

Legislative Analysis



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House Bill 4288 as introduced

Sponsor: Rep. Erin Byrnes

Committee: Government Operations

Complete to 5-1-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4288 would create a new act to prohibit a *state agency* from hiring an applicant for *unclassified employment* unless the hiring is based on one or more objective and merit-based factors that include at least the applicant's relevant education or work experience. However, this provision would be subject to the preference accorded veterans for public appointment and employment under section 1 of 1897 PA 205.¹

State agency would mean an agency, board, bureau, commission, department, or office of the state.

Unclassified employment would mean employment that is in the state service and excepted from the classified state civil service under section 5 of Article XI of the state constitution.²

A state agency that violates the bill's prohibition would be responsible for a civil fine of up to \$10,000 for each violation. The attorney general could bring an action to collect the fine, which would be deposited in the general fund.

FISCAL IMPACT:

House Bill 4288 would have a neutral fiscal impact on the state and an indeterminate fiscal impact on the local court. The fiscal impact on the state would be neutral under provisions of the bill, which would require that a civil fine of not more than \$10,000 be imposed on a state agency that violates provisions of the bill and fine revenue collected be deposited to the state general fund. Also, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be required to be deposited into the state's Justice System Fund, which supports various justice-related endeavors in the judicial branch and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury. The fiscal impact on the local court would depend on how provisions of the bill affected court caseloads and related administrative costs. Because there is no practical way to determine the number of violations that will occur, an estimate of the amount of costs to local courts cannot be made.

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

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-35-401>

² <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-ARTICLE-XI-5>