

**State of Michigan
CIVIL SERVICE COMMISSION
Public Meeting
March 11, 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 Interim Chair, Sherry McMillan, at 10:12 a.m. in Conference Room A, Lower Level, Capitol Commons Center, 400 S. Pine Street, Lansing, Michigan.

Interim Chair McMillan introduced and welcomed Jeremy S. Stephens, the new State Personnel Director, who was appointed in January 2009. Also acknowledged for her leadership was Chief Deputy Director, Janet McClelland, who served as the Acting State Personnel Director during the interim period.

a. Election of Chair and Vice Chair

Commissioner Kelly Keenan moved to elect Interim Chair McMillan as Chair of the Civil Service Commission. The motion was seconded by Commissioner Thomas M. Wardrop and the motion passed.

Commissioner Andrew Abood moved to elect Commissioner Kelly Keenan as Vice Chair of the Civil Service Commission. The motion was seconded by Commissioner Thomas M. Wardrop and the motion passed.

b. Approval of Minutes

Chair Sherry McMillan requested a motion to approve the minutes of the December 10, 2008 meeting. On motion duly made and supported, the Commission approved the minutes of the December 10, 2008, meeting.

c. Retirement Resolutions

On motion duly made and supported, the Commission adopted the following retirement Resolutions:

Karen Hagan
Deanna Hopkins
Lynda Knight

d. Employer Support of the Guard and Reserve

Members from the Employer Support of the Guard and Reserve met briefly with the Commissioners thanking the Commission for their support. In a private ceremony, the Commissioners signed the Statement of Support for the Guard and Reserve recognizing the National Guard and Reserve who are essential to the strength of our nation and the well-being of our communities.

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 approvals were processed:

Department of Attorney General

A request dated January 9, 2009, for a Constituent Relations Analyst. Concurrently, the vacated Special Assistant to the Attorney General position was abolished. The request was approved effective January 11, 2009.

Department of Human Services

A request dated December 2, 2008, for a Director of Special Projects. Concurrently, the position of Federal Liaison was abolished. The request was approved effective November 30, 2008.

Regulations

Civil Service Commission Rules require that the State Personnel Director report to the Commission on the promulgation of regulations, which are issued to further implement Commission rules.

2.03, Leaves of Absence (Effective January 16, 2009)

Changes were made to reflect amendments to the Family Medical Leave Act (FMLA) and the Department of Labor's FMLA regulations since the last revision of this regulation in 2008. The principal change was to add new provisions clarifying the availability of FMLA military caregiver leave and qualifying exigency leave. The regulation was also amended to clarify that any time during which an employee uses any paid leave during a FMLA leave counts toward the employee's FMLA entitlement.

4. UNFINISHED BUSINESS

There was no unfinished business.

5. NEW BUSINESS

a. Civil Service Commission Budget FY 2010

Ms. Carol Vargovich, Director, Budget & Financial Services Division, addressed the Commission regarding the budget proposal for Fiscal Year 2010. Ms. Vargovich stated the budget that was presented is a continuation of the current year enacted budget with the exception of the reductions in human resources staff due to the upcoming facility closures impacting the Department of Corrections and Department of Community Health. Ms. Vargovich requested Commission approval of Resolution 09-01.

On motion duly made and supported, the Commission approved Resolution 09-01.

b. Amendment to Rule 3-8, Veteran's Preference

General Counsel D. Daniel McLellan addressed the Commission regarding the proposed amendments to Rule 3-8, Veteran's Preference. General Counsel McLellan stated that a number of requests have been received by the Commission to make the veterans' hiring preference available to persons who have retired from the uniformed services. In response, amendments to Rule 3-8 would include retired veterans for veterans' preference.

On a motion duly made and supported, the Commission approved Resolution 09-02.

c. Letter of Understanding (LOU) between OSE and the MCO

General Counsel McLellan addressed the Commission regarding the Letter of Understanding between OSE and the MCO on transfers to Forensic Security Aide positions with pay protection for the security unit.

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

d. Letter of Understanding (LOU) between OSE and the MSEA

General Counsel McLellan addressed the Commission regarding the Letter of Understanding between OSE and the MSEA regarding the operation of seniority in the labor and trades and safety and regulatory units.

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

6. PUBLIC COMMENT

7. COMMISSION APPEALS

In a closed session conference call on February 18, 2009, the Commission considered 8 recommended decisions of the Employment Relations Board. In a closed session meeting on March 11, 2009, the Commission considered 3 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 March 11, 2009.

State Personnel Director

**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

**State of Michigan
CIVIL SERVICE COMMISSION
Public Meeting
September 23, 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 10:05 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 May 20, 2009 meeting. On motion duly made and supported, the Commission approved the minutes of the May 20, 2009, meeting.

b. Retirement Resolutions

On a motion duly made and supported the following Retirement Resolutions were adopted:

Linda Tennyson
Jessie Worthey

2. AMENDMENTS TO AGENDA

A motion was made to amend the Agenda to table Items 5b and 5c. On motion duly made and supported, the amendment passed.

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 May 20, 2009, to serve as a Director of Constituent Relations. Concurrently, the vacated Special Assistant to the Attorney General position was abolished. The request was approved effective May 4, 2009.

A request dated August 13, 2009, to serve as a Director of External Affairs and a Director of Public Affairs. Concurrently, the positions of Constituent Relations Analyst and Chief Administrative Officer positions were abolished.

A request dated September 14, 2009, to serve as Constituent Relations Analyst.

Regulations

Civil Service Commission Rules require that the State Personnel Director report to the Commission on the promulgation of regulations, which are issued to further implement Commission rules.

Regulation 5.04, Special Pay Premiums, and Regulation 8.01, Grievance and Grievance Appeal Procedures (effective October 7, 2007)

These regulations were updated to reflect current rule language based on the rule amendments approved at the May 20, 2009 Civil Service Commission meeting. No other changes have been made, therefore, the effective date for both regulations remains October 7, 2007.

Regulation 5.09, Annual, Personal, and School and Community Participation Leave (effective May 31, 2009)

This regulation reflects deletion of the 720 hours waiting period and permits newly-hired employees to use annual leave as it accrues. Standard A(6) reflects deletion of the 720 hours of creditable service for payoff purposes of unused annual leave and the former A(7) has been deleted as it is no longer necessary.

Alfred P. Sloan Award for Business Excellence in Workplace Flexibility

On behalf of the Civil Service Commission, Director Jeremy Stephens accepted the the Alfred P. Sloan Awards for Business Excellence in Workplace Flexibility which recognizes exemplary employers across the U.S. for their innovative workplace effectiveness and flexibility initiatives. The Sloan Awards honor organizations and work sites that are using workforce flexibility as a strategy to increase workplace effectiveness and yield positive business results, and to help employees succeed at work and at home.

Civil Service Commission Fundraiser

Director Stephens reported on the recent generosity of the Civil Service Commission employees, who during difficult economic times, held several fund raising events to support the Food Bank Council of Michigan. The original goal of \$5,000 was tripled

and a total of \$15,351.35 was raised. Jane Marshall, Executive Director of the Food Bank Council of Michigan, appeared before the Commission to accept the donation and thanked the Civil Service Commission for their generosity. Chair Sherry McMillan also spoke thanking employees that participated for their generosity at a time when economic times are difficult.

4. UNFINISHED BUSINESS

There was no unfinished business.

5. NEW BUSINESS

a. FY '09-10 Schedule of Travel Rates

Ms. Joyce Van Coevering, with the Department of Management and Budget (DMB) addressed the Commission regarding travel expense reimbursement rates for FY '09-10. Ms. Van Coevering requested that the standard mileage rate decrease from \$0.399 to \$.0362, effective October 1, 2009. There are no other changes to the travel rates. A copy of the letter from Director Webb Sharpe is, by reference, a part of the record of this meeting.

b. Revisions to Civil Service Commission Bylaws

This item was tabled.

c. Rule Amendments – Rule 1-1.4, Interim Rule Action by Director and Chair, Rule 6-14, Administration

This item was tabled.

d-i. Letter of Understanding between OSE and the listed unions on paid annual leave

Michigan Public Employees, SEIU Local 517M
UAW International Union
Michigan State Employees Association
Michigan Public Employees, SEIU Local 517M
Michigan Corrections Organization
Michigan Council 25 AFSCME AFL-CIO

General Counsel D. Daniel McLellan addressed the Commission regarding the Letters of Understanding to delete the 720-hour annual leave waiting period for newly-hired employees, thereby permitting new employees to use annual leave as it accrues.

On a motion duly made and supported, the LOU between OSE and the above listed unions was approved.

j. Letter of Understanding between OSE and the MCO renewing pay protection

General Counsel D. Daniel McLellan addressed the Commission regarding the Letters of Understanding to extend the effective date to December 31, 2009 for the LOU's previously approved regarding the transfer of MCO members to vacant Forensic Security Assistant positions at the Center for Forensic Psychiatry.

On a motion duly made and supported, the LOU's between OSE and MCO was approved.

6. PUBLIC COMMENT

7. COMMISSION APPEALS

In a closed session conference call on August 19, 2009, the Commission considered 7 recommended decisions of the Employment Relations Board (ERB). In a closed session meeting on September 23, 2009, the Commission considered 13 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 10:18 a.m.

NOTE

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I, Jeremy Stephens, State Personnel Director, hereby certify that the foregoing are the Minutes of the Civil Service Commission meeting of September 23, 2009.

State Personnel Director