

# HOUSE JOINT RESOLUTION R

March 16, 2011, Introduced by Reps. Kowall, Agema, Bumstead, Franz, Crawford, Huuki, MacGregor, Lori, Damrow, Callton, Heise, Olson, Haveman, Foster, Jacobsen, Scott, Pscholka, McMillin and Genetski and referred to the Committee on Oversight, Reform, and Ethics.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI to require the governor and the legislature to approve compensation increases authorized by the civil service commission before they take effect.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to require the governor and the legislature to approve compensation increases authorized by the civil service commission before they take effect, is proposed, agreed to, and submitted to the people of the state:

ARTICLE XI

Sec. 5. The classified state civil service shall consist of

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1 all positions in the state service except those filled by popular  
2 election, heads of principal departments, members of boards and  
3 commissions, the principal executive officer of boards and  
4 commissions heading principal departments, employees of courts of  
5 record, employees of the legislature, employees of the state  
6 institutions of higher education, all persons in the armed forces  
7 of the state, eight exempt positions in the office of the governor,  
8 and within each principal department, when requested by the  
9 department head, two other exempt positions, one of which shall be  
10 policy-making. The civil service commission may exempt three  
11 additional positions of a policy-making nature within each  
12 principal department.

13         The civil service commission shall be non-salaried and shall  
14 consist of four persons, not more than two of whom shall be members  
15 of the same political party, appointed by the governor for terms of  
16 eight years, no two of which shall expire in the same year.

17         The administration of the commission's powers shall be vested  
18 in a state personnel director who shall be a member of the  
19 classified service and who shall be responsible to and selected by  
20 the commission after open competitive examination.

21         The commission shall classify all positions in the classified  
22 service according to their respective duties and responsibilities,  
23 fix rates of compensation for all classes of positions, approve or  
24 disapprove disbursements for all personal services, determine by  
25 competitive examination and performance exclusively on the basis of  
26 merit, efficiency and fitness the qualifications of all candidates  
27 for positions in the classified service, make rules and regulations

1 covering all personnel transactions, and regulate all conditions of  
2 employment in the classified service.

3 State Police Troopers and Sergeants shall, through their  
4 elected representative designated by 50% of such troopers and  
5 sergeants, have the right to bargain collectively with their  
6 employer concerning conditions of their employment, compensation,  
7 hours, working conditions, retirement, pensions, and other aspects  
8 of employment except promotions which will be determined by  
9 competitive examination and performance on the basis of merit,  
10 efficiency and fitness; and they shall have the right 30 days after  
11 commencement of such bargaining to submit any unresolved disputes  
12 to binding arbitration for the resolution thereof the same as now  
13 provided by law for Public Police and Fire Departments.

14 No person shall be appointed to or promoted in the classified  
15 service who has not been certified by the commission as qualified  
16 for such appointment or promotion. No appointments, promotions,  
17 demotions or removals in the classified service shall be made for  
18 religious, racial or partisan considerations.

19 Increases in rates of compensation authorized by the  
20 commission may be effective only ~~at the start of a fiscal year and~~  
21 ~~shall require prior notice to the governor, who shall transmit such~~  
22 ~~increases to the legislature as part of his budget. The legislature~~  
23 ~~may, by a majority vote of the members elected to and serving in~~  
24 ~~each house, waive the notice and permit increases in rates of~~  
25 ~~compensation to be effective at a time other than the start of a~~  
26 ~~fiscal year. Within 60 calendar days following such transmission,~~  
27 ~~the legislature may, by a two thirds vote of the members elected to~~

1 ~~and serving in each house, reject~~ **IF APPROVED BY THE GOVERNOR AND A**  
2 **MAJORITY VOTE OF THE MEMBERS ELECTED TO AND SERVING IN EACH**  
3 **LEGISLATIVE HOUSE. THE LEGISLATURE MAY APPROVE, REJECT,** or reduce  
4 increases in rates of compensation authorized by the commission **AND**  
5 **APPROVED BY THE GOVERNOR.** Any reduction ordered by the legislature  
6 shall apply uniformly to all classes of employees affected by the  
7 increases and shall not adjust pay differentials already  
8 established by the civil service commission. The legislature may  
9 not reduce rates of compensation below those in effect at the time  
10 of the transmission of increases authorized by the commission.

11       The appointing authorities may create or abolish positions for  
12 reasons of administrative efficiency without the approval of the  
13 commission. Positions shall not be created nor abolished except for  
14 reasons of administrative efficiency. Any employee considering  
15 himself aggrieved by the abolition or creation of a position shall  
16 have a right of appeal to the commission through established  
17 grievance procedures.

18       The civil service commission shall recommend to the governor  
19 and to the legislature rates of compensation for all appointed  
20 positions within the executive department not a part of the  
21 classified service.

22       To enable the commission to exercise its powers, the  
23 legislature shall appropriate to the commission for the ensuing  
24 fiscal year a sum not less than one percent of the aggregate  
25 payroll of the classified service for the preceding fiscal year, as  
26 certified by the commission. Within six months after the conclusion  
27 of each fiscal year the commission shall return to the state

1 treasury all moneys unexpended for that fiscal year.

2       The commission shall furnish reports of expenditures, at least  
3 annually, to the governor and the legislature and shall be subject  
4 to annual audit as provided by law.

5       No payment for personal services shall be made or authorized  
6 until the provisions of this constitution pertaining to civil  
7 service have been complied with in every particular. Violation of  
8 any of the provisions hereof may be restrained or observance  
9 compelled by injunctive or mandamus proceedings brought by any  
10 citizen of the state.

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