

# HOUSE JOINT RESOLUTION MM

May 19, 2016, Introduced by Rep. Cotter and referred to the Committee on Workforce and Talent Development.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 48 of article IV and section 5 of article XI, to grant the heads of principal departments the authority to discipline or dismiss employees in the state classified civil service for conduct that directly and negatively impacts the department's ability to accomplish its statutory duties in a fair, timely, equitable, and transparent manner and to provide for appeals.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to grant the heads of principal departments the authority to discipline or dismiss employees in the state classified civil service for conduct that directly and negatively

impacts the department's ability to accomplish its statutory duties in a fair, timely, equitable, and transparent manner and to provide for appeals, is proposed, agreed to, and submitted to the people of the state:

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## ARTICLE IV

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Sec. 48. The legislature may enact laws providing for the resolution of disputes concerning public employees, except **THAT FOR those in the state classified civil service, IT MAY ENACT LAWS ONLY AS TO GRIEVANCE PROCEDURES FOR AN APPEAL TO THE CIVIL SERVICE COMMISSION FOLLOWING DISCIPLINE OR DISMISSAL BY THE HEAD OF A PRINCIPAL DEPARTMENT FOR CONDUCT THAT DIRECTLY AND NEGATIVELY IMPACTS THE DEPARTMENT'S ABILITY TO ACCOMPLISH ITS STATUTORY DUTIES IN A FAIR, TIMELY, EQUITABLE, AND TRANSPARENT MANNER.**

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## ARTICLE XI

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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.

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

5           The administration of the commission's powers shall be vested  
6 in a state personnel director who shall be a member of the  
7 classified service and who shall be responsible to and selected by  
8 the commission after open competitive examination.

9           The commission shall classify all positions in the classified  
10 service according to their respective duties and responsibilities,  
11 fix rates of compensation for all classes of positions, approve or  
12 disapprove disbursements for all personal services, determine by  
13 competitive examination and performance exclusively on the basis of  
14 merit, efficiency and fitness the qualifications of all candidates  
15 for positions in the classified service, make rules and regulations  
16 covering all personnel transactions, and regulate all conditions of  
17 employment in the classified service.

18           State Police Troopers and Sergeants shall, through their  
19 elected representative designated by 50% of such troopers and  
20 sergeants, have the right to bargain collectively with their  
21 employer concerning conditions of their employment, compensation,  
22 hours, working conditions, retirement, pensions, and other aspects  
23 of employment except promotions which will be determined by  
24 competitive examination and performance on the basis of merit,  
25 efficiency and fitness; and they shall have the right 30 days after  
26 commencement of such bargaining to submit any unresolved disputes  
27 to binding arbitration for the resolution thereof the same as now

1 provided by law for Public Police and Fire Departments.

2 No person shall be appointed to or promoted in the classified  
3 service who has not been certified by the commission as qualified  
4 for such appointment or promotion. No appointments, promotions,  
5 demotions or removals in the classified service shall be made for  
6 religious, racial or partisan considerations.

7 **NOTWITHSTANDING THE POWERS GRANTED TO THE CIVIL SERVICE**  
8 **COMMISSION, THE HEAD OF A PRINCIPAL DEPARTMENT MAY DISCIPLINE OR**  
9 **DISMISS AN EMPLOYEE IN THE STATE CLASSIFIED SERVICE FOR CONDUCT**  
10 **THAT DIRECTLY AND NEGATIVELY IMPACTS THE DEPARTMENT'S ABILITY TO**  
11 **ACCOMPLISH ITS STATUTORY DUTIES IN A FAIR, TIMELY, EQUITABLE, AND**  
12 **TRANSPARENT MANNER. AN EMPLOYEE WHO CONSIDERS HIMSELF OR HERSELF**  
13 **AGGRIEVED BY THAT DISCIPLINE OR DISMISSAL HAS A RIGHT OF APPEAL TO**  
14 **THE COMMISSION THROUGH GRIEVANCE PROCEDURES ESTABLISHED BY LAW. THE**  
15 **CIVIL SERVICE COMMISSION MAY REVERSE THE DISCIPLINE OR DISMISSAL OF**  
16 **AN EMPLOYEE UNDER THIS PARAGRAPH IF THE DEPARTMENT HEAD'S DECISION**  
17 **WAS ARBITRARY OR CAPRICIOUS.**

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

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

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

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

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

26         The commission shall furnish reports of expenditures, at least  
27 annually, to the governor and the legislature and shall be subject

1 to annual audit as provided by law.

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

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