

**State of Michigan
CIVIL SERVICE COMMISSION
Public Meeting
March 20, 2013**

Present: Thomas M. Wardrop, Chair
James Barrett, Commissioner
Charles Blockett, Jr., Commissioner
Robert W. Swanson, Commissioner
Janet McClelland, Acting State Personnel Director

1. CALL TO ORDER

The meeting of the Civil Service Commission was opened by Chair Thomas Wardrop at 10:04 a.m. in Conference Room A, Lower Level, Capitol Commons Center, 400 S. Pine Street, Lansing, Michigan.

Approval of Minutes

Chair Wardrop requested a motion to approve the minutes of the December 12, 2012 meeting. On motion duly made and supported, the minutes of the December 12, 2012 Civil Service Commission meeting were approved.

2. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

3. INFORMATIONAL REPORTS

State Personnel Director's Report

The Commission received the following report from Janet McClelland, Acting State Personnel Director:

Unclassified Positions Report

Civil Service Commission Rules require the State Personnel Director to report on the establishment or abolishment of positions in the state unclassified service. Since the last report, the following approvals were processed:

- On December 3, 2012, a request was received from the Department of Treasury to establish an exempt unclassified position to serve as the Executive Director of MSHDA. Concurrently, the vacant Racing Manager of the MI Gaming Control Board position was abolished. This request was approved on December 6, 2012.
- On December 26, 2012, a request was received from the Department of Attorney General to establish an exempt unclassified position to serve as the Director of Public Relations. This request was approved on January 3, 2013.
- On January 3, 2013, a request was received from the Department of Human Resources to establish an exempt unclassified position to serve as the Media Consultant & Director of Communications. Concurrently, the vacant Director of Inter-Agency Collaboration & Reengineering position will be abolished. This request was approved on January 7, 2013.

- On January 24, 2013, a request was received from the Department of Corrections to establish an exempt unclassified position to serve as the Chief Deputy Director. Concurrently, the OSA Deputy Director position was abolished. This request was approved on January 24, 2013.

4. UNFINISHED BUSINESS

There was no unfinished business.

5. NEW BUSINESS

A. Resolution 13-01, UAW and MSEA Agreements (Interim Approval Granted)

General Counsel John Gnodtke presented Item 5.A., Resolution 13-01. Mr. Gnodtke stated that Resolution 13-01 would approve secondary agreements involving the UAW, MSEA, and four state agencies. The Acting State Personnel Director, with consent of the Chair, previously granted interim approval of the four agreements. Staff has reviewed them and found no prohibited subjects of bargaining and, with the CSC adoption of Resolution 13-01, those four secondary agreements would be approved. Chair Wardrop requested a motion to approve Item 5.A., Resolution 13-01. On motion duly made and supported, Resolution 13-01 was unanimously approved.

B. Resolution 13-02, Rule 5-6, Additional Compensation: Miscellaneous

General Counsel John Gnodtke presented Resolution 13-02. In February, SPDOC 13-01 was circulated for proposed changes to Rule 5-6, Additional Compensation: Miscellaneous.

The proposed amendments to Rule 5-6.3 involve out-of-state premiums available for positions classified as Financial Institution Examiners and Financial Institution Managers. The proposed changes address the executive reorganization involving the Department of Licensing and Regulatory Affairs (LARA). These positions will be in the newly created Department of Insurance and Financial Services (DIFS). This rule change removes the prior reference to LARA in Rule 5-6. As a result of public comment, additional changes to Rule 5-6.3 will make the out-of-state premium available to anyone in the Financial Institution Examiner, Financial Institution Manager, or Financial Institution Specialist classes regardless of level as long as they perform the necessary out-of-state work. The amendments to Rule 5-6.3 will be effective immediately upon approval.

The proposed amendments to Rule 5-6.13 are regarding the Lottery Sales Incentive Program. These changes were conceptually approved by the Commission during last year's Coordination Compensation Process and will be implemented effective October 1, 2013. Upon motion duly made and supported, the Commission approved the rule amendments.

C. Consolidation of NERE Professional Development Funds (Interim Approval Granted)

General Counsel John Gnodtke presented this item to the Commissioners. At the request of the Office of the State Employer (OSE), the proposed administrative consolidation combines the Business and Administrative Unit and Managerial, Supervisory, and Confidential Professional Development Funds for the current and coming fiscal years. The Acting State Personnel Director, with the consent of the chair, approved this request. Upon motion duly made and supported, the Commission approved the recommended consolidation.

D. Letter of Understanding Between OSE and MCO (Interim Approval Granted)

General Counsel John Gnodtke presented a Letter of Understanding to establish holiday scheduling procedures for employees of the Center for Forensic Psychiatry in the Security Unit. Upon motion duly made and supported, the Commission approved the Letter of Understanding.

E. Letter of Understanding Between OSE and UAW (Interim Approval Granted)

General Counsel John Gnodtke presented a Letter of Understanding to establish overtime procedures for employees of the Department of Civil Rights involving a HUD grant for the Human Services Unit. Upon motion duly made and supported, the Commission approved the Letter of Understanding.

F. Letter of Understanding Between OSE and MCO (Interim Approval Granted)

General Counsel John Gnodtke presented a Letter of Understanding to allow custody staff at the Newberry Correctional Facility to be assigned to a 12-hour shift as a pilot. Upon motion duly made and supported, the Commission approved the Letter of Understanding.

6. PUBLIC COMMENT

Chair Wardrop stated that the allotted time for each public comment is five minutes, however, the Commission has the authority to grant more time and, if needed, less time. He also stated that the Commission is aware that there are two pending administrative appeals regarding issues at the Grand Rapids Home for Veterans (GRHV). Chair Wardrop informed those present that the Commission considers administrative appeals during closed sessions and its procedures have no provisions for briefing, argument, or other advocacy to the Commission. Chair Wardrop indicated that the Commission is aware of the legislative hearings regarding the same issue, and he asked that the speakers not put the Commissioners in a position of oral argument. He stated that the Commission will hear the comments for informational purposes only. The following individuals addressed the Commission:

Mr. Richard Mack, on Behalf of the Residents of the GRHV

Mr. Mack thanked the Commission for the opportunity to speak regarding the issues at the GRHV. He indicated that he would not be making legal arguments but that he wanted the Commission to see the dozens of veterans from the GRHV that attended this meeting. Mr. Mack stated that the appeals decision to be made by the Commissioners will directly impact the lives of these veterans. Mr. Mack stated that the decision could mean the health and well-being and, in some cases, the life or death of these veterans. He stated that this issue is about whether J2S staff should be first-line caregivers for these veterans who have faithfully served our country. A packet of complaints against J2S, addressed to the State of Michigan, was presented to the Commissioners. Mr. Mack encouraged the Commission to go through this packet to see who is being sent into these homes to care for the veterans. Mr. Mack told the Commissioners that he previously represented the veterans at a hearing where the judge found the behavior of J2S so appalling that she prevented the contract from taking place. He acknowledged that the injunction was overturned in the Court of Appeals, but the information that this judge saw first-hand was very pertinent. Mr. Mack stated that prior to this contract taking effect the J2S workers had been working in the home to supplement the State of Michigan staff. He said that there are approximately 170 nurse assistants and they are the front line of care for these veterans.

Mr. Mack indicated that before this contract became effective, the J2S workers were overseen by state-employed unit coordinators. Under the current contract, the J2S employees are supervised by J2S supervisors. This means that there is no direct State oversight of the J2S workers. Mr. Mack feels that the J2S supervisors have a financial incentive to sweep abuse and neglect under the rug. He outlined several examples of J2S employees not providing proper care to veterans in the home. He also alleged poor training was provided by J2S employees and gave examples of bad behavior by a supervisor.

Mr. Mack also expressed concern that J2S cannot provide the necessary staff. Recently, J2S advertised on Craigslist that they needed 120 people to fill jobs and that they offered training. Per the contract, J2S was to hire workers with at least 12 months work experience.

Previously, their postings indicated that they needed only 6 months experience. Currently, the Craigslist posting does not list how much experience is necessary to obtain a job caring for the veterans.

Mr. Mack stated that he believes that the Commission can reverse the J2S contract and make things right for these veterans. He asked the Commission to please review the information they have received and would hear about from other speakers to make the right decision for our veterans.

Veteran Residents at the GRHV

Residents John Palmer, Norman Tope, Gail Klukos, Tony Spallone, John Tomiasik, and Everett Carr addressed the Commission to share their opinions of a lack of quality care and abuse since the state-employed caregivers have been replaced by J2S caregivers. They requested that the State of Michigan void the J2S contract and put the state-employed caregivers back to work.

Members of the UAW Local 6000 Veterans Committee

Michael McWhirter and James Scruggs addressed the Commission to give examples of the poor care they have witnessed at the GRVH and they urged the Commission to take action.

Current or Former GRVH State-Employed Caregivers

Mark Williams, Tammy Porter, Frank Snarski, Joe Pranomvanaveom, Patrick Otto, Marie Rance, Trina Cogger, Mary Misner, and Betty Moore addressed the Commission to express their concern regarding the abuse and neglect of the veterans by the J2S workers. They gave examples of mistreatment by J2S caregivers and stated that the J2S staff does not have the necessary experience to care for the veterans.

Others who Addressed the Commission

Nick Ciaramitaro, AFSCME Director of Legislation and Public Policy, explained that the materials that were provided to the Commission include three items: one packet contains the exhibits presented to the court in the injunction case; another is a summary of the major cases of abuse and neglect by J2S; and the third is a list of the complaints against J2S from January to March 2013 that have been documented and presented to the supervisory staff.

Mr. Ciaramitaro said that the J2S workers are now being supervised by J2S supervisors so it can be expected that the quality of care will decline even further. The Director of Nursing testified in court that she does not hear any of the complaints, even if someone is seriously injured, unless the J2S supervisor decides to tell her. He also indicated that the legislature does not currently have any specific proposals dealing with this issue. However, the Military and Veterans Affairs (MVA) Subcommittee of the House Appropriations Committee held a hearing yesterday to consider the 2013-2014 budget which also included discussions of the issues at the veterans' homes. Mr. Ciaramitaro and Mr. Williams were allowed to present information to the MVA Subcommittee. They asked that they exercise their oversight responsibility and look into the matter.

Dave Baker, a 26-year state employee, said that he has visited the home and expressed his concern with the care of the veterans. Mr. Baker compared the treatment of veterans to the treatment of prisoners by saying that it's a sad day in Michigan when the criminals get treated better than our war heroes. He stated that now that the Commission has been made aware of what's going on at the GRHV, they have a moral responsibility to stop it and that they should be held accountable for their decisions.

ADJOURNMENT

There being no further items for Commission approval or public comments to be heard, Chair Wardrop called for a motion to adjourn. On motion duly made and supported, the meeting was adjourned at 11:39 a.m.

NOTE:

Copies of any written statements, reports, or staff proposals which were presented to the Commission may be obtained by contacting the Civil Service Commission, Executive Office, Capitol Commons Center, 400 S. Pine Street, P.O. Box 30002, Lansing, Michigan, 48909, or by telephone at 517-373-3020.