

SENATE JOINT RESOLUTION O

October 11, 2011, Introduced by Senators JANSEN, CASWELL, PROOS, GREEN, PAPPAGEORGE and SCHUITMAKER and referred to the Committee on Reforms, Restructuring and Reinventing.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 48 of article IV and section 5 of article XI, to grant power to the legislature to establish dispute resolution procedures and regulate compensation for employees in the state classified civil service and to restrict state employment benefits to certain persons.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to grant power to the legislature to establish dispute resolution procedures and regulate compensation for employees in the state classified civil service and to restrict state employment benefits to certain persons, is proposed, agreed to, and submitted to the people of the state:

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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.~~

ARTICLE XI

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

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

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

The commission shall classify all positions in the classified

1 service according to their respective duties and responsibilities ~~7~~
2 ~~fix rates of compensation for all classes of positions, approve or~~
3 ~~disapprove disbursements for all personal services, AND~~ determine
4 by competitive examination and performance exclusively on the basis
5 of merit, efficiency and fitness the qualifications of all
6 candidates for positions in the classified service. ~~7, make rules~~
7 ~~and regulations covering all personnel transactions, and regulate~~
8 ~~all conditions of employment in the classified service.~~

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

20 No person shall be appointed to or promoted in the classified
21 service who has not been certified by the commission as qualified
22 for such appointment or promotion. No appointments, promotions,
23 demotions or removals in the classified service shall be made for
24 religious, racial or partisan considerations.

25 ~~Increases in rates of compensation authorized by the~~
26 ~~commission may be effective only at the start of a fiscal year and~~
27 ~~shall require prior notice to the governor, who shall transmit such~~

~~1 increases to the legislature as part of his budget. The legislature
2 may, by a majority vote of the members elected to and serving in
3 each house, waive the notice and permit increases in rates of
4 compensation to be effective at a time other than the start of a
5 fiscal year. Within 60 calendar days following such transmission,
6 the legislature may, by a two thirds vote of the members elected to
7 and serving in each house, reject or reduce increases in rates of
8 compensation authorized by the commission. Any reduction ordered by
9 the legislature shall apply uniformly to all classes of employees
10 affected by the increases and shall not adjust pay differentials
11 already established by the civil service commission. The
12 legislature may not reduce rates of compensation below those in
13 effect at the time of the transmission of increases authorized by
14 the commission.~~

15 The appointing authorities may create or abolish positions for
16 reasons of administrative efficiency without the approval of the
17 commission. Positions shall not be created nor abolished except for
18 reasons of administrative efficiency. Any employee considering
19 himself aggrieved by the abolition or creation of a position shall
20 have a right of appeal ~~to the commission through established~~
21 ~~grievance procedures.~~ **AS PROVIDED BY LAW.**

22 The civil service commission shall recommend to the governor
23 and to the legislature rates of compensation for all **CLASSIFIED AND**
24 **NON-CLASSIFIED** appointed positions within the executive department.
25 ~~not a part of the classified service.~~

26 ~~—— To enable the commission to exercise its powers, the~~
27 ~~legislature shall appropriate to the commission for the ensuing~~

~~1 fiscal year a sum not less than one percent of the aggregate
2 payroll of the classified service for the preceding fiscal year, as
3 certified by the commission. Within six months after the conclusion
4 of each fiscal year the commission shall return to the state
5 treasury all moneys unexpended for that fiscal year.~~

6 **THE STATE SHALL NOT PROVIDE HEALTH CARE AND OTHER EMPLOYMENT
7 BENEFITS TO A PERSON OTHER THAN AN EMPLOYEE OF THE STATE, A PERSON
8 MARRIED TO THE EMPLOYEE IN ACCORD WITH SECTION 25 OF ARTICLE I, OR
9 A DEPENDENT CHILD OF THE EMPLOYEE. A COLLECTIVE BARGAINING
10 AGREEMENT THAT IS IN EFFECT ON THE DATE THAT THE RESULTS OF THE
11 ELECTION APPROVING THE ADDITION OF THIS PARAGRAPH ARE CERTIFIED
12 SHALL BE GIVEN EFFECT DURING ITS TERM, EXCEPT AS TO PROVISIONS IN
13 CONFLICT WITH THIS PARAGRAPH.**

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

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