

# HOUSE JOINT RESOLUTION AA

August 26, 2009, Introduced by Reps. Rick Jones, Calley, Opsommer, Genetski, Meltzer, Kowall, Agema, Moss, Meekhof, Schuitmaker, Paul Scott, Ball, Hansen, Lori, Pearce, Tyler, Walsh, Knollenberg, Hildenbrand, Elsenheimer, Marleau, Clemente, Mayes, Denby, Horn, Espinoza, LeBlanc, Polidori, Lund, Haines and Sheltroun and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI to establish a veteran's preference in the state classified service.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to establish a veteran's preference in the state classified service, 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

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1 election, heads of principal departments, members of boards and  
2 commissions, the principal executive officer of boards and  
3 commissions heading principal departments, employees of courts of  
4 record, employees of the legislature, employees of the state  
5 institutions of higher education, all persons in the armed forces  
6 of the state, eight exempt positions in the office of the governor,  
7 and within each principal department, when requested by the  
8 department head, two other exempt positions, one of which shall be  
9 policy-making. The civil service commission may exempt three  
10 additional positions of a policy-making nature within each  
11 principal department.

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

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

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

1 employment in the classified service. **THE COMMISSION SHALL PROVIDE**  
2 **A PREFERENCE FOR VETERANS OTHERWISE QUALIFIED FOR APPOINTMENT AND**  
3 **EMPLOYMENT WHO ARE RETIRED OR OTHERWISE HONORABLY DISCHARGED FROM**  
4 **90 OR MORE DAYS OF ACTIVE DUTY SERVICE IN THE ARMED FORCES OF THE**  
5 **UNITED STATES.**

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

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

22 Increases in rates of compensation authorized by the  
23 commission may be effective only at the start of a fiscal year and  
24 shall require prior notice to the governor, who shall transmit such  
25 increases to the legislature as part of his budget. The legislature  
26 may, by a majority vote of the members elected to and serving in  
27 each house, waive the notice and permit increases in rates of

1 compensation to be effective at a time other than the start of a  
2 fiscal year. Within 60 calendar days following such transmission,  
3 the legislature may, by a two-thirds vote of the members elected to  
4 and serving in each house, reject or reduce increases in rates of  
5 compensation authorized by the commission. Any reduction ordered by  
6 the legislature shall apply uniformly to all classes of employees  
7 affected by the increases and shall not adjust pay differentials  
8 already established by the civil service commission. The  
9 legislature may not reduce rates of compensation below those in  
10 effect at the time of the transmission of increases authorized by  
11 the commission.

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

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

23       To enable the commission to exercise its powers, the  
24 legislature shall appropriate to the commission for the ensuing  
25 fiscal year a sum not less than one percent of the aggregate  
26 payroll of the classified service for the preceding fiscal year, as  
27 certified by the commission. Within six months after the conclusion

1 of each fiscal year the commission shall return to the state  
2 treasury all moneys unexpended for that fiscal year.

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

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

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