



STATE OF MICHIGAN
CIVIL SERVICE COMMISSION

STATE PERSONNEL DIRECTOR OFFICIAL COMMUNICATION

SPDOC No. 18-06

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

FROM: JANINE M. WINTERS, STATE PERSONNEL DIRECTOR

DATE: AUGUST 22, 2018

SUBJECT: **PROPOSED AMENDMENTS TO RULES 5-6.12 AND 6-7 AND
REGULATIONS 5.07, 5.08, AND 5.09 AND NEW REGULATION 6.09**

A handwritten signature in cursive script that reads "Janine M. Winters".

THIS DOCUMENT IS AVAILABLE UPON REQUEST IN ALTERNATIVE FORMATS. FOR FURTHER
INFORMATION CALL (517) 284-0115.

Last September, the commission amended several rules, effective January 1, 2019. Initial drafts of regulations to implement the rule reforms were provided to unions and the state employer for feedback last December and March before formal circulation for public comment in May. While revisions to most circulated regulations were adopted in SPDOC 18-03, effective January 1, 2019, Regulations 6.03, 6.09, and 8.01 have been left open for further consideration. Additional clarifications on technical matters related to the HRMN system are now available, which allows more detailed proposals on payroll deduction and reimbursement matters in Regulation 6.09.

Current coding of union activity can vary from contract to contract and agency to agency. The proposed regulations would establish a single standardized set of expectations that will minimize manual transactions and allow for auditing of the amount of union leaves. For paid union leaves authorized under rule 6-3.9 for a single union official or for specified union activities, employees would use a paid union leave code. For unpaid union leaves, employees could use annual leave or unpaid union leave time, but could not seek subsequent reimbursement if these options were chosen. Instead, the regulation would establish a system for unions to regularly reimburse the state to allow employees to be absent for union activities on what otherwise would be unpaid union leaves. Unions would provide a list of authorized employees to the employer. The employees would then use a payroll code reserved for these situations. When payroll is run every two weeks, unions will be provided an itemized listing of employees in their bargaining unit who have charged hours for the reimbursed union leave. Unions will then have to pay the balance within two weeks. An appeal process will be available if a union contests the hours charged. While there will be a learning curve as employees, unions, and the employer adjust to the new buy-back process, the proposed language will comply with the new rule requirements in a more streamlined manner without requiring manual intervention for every transaction.

A limit on cross-agency availability of administrative leave for union representatives for a discipline conference and one grievance step across agencies has been struck. If a collective bargaining agreement allows leave across agencies for such union representation, the revised draft regulation would allow paid administrative leave for a disciplinary conference and for a single grievance step. Also, if a union contract allows for union representation at more than one agency-level grievance step, attendance at only one agency-level grievance conference would qualify for paid administrative leave.

Feedback during the comment period from SPDOC 18-02 leads staff to recommend that the commission adopt minor amendments to two rules. The first is extending the critical-position premium pilot for NEREs through the end of the fiscal year instead of the calendar year by replacing “December 31, 2018” with “September 30, 2019” in rule 5-6.12(c). This would allow two full years to assess the efficacy of the pilot program. The second is replacing “filed a current voluntary written authorization” with “made a voluntary authorization” in rule 6-7. Discussions last year on modernizing the authorization for dues and service fees focused on migrating from paper forms and manual processing to use of the online MI HR Self-Service Gateway and MI HR Service Center. The proposed change would eliminate concerns over whether an electronic signature or recorded consent would constitute appropriate authorization.

Staff has also identified conforming amendments to regulation 5.07 to reflect the new prohibited subject of performance pay by removing limitations on language in the regulation to NEREs. The changes would not institute performance pay for any current exclusively represented positions or classes. Obsolete references to forms and plans are also eliminated.

Comments received from SPDOC 18-02 also sought new language in other regulations to memorialize contractual protections in the regulations or provide transitional relief. Regulation 5.08 is being circulated with substantive amendments to memorialize the ability of employees on alternate work schedules to “top off” longer work days that fall on a holiday by using annual leave to remain in full pay status for regularly scheduled work hours on the day beyond eight hours. Proposed amendments to Regulation 5.09 would provide protections for vacations to be taken in 2019 that were scheduled under valid contractual scheduling mechanisms in 2018. Obsolete references related to early-out retirement programs are also struck.

As with other recent reviews of regulations, additional non-substantive stylistic changes are also proposed to make the three regulations more concise.

Comments on the proposed amendments may be emailed to MCSC-OGC@mi.gov or sent to Office of the General Counsel, Michigan Civil Service Commission, P.O. Box 30002, Lansing, Michigan, 48909. Comments must be received by September 19, 2018.

Attachments