

HOUSE JOINT RESOLUTION FF

September 10, 2009, Introduced by Rep. Paul Scott and referred to the Committee on
Judiciary.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article IV and section 5 of article XI, to provide for advice and consent on certain appointments made by the governor and certain appointments to the classified state civil service.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to provide for advice and consent on certain appointments made by the governor and certain appointments to the classified state civil service, is proposed, agreed to, and submitted to the people of the state:

ARTICLE IV

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1 Sec. 9. (1) No person elected to the legislature shall receive
 2 any civil appointment within this state from the governor, except
 3 notaries public, from the legislature, or from any other state
 4 authority, during the term for which he **OR SHE** is elected.

5 **(2) NO FORMER MEMBER OF THE LEGISLATURE OR FORMER CANDIDATE**
 6 **FOR THE LEGISLATURE SHALL RECEIVE ANY APPOINTMENT WITHIN THIS STATE**
 7 **FROM THE GOVERNOR WITHOUT THE ADVICE AND CONSENT OF THE SENATE.**

8 ARTICLE XI

9 Sec. 5. (1) The classified state civil service shall consist
 10 of all positions in the state service except those filled by
 11 popular election, heads of principal departments, members of boards
 12 and commissions, the principal executive officer of boards and
 13 commissions heading principal departments, employees of courts of
 14 record, employees of the legislature, employees of the state
 15 institutions of higher education, all persons in the armed forces
 16 of the state, eight exempt positions in the office of the governor,
 17 and within each principal department, when requested by the
 18 department head, two other exempt positions, one of which shall be
 19 policy-making. The civil service commission may exempt three
 20 additional positions of a policy-making nature within each
 21 principal department.

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

27 (3) The administration of the commission's powers shall be

1 vested in a state personnel director who shall be a member of the
2 classified service and who shall be responsible to and selected by
3 the commission after open competitive examination.

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

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

25 (6) No person shall be appointed to or promoted in the
26 classified service who has not been certified by the commission as
27 qualified for ~~such~~ **THAT** appointment or promotion. No appointments,

1 promotions, demotions, or removals in the classified service shall
2 be made for religious, racial, or partisan considerations. **NO**
3 **FORMER MEMBER OF THE LEGISLATURE OR FORMER CANDIDATE FOR THE**
4 **LEGISLATURE SHALL BE APPOINTED TO THE CLASSIFIED STATE CIVIL**
5 **SERVICE WITHOUT THE ADVICE AND CONSENT OF THE SENATE.**

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

23 (8) The appointing authorities may create or abolish positions
24 for reasons of administrative efficiency without the approval of
25 the commission. Positions shall not be created nor abolished except
26 for reasons of administrative efficiency. Any employee considering
27 himself aggrieved by the abolition or creation of a position shall

1 have a right of appeal to the commission through established
2 grievance procedures.

3 (9) The civil service commission shall recommend to the
4 governor and to the legislature rates of compensation for all
5 appointed positions within the executive department not a part of
6 the classified service.

7 (10) To enable the commission to exercise its powers, the
8 legislature shall appropriate to the commission for the ensuing
9 fiscal year a sum not less than one percent of the aggregate
10 payroll of the classified service for the preceding fiscal year, as
11 certified by the commission. Within six months after the conclusion
12 of each fiscal year the commission shall return to the state
13 treasury all ~~moneys~~ **FUNDS** unexpended for that fiscal year.

14 (11) The commission shall furnish reports of expenditures, at
15 least annually, to the governor and the legislature and shall be
16 subject to annual audit as provided by law.

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

23 Resolved further, That the foregoing amendment shall be
24 submitted to the people of the state at the next general election
25 in the manner provided by law.