

SENATE JOINT RESOLUTION O

March 5, 2013, Introduced by Senator ROBERTSON and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to increase the number of positions that the civil service commission may exempt from 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 increase the number of positions that the civil service commission may exempt from the classified state civil service, is proposed, agreed to, and submitted to the people of the state:

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

1 commissions, the principal executive officer of boards and
2 commissions heading principal departments, employees of courts of
3 record, employees of the legislature, employees of the state
4 institutions of higher education, all persons in the armed forces
5 of the state, eight exempt positions in the office of the governor,
6 and within each principal department, when requested by the
7 department head, two other exempt positions, one of which shall be
8 policy-making. The civil service commission may exempt three
9 additional positions of a policy-making nature within each
10 principal department. **AT THE REQUEST OF THE SECRETARY OF STATE, THE**
11 **ATTORNEY GENERAL, OR THE STATE BOARD OF EDUCATION FOR THEIR**
12 **RESPECTIVE DEPARTMENTS, OR OF THE GOVERNOR FOR ANY OTHER**
13 **DEPARTMENT, THE CIVIL SERVICE COMMISSION MAY EXEMPT NOT MORE THAN**
14 **ONE PERCENT OF ALL OF THE POSITIONS IN A DEPARTMENT OF THE**
15 **EXECUTIVE BRANCH OF STATE GOVERNMENT UNDER THE REQUESTING OFFICER'S**
16 **OR ENTITY'S JURISDICTION.**

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

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

25 The commission shall classify all positions in the classified
26 service according to their respective duties and responsibilities,
27 fix rates of compensation for all classes of positions, approve or

1 disapprove disbursements for all personal services, determine by
2 competitive examination and performance exclusively on the basis of
3 merit, efficiency and fitness the qualifications of all candidates
4 for positions in the classified service, make rules and regulations
5 covering all personnel transactions, and regulate all conditions of
6 employment in the classified service.

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

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

23 Increases in rates of compensation authorized by the
24 commission may be effective only at the start of a fiscal year and
25 shall require prior notice to the governor, who shall transmit such
26 increases to the legislature as part of his budget. The legislature
27 may, by a majority vote of the members elected to and serving in

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

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

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

24 To enable the commission to exercise its powers, the
25 legislature shall appropriate to the commission for the ensuing
26 fiscal year a sum not less than one percent of the aggregate
27 payroll of the classified service for the preceding fiscal year, as

1 certified by the commission. Within six months after the conclusion
2 of each fiscal year the commission shall return to the state
3 treasury all moneys unexpended for that fiscal year.

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

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

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