



STATE OF MICHIGAN
CIVIL SERVICE COMMISSION

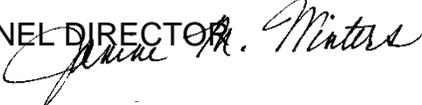
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STATE PERSONNEL DIRECTOR OFFICIAL COMMUNICATION

SPDOC No. 15-18

TO: ALL APPOINTING AUTHORITIES, HUMAN RESOURCES OFFICERS,
AND RECOGNIZED EMPLOYEE ORGANIZATIONS

FROM: JANINE M. WINTERS, STATE PERSONNEL DIRECTOR 

DATE: DECEMBER 2, 2015

SUBJECT: **PROPOSED AMENDMENTS TO RULE 6-3, COMMISSION AUTHORITY**

Since collective bargaining was first introduced to the state civil service in August 1979, the commission has always reserved the issue of classification as a prohibited subject of bargaining to allow the consistent and equitable operation of the classification plan that it is constitutionally charged with administering.

In 2000, an arbitrator's decision under a collective bargaining agreement prohibited assignment of bridge-inspection duties to members of another bargaining unit. The arbitrator relied on an integrity-of-the-bargaining-unit clause in the agreement to limit the work to one classification, despite the duties being specifically listed in another classification's job specification. The state personnel director held in [SPD 2000-03](#) that letting arbitrators create a patchwork of classification criteria applicable to particular bargaining units would unconstitutionally undermine one of the commission's core constitutional duties and vacated the decision (affirmed by CSC 2001-028 and Ingham County Circuit Court No. 01-93963-AA).

Over the last two years, several union grievances have tried to similarly claim ownership of tasks. See [SPD 2015-22](#) (supervising prisoner work); [SPD 2015-04](#) (replacing light bulbs and plugging in phones); [SPD 2014-11](#) (opening gates, screening visitors, conducting fire drills, and holding keys); [SPD 2014-10](#) (law enforcement); [SPD 2014-02](#) (snow plowing and general maintenance tasks); [SPD 2014-01](#) (investigations and pulling permits).

Given the apparent ongoing confusion, staff proposes the following amendments to CSC Rule 6-3.2(b)(1) to clarify that a collective bargaining agreement cannot award ownership of the performance of duties to one classification or bargaining unit:

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(b) Prohibited subjects of bargaining. The civil service authority, policy, rules, regulations, procedures, and practices governing or regulating any of the following are prohibited subjects of bargaining:

(1) Classification. The establishment and maintenance of the classification plan and the determination of the classification and grade assignment of a new or existing position in the classified service. A collective bargaining agreement cannot confer exclusive authority to perform specific duties to a classification or bargaining unit. Although the rates of compensation for an existing class of positions ~~is~~are a mandatory subject of bargaining, the state personnel director retains the sole authority to establish the initial rate of compensation for a newly-created class of positions when the new classification is included in the official classification plan.

The Commission will consider the proposed amendments at its next meeting at 10:00 a.m., Wednesday, December 16, 2015, at the Capitol Commons Center, 400 South Pine Street, Lansing. Comments on the proposed amendments may be addressed to Matthew Fedorchuk, Deputy Director, P.O. Box 30002, Lansing, Michigan, 48909, or fedorchukm@mi.gov. Comments should be received by December 16, 2015.