

3. To develop in all enforcement officers the desire to shoot their revolvers with accuracy and ability so that they will turn to shooting for enjoyment and personal satisfaction as well as normal enforcement practices.

4. To instill confidence in an officer. A good marksmanship program can and will instill confidence in an officer. I believe this is the key to efficient performance in any type enforcement work. Confidence in his ability to deal with a given situation where the odds are against him is an officer's best deterrent to fear.

I again emphasize that it is our moral duty to see that all officers in our department are trained and retrained in the use of their weapon. If one officer's life is lost due to lack of proficiency with his sidearm, someone has failed. LET NO OFFICER'S SOUL CRY OUT, "HAD I THE PROPER TRAINING..."

ASSETS AND LIABILITIES OF ORGANIZED LABOR AND THE 40-HOUR WORK WEEK IN THE CONSER- VATION ENFORCEMENT AGENCY

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Historically, the Michigan conservation officer has worked as the situation dictated—a concept of total job responsibility—i.e., he worked 7 days a week if necessary, or as many hours daily as required, to fulfill the sundry functions of responsibility in his assigned work zone. I can recall when I started with the Department in 1941 that officers were required to work seven days a week. There was a job to do and we worked as the job demanded.

In 1946, the work week was modified to five days, but with no hour limitation per day, and days worked in excess of five entitled the officer to compensatory days off. Many of the officers, nonetheless, continued to work extra days as necessary to do the job.

On July 1, 1966, twenty years later, due mainly to union but also employee association pressure, a Civil Service overtime directive mandated compensation to the officers at time and one-half for hours worked in excess of 80 hours per bi-weekly pay period. The officer had the option of electing whether to be paid for the overtime or liquidate it as compensable time.

This was an entirely new concept for conservation officers and it is putting it mildly to say that we had difficulty in adjusting to the new policy. We did not believe then and still do not believe that our conservation officers can do the job on an hourly basis.

Several times in 1966, we presented alternative plans to Civil Service asking consideration for the total job responsibility concept. Civil Service either rejected or tabled our proposals. During the 1966 fall hunting seasons, we authorized a maximum of 160 hours of overtime hoping to receive a supplemental appropriation for this amount from the Legislature. When the appropriation was received, it was less than the amount requested, and we were able to get by only because a considerable amount of the overtime worked was liquidated by the officers in lieu of receiving pay.

The following fiscal year (1967-68), the legislative appropriation for law enforcement, as well as all state services, involved drastic cuts and did not provide money for payment of overtime. Although faced with a fall period more critical than in previous years due to an early woodcock and teal season, spawning steelhead and salmon, and an increased pre-season deer hunting buildup, we had

no alternative but to restrict all officers to a strict 80-hour pay period regardless of the consequences. The dilemma was, in part, resolved by many officers agreeing to liquidate overtime by compensatory time off at the rate of time and one-half. In other words, if an officer worked 120 hours of overtime, he was subsequently given 180 hours of compensatory time off.

Immediate supervisors were instructed to arrange the work schedules of their subordinates to accomplish the most productive work and the best possible service to the public within the 80-hour bi-weekly period and particularly for those officers reluctant or unwilling to liquidate overtime by compensatory time off. In certain instances limited overtime was paid to meet emergencies or unusual situations on an individual basis.

Civil Service, effective July 1, 1969, again, following union pressure, revised their overtime policy to provide that all time worked in excess of 8 hours per day, rather than the previous 80-hours per pay period, was overtime.

This, needless to say, posed more serious problems to the conservation officer class. As you all know, they work under limited supervision, their work schedules are irregular, hours of work do not conform to the standard pattern, and they are subject to both emergency situations and unusual public demand. Traditionally, officers have responded to this demand and have accepted this as a part of their total job responsibility. Restricting this service to an 8-hour day would be avoiding the Department's responsibility, and payment for all hours over eight per day would result in excessive overtime payments.

Our Department has no desire to exploit its officers and agrees with the principle and practice of overtime payment, but further believes that management must maintain some control over the amount of overtime so that the money encumbered for this purpose is not unreasonable to the Legislature. We believed that if overtime costs were kept at a reasonable basis, we would have a good chance of securing these funds from the Legislature.

In discussing the overtime problems with the officers at that time, they repeatedly stated their jobs do not conform to the concept of a regular 8-hour work day. The majority were disturbed for the previous two years in attempts to adhere to a fixed daily work schedule. They are a part of each local community and feel they must react to public demand. They realize that their position of responsibility in the community will deteriorate rapidly when obliged to refuse service upon request.

This philosophy and a proposed overtime policy placing conservation officers in an excepted category was presented to Civil Service early in 1969. Briefly, the policy proposed (1) return to the 80-hour pay period for most of the year, with management permitted to adjust hours in a work day to meet daily demand, and (2) during high use periods and in emergency and unusual circumstances, overtime in the 10-day period would be authorized and paid on the basis of time and one-half. It was estimated that overtime would average 192 man hours per year with a minimum of 150 hours.

This proposal was rejected by the Michigan State Employees Union, who, in turn, proposed upgrading the officers to the next Civil Service class in lieu of compensation for daily overtime, 10-day work schedule, and overtime payment for pass days and holiday worked. The Michigan State Employees Association, on the other hand, proposed a 15% premium pay computed on gross annual salary in lieu of overtime, with a maximum of 240 overtime hours to be utilized at the option of management. The Department countered with an alternate proposal of adjusted daily hours not to exceed 80 hours bi-weekly, recognize the irregular and variable work schedule by paying 5% above the straight time rates, premium pay for holidays worked, and pass days requested to work to be liquidated by premium time off.

On June 19, 1969, the Overtime Advisory Board of Civil Service rejected all proposals, with the result that authorized overtime worked over 8 hours per day

or 80 hours bi-weekly was to be compensated at a time and one-half rate. Inasmuch as our \$243,000 request for necessary overtime was reduced to \$143,000 by the Legislature, supervisors continued to schedule normal work routines to an 8-hour day and authorized overtime, for which monetary remuneration was made, only for emergencies.

Effective December 7, 1969, Civil Service again revised their overtime policy to designate that conservation officers should work an 80-hour pay period and overtime given only after 80 hours have been exceeded. This provided flexibility to adjust the daily schedules within the 80-hour period which was badly needed.

In early 1970, well aware and deeply concerned that we were sitting on a powder keg—specifically the conservation officer's work schedules and overtime problems—it was the consensus of opinion that, if the union, the employees association and the Department could reach an agreement and join forces, the Civil Service Commission could be sold on a reasonable proposal.

As an aftermath thereof, effective July 1, 1970, the Civil Service Commission approved for a period of one year on an experimental basis (1) an increase of 10% of the conservation officers base pay as compensation in lieu of any other establishment to compensation in any form for any and all work in excess of 8 hours per day or 80 hours bi-weekly, and (2) compensatory time for holidays worked to be liquidated on a straight time basis at the convenience of the officer and supervisory personnel.

The "total responsibility" concept was applied to conservation officer positions and, thus, the 10% of base pay represented reimbursement for all overtime worked including work on pass days.

Our Department was requested to keep accurate and meaningful time records on all overtime worked and submit a report to the Civil Service Commission on July 1, 1971.

At a special meeting with Civil Service in December of 1971 concerning overtime for conservation officers, the following points were agreed upon by representatives of the Department of Natural Resources and the Michigan State Employees Union:

1. The percentage override has proved to be the most effective method of compensating the officers for overtime worked because of the flexible nature of their assignments.

2. Generally, the officers should be scheduled for 10 work days and four pass days each pay period. In the event of an emergency, if work on a pass day becomes necessary, whenever possible another pass day within the pay period shall be provided. The Department has stated their intent to do all they can to implement this provision and restrict the scheduling of employees to 10 days per pay period.

3. To the extent possible, employees will not be scheduled to work on holidays. Only emergency work will be scheduled.

4. The total job concept should apply, and the override should compensate for all extra time worked. Both did agree, however, that the final decision should, for the record, indicate that the override does include 1½% for shift differential.

There was disagreement as to the amount of the override. The discussion centered around the records compiled by the Department during the trial years.

Pointing to the fact that 54% of the Conservation Officers 09 averaged 91.3 hours per pay period, the Department stated that 11.5% with 1½% for shift differential is proper. They feel this is all that is justified because of the freedom the officers have in controlling their own schedules.

Using the same figures, the union proposed 16.5%, stating that the average of 11.3 overtime hours calculated on a straight time basis would justify approximately 13%, or 20% on a time and one-half basis.

After further discussion, both modified their position. The union indicated they would accept 15% as a compromise figure. The Department stated they would agree to pay employees time and one-half for all scheduled hours worked on holidays in addition to the 11.5% override.

Because of a prior commitment on the part of the union representatives, the meeting was adjourned without a final resolution of this issue.

A month later at its January 14, 1972 meeting, the Civil Service Commission approved the following:

1. The override for Conservation Officers 07, 09 and 10 is increased from 10% to 11.5% retroactive to November 14, 1971. The additional 1.5% reflects the inclusion of shift differential.

2. Continuation of the policy of adjusting the work schedule so that an order to work on a pass day will result in changing a scheduled work day to a pass day in the same pay period. Exceptions to this policy are permissible during periods of emergency.

3. Work on a recognized holiday authorized by the immediate supervisor will be paid in accordance with the Civil Service overtime policy.

This overtime policy is currently in effect. The union, however, is diligently employed in attempting to establish the override at 15% or more.

I'm firmly convinced that a conservation officer in Michigan, and I presume the same exists elsewhere, cannot work a 40-hour week and adequately maintain an acceptable rate of compliance, plus perform the myriad of other duties requested of him. This is a particular truism during high use problem periods, such as spring and fall.

Unquestionably, doubling the enforcement arm of any given resource agency would make a 40-hour week possible. However, it is usually more economical to pay premium time to officers who are now on the job in order to fulfill job requirements than to have extra officers on the payroll working a regular period and generally not needed in normal routines. Overtime should be considered as a means of compensating the work force for extra effort at the time most needed and is less expensive from an administrative standpoint than hiring extra employees.

In fiscal 72-73, the 11½% override for 204 conservation officers will cost approximately \$279,000. If this amount was used to employ additional officers, 23 additional could be hired, which, in my estimation, would not begin to equal the efforts of 204 officers performing a total job concept.

A few comments about the two labor organizations with whom we deal. The largest employee organization is the Michigan State Employees Association, an independent organization claiming upwards of 20,000 State employees as members. It is low-key in its representation of employees, but, nonetheless, reasonably effective. The other, the Michigan State Employees Union, is an affiliate of the American Federation of State, County and Municipal Employees, AFL-CIO, and claims to represent over 12,000 State employees. In my opinion, this latter group operated somewhat more aggressively and directly than the employees association, but cannot be deemed militant.

Both entities operate under authority of Act No. 379 of the Michigan Public Acts of 1965, the "Public Employment Relations Act", which recognizes that public employees have a legal right to form and join organizations, to engage in lawful concerted activities for the purpose of collective negotiation and bargaining or other mutual aid or protection, or to negotiate or bargain collectively with their public employers through representatives of their own free choice.

Both organizations are duly recognized by the Michigan Civil Service Commission as bargaining representatives for State employees. Our Department has adopted and applies, with respect to its employees, the basic principles concerning the right of unionization embodied in the Act, and for resolutions of disputes and other matters.

The Michigan Civil Service Commission has over the years been progressive and forward in its enactment of better-than-average wages, working conditions, fringe benefit programs, and effectively improving the efficiency of public service. Union and employee association participation in these decisions, although meaningful, have not, in my opinion, had the impact that they separately proclaim.

The State of Michigan, as you are probably aware, is a pro-labor state. Our Department readily accepts this, as well as applies the policies adopted by the Legislature with respect to public employees generally.

WATER & BOATING SAFETY — ADMINISTERED BY A CONSERVATION AGENCY

By
Reginald K. Fansler

In 1960 when the Georgia Legislature considered what agency or agencies were most properly prepared to perform this function, several were considered. The agency favored by most during the initial phase of debate was the Department of Public Safety. The most constructive argument was that they were a well organized, trained and supervised organization. It was reasoned that such an organization could quickly assimilate specialized training outside of their normal duties and, therefore, could assume the additional responsibilities with a minimum of delay. Furthermore, the agency had a registration record capability established for the purpose of licensing drivers. Other agencies such as Parks and Recreation and Game and Fish were considered. It was obvious that these latter two agencies had a vested interest in this mission and function. Furthermore, they possessed the capability for the same reason used in the case of the Department of Public Safety. The result of lengthy debate and detailed evaluation led to the selection of the Game and Fish Division as the best qualified agency for the assumption of this function. Not because it was a conservation agency, but because it had demonstrated over the years that its personnel were more knowledgeable and its equipment more adaptable to the requirements inherent to water and boating safety. Additionally, the type of duties envisioned could be readily integrated into existing functions.

The general requirements were identified in the Federal Boating Safety Act of 1960. The Federal Act was implemented by the State Legislature in 1960. This Act triggered several significant actions. The most notable was the requirement that, "all watercraft used or capable of being used as a means of transportation on water and propelled by machinery in excess of ten (10) horsepower must be registered in order to legally operate on the public waters of the State of Georgia". This requirement was established by the law known as the *Motorboat Numbering Act*. The Act brought about a volume of activity that our Licensing Division has consistently had difficulty coping with. The Division registered 105,000 in the first year. This requirement has grown five percent each year since. To give you an insight to this volume, let me quote you the figures for the last three years: 1970-105,000; 1971-110,000; and 1972 to date-115,000. This accounts for only those that are powered with ten horsepower or more. I estimate that there are an additional 100,000 boats being operated on the Georgia waterways for recreational uses, viz, fishing, sailing and rowing, that do not require registration, however do require circulation control.

The issue of whether or not the Water and Boating Safety should be administered by a conservation agency is not then a matter of *what*, but a matter of *how*. An evaluation of the *how* led the Director of the Game and Fish Division,