



**House
Legislative
Analysis
Section**

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VETERANS HIRING PREFERENCE

**HJR G (Substitute H-1)
First Analysis (6-11-03)**

**Sponsor: Rep. John Garfield
Committee: Veterans Affairs and
Homeland Security**

THE APPARENT PROBLEM:

Article 11, Section 5 of the state constitution sets forth the duties and responsibilities of the civil service commission as they relate to the classified state civil service. Under the article, the commission is required to, among other responsibilities, determine by competitive examination and performance (exclusively on the basis of merit, efficiency, and fitness) the qualifications of all candidates for positions in the classified service. In addition, the constitution provides that no person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion.

The current rules and regulations adopted by the Michigan Civil Service Commission provide for a preference credit to be awarded to veterans applying for employment within the classified civil service system if an examination is required as part of the application process. The preference credit is applied in three ways: (1) within five years after a veteran's release from active duty, five preference credit points are added, upon request, to the final passing score in any eligible examination taken by the veteran; (2) without regard to time limitations, five preference credit points are added, upon request, to the final passing score in any eligible examination taken by surviving spouses of veterans; and (3) without regard to time limitations, 10 preference credit points are added, upon request, to the final passing score in any eligible examination taken by disabled veterans, spouses of disabled veterans having greater than 50 percent disability, surviving spouses of veterans having children under 18 years of age, or surviving spouses of veterans with continued parental care of a disabled child. [See Michigan Civil Service Commission Rule 2-14.2]

According to committee testimony, the appointment process for a classified position within the civil service system has largely moved away from the point system, as examinations are no longer required for many of the positions within the classified civil

service. It is believed that the current appointment process essentially voids whatever preference otherwise eligible veterans may receive. To that end, it has been suggested that the section of the constitution providing for the establishment of the state classified civil service system be amended to explicitly include language granting preference to veterans.

THE CONTENT OF THE JOINT RESOLUTION:

The joint resolution would amend Article XI, Section 5 of the state constitution by establishing a hiring preference for veterans in the classified state civil service. The constitution states that the civil service commission shall, among other responsibilities, determine the qualifications of all candidates for positions in the classified services by competitive examination and performance exclusively on the basis of merit, efficiency, and fitness. The joint resolution would add that qualifications would also be determined on an individual's status as an honorably discharged veteran of the armed forces of the United States.

In addition, the constitution provides that no person shall be appointed to or promoted in the classified service who has not been certified by the commission as being qualified for that appointment or promotion. The joint resolution would retain that language, but add that the commission would require appointing authorities to give a preference in consideration for appointments in the classified service to qualified applicants who are honorably discharged veterans of the armed forces of the United States.

The proposed amendment would have to be submitted to the voters at the next general election.

FISCAL IMPLICATIONS:

Fiscal information is not yet available.

House Joint Resolution G (6-11-03)

ARGUMENTS:**For:**

Proponents say the constitutional amendment is necessary because it has become apparent that the veterans' preference is not very helpful to most veterans seeking employment in the classified civil service system. The preference credit afforded to veterans is available for positions requiring an examination. When the civil service system was first developed this credit was beneficial because the selection process was very rigid and reliant on examination scores. Now, the selection process is more subjective (or at least not based on a single examination), with criteria being educational background, previous work experience, an interview, and other more traditional employee selection methods. Given this change in selection policy, the veterans' preference is simply no longer available for most positions. The joint resolution simply seeks to clarify a state policy that dates back to the enactment of Public Act 205 of 1897: veterans should receive preference when seeking employment with the state.

In 1963, the Michigan Supreme Court noted in *Valentine v. Redford Township Supervisor* that, "[t]he Veterans Preference Act was enacted for the purposes of discharging, in a measure, the debt of gratitude the public owes to veterans who have served in the armed services in time of war, by granting them a preference in original employments and retention thereof in public service." Similarly, the proposed constitutional amendment here, seeks the same purpose: to discharge the debt of gratitude the public owes to veterans of the armed services.

POSITIONS:

The Commander's Group of Veterans Organizations supports the joint resolution. (6-5-03)

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.