

SENATE BILL No. 985

February 12, 2004, Introduced by Senators KUIPERS, GOSCHKA, LELAND, SCHAUER and HARDIMAN and referred to the Committee on Health Policy.

A bill to amend 1935 PA 1978, entitled

"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; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 state under oath or affirmation all of the following:

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

3 (b) United States citizenship.

4 (c) Attainment of the age of majority.

5 (d) Health and physical capacity for the position for which
6 the applicant is applying.

7 (e) Each residence and business or place of employment for
8 not less than the 3 previous years. The commission shall
9 establish educational requirements, but the requirements shall
10 not call for less than an eighth grade education. After
11 acceptance by the civil service commission, the applicant shall
12 be governed as to residence by the city or village charter.

13 (f) Other information as may reasonably and legally be
14 requested regarding the applicant's qualifications and fitness
15 for the position for which the applicant is applying.

16 (2) Blank forms for applications shall be furnished by the
17 commission, without charge, to all ~~persons~~ **individuals**
18 requesting applications. The commission may require, in
19 connection with an application, certificates of citizens,
20 physicians, or others having knowledge of the applicant as the
21 good of the service requires. The commission may refuse to
22 examine an applicant or, after examination, to certify as
23 eligible, an applicant who ~~is found to lack~~ **falls under any of**
24 **the following disqualifications:**

25 (a) **Lacks** any of the established preliminary requirements for
26 the examination or position of employment for which the applicant
27 applied. ~~;~~ ~~or who is~~

1 **(b) Is** so disabled as to be rendered unfit for the
2 performance of the duties of the position to which the applicant
3 seeks appointment. ~~—, or who is an~~

4 **(c) Is a** habitual user of intoxicating liquors or an illegal
5 user of 1 or more controlled substances. ~~—, or who has~~

6 **(d) Has** been found guilty of any felony. ~~—, or who has~~

7 **(e) Has** been dismissed from the public service for
8 delinquency or misconduct. ~~—, or who has~~

9 **(f) Has** made a false statement of a material fact ~~—, or~~
10 practiced or attempted to practice a deception or fraud in the
11 application, in the examination, or in securing eligibility. ~~—~~
12 ~~or who refuses~~

13 **(g) Refuses** to comply with the rules and regulations of the
14 commission.

15 **(3)** If an applicant feels aggrieved by the action of the
16 commission in refusing to examine the applicant ~~—, or, after an~~
17 examination, to certify the applicant as eligible, the
18 commission, at the request of the applicant, shall appoint a time
19 and a place for a public hearing at which time the applicant may
20 appear, personally or with counsel, and the commission shall then
21 review its refusal of examination or certification, and testimony
22 shall be taken. The commission shall subpoena, at the expense of
23 the applicant, any competent witnesses requested by the
24 applicant. After review, the commission shall file the testimony
25 taken in its records and shall again make a decision, which
26 decision shall be final.

27 **(4)** ~~—(3)—~~ Before appointment, all applicants for a position

1 in the fire or police department shall undergo a physical
2 examination, **which may be performed by a physician or a certified**
3 **nurse practitioner**, to determine that an applicant is free from
4 defects, deformity, or diseases that might incapacitate the
5 applicant from the performance of the duties of the position
6 desired. Applications will not be accepted if the person
7 applying has not attained the age of majority under state law.
8 If an applicant has formerly served upon the fire or police
9 department of the city, village, or municipality to which
10 application is made and has resigned from the department at a
11 time when there were no charges of misconduct or other
12 misfeasance pending against the applicant, within a period of 2
13 years next preceding the date of the application, and is a
14 resident of the city, village, or municipality or the area
15 authorized by city charter, then the applicant shall be eligible
16 for reinstatement at the discretion of a civil service
17 commission. The applicant, providing the former term of service
18 justifies, may be reappointed to the fire or police department
19 without examination other than a physical examination. If an
20 applicant is reinstated to the fire or police department, the
21 applicant shall be the lowest in rank in the department next
22 above the probationers of the department.