

Legislative Analysis



VETERANS HIRING PREFERENCE IN CLASSIFIED STATE CIVIL SERVICE

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House Joint Resolution F

Sponsor: Rep. John Garfield

Committee: Veterans Affairs and Homeland Security

Complete to 9-19-05

A SUMMARY OF HOUSE JOINT RESOLUTION F AS INTRODUCED 2-17-05

The joint resolution would amend Article 11, 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. House Joint Resolution F 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. House Joint Resolution F 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 IMPACT:

The joint resolution would have no fiscal impact on the state or local governmental units.

BACKGROUND INFORMATION:

Veterans' Preference Act

Michigan enacted a Veterans' Preference Act in 1897, which remains on the statute books. However, its authority as it applies to classified state employees appears to have been eroded by the establishment of a state civil service system and court decisions balancing the constitutional civil service system against the earlier veterans' preference.

Public Act 205 of 1897, commonly known as the Veterans' Preference Act (VPA), states (at MCL 35.401 et seq.):

In every public department and upon the public works of the state and of every county and municipal corporation thereof honorably discharged veteran as defined by Act No. 190 of the Public Acts of 1965, as amended, being sections 35.61 and 35.62 of the Michigan Compiled Laws, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment which does not, in fact, incapacitate, shall not be deemed to disqualify them. When it shall become necessary to fill by appointment a vacancy occurring in an elective office, the appointment shall be deemed to be within this act. The applicant shall be of good moral character and shall have been a resident of the state for at least 2 years and of the county in which the office or position is located for at least one year, and possess other requisite qualifications, after credit allowed by the provisions of any civil service laws. In any instance where there is a conflict between the provisions of this act and Act No. 370 of the Public Acts of 1941, as amended, being sections 38.401 to 38.428 of the Michigan Compiled Laws [the County Employees Civil Service System Act], the provisions of Act No. 370 of the Public Acts of 1941, as amended, shall prevail.

Veterans' Preference in the Civil Service System

Under Civil Service Rule 3-8 (approved May 17, 2005) certain veterans (and their spouses) who are qualified for initial appointment in the classified service are eligible for preference in consideration during the selection process in one of three ways. First, if the selection process is based on a numerical score on a written examination conducted by the Department of Civil Service, the applicant's final passing score is increased by 5 points or 10 points. Second, if the appointing authority uses a preliminary applicant screening process based on a numerical score, the applicant's screening score is increased by 5 percent or 10 percent of the highest attained screening score. Finally, if the applicant does not receive preference under either of the other two methods, and if the appointing authority uses a mechanical or random applicant screening process to place applicants in the candidate pool, the applicant must be kept in the candidate pool and be evaluated using the same evaluation methods used for other candidates.

Under the rule, an "eligible veteran" is a person who (1) has 90 or more calendar days of active duty service in the armed forces of the U.S.; (2) was honorable discharged from active duty; (3) has not retired from any uniformed service; and (4) has been released from active military duty within five years before the date of application.

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