

EMPLOYEE PARTICIPATION IN THE
MICHIGAN STATE CIVIL SERVICE

Thesis for the Degree of M. A.
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Ruth Rasmussen

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EMPLOYEE PARTICIPATION IN THE
MICHIGAN STATE CIVIL SERVICE

by
Ruth Rasmussen

A THESIS

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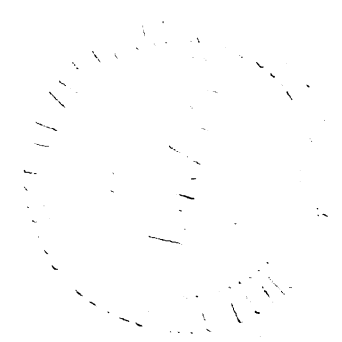


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I

INTRODUCTION

General Problem of Public Employee Participation

During the past quarter century, the public employee has been the "forgotten man" in the field of labor relations.¹ The problem of participation for this group of workers has been one of long standing.

At the federal level, government employees were first denied group action in 1902 by Theodore Roosevelt who forbade all workers, individually or otherwise, "to solicit an increase in pay or to influence or attempt to influence in their own interest any other legislation whatever, either through Congress or its committees . . ."² In 1909, President Taft forbade any employee to answer a request for information from members of Congress except through their department head.³

The Lloyd-LaFollette Act⁴ of 1912 removed these restrictions and gave the postal employees the right to organize.

¹Edwin A. Lassman, "Notes," Cornell Law Quarterly, Vol. 37, No. 4, Summer 1952, pp. 756-762.

²Executive Order, January 31, 1902. Quoted from W. E. Mosher and J. D. Kingsley, Public Personnel Administration, New York, Harper and Brothers, 1941, p. 577.

³Executive Order, November 26, 1909. Ibid.

⁴37 Stat. 555.

By implication and interpretation, this right was extended to other federal employees. The main limitation in this Act was that such employees could not be "affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States . . ."⁵

This legislative intent, of permissive organization but outlawing strikes, is reflected in the attitude of executive officials as evidenced by Governor Dewey's statement that:⁶

1. Public service is a public trust not only for elected officials but for all the people. A trustee cannot strike or falter in his performance of his duties.
2. A public employee has as his employer all the people. The people cannot tolerate an attack upon themselves.
3. The public employee has no employer who may profit from depressed conditions of employment.
4. The conditions of public employment, the rules governing it, and the revenues available to pay for it are all matters of public record.
5. Public employees have the right to improve their conditions through arguments before all the people, before legislative bodies, to administrative officials and, of course, by their own ballots on election day. . . .

Government is not an end in itself. It exists to serve the people . . . Every liberty enjoyed in this nation exists because it is

⁵Section 6.

⁶New York Times, March 28, 1947.

protected by government which functions uninterruptedly. The paralysis of any portion of government could quickly lead to paralysis of all society. . . .

The above is an extension of the philosophy of President Franklin D. Roosevelt as found in a letter written in 1937 where he stated:⁷

The desire of Government employes for fair and adequate pay, reasonable hours of work, safe and suitable working conditions, development of opportunities for advancement, facilities for fair and impartial consideration and review of grievances, and other objectives of a proper employe relations policy, is basically no different from that of employes in private industry. Organization on their part to present their views on such matters is both natural and logical, but meticulous attention should be paid to the special relationships and obligations of public servants to the public itself and to the Government.

All Government employes should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service. It has its distinct and insurmountable limitations when applied to public personnel management. The very nature and purposes of Government make it impossible for administrative officials to represent fully or to bind the employer in mutual discussions with government employe organizations. The employer is the whole people, who speaks by means of laws enacted by their representatives in Congress. Accordingly, administrative officials and employes alike are governed and guided, and in many instances restricted, by laws which establish policies, procedures, or rules in personnel matters.

The Courts have generally recognized the rights of public employees to form organizations for their mutual benefit

⁷Letter of August 16, 1937 from President Franklin D. Roosevelt to Luther C. Steward, President of National Federation of Federal Employees. Quoted from Charles S. Rhyne, Labor Unions and Municipal Employe Law, Washington, D. C.: National Institute of Municipal Law Officers, 1946, pp. 436-437.

and to affiliate with labor unions, in the absence of prohibitive statutes.⁸ Mutual benefit evidently encompasses those working conditions which do not pertain to compensation. Very few administrators are in a position to determine (and hence bargain) wage rates, as compensation is usually a legislative function.

In addition to the denial of collective bargaining, public employees are denied the most effective weapon to obtain their demands - the right to collectively refuse to render service. Some states have legislation which explicitly excludes public employees from the protection of the law which permits strikes and collective bargaining;⁹ others have reached the same decision by judicial action;¹⁰ and in several states the legislature has simply adopted laws which prohibit public employees from striking.¹¹

Such legislation has been held constitutional. Michigan's law,¹² commonly known as the Hutchinson Act, was upheld in a

⁸Rhyne, ibid, pp. 21 ff.

⁹Florida (1947); Massachusetts (1950); Minnesota (1946); New York (1948); Pennsylvania (1941); Rhode Island (1941); and Wisconsin (1939).

¹⁰State v. Brotherhood of Railroad Trainmen, 232 P. 2d 857 (Cal. 1951); City of Springfield v. Clouse, 356 Mo. 1239, 206 S.W. 2d 539 (1947); Hagerman v. City of Dayton, 172 Ohio St. 313, 71 N.E. 2d 1246 (1947).

¹¹Michigan (1948); New York Civil Service Law, Section 22a. See: Commerce Clearing House, Labor Law Review, (4th ed. 1948) for a summary of the laws of each state.

¹²Act 336, Mich. P.A. 1947.

recent decision in which the Court said that a strike by public employees is against public policy, is unlawful, illegal and may be restrained and enjoined.¹³ Section 2 of this Act states that "no person holding a position by appointment or employment in the government of the State of Michigan, or in the government of any one or more of the political subdivisions thereof, or in the public school service, or in any public or special district, or in the service of any authority, commission, or board, or in any other branch of the public service, hereinafter called a 'public employee,' shall strike." Section 5 provides for reemployment in case of a violation of this Act but stipulates the conditions, among which is the surrender of seniority.

Some jurisdictions permit the signing of collective bargaining agreements. Ohio enacted legislation which enabled operating boards of public utilities, which had formerly been privately owned, to continue existing labor contracts with the union and negotiate for renewal.¹⁴ The State of Washington passed similar legislation which permits first class cities to negotiate collective bargaining contracts.¹⁵

¹³City of Detroit v. Division 26 of Amalgated Association of Street Electric Railway and Motor Coach Employees, 51 N.W. 2d 228 (Mich. 1952).

¹⁴Ohio Laws 1945, Sec. 258.

¹⁵Washington Laws 1935, Chapter 37, Section 1.

The Attorney General of Utah has opined that the governmental divisions of that state (state, cities, and municipalities) have inherent power to bargain with employees provided they do not "barter or assign away governmental powers."¹⁶

At the federal level, collective bargaining agreements are not uncommon. The Tennessee Valley Authority and the Alaska Railroad sign agreements with their employees; and the War and Navy Departments, the Federal Works Administration, the National Housing Administration, Reconstruction Finance Corporation, and the Maritime Commission all have agreements signed with the building-trades unions of the American Federation of Labor.¹⁷

Despite this shift in attitude during the past fifty years, organizing public workers has lagged behind that of private employees. This undoubtedly is due in part to the unavailability of the economic instrument (collective bargaining) and the economic weapon (strike). Also found in private industry is the practice of a union shop. Under merit systems, it is felt that this demand cannot be granted in public employment. Merit systems require that an employee be selected on basis of a competitive examination to determine

¹⁶Isadore Vogel, "What About the Rights of the Public Employee," Labor Law Journal, Vol. 1, No. 1, May 1950, p. 609.

¹⁷Ibid, p. 608.

his fitness for the position, and that he serve a probationary period of (generally) six months before he is given tenure. Public administrators have not seen union membership necessarily as a desirable qualification and, consequently, contend that to say he must join a union after his probationary period is incompatible with the principle of retaining the best qualified personnel.

Since employee participation is beneficial in the non-economic phases of personnel management, other reasons besides the denial of collective bargaining and union shop must exist for the lag. Further change in attitude must be evidenced before governments can derive the same assistance from their employees as private management now does from its employees. With 14 percent of the non-agricultural population employed in government work,¹⁸ the "forgotten man" is strong enough to make a real contribution to the field of human and labor relations.

All forty-eight states have a merit system of some form. Twenty-eight of these systems cover only selected employees, those employed in agencies which receive grants-in-aid from the Federal Government. The other twenty states have general

¹⁸Survey of Current Business, Vol. 33, No. 2, February 1953. In November 1952, the non-agricultural labor force totaled 47,630,000; of this number, 6,712,000 were government workers.

merit systems which cover approximately 90 percent of state employees.¹⁹

The authorization for a merit system in forty-one states is found in legislative acts. California, Colorado, Georgia, Missouri, New York, and Ohio have constitutional provisions which sanction the merit principle but make it necessary for legislation to effect it.²⁰ Michigan is unique among public jurisdictions in that it possesses a self-executing constitutional provision for civil service.

Specific Problem In Michigan

Since legislation has been enacted which provides for recognition of employee representation, it is assumed that public sentiment favors the employee having a voice in his working conditions. This paper will examine the feasibility of employee participation in matters which govern his conditions of employment in Michigan state government.

It is fairly well established that his wages are not a bargainable issue. Yet, there are many rules governing him which he would more readily accept if he, or his representative, could serve in a consultative or advisory capacity in the formation of such rules. Furthermore, there is reason to suspect that public employees are envious of the grievance

¹⁹Council of State Governments, The Book of the States, 1952-53, Chicago, 1952, p. 179.

²⁰Ibid.

procedures which are available in private industry. Joint participation in this area would remove some of the sting of unilateral administration (determined entirely by legislators and/or administrators) which is inherent in public employment.

To determine the possibility of such employee participation, it will be necessary first to establish what body governs the general conditions of employment in Michigan. Authority for the Michigan Civil Service Commission is found in the Constitution of the State of Michigan.²¹ To understand why constitutional law was required to establish a merit system, a brief examination of the earlier history of civil service in Michigan will be made.

Decisions of the Michigan Supreme Court and opinions of the attorneys general will be reviewed to aid in interpreting the Civil Service Amendment and the rules adopted by the Commission.

The organizational structure - both in relation to the over-all state government, and internally - will demonstrate whether the Michigan Civil Service Commission is capable of recognizing employee representation. Areas in which employees might participate will be explored.

Since attitude is as important as structure in effective recognition of employees, the attitudes of employees

²¹Constitution of the State of Michigan, 1908, Art. VI, Sec. 22. Ratified November 5, 1940. (Hereinafter cited as Art. VI.)

and organized groups - as well as the policy of the Commission - will be examined. Such an examination should determine if there is a desire for machinery to solve problems and, thereby, help promote good morale in the civil service.

II

CREATION OF CIVIL SERVICE

Background For The Amendment

The objective of a merit system is to recruit and retain public employees on the basis of fitness and ability to perform tasks. This necessarily eliminates the patronage method of selecting employees - appointment based on the criterion of knowing somebody rather than knowing something. Despite the obvious economies effected when employees are not discharged with a change in administration, the element of patronage - which has been deeply embedded in American government - is not eliminated without a struggle.

Michigan has not escaped this struggle. The history of civil service in this State shows that two legislative acts were passed prior to the adoption of a constitutional amendment establishing a merit system. A review of the struggle points out why this executive function of government is found in constitutional law rather than statutory enactment.

The civil service movement in Michigan began with the appointment of the Civil Service Study Commission in October, 1935. Governor Frank D. Fitzgerald created this nonpartisan commission to study the subject of state civil service and to draft a law to be submitted to the next legislature. The commission was headed by Dr. James K. Pollock, Chairman of

the Department of Political Science at the University of Michigan.

In July, 1936, the Study Commission made its report. It had found that most employees came into state service through a central patronage office located in Lansing on the basis of a letter of recommendation from their county political committees. The study showed that the practice was to raise salaries two pay periods prior to election and lower them to the old rate two pay periods after election. The inference here was that the difference between regular salaries and the temporary raise represented the employees' contribution to that particular campaign.

Evidence was presented to show that payroll-padding existed. For example, a preacher on the payroll of the Department of Agriculture for a period of two months prior to an election and two months following the election was, upon investigation, supposed to be carrying on some type of canning experiment in the basement of his home. Yet it was proven that instead of canning he was touring the state on behalf of the candidate who had him placed on the payroll.

It was found to be a common practice to employ four or five hundred additional people just prior to an election, with such employment terminating December 31. Such activities as these naturally prove costly and are beneficial to the politicians only.

The employees were given no consideration. There was no equal pay for equal work; in one instance two stenographers were doing identical work and had the same seniority, yet one was receiving an annual salary of \$900 and the other a salary of \$2400. Granting pay for sick leave was an arbitrary procedure; there was no schedule established whereby an employee had any assurance that he would receive such pay. And, of course, in case of a change in administration, the employee was automatically dismissed.²²

1937 Civil Service Act. As a result of the recommendations of the Study Commission, the state legislature in 1937 adopted the first civil service measure.²³ This statute created a four-man civil service commission and provided for the classification, according to duties and responsibilities, of approximately sixteen thousand of the then existing eighteen thousand state positions, or 88 percent of the personnel.²⁴ The law did not become effective until January 1, 1938.

²²The Study Commission report to the Governor was destroyed in the State Office Building fire in 1951. The above information was secured from various speeches given by Thomas J. Wilson, State Personnel Director from 1941 to 1948. The speeches from which most material was drawn were: What Civil Service Has Done for Michigan, presented at Hamtramck Rotary Club, September 9, 1943; and an untitled talk given to the State Employees' Civic Groups, Columbus, Ohio, on March 28, 1947.

²³Act 346, Mich. P. A. 1937.

²⁴Michigan State Civil Service Commission (hereinafter cited as MSCSC), Five Years of Civil Service Under Constitutional Amendment, 1946.

During the first year of operation the Civil Service Commission expended \$203,756.²⁵ This expenditure is significant when viewed in the light of the later Act passed in 1939.

During this one year of operation the Civil Service Commission classified positions and standardized salaries accordingly. This was satisfactory in every sense except a political one. The Study Commission was created by a Republican governor; the report of this Commission was accepted and with some modifications submitted to the legislature by a Democratic governor, Frank G. Murphy. The state legislature enacted the law to become effective in 1938 which was during a Democratic administration. Consequently, the employees at the time of effectiveness were predominantly Democrats. The act more or less blanketed them in office by providing preferential treatment for those employed. With this situation it was only natural for the next administration - headed by Luren D. Dickinson, a Republican - to revise the law.

1939 Civil Service Act. The first session of the new legislature saw the passage of what has been commonly called the "Ripper Act."²⁶ One of the provisions of this Act was

²⁵James K. Pollock, "Michigan's First Year of Civil Service," National Municipal Review, Vol. 28, No. 1, January 1939, p. 35.

²⁶Act 97, Mich. P.A. 1939.

to reduce the appropriation to the Civil Service Commission to \$63,000 - 31 percent of what it had previously received. This reduced the Civil Service Department's staff from one hundred to thirty-nine employees. The Act removed approximately half the jobs from jurisdiction of the Commission. In March, 1940, classified service constituted 51 percent of total service, as compared with 91 percent in January, 1939.²⁷

The effect this Act had on labor turnover is seen in exit interviews. In 1939, 1,232 persons resigned from classified service; 46 percent of these directly attributed their reason for leaving to the unsettled conditions of state employment.²⁸ Since classified service should have protected these employees from unfair treatment, this suggests that jobs could be shifted from classified to unclassified status with a minimum of effort.

The main opposition to civil service was found in the legislature. The basic argument was that civil service had been operated arbitrarily and that the Commission had extended its jurisdiction beyond the intent of the legislature. The original director, William Brownrigg, was a public administrator rather than a politician, and was considered by those in state service at the time as a strict, firm,

²⁷Edward H. Litchfield, "Another Chapter in Michigan Civil Service Reform," American Political Science Review, Vol. 35, No. 1, February 1941, p. 77.

²⁸Ibid.

fair administrator.²⁹ This same strictness was construed by the legislature as usurpation of authority and this body acted accordingly. The legislature "ripped" the functions of civil service by eliminating many from its scope and by cutting its appropriation to a ridiculous figure.

It is necessary to keep this background in mind in order to understand why the present authority for civil service is found in constitutional law and why specific provisions are made to make the amendment self-executing.

1940 Constitutional Amendment

Public reaction to the "Ripper Act" resulted in the adoption of an amendment to the State Constitution which created the civil service system under which Michigan now operates (Appendix I).³⁰ Pressure for an improved merit system came principally through a Merit System Association composed of interested citizens and organizations, such as the League of Women Voters and Junior Chambers of Commerce. Also instrumental in initiating this amendment were Dr. James K. Pollock, who was Chairman of the original study commission and Dr. Edward H. Litchfield now at Cornell University.³¹

²⁹LaRoy A. Froh, Chief of Research, MSCSC, oral communication, July 18, 1952. Mr. Froh has been with the Civil Service Commission since it was first established in 1937 and has been extremely helpful in supplying historical data for this paper.

³⁰Art. VI, op. cit.

³¹See note 29, supra.

In order to meet a situation which they found to be highly unsatisfactory, the advocates of civil service drafted an amendment which is self-executing. It limited legislative interference by requiring the appropriation of "a sum of not less than one percent of the aggregate annual payroll of the state service for the preceding fiscal year as certified to by the Commission."³² Since the Supreme Court is not able to mandamus the legislative body when it refuses to carry out its constitutional duty (City of Jackson v. Commissioner of Revenue, 316 Mich. 694), further leverage to make the appropriation mandatory is found in paragraph six, which provides that "after August 1, 1941, no payment for personal service shall be made or authorized until provisions of this amendment have been complied with in every respect." Thus, when the legislature fails to appropriate the minimum required, payrolls can be held up.

Because of the earlier history of exempting a large percentage from civil service, the amendment describes classified service and specifies the exempt positions.³³ This brought under the merit system 90 percent of the state's then 18,739 employees. The exemptions appear to consist of persons having policy-determining functions or those employed

³²Art. VI, op. cit., paragraph 5.

³³Ibid, paragraph 1.

in higher educational activities which are operated under separate constitutional jurisdictions.³⁴

The amendment established a civil service department headed by a four-man commission and provided for a personnel director selected by competitive examination. The powers of the Commission are defined as follows:³⁵

- 1) To classify all positions in the state civil service;
- 2) To fix rates of compensation for all classes of positions;
- 3) To approve or disapprove disbursements for all personal services;
- 4) To determine by competitive performance the qualifications of all candidates for positions in the state civil service;
- 5) To make rules and regulations covering all personnel transactions;
- 6) To regulate all conditions of employment in the state civil service.

The amendment further provides that no one shall be appointed to state service except through the Commission (except those exempted), nor shall anyone be removed or demoted for partisan, racial, or religious reasons.³⁶

This amendment was ratified at the general election on November 5, 1940, to become effective January 1, 1941.

³⁴Constitution, Art. XI, Sec. 5, provides that the Regents shall control the University of Michigan; Sec. 8 delegates supervision of Michigan State College to the Board of Agriculture; and Sec. 6 delegates supervision of normal schools to the Board of Education.

³⁵Art. VI, op. cit., paragraph 3.

³⁶Ibid.

Tabulation of the vote showed that 766,764 of the voters were in favor of civil service, and 709,894 opposed it.³⁷

Rules. The Civil Service Commission adopted rules to implement the basic provisions of the amendment. Appendix II³⁸ constitutes the rules which now govern conditions of employment. These rules can be considered essentially as the policy followed by the Commission in selecting and maintaining an adequate force to carry on the functions of state government.

The Commission states that "it is the purpose of these rules to establish a practical and workable interpretation of the amendment; to improve the state civil service; to eliminate political and partisan considerations from the employment, regulation and selection of those engaged therein, and to assure them security and opportunity for promotion and freedom from coercion."³⁹

³⁷Michigan Manual, 1941, p. 342. This is not a decisive majority, but is more significant when compared with traditional voter approval. From 1910 to 1939, the voters in Michigan rejected 51 of the 84 proposals submitted to them. (The Initiative and Referendum in Michigan, by James K. Pollock, Bureau of Government, University of Michigan, 1940.) It is interesting to note, however, that 2,030,069 votes were cast for governor in the 1940 election. This indicates that 553,411 voters failed to register either approval or disapproval. The conclusion could be drawn that we have civil service in Michigan as a result of the wishes of 766,764 voters, or 37.7% of those voting at the election.

³⁸MSCSC, Rules, 1951.

³⁹Ibid, "Foreword," p. iii.

Many of the forty-three rules treat administrative matters, and deal with the mechanics of a system established to select people for employment on a competitive basis.

The rules of interest here are those which deal with general working conditions. Rule 10 establishes a minimum work week of forty hours and a maximum week of forty-eight hours. Rule 11 sets a day a month as the amount allotted for annual leave (vacation period); and Rule 12 provides a like amount of time for sick leave without deduction from salaries. Maximum accumulation for vacation purposes is 24 days and for sick leave one hundred days.

Rule 16, "Absence Without Leave," states that "any employee in the state civil service who absents himself from duty for two consecutive days without specific permission from the appointing authority or the director may be dismissed." This rule can be interpreted to apply to any employee or group of employees who participate in a strike.

But to give the intent full expression, Section A was also incorporated in the rule: "Any employee in the state civil service who absents himself from duty by participating in a strike against the state of Michigan or any agency thereof, shall be dismissed by the appointing authority. If the appointing authority fails to take such action within fifteen (15) days after the first day of said absence, the employee shall be dismissed by the director with the approval of the civil service commission." This provision obviously gives

the Civil Service Commission the right to dismiss any employee who participates in such action regardless of the attitude of the department head under whom he is working.

Rule 18 states that no person shall be paid until his position has been established by the Commission; and, further, gives the Commission the power to abolish jobs after periodic studies. This has the effect of placing the Commission in the position of determining at all times the number of positions in state service.

Rule 19 establishes the wage and salary scale applicable to state employees. This rule directs the director to make periodic surveys "of living costs, of compensation rates in private employment and in other governmental jurisdictions, and communicate the results of his findings to the commission," (Section A-1). Also found in this rule (Section F) is the provision that overtime services shall be paid at the regular rate of pay. The Commission has directed that the maximum work week shall be forty hours, except for a very few classes where longer hours are regularly required by the nature of the work.⁴⁰ An example of this would be a cabin steward on the ferries at Mackinac.

Appendix III⁴¹ is a schedule of compensation which has been in effect at various times during the past fifteen years.

⁴⁰MSCSC, Compensation in the Michigan State Civil Service, Article 6, in a series of articles on the Michigan State Civil Service Commission, mimeographed, April 1950.

⁴¹Civil Service Commission, Comparative Salary Ranges, 1938-1952, mimeograph, 1952.

Section G of Rule 19 provides that increases from the minimum to the maximum level will be granted on a six-step basis: an increase each six months the first two years, and an annual increase for the next two years.

Rules 20 through 30 deal with the mechanics of appointment to a position. Rule 24 permits seniority preference in promotions; Rule 30 establishes a system of service ratings to record the quality and quantity of work rendered by employees, and provides for appeal of these ratings to the Civil Service Commission if the employee is dissatisfied.

Rules 31 through 35 define the procedure for promotions, demotions, transfers, resignations, and layoffs (on seniority basis, with equal cases decided by service ratings).

Rule 38 provides for discharging an employee; Rule 39 permits suspensions for cause; and Rule 40 sets up machinery for appeals from administrative decisions. This provides that an employee may appeal any decision made by his superior: first to a hearing board of three or more persons appointed by the Commission; and from this Board to the Commission itself. The Amendment provides for appeal to the courts in paragraph six: "Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state." The grievance procedure will be treated more fully in a later section.

The rule-making power of the Commission was delegated to it by the constitutional amendment which established civil service. Such rules have the force and the effect of law until challenged before the Court.

Because of the apparently wide-sweeping powers of the Commission, as found in the Amendment and the Rules, questions have arisen which required legal interpretation.

Legal Interpretation. Since 1941, the Supreme Court of Michigan has handed down fourteen decisions which involve the Civil Service Commission either directly or indirectly. Three of these decisions bear directly on the Commission's control of working conditions.

In the most recent case, Kunzig v. Liquor Control Commission (327 Mich. 474 (1950)), the Court interpreted "to approve or disapprove disbursements for all personal services" as implying that only the Civil Service Commission could abolish a position. The dissenting opinion of Justice Dethmers points out the powerful position of the Civil Service Commission under this interpretation. Justice Dethmers stated that the majority opinion suggests that the Commission can even formulate policy as well as supervise employees. This decision was the result of an attempt to discharge a top executive for allegedly political reasons.

The power of the Commission "to fix rates of compensation of all classes of positions" was upheld in Civil Service Commission v. Brown, Auditor General (302 Mich. 673 (1942)).

The Court held unconstitutional part of an appropriation statute (Act 22, Mich. P.A. 1941) which attempted to set wage rates. This decision further established that the Civil Service Commission was the proper authority to appear before the Court on behalf of the employees affected.

In Coleman v. State Highway Commission (311 Mich. 690 (1944)), the Court held as reasonable the rule that lay-offs be based on seniority, and when this was identical that service ratings would be used as the decisive factor. In this instance the Court upheld the Commission's power to order reinstatement with back pay of an employee unjustly discharged.

During this same period (1941-1952), thirty-five opinions from attorneys general have been solicited.⁴² Opinions of the attorneys general (OAG) are not necessarily controlling on a government body. The practice, however, is to follow such opinions until they are reversed by the Court.⁴³

Of these opinions, three clarify the powers of the Commission in controlling conditions of employment. An opinion of Attorney General Rushton to the Civil Service Commission, June 5, 1941, as to the duties of the Commission in the event that state employees strike stated that the

⁴²The opinions were reviewed in original form. For bound reference see: Hon. Frank G. Millard, Attorney General, Index to Opinions of the Attorney General, 1933 to 1950, published 1951.

⁴³Charlotte C. Dunnebacke, Law Librarian for the State of Michigan, oral communication, July 14, 1952.

"Civil Service Commission has complete control over conditions of employment and rates of compensation and has adopted rules governing the same. Rule 15 which provides that any employee who absents himself for two consecutive days . . . shall be deemed as resigned, and Rule 43 which states that 'work must proceed uninterruptedly and interferences therewith are prohibited' are adequate provisions for dismissal of any employee who disobeys these rules."

Attorney General Eldred in an opinion to the Commission (OAG 5133, 1946) held that this body alone controlled the hours of work of state service. Rule 10 establishing the length of work week, and Rule 19 which provides for overtime at the regular rate of pay have precedence over Article V, Section 29, of the Constitution (last amended in 1920) which provides that the legislature "shall have power to enact laws relative to hours and conditions under which men, women and children may be employed." The Attorney General construed this provision to mean that it did not pertain to the regulation of state employees. He held that the field of state employment is closed to the legislature. This opinion was solicited to determine the validity of Act 285, Mich. P.A. 1909 which provided that no "female shall be employed in any . . . hospital . . . for more than fifty-four hours in any week." The Department of Labor had served a "stop-order" on Kalamazoo State Hospital.

The Attorney General advised the Department of Agriculture that Civil Service did have the power to deny the creation of any position regardless of the agency's contention that it was an administrative function. This opinion further advised that such agency could appeal action of the Commission under procedures established in Rule 40 (OAG 5211, 1946). Such appeal was not made.

The Position of Civil Service

An analysis of the amendment and rules adopted to implement it, and the interpretation of the law and rules, shows that the Civil Service Commission is the body which controls the conditions of employment in Michigan state service. This authority was transferred to the Commission because the legislature was indifferent to public opinion.

The fact that the last change in the merit system occurred in 1941 should not be taken as evidence that civil service is acceptable to everyone. The opinions sought and the cases appealed to the Court imply attempts to reduce the control of the Civil Service Commission. Certain legislators resent the Commission; some editors strongly support the present system while others would abolish it; and labor unions are generally in favor of civil service. Appendix IV contains a fair sample of the attitudes today.⁴⁴

⁴⁴Whether civil service has operated efficiently or not is another question. Material of interest, but which is

The amendment defines classified employees and provides for classification of all positions. Thus, in April, 1952 the number of employees coming under the jurisdiction of the Civil Service Commission by classified levels was as follows:⁴⁵

<u>Level</u>	<u>Number of Employees</u>	<u>Level</u>	<u>Number of Employees</u>
No level*	1,206	IIa	299
C	1,721	III	796
C-1	1,332	IIIa	174
B	4,640	IV	389
B-1	97	IVa	67
A	2,130	V	220
A-1	1,069	Va	46
A-2	2,760	VI	99
I	2,953	VIa	15
Ia	623	VII	29
II	1,599		
		Total	22,264

*In order to attract and retain personnel to fill positions in certain critical areas of employment such as police officers, prison officers and guards and teachers in the institutions, it became necessary to establish an attractive salary rate. Such classes at no designated level meant that the Commission was not bound by the standard maximum rate set by it for all classified levels. Since the duties and responsibilities of these positions did not change they could not be classified upward. Consequently, they were classified "no level" and salaries set to meet conditions of the labor market.⁴⁶

beyond the scope of this paper, can be found in: Staff Report to the Michigan Joint Legislative Committee on Reorganization of State Government, Personnel Administration, Report 9, February 1951. In conjunction with this report, also consult mimeographed report prepared by Civil Service Commission in March, 1951: "Facts Refuting Statements Made in Task Force Report No. 9."

⁴⁵Figures secured from M. L. Dunnebacke, Administrative Assistant to the Director, MSCSC, July 1952.

⁴⁶Ibid, oral communication, July 11, 1952.

The Supreme Court has upheld the right of the Commission to fix rates of pay for these 22,264 employees (91 percent of all state employees). This does not infringe on the legislative function of providing service to the public. The Commission merely establishes what one commodity will cost - in this case personnel - and the legislature can purchase as much of it as it so desires.

The Commission has the power to create and abolish positions. Obviously, the legislature can abolish any agency by withholding appropriations. But once funds are appropriated, creation and abolition of any position is a function of the Commission.

Entrance into state service is controlled by the Commission which has the power to determine "the qualifications of all candidates for positions in the state civil service."⁴⁷ To carry out this responsibility it has designed examinations and set up minimum requirements for admittance to the various examinations.

The Commission has the power "to make rules and regulations covering all personnel transactions, and regulate all conditions of employment."⁴⁸ Under this provision, rules have been promulgated which regulate the hours of work; which establish vacation and sick leave allowances; which control

⁴⁷Art. VI, op. cit., paragraph 3.

⁴⁸Ibid.

political activity of employees; which establish veteran's preference and probationary periods; which provide for service ratings and seniority; and which define the procedure for promotions, transfers, demotions, resignations, lay-offs, removal, and suspensions. Machinery has been established to hear grievances.

The rules in 1941 provided for the creation of a retirement plan for state employees. Since the legislature later passed the State Employees Retirement Act,⁴⁹ the Civil Service Commission has not concerned itself with this condition of employment and, thereby, has unofficially delegated this function to the State Retirement Board.

The net effect of existing rules and regulations appears to be that the Civil Service Commission regulates all conditions of employment for the majority of state employees. And any time that a rule or regulation is questioned, an employee may appeal such questions to the same body which installed the controversial issue.

⁴⁹Act. 240, Mich. P.A. 1943.

III

STRUCTURE OF MICHIGAN STATE CIVIL SERVICE

In order to understand how the Civil Service Commission performs its function of regulating conditions of employment, it is necessary to study its structure. It will be examined first as to its relations to other state agencies, and then as to its internal organization. Finally, to demonstrate the interaction, a hypothetical employee will be processed into state employment.

External Structure

Michigan's state government is composed of 118 agencies. Figure 1, on the following page, shows the theoretical line of responsibility to the voters. This diagram illustrates the argument sometimes presented that Michigan Civil Service is responsible to no one.⁵⁰

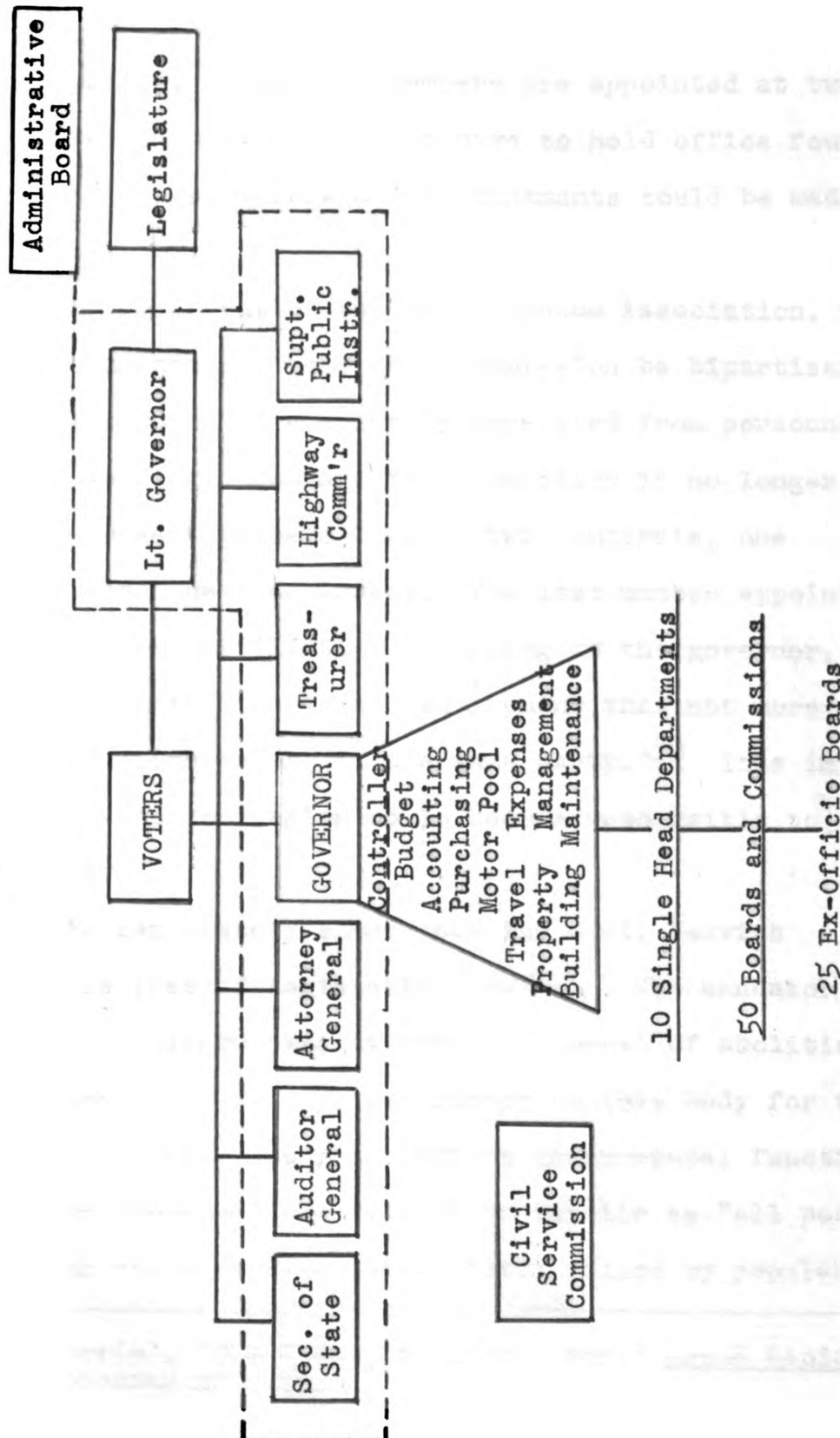
The amendment provides that the Commission shall consist of "four persons, not more than two of whom shall be of the same political party, appointed by the governor for eight-year, overlapping terms. . . ." ⁵¹ It was felt that this provision would prevent any chief executive from influencing

⁵⁰At a meeting of the Lansing Chapter of American Society for Public Administration in March 1951, Robert F. Steadman, State Controller, qualified this allegation by remarking "Michigan is heavenly; it has a personnel system that is responsible only to God."

⁵¹Art. VI, op. cit., paragraph 2.

Figure 1

**ORGANIZATION OF
MICHIGAN STATE GOVERNMENT**



personnel policy. Since the members are appointed at two-year intervals, a governor would have to hold office four terms (eight years) before all appointments could be made by him.

It was the intent of the Merit System Association, which drafted the amendment, that this Commission be bipartisan so that politics would be completely separated from personnel.⁵² Due to the wording, however, the Commission is no longer bipartisan. Present members include two Democrats, one Republican, and one Independent. The last member appointed "has no political affiliation according to the governor, so his selection meets the legal requirement that not more than two of the members belong to the same party."⁵³ This implies that in time the Commission could become responsible to a political party.

The diagram clearly shows that the Civil Service Commission is free of legislative control. The mandatory appropriation clause removes it from any threat of abolition or retrenchment. Funds are guaranteed to this body for the purpose of supplying labor to perform governmental functions.

The amendment defines classified service as "all positions in the state service except those filled by popular

⁵²Editorial, "The Governor Finds a Way," Grand Rapids Herald, September 19, 1951.

⁵³Editorial, "A Neutral Appointment?," Bay City Times, September 20, 1951.

election, heads of departments, members of boards and commissions, employees of courts of record, of the legislature, of the higher educational institutions recognized by the state constitution, all persons in the military and naval forces of the state, and not to exceed two other exempt positions for each elected administrative officer, and each department, board, and commission."⁵⁴

On April 1, 1952, the 118 state agencies were employing 24,481 persons;⁵⁵ of this number, 22,264 were in the classified service and, thus, under the jurisdiction of the Commission. The unclassified, 2,217, are in the exempt positions as specified above. The bulk of this group are employees of the normal schools which are regulated by the Board of Education.

It is incumbent on the Commission to classify all positions except those exempt. Classification is the distribution of positions into groups (classes) on the basis of duties and responsibilities. All positions having similar duties and responsibilities are grouped together in one class. When new positions are established they are studied by classification technicians to determine whether they can be placed in one of the existing classes.

⁵⁴Art. VI, op. cit., paragraph 1.

⁵⁵Unless otherwise indicated all figures are from unpublished records of the Michigan Civil Service Commission.

In 1952 there were 1531 different classes of positions in the state classified service. Of these, 597 are so specialized that each has only one incumbent. An example of this would be "State Purchasing Director VII." On the other hand, some classes have many employees; for example, 2,567 employees fall under the single classification of Attendant Nurse B.

One effective result of establishing positions through this classification process was the abolition of 477 positions (and hence employees) during the first year Civil Service functioned. That this did not impair service is indicated by production records. For example, the Liquor Control Commission handled \$20 million more merchandise in 1942 than 1941 with 115 less employees who were found to be performing superfluous or duplicate work.⁵⁶

Classification is a continuous process to guarantee that employees are paid in accordance with the work they are doing - that they are neither overpaid or underpaid in relation to other employees. Classification studies may be initiated by either the departments or Civil Service. In 1951, classification studies were made on 1,798 positions; 949 of these were allocated upward; 113 were allocated downward; 252 re-allocations were denied; 214 classes were established; and 220 were abolished.

⁵⁶Thomas J. Wilson, State Personnel Director, State Payrolls, Radio Address, WKAR, September 23, 1942.

After classifying these positions, it is the Commission's responsibility to establish the compensation schedule. In setting the rates, studies are conducted to compare rates of pay in state employment with salary rates in private industry and business, and in other governmental agencies both in Michigan and throughout the country. Also considered in setting compensation rates are the "nonsalary compensating factors," such as security of employment, allowance for vacation and sick leave, opportunities for promotion, working conditions, and retirement benefits.

Continuous study is also given to cost-of-living statistics. Serious consideration was given to tying salaries to the cost-of-living index in December, 1951, at which time the Commission rejected the cost-of-living principle. A memorandum from the Director to the Commission re-emphasizes the power of this body in establishing salaries. It states that:

The legal conditions under which salary adjustments can be made by the Commission are much more favorable to flexibility and adaptability of policy and action than are those in many other public jurisdictions. The people of the state, through constitutional amendment, have given the Commission full power and authority to determine salaries of classified employees. By contrast, many other public jurisdictions have salary-setting methods which are controlled by legislative agencies that meet only at periodic intervals.

I believe that a cost-of-living pay plan is not necessary in order to maintain proper adjustment of salary rates in the Michigan state service. The Commission already has full authority to make salary changes as often as may be necessary. It is my firm conviction that, both for the state as an employer and for the state's employees as the directly-affected

individuals, salaries can be adjusted much more satisfactorily through direct action of the Commission whenever such action is needed than by means of a cost-of-living pay plan.

The Commission, on the basis of continuing staff surveys of salary rates can, with prompt consideration, make needed salary adjustments as the occasion arises. By considering all principal factors involved in the salary questions the Commission can, at such times, make salary adjustments which are much more soundly based than would be the case if salaries were determined automatically by means of a predetermined cost-of-living formula, which uses only one factor — changes in prices. . . . I do not recommend the adoption of a cost-of-living plan, as I believe that state employees can be given all the benefits arising from cost-of-living adjustments without the necessity of formal and binding adoption of such a plan by the Commission.⁵⁷

Since 1941, the Commission has revised the compensation schedule six times - in 1943, 1944, 1946, 1948, 1950 and 1952. These revisions have been stimulated as a result of its comprehensive salary survey, and study of turnover, and and by the difficulty of recruitment.⁵⁸

After the positions are classified and salaries established, agencies are staffed by persons qualifying for positions through competitive performance. To do this, the Commission's staff administers an examining program. The principal type of examinations are open-competitive and promotional. The former are for persons not in state service,

⁵⁷Arthur G. Rasch, Memorandum to Civil Service Commission, "Recommendation relative to adoption of cost-of-living pay plan," mimeographed, December 13, 1951.

⁵⁸Information regarding compensation procedure obtained from Deputy Director, C. J. Hess, MSCSC, oral communication July 11, 1952.

and the latter are designed to provide a merit basis for promotion within the service.

Examinations are prepared by specialists in the various fields after specifications for the job have been studied. Preliminary to administering the examinations, announcements are published which include the minimum requirements for eligibility to take the examination.

After the examinations have been administered at various centers throughout the state, they are scored by the staff. The examinations and weights attached to scores may include all, any one, or a combination of the following:

- | | |
|-------------------------|------------------------|
| 1. Written tests | 7. Experience and |
| 2. Performance tests | training |
| 3. Physical tests | 8. Service ratings |
| 4. Medical and physical | 9. Character investi- |
| examinations | gation |
| 5. Oral interviews | 10. Fingerprinting |
| 6. Oral examinations | 11. Review of previous |
| | employment records |

To determine the fitness of candidates for state employment, from 1941 to 1950 the Civil Service Commission designed 7,468 examinations and administered these to 208,504 applicants. In 1951, 504 different examinations were given to 33,053 applicants; of this number, 14,270 succeeded and 18,783 failed in qualifying for employment. Means of appealing grades is discussed on pages 42 and 43.

An additional responsibility of the Commission is to protect an employee from disciplinary action without just cause. Thus, when an employee feels he was unjustly discharged

he may appeal the action to the Commission. Since 1941, appeals have been made in 720 of the 4,502 cases dismissed by the state agencies. Of these 720, 103 were reinstated; or, 14.3 percent of the appeals were decided in the employees' favor. The percent of reinstatements to dismissals, however, was only 2.3 percent.

Internal Structure

Figure 2, on the following page, is the functional organization of the Civil Service Commission. The services described above can be traced through the various operations.

Suppose the legislature decides to expand the services of a given department. Such a decision would be reflected in an appropriation bill which would be broken down into various services and personnel costs. Increasing the personnel to carry out the intent of the legislature is a function of the Civil Service Commission.

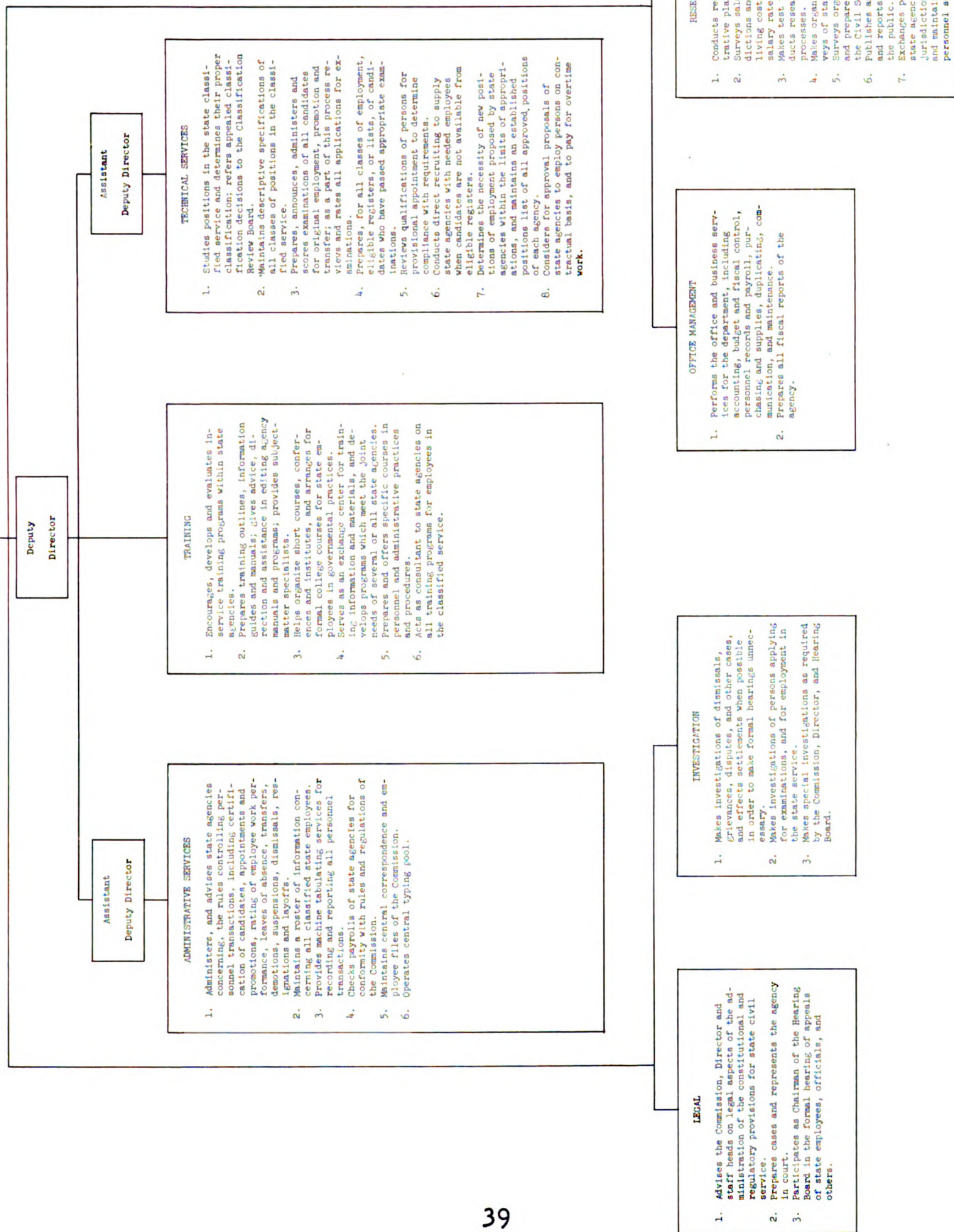
Most of this work is done by the Technical Services Division as can be seen from Figure 2. This division determines the necessity of any position established. Each operating agency makes its own appointments through its appointing authority, usually the personnel officer of the agency. As it is determined that positions are to be filled, the Civil Service Commission certifies to the appointing authority the names of eligible persons from existing registers.

OCTOBER, 1951

Figure 2

FUNCTIONAL ORGANIZATION

MICHIGAN STATE CIVIL SERVICE COMMISSION



It was seen earlier that in 1951, 14,270 persons qualified by competitive examinations for employment with the state. The names of these persons were placed on lists, called eligible registers, in order of their final grades - the person with the highest grade being at the top.

There are four types of eligible registers which are used in the following order:⁵⁹

1. Reemployment Registers (Rule of One). Each such register contains for any given class the names of persons who have been laid off or demoted through no fault of their own. Separate registers are kept for each agency and are only for the use of that agency. The top name only is certified, and the person so certified must be appointed. If no names are available from this reemployment register, then the following type is used.
2. Promotional Registers (Rule of Three). These registers contain the names of an agency's employees who have passed an examination qualifying them for promotion. The top three names are certified to the appointing authority. If fewer than three names are available, the authority may appoint from the number certified or he may make a provisional promotion.
3. Reemployment Registers (Rule of Three). Names on these registers are of former employees who have resigned and, within one year of such resignation, have requested reemployment. These registers also include the names of persons who are on the first register discussed above but who will accept employment in any state agency. Rule of Three means that the top three names are certified and the appointing authority may select any one of the three. If there are fewer than three names available for certification, then the additional names may be taken from the next register.

⁵⁹MSCSC, How Positions Are Filled in the Michigan State Civil Service, Article 8, in a series of articles on the Michigan State Civil Service, mimeographed, August 1950.

4. Open Competitive Registers (Rule of Three).
These registers contain the names of persons who have passed an open competitive examination. The top three names are certified and the registers are used for all state agencies.

Open competitive examination means that it was open to persons not employed in state service. Those employed take the promotional examination, and are placed on the promotional register which has priority over this register.

Reemployment Registers (No. 1) are departmental registers, as distinguished from Reemployment Registers (No. 3) which contain the names of individuals seeking employment in any department.

To fill the positions authorized by the legislature and established by the Civil Service Commission, the Administrative Division certifies three names to the appointing authority (assuming that there are no persons available from the first register). The appointing authority, who is officially the department head, may select any one of the three. Usually this function is delegated to the department's personnel officer. If he finds that one or more of the three is not available he may request additional names from the Commission. He has, at all times, three names to select from. And if he should exhaust the registers, then he may make a provisional appointment of anyone he desires.

Some criticism has been directed at the "Rule of Three." The purpose of this rule is to give the appointing authority some leeway in selecting an employee. At times, however, this provision has been abused. The authority may want the

person who is fifth on the list. If he is successful in convincing two of the certified persons that they are not available - by making the position sound temporary, unattractive, etc. - he can reach the fifth name. This procedure naturally does not give the third eligible person any protection whatsoever. For a true career service, it is questionable if the "Rule of Three" is desirable especially on promotional registers.

At times, positions are established when no eligible register exists which meets the requirements of the job description. When this occurs, provisional appointments are made. The Technical Services Division, however, studies the job and proceeds to prepare examinations which meet the job descriptions.

In the announcement of the examination this division gives an explanation of the general type of work; specifies what it considers desirable qualification requirements; and lists the relative weight of the different parts of the examination. For example, the written part may count 40 percent of the score; the examiner's evaluation of training and experience, 30 percent; and the oral test, 30 percent.

Examinations are then administered and those who receive a passing score are placed on the registers. An applicant who is dissatisfied with his score may review it with the Examination Section of the Technical Services Division. If he is still dissatisfied, he may discuss it with the

Investigation Division. From here he may go to the Hearing Board (an impartial board appointed by the Commission) and then to the full Commission. During 1951, 36 examinations were appealed to the Hearing Board. The Board sustained seven of these petitions and denied 29. The Board's action in the 29 cases was appealed to the full Commission which upheld the findings of the Board in each case.

A provisional appointee is secure in his job only until a new register has been established through the examination process. On such examinations, he must be one of the top three in order to retain his job.

After the appointing authority has selected the employee, his name is sent to the Established Positions Section of the Technical Services Division. This section ascertains that the position has been established and was vacant; and then the name is sent to the Administrative Services Division. It is here that payrolls for each state agency are certified to the Auditor General for payment. Until the employee's name reaches this section he does not receive a pay check.

Permanent employment in any state agency is based on satisfactorily serving a probationary period of six months. If during this period the employee is found to be unsatisfactory, he may be dismissed. Otherwise, he is given permanent status.

John Doe Gets a Job. The application of the rules and regulations of the Commission can be more clearly illustrated

by applying the procedure to a specific situation.

The Civil Service Commission finds that the registers for Insurance Executive II are being exhausted, so it administers a promotional examination. This examination is open only to state employees in the Insurance Department who have permanent status. Since these employees have written comprehensive examinations to qualify for their present position, the promotional register may be established on basis of experience and training plus service ratings. For example, the Insurance Executive I promotional examination announcement in 1948 stated that if no written examination were held the weights would be 30 percent for training, 45 percent for experience, and 25 percent for service ratings. Those persons who receive a score of seventy and above are placed on the promotional register.⁶⁰

As five thousand employees leave state service each year (turnover rate of approximately 23 percent), there may not be a sufficient number who can qualify for the promotional examination, and thus an open competitive examination is administered. Anyone is admitted to this examination who meets the minimum entrance requirements. It has been the policy of the Commission to keep the door open for anyone; the minimum requirement is that the applicant not be over sixty years of age due to the retirement policy.

⁶⁰MSCSC, Announcement of Promotional Examination,
"Insurance Executive II," June 1948.

Desirable qualification requirements, however, tend to limit the applicants as it states on the announcement that the person must meet the desirable requirements in order to receive a passing grade on experience and training.⁶¹

John Doe sees the examination announcement which has been posted in various public places and believes he may be eligible. The desirable qualifications for experience and training are: "(1) five years of experience in general insurance work, two of which have involved the application of rules and regulations requiring a knowledge of the state insurance statutes; or (2) two years of such general experience, one year of which shall have been specialized, and graduation from college with the major course of study in business administration or economics; or (3) an equivalent combination of experience and training."⁶²

The announcement describes the scope of the written test and Doe feels that he is sufficiently acquainted with government regulation of insurance companies, the economic and business aspects of insurance, and the other items described to pass the examination.

The salary range for this position is on the announcement and is found to be from a minimum annual salary of

⁶¹MSCSC, Civil Service Examination Announcement,
"Insurance Executive II," September 1950.

⁶²Ibid.

\$4,032 to a maximum annual of \$4,812.⁶³ This salary is not too attractive, but there are other "nonsalary compensating factors," such as retirement and security, which influence Doe to apply for admittance to the examination.

His application is evaluated by the examination section of Civil Service and this section decides that he may be admitted, qualifying for such admittance under (2) above. He is sent a notice of when and where the examination will be administered and is given a card which admits him.

Approximately two months after he has taken the examination he will be notified of the results. If he failed, he can go down and review his examination with the examination section, which designed the examination, assigned his points for experience and training, and set up the passing grade. We shall assume he received a passing grade and he notifies the Commission by a form that he is available and will accept employment in the locations he indicates.

The notice he receives informing him that he is being placed on the register (which is good for three years) does not indicate where he is on such register, so he may go down to Civil Service and find that he is in sixth place.

Actually, he may have turned in the best performance of anyone taking the examination. But Doe is not a veteran and

⁶³MSCSC, Compensation Manual, Lansing, Michigan, revised to February 15, 1952, p. 51. This figure differs from the one appearing on the announcement cited as salaries have been revised upward twice since the date of this examination.

hence not eligible for veteran's preference. This rule as it operates in Michigan gives all veterans ten additional points, and five more (or fifteen) if he is a disabled veteran (Rule 13). Furthermore, the widow of any veteran with a minor child is given fifteen points, as well as the wife of a disabled veteran. It is not required that those qualifying for preference pass the examination before such preference is given. For example, if seventy is the passing grade any veteran who received a score of sixty, and a disabled veteran who received fifty-five, would be on the eligible register.

This rule does not appear consistent with the constitutional provision that personnel shall be selected "by competitive performance exclusively on the basis of merit, efficiency and fitness." It is ridiculous to consider that any of those who took the examination were better qualified than Doe if he received the highest grade before the preference was added. If such preference is desirable at all the veteran should be required to receive a passing grade before the points are added; and ten and fifteen points appear too generous. If the passing grade is seventy, and a disabled veteran turned in a performance of fifty-five, 21 percent of his score would be credited to his disability.

Doe could appeal this ruling to the Commission and then to the Court if he desired. This is unlikely as such action is time consuming and expensive. Furthermore, exhibiting a grievance before he ever was employed would not enhance his

chance of being selected when he approached the top of the register.

He approaches the top of the register in perhaps a couple of years. It has been shown that three other registers have priority over the open competitive. The Insurance Department notifies Civil Service that it has a vacancy at the Insurance Executive II level. Civil Service certifies the three names on its register to the department, and the department then sends Doe a letter asking him to come in for an interview. Doe may or may not be available at this time, but we shall assume he is and that he is satisfactory to the appointing authority and is hired.

The first six months he is on probation. During this period his superior rates his performance - at the end of thirty, sixty, and one hundred and eighty days. If his services are found to be satisfactory (a service rating of seventy or more), Civil Service gives him permanent status as a state employee.

He starts in at a minimum monthly salary of \$336 and if his performance continues to be satisfactory he will be receiving \$347 after six months; \$358 at the end of the first year; \$368 at the end of eighteen months; \$379 at the end of the second year; \$390 the third year; and will reach his maximum of \$401 at the end of the fourth year (under the current compensation schedule).

Doe does, however, during this period become eligible to take promotional examinations and can thus better his position.

Every six months his superior submits to Civil Service a service rating on Doe relative to his work performance and his ability to get along on the job. Under the rules of the Commission, this rating is used in connection with deciding promotions, demotions, salary increases, lay-offs, and dismissals. Consequently, Doe's relationship with his superior is of considerable importance.

Other rules and regulations determine how many hours a week he will work, how much vacation he is entitled to, and what his sick leave provisions are.

The Position of Civil Service

To carry out its function of regulating the conditions of employment for state employees, the Civil Service Commission is in a fairly autonomous position. The chief executive of the state theoretically cannot influence its policy; and the legislature is unable to distort the wage structure.

Civil Service can be considered as a central employment agency for the 118 agencies in state government. It determines the need for all positions, establishes the salary schedule, and sets forth procedures which must be followed in disciplining or rewarding employees.

Though the Civil Service Commission does not do the actual hiring for any agency, other than its own, it designates the personnel that the other agencies may employ. It does this by certifying to the appointing authority persons who are qualified to enter state service. In the parlance of unions, this could be considered a union hiring hall.

To ascertain that persons are qualified the Commission establishes its own criteria. Examinations are designed to fit the job descriptions, weights are assigned to the different parts of the examination according to what the Commission decides is most important, persons are admitted to the examination by meeting the requirements set by the Commission, and preference is afforded to veterans.

That either the standards set are too high, or that too many unqualified persons are admitted to examinations, can be inferred from the fact that only 43 percent of those taking examinations in 1951 passed.

It is apparent that Civil Service has a dual obligation: to provide the best qualified personnel for the state agencies, and to see that such personnel is treated fairly.

IV

AREAS OF EMPLOYEE PARTICIPATION

Being autonomous, the Michigan Civil Service Commission is capable of establishing any policy it deems desirable regarding conditions of employment. Legislation has been enacted, which it is assumed reflects public opinion, that provides machinery for employee participation in personnel matters.

The State Labor Mediation Board has authority to conduct negotiations of working conditions between a group of employees and officers in charge of them under provisions of the Hutchinson Act,⁶⁴ subject to the powers of the Civil Service Commission.⁶⁵ Since the officers in charge of employees are compelled to follow the rules established by the Commission, the Labor Mediation Board could mediate or arbitrate disputes arising from working conditions if the Commission would surrender some of its prerogatives.

The Hutchinson Act provides that "upon request of a majority of any given group of public employees evidenced by a petition signed by said majority . . . it shall be the duty of the labor mediation board to forthwith mediate the grievance set forth in said petition." An earlier Act⁶⁶ set forth

⁶⁴Act. 336, Mich. P.A. 1947.

⁶⁵OAG 926, March 19, 1949.

⁶⁶Act. 176, Michigan P.A. 1939.

the duties of the Labor Mediation Board in a labor dispute; such duties included arranging for conferences between disputants, discussing their grievances with them, and assisting in negotiations.

It is well established that a constitutional amendment holds precedence over legislative acts.⁶⁷ Consequently, the Commission could recognize employee representatives and agree to mediate disputes without this enabling legislation. Likewise, the Commission can ignore the provisions of the Act.

Due to the present policy of the Commission the working conditions for some 22,000 state employees are unilaterally determined. The body which establishes the rules and regulations sits in final judgment on the desirability and fairness of such rules. Appeal to the Court is available, but little interference with administrative agencies is made by the Court.

The Court's attitude for years is found in Keim v. U.S., (177 U. S. 29) from which the following quotation of Justice Brewer is taken: "It would seem strange that one having passed a civil service examination could challenge the rating made by the commission, and ask the courts to review such rating, thus transferring from the commission, charged with the duty of examination, to the courts a function which is, at least, more administrative than judicial. . . . Until

⁶⁷Civil Service Commission v. Auditor General, 302 Mich. 684.

Congress by some special and direct legislation makes provision to the contrary, we are clear that they (personnel practices) must be settled by those administrative officers."

A slight trend away from this philosophy is found in more recent cases. In Bruno v. Kern, (22 N. Y. Supp. (2) 272), the Court re-rated the promotional examinations of seventeen candidates and, thus, gave them a passing grade. The Court stated that it would decline to interfere with the judgment of the Commission's experts on questions calling for technical knowledge, such as in the field of engineering, etc., unless fraud, bad faith, arbitrariness, or illegality could be shown, but it did conclude that it was not wholly powerless even in such instances, and that where a Commission rated as incorrect an answer which was clearly correct its action would be subject to judicial review.⁶⁸

Should this trend become the philosophy of the Court, such interference could be avoided by establishing grievance machinery in which the employees had a responsibility. Rules and regulations are now administered unilaterally by the Commission. An employee can appeal any grievance⁶⁹ he has

⁶⁸Other evidence of interference by the Court is found in Hearty v. Mullin, 87 Pac. (2) 280, Canen v. Kern, 23 N. Y. Supp. (2) 98, and Underwood v. The City of Belle Fountaine, 28 N.E. (2) 663.

⁶⁹As used here, grievances include any complaints other than wages. Such complaints include dismissals, forced resignations, suspensions, examination results, method of scoring, layoffs, demotions, seniority, service ratings, job classifications, failure to be promoted, and qualification requirements.

which is not settled in his own agency to the Hearing Board. This impartial board is appointed by the Commission. The Commission has a list of six persons from which it draws to hear cases. Five of these individuals are attorneys and the sixth one is a former State Police Commissioner.

Most grievances in public service which are not of a technical nature involve the problem of human relations. There is some doubt that a Hearing Board composed of persons with legalistic training is the best qualified to adjust grievances.

If the employee is dissatisfied with the decision of the Hearing Board he may appeal to the Commission within fifteen days. When such an appeal is made the four members of the Commission hear the case by reviewing the record and taking additional testimony if necessary.⁷⁰ The action of the Commission is final unless the case is taken to the Court.

Hearing Board⁷¹

During the period, January, 1947 - June, 1952, administrative decisions were appealed in 657 instances to the Hearing Board; 98 cases were appealed from this Board to the Commission; and one case was appealed to the Court. Figures

⁷⁰MSCSC, Adjustment of Employee Grievances, Article 13, in a series of articles on the Michigan State Civil Service, mimeographed, July 1951.

⁷¹See note 55, supra.

were not available at this time as to the results of the decisions; but it is estimated that the Hearing Board decides about 85 percent of the cases in favor of the administrative authority,⁷² the Commission on rare occasions reverses the decisions of the Board, and the Michigan Supreme Court has never reversed the Commission.

Table I is the summary of the Hearing Board activity over this period showing the action of the Board on dismissal cases.

Table I
ACTION ON DISMISSAL CASES BY HEARING BOARD
IN THE MICHIGAN STATE CIVIL SERVICE
January, 1947 - June, 1952

Action	Number	Percent
Total Dismissals Appealed	212	100.0
Justified	153	72.2
Reinstated	31	14.6
Changed to Resignation	16	7.5
Changed to Suspension	10	4.7
Changed to Leave	1	.5
Reinstated and Demoted	1	.5
Source: Unpublished records of MSCSC.		

⁷²MSCSC, Progress Report on the Michigan Constitutional State Civil Service, 1941-1950, multilithed.

Of the total dismissal cases, 31 of the 212 employees (or 15 percent) were reinstated; and the action of administrative officials was modified in 28 cases (or 13 percent). From an economic point of view, however, there is little difference to the employee whether he is dismissed or permitted to resign. The advantage of resignation seems to be found in the Reemployment Register (No. 3)⁷³ which contains the names of those who resign and within one year wish to be reemployed. As far as employment is concerned, the 16 resignations could be added to the 153 justified dismissals and it is seen that in 80 percent of the cases appealed the administrative officials were successful in separating the employee from his department.

Table II provides the number of dismissals during a five-year period, 1947 through 1951. Due to the records of the Commission, this information will not coincide with that of Table I. It will, however, show the same general picture.

No reason can be offered for the significant change in 1950; fewer dismissals occurred, a much higher percentage were appealed, and more employees were reinstated.

It is interesting to note that dismissal cases are the only grievances on which Hearing Board records are available. Administrative officials have (wrongly) maintained at times that you cannot fire an inefficient employee. This may account

⁷³See page 40.

TABLE II
DISMISSALS, APPEALS, AND REINSTATEMENTS
IN THE MICHIGAN STATE CIVIL SERVICE
1947 - 1951

Item	Total	1947	1948	1949	1950	1951
Total Dismissals	2213	492	578	402	325	416
Appeals Heard	193	51	35	37	42	28
Percent Appealed	8.7	10.4	6.1	9.2	13.9	6.7
Reinstatements	37	7	5	6	15	4
Percent of Reinstatements to Dismissals	1.7	1.4	0.6	1.4	4.6	1.0
Percent of Reinstatements to Appeals	19.2	13.7	14.3	16.2	35.7	14.3

Source: Compiled from mimeographed report of Research and Survey Division, MSCSC.

for the availability of records of the Hearing Board's action on dismissals. As was stated in Chapter III, from January, 1941, through February, 1952, appeals were made in 720 of the 4,502 dismissal cases. The Hearing Board reinstated 103; which is 14 percent of those who appealed, but only 2 percent of those dismissed.

Reasons for appeal include dismissal, forced resignation, suspension, examination results, layoffs, demotions, seniority, promotional potential, service rating, back pay, classification of position, failure to be promoted, qualifications, and

method of scoring.⁷⁴ Dismissals, however, accounted for 32 percent of all appeals.

There is no way of determining how many of the hearings were attended by representatives of employees. An employee can bring anyone with him; a lawyer, a friend, or a member of an organization may appear on his behalf.⁷⁵

It has been stated that a grievance, which is not settled at the departmental level, can be appealed to the Hearing Board. From this body it may be appealed to the full Commission, and finally to the Supreme Court. The Hearing Board represents a place where employee participation could function. If this Board were composed of equal representation - half of the members appointed by the Commission and the other half appointed by employees - there would be no need for appeal to the Commission providing, of course, that both parties agreed that decisions of the joint board would be final.

Compensation

The chief tool of group action in bargaining wages is collective withdrawal from employment. The rules of the Commission prohibit such action; and the Hutchinson Act

⁷⁴See note 45, supra.

⁷⁵C. J. Hess, Deputy Director, MSCSC, oral communication, July 11, 1952. Also contributing to this discussion was Mr. Froh, Chief of Research.

outlaws strikes by public employees. Due to the nature of government service, such legal provisions are justified.

This has not discouraged representatives of organized groups from appealing to the Commission for salary adjustments. A public hearing was held in Lansing in 1951 prior to a revision of the compensation schedule. Among those appearing before the Commission with suggested plans were spokesmen for members of the American Federation of State, County, and Municipal Workers (AFL), the Government and Civic Workers (CIO), the United Public Workers (Independent), and the Michigan State Employees Association (Independent).⁷⁶

Earlier evidence of group activity is found in a statement of members of the Michigan State Legislature who, in 1949, urged the Commission to make adjustments to provide a fair and adequate wage scale for state employees. A copy of this statement, signed by 12 senators and 21 representatives, was forwarded to the Commission by the executive director of the Michigan State Employees Council, United Public Workers of America (CIO).

It is doubtful if these representatives have influenced the compensation revisions even though each of the groups informed its membership that it was instrumental in getting the increases granted. This is probably a source of irritation to the Commission and may account for the attitude of considering employee representatives as being interested in only

⁷⁶Lansing State Journal, November 17, 1951.

the area of salary adjustments, which the Commission feels it is capable of handling.

The Commission is stimulated to make salary adjustments from studying the cost-of-living index, from watching the turnover rate in the service, and from the degree of difficulty in recruiting personnel.⁷⁷ Some employees petition the legislature,⁷⁸ the governor, and department heads to intercede for them, and others write directly to the Commission. As long as these avenues are open, it is felt by the Commission that group action is unnecessary.

These activities, however, imply group action. The striking similarity in the correspondence received by the Commission is more than coincidental: one letter had 60 signatures; many letters had the same content; and a large array of postal cards had newspaper clippings pasted on them regarding the cost-of-living.

The first announced policy of the Commission came as a result of a demand by the American Federation of State, County, and Municipal Employees (AFL) for written recognition of the local union as bargaining agent for Health Department employees. The Commission stated that it had never recognized

⁷⁷See note 75, supra.

⁷⁸Senate Resolution No. 31, "A Resolution Requesting the Civil Service Commission to Investigate Charges of Wage Discrimination Against Dock Terminal and Steamship Workers Employed by the State of Michigan on the Straits of Mackinac Ferry System," September 20, 1950.

any union as a bargaining agent. Its constitutional right to regulate all conditions of employment could not be delegated to any other source.⁷⁹ This policy has never been rescinded publicly, but in practice it appears that the Commission does recognize employee representation in acknowledging receipt of communication from the various organizations regarding salary increases. This does not imply, however, that it recognizes any union as a bargaining agent.

Other Working Conditions

The elements in working conditions are not limited to wages and dismissals. Vacations, promotions, sick leave policies, etc., are all factors in job satisfaction. These practices, however, when unilaterally installed do not provide satisfaction of the need for self-expression. Employee participation in developing rules which govern their lives helps to provide this need for self-expression. When such a large number of employees are involved, employee participation is impossible unless these employees unite and select representation.

Job satisfaction is measured somewhat by the labor turnover rate, which is approximately 23 percent under civil service. If the objective of the Commission is to promote a career service, labor turnover could be reduced by promoting

⁷⁹Detroit News, February 16, 1949.

the greatest amount of job satisfaction. And one factor of satisfaction is self-expression.

An example of employee participation can be found in the objectives of the University of Wisconsin Labor-Management Board. Creation of this board was the result of cooperation between the Wisconsin State Employees Association and the University's personnel department. The board has the following functions and objectives:⁸⁰

1. To draft and recommend for adoption uniform University personnel policies with regard to salary increases, classification studies, promotions, hours of work, vacations, retirement, leaves of absence without pay, sick leaves, seniority, service ratings, in-service training, demotions, discharges, reductions in pay, suspensions, and all matters affecting University personnel.
2. To provide a medium for exchange of information relating to the problems of the employees and those of the employing officers, so as to bring together the varying experience and different points of view of all interested groups.
3. To secure for the civil service personnel a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out.
4. To promote a spirit of cooperation among all University classified civil service employees and between the management and faculty.
5. To consider methods and measures through which employment conditions can be improved, and at

⁸⁰Roy E. Kubista, Executive Secretary, Wisconsin State Employees Association, The University of Wisconsin Labor-Management Board - A Case Study. This unpublished speech was presented at The Civil Service Assembly Central Regional Conference, in Chicago, April 1952.

the same time the efficiency of the service increased.

6. To consider ways and means of improving the service rendered by the classified civil service employee, the management, and faculty.
7. To make recommendations to the administrative officers of the University, the Bureau of Personnel, and to the Board of Regents relating to any of the matters within the functions of the Board.

It can be seen that the objectives and functions of this joint labor-management board cover all personnel practices. It is a twenty-man board, ten members elected by the rank-and-file and ten members of supervisory or management personnel.

This board does not have final authority on personnel matters; the University is administered by a Board of Regents, and in addition to this is a state civil service law. It is of interest, however, that this board studied the subject of grievances and as a result of such a study the Board of Regents adopted a grievance procedure.

It should be noted that the ten members representing labor are all members of the American Federation of Labor. The election of members occurs annually, and although the meeting is open to both members and nonmembers of the union alike, only the union members generally attend.⁸¹ It may be deduced from this that despite machinery for employee participation, affiliation with some group is necessary before the employee participates.

⁸¹Ibid.

The Position of Civil Service

Being completely free from legislative interference, the Commission is entirely free to establish any rules and regulations which appear feasible. The Commission feels that the appeal machinery is fair and adequate.⁸² Since anyone can accompany an aggrieved employee to a hearing, those who are members of organized groups usually have help in presenting their cases. The only record examined was that of dismissals, where it was found that over a five-year period less than 9 percent of the dismissals were appealed.

It may be that the lack of organization for the employees accounted for this small number of appeals. This is somewhat related to the experience in Wisconsin where only those who were members of the union turned out for election of representatives. It cannot be necessarily assumed that with less than 2 percent of the dismissal cases being reinstated during this five years, the remainder - 98 percent - were justified dismissals.

Some informal recognition is given to organized groups in providing open hearings for compensation revisions and in receiving their studies.

It appears that the only communication the Commission has with employees occurs when an employee believes that an existing rule has been violated. Establishing an employees'

⁸²See note 70, supra.

council could bring into consideration conditions of the employment situation which employees feel could be improved. For example, some employees feel that the "Rule of Three" may be desirable in the original appointment but that it has no justification in the case of promotions.

When channels are established to bring to the Commission's attention problems in the field of human relations, working conditions can be improved for those employed in state government. This improvement can be achieved without the Civil Service Commission delegating any of its responsibilities; consulting employees about their problems is no more a delegation of authority than consulting experts about the problems of examinations.

V

ATTITUDE TOWARD EMPLOYEE PARTICIPATION

Three parties are involved in the question of employee participation: the employee, his representative, and the employer. To determine whether participation is feasible, the attitudes of these three must be ascertained.

Employees' Attitude

It is assumed that those who are employed in state government are desirous of working conditions which they consider fair. In a democratic society, rules and regulations which govern one's activities should be compatible with the sentiment of the majority of those governed.

Employee attitude toward participation in establishing rules and regulations was not solicited directly. This attitude was a by-product of interviews with some sixty state employees regarding orientation programs in the various state departments. Appendix V⁸³ is the outline the interviewer followed. Since the interviewer was not held strictly to the outline, the answers generally were reduced to grievances or criticisms of personnel practices. The letter of introduction to personnel officers requested that three persons be interviewed, "two of whom should preferably be from the B job

⁸³MSCSC, Interview Questions -- Re Employee Orientation, July 1951.

level or below."⁸⁴ Generally, the interviewer was permitted to select three persons, either from the roster of departmental employees, or by walking through the department.

Throughout the interviews statements were made which reflected the employees' attitudes about personnel practices. The following quotations are samples taken from different interviews:

The only thing I know about civil service is the address - I went down there to take an examination.

Service ratings have been vaguely explained to me. They would be all right if standardized. Some supervisors know as much about rating as I know about animal husbandry.

Civil service has never been explained to me in detail. I'm a member of the Employees' Association, and the officers know the rules and regulations backwards and forwards.

Some office, maybe the central personnel office, should have a social service staff where any employee can have freedom of expression without fearing that his boss will hear about it.

I call Civil Service all the time to see if there are any openings. I don't want to stay in this department. You have to be on a register - but you don't. It's not what you know, but who you know. I don't discuss it with my personnel officer because he is a friend of the people at Civil Service.

Orientation might have improved my morale; but who's kidding who - we're not paid for morale.

When I go to my supervisor with a grievance, she says: 'It's your imagination,' or, 'You have an inferiority complex.' This supervisor is either unable to discuss it, or afraid to face the fact

⁸⁴Charles S. Weber, Chief of Training, MSCSC, in a letter to Michigan State Department Personnel Officers, July 17, 1951.

that you have a reason for feeling you've been gypped. What can I do, there's no one else to talk with.

Take those examinations - we worked in an institution. One of the questions on the exam is how to clean shamies that you wash windows with. I guess those poor souls at Civil Service don't know that you're plain lucky to get an old rag to clean windows with. They have a lot of questions on there about sports - my husband just directs the band, not the athletic department.

The tests bother me. I get disabled veteran's preference, and that is how I got my job. Without this preference I wouldn't have a job - the tests have nothing to do with the work.

Why can't they transfer vacations instead of paying for them. I just transferred from the State Department and I could have had a week off in September, but now I have to work four months before I'm eligible for any time.

Why do they give you straight typing tests when all you do is form typing. I'm a General Clerk C and I can type as fast as anyone here on the forms we have to fill out, but I can't pass a typing examination.

Real grievances existed and were conducive to low morale. One employee related that she had requested a desk audit for the purpose of reclassifying her job. The personnel officer refused to forward the request to the Civil Service Commission, contending that the department did not have the funds to pay for a higher classification. She feared that if she went directly to the Commission, and her job was reclassified, she would not be selected due to the "Rule of Three" even though she was in first place on the register. This employee was somewhat confused on procedure but, nevertheless, she felt she had no one with whom to discuss it.

Some employees felt that accumulated sick-leave days should be added, by some formula, to annual leave (vacation). Many felt that service ratings should not be weighted so heavily in promotional opportunities until supervisors were given training in evaluating a person.

Most of the women interviewed resented the fact that men could smoke at their desks, and in many departments the women could not. In some departments, the rule regarding smoking was not related to sex, but to position: if you were an executive, you were granted the privilege of smoking on the job. It is recognized that smoking is a minute issue, yet it appeared frequently as a gripe. If there is a logical reason for such a rule (this being established at departmental level), full understanding of it would result in more gracious acceptance.

The "Rule of Three" in promotions was criticized in every department. Everyone seemed to have a relative or an intimate friend who had been passed-over because the supervisor did not like her.

Some of the examinations were criticized, but this occurred most frequently in the typist classification and in departments where form-typing was prevalent. Clarification of terminology was needed. Some employees felt the "or its equivalent" phrase on examination announcements, which lists desirable experience and training, was a method of excluding them from taking examinations. In granting sick leave, the

rule permits its use when members of the immediate family are involved. There was a general feeling this should be more clearly defined and liberalized to include those living in the same household; an example would be an aunt or cousin.

A hesitancy to appeal job classifications was indicated by employees commenting that the Commission hired the technicians to do the classifying and would support the findings of its own employees.

The absence of channels of communication to and from the Commission accounted for much of the real, or imaginary, dissatisfaction. A fear of reprisal from their supervisor prevented many from going to Civil Service and seeking advice. A general vagueness of knowledge of the rules existed. Those who belonged to employee organizations were best informed. There was a feeling that what Civil Service neglected to do, the organizations would eventually accomplish.

It appears that unless the Commission takes a positive position toward establishing what might be called an industrial relations division, a real need for organized representation for employees exists. The Commission has gone a long way in providing equal pay for equal work; there is still a need to standardize other working conditions.

It is conceded that department heads have the right to install rules and that employee participation at this level is highly desirable. Since Civil Service conducts annual training sessions for the personnel officers of each department,

it would seem that this body would first need to initiate machinery for participation before it can effectively encourage department heads to do the same.

Representatives' Attitude

It is impossible to determine how many state employees are now members of some organized group. The Commission estimates four to five thousand.⁸⁵ In 1948, the United Public Workers of America (CIO) petitioned the Commission for wage adjustments "on behalf of the thousands of state employees"⁸⁶ who were members of that union. This union represented a majority of the employees at Kalamazoo State Hospital, Michigan State Sanatorium at Howell, State Ferries at the Straits of Mackinac, Lapeer State Home and Training School, Coldwater State Home and Training School, and the State Highway Garage at Kalkaska.⁸⁷

It has been shown that the Legislature prepared a statement which was transmitted to the Commission by the Michigan State Employees Council (Independent).⁸⁸ This statement asked for an over-all review of salary scales but specified certain conditions pertaining to highway laborers and nurses in the

⁸⁵See note 29, supra.

⁸⁶Donald Murray, Legislative Representative of United Public Workers of America, CIO, in a letter to Civil Service Commission, March 31, 1948.

⁸⁷Ibid., Press Release, January 5, 1949.

⁸⁸See page 59.

state mental institutions. It should be noted that this independent Council is the successor to the United Public Workers of America (CIO). The latter group was ejected from the Congress of Industrial Organizations for allegedly communistic allegiance.

From time to time other groups have requested hearings before the Commission. Among these were the Government and Civic Employees (CIO);⁸⁹ the International Association of Public Employment Services (an independent, professional organization);⁹⁰ and the United Government Workers of America (applied for affiliation with CIO).⁹¹

The Michigan State Employees Association has also contacted the Commission;⁹² this association estimates that it represents four thousand employees.⁹³ The American Federation

⁸⁹Joseph F. Brogan, Regional Director, Government and Civic Employees Organizing Committee, CIO, in a letter to the State Personnel Director, June 20, 1952.

⁹⁰C. Bailey Simkins, Past President, Michigan Chapter, International Association of Public Employment Services, in a letter to Michigan Unemployment Compensation Commission, October 24, 1950.

⁹¹A. Kempton Williams, Executive Secretary, United Government Workers of America (applied for affiliation with CIO), in a (mimeographed) letter to Michigan Civil Service Commission, February 8, 1949.

⁹²James C. Hodges, President, Michigan State Employees Association, in a letter to the Director, Michigan State Civil Service Commission, May 14, 1952.

⁹³Mrs. Margaret Morse, office manager, Michigan State Employees Association, oral communication, July 8, 1952.

of State, County, and Municipal Employees (AFL) is active,⁹⁴ and maintains that it represents approximately three thousand employees, the majority of which are institutional workers.⁹⁵

These last two organizations presently appear to be most active on behalf of state employees. Their attitudes will be examined briefly and a comparison of the two organizations will be made.

Michigan State Employees Association (Independent). The Preamble of the Constitution of this Association states: "We, the employees of the State of Michigan, hereby establish an employee association to encourage and preserve a true merit system in state government; to promote the general welfare of state employees in all ways compatible with the public interest; to encourage the maintenance of highest standards of employee conduct in governmental affairs; and in all ways to render the most effective service to the people of the State of Michigan."⁹⁶

The Foreword of this same document states that the Association will use its funds to maintain a staff to study and present "employee problems relating to salaries, pensions,

⁹⁴Petition (mimeographed) submitted to Michigan State Civil Service Commission, October 1951, 20 pp.

⁹⁵Adrian C. Mitten, International Representative, American Federation of State, County and Municipal Employees, oral communication, July 30, 1952.

⁹⁶Michigan State Employees Association, Constitution, Lansing, Michigan, 1951.

working conditions, promotions, and classifications. It will stand shoulder to shoulder with Civil Service in bettering the employee status."⁹⁷

The attitude of this organization, which was organized in 1950, is that it is a place where workers can express themselves with the assurance that someone will act for them. Conditions with which this association has concerned itself include exchange of accumulated sick leave for vacation days (on basis of one additional vacation day be granted for three unused sick leave days), revision of retirement provisions, increasing the pension plan for state employees, and maintenance of present form of civil service (as opposed to recommendation of replacing the four-man commission with a single head).⁹⁸

This association has been active on behalf of the employees. It appeared at the public hearing in regard to wage revisions in December, 1951, and it contacts the legislature on problems outside the realm of civil service (e.g., retirement and pension plan). It requested the Department of Administration to deduct membership dues from payrolls. This request was denied on the basis of an opinion from the Attorney

⁹⁷Ibid.

⁹⁸Michigan State Employee Association, "Resolutions," Delegate Folder, (mimeographed), provided at the Second General Assembly held April 19-20, 1952, pp. 16 ff.

General to the State Board of Administration.⁹⁹ The State Administrative Board abided by this opinion for two years, but early in 1953 it reversed its position and check-off of dues was approved for this association.

The Michigan State Employees Association is an organization for all public employees and has some forty chapters established throughout state departments. Despite this, it is questionable whether it truly represents the rank-and-file worker. The 1951-52 state officers and directors had the following civil service classifications:

President	- - - - -	Class IV
Past President	- - -	Class V
Vice-President	- - -	Class II
Secretary	- - - - -	Class II
Treasurer	- - - - -	Class I
Director	- - - - -	Class IVa
Director	- - - - -	Class III
Director	- - - - -	Class III

Referring back to page 27, it can be seen that the large majority of state employees fall in classes below these levels.

American Federation of State, County, and Municipal Employees (AFL). Article II of its Constitution lists the objectives of this organization as the following:¹⁰⁰

- a. To promote the organization of workers generally and of public employees in particular.
- b. To advance the social, economic and general welfare of public employees.

⁹⁹Frank G. Millard, Attorney General, in a letter to State Administrative Board, March 13, 1952.

¹⁰⁰American Federation of State, County, and Municipal Employees, Constitution, Madison, Wisconsin, 1950.

- c. To bring into closer relationship local organizations of public employees in order to foster cooperation.
- d. To foster and promote a liberal and progressive public attitude toward public administration.
- e. To cooperate in giving efficient government service.
- f. To establish and maintain a clearing house of information and a consulting and research service for affiliates.
- g. To extend and uphold the principle of merit and fitness in public employment.
- h. To promote civil service legislation and career service in government, and assist in the recruitment into public jobs of trained and spirited young people interested in embarking upon public service as a career.
- i. To promote and establish broad and comprehensive disability and retirement plans for public employees which shall assure just standards of living.
- j. To promote efficiency in public service generally.

Conditions to which this organization has given attention include longevity pay to provide an increase every three years since there are fewer positions at the top; cost-of-living wage clause; general wage increases; and revision of the "Rule of Three."¹⁰¹

The American Federation has been active in the organization of public employees since 1936.¹⁰² It has had

¹⁰¹See notes 94 and 95, supra.

¹⁰²Information pertaining to the American Federation, et. al., was secured in oral communication with Mr. Mitten.

difficulty in organizing due to many factors, the predominate one being fear: fear of the boss, of embarrassment, and of reprisal through service ratings. The publicity in 1949 regarding communistic infiltration in organized public workers has instilled fear of public opinion. Lack of leadership has also been a deterrent in organizing; it has been difficult to secure leaders from people who have been dominated by superiors.

The attitude of the American Federation is that only through organization can the rank-and-file have any voice in matters which govern their day by day activities. The Federation feels this is essential in a democratic society.

Independent v. Affiliated Organization. Two facts stand out when comparing the two organizations most active in Michigan public service. First, the Michigan State Employees Association has been able to organize chapters in many of the state departments as well as in some of the institutions, while the majority of the activities of the American Federation have been successful only in institutions.

Secondly, the growth of the Michigan State Employees Association during its two years of operation may be due to its ability to secure leadership and it appears that such leadership does not come from the rank-and-file workers.

On the other hand, the American Federation has had difficulty organizing due in part to the fact that it more truly represents what is commonly known as labor and cannot secure leadership in the organizational phases. Its success in

organizing the workers in institutions may be due to an environmental factor. Rank-and-file employees in noninstitutional work are not thrown together in such a clearly defined group and, consequently, may not realize they have mutual problems.

The Position of Civil Service

The attitude of the Commission is stated in the letter reproduced in Appendix VI.¹⁰³ It is shown here that it is immaterial to the Commission whether an employee is a union member or not, but that union activities cannot be carried on during working hours. The last sentence of the letter implies that a dismissal would be justified if the employee was guilty of union activities (if only to the extent of discussing union programs) during working hours.

This letter, which was sent to each state office, undoubtedly has acted as a deterrent for employee organizational activities, although it is doubtful if severe disciplinary actions have resulted from this policy.

A survey of employee relations in the state service is currently being conducted by the Institute of Labor and Industrial Relations of the University of Illinois.¹⁰⁴ Michigan Civil Service Commission completed one of the

¹⁰³Arthur G. Rasch, Director, MSCSC, in a letter to All Appointing Authorities, April 14, 1950.

¹⁰⁴R. W. Fleming, Director, University of Illinois Institute of Labor and Industrial Relations, in a letter to Honorable G. Mennen Williams, Governor of the State of Michigan, September 10, 1952.

questionnaires and from this the official status of employee participation can be derived.

The Commission permits employees to belong to organizations but not for bargaining purposes, administrative policy of the Commission being the source of authority for such permission. The Commission confers with any of the units but does not negotiate. It will recognize any union representative whether or not he is a state employee. In answer to the question "Who represents the agency in dealing with the union over terms of employment?" the Commission replied: "Neither the civil service commission nor any state operating agency deals with any union regarding terms of employment. Each union upon its request or when its views are sought may meet and discuss any subject with the commission or its staff, or with any state operating agency."¹⁰⁵

The Commission states further in this questionnaire that there is no bargaining or negotiating and that the state unilaterally determines its policies. Conferences but no negotiations are held regarding wages, length of work week, compensation for overtime, work schedule, vacations, holidays, sick leave, and seniority. As to establishing wage rates, the Commission states that there is unilateral determination for all classes of employees in the state classified service.

¹⁰⁵Completed questionnaire, "A Survey of Employee Relations in the State Service," p. 3, transmitted to the Governor, January 19, 1953.

There is no negotiation of non-wage issues, these also being unilaterally determined. Uniform grievance procedure does not exist as the departments establish their own machinery, and the Commission hears only those that are appealed to it.

It is stated, however, that "the commission's policy is to, through its staff and directly, confer fully with individual employees or their representatives, or with groups of employees, organized or unorganized, or their representatives."¹⁰⁶

This can probably be viewed as the official attitude of the Commission. It appears that certain members of the staff, however, have full appreciation of the value of employee participation in personnel policies and feel that machinery should be established for this consultative procedure. It is felt by some that participation in policy formation in respect to their employment is essential. Management must provide the best policy with relation to employees and should consult them and solicit their advice.

The feeling was expressed that there was a place for an employee council which represented all employees to advise the Commission. Since the unions do not represent all employees, it was believed a Council should be established with Civil Service selecting a group of employees to represent all workers. The need for some mechanism whereby those employees without a grievance could be heard was also seen.

¹⁰⁶Ibid., p. 7.

It is apparent from the Illinois Survey that the Commission's official position on employee participation is one of keeping the door open for the representatives to be heard, and by so doing it considers this consultation with employees. True participation in the formation of personnel policies demands that participants have an equal voice in such formation. Giving representatives the right to be heard when the initiative for such hearing generally arises from this group cannot be considered consultation.

That the Commission has not established machinery for fully utilizing the resource of employee participation may indicate a desire to guard its prerogatives. Establishing machinery for true participation with employees would not result in the delegation of the Commission's functions. It would merely assist the Commission in its efforts to improve morale in state service. Without formalized channels of communication with the employees, Civil Service cannot possibly be aware of grievances the employees have. Small grievances promote low morale, whereas just an outlet for airing grievances gives the employee the feeling of some value as an individual. Recognizing the value of employee opinion is recognizing the dignity and the worth of the human being.

The Commission has improved working conditions in the state service but it has not provided a channel of communication between itself and employees. The need is present, organizations are available which can supply a means to satisfy

the need if encouragement were given, and it is only policy which has retarded the Commission from carrying out the recommendations of the National Civil Service League. This League, which is an advisory council at management level, states: "Government should provide adequate machinery for cooperation, to remove causes of grievances, and promote the solution of problems and development of morale in the service. Officials should establish within their departments and agencies divisions of personnel management to operate such machinery in collaboration with employee representatives."¹⁰⁷

¹⁰⁷H. Eliot Kaplan, "Concept of Public Employee Relations," Industrial and Labor Relations Review, Vol. 1, No. 2, January 1948, p. 226.

VI

SUMMARY AND CONCLUSIONS

A Michigan Civil Service Study Commission, composed of competent persons in the field of public administration, saw its recommendations enacted into a merit system in 1937. Two years later it saw this statutory merit system "ripped" apart by the legislature. Consequently, some of the members of the Study Commission drafted a constitutional amendment to establish a merit system that would survive legislative attack.

The constitutional amendment, ratified by the people in November, 1940, established a Civil Service Commission which was financially and structurally independent of both the legislature and the governor. This Commission was vested with wide authority to regulate all conditions of employment in the state service.

In answer to the contention that the Civil Service Commission is accountable to no one, it can be concluded that this was the intent of the framers of the amendment.

The net effect of the provisions of the amendment is to establish the Civil Service Commission as a central employment agency for all state departments. In performing its function, the Commission has established rules and regulations which govern the activities of some twenty-two thousand state employees. In this position the Commission has half-heartedly recognized employee representation. This half-hearted

acceptance can be attributed in part to the first area of approach. The Commission guards its power to establish wage rates. As soon as employee representatives were granted hearings regarding wages, these groups took the credit for any increases granted.

The Commission feels that it represents the employees and that it could do for them anything that a union could do. This may be true in the case where a rule has been violated and the employee has been treated unfairly; it is unlikely, however, that the Commission would take the initiative in reviewing one of its own rules which appears to be unjustified.

The employees have indicated dissatisfaction with some of the practices but believe that they have no channel for communicating their views to the Commission. Employee organizations are anxious to provide this channel but have experienced difficulty in organizing the workers.

No extensive pressure has been brought on the Commission to recognize employee representation. This is undoubtedly due to the fact that the employees are not well organized and, therefore, do not have the strength to be effective.

The following conclusions can be drawn from this study:

1. Legislation enacted by federal and state units of government reflect public approval of employee participation in the determination of rules and regulations governing working conditions.
2. This public sentiment is accepted in principle but not in practice for the public employee in Michigan.

3. Michigan State Civil Service Commission is a central personnel agency for the departments in Michigan state government.
4. Michigan State Civil Service Commission has complete authority over the working conditions of the employees of the state of Michigan.
5. The rules and regulations now governing employees are unilaterally determined by the Commission.
6. Michigan State Civil Service Commission has the ability and authority to recognize employee participation and could do so without violating the constitution.
7. Some recognition is now given as evidenced by the Commission's acknowledgement and acceptance of salary suggestions from various organized groups.
8. Areas other than salary determination are more conducive to employee participation, but no participation exists. The Hearing Board is a logical place for joint participation, and presently this Board is composed of attorneys appointed by the Commission.
9. Other rules and regulations would be more readily accepted if employees had a voice in their determination. Examples of these would include rules relating to vacation, sick leave, promotion, demotion, suspension, service ratings, and seniority.
10. The small percentage of dismissals appealed is indicative of the lack of strength on the part of the employees to carry their case alone. The average employee cannot retain counsel to plead his cause and, consequently, finds it difficult to challenge his supervisor before a legalistic Hearing Board or a Commission composed of prominent persons. It cannot be necessarily assumed that 98 percent of dismissals are justified.
11. The attitude of employees shows a need for channels of communication. It is obvious that the Commission is not aware of all the problems the employee has. An employee is heard only after the violation of an existing rule.

12. This need could be satisfied by the creation of an Industrial Relations Division within the Commission, or by establishment of a Labor-Management Board similar to the one operating at the University of Wisconsin.
13. Organizations which have the same broad objectives as the Commission experience difficulty in organizing employees with the primary deterrent being fear in its many complexes.
14. The unaffiliated association has been more successful than the affiliated in securing members as it appeals to supervisory employees. It devotes as much time to legislative matters as to rules promulgated by the Commission.
15. The Michigan State Civil Service Commission could encourage employees to organize for the purpose of selecting persons who can be truly representative of all workers to act jointly in the grievance procedure. Such encouragement could be initiated by requesting the present organizations to appoint (or elect) from their membership one-half of the members of the Hearing Board. It might be necessary to change the size of the Board to accomplish this.
16. The Commission could give the employees some voice in establishing rules and regulations. This might be accomplished through the use of subcommittees composed of competent persons appointed by the Commission and an equal number representing the employees.
17. The competition among organizations to represent state employees weakens the position of the employees. For this reason, the Commission could announce the policy of recognizing, for purposes of joint participation, the organization which has the largest membership at some future date. It is impossible to predict whether this would be an affiliated or an unaffiliated organization. With some positive encouragement from the Commission, the affiliated organization might be more successful in securing members.

An alternative approach would be to hold an annual election among all employees for the purpose of selecting their representatives.

The Michigan State Civil Service Commission has gone far in improving the conditions of employment for state employees. It has standardized salaries and it has guaranteed security for competent employees. A positive policy is now needed toward employee participation in grievance procedure and in formation of rules and regulations. Until the Commission recognizes the value of the individual and of the contribution he can make, the state of Michigan will not receive maximum efficiency from its employees.

The satisfaction of the need for self-expression results in job satisfaction; job satisfaction reduces labor turnover; and reduced labor turnover produces a more efficient and economical labor force. Unless the Commission takes the initiative and provides machinery for participation, organized groups will tend to make their strength felt, and the same jealous guarding of "personal jurisdictions" will continue, thereby losing what could be valuable assistance in a mutual area of endeavor.

It is impossible to predict whether the Commission will admit - in the foreseeable future - employee representatives into an area considered to be policy formation. A more favorable attitude is exhibited today than in the past, but the surrender of unilateral determination of conditions of employment may be a slow process.

APPENDIX

APPENDIX I

CONSTITUTION OF THE STATE OF MICHIGAN

Article VI, Section 22

The state civil service shall consist of all positions in the state service except those filled by popular election, heads of departments, members of boards and commissions, employees of courts of record, of the legislature, of the higher educational institutions recognized by the state constitution, all persons in the military and naval forces of the state, and not to exceed two other exempt positions for each elected administrative officer, and each department, board and commission.

There is hereby created a non-salaried civil service commission to consist of four persons, not more than two of whom shall be members of the same political party, appointed by the governor for eight-year, overlapping terms, the four original appointments to be for two, four, six and eight years respectively. This commission shall supersede all existing state personnel agencies and succeed to their appropriations, records, supplies, equipment, and other property.

The commission shall classify all positions in the state civil service according to their respective duties and responsibilities, fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, determine by competitive performance exclusively on the basis of merit, efficiency and fitness, the qualifications of all candidates for positions in the state civil service, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the state civil service. No person shall be appointed to or promoted in the state civil service who has not been certified as qualified for such appointment or promotion by the commission. No removals from or demotions in the state civil service shall be made for partisan, racial, or religious considerations.

The administration of the commission's powers shall be vested in a state personnel director who shall be a member of the state civil service and who shall be responsible to and selected by the commission after open competitive examination.

To enable the commission to execute these powers, the legislature shall appropriate for the six months' period ending June 30, 1941, a sum not less than one-half of one per cent, and for each and every subsequent fiscal year, a sum not less than one per cent, of the aggregate annual payroll of the state service for the preceding fiscal year as certified to by the commission.

After August 1, 1941, no payment for personal services shall be made or authorized until the provisions of this amendment have been complied with in every particular. Violation of any of the provisions hereof may be restrained or observance compelled by injunctive or mandamus proceedings brought by any citizen of the state.

This amendment shall take effect on the first day of January following the approval thereof.

APPENDIX II

RULES

- I. BASIC REQUIREMENTS OF CIVIL SERVICE. -- All appointments and promotions to positions in the state civil service and all measures for the control and regulation of employment in such positions, and separations therefrom, shall be based on merit, efficiency and fitness as determined by examinations, service ratings and experience.
 - A. Residence. -- No person who is not a citizen of the United States, and who has not been a bona fide resident of the State of Michigan for six months immediately prior to the last date for the filing of application for an examination as stated on the public announcement, shall be eligible for any position in the state civil service or to take any examination for such position. State residence or United States citizenship may be waived by specific action of the commission.
 - B. Un-American Activities. -- No person who has engaged in un-American activities as defined by the laws of the United States or by the laws of Michigan, or who belongs to any group or organization advocating such activities or the overthrow of the American form of government, shall be eligible for, or remain in, any position or employment in the state civil service.
- II. POSITIONS IN STATE CIVIL SERVICE ON JANUARY 1, 1941. -- Persons holding positions in the state civil service on January 1, 1941, are those who on that date or on the day following were on the state payroll as regular employees receiving pay therefor, including those on leave of absence and those engaged in intermittent or seasonal work.
 - A. Persons Granted Permanent Status. -- Every person who on January 1, 1941, was legally occupying either a classified or unclassified position placed in the state civil service by the amendment to the constitution, and who had theretofore taken either a qualifying or competitive examination conducted by the state civil service commission, and obtained a passing grade therein and had acquired status in that position, or who had been included in such service under the merit system maintained by the Michigan Unemployment Compensation Commission, the Michigan State Police, or the State Conservation Department, shall be entitled to continue to occupy such position without further examination or certification for such employment and shall become subject to the provisions of these rules.

1. If the position held on January 1, 1941, has been allocated to a class at a higher level than the one for which the employee had obtained status, a promotional examination shall be required. If the position held on January 1, 1941, has been allocated to a different class on the same or lower level than the one for which the employee had obtained status, an examination may be required at the discretion of the director.

B. Persons Granted Temporary Status. -- Every other person who on January 1, 1941, was legally occupying a position placed in the state civil service by the amendment to the constitution shall hold his position pending examination and certification to fill the position so occupied, and shall be removed therefrom only in accordance with the provisions applicable to permanent employees. All such employees shall be entitled to the same rights and privileges accorded permanent employees, pending establishment of status through open competitive examination.

III. MEETINGS OF COMMISSION. -- The commission shall meet at such times and places as the chairman shall designate or on the written request of two members. Three members shall constitute a quorum. At least ten meetings of the commission shall be held yearly.

IV. DIRECTORSHIP. -- The director shall be a member of the state civil service, selected by the commission after open competitive examination.

V. EXCEPTED POSITIONS. -- The "Excepted Positions" referred to in the constitution are set forth in Schedule A.

A. Heads of Departments. -- The term "Department Head" shall mean either the chief administrative officer of an agency of government created by law in those cases in which there is a single chief executive, or the members of a board or commission.

B. Boards and Commissions. -- The terms "Boards" and "Commissions" shall mean boards and commissions established by the legislature or created by the constitution.

VI. EXEMPT POSITIONS. -- The exemption of two positions for each elected administrative officer, and each department, board, and commission, shall apply exclusively to the several agencies listed in Schedule B appended to these rules. No position shall be exempted under this provision until after notice to the state civil service commission by the appointing authority of the agency concerned, designating the two positions so exempted. Such designation cannot thereafter be changed except with the approval of the commission.

VII. APPOINTMENT TO EXEMPTED OR EXCEPTED POSITION. -- An employee in the state civil service may be appointed to an exempted or excepted position without losing his status in his previous classification.

A. Termination of Appointment to Exempted or Excepted Position. -- At the conclusion of his occupancy of an excepted or exempted position a classified employee may return to his former position. In the event that the latter position has been abolished during his absence, he shall be returned to the state civil service in accordance with Rule XXIV.

VIII. EXAMINATIONS FOR AGENCY LICENSES. -- The director, by agreement with any other agency of the state government, may conduct examinations to determine the qualifications of applicants for licenses issued by such agency and certify the results thereof, in conformity with regulations prescribed by the director.

IX. POLITICAL ACTIVITIES. -- No employee in the state civil service shall be or become a member of any political party committee formed or authorized under the general election laws of the state, nor shall he be or become a delegate to any state, district or county convention held by any political party in this state, nor shall he be or become a member of any national political party committee or participate as a delegate from this state in any national political party convention.

A. Political Assessments. -- The levying, solicitation, collection or payment of any type of political assessment in the state civil service is expressly prohibited.

1. This rule shall apply to those who levy, solicit, collect or pay any type of political assessment and also to those who authorize or order such levying, solicitation, collection or payment of any type of political assessment.

B. Candidates for Public Office. -- No employee in the state civil service shall become a candidate for any elective office without first resigning his position or obtaining a leave of absence when petitions are filed in his behalf, except as indicated in the following sub-section.

1. Without requiring a leave of absence the director may permit an employee to become a candidate for public office in any non-partisan election or for an office of a temporary nature, such as membership on a municipal charter revision commission or as a delegate to a state constitutional convention, or as a member of a local school board.

C. Violations. -- Any employee in the state civil service found by the commission to have violated any of the provisions of Rule IX shall be dismissed. If the appointing authority fails to take such action within fifteen (15) days after the director has brought the matter to his attention the employee shall be dismissed by the director with the approval of the commission.

X. HOURS OF SERVICE. -- Forty (40) hours of actual attendance on duty shall constitute a minimum work week, and forty-eight (48) hours of actual attendance on duty shall constitute a maximum work week for every full-time employee in the state civil service. The exact number of work hours in a particular division of state government shall be determined by the appointing authority and the director within the limits of this rule. The provisions of this rule shall be complied with as rapidly as the operating conditions of each agency of the state government shall permit.

XI. ANNUAL LEAVE. -- Every continuing, full-time employee in the state civil service shall be entitled to annual leave with pay of one work day for each completed month of service. Employees rendering part-time, seasonal, intermittent or hourly service shall be entitled to leave at the same rate for time actually worked.

A. Transfers. -- Any employee who changes from the service of one appointing authority to another shall at the time of said change be paid in full for his accumulated annual leave by the agency in which the leave was accumulated.

B. Separation. -- In the event of the separation of any employee from the state civil service, he shall be paid for the unused portion of his annual leave.

C. Accumulation of leave. -- Unused annual leave may be accumulated by any employee up to twenty-four (24) working days. The director may authorize accumulations for more than twenty-four (24) days when he believes such accumulation is warranted. In all other cases, the employee shall be paid for each day accumulated in excess of twenty-four (24) working days.

D. Provisional Appointments. -- When circumstances require a continuation of provisional appointments beyond the maximum specified in these rules, an employee thus affected shall be entitled to the same annual leave authorized permanent employees; the accumulation of such leave to begin with date of first employment.

- XII. SICK LEAVE. -- Every continuing, full-time employee in the state civil service shall be entitled to sick leave with pay of one (1) working day for each completed month of service.
- A. Compensation Benefits. -- In case of accidental injury or occupational disease where compensation insurance benefit is payable under the Michigan Workmen's Compensation Act, the employee may utilize sick leave allowances during his disability from work only to the extent of the difference between the compensation insurance benefit and his normal salary or wage and with the consideration that the sick leave period may be extended but shall not exceed the monetary value of the full-time sick leave allowance accrued as of the date of injury or illness.
- B. Utilization of Sick Leave. -- An employee may utilize his sick leave allowance upon approval of the appointing authority and the director, for absences due to illness, injury, or exposure to contagious disease endangering the health of other employees and to illness or death in the employee's immediate family.
- C. Accumulation of Sick Leave. -- Unused sick leave allowance may be accumulated up to a hundred (100) working days unless more than a hundred (100) days are approved by the appointing authority and the civil service commission.
- D. Return of a Separated Employee. -- When an employee who has been separated from the state civil service returns, his previous unused sick leave allowance may be placed to his credit, provided same is approved by the director.
- E. Transfers. -- An employee who transfers from one state agency to another shall be credited with the unused balance of his sick leave allowance.
- F. Provisional Appointments. -- Provisional appointees or those who render part-time, seasonal, intermittent or hourly service shall be entitled to sick leave at the same rate for the time actually worked.
- G. Disability Insurance. -- The director, in conjunction with appointing authorities and the state budget director, shall prepare and submit to the commission a comprehensive contributory disability insurance system for employees in the state civil service.
- H. Proof. -- When absence is alleged to be because of illness, the director and/or the appointing authority may require the employee to furnish a sworn affidavit to the effect that his absence was caused by illness.

- XIII. VETERANS. -- A "war veteran" is any person who has served in the United States army, navy, marine corps or revenue marine service, as an active nurse in the service of the American Red Cross or in the army or navy nurse corps, in time of war, or in any expedition of the armed forces of the United States on foreign soil, or who served under the provisions of the Selective Service Act of September 16, 1940, who has received an honorable discharge or certificate of honorable active service.
- A. Veterans' Preference and Credits. -- Any such veteran, or the widow of a veteran, taking an open competitive examination, shall receive ten (10) points credit added to the earned rating resulting from his examination. He shall have priority on the eligible list if his total rating is the same as that of a non-veteran.
1. Veterans, in order to obtain preference credits, must apply for such credits at the time of filing applications or on or before the closing date for acceptance of applications.
- B. Widow of Veteran with Minor Children. -- Any such widow, who has one child or more that has not reached the age of eighteen, taking an open competitive examination, shall receive fifteen (15) points credit added to the earned rating resulting from her examination. She shall have priority on the eligible list if her total rating is the same as that of a veteran, widow of a veteran, or non-veteran.
1. Widows of veterans having minor children, in order to obtain preference credits, must apply for such credits at the time of filing applications or on or before the closing date for acceptance of applications. Marriage certificate and birth certificate of children must also be presented as proof in obtaining such credits.
- C. Disabled Veterans. -- A "disabled war veteran" is one who has been determined to be eligible for disability compensation from the United States through a veterans' administration agency. Any such veteran, or the wife of any veteran having greater than a fifty (50) per cent disability, shall receive fifteen (15) points credit added to the earned rating resulting from his examination. Such a veteran shall have priority on the eligible list and precede a veteran, widow of a veteran, widow of a veteran with minor children, and a non-veteran if their total ratings are the same.
1. Disabled war veterans, in order to obtain preference credits, must apply for such credits at the time of filing applications or on or before the closing date for acceptance of applications.
- D. Leave of Absence. -- An employee entering military service in time of war or in any expedition of the armed forces of the United States on foreign soil, or who served under the provisions of the Selective Service Act of September 16, 1940, or in any other national or state emergency, shall be entitled to a leave of absence without pay for the period thereof, with the right of restoration to his former position and former status. Employees working on a provisional basis in excess of four (4) months who enter the armed services, shall be entitled to the same leave privileges and rights as a regular employee.

- E. Abolishment of Position. -- If the veteran's former position shall have been abolished, he shall be entitled to another position in the same class, in the same department. In the event that there is no such position available, he shall be entitled to a position in the next lower class for which he may have status, in accordance with the provisions of the employment preference schedule, Rule XXIV.
- F. Reallocation. -- If the veteran's former position shall have been reallocated either higher or lower he shall have the same rights with respect to the reallocated position he would have had if he had remained in the state service.
- G. Combining of Positions. -- If the veteran's former position shall have been combined with another position, his right to the combined position with respect to its present incumbent shall be determined in accordance with Rule XXIV.
- H. Examination. -- In the event the veteran is without status in the class to which his position is allocated, and if he would have had the opportunity to have secured such status by examination during the time of his military leave, he shall be entitled to and required to take such examination as soon as practicable after his return to the state civil service. In this event, his position on the eligible list shall be determined by reference to the passing point previously established for the examination. Status thus obtained shall begin with the date of the establishment of the original register.
- I. Promotional Examinations. -- When an employee returns from military leave and takes a promotional examination for which he would have been eligible had he remained in the state service he shall be entitled to certification and appointment at the request of the appointing authority, if he would have been within certifiable range at the time of the original certification.
- J. Procedure Required. -- To obtain the benefits of the provisions of these rules the returning veteran must make application in writing to the director within six (6) months of his official discharge from the armed services and/or from date of discharge from a veterans' hospital. Subject to the conditions and procedures set forth above, the appointing authority or the director shall restore the veteran to his position within thirty (30) days of the filing of such application.

- K. Use of Employment Preference Schedule. -- For the purpose of the employment preference schedule -- Rule XXIV -- military service shall be considered as state service in the same position and in the same department where the veteran was employed at the time of his induction in the armed forces.
1. In the event an employee who was on military leave and who returned to his former position following date of honorable discharge is promoted to a higher level position within one year after his return to the state civil service, he shall be credited with as much state service in the higher class as he has had military service for Employment Preference purposes -- Rule XXIV.
 2. A veteran of World War II entering the state civil service within one year following date of honorable discharge from the military service shall be credited with as much seniority in the class and level in which he is first employed as he has had military service for Employment Preference purposes -- Rule XXIV.
- L. Salary Step Increases. -- If the previously earned service ratings of an employee returning from military leave have been satisfactory, he shall be entitled to the regular step increases in salary which he might have received had he remained with the state civil service.
- M. Leave of Absence. -- The director may authorize a leave of absence without pay to any veteran who desires to take advantage of the educational grants made available by federal funds for veterans' education.
- N. Names on Registers during Leave. -- Where a person in the military service was on a register which was superseded during his absence because of new examinations, his name shall be inserted on a new register in accordance with his final rating in the original examination for that class.

Where a person in the military service was certified for a position and could not be considered for appointment because of his absence, his name shall go to the top of the existing register for the class for which he was certified. When more than one person is involved, the names will be placed at the head of the register in accordance with their final earned rating.

XIV. LEAVE OF ABSENCE WITH PAY. -- An appointing authority may, with the approval of the director, authorize salary payments in whole or part to employees whose leaves have been approved in order to permit them to attend school, visit other governmental agencies, or in any other approved manner to devote themselves to systematic improvement of the knowledge or skills required in the performance of their work.

XV. LEAVE OF ABSENCE WITHOUT PAY. -- An employee in the state civil service may be allowed leave of absence without pay and without loss of his employment status upon prior written approval by his appointing authority and the director.

- A. Authorization. -- No leave of absence without pay shall be granted to an employee for longer than six (6) months unless authorized by the appointing authority and approved by the director.
- B. Restoration to Position. -- An employee granted leave of absence without pay shall be restored to his position on the expiration of the leave, or if approved by the appointing authority and the director, before the expiration of the leave.
- C. Abolishment of Position. -- If the position of an employee who has been granted leave of absence without pay is abolished during his absence, he shall be returned to the service in accordance with the employment preference schedule set forth in Rule XXIV.

XVI. ABSENCE WITHOUT LEAVE. -- Any employee in the state civil service who absents himself from duty for two consecutive days without specific permission from the appointing authority or the director may be dismissed.

- A. Striking Activity. -- Any employee in the state civil service who absents himself from duty by participating in a strike against the state of Michigan or any agency thereof, shall be dismissed by the appointing authority. If the appointing authority fails to take such action within fifteen (15) days after the first day of said absence, the employee shall be dismissed by the director with the approval of the civil service commission.

XVII. CLASSIFICATION PLAN. -- The official classification plan for all positions in the state civil service shall be as provided by the titles of classes shown in the currently approved schedule, and may be amended by the commission upon the recommendation of the director.

A. Allocation of Positions. -- The director shall allocate every position in the state civil service to the class which he finds to be appropriate.

1. In determining the class to which any position should be allocated, consideration shall be given to the general duties, responsibilities, specific tasks, desirable and/or minimum qualifications, and relationship to other classes and levels.

B. Review of Allocations. -- The director shall periodically provide for a systematic investigation of all positions in the state civil service for the purpose of adjusting the allocations of all positions where the duties and responsibilities may have materially changed.

C. Request for Study of Position. -- Appointing authorities shall give notice to the director of material changes in the duties and responsibilities of the positions occupied by their employees. If an appointing authority fails to so notify the director, the employee may file a written request with the director that his position be studied.

D. Publication of Specifications. -- The director shall maintain and publish a complete set of specifications for all classes in the state civil service. Such specifications shall include title, statement of responsibilities and typical tasks and minimum and/or desirable qualifications. Such specifications shall be periodically revised with a view to maintaining their accuracy.

E. Designation of Classes. -- The title of each class shall be the official title of every position allocated to the class for all purposes having to do with the position. This title, or its properly designated code number, shall be used to designate the position on all payrolls and other records of the civil service commission.

XVIII. ESTABLISHMENT AND DISCONTINUANCE OF POSITIONS. -- No person shall be appointed to, employed in, or paid for service in any position in the state civil service until the position has been established and allocated to its appropriate class.

- A. Establishment List. -- An establishment list shall be maintained by the director for each organization unit showing by classes the positions that have been established and maintained. No change in any such list shall be made by any organization unit except to fill a vacancy in an established position or in a newly created one.
- B. Procedure in Establishment of Position. -- With the approval of the director any appointing authority may establish a position which he finds necessary and for which compensation may properly be paid under appropriation available.
- C. Discontinuance of Position. -- Each appointing authority shall report to the director each discontinuance of a position which he does not intend to fill within the next six months. The director may, however, retain seasonal positions on the establishment lists.
- D. Abolishment of Unnecessary Positions. -- The director, in conjunction with state officers, department heads and the budget director, shall make a periodic study and canvass for the purpose of abolishing unnecessary positions in the state civil service, and shall submit his recommendation to the commission for approval. In case of eventual unemployment resulting from such studies, the employees shall be entitled to thirty days' notice, their pay to continue for the period of their accumulated annual leave or for not less than three weeks after the notice becomes effective. This provision shall not apply to emergency or transient appointments as covered by Rule XXI.

XIX. COMPENSATION OF EMPLOYEES. -- The commission shall establish and approve a compensation schedule covering all positions in the state civil service, and compensation paid all employees in the state civil service shall be in accordance with such schedule.

- A. Schedule Amendments. -- The said compensation schedule may be amended as required.
 - 1. The director shall periodically conduct a survey of living costs, of compensation rates in private employment and in other governmental jurisdictions, and communicate the results of his findings to the commission.

B. Operation of Schedule. -- No employee in the state civil service shall be paid a salary greater than the maximum or less than the minimum for the class as fixed by the compensation schedule, unless a higher rate is authorized by the commission.

1. The minimum rate in the scale shall be the rate payable to any employee on first appointment to a position unless a higher rate is authorized by the commission.
2. When an employee is transferred, reinstated, or appointed from a reemployment register to a position having the same salary steps he may be paid at the salary rate which he last received or at a rate lower as agreed upon by the appointing authority and the director.
3. In order to bring rates of pay of employees into conformity with a revised compensation schedule, an employee being paid at a rate lower than the minimum prescribed for the class shall be increased to the minimum. The rate of pay of an employee being paid at a rate higher than the maximum prescribed for his class shall be reduced to such maximum unless a higher rate is authorized by the commission. The rate of pay of an employee being paid at a rate between the minimum and the maximum of the scale prescribed for his class shall be at the corresponding step in the new range.
4. When the position of an employee is reallocated upward or the employee is promoted, he shall be paid at the minimum rate of the new class. If said minimum is less than his former rate, he shall be paid at the step above his former rate. If he has been paid at said former rate for a period of six (6) months or more, he shall be paid at the next higher step interval.
5. When the position of an employee is reallocated downward, or the employee is demoted, he shall receive the maximum of the lower class except in cases in which that maximum is more than his previous rate, in which case he shall remain at his previous rate.

C. Full and Part-Time Service. -- All rates of pay authorized are for full-time employment with due allowance for holidays and leaves of absence. Payment for part-time service shall be proportionate to the time actually employed.

1. When rates of pay are established on a monthly basis but when employment is on a casual project basis not involving continual employment and where application is made in advance of employment, the director may establish an alternative hourly rate of pay which may exceed the equivalent maximum monthly rate of pay when necessary.

- D. Maintenance Allowance. -- Where allowances due employees are made for maintenance or other purposes, they shall be considered as part compensation, unless specifically excepted by the director with the approval of the commission.
1. Allowance for full or part-time maintenance such as quarters, domestic or other personal services, medical care or treatment, laundry or other services or provisions, shall be deducted from the salary payable to the extent of its value as established by the appointing authority and the budget director with approval of the director. The total amount paid to an employee plus the value for any maintenance shall not be less than the minimum rate or greater than the maximum rate for the class as provided in the compensation plan.
 2. Where maintenance is furnished it shall be optional with the employee to receive such maintenance except where it is necessary for the proper performance of the duties of the position. No employee shall be charged for maintenance not received.
- E. Compensation from Other Sources. -- When a person is employed in more than one part-time position in the state civil service, he shall not receive more than the regular salary for the class of work to which he is assigned. The salary shall be prorated among the various departments on the basis of time actually worked.
1. It shall be the duty of appointing authorities when arranging to fill a position for which the compensation is in part paid by another agency to give prior notice to the director of the arrangement for payment.
- F. Overtime. -- Compensation for overtime service shall be paid at the regular rate upon the application of the appointing authority, approved by the director.
1. Approval of the director for overtime payment shall be obtained prior to or concurrently with the performance of the service.
- G. Earned Increases. -- Pay increases in the amounts and at the intervals provided for in the compensation schedule for the specific class, shall be granted to all employees for satisfactory service, the pay increases to become effective within fifteen days after the interval to which they apply. When the appointing authority fails to make a recommendation for such an earned increase in pay the director shall grant the increase.
1. Advance in pay from the minimum to the maximum rate shall be by successive steps of the scale of pay for the class as provided in the compensation schedule unless otherwise authorized by the director.
 2. Such changes in compensation shall be effective at the beginning of the pay period following the date of approval by the director.
 3. When any employee transfers between departments or divisions without interruption in state civil service he shall be credited with the period of service with the previous department or division in the computation of the earned increase interval.

H. Reduction of Pay. -- The pay of an employee receiving more than the minimum rate for his class may be reduced to the next lower rate by the appointing authority, with the approval of the director.

I. Approval and Disapproval of Disbursements for Personal Services. -- No disbursements for personal services in any position in the state service shall be made unless a payroll therefor shall have been examined and certified for payment by the director. Suitable attendance records for audit by this commission shall be maintained by each state agency. No payroll shall be certified unless it be found that all employees shown thereon lawfully occupy excepted or exempted positions, or have been lawfully employed in duly authorized positions in the state civil service and have rendered the state the services specified and are entitled to payment under these rules for such services in such positions, or authorized absences therefrom, at the rates, for the periods, and in the amounts shown by such payroll.

1. No disbursement for contractual personal service may be made unless the contract for such service shall first have been approved by the director.

2. The director shall cause to be stricken from each payroll any item which cannot be certified under the provisions of this rule and notice shall be given to the appointing authority concerned of such action and the reason therefor.

XX. ORIGINAL APPOINTMENT. -- Any appointment to a position in the state civil service through certification from an open competitive register shall constitute original appointment. No original appointments shall be made by an appointing authority until authorized by the director.

XXI. TEMPORARY APPOINTMENTS. -- There are three kinds of temporary appointments: provisional, transient, and emergency.

A. Provisional Appointments. -- In the absence of enough available eligibles to provide a full certification of three names, or the certification of one name as provided in Rule XXV-A, or in the case of a temporary vacancy by reason of leave of absence, a provisional appointment may be made. Such provisional appointment shall continue until the position can be filled through certification or the return of the employee on leave of absence, but shall not continue for longer than four months unless specifically authorized by the commission.

1. An appointing authority in nominating a person for provisional appointment shall transmit to the director on the prescribed form a statement of the qualifications of the nominee and other pertinent information. If such nominee is found by the director to possess the basic and necessary qualifications called for by the specification for the position, he may be appointed.
 2. Employees appointed on a provisional promotion basis shall have continuing status in the class from which they were appointed until the establishment of a promotional register for the class.
 3. The appointment of a provisional employee shall not be terminated by certification until he has had an opportunity to take a competitive examination for the position. Any provisional employee who has failed to pass sufficiently high to be within certifiable range, or who has had an opportunity to take such an examination and has not availed himself thereof, shall be certified against.
- B. Transient Appointments. -- A transient appointment is a temporary appointment for work expected to be completed within ninety (90) calendar days. No transient appointment shall be permitted to continue longer than ninety (90) calendar days nor shall the same person receive a transient appointment for a second period of service in any calendar year. The appointing authority shall submit the name of the person to be appointed and other necessary information on the prescribed forms.
- C. Emergency Appointments. -- An emergency appointment may be made under conditions necessitating immediate action. No emergency appointment shall continue longer than is necessary to fill the vacancy by other means.
1. Each such appointment shall be reported in writing to the director within twenty-four (24) hours.
 2. The director shall allocate the position filled by emergency appointment to the proper class and shall notify the appointing authority of such allocation and rate of pay applicable thereto.
- D. Approval. -- Prior approval by the director of each provisional and transient appointment shall be required before the date of entrance on duty. Prior approval of an emergency appointment shall not be required.

XXII. EXAMINATIONS. -- All original appointments and promotions to positions in the state civil service shall be made through certification from eligible lists resulting from examinations. The director shall maintain adequate eligible lists.

- A. Notice of Examination. -- Public notice of each examination for original appointment shall be posted on the commission bulletin board and mailed to the offices of all county clerks in the state, at least two weeks before the last date for filing applications.
- B. Announcement of Promotional Examination. -- A copy of each announcement for promotional examination shall be supplied to the appointing authority of each department affected, whose duty it shall be to post such notices where they can be seen by all employees of his department.
 - 1. The announcement for a promotional examination shall specify the department or division thereof whose employees shall be eligible to compete.
 - 2. The announcement for promotional examination shall indicate that employees who meet the requirements with reference to citizenship and service ratings, and who have served their probationary period in the next lower class shall be considered eligible to compete in the examination.
 - 3. The announcement may also specify additional lower classes, designated by the director, the occupants of which may apply for the promotional examination provided they have completed their probationary period, have satisfactory service ratings and possess the basic and minimum entrance requirements for the examination.
- C. Content of Announcements. -- Each announcement of an examination for original appointment or promotion shall contain the title of the class, the character of the duties and responsibilities and examples thereof, the scale of pay, the minimum eligibility requirements, and other pertinent details.
 - 1. Each examination announcement shall state the limitations of eligibility to either sex.
- D. Applications. -- Applications must be filed on official blanks furnished by the commission. A candidate shall not be required to submit more than one formal application regardless of the number of examinations for which he may file. The candidate's original application shall be supplemented by a record of experience and training gained subsequent to original filing, whenever he files for a new examination.
 - 1. Applicants may apply for as many examinations as are listed on a particular public announcement by listing on their application blank the titles of all the positions for which they wish to be considered. No class title shall be added to an application after the closing date for acceptance of applications, unless authorized by the director.

E. Rejection of Applications. -- Any application for examination shall be rejected in case the director finds:

- (a) That the applicant does not meet the basic and necessary requirements specified in the announcement for admission to the examination.
 - (b) That the application was not filed on or before the closing date for receipt of applications.
 - (c) That the applicant has falsely stated any material fact or has attempted to practice deception or fraud in his application.
 - (d) That the applicant is afflicted with any disqualifying disease or defect, mental or physical.
 - (e) That the applicant is addicted to the excessive use of narcotic drugs or intoxicating beverages.
 - (f) That the applicant has been guilty of disgraceful conduct such as would render him unfit for a position in the state service.
 - (g) That the applicant has been removed from a state position for a cause rendering him unfit for a position in the state service for the class for which he is applying.
 - (h) That, in the case of any examination for promotion, the applicant has not completed his probationary period, or his service ratings have not been high enough to meet the standards of satisfactory service prescribed as necessary to justify his consideration for promotion.
1. When such finding is made, the director shall reject the application and shall cancel the eligibility of the applicant if he has already attained a place on the eligible register. In the event the applicant has already received appointment, the director shall take appropriate action to remove him from the state civil service.

F. Reallocation to a Higher Level. -- An employee occupying a position which is reallocated to a higher level shall be required to take an examination for the higher level except in those instances in which the director, with the approval of the commission, determines otherwise.

XXIII. SCOPE AND CHARACTER OF EXAMINATIONS. -- Examinations may include any questions, tests or criteria designed to evaluate the fitness of candidates and their capacity to develop so as to merit advancement. So far as is practicable tests in any promotional examination shall be similar to corresponding tests in any examination for original appointment to positions of the same class, and the same standards shall be applied in determining ratings.

- A. Preparation of Tests. -- The tests for each examination shall be prepared by the civil service staff and approved by the commission. No information concerning the nature of the tests shall be divulged by any person prior to an examination.
 - 1. The director may, at his discretion, collaborate with appointing or other qualified authorities in reviewing the content of the examinations.
- B. Conduct of Examinations. -- The tests shall be conducted by the director or by persons designated by him only at the times and places stated in the notices of acceptance of application, except as otherwise ordered by the director.
- C. Ratings of Applicants for Lower Class. -- Any applicant who fails to qualify as an eligible for the class for which he has been examined may have his examination rated with reference to his eligibility for a lower class in the same series provided he has filed a written request therefor with the director.
 - 1. Rule XXII, Section D, Sub-section 1, shall apply.
- D. Elimination Tests. -- Wherever it is stated in the announcement that an applicant must qualify in a series of different tests, or attain a specified acceptable rating in any other test, to become eligible for appointment, and the applicant fails to meet such requirements he shall not be privileged to take any further tests in said examination and said test, if given, need not be rated.
- E. Notice and Records of Results of Examinations. -- All competitors shall be notified by mail of their final ratings. The papers and records of ratings shall be held as official records for the life of the resulting eligible lists. Any competitor, or his representative authorized in writing, shall be permitted to inspect his own papers and record upon application in person at the main office of the department in Lansing, during business hours.
- F. Appeals from Ratings. -- Any competitor may appeal from his ratings within fifteen (15) days after the date the notice was mailed to him, by written request to the director. The director shall grant such review for satisfactory reasons and may change such ratings if found warranted. When such review discloses errors affecting the ratings of other competitors, the review shall include them. A full report of each such review and findings shall be made to the commission.

- XXIV. EMPLOYMENT PREFERENCE. -- Employment preference shall be determined in accordance with number of years of service in the class or a class on a higher level.
- A. Schedule. -- In the event of a tie between or among employees, said tie shall be resolved by comparison of the records of the employees on the following basis:
1. Average service ratings within the class or a higher class. In the event that such comparison fails to resolve the tie, consideration shall be given to:
 2. Total years of service in the next lower class. In the event that such comparison fails to resolve the tie, consideration shall be given to:
 3. Average service ratings in said lower class or classes. In the event such comparison fails to resolve the tie, consideration shall be given to:
 4. Service in additional lower classes considered successively when necessary to resolve ties.
- B. Years of Service. -- Years of service shall be interpreted as the total number of years of service completed by the employee.
1. Provided, that only those persons employed in the state service as of the effective date of this rule, May 9, 1944, or who occupied positions on reemployment registers existing on May 9, 1944, as a result of layoff, may apply state service prior to that date in the accumulation of employment preference.
 2. Any and all years of state service that an employee may have completed prior to the time of the establishment of positions in state civil service shall be credited to him as years of service in the class in which such employee first acquired civil service status.
 3. Provided, further, that any person who resigns or is dismissed from the state civil service and subsequently reappointed to a position in the classified service shall lose such employment preference as he may have accumulated during his prior employment.
- C. Average Service Ratings. -- In the determination of average service ratings employees shall be grouped in the following three categories:
1. Seventy (70) to seventy-nine (79)
 2. Eighty (80) to eighty-nine (89)
 3. Ninety (90) to one hundred (100)

- D. Further Application of Employment Preference Schedule. -- The employment preference schedule outlined above shall also be applied to all cases of layoff, discharge, and other situations in which employment preference is involved.

XXV. ELIGIBLE LISTS. -- There shall be four kinds of eligible lists: reemployment, promotion, transfer, and open competitive.

- A. Names on Reemployment Lists. -- The director shall place on the reemployment list for any class the names of former employees of the class, who, since January 1, 1941, while in good standing, were laid off, demoted, or were separated from their positions without fault or misconduct on their part, provided that they have satisfactorily completed their probationary period. In case of a vacancy where a departmental reemployment list exists for a class, the top name on such list shall be certified, and the appointing authority shall appoint such person to fill the vacancy. An employee with civil service status who resigns from his position may have his name placed on a reemployment register upon written request submitted within one year of the date of his resignation, provided his application has the approval of the appointing authority and the director.
- B. Names of Eligibles on Promotion and Open Competitive Lists. -- The names of successful candidates in examination for promotion and for original appointment to positions of any class shall be entered on the respective promotion and open competitive lists for the class in the order of their final ratings, regardless of the dates of examination. The final rating shall be the combined ratings of the several parts of an examination. The names of two or more eligibles who have passed an examination for appointment to positions of the same class, with the same final rating, shall be placed on the open competitive list in the order of their ratings on the specific test, or tests, in such examination, that the director shall find most important.
- C. Division of Eligible Lists. -- The director, when he deems it to the interests of the service, may hold examinations for appointment to positions of a class in a specified district of the state or for a specified institution or other organization unit, or may divide an eligible list by districts or organization units, according to the expressed willingness of eligibles to accept appointment. He may, in addition, maintain a general eligible list for the same class containing the names of eligibles who have expressed willingness to accept appointment to a position in the class anywhere in the state. The districts and organization units for which separate eligible lists are established may vary for different classes.
- D. Use of Names from Appropriate Registers. -- In the absence of an eligible list for a particular class, the director may certify from a register of another class which he deems appropriate, when such action is in the best interest of the service.

- E. Duration of Eligibility. -- The names of eligibles on any eligible list shall remain thereon for three (3) years unless the life of the register is specifically extended or shortened by the commission.
1. Said names may, however, be removed therefrom because of:
 - (a) Appointment through certification from such list.
 - (b) Appointment through certification from an appropriate list. -- At the request of the appointee in such a case, however, his name shall be continued on the list from which the appointment was made, for the remainder of the period of eligibility for such list.
 - (c) Filing of a statement by the eligible that he is not willing to accept appointment under conditions he previously specified.
 - (d) Separation from the department of the name of an eligible on a promotion list for that department.
 - (e) Disability that prevents the eligible from satisfactorily carrying on the duties of the position.
 - (f) Failure to respond to inquiry concerning availability for employment.
 - (g) Prior certification and appointment to the class.
 - (h) An employee's retirement from the state civil service.
 2. The director may, with the approval of the commission, remove the name of any eligible from any register on receipt of due proof that said eligible has physical, mental, or other defects that may disqualify him from performing the work of the class.
 3. All registers established prior to January 1, 1941, shall be abolished as soon as the eligible list resulting from the new examination for the class is established.
- F. Restoration of Names to Lists in Certain Cases. -- Upon furnishing the director with satisfactory reasons therefor, an eligible may have his name restored to any list from which his name may have been previously removed.
- G. Abolishment or Reallocation of Classes. -- Whenever a class is abolished or reallocated, names on existing eligible lists for said class shall be transferred to and combined with names on comparable register or registers.

XXVI. CERTIFICATION AND APPOINTMENT. -- Whenever a vacancy in a civil service position is to be filled, the appointing authority shall request the director to certify eligibles for such vacancy. Each such request shall identify the position by reference to the established position number and to the name of the employee last occupying the same, or in the case of a newly created position the date of its establishment.

A. Order of Certification Lists. -- The director shall thereupon certify the three highest eligibles from registers which he shall employ in the following order (subject to the exception of certification of one as required by Rule XXV-A, and to the exception that a provisional employee shall not be certified against until he has had an opportunity to take a competitive examination as provided for by Rule XXI, A-3):

- (a) The reemployment list.
- (b) The promotional list.
- (c) The transfer list.
- (d) The open competitive list.

B. Selections and Appointments through Certification. -- The appointing authority shall make selection for the first vacancy from the first three eligibles certified, the two names certified and not chosen to be returned to the eligible list for certification at the time of the next vacancy. If there are several vacancies, the certification shall contain two more names than there are vacancies to be filled. When there are fewer than three eligibles, the director may certify the one or two eligibles on the list and the appointing authority may make a selection and appointment, may elect to wait for full certification of three, or may make a provisional appointment.

- 1. Eligibles shall be certified without regard to sex, except that where sex is specified on the request and the director is satisfied that there is just reason therefor, certification may be limited to the sex desired.

C. Waiver of Certification. -- Any eligible who waives certification or refuses to accept a position under conditions previously agreed to shall be automatically removed from the eligible register unless the director shall specifically find that circumstances warrant such waiver or refusal.

XXVII. PROBATIONARY PERIOD. -- Each original appointment and each promotion shall be on a probationary basis for six months, which shall be regarded as a working test period. Should the employee on probation fail to render satisfactory service he may be removed by the appointing authority upon notice to both employee and the director. Final performance and conduct reports of the employee during the probationary period shall be made to the director by the appointing authority not later than ten days prior to the expiration of the period. Such reports shall recommend the continuance of the individual as a regular employee or his removal from the service.

- A. Serving Probationary Period. -- Provisional employees who have served six (6) months or longer in any position to which they are subsequently certified shall be considered as having served their probationary period. Provisional employees who have served less than six months in any position to which they are subsequently certified shall be considered as having served that portion of their probationary period.
1. If an employee who has been separated during the probationary period is reemployed in the same department, the probationary period already served shall be carried over into the new position. If such an employee is reemployed in another department, a complete new probationary period must be served.
- B. Permanent Appointment of Employees Without Full Status on January 1, 1941. -- Notwithstanding any other provisions of these rules, employees holding their positions under the provisions of Rule IIB who place high enough for immediate certification to their positions from the eligible register therein provided for shall be appointed to their positions and shall not be considered as serving in a probationary period subsequent to appointment.

XXVIII. STATUS. -- An employee who has been examined, certified, and appointed and who satisfactorily completed his probationary period shall be considered as having obtained full civil service status.

XXIX. VACANCIES. -- Prior to filling a position an appointing authority shall notify the director by giving the duties of the position and other pertinent information on a prescribed form.

- A. Filling of Vacancies. -- Vacancies in positions in the state civil service may be filled by reappointment, demotion, transfer, reinstatement, reemployment, promotion, original appointment, or temporary appointment.
- B. Tenure of Employment. -- Employment by any of the methods specified, except that of temporary appointment, shall be without definite term, except as terms are specified by law, but positions may be abolished or employment therein discontinued, and their incumbents may be transferred to other positions, be demoted, or laid off when employment in such positions is no longer needed or funds are not available.
- C. Effective Date. -- Employment in a vacant position shall become effective as of the date on which the employee enters on the duties of the position.

XXX. SERVICE RATINGS. -- The director shall establish a system of service ratings to register the quality and quantity of service rendered by each employee in the state civil service. These ratings, together with seniority groupings, shall be used in such manner as shall be helpful in the administration of the provisions of the amendment.

- A. Employee to be Notified. -- Each employee shall be notified of his service ratings and the reports and records of such ratings shall be open for inspection to the employee, to his appointing authority and to such other appointing authorities as the director shall designate.
1. Service ratings shall be returned for each permanent employee at least once in every six month's period for the first two years of service in the class and annually thereafter.
 2. Service ratings for each probationary employee shall be furnished at the end of the second, fourth, and sixth months of service.
 3. If the average of an employee's last three service ratings is below seventy (70), the director may, at his discretion, if no action is taken by the appointing authority, recommend to the commission the removal of the employee.
 4. Appointing authorities shall review their employees' service ratings with them, and employees shall be requested to sign and date the service ratings as evidence of such review. In the event that an employee is dissatisfied with his service rating after such review, he may appeal to the civil service commission within fifteen (15) days following review.

XXXI. PROMOTION. -- Vacancies in positions shall be filled by promotion in preference to original appointment whenever there are employees of lower classes who are qualified therefor. In each case of original appointment, the director shall ascertain, before giving his approval, whether the position could have been filled by regular or provisional promotion within the department.

XXXII. DEMOTION. -- A demotion is defined as a transfer of an employee from a position which he occupied in a specified class to a position in another class where the maximum rate of pay is less than the maximum rate for the class from which he was transferred.

A. When a Demotion May be Made. -- A demotion may be made under the following conditions:

- (a) When an employee is not rendering satisfactory service in the position he holds, or when removed during probation following an appointment by promotion. In the event that the lower class to which said employee is demoted is not in the same series, an additional examination may be required.
- (b) When the position occupied by the employee is discontinued by reason of reallocation of the position, or because of lack of work or funds, or because of the return to duty of a regular employee entitled to such position.

- B. Procedure for Making Demotions. -- Demotions under Section A, Subsections (a) and (b) of this rule shall be made in accordance with the procedure outlined in Rule XXIV. That is, the first person demoted shall be the employee with the least service in the given or higher class. In the event of a tie between or among employees said tie shall be resolved by demoting the employee with the lowest average service rating in the given or higher class. In the event of continued tie, the employee shall be demoted who has the least years of service in the next lower class or successively in still lower classes. If there is still a tie the tie shall be resolved by demoting the employee with the lowest average service rating earned in the lower class.
1. In the determination of years of service, employees shall be grouped in accordance with the number of full years of service completed.
 2. In the determination of average service ratings, employees shall be grouped into the following three categories:
 - (a) Seventy (70) to seventy-nine (79)
 - (b) Eighty (80) to eighty-nine (89)
 - (c) Ninety (90) to one hundred (100)
- C. Notification of and Approval by Director. -- An appointing authority shall give prior written notice to the director and to the employee concerned of his intention to make the demotion. After investigation, the director shall either approve or disapprove the demotion.
1. Adequate grounds for demotion must actually exist.
 2. The employee must have the necessary qualifications to make him worthy of a trial in the position to which it is proposed he be demoted.
 3. The director shall determine that other and less drastic means of adjustment, such as a transfer to a position of the same class under another appointing authority, are not possible.

XXXIII. TRANSFERS. -- An appointing authority may transfer an employee from one position to another in the same class in the same organization. Any employee may be transferred from a position to any other position in the same class, or of any other class for which no additional or different tests for fitness are required, under the same or a different appointing authority, with the consent of each appointing authority concerned and with the approval of the director.

- A. Eligible Lists by Class. -- The director shall maintain transfer eligible lists by class containing the names of persons in different classes who have applied for and for good reason desire to transfer from one state agency to another. The names of such employees shall be placed on such register in order of the date of their application.
- B. District or County Registers. -- No civil service employee who received an appointment from a district or county register may be transferred to a position for which an original appointment could be made from the same district or county register, unless he has satisfactorily completed his probationary period.
- C. Revocation. -- In the event that investigation discloses that a transfer was made for improper reasons the transfer may be revoked.
- D. Transfer Examination. -- When an employee in the state civil service transfers to a position requiring additional or materially different knowledges and abilities, a transfer examination shall be required before the employee may acquire status in the new class.
- E. Failure to Pass Transfer Examination. -- In the event an employee is unsuccessful in the transfer examination, he shall revert to a position in the class from which he was transferred. If no position exists in that class, his employment rights shall be determined in accordance with Rule XXIV.

XXXIV. RESIGNATION. -- An employee in the state civil service may resign by submitting his resignation to the appointing authority upon an approved form. Where the resignation of the employee is not voluntary it shall be treated as a removal and the provisions of the rules relating to removal shall apply.

XXXV. LAYOFFS. -- In the absence of sufficient work or funds, layoffs may be made.

- A. Notification. -- In every case of layoff, the appointing authority shall, prior to the last working day of the employee, give written notice on the prescribed form to the director with a copy to the employee giving the reason for the layoff and the effective date.
- B. Procedure for Making Layoffs. -- Layoffs shall be made in accordance with the employment preference schedule outlined in Rule XXIV. That is, the first employee laid off shall be an employee with the least service in the given or higher class. In the event of a tie between or among employees, said tie shall be resolved by laying off the employee with the lowest average service rating earned in the given or higher class. In the event of continued tie, the employee shall be laid off who has the least years of service in the next lower class, or successively, in still lower classes. If there is still a tie, the tie shall be resolved by laying off the employee with the lowest average service rating earned in the lower class.

SEE ENCLOSED INSERT
FOR AMENDED RULE.

1. In the determination of years of service, employees shall be grouped in accordance with the number of full years of service completed.

2. In the determination of average service ratings, employees shall be grouped in the following three categories:

(a) Seventy (70) to seventy-nine (79)

(b) Eighty (80) to eighty-nine (89)

(c) Ninety (90) to one hundred (100)

C. Probationary Employee. -- The name of a probationary employee who is laid off shall be returned to its former position on the register, as determined by the final earned examination rating on the eligible list from which certification was made.

XXXVI. TRAINING. -- The director shall approve, establish and maintain in-service training programs in departments or institutions where a need for such programs exists.

XXXVII. RETIREMENT. -- The director, in conjunction with the appointing authorities, other supervising officials, the state budget director and members of the legislature, shall prepare and submit to the commission for approval and subsequent recommendation to the governor and legislature for adoption by law, a comprehensive and workable contributory retirement system for employees in the state civil service.

XXXVIII. REMOVAL. -- Any employee in the state civil service failing to carry out the duties and obligations imposed upon him by these rules, or whose conduct is unbecoming that of a state employee, or whose service rating is below standard, shall be subject to removal by the appointing authority upon notification to the director except that the commission alone shall have the power to remove the director.

A. Procedure for Removal. -- Whenever an appointing authority considers it necessary to remove an employee he shall notify the employee on the prescribed form, giving specific reasons for the removal. Prior or concurrent notice of such removal shall be given to the director in the prescribed manner.

XXXIX. SUSPENSIONS. -- An appointing authority may, at his discretion, suspend any employee for cause. Such action shall be reported immediately to the director by telegram and confirmed on a prescribed form.

XL. APPEALS FROM ADMINISTRATIVE DECISIONS. -- Appeals from administrative decisions of the director or personnel decisions of appointing authorities may be made by any employee, appointing authority or citizen.

- A. There is hereby created a hearing board of three or more members appointed by the Commission.
- B. All appeals from the director's decisions shall be in the first instance to the hearing board. The board shall also hear any and all cases involving personnel matters, as contemplated in Article VI, Section 22, which arise from the actions of appointing authorities.
- C. In the event of controversy between an employee and an appointing authority, the board shall authorize the director to make an investigation, and endeavor to arrive at a satisfactory agreement between the parties concerned. If the director fails to secure such agreement, he shall report his findings and recommendations thereon to the board for its consideration.
- D. All decisions of the hearing board may be appealed to the civil service commission.
- E. All appeals to the hearing board must be made within fifteen days of the effective date of the decision from which the appeal is taken. Likewise, all appeals from the decisions of the hearing board must be made within fifteen days of the effective date of said decision.
- F. Notwithstanding the foregoing provisions of this rule, the commission may dispense with the investigation of any controversy, supersede the hearing board, assume jurisdiction in any particular case, and itself conduct the hearing on appeal from any personnel decision of the director or of any appointing authority.

XLII. REPORTS AND RECORDS. -- The director shall provide the forms for all reports by appointing authorities. Forms shall explain the times, with reference to the changes reported, at which the several reports shall be made: for example, which of the changes call for approval of the director before they may become effective, which of them require report when made, and which of them need to be reported sufficiently in advance of the end of the payroll period to permit them to be given effect in the checking and approval of the next ensuing payroll.

XLIII. TEMPORARY MODIFICATIONS. -- If practical experience demonstrates that any of these rules are unfair and that modifications are advisable, the director shall temporarily make such modification effective and report the same to the commission for approval or disapproval.

XLIII. AMENDMENTS. -- When amendments to these rules shall be presented to the commission, action upon them shall be deferred until the next meeting of the commission in order to allow time for the filing of objections.

State of Michigan
Civil Service Commission

AMENDED CIVIL SERVICE RULES NOS. XXIV,
XXX, XXXII, XXXV, AND XXXVIII

September 1952

XXIV. EMPLOYMENT PREFERENCE. -- Employment preference shall be determined in accordance with number of years, months, and days of service in a position in the class or classes to be abolished, including service in any class on a higher level. An employee having a conditional or an unsatisfactory rating for any period of service involved shall automatically be considered to have that much less seniority.

A. Application of Employment Preference. -- Employment preference shall be applied so that layoffs, demotions, and other related actions shall occur in the following scheduled order:

1. Emergency employees in the affected class.
2. Transient employees in the affected class.
3. Provisional employees, lacking status in a lower class, who have had an opportunity to take an examination but failed to avail themselves of the opportunity or who, having taken the examination, failed to receive a rating sufficiently high for certification to the job.
4. Provisional employees who have had no opportunity to take an examination for the position they are filling and who have no status in a lower class.
5. Probationary employees without status.
6. Employees who have status only in a lower class.
7. Employees with status in the class.

B. Ties in Service. -- All ties which exist between and among employees shall be resolved on the following basis:

1. Total years, months, and days of service in lower classes considered successively when necessary to resolve ties.
2. If a tie still exists after step 1 above has been applied, the appointing authority shall rank the tied individuals on the basis of such factors as personal fitness for the job, educational background, job experience, leadership, and work habits and attitudes.

Layoffs, demotions, and other employment preference application shall then be made in the reverse order in which the appointing authority has ranked the tied employees.

C. Period of Service. -- An employee's period of service shall be interpreted as the total number of years, months, and days of service completed by the employee.

1. Provided, that only those persons employed in the state service as of the effective date of this rule, May 9, 1944, or who occupied positions on reemployment registers existing on May 9, 1944, as a result of layoff, may apply state service prior to that date in the accumulation of employment preference.
 2. Any and all years of state service that an employee may have completed prior to the time of the establishment of positions in state civil service shall be credited to him as years of service in the class in which such employee first acquired civil service status.
 3. Provided, further, that any person who resigns, is dismissed for cause, or is removed by certification from the state civil service and subsequently reappointed to a position in the classified service shall lose such employment preference as he may have accumulated during his prior employment.
- D. Further Application of Employment Preference Schedule. -- The employment preference schedule outlined above shall also be applied to all cases of layoff, demotions and all other situations in which employment preference is involved.

XXX. SERVICE RATINGS. -- The state personnel director shall establish a system of service ratings to register the quality and quantity of service rendered by each employee in the state civil service. These ratings shall be used in such manner as shall be helpful in the administration of the provisions of the amendment.

- A. Employee to be Notified. -- Each employee shall be notified of his service ratings and the reports and records of such ratings shall be open for inspection to the employee, to his appointing authority, and to such other appointing authorities as the state personnel director shall designate.
1. Service ratings shall be returned for each permanent employee at least once in every twelve months period.
 2. Service ratings for each probationary employee shall be furnished at the end of the third and sixth months of service.
 3. An employee who receives a conditional service rating for one period and fails to achieve a satisfactory service rating for the subsequent rating period or an employee who receives one unsatisfactory service rating may be dismissed by the appointing authority. Either a conditional or an unsatisfactory rating will result in the withholding of the next salary step increase to which the employee would otherwise be entitled.
 4. If an employee's last two service ratings have been unsatisfactory or conditional, the state personnel director may at his discretion, if no action is taken by the appointing authority, recommend to the commission the removal of the employee.
 5. Appointing authorities or their designated representatives shall review their employees' service ratings with them and employees shall be required to sign and date the service ratings as evidence of such review. The employee's signature on a service rating shall not be assumed to indicate that the employee approves the rating.
 6. If the employee is dissatisfied with his service rating after the review with his appointing authority, he may appeal to the civil service commission within fifteen (15) days following the date of the review.

XXXII. DEMOTION. -- A demotion is defined as a transfer of an employee from a position which he occupied in a specified class to a position in another class where the maximum rate of pay is less than the maximum rate for the class from which he was transferred.

A. When a Demotion May be Made. -- A demotion may be made under the following conditions:

(a) When an employee is not rendering satisfactory service in the position he holds, or when removed during probation following an appointment by promotion. If the lower class to which the employee is demoted is not in the same series, an additional examination may be required.

(b) When the position occupied by the employee is discontinued by reason of the reallocation of the position, or because of a lack of work or funds, or because of the return to duty of a regular employee entitled to the position.

B. Procedure for Making Demotions. -- Demotions under Section A, Subsections (a) and (b) of this rule shall be made in accordance with the procedure outlined in Rule XXIV. Ties between and among employees shall be resolved in accordance with the procedure outlined in Rule XXIV.

C. Notification of and Approval by State Personnel Director. -- An appointing authority shall give prior written notice to the state personnel director and to the employee concerned of his intention to make the demotion. After investigation, the state personnel director shall either approve or disapprove the demotion.

1. Adequate grounds for demotion must actually exist.

2. The employee must have the necessary qualifications to make him worthy of a trial in the position to which it is proposed he be demoted.

3. The state personnel director shall determine that other and less drastic means of adjustment, such as a transfer to a position of the same class under another appointing authority are not possible.

XXXV. LAYOFFS. -- In the absence of sufficient work or funds, layoffs may be made.

- A. Notification. -- In every case of layoff, the appointing authority shall, prior to the last working day of the employee, give written notice on the prescribed form to the state personnel director with a copy to the employee giving the reason for the layoff and the effective date.
- B. Procedure for Making Layoffs. -- Layoffs shall be made in accordance with the employment preference schedule outlined in Rule XXIV. Ties between or among employees shall be resolved in accordance with the procedure outlined in Rule XXIV.
- C. Probationary Employee. -- The name of a probationary employee who is laid off shall be returned to its former position on the register, as determined by the final earned examination rating on the eligible list from which certification was made.

XXXVIII. REMOVAL. -- Any employee in the state civil service failing to carry out the duties and obligations imposed upon him by these rules, or whose conduct is unbecoming that of a state employee, or whose service rating is unsatisfactory, shall be subject to removal by the appointing authority upon notification to the state personnel director, except that the commission alone shall have the power to remove the state personnel director.

- A. Procedure for Removal. -- Whenever an appointing authority considers it necessary to remove an employee he shall notify the employee on the prescribed form, giving specific reasons for the removal. Prior or concurrent notice of such removal shall be given to the state personnel director in the prescribed manner.

APPENDIX III

COMPARATIVE MONTHLY SALARY RANGES 1938-1952 (Special Rates Not Included)

Class Level	January 1938	July 1941	September 1943	November 1944	November 1944 (a)	April 1946	January 1948	May 1949	December 1950	January 1952	Class Level
D	\$75-90	\$100-115	\$100-115	\$100.00-115.00	\$115.00-130.25	\$115-140	\$145-160	\$145-175	\$155-200		D
C	80-100	100-115	110-125	110.00-125.00	115.00-130.25	120-145	150-165	150-180	170-205	\$171-234	C
C1	95-110	105-125	115-130	115.00-130.00	120.75-143.75	135-155	155-175	155-190	175-215	202-245	C1
B	105-125	115-135	125-145	125.00-145.00	132.25-155.25	145-165	165-185	165-200	180-220	218-261	B
B1						150-170	175-195	175-205	200-235	220-266	B1
A2	115-135	125-145	140-160	140.00-160.00	143.75-166.75	160-180	185-205	185-215	210-245	240-277	A2
A	130-150	135-155	150-170	150.00-170.00	155.25-178.25	170-190	195-215	195-225	220-255	250-288	A
A1	140-160	145-165	160-180	160.00-180.00	164.75-189.75	180-200	205-225	205-235	230-265	261-299	A1
I	150-190	155-195	180-220	180.00-220.00	180.00-224.25	200-240	230-270	230-270	255-315	286-350	I
IA	175-215	175-215		200.00-240.00	201.25-247.25	220-260	250-290	250-290	275-335	306-370	IA
II	200-240	200-240	230-270	230.00-270.00	230.00-276.00	250-290	280-320	280-320	305-365	336-401	II
IIA	225-265	225-265		255.00-295.00 (b)		275-315	305-345	305-345	335-395	368-433	IIA
III	250-310	250-310	280-340	280.00-340.00	287.50-356.50	300-360	335-395	335-395	370-460	404-500	III
IIIA	285-345	285-345		315.00-375.00 (c)		335-395	370-430	370-430	405-495	438-535	IIIA
IV	325-385	325-385	355-415	360.00-420.00	373.75-442.75	380-440	415-475	415-475	455-545	482-588	IV
IVA	360-420	360-420		400.00-460.00 (d)		420-480	455-515	455-515	500-590	540-636	IVA
V	400-500	400-500	400-500	440.00-550.00	460.00-575.00	465-565	505-605	505-605	555-705	599-759	V
VA	460-560	460-560	460-560	505.00-615.00		525-625	565-665	565-665	620-770	668-829	VA
VI	525-625	525-625	525-625	577.50-687.50	603.75-718.75	590-690	630-730	630-730	690-840	743-904	VI
VIA				650.00-760.00 (e)		660-760	700-800	700-800	760-910	818-979	VIA
VII	650-750	650-750	650-750	715.00-825.00		725-825	765-865	765-865	825-975	888-1048	VII

(a) Hospital and Veterans' Facility
(b) Rate Established December 1944
(c) Rate Established June 1945

(d) Rate Established April 1945
(e) Rate Established December 1945

Prepared by
Research and Survey Division
January 1952

Three Oaks, Galien
River Gazette 6/18/51
(1,475 W)

Jackson Citizen Patriot
(33,324 D)

FEB 20 1951
**Unions Back
Civil Service**

**Criticize Attack
on State System**

From Our Lansing Bureau

LANSING, Mich., Feb. 20. — Organized labor today came to the defense of State civil service, which was criticized last week in a research report for the "Little Hoover Commission."

Detroit locals of the United Public Workers of America and the American Federation of State, County and Municipal Employees voiced their faith in the constitutional merit system.

John T. Simmons, president of the UPW unit, declared the report, written by Dr. Louis L. Friedland, Wayne University professor, and Loren B. Miller, the legislative commission's research director, was "not an objective study but the most dangerous and unjustified attack on the civil service system to date."

Fred A. Hanses, president of the AFL local, declared that 10 years of experience has convinced his group that decisions of State civil service have been rendered impartially and "without regard to pressure groups, cliques and those who are serving selfish interests."

The letters were made public without comment by Arthur G. Rasch, State civil service director.

Petoskey Evening News
(3,420 D)

FEB 23 1951

The Editor's Co

THE CIVIL SERVICE REPORT

Recently the state's "Little Hoover Commission" issued a report blasting the Michigan Civil Service Commission and its administration of the state's employment problems.

Just where the author of the report obtained his information has most people puzzled. And his findings were in direct contradiction of other authorities.

The federal government approves of Michigan's civil service system, declaring that under Arthur Rasch, director, it is the best system among the 48 states.

And the father of the Michigan set-up, Dr. James K. Pollock, of the University of Michigan, thinks it is pretty good. Knowing Dr. Pollock and looking at his record as an authority on public administration, we'll go along with him. Michigan's civil service system may not be perfect — but it's a good system and a valuable addition to the state's administrative machinery.

State Civil Service

A Farce

About ten years ago a group of people with personal axes to grind thought up a constitutional amendment establishing a civil service system in the state. It got the support readily enough of the larger newspapers usually edited by impractical men who do their thinking long after they act. The proposal carried. It was administered by a board headed by A. J. Groesbeck, one of the smartest lawyers in the state. He also has always been eager for power. This was his chance. He saw that it was possible to actually run the state under the terms of the amendment to the constitution. He rose to the opportunity. The other members of the board went along. The result has been terrible.

The legislature no longer fixes salaries or the duties of employees. The head of a department cannot discipline a worker. Sick leave has been abused and in general the entire system of state government has been upset. It is

a tragic picture and is particularly being pointed up just now by the report of the Joint Legislative Committee on Reorganization of State Government. It shows clearly what a detriment civil service has been to Michigan.

We have had the rather doubtful pleasure of listening to talks by employees of the civil service commission and we always felt that they were chiefly distinguished for their lack of general intelligence. They may be sharks of some kind but not of any type which is going to help the taxpayer of Michigan bear the terrible load placed on his shoulders. We don't suppose it is possible but the best thing which could happen to all of us is the repeal of the amendment creating this overlord of Michigan government.

We believe in a sane civil service but cannot endorse the kind we have in Michigan.

AUG 3 1949

Civil Service Assailed.

The state's civil service system—designed to protect efficient, conscientious employees from ouster with each change of party administration—is again the target of attack.

The critics are two Republican members of the lower house of the legislature—Robert M. Montgomery, of Lansing, and Alpheus P. Decker, of Deerperville.

Rep. Montgomery told a Lansing service club the system is a fraud. Rep. Decker also sees it as a fraud, and is quoted by the Citizen Patriot's Lansing bureau as saying:

"It is the biggest constitutional fraud ever voted by the people of the state." (The system was written into the state constitution by popular vote in 1940).

Mr. Decker charges that a person must be a Democrat to get on the state payroll, adding that Gov. Williams is anxious to rebuild a Democratic machine in the highway department.

There is no question that our civil service system is far from perfect, and this newspaper would be the first to support any changes which would strengthen and make it more efficient.

But anyone who has watched the operations of state government over a period of years and is familiar with the old spoils system of handing out jobs cannot help but be a supporter of civil service, imperfect as it may be.

Hundreds of able men and women—people who would be welcome in any phase of private business—have been able to continue in state service since civil service was instituted, despite changes in administration.

In the old days, their chances of remaining in state employment year after year under those conditions would have been about as good as selling the proverbial ice cream cones at the North Pole.

It is possible some of our legislators are "agin" civil service because it virtually does away with the patronage each lawmaker at one time had at its disposal.

Civil service—as an integral phase of government—is a significant step forward in public administration.

APPENDIX V

State of Michigan CIVIL SERVICE COMMISSION Training Division

Interview Questions -- Re Employee Orientation

When you first came on the job did anyone give you any orientation training? (Explain "orientation" if needed -- job adjustment not training how to do the job --

- a) Introduction to staff
- b) Trip around the agency
- c) Explanation of how the agency works

If the answer is yes:

- a) How much training? What did it include? Was it enough?
- b) Were you made to feel at home?
- c) Did you feel you received proper attention?
- d) What else could have been done to help you?

If the answer is no:

- a) What effect did this lack of training have on you - on your morale, on your work?
- b) Would such training have helped you?
- c) How did you learn the things you needed to know?

In any case:

- a) Do you feel you have been properly oriented (adjusted) to your job?
- b) Do you feel you have been properly oriented (adjusted) to your agency?
- c) Do you know what work is carried on in various parts of your agency?
- d) Can you suggest any things that were not done that should have been done to improve your adjustment to your job and agency?
- e) Did your supervisor ever explain to you and to other employees in a group just what your agency did and how it was organized?
- f) Has anyone in your agency ever explained its workings and organization at a meeting which you attended?
- g) Have civil service personnel practices ever been explained to you?
- h) Have any of your agency personnel policies been explained to you?
- i) Have you ever been given any literature explaining your agency?

Civil Service Commission
OF THE STATE OF MICHIGAN
AT LANSING



Commissioners
WILLIAM PALMER, Chairman
JOHN C. BEUREMA
GEORGE J. BURKE
LESTER S. MOLL
State Personnel Director
ARTHUR G. RASCH

CS-5030s
450

April 14, 1950

TO: ALL APPOINTING AUTHORITIES

The Civil Service Department has been receiving an increasing number of complaints that certain state employees of some departments are allowing their interest and participation in union activities to interfere with the proper and honest discharge of their duties.

The activities complained of fall principally in the following categories:

1. Solicitation of union membership, collection of union dues, and engaging in similar activities on state time and at state expense.
2. Lowering of job productivity and work efficiency by discussion of union programs during working hours.
3. The discriminatory practices of some union members in supervisory positions resulting in unwarranted employee benefits to subordinates who are members of their own union, and serious harm to subordinates who belong to another union or who do not belong to any union.
4. Certain state employees allowing their union sympathies and beliefs to influence their decisions on purely state matters and questions.

The Civil Service Commission has previously stated that it considers it to be immaterial whether state employees belong to one union or to several unions, or whether they belong to any union.

However, in this connection, it becomes necessary for this office to state at this time that we cannot allow participation of state employees in any outside activities which interfere in any manner with the proper rendering of honest and efficient service.

The responsibility for state employees properly performing their state duties rests with each one of you as the appointing authority for his agency. If the conditions represented to us exist in your department, you should take immediate steps to correct them. To accomplish this you may find it necessary either to discipline employees responsible for the conditions or to remove them from state employment.

Very truly yours,

ARTHUR G. RASCH
State Personnel Director

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Froh, L. J., Chief of Research, Michigan State Civil Service Commission.

Hess, C. J., Deputy Director, Michigan State Civil Service Commission.

Mitten, Adrian L., International Representative, American Federation of State, County, and Municipal Employees, American Federation of Labor.

Morse, Mrs. Margaret, office manager, Michigan State Employees' Association, Independent.

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