



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 163 (as reported without amendment)
Sponsor: Senator Jim Barcia
Committee: Judiciary

(as passed by the Senate)

Date Completed: 4-27-09

RATIONALE

After a recent review of Public Act 59 of 1935, the Michigan Department of State Police (MSP) enabling statute, MSP officials realized that the Act contains employment provisions that are no longer consistent with Department practice or State Civil Service procedures. The Act provides that civilian employees may be dismissed at the will of the MSP Director, but this conflicts with Civil Service rules and procedures. In addition, the Act allows the MSP Director to establish a maximum age for people appointed as officers, but the Department no longer sets a maximum age. It has been suggested that the statute be brought into conformity with current practice and procedures.

CONTENT

The bill would amend Public Act 59 of 1935 to prohibit the dismissal of a civilian employee without a hearing, and delete a provision allowing the MSP Director to establish the maximum age limit for people appointed as officers.

The Act requires the Director of the MSP to appoint and employ all members of the Department, who must be classified as officers and civilian employees. An officer may not be dismissed until he or she receives a due hearing on his or her removal, unless insufficient funds require a reduction in expenditures. In that case, the officer or officers junior in point of service must be dismissed. Civilian employees, however, may be dismissed at the will of the MSP Director.

Under the bill, a civilian employee could not be dismissed without a due hearing on his or her removal.

In addition, the Act establishes a minimum age of 21 years for people appointed as officers, and permits the MSP Director to fix the maximum age from time to time. The bill would delete the Director's authority to establish a maximum age for officer appointees.

MCL 28.4

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Although Public Act 59 of 1935 specifies that civilian employees may be dismissed at the will of the MSP Director, those employees are in the State's Civil Service system. Civil Service rules include policies and procedures for disciplining and dismissing employees, including hearings, the filing of grievances, and appeals of grievance decisions. The Department follows Civil Service rules and procedures on such issues.

In addition, the MSP once had a mandatory retirement age for officers. Since an officer may collect full retirement benefits after 25 years of service, the maximum age for appointment as an officer was set at 25 years below the mandatory retirement age. The Department no longer has a mandatory retirement age, so a maximum appointment age is not necessary.

By amending the Act to provide that a civilian employee of the MSP could not be dismissed without a due hearing on his or her removal, and deleting the MSP Director's authority to set a maximum age for appointed officers, the bill would reflect current practice and make the statute consistent with Civil Service rules and procedures.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.