

HOUSE BILL NO. 5735

February 15, 2022, Introduced by Reps. Bezotte and Calley and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1935 PA 78, 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 12 (MCL 38.512), as amended by 1986 PA 155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12. (1) All examinations for positions shall be practical
 2 ~~in their character and shall relate to those matters and shall~~
 3 ~~include those inquiries as will fairly and fully test the~~
 4 comparative merit and fitness of the persons examined to discharge
 5 the duties of the employment sought by them. All examinations shall
 6 be open to all applicants who have fulfilled the preliminary
 7 requirements prescribed by this act. Notice of the time and place
 8 for accepting applications ~~shall be given by the commission by~~
 9 ~~publication for 2 weeks in the official paper of the city, village,~~
 10 ~~or municipality, and the notice shall be posted by the commission~~
 11 in a conspicuous place in the office and on the bulletin boards of
 12 the city, village, or municipality for 2 weeks. Further notice may
 13 be given as the commission ~~shall prescribe. However, a newspaper~~
 14 ~~advertisement shall not be required for an examination for a~~
 15 ~~promotion.~~ **prescribes.** The examination process shall begin ~~within~~
 16 **not later than** 6 months after the closing date for the acceptance
 17 of applications. However, the commission may delay or cancel the
 18 examination process for good cause. The commission shall post, in a
 19 public place at its office, the eligible list containing the names
 20 and grades of those who have passed examinations for positions or
 21 promotions in fire or police departments under this act, and shall
 22 indicate any appointments that will be made from the list. No
 23 question in any form of application or in any examination shall be
 24 so framed as to elicit information concerning the political or
 25 religious opinions or affiliations of any applicant; nor shall
 26 inquiries be made concerning those opinions or affiliations; and

1 all disclosures thereof shall be discouraged. Discrimination shall
 2 not be exercised, threatened, or promised by any person in the fire
 3 or police department against or in favor of an eligible applicant
 4 or employee in fire or police departments under this act because of
 5 his or her political or religious opinions or affiliations.

6 (2) Vacancies in positions in the fire and police departments
 7 above the rank of fire fighter or police officer shall be
 8 ~~competitive and shall be filled~~ **competitively** by promotions from
 9 among persons holding positions in the next lower rank in the
 10 departments who have completed 2 years in that rank and who have ~~at~~
 11 ~~least been employed not less than~~ 5 years in the department. If
 12 there are more vacancies than there are persons with 5 ~~years~~ **years'**
 13 **employment** in the department, the commission may lower the
 14 requirements to 3 years in the department. If no person ~~or persons~~
 15 ~~have has~~ completed 2 years in the next lower rank, the commission
 16 may hold examinations among persons in ~~such that~~ rank ~~as to all~~
 17 ~~intent and for all~~ purposes as though 2 years of service had been
 18 completed by those persons. Promotions shall be based upon merit ~~to~~
 19 ~~be as~~ ascertained by tests to be provided by the civil service
 20 commission and upon the superior qualifications of the ~~persons~~
 21 **person** promoted as shown by his or her previous service and
 22 experience. ~~In the event of~~ **If** only 1 person **is** in the next lower
 23 rank, 1 or more persons in the second lower rank who have completed
 24 ~~at least not less than~~ 5 years in the department may **also** compete
 25 for the vacancy. Whenever a position becomes vacant for which
 26 examinations are held, the appointing power shall ask the
 27 commission for the name of the person eligible for appointment. The
 28 commission shall certify the name of the person highest on the
 29 eligible list at preceding examinations held under this act within

1 a period of 2 years ~~next~~**immediately** preceding the date of the
2 appointment for the class to which the vacant position has been
3 allocated, who is willing to accept employment. If more than 1
4 vacancy is to be filled, an additional name shall be certified **in**
5 **the same manner** for each additional vacancy. The appointing power
6 immediately shall appoint the person to the position. To enable the
7 appointing power to exercise a choice in the filling of positions
8 of promotion in the fire or police service, a promotion shall not
9 be considered complete until after the expiration of a period of 6
10 months' probationary service, and if at the end of the probationary
11 period the appointing authority finds that the conduct or capacity
12 of the probationer has not been satisfactory, the appointing
13 authority shall notify the probationer and the commission in
14 writing. Otherwise, his or her retention in the higher position
15 shall be equivalent to receiving full status and regular employment
16 in the higher position. The probationer, upon receiving notice that
17 his or her conduct or capacity has not been satisfactory in the
18 higher position, may demand a written statement of particulars of
19 reasons for that determination and may demand a hearing before the
20 commission. The demands shall be in writing. In such a case, the
21 probationer shall be entitled to a hearing before the commission
22 and to a statement of particulars to be served not less than 7 days
23 before the date of the hearing. The commission may affirm or
24 reverse the decision of the appointing authority or may order an
25 additional probation period not to exceed 6 months. The decision of
26 the commission ~~shall be~~**is** final. If the probationer does not
27 receive full status and regular employment in the higher position,
28 he or she shall resume the duties of his or her former position,
29 and the appointing power ~~shall be entitled to another certification~~

1 ~~of eligibles~~ **may certify another eligible person** in accordance with
2 this act.