

**STATE OF MICHIGAN
CIVIL SERVICE COMMISSION**

EMPLOYMENT RELATIONS BOARD

A BOARD DECISION

MAILING DATE

MAY 20, 2015

**IN RE TECHNICAL CLASSIFICATION }
COMPLAINT OF WILLIAM HENDERSON, }
ET AL. }
}**

ERB 2015-022

**Appellants: }
WILLIAM HENDERSON, ET AL. }
}**

TAD 2014-064

Reference No. 2013-00716

**Interested Parties: }
CIVIL SERVICE OFFICE OF TECHNICAL }
COMPLAINTS }
DEPARTMENT OF CORRECTIONS }
}**

Classification

MEMBERS PRESENT

Ms. Susan Zurvalec	Chair
Mr. William J. Braman	Member
Honorable William C. Whitbeck	Member

A matter decided during a Board teleconference on May 12, 2015.

NOTICE

This is a recommended decision of the Employment Relations Board. The Board will file the decision with the Civil Service Commission for its review and final action. Parties need not file additional documents requesting Commission review. The Commission's final decision may approve, reject, or modify, in whole or in part, the Board's recommendations. See Civil Service Commission Rule 1-15.5.

DECISION

The Board considered the application for leave to appeal that Appellants William Henderson, Erik Dill, and Paul Faverman filed from the classification complaint decision of Technical Review Officer Katie Garner. The Technical Review Officer's decision denied Appellants' technical classification complaint concerning a Civil Service staff determination that found their positions were properly classified. The Board also considered the motion to admit new evidence submitted by Appellant Henderson.

Despite the voluminous record, this is a simple case on a limited issue. The administrative efficiency and motivations of the Department of Corrections in abolishing positions are germane to the pending grievance appeal under Regulation 8.01. This technical appeal under Regulation 8.02 addresses only what job specifications most closely match the duties of the new positions created by the Department in April 2012.

As the Technical Review Officer explained, while the Resident Unit Officer and Corrections Officer job specifications have some overlap in duties, they differ in primary focus. The first and most important duty for a Resident Unit Officer under its job specification is to participate “as a member of a treatment team in determining the classification, reclassification, parole eligibility, counseling needed, minor disciplinary procedures and treatment programs for each prisoner in the housing unit.”

The primary Correction Officer duty is to observe “prisoners’ activities to detect unusual or prohibited behavior, which might be a threat to the security of the facility or the safety of prisoners, employees, or visitors.” When interviewed, most former Resident Unit Officers said they were not members of a treatment team. The work examples showed activities most consistent with Corrections Officer’s duty of observing prisoners. While such observation undoubtedly helps prisoners’ behavior, it is not the type of treatment-team activity central to the Resident Unit Officer class as its job specification defines such activities.

Further, the affected employees did not demonstrate performance to any significant extent of the second- and third-listed Resident Unit Officer duties: preparing reports and delivering medication. Also, the Department enjoys authority under Const 1963, art 11, § 5, and the Commission’s rules to create positions and assign their duties. Our review of the record reveals that both (1) the duties that the Department assigned in the position descriptions for the new positions and (2) the reports of the duties performed by employees working in those positions most accurately fit the Correction Officer class.

As for the new Corrections Medical Officer positions, the record does not demonstrate that they provide direct therapeutic intervention or specialized health care to prisoners, which is expected of Corrections Medical Unit Officers. The second Corrections Medical Unit Officer duty is assisting in generalized psychiatric and medical care. The handful of remaining Correction Medical Unit Officer positions reflect a different focus and require medical certification consistent with those more specialized duties. The position descriptions for the newly created Correction Medical Officer positions focus on security instead of medical treatment. These duties are most consistent with the Corrections Medical Officer class’s job specification.

Because the affected employees did not significantly perform the specialized duties described in the Resident Unit Officer or Corrections Medical Unit Officer job specifications, they cannot be properly classified as Resident Unit Officers or Corrections Medical Unit Officers. The duties that the new position descriptions and the employees themselves described are most consistent with the Corrections Officer and Correction Medical Officer classes. The Board finds no reversible error in the Technical Review Officer’s decision.

The Board recommends that the Commission deny leave to appeal because the Board concludes Appellants have not shown grounds for granting leave to appeal; see Civil Service Commission Rule 8-7.5, *Grounds for Granting an Application for Leave to Appeal*. The Board also

recommends denying the motion to admit new evidence for lack of a legally sufficient reason, given its limited relevance to the issue of the newly created positions' proper classifications.