

SENATE JOINT RESOLUTION B

January 8, 1997, Introduced by Senators SCHUETTE and SHUGARS and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 48 and 53 of article IV and section 6 of article XI and repealing section 5 of article XI, to eliminate the state civil service commission.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to eliminate the state civil service commission, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IV

Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees. ~~—, except those in the state classified civil service.—~~

Sec. 53. The legislature by a majority vote of the members elected to and serving in each house, shall appoint an auditor

1 general, who shall be a certified public accountant licensed to
2 practice in this state, to serve for a term of eight years. ~~He~~
3 THE AUDITOR GENERAL shall be ineligible for appointment or elec-
4 tion to any other public office in this state from which compen-
5 sation is derived while serving as auditor general and for two
6 years following the termination of his OR HER service. ~~He~~ THE
7 AUDITOR GENERAL may be removed for cause at any time by a
8 two-thirds vote of the members elected to and serving in each
9 house. The auditor general shall conduct post audits of finan-
10 cial transactions and accounts of the state and of all branches,
11 departments, offices, boards, commissions, agencies, authorities,
12 and institutions of the state established by this constitution or
13 by law, and performance post audits thereof.

14 **Independent investigations; reports.**

15 The auditor general upon direction by the legislature may
16 employ independent accounting firms or legal counsel and may make
17 investigations pertinent to the conduct of audits. ~~He~~ THE
18 AUDITOR GENERAL shall report annually to the legislature and to
19 the governor and at ~~such~~ other times as ~~he~~ THE AUDITOR
20 GENERAL deems necessary or as required by the legislature. ~~He~~
21 THE AUDITOR GENERAL shall be assigned no duties other than those
22 specified in this section.

23 **Governing boards of institutions of higher education.**

24 Nothing in this section shall be construed in any way to
25 infringe the responsibility and constitutional authority of the
26 governing boards of the institutions of higher education to be

1 solely responsible for the control and direction of all
2 expenditures from the institutions' funds.

3 ~~Staff members, civil service.~~

4 ~~The auditor general, his deputy and one other member of his~~
5 ~~staff shall be exempt from classified civil service. All other~~
6 ~~members of his staff shall have classified civil service status.~~

7 ARTICLE XI

8 ~~Sec. 5. The classified state civil service shall consist~~
9 ~~of all positions in the state service except those filled by pop-~~
10 ~~ular election, heads of principal departments, members of boards~~
11 ~~and commissions, the principal executive officer of boards and~~
12 ~~commissions heading principal departments, employees of courts of~~
13 ~~record, employees of the legislature, employees of the state~~
14 ~~institutions of higher education, all persons in the armed forces~~
15 ~~of the state, eight exempt positions in the office of the gover-~~
16 ~~nor, and within each principal department, when requested by the~~
17 ~~department head, two other exempt positions, one of which shall~~
18 ~~be policy-making. The civil service commission may exempt three~~
19 ~~additional positions of a policy-making nature within each prin-~~
20 ~~cipal department.~~

21 ~~The civil service commission shall be non-salaried and shall~~
22 ~~consist of four persons, not more than two of whom shall be mem-~~
23 ~~bers of the same political party, appointed by the governor for~~
24 ~~terms of eight years, no two of which shall expire in the same~~
25 ~~year.~~

26 ~~The administration of the commission's powers shall be~~
27 ~~vested in a state personnel director who shall be a member of the~~

~~1 classified service and who shall be responsible to and selected
2 by the commission after open competitive examination.~~

~~3 The commission shall classify all positions in the classi-
4 fied service according to their respective duties and responsi-
5 bilities, fix rates of compensation for all classes of positions,
6 approve or disapprove disbursements for all personal services,
7 determine by competitive examination and performance exclusively
8 on the basis of merit, efficiency and fitness the qualifications
9 of all candidates for positions in the classified service, make
10 rules and regulations covering all personnel transactions, and
11 regulate all conditions of employment in the classified service.~~

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

~~24 No person shall be appointed to or promoted in the classi-
25 fied service who has not been certified by the commission as
26 qualified for such appointment or promotion. No appointments,~~

~~1 promotions, demotions or removals in the classified service shall
2 be made for religious, racial or partisan considerations.~~

~~3 Increases in rates of compensation authorized by the commis-
4 sion may be effective only at the start of a fiscal year and
5 shall require prior notice to the governor, who shall transmit
6 such increases to the legislature as part of his budget. The
7 legislature may, by a majority vote of the members elected to and
8 serving in each house, waive the notice and permit increases in
9 rates of compensation to be effective at a time other than the
10 start of a fiscal year. Within 60 calendar days following such
11 transmission, the legislature may, by a two-thirds vote of the
12 members elected to and serving in each house, reject or reduce
13 increases in rates of compensation authorized by the commission.
14 Any reduction ordered by the legislature shall apply uniformly to
15 all classes of employees affected by the increases and shall not
16 adjust pay differentials already established by the civil service
17 commission. The legislature may not reduce rates of compensation
18 below those in effect at the time of the transmission of
19 increases authorized by the commission.~~

~~20 The appointing authorities may create or abolish positions
21 for reasons of administrative efficiency without the approval of
22 the commission. Positions shall not be created nor abolished
23 except for reasons of administrative efficiency. Any employee
24 considering himself aggrieved by the abolition or creation of a
25 position shall have a right of appeal to the commission through
26 established grievance procedures.~~

1 ~~The civil service commission shall recommend to the governor~~
2 ~~and to the legislature rates of compensation for all appointed~~
3 ~~positions within the executive department not a part of the clas-~~
4 ~~sified service.~~

5 ~~To enable the commission to exercise its powers, the legis-~~
6 ~~lature shall appropriate to the commission for the ensuing fiscal~~
7 ~~year a sum not less than one percent of the aggregate payroll of~~
8 ~~the classified service for the preceding fiscal year, as certi-~~
9 ~~fied by the commission. Within six months after the conclusion~~
10 ~~of each fiscal year the commission shall return to the state~~
11 ~~treasury all moneys unexpended for that fiscal year.~~

12 ~~The commission shall furnish reports of expenditures, at~~
13 ~~least annually, to the governor and the legislature and shall be~~
14 ~~subject to annual audit as provided by law.~~

15 ~~No payment for personal services shall be made or authorized~~
16 ~~until the provisions of this constitution pertaining to civil~~
17 ~~service have been complied with in every particular. Violation~~
18 ~~of any of the provisions hereof may be restrained or observance~~
19 ~~compelled by injunctive or mandamus proceedings brought by any~~
20 ~~citizen of the state.~~

21 Sec. 6. By ordinance or resolution of its governing body
22 which shall not take effect until approved by a majority of the
23 electors voting thereon, unless otherwise provided by charter,
24 each county, township, city, village, school district, and other
25 governmental unit or authority may establish, modify, or discon-
26 tinue a merit system for its employees other than teachers under
27 contract or tenure. ~~The state civil service commission may on~~

~~1 request furnish technical services to any such unit on a~~
~~2 reimbursable basis.~~

3 Resolved further, That the foregoing amendment shall be sub-
4 mitted to the people of the state at the next general election in
5 the manner provided by law.