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STATE OF MICHIGAN
DEPARTMENT OF LABOR
EMPLOYMENT RELATIONS COMMISSION

In the Matter of

FLINT CIVIL SERVICE COMMISSION
Flint, Michigan

and

AFSCME, LOCAL 1600, AFL-CIO

On July 20, 1970, the undersigned, Leon J. Herman, was appointed by the Employment Relations Commission as its hearings officer and agent to conduct a fact finding hearing relevant to the matters in dispute between the above parties, pursuant to Section 25 of Act 176 of Public Acts of 1939 as amended, and the Commission's regulations. Accordingly, and upon due notice, hearings were scheduled and held on August 20, 1970, at City Hall, Flint, Michigan.

Flint City of

James E. Northway, Personnel Director; William B. Allison, Classification and Examination Supervisor; Lawrence B. Murphy, Jr., President, Civil Service Commission; and E. Suchy, Superintendent A.A. Garage and Yard, appeared on behalf of the Civil Service Commission.

Kenneth Wright, First Vice President and Chairman, Classification and Allocation Committee, Local 1600; and Jerry D. Prior, Garage Foreman Class Representative, represented the Union.

F.F. Leon Herman

In 1956 the Flint Civil Service Commission adopted the Barrington Plan for the evaluation and grading of city employees. The Plan was updated in 1962 and as updated is presently in effect. The Plan was adopted with the consent and approbation of the Union.

The Barrington Plan sets forth detailed and specific guidelines for rating employees. The various items of the rating are entered on a factor data record (FDR sheet) in which degrees and points are assigned for certain specific background, qualifications, duties and requirements. The total number of points accumulated are multiplied by four. The resulting figure determines the job level to which the job is assigned and the salary range to which it is allocated.

The professed purpose of the Plan is to provide an objective appraisal of the duties involved in each classification and the salary range to be assigned to it uninfluenced by personal prejudice or personality preferences. To a highly substantial extent the Plan has achieved the objectiveness of purpose for which it was designed. Nonetheless the Plan has an inherent weakness which is inevitable in every plan seeking to deal with human nature and human fallibility. It permits for some discretionary modification on the part of the Commission in determining the factors which shall be included in any particular grouping of the FDR sheet. It is also inevitable that a certain amount of subjective reasoning will be included. It is impossible for a person to decide objectively, for example, upon the criteria of initiative and creativeness, and to determine objectively whether a job is completely routine or largely routine, with a few minor problems or many minor problems, occasionally a major one with limited creativeness, or frequent major problems

with moderate creativeness. Obviously the interpretation of these enigmatical phrases must be subject to the comprehension of the job and the personal attitude toward the job of the person who is doing the evaluation. Variations in recognition of these factors may well create a different grading for similar work in different classifications. Conversely, the same rating may be applied to different classifications because the person doing the rating is of the opinion that the work is of the same level, although it may well be that there are aspects of the job which warrant another conclusion.

Both parties recognize that this is a problem inherent in the Plan and by negotiation have sought to minimize the inconsistencies which necessarily arise. The case at hand presents just such a problem.

The Department of Public Works of the City of Flint maintains a garage which services some 400 vehicles. It is run by a superintendent, who employs a garage foreman to do the immediate supervision of the approximately 20 employees in the shop. As a result of recently completed negotiations, the garage foreman's job was rated at level 23. It is the Union's contention that the garage foreman's job should be at a higher level with a consequent higher salary range, although it does not specify the exact level at which it believes the foreman should be placed.

The Union points out that the superintendent of the garage is at level 30 and that at level 23 the garage foreman's job is at too great a variance from the next higher step. The garage foreman runs the shop, directs the working force, schedules the work and reassigns the work as needs or emergencies require. He does not have the right to hire and fire, but apart from this he has direct supervision over the employees.

Under Item 3, "Scope and Complexity", the description of the job is shown as a medium sized department with policy activation as distinguished from policy interpretation, formulation or approval. The rating given the job was degree 4 and 8 points.

The Union contends that the garage foreman is active on a policy level because he must himself set the policy to meet the department specifications.

I believe that the rating given the job is fair and equitable. The garage foreman needs only a moderate knowledge of the department's overall management and must apply policies rather than formulate or interpret them. I therefore recommend that Item 3 stand at degree 4 and 8 points.

A garage foreman is required under Item 2 of his FDR sheet to have experience of five years, in which work as automotive and equipment mechanic for three years must be included. This was agreed to originally by the Union, but at this time they are doubtful that it is exactly in accordance with the proprieties of the situation. The Union particularly disagrees with the degree and points allowed under Item 4 entitled "Initiative and Creativeness". The classification is rated as requiring almost no supervision with many minor problems, occasional major ones; limited creativeness. The character and frequency of the problems encountered are described as "scheduling of work and personnel. Handling of emergency work".

The particular job to which the Union points as comparable is that of fire apparatus supervisor, who has only three men under him and maintains 60 pieces of equipment. That classification is acquired after four years as a fireman, one year as fire apparatus mechanic and one year as assistant supervisor, a total of six years.

The foreman's job is given 3C degree 6 points, while an assistant airport manager, who directs a maintenance crew, gets 4A degree 8 points. A chief building inspector and a fire marshal get the same rating as the assistant airport manager.

It is contended that initiative and creativeness are an essential aspect of this job. With almost no supervision, the foreman designs simple parts, redesigns exhaust systems and brackets, develops and directs installation of special equipment, lights and the like. He is required to schedule work and personnel. He must integrate the work orders into his schedule and determine the priorities of the work.

One of the major problems in connection with comparison of jobs is that no two jobs are alike, although they may resemble each other in certain aspects. The assistant airport manager is responsible for maintenance of airport facilities, runway lights, etc., yet he is not actually a foreman, but is assistant to the airport manager and is in charge of the airport when the manager is away. He does very little scheduling of work because this is not a major problem in his department. The fire apparatus supervisor must have four years of fire fighting experience to acquaint him with the application requisites of the equipment he services.

At a Commission meeting on December 4, 1969, Mr. Prior, the representative for the Garage Foremen, explained that work assignments were made to automotive and equipment mechanics in the garage on a general assignment basis, such as "fix brakes". From that point on, he said it was up to the mechanic to diagnose the problem and make the determination as to what was to be done

and what parts were to be used in making the repairs. The work order was turned in to the foreman upon completion, without review by the foreman. The general practice was for the foreman to initial the completed orders without even reading them.

The testimony shows that the garage foreman gets 65 to 70 work orders a day, which he must assign and then perhaps reshuffle as the work schedule is interrupted for emergency work. A time study has shown that 85% of his time is spent on scheduling and expediting. He must certify the time and, whether he does or does not, he is expected to inspect repairs after they are completed. He works with almost no supervision, as the superintendent is compelled to spend a good part of his day at the City Hall on other matters in connection with his job.

I accept that the garage foreman's job as presently constituted receives almost no supervision and that the nature of the problems involved are minor in the majority, although occasional major ones arise, and that a certain amount of creativeness is required. It is clear, however, from the description given by Mr. Prior, that the creativeness required is of a limited nature, well within the normal and expected capacities of a garage foreman or an automotive mechanic. I therefore recommend that under Item 4 the evaluation of degree 3C and 6 points should stand.

It is contended that under Item 5 "Contacts", Subdivision B for external contacts is improperly classified. The rating is shown as up to 15% routine. There is no question from the testimony that the garage foreman makes more than 15% in external contacts, but these are practically all to suppliers and vendors, which require

no more than determining the availability of supplies and arranging for their purchase through the purchasing department. Classification 5B has been assigned Degree 2 and 2 points and I believe that this is correctly done.

Under Item 6 "Working Conditions" the Union objects that subdivision A "Exposure" is underrated. It allows "over 50% to one element", which is described as fumes and odors, and classifies it as Degree 4 and 4 points. Mechanics working in the shop are granted Degree 5 and 5 points. Mr. Prior explained that the foreman works in the garage area. He does not do the basic mechanical work, but he is subject to drafts, wash rack water spray, welding flashes, rain and snow. He must crawl under garbage trucks to inspect for repair needs. He is constantly near the degreaser which emits fumes and diesel engines which emit exhaust fumes of carbon monoxide. He is subject to extreme temperature changes, snow, sleet, salt brine, overspill of gasoline from percolating gas tanks, dust and the unpleasant odor of sewer trucks and raw sewage. Yet he is limited to degree 4 and 4 points, whereas a fire apparatus supervisor receives degree 5 and 5 points. The City explained that a fire apparatus supervisor also attends fires, but by City policy a supervisor has not attended a fire for the past three years.

It appears obvious that a garage foreman is subject to the same fumes and odors and to the same, if not more, exposure to the elements than a mechanic, and certainly should receive at least the same rating. I therefore recommend that the Item 6A be increased to Degree 5 and 5 points.

Under Item 7 "Judgment", the exercise of judgment is considered moderate and moderately serious consequences or losses are anticipated from poor judgment. The work includes scheduling of workers, which may result in delays in service and payment of work crews for time not worked, as well as equipment breakdowns. It is assigned Degree 3 and 6 points.

The Union contends that it should be assigned Degree 3 and 8 points because the job "requires the exercise of considerable independent judgment. Serious consequences or losses from poor judgment".

There can be no question that the foreman exercises judgment constantly, just as everyone does in connection with the work in which he has been trained. The definition of "judgment" is "evaluation of alternate course of action and arriving at proper decisions". In most of the garage foreman's work, his judgment is predetermined by the nature of the problem and rarely requires evaluation of alternate courses of action. It may be, of course, that he may have to decide whether to repair a piece of equipment or scrap it, or perhaps send it out to some other shop for service. In much of these decisions he consults with and is confirmed by his superintendent. The judgment which he exercises by himself usually permit only one course of action, rather than alternate courses. The judgment he exercises is dictated by his education and experience and is rarely the result of independent thought relative to a choice of alternatives. I am, therefore, of the opinion that Item 7 should be permitted to stand at Degree 3 and 6 points.

Under Item 8, "Supervision", the garage foreman is granted Degree 5 and 4 points for "partial" supervision of 16 to 30 employees. The Commission contends that he is not entitled to a rating of "full" supervision because he does not have the power to hire or fire employees, which it claims is the demarcation line between full and partial supervision.

The definition of full supervision as given in the Barrington Report is "full supervision is credited for the total number of employees who are under regular supervision of the class, and for whom there is full responsibility for work performance, personnel changes, disciplinary action and the like. " Partial supervision on the other hand is credited for the number of employees over whom the foreman exercises responsibility "for limited phases of supervision such as - (1) Assignment of Work and follow up to assure completion, (2) supervision exercised in the absence of the regular supervisor and (3) advice on technical direction provided to other classes.

It would appear that to limit the supervision of the employees in the garage to "partial", is a strained interpretation of the Barrington directions. Disciplinary action is included as part of full supervision, but this does not necessarily mean that only hiring and firing are included under personnel changes and disciplinary action. Even though the foreman has no right to hire, certainly his lack of approval of a newly hired employee would bear considerable weight with his superior in determining the permanence of the employee. It is equally certain that his recommendations as to discipline will be seriously considered by the superintendent of the department.

Furthermore, the fire apparatus supervisor is rated as having full supervision, although he has no right to hire and fire. The fire marshal is similarly rated, although he has no employees to hire and fire. The assistant construction and maintenance superintendent may not hire and fire, but he also is given a full supervision rating. Police captains are similarly rated in supervision of lieutenants and patrolmen, although they cannot hire or fire.

Section 23 is the first supervisory class. It includes the foreman rating. There is no dispute that the garage foreman has full supervision, as those words are used colloquially, in the supervision and control of the employees working in his department and under his direction. Furthermore, the full supervision rating given to other employees would indicate that the garage foreman is underrated in comparison. I believe the Union is correct in its contention that the foreman should be rated as having full supervision of 16 to 30 employees and is therefore entitled to a rating of Degree 5 and 8 points.

I have made no reference to the fact that the take home pay of the garage foreman is considerably less than that of the mechanics working for him. The same is true of the superintendent's take home pay. Both are in supervisory positions and therefore receive no premium pay for overtime work which is paid to those in lesser classifications. This is an unfortunate aspect of a supervisory job, but it is not one which I, as fact finder, can consider in making a determination herein. A supervisor works overtime without extra compensation because he has assumed a responsibility for production

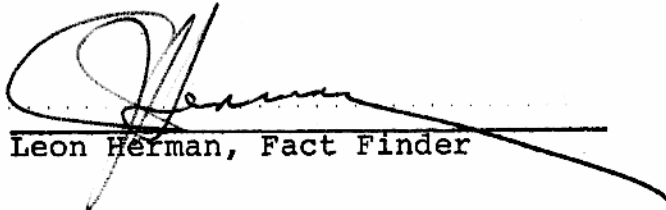
in his department and is willing to put in the extra time to see that his department functions smoothly and properly. He does not thereby earn a premium. This may be an inherent penalty peculiar to management, but it is intrinsic to the classification and cannot be changed by me.

Nor have I considered the fact that there is a seven level difference between the garage foreman and his superintendent. This is a matter which management has to decide for itself. If it wishes to interpose intermediate supervision, it has the right to do so. If it feels that it can dispense with such employees, this also is a management privilege with which I cannot interfere. The fact that there is such a difference in levels does not in any way affect the right to proper classification of the garage foreman.

I have not alluded to the Commission's waiver of fire fighting experience as a qualification for fire apparatus mechanics because I believe it stems from the current shortage of qualified automotive mechanics. It should be regarded as a temporary deviation to alleviate an emergency situation, not as a change in permanent policy relative to qualification for that job.

It will be noted that I have not determined the level at which the foreman should be placed if my recommendations are accepted. The parties have agreed that they will make this calculation themselves and if the recommendations are accepted will determine the proper level by computation of the figures hereinabove set forth.

I respectfully recommend that the foregoing changes in degrees and points be adopted by the Commission and accepted by the Union.



Leon Herman, Fact Finder

Southfield, Michigan
September 8, 1970