

HOUSE JOINT RESOLUTION JJ

May 29, 2018, Introduced by Reps. Chirkun, Dianda, Liberati, Hertel, Lasinski, Elder, Cambensy, Hammoud, Sabo, Gay-Dagnogo, Cochran, Peterson, Geiss, Howrylak, Green, Byrd, Wittenberg, Yanez, Robinson, Greimel, LaGrand, Ellison, Clemente, Moss, Camilleri, Guerra, Pagan, Jones and Kosowski and referred to the Committee on Elections and Ethics.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to add two members to the civil service commission and require that those two members be elected by the voters.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to add two members to the civil service commission and require that those two members be elected by the voters, is proposed, agreed to, and submitted to the people of the state:

ARTICLE XI

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

14 The civil service commission shall be non-salaried and shall
15 consist of four **APPOINTED** persons, not more than two of whom shall
16 be members of the same political party, appointed by the governor
17 for terms of eight years, no two of which shall expire in the same
18 year. **IN ADDITION, BEGINNING IN 2020 AND EVERY FOUR YEARS**
19 **THEREAFTER, THE CIVIL SERVICE COMMISSION SHALL ALSO INCLUDE TWO**
20 **NONPARTISAN ELECTED PERSONS WHO ARE ELECTED AS PROVIDED BY LAW FOR**
21 **TERMS OF FOUR YEARS.**

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

26 The commission shall classify all positions in the classified
27 service according to their respective duties and responsibilities,

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

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

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

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

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

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

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

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

1 payroll of the classified service for the preceding fiscal year, as
2 certified by the commission. Within six months after the conclusion
3 of each fiscal year the commission shall return to the state
4 treasury all moneys unexpended for that fiscal year.

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

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

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