

# SENATE JOINT RESOLUTION M

February 24, 2022, Introduced by Senators GEISS, ALEXANDER, HOLLIER, HERTEL, BAYER, CHANG, MOSS, BULLOCK, MCMORROW, POLEHANKI, BRINKS, WOJNO and MCCANN 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:

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 service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive examination and performance exclusively on the basis of merit, efficiency and fitness the qualifications of all candidates

1 for positions in the classified service, make rules and regulations  
2 covering all personnel transactions, and regulate all conditions of  
3 employment in the classified service.

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

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

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

1 and serving in each house, reject or reduce increases in rates of  
2 compensation authorized by the commission. Any reduction ordered by  
3 the legislature shall apply uniformly to all classes of employees  
4 affected by the increases and shall not adjust pay differentials  
5 already established by the civil service commission. The  
6 legislature may not reduce rates of compensation below those in  
7 effect at the time of the transmission of increases authorized by  
8 the commission.

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

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

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

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

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

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