

HOUSE JOINT RESOLUTION O

February 23, 2022, Introduced by Reps. Anthony, Weiss, Brenda Carter, Sabo, Clemente, Haadsma, Coleman, Breen, Stone, Hope, Neeley, Brabec, Sowerby, Garza, Liberati, O'Neal, Pohutsky, Steckloff, Cavanagh, Rabhi, Cherry, Steenland, Tyrone Carter, Manoogian, Bolden, Kuppa, Rogers, Sneller, Scott, Thanedar, Ellison, Aiyash, Peterson, Koleszar, Young, Shannon, Hood, Tate, Hertel, Morse, Jones, Brixie and Whitsett 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 require that certain labor disputes be submitted to binding arbitration.

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 that certain labor disputes be submitted to binding arbitration, is proposed, agreed to, and submitted to the people of the state:

1

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 persons, not more than two of whom shall be members
16 of the same political party, appointed by the governor for terms of
17 eight years, no two of which shall expire in the same year.

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

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

1 employment in the classified service.

2 **Employees in the classified service, including** State Police
3 Troopers and Sergeants, shall, through their elected representative
4 designated by 50% of such ~~troopers and sergeants,~~ **employees,** have
5 the right to bargain collectively with their employer concerning
6 conditions of their employment, compensation, hours, working
7 conditions, retirement, pensions, and other aspects of employment
8 except promotions which will be determined by competitive
9 examination and performance on the basis of merit, efficiency and
10 fitness; and they shall have the right 30 days after commencement
11 of such bargaining to submit any unresolved disputes to binding
12 arbitration for the resolution thereof the same as now provided by
13 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
28 and serving in each house, reject or reduce increases in rates of
29 compensation authorized by the commission. Any reduction ordered by

1 the legislature shall apply uniformly to all classes of employees
2 affected by the increases and shall not adjust pay differentials
3 already established by the civil service commission. The
4 legislature may not reduce rates of compensation below those in
5 effect at the time of the transmission of increases authorized by
6 the commission.

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

14 The civil service commission shall recommend to the governor
15 and to the legislature rates of compensation for all appointed
16 positions within the executive department not a part of the
17 classified service.

18 To enable the commission to exercise its powers, the
19 legislature shall appropriate to the commission for the ensuing
20 fiscal year a sum not less than one percent of the aggregate
21 payroll of the classified service for the preceding fiscal year, as
22 certified by the commission. Within six months after the conclusion
23 of each fiscal year the commission shall return to the state
24 treasury all moneys unexpended for that fiscal year.

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

28 No payment for personal services shall be made or authorized
29 until the provisions of this constitution pertaining to civil

1 service have been complied with in every particular. Violation of
2 any of the provisions hereof may be restrained or observance
3 compelled by injunctive or mandamus proceedings brought by any
4 citizen of the state.

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