sec. 11. Wherever possible, vacancies **IN THE CLASSIFIED CIVIL**  
20 **SERVICE** shall be filled by promotion. Promotion shall be made from  
21 among employees ~~—~~in the grades nearest below the grade in which  
22 the vacancy exists, **FROM EMPLOYEES** qualified by training and  
23 experience to fill the vacancy and whose length of service in ~~such~~  
24 **THE** lower grade entitles them to consideration. The commission, for  
25 the purpose of promotion, shall rate the qualified employees in the  
26 lower grades on the basis of ~~their~~service record, experience in  
27 the work involved in the vacant position, training and

1 qualification for ~~such~~**THE** work, seniority, and war service  
2 ratings. Seniority shall be controlling only when other factors are  
3 equal.

4       Sec. 12. (1) Any officer or employee in the classified civil  
5 service **OR EXEMPT SEASONAL OR TEMPORARY SERVICES** may be removed,  
6 suspended or reduced in rank or compensation by the appointing  
7 authority after appointment or promotion is complete by ~~an~~**A**  
8 **WRITTEN** order ~~in writing,~~ stating specifically the **SPECIFIC** reasons  
9 ~~therefor~~**FOR THE ACTION**. The order shall be filed with the civil  
10 service commission and ~~WITH~~ a copy thereof shall be furnished to  
11 the ~~person to be removed, suspended or reduced~~**AFFECTED EMPLOYEE**.  
12 The employee may reply in writing to the order within 5 days ~~from~~  
13 **AFTER** the date of filing ~~it~~ with the civil service commission. Any  
14 person removed, suspended, or reduced in rank or compensation ~~7~~  
15 ~~within 10 days after presentation to him of the order of removal,~~  
16 ~~suspension or reduction,~~ may appeal to the civil service commission  
17 **WITHIN 10 DAYS AFTER THE PERSON IS PRESENTED WITH THE ORDER**. The  
18 commission, within 2 weeks ~~from~~**AFTER** the filing of the appeal,  
19 shall commence the hearing ~~thereon~~**ON THE APPEAL**, and shall  
20 ~~thereupon~~ fully hear and determine the matter ~~7~~ and either affirm,  
21 modify, or revoke ~~such~~**THE** order. The appellant ~~shall be~~**IS**  
22 entitled to **A PUBLIC HEARING, TO** appear personally, **TO** produce  
23 evidence, and to have counsel. ~~and a public hearing.~~ The finding  
24 and decision of the commission shall be certified to the official  
25 from whose order the appeal is taken. ~~7~~ and shall ~~forthwith~~ be  
26 ~~enforced and followed by him~~**THE OFFICIAL SHALL PROMPTLY ENFORCE**  
27 **THE ORDER**, but under no condition shall the employee be removed,

1 suspended, or reduced in rank until the finding and decision of the  
2 commission is ~~se~~ **PROPERLY** certified.

3 **(2) IF A PROVISION OF THIS SECTION CONFLICTS WITH PROVISIONS**  
4 **IN A RESOLUTION ADOPTED BY THE TOWNSHIP BOARD UNDER SECTION 6(C),**  
5 **THE PROVISIONS OF THE RESOLUTION CONTROL.**

6 Sec. 15. ~~No~~ **AN** officer or employee of the township in the  
7 classified civil service **OR EXEMPT SEASONAL OR TEMPORARY SERVICES**  
8 **SHALL NOT**, directly or indirectly, ~~shall~~ make, solicit, ~~or~~ receive,  
9 or be in any manner concerned in making, soliciting, or receiving  
10 any assessment, subscription, or contribution for any political  
11 party or any political purpose whatsoever. Any employee ~~violating~~  
12 ~~the provisions of~~ **WHO VIOLATES** this section may be removed from the  
13 office.

14 Sec. 18. ~~No~~ **A** person in, **OR SEEKING ADMISSION TO**, the  
15 classified civil service or ~~seeking admission thereto~~ **EXEMPT**  
16 **SEASONAL OR TEMPORARY SERVICES** shall **NOT** be appointed, reduced, or  
17 removed, or in any way favored or discriminated against because of  
18 his **OR HER** political, racial, or religious opinions or  
19 affiliations, except for membership in any organization ~~which~~ **THAT**  
20 has advocated or ~~does advocate~~ **ADVOCATES** disloyalty to the  
21 government of the United States or any ~~subdivision thereof~~ **OF ITS**  
22 **SUBDIVISIONS.**