

**State of Michigan
CIVIL SERVICE COMMISSION
Public Meeting
May 20, 2009**

Present: Sherry L. McMillan, Chair
Andrew P. Abood, Commissioner
Kelly G. Keenan, Commissioner
Thomas M. Wardrop, Commissioner
Jeremy S. Stephens, State Personnel Director

1. CALL TO ORDER

The meeting of the Civil Service Commission was opened by Chair, Sherry McMillan, at 10:07 a.m. in Conference Room A, Lower Level, Capitol Commons Center, 400 S. Pine Street, Lansing, Michigan.

a. Approval of Minutes

Chair Sherry McMillan requested a motion to approve the minutes of the March 11, 2009 meeting. On motion duly made and supported, the Commission approved the minutes of the March 11, 2009, meeting.

2. AMENDMENTS TO AGENDA

There were no amendments to the agenda.

3. INFORMATIONAL REPORTS

- a. **Director's Report:** The Commission received the following report from State Personnel Director, Jeremy S. Stephens.

Unclassified Position Report

Since the last report, the following approval was processed:

Department of Attorney General

A request dated April 14, 2009, for a Chief Administrative Officer. Concurrently, the vacated Director of Constituent Relations position was abolished. The request was approved effective April 5, 2009.

4. UNFINISHED BUSINESS

There was no unfinished business.

5. NEW BUSINESS

a. Letter of Understanding between OSE and the UAW adding the classification of Services Specialist Assistant to Appendix A of existing contract

General Counsel D. Daniel McLellan addressed the Commission regarding the Letter of Understanding to amend the primary collective bargaining agreement which assigns an overtime eligibility code for Services Specialist Assistant 8, 9, and E10 classes.

On a motion duly made and supported, the LOU between OSE and the UAW was approved.

b. Rule Amendments

1. Rule 5-6.4 – Premium for Department of Treasury Auditors

General Counsel McLellan addressed the Commission regarding the rule amendment to pay in-state auditors who are assigned to audit out-of-state taxpayers a 20 percent pay premium for those hours worked out-of-state. The Department of Treasury believes that the premium will yield an overall cost savings by eliminating the need for another, more expensive, out-of-state office and addresses staff recruitment and retention issues.

On a motion duly made and supported, Resolution 09-03 was approved.

2. Rule 5-10.2 – Paid Leave

General Counsel McLellan addressed the Commission regarding the rule amendment whereas newly-hired employees may not utilize accrued annual leave until they have completed 720 hours of employment. The amendment eliminates the 720 hour waiting period for newly-hired employees and allows employees the ability to use annual leave as it accrues.

On a motion duly made and supported, Resolution 09-04 was approved.

3. Rule 8-2.4 – Civil Service Grievance Appeal Procedures

General Counsel McLellan addressed the Commission regarding the rule amendment to address back-pay awards. The amendment details which premiums may be included (shift differential and prison employee premiums) and which other premiums cannot be included (on-call, callback, explosives duty, out-of-state location, and emergency response). The rule also specifies the deductions from back-pay awards (e.g., workers' compensation), and authorizes a hearing officer to award lost sick and annual leave credits, longevity pay, and seniority credits.

Mr. Brandon Zuk, on behalf of the Michigan Association of Governmental Employees, addressed the Commission in opposition to the proposal of Rule 8-2.4(c)(4). Mr. Zuk stated his position regarding the purpose of back pay is to "make whole" the grievant for pay the grievant would have received but did not

due to wrongful termination. He indicated that the burden of proof of overtime would rely on the grievant and that a blanket prohibition on including overtime in back-pay awards would be unjust to those grievants who can prove they were wrongfully deprived of overtime pay. Mr. Zuk asked the Commission to oppose the proposal to Rule 8-2.4.

On a motion duly made and supported, Resolution 09-05 was approved.

c. Secondary Agreement between UAW and the Michigan Department of Transportation

General Counsel McLellan addressed the Commission regarding the Secondary Agreement between the UAW and the Michigan Department of Transportation which, at its December 2008 meeting, the Commission tabled consideration of the impasse panel's recommendation. The parties have subsequently reached a voluntary agreement on the Secondary Collective Bargaining Agreement.

General Counsel McLellan indicated staff reviewed the secondary agreement and did not identify any violations of the Commission's rules on prohibited subjects of bargaining.

On a motion duly made and supported, Resolution 09-06 was approved.

d. Letter of Understanding between OSE and the UAW regarding furlough days in the human services and administrative support units.

General Counsel D. Daniel McLellan addressed the Commission regarding the Letter of Understanding to amend the primary collective bargaining agreement which addresses the scheduling of six temporary layoff days during FY 2008-2009 with no more than one temporary layoff day scheduled per pay period between May 15, 2009 and September 30, 2009.

On a motion duly made and supported, the LOU between OSE and the UAW was approved.

6. PUBLIC COMMENT

Mr. Dale Threehouse, President, of the Michigan Association of Governmental Employees (MAGE), representing managers and supervisors in state government, addressed the Commission with concerns regarding furlough days in the Department of Corrections. Mr. Threehouse reiterated his concern regarding pay inequity between supervisors and corrections officers as he has discussed at previous Commission meetings. He asked that consideration be given regarding furlough days for supervisors of corrections officers. Currently, there are mandatory furloughs for supervisors and not for corrections officers which again presents a pay inequity.

7. COMMISSION APPEALS

In a closed session meeting on May 20, 2009, the Commission considered 11 ERB recommendations. Copies of the review sheets indicating the Commission's actions on these decisions are on file with the Civil Service Commission.

ADJOURNMENT

There being no further items for Commission approval or public comments to be heard, Chair McMillan adjourned the meeting at 10:27 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.

I, Jeremy Stephens, State Personnel Director, hereby certify that the foregoing are the Minutes of the Civil Service Commission meeting of May 20, 2009.

State Personnel Director