

MICHIGAN CIVIL SERVICE COMMISSION
Public Meeting
May 20, 2015

Present: Thomas M. Wardrop, Chair
James Barrett, Commissioner
Janet McClelland, Commissioner
Robert W. Swanson, Commissioner
Janine M. Winters, State Personnel Director

1. CALL TO ORDER

The meeting of the Civil Service Commission (Commission) was opened by Chair Thomas M. Wardrop at 10:00 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 10, 2014 meeting. On motion duly made and supported, the minutes of the December 10, 2014 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 the State Personnel Director.

Department of Agriculture and Rural Development

On December 18, 2014, a request was received to establish an exempt unclassified position to serve as Director of Policy Development & Legislative Affairs. Concurrently, the vacant Legislative Liaison position was abolished. This request was approved, effective December 7, 2014.

Department of Attorney General

On December 23, 2014, a request was received to establish an exempt unclassified position to serve as Director of Public Relations. Concurrently, the vacant Chief Deputy Director position was abolished. This request was approved, effective November 9, 2014.

Department of Transportation

On January 2, 2015, a request was received to establish an exempt unclassified position to serve as Commission Advisor. Concurrently, the vacant Office of Business Development Director position was abolished. This request was approved, effective January 4, 2015.

Department of Licensing & Regulatory Affairs

On March 9, 2015, a request was received to establish an exempt unclassified position to serve as Director of the Office of New Americans. Concurrently, the vacant Deputy Director position was abolished. This request was approved, effective March 1, 2015.

On April 10, 2015, a request was received to establish an exempt unclassified position to serve as Director of the Michigan Agency for Energy. Concurrently, the vacant Chief of Staff position was abolished. This request was approved, effective March 29, 2015.

Department of Talent & Economic Development

On March 5, 2015, a request was received to establish five exempt unclassified positions. These positions are: Executive Director of MSHDA, Executive Director of Talent Investment Agency, Deputy Director of Finance & Operations, Deputy Director of Legislative Affairs, and Deputy Director of Communications. This request was approved, effective March 16, 2015.

Department of Technology, Management & Budget

On April 3, 2015, a request was received to establish an exempt unclassified position to serve as Assistant to the State Budget Director and Deputy Director for the State Budget Office. Concurrently, the vacant position of Director of the Children's Ombudsman was abolished. The request was approved, effective March 29, 2015.

On May 18, 2015, a request was received to establish an exempt unclassified position to serve as State's School Reform Officer. Concurrently, the vacant position of Procurement Contract Monitor was abolished. The request was approved, effective May 10, 2015.

Department of Health & Human Services

On April 17, 2015, a request was received to establish an exempt unclassified position to serve as Special Assistant to the Director. The request was approved, effective April 12, 2015.

Department of Civil Rights

On April 23, 2015, a request was received to establish an exempt unclassified position to serve as Public Affairs Graphic Designer. Concurrently, the vacant position of Outreach Liaison was abolished. The request was approved, effective April 12, 2015.

ERB Appointment

The Honorable William C. Whitbeck has been appointed to the Employment Relations Board to serve as a member for a term through May 1, 2017.

4. UNFINISHED BUSINESS

A. Impasse Panel Recommendation 2014-03

General Counsel John Gnodtke stated that Agenda Item 4.A., which was tabled at the Commission's last meeting, is the Impasse Panel recommendation over a secondary impasse between the Michigan State Employees Association (MSEA) and the Department of Environmental Quality (DEQ). The dispute involved clothing and cleaning allowances for a few DEQ employees. The parties disagreed over whether the subject was properly addressed in primary or secondary negotiations. A letter of understanding (LOU) has since been reached, which the Commission will review later today, implementing the allowance for the employees during the current primary agreement rather than waiting until the next one. Before the Commission now is IP 2014-03. While the LOU addresses the impasse issue, final action approving IP 2014-03 is required to adopt the rest of the secondary agreement not at impasse for the rest of the contract period.

On motion duly made and supported, Agenda Item 4.A., Impasse Panel Recommendation 2014-03, was unanimously approved.

5. NEW BUSINESS

A. Letter of Understanding – MSEA and OSE (Interim Approval Granted)

General Counsel John Gnodtke stated that Agenda Item 5.A. is the previously referenced LOU between the MSEA and Office of the State Employer (OSE) on cleaning and clothing allowances arising in response to the secondary impasse with the DEQ. Staff has reviewed the LOU and identified no prohibited subjects of bargaining implicated. Interim approval with the Chair's consent was previously granted.

On motion duly made and supported, Agenda Item 5.A. was unanimously approved.

B. Letter of Understanding – UAW and OSE (Interim Approval Granted)

General Counsel John Gnodtke stated that Agenda Item 5.B. is an LOU between the UAW and OSE on procedures to request transfers involving a reduction in force. Staff has reviewed the LOU and identified no prohibited subjects of bargaining implicated. Interim approval with the Chair's consent was previously granted.

On motion duly made and supported, Agenda Item 5.B. was unanimously approved.

C. Letter of Understanding – UAW and OSE (Interim Approval Granted)

General Counsel John Gnodtke stated that Agenda Item 5.C. is an LOU between the UAW and OSE on procedures for grievance responses. Staff has reviewed the LOU and identified no prohibited subjects of bargaining implicated. Interim approval with the Chair's consent was previously granted.

On motion duly made and supported, Agenda Item 5.C. was unanimously approved.

D. Letter of Understanding – UAW and OSE (Interim Approval Granted)

General Counsel John Gnodtke stated Item 5.D. is an LOU between the UAW and OSE on overtime procedures related to a particular program. Staff has reviewed the LOU and identified no prohibited subjects of bargaining implicated. Interim approval with the Chair's consent was previously granted.

On motion duly made and supported, Agenda Item 5.D. was unanimously approved.

E. Amendments to CSC Rules 1-4, 5-5, 5-6, and 5-9

General Counsel John Gnodtke stated that Item 5.E. is amendments to the Commission's Rules, which were previously circulated for comment in SPDOC 13-04. The amendments reflect executive-branch reorganizations and renamed departments. Attempts were also made to remove departmental references that could require future rule revisions. The Commission has been given a document listing a few additional changes to Rules 5-5 and 5-6 from the version previously circulated. In Rule 5-5.1, the term P-rate has been added to include the term most commonly used to describe the special prison premium. Also, references to eligibility in the Department of Community Health are updated to more

precisely reflect that the P-rate is available to employees at the Center for Forensic Psychiatry involved with forensic patients. Finally, a reference to “the Camp Shawano in Grayling” is corrected to reflect the accurate spelling of the facility. The Commission has before it now, the revised rule amendments circulated in SPDOC 15-04, as revised in the document provided today with the additional minor changes previously described.

On motion duly made and supported, Agenda Item 5.E. was unanimously approved.

F. Letter of Understanding – MSEA and OSE

General Counsel John Gnodtke stated that Agenda Item 5.F. is an LOU between the MSEA and OSE on overtime equalization. Staff has reviewed the LOU and identified no prohibited subjects of bargaining implicated.

On motion duly made and supported, Agenda Item 5.F. was unanimously approved.

G. Collective Bargaining Agreement (Interim Approval Granted)

General Counsel John Gnodtke stated Agenda Item 5.G. is the voluntary agreement reached by the Michigan State Police Troopers Association (MSPTA) and OSE. Staff has reviewed the agreement and identified no prohibited subjects of bargaining implicated. Interim approval with the Chair’s consent was previously granted to facilitate seeking a legislative waiver to allow pay increases outside the normal budget process.

On motion duly made and supported, Agenda Item 5.G. was unanimously approved.

H. Letter of Understanding – UAW and OSE

General Counsel John Gnodtke stated that Agenda Item 5.H. is an LOU between the UAW and OSE addressing the creation of the Department of Health and Human Services (DHHS). Staff has reviewed the LOU and identified no prohibited subjects of bargaining implicated.

On motion duly made and supported, Agenda Item 5.H. was unanimously approved.

6. PUBLIC COMMENT

Peter Clark, Labor Relations Specialist for the MSEA, stated that the Michigan Department of Transportation (MDOT) altered the Transportation Technician’s job specification to include, “Operates heavy-duty dump trucks with snowplows, underbody blades, salt spreaders, and liquid applications”. Mr. Clark indicated that this work is traditionally performed by Labor and Trades employees and that the technician specification does not include any information that would indicate that these employees operate heavy equipment. Mr. Clark also stated that he was concerned about training and licensure, medical examinations, vehicles to provide the CDL road test and employees being rendered unqualified from receiving a CDL.

Mr. Clark asked the Commission to review the decision rendered by MDOT to add the snow-removal requirement to the technician classification.

Ken Moore, President of the MSEA, agreed with Mr. Clark and added that MSEA has lost 30% of its membership over the last several years, and it is Mr. Moore’s belief that this change in

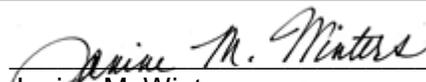
responsibilities of the technician classification is a continued effort to downsize the bargaining unit, and that this change is not in the best interest of the taxpayers of Michigan.

George Heath, SEIU 517M Technical Unit President, stated his concerns on the change in duties for the Transportation Technician. Mr. Heath believes that these changes will be an "adverse employment action" by changing the condition of employment and possibly rendering current employees unqualified for their own positions. Mr. Heath also stated that he believed these changes would create a "hostile work environment" by forcing employees to violate existing union contracts of other employees, creating supervision problems, raising call-back, on-call, and overtime balancing issues that have been negotiated. Mr. Heath asked the commissioners to reject these changes.

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 10:33 a.m.

I, Janine M. Winters, State Personnel Director, hereby certify that the foregoing are the Minutes of the Civil Service Commission meeting of May 20, 2015.



Janine M. Winters
State Personnel Director