

# SENATE BILL No. 83

February 1, 1989, Introduced by Senator FESSLER and referred to the Committee on Local Government and Veterans.

A bill to amend section 10 of Act No. 78 of the Public Acts of 1935, entitled as amended

"An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; and to repeal certain acts and parts of acts,"

as amended by Act No. 155 of the Public Acts of 1986, being section 38.510 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 10 of Act No. 78 of the Public Acts of  
2 1935, as amended by Act No. 155 of the Public Acts of 1986, being  
3 section 38.510 of the Michigan Compiled Laws, is amended to read  
4 as follows:

1       Sec. 10. (1) The civil service commission in each city,  
2 village, or municipality shall require persons applying for  
3 admission to any examination provided for under this act or under  
4 the rules and regulations of the commission to file in its  
5 office, within a reasonable time before the proposed examination,  
6 a formal application in which the applicant shall state under  
7 oath or affirmation all of the following:

8       (a) Full name, residence, and post-office address.

9       (b) United States citizenship.

10      (c) Attainment of the age of majority.

11      (d) Health and physical capacity for the position for which  
12 the applicant is applying.

13      (e) Each residence and business or place of employment for  
14 not less than the 3 previous years. ~~The commission shall estab-~~  
15 ~~lish educational requirements, but the requirements shall not~~  
16 ~~call for less than an eighth grade education.~~ HOWEVER, AN APPLI-  
17 CANT FOR APPOINTMENT TO A POLICE DEPARTMENT SHALL NOT BE REQUIRED  
18 TO RESIDE WITHIN THE CITY, VILLAGE, OR MUNICIPALITY TO WHICH THE  
19 APPLICATION IS MADE. After acceptance by the civil service com-  
20 mission, the applicant shall be governed as to residence by the  
21 city or village charter, EXCEPT THAT A PERSON APPOINTED TO THE  
22 POLICE DEPARTMENT OF A CITY, VILLAGE, OR MUNICIPALITY SHALL NOT  
23 BE REQUIRED TO RESIDE WITHIN THE CITY, VILLAGE, OR MUNICIPALITY.  
24      (f) Other information as may reasonably and legally be  
25 requested regarding the applicant's qualifications and fitness  
26 for the position for which the applicant is applying.

1       (2) THE COMMISSION SHALL ESTABLISH EDUCATIONAL REQUIREMENTS,  
2 BUT THE REQUIREMENTS SHALL NOT CALL FOR LESS THAN AN EIGHTH GRADE  
3 EDUCATION.

4       (3) ~~(2)~~ Blank forms for applications shall be furnished by  
5 the commission, without charge, to all persons requesting  
6 applications. The commission may require, in connection with an  
7 application, certificates of citizens, physicians, or others  
8 having knowledge of the applicant as the good of the service  
9 requires. The commission may refuse to examine an applicant or,  
10 after examination, to certify as eligible, an applicant who is  
11 found to lack any of the established preliminary requirements for  
12 the examination or position of employment for which the applicant  
13 applied; ~~or~~ who is so disabled as to be rendered unfit for the  
14 performance of the duties of the position to which the applicant  
15 seeks appointment; ~~or~~ who is an habitual user of intoxicating  
16 liquors or an illegal user of 1 or more controlled substances;  
17 ~~or~~ who has been found guilty of any felony; ~~or~~ who has been  
18 dismissed from the public service for delinquency or misconduct;  
19 ~~or~~ who has made a false statement of a material fact, or prac-  
20 ticed or attempted to practice a deception or fraud in the appli-  
21 cation, in the examination, or in securing eligibility; or who  
22 refuses to comply with the rules and regulations of the  
23 commission. If an applicant feels aggrieved by the action of the  
24 commission in refusing to examine the applicant, or after an  
25 examination, to certify the applicant as eligible, the commis-  
26 sion, at the request of the applicant, shall appoint a time and a  
27 place for a public hearing at which time the applicant may

1 appear, personally or with counsel, and the commission shall then  
2 review its refusal of examination or certification, and testimony  
3 shall be taken. The commission shall subpoena, at the expense of  
4 the applicant, any competent witnesses requested by the  
5 applicant. After review, the commission shall file the testimony  
6 taken in its records and shall again make a decision, which deci-  
7 sion shall be final.

8       (4) ~~(3)~~ Before appointment, ~~all applicants~~ AN APPLICANT  
9 for a position in the fire or police department shall undergo a  
10 physical examination to determine that ~~an~~ THE applicant is free  
11 from defects, deformity, or diseases that might incapacitate the  
12 applicant from the performance of the duties of the position  
13 desired. ~~Applications will~~ AN APPLICATION SHALL not be  
14 accepted if the person applying has not attained the age of  
15 majority under state law. If an applicant has formerly served  
16 upon the fire or police department of the city, village, or  
17 municipality to which application is made and has resigned from  
18 the department at a time when there were no charges of misconduct  
19 or other misfeasance pending against the applicant, within a  
20 period of 2 years next preceding the date of the application, and  
21 IF THE APPLICATION IS FOR A POSITION IN THE FIRE DEPARTMENT, is a  
22 resident of the city, village, or municipality or the area autho-  
23 rized by city charter, ~~then~~ the applicant shall be eligible for  
24 reinstatement at the discretion of a civil service commission.  
25 The applicant, providing the former term of service justifies,  
26 may be reappointed to the fire or police department without  
27 examination other than a physical examination. If an applicant

1 is reinstated to the fire or police department, the applicant  
2 shall be the lowest in rank in the department next above the pro-  
3 bationers of the department.