

Draft Amendments to Civil Service Rules

Rev A (June 21, 2000)

Draft amendments to Rules approved by the Civil Service Commission on May 18, 2000, effective August 20, 2000.

Added text is double underlined. Deleted text is ~~struck through~~

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2 **2-1 TERMS OF EMPLOYMENT**

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5 **2-1.2 Noncareer Appointment**

6 An appointment expected to last less than the equivalent of 90 full-time workdays in a cal-
7 endar year is a noncareer appointment. An employee in a noncareer appointment is not
8 entitled to any of the following:

- 9 (a) Sick or annual leave accruals.
10 (b) Holiday pay.
11 (c) Enrollment in state-sponsored group insurance plans.
12 (d) Service credit for any purpose, such as longevity compensation, salary step increase,
13 employment preference, or status.
14 (e) ~~Noncareer-e~~Employment exceeding the equivalent of 89 full-time workdays in any
15 calendar year.

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19 **2-2 SERVICE RATINGS**

20 **2-2.1 Rating System**

21 The state personnel director shall issue regulations to establish a system of service ratings to
22 report the quality of service rendered by each employee in the classified service.

2-2.2 Submission

(a) **Probationary ratings.** An appointing authority shall evaluate and rate the performance of each probationary employee during and at the end of the probationary period, as provided in rule 3-5. The appointing authority shall certify each probationary service rating to the department of civil service as directed by the department.

(1) **Full-time-employees employment.** At a minimum, an appointing authority shall rate a full-time probationary employee after completion of 6 months and again after completion of one year of employment. In addition, if the probationary employee is a new hire without status in the classified service, the appointing authority shall rate the employee after completion of 3 months of employment.

(2) **Less than full-time-employees employment.** At a minimum, an appointing authority shall rate a probationary employee working less than full-time after completion of 9 months and again after completion of 18 months of employment. In addition, if the probationary employee is a new hire without status in the classified service, the appointing authority shall rate the employee after completion of 3 months of employment.

(3) **Extension of probation.** If a probationary period is extended beyond one year (for full-time employees) or 18 months (for less than full-time employees), the appointing authority shall also issue a service rating at the end of the extension of the probationary period.

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2-4 EMPLOYMENT PREFERENCE

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2-4.4 Employee Rights to Apply Preference

(a) **Application of preference.**—An employee may apply preference only against another position within the employee's county of employment, unless otherwise permitted in an approved departmental layoff plan. An employee can apply preference to the least senior position for which eligible in the following order:

(1) The least senior position in the employee's current classification.

(2) The least senior position at a lower classification in the current class series or, alternatively, to the same or lower classification in a former class series in which the employee attained status, at the level that will minimize loss of pay.

1 *[Relocate subsection (b), Departmental layoff plans, to 2-4.1(d).]*

2 **(b) Departmental layoff plans.** The department of civil service may approve a
3 departmental layoff plan that varies the application of employment preference within a
4 department or autonomous agency. An approved departmental layoff plan may vary the
5 application of employment preference in the following areas only:

6 The application of county preference based on organizational or geographic limits.

7 **(1)** The application of employment preference between recognized autonomous entities
8 of a principal department.

9 **(2)** The application of employment preference into additional positions in class clusters
10 approved by the appointing authority and the department of civil service.

11 **(3)** The application of employment preference between ~~employment types~~ employee
12 status codes.

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15 **2-13 VETERANS' PREFERENCE AND MILITARY LEAVE**

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18 **2-13.5 Temporary Military Leave of Absence**

19 An appointing authority shall grant a temporary military leave of absence to a classified
20 employee occupying an indefinite position who is in a reserve component of the United States
21 armed forces when ordered to active or inactive duty training. A temporary military leave of
22 absence for active duty training is with pay if the military pay is less than the employee's
23 regular state salary. The pay is equivalent to the difference between the employee's military
24 pay and the regular state salary for each day of absence from scheduled state employment for
25 those same days. The leave cannot exceed 15 regularly scheduled workdays in any fiscal
26 year. Continuous state service credit is allowed for the period of temporary military leave of
27 absence.

28 **(a)** If active duty training exceeds 15 regularly scheduled work days in a fiscal year, the
29 employee may choose to be placed on regular military leave of absence without pay or
30 use annual or compensatory time accruals for the remainder of the period of training.
31 The leave and the right to restoration to the position formerly occupied or an equivalent
32 position terminates if the employee fails to return to the classified position within 15
33 calendar days after release from training duty or after discharge from hospitalization
34 incident to that training. Continuous ~~S~~state service credit is allowed for the period of the
35 military leave of absence without pay.

1 **(b) Holidays occurring during temporary military leave.** An employee in full pay status
 2 is entitled to holiday pay for a designated holiday that occurs or is observed during the
 3 period of a temporary military leave of absence. Military pay earned on a holiday is not
 4 considered in determining the amount of state salary for the holiday.

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7 **2-13.7 Educational Leave**

8 An appointing authority may grant a leave of absence without pay to a veteran who has
 9 completed the equivalent of 6 months in the classified service to take advantage of the
 10 educational grants made available by federal funds for veterans' education.

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13 **2-15 ASSUMPTION INTO CLASSIFIED SERVICE**

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16 **2-15.3 Appointment**

17 The appointing authority shall make an appointment to an assumed position in the same
 18 manner as an appointment to a newly established position. However, the state personnel
 19 director may authorize the appointment of the employee occupying the same position outside
 20 the classified service in accordance with the following standards:

21 **(a) Merit selection and 3 years of service.** The director may authorize an appointment
 22 without further testing of an employee with at least 3 years satisfactory service at
 23 assumption if the employee's original selection was substantially based on merit. The
 24 employee must satisfactorily complete a probationary period as a classified employee and
 25 receive a final satisfactory probationary service rating as provided in rule 2-2. If the
 26 employee does not satisfactorily complete the initial probationary period, the appointing
 27 authority shall separate the employee from the classified service.

28 **(b) No merit selection or less than 3 years of service.** The director may authorize a tempo-
 29 rary appointment for a period not to exceed 6 months for an employee with less than 3
 30 years service at assumption or whose original selection was not substantially based on
 31 merit. During the 6 months, the department shall examine the employee on a
 32 noncompetitive basis. The employee must also satisfactorily complete a probationary
 33 period as a classified employee and receive a final satisfactory probationary service rating
 34 as provided in civil service rule 2-2. If the employee does not satisfactorily complete the
 35 examination or initial probationary period, the appointing authority shall separate the
 36 employee from the classified service.
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3 **2-18 APPEALS**

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6 **2-18.2 Subpoena**

7 The following conditions regulate the appearance of witnesses and production of documents
8 for civil service hearings and, when subpoenas are deemed essential to a fair hearing, govern
9 the issuance, service, revocation, and compliance with subpoenas:

10 * * *

11 (e) **Time limits.** Within 24 hours after service of the subpoena on the person to whom it is
12 directed, the requesting party must mail a copy of the subpoena to each named party to
13 the grievance. ~~a copy of the subpoena.~~

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16 **2-18.3 Appeal to ~~Board and~~ Commission**

17 (a) **Appeal.** An employee dismissed for cause from the classified service may appeal as of
18 right to the civil service commission from a final decision of a civil service hearing
19 officer upholding the dismissal. In all other cases, including grievance arbitration, an
20 appeal may be taken to the commission by a party only upon application and leave
21 granted.

22 (b) **Bases for granting leave.** In the discretion of the civil service commission, leave may
23 be granted in any matter that involves an allegation of (1) a violation of article 11, section
24 5, of the constitution, (2) a violation of a civil service rule or regulation, or (3) an abuse
25 of discretion. An appeal from arbitration is governed by the commission policy on
26 deferral to arbitration.

27 (c) **Final judgment by commission.** The employment relations board shall hear all appeals
28 on behalf of the civil service commission and shall file a final recommendation with the
29 civil service commission. A final recommendation of the board becomes effective as the
30 judgment or decision of the commission if approved by the commission. If the commis-
31 sion does not approve the recommendation, the commission (1) may remand the matter to
32 the board or other tribunal for further action, (2) may issue a final judgment or decision
33 of the commission that modifies or vacates the judgment or decision of the board, or
34 (3) may take any other action within the power of the commission.

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1 **2-18.5 Attorney Fees and Interest**

2 The following provisions apply to all civil service grievance and technical appeal
3 proceedings:

4 (a) **Attorney fees.** A monetary award cannot be made for attorney fees, witness fees, costs,
5 or other expenses, ~~attributable to the grievance or technical appeal.~~

6 (b) **Interest on award.** An employee may be awarded interest on a back pay award only if
7 the employee proves by clear and convincing evidence that the damages resulted from
8 intentional, malicious, or unconscionable prolongation of the proceedings by the
9 appointing authority. Interest is calculated from the earliest filing of the grievance or
10 technical appeal at the rates for interest on a money judgment in a civil action in the
11 revised judicature act, Michigan Compiled Laws (MCL) §600.6013(6), as amended.

12 (c) **Offer of settlement.** If an appointing authority makes a bona fide, reasonable written
13 offer of settlement in a grievance or technical appeal, no interest is allowed beyond the
14 date the written offer of settlement is rejected by the grievant. An offer of settlement that
15 is not accepted within 21 calendar days after the offer is made is considered rejected. A
16 bona fide, reasonable written offer of settlement is an offer of settlement that is at least 90
17 percent of the amount of back pay award, calculated as of the date the settlement offer is
18 made.
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20 **2-19 TECHNICAL APPEAL PROCESS**

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23 **2-19.4 Further Appeal**

24 A person who participated in the technical appeal and is directly affected and aggrieved by the
25 decision of a technical appeal officer may file an application for leave to appeal with the civil
26 service commission, ~~employment relations board.~~
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28 **2-20 LEGAL SERVICES**

29 ~~**2-20.1 Provision of Legal Services; Conditions**~~

30 An appointing authority, in cooperation with the attorney general, shall pay for or engage the
31 services of an attorney to advise and ~~appear for~~ represent a classified employee in any claim
32 or action against the employee alleging negligence or other actionable conduct, subject to the
33 following conditions:

- 1 (a) The employee must have been acting in the course of employment when the alleged
2 conduct occurred and had a reasonable basis for believing that the conduct was within the
3 scope of the authority delegated to the employee.
- 4 (b) No legal services are ~~permitted~~ required in connection with prosecution of a criminal suit
5 against an employee.
- 6 (c) Nothing in this rule requires the reimbursement of an employee or insurer for legal
7 services to which the employee is entitled under a policy of insurance.
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9 **3-1 EXAMINATIONS**

10 **3-1.1 Authority**

11 ~~The state personnel director is authorized to certify as qualified each person appointed or~~
12 ~~promoted in the classified service.~~ The department of civil service shall prepare or approve
13 examinations for all classified positions. Examinations are referred to as *appraisal methods*
14 in these rules.

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17 **3-3 APPOINTMENTS AND JOB CHANGES**

18 **3-3.1 Process**

19 All appointments, promotions, and job changes in the classified service must be made in
20 accordance with the civil service rules and regulations. Any person appointed or promoted
21 must be certified as qualified in accordance with and subject to these rules and applicable
22 regulations. The state personnel director shall administer the certification of all appointments
23 and promotions

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26 **3-3.4 Hire**

27 An appointing authority may appoint a qualified candidate to a position in the classified
28 service as authorized by and in accordance with the civil service rules and regulations. ~~The~~
29 ~~state personnel director shall certify as qualified each person appointed and promoted in the~~
30 ~~classified service.~~ A candidate may be qualified for appointment in one or more of the
31 following ways:

- 32 (a) The candidate is listed in an appropriate civil service applicant pool.

1 (b) The candidate meets the civil service qualifications for appointment to a designated
2 classification.

3 (c) The candidate is qualified after review by the department of civil service.

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6 **3-3.6 Lateral Job Change within a Department**

7 An appointing authority may authorize a lateral job change for an employee within the
8 employee's current department or autonomous entity. The employee may be moved to a dif-
9 ferent classification only if (1) the employee previously attained status in the classification,
10 (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the
11 employee meets the civil service qualification requirements. A lateral job change within a
12 department or autonomous entity does not require the agreement of the employee. However,
13 an employee may request a lateral job change. ~~A lateral job change within the employee's~~
14 ~~current department or autonomous entity is not an appointment.~~

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17 **3-5 PROBATION AND STATUS**

18 **3-5.1 Probationary Period**

19 (a) **New employee without status.** A newly appointed classified employee who does not
20 have status in the classified service when appointed must satisfactorily complete a
21 working test period, called a probationary period, and receive a final satisfactory
22 probationary service rating as provided in rule 2-2 as a condition of continued
23 employment.

24 (b) **Employee with status.** An employee with status who is appointed to a new
25 classification must satisfactorily complete a working test period, called a probationary
26 period, and receive a final satisfactory probationary service rating as provided in rule 2-2
27 as a condition of continued appointment in that position.

28 (c) **SES and SEMAS exceptions.** This rule does not apply to persons appointed to positions
29 in the senior executive service (SES) and the senior executive management assistant
30 service (SEMAS).

31 **3-5.2 Length of Probationary Period**

32 (a) **Minimum length.** The minimum length of a probationary period is 12 months of full-
33 time employment or 18 months of less than full-time employment.

1 **(b) Extension of probationary period.** If the department of civil service or the appointing
2 authority determines that (1) the probationary period has been insufficient to adequately
3 test the performance of a probationary employee or (2) the performance of a probationary
4 employee has been less than satisfactory, the department or the appointing authority may
5 extend the probationary period for an employee. Any extension beyond an additional 6
6 months requires the approval of the state personnel director. The department or
7 appointing authority shall give written notice of the extension of the probationary period
8 to the employee.

9 **3-5.3 Unsatisfactory Service**

10 **(a) Employee without status.** If an employee without status does not perform satisfactorily
11 during the probationary period, as provided in rule 2-2, the appointing authority may
12 dismiss the employee during the probationary period or within 28 calendar days after the
13 probationary period ends. The appointing authority shall give notice of a dismissal to the
14 employee and the department of civil service no later than 28 calendar days after the
15 probationary period ends.

16 **(b) Employee with status.** If an employee with status is appointed to a new classification
17 and does not perform satisfactorily during the probationary period, as provided in
18 rule 2-2, the appointing authority may, during the probationary period or within 28
19 calendar days after the probationary period ends, (1) dismiss the employee from the
20 classified service or (2) rescind the appointment and demote the employee.

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23 **3-5.5 Grievance of Probationary Dismissal or Demotion**

24 **(a) Probationary employee without status.** A probationary employee without status who is
25 dismissed may grieve the dismissal only within the departmental steps of the civil service
26 grievance procedure. The employee cannot appeal a final determination of the
27 appointing authority to the department of civil service or the civil service commission
28 unless the employee was dismissed in violation of rule 1-7.

29 **(b) Employee with status; rescision of appointment and demotion.** A probationary
30 employee with status whose appointment is rescinded and who is demoted to a classifica-
31 tion level not less than the level occupied at the time of the appointment may grieve the
32 rescision and demotion. In any grievance hearing, the appointing authority must first
33 articulate the reasons for rescinding the appointment. However, the employee has the
34 burden of proving by a preponderance of the evidence that the rescision and demotion
35 were arbitrary and capricious or violated ~~of~~ rule 1-6 or 1-7.

36 **(c) Dismissal of employee with status.** A probationary employee with status who is dis-
37 missed from the classified service may grieve the dismissal. In any grievance hearing,
38 the employer has the burden of proving by a preponderance of the evidence that it had
39 just cause to dismiss the employee.

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2 **4-6 SENIOR EXECUTIVE SERVICE (SES)**

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4 **4-6.2 Conditions of Employment**

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8 **(g) Termination of appointment.** When (1) the parties mutually agree to terminate a senior
9 executive service agreement, (2) an SES position is abolished, or (3) the term of
10 appointment expires, the employee’s future status is established according to the
11 following provisions:

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14 **(2) Pay protection.** If an option in subsection (g)(1) is exercised, the employee ~~shall~~
15 ~~return~~s to a position with a base salary not less than the base salary of the employee
16 immediately before entry into the senior executive service. The state personnel
17 director shall approve a base salary for the employee which is equal to the base salary
18 of the employee before appointment to the senior executive service, adjusted for any
19 general salary increases approved during the period of appointment to the senior
20 executive service. This pay protection expires when the employee accepts a position
21 with a base salary exceeding the protected base salary received upon return from the
22 senior executive service or at such other time as provided in the regulations.

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24 **4-6.4 Transitional Provisions**

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28 **(c) Frozen SES-eligible position.** A position that meets the criteria for inclusion in the
29 senior executive service is designated as an *SES-eligible position*. An SES-eligible
30 position remains a frozen position until (1) it becomes vacant or (2) the employee ~~in~~
31 occupying the position executes an agreement converting the position to the senior
32 executive service and accepts the position.

33 **(d) Automatic conversion ~~to~~ of SES-eligible positions.** Upon an occurrence provided in
34 subsection (c), the SES-eligible position automatically ceases to be a frozen classified
35 position and becomes a classified position in the senior executive service. Any appoint-
36 ment to the position thereafter must be made in conformity with the rules and the

1 regulations. A position converting to the senior executive service cannot be reclassified
2 outside the senior executive service except upon approval of the state personnel director.

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7 **4-7 SENIOR EXECUTIVE MANAGEMENT ASSISTANT SERVICE** 8 **(SEMAS)**

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11 **4-7.2 Conditions of Employment**

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14 **(g) Termination of appointment.** When (1) the parties mutually agree to terminate a senior
15 executive management assistant service agreement, (2) the position is abolished, or (3) the
16 term of appointment expires, the employee's future status is established according to the
17 following provisions:

18 **(1) Employee with prior status.** If the employee had continuing status at the time of
19 appointment to the senior executive management assistant service, the following
20 options are available.

21 **(A) Employment preference.** The employee may return to a position in
22 accordance with and subject to the civil service rules and regulations governing
23 employment preference in effect at the time the employment preference is
24 exercised. If the employee is required to return to a position at a lower classifi-
25 cation than held at the time of appointment to the senior executive management
26 assistant service, the employee may later ~~be reassigned~~ receive a lateral job
27 change to any position in the state classified service, not exceeding the
28 classification held at the time of appointment to the senior executive
29 management assistant service, for which the employee is otherwise qualified.
30 Such a lateral job change requires the approval of the employee, the appointing
31 authority, and the state personnel director.

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34 **4-7.4 Transitional Provisions**

35 **(a) Frozen SEMAS-eligible position.** A position that meets the criteria for inclusion in the
36 senior executive management assistant service is designated as an *SEMAS-eligible*
37 *position*. A SEMAS-eligible position remains a frozen position until (1) it becomes

vacant or (2) the employee occupying the position executes an agreement converting the position to the senior executive management assistant service and accepts the position.

(b) ~~Automatic Conversion~~ of SEMAS-eligible positions. Upon an occurrence provided in subsection (a), the SEMAS-eligible position automatically ceases to be a frozen classified position and becomes a classified position in the senior executive management assistant service. Any appointment to the position thereafter shall only be made in conformity with the civil service rules and regulations. ~~No A~~ position converting to the senior executive management assistant service ~~shall cannot~~ be reclassified outside the senior executive management assistant service except upon approval of the state personnel director.

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4-8 EQUITABLE CLASSIFICATION PLAN (ECP) GROUP 4

4-8.2 Conditions of Employment in Group 4

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(f) **Base salary and pay protection.** The base salary rate after an employee exercises employment preference is determined in accordance with the compensation plan, unless the employee is eligible for pay protection as provided in this subsection.

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(4) **Continuation of pay protection.** An employee with pay protection may continue to receive pay protection in a new position in any of the following circumstances:

(A) The employee accepts a promotion to a position within any department with a base salary rate lower than the protected base salary rate.

(B) The employee ~~is reassigned~~ receives a lateral job change to another position in the employee's principal department or autonomous agency.

(C) The employee is involuntarily demoted under any of the circumstances authorized in rule 3-3.2(b)(2), (4), (5), or (6).

5-4 ADDITIONAL COMPENSATION: OVERTIME, ETC.

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5-4.6 Exclusions and Exceptions

- (a) **Exclusions for SES and ECP Group 4.** An employee in the senior executive service or ECP Group 4 is not eligible to accrue compensatory time or to receive additional compensation for (1) overtime, (2) on-call time, (3) special shift, or (4) callback. However, if an employee otherwise qualifies, the employee is eligible for other premium pay provided in the compensation plan.
- (b) **State police, ~~high visibility patrol~~.** Notwithstanding the exclusion in subsection (a), a state police command officer participating in the high visibility patrol program and a state police lieutenant 14 or 15 (enlisted) is eligible to accrue compensatory time up to a maximum of 80 hours. The compensatory time will be paid at the employee's current rate at retirement.
- (c) **Exceptions for ECP Groups 1, 2, and 3.** The state personnel director is authorized to grant eligibility for (1) overtime, (2) on-call time, (3) special shift, or (4) callback pay to employees in ECP Groups 1, 2, and 3 who are otherwise ineligible for these special pay premiums.

5-6 ADDITIONAL COMPENSATION: MISCELLANEOUS

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5-6.2 Explosive Materials Premium

- (a) **Eligibility.** An employee of the department of state police assigned to handle and dispose of explosives is paid an explosives premium.
- (b) **Rate.** The explosives premium is ~~5 percent of base salary~~ \$69.24 per biweekly pay period.

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5-6.7 Conservation Officer 13 Premium

- (a) An employee classified as a Conservation Officer 13 is credited with an additional 1.2 hours of straight time compensation for each biweekly pay period.

(b) An employee classified as a Conservation Officer–Law Supervisor 13 who is identified by the department of natural resources and approved as eligible by the department of civil service may be credited with an additional 1.2 hours of straight time compensation for each biweekly pay period.

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5-11 GROUP INSURANCE PLANS

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5-11.2 Eligibility for Group Insurance Plans

Classified employees are eligible for group insurance benefits approved by the civil service commission in accordance with the following eligibility table:

<u>EMPLOYEE STATUS APPOINTMENT TYPE →</u> <u>EMPLOYMENT DURATION →</u>	CAREER APPOINTMENTS (INDEFINITE AND LIMITED-TERM):				NONCAREER APPOINTMENTS
	FULL-TIME	PART-TIME	PERMANENT-INTERMITTENT	SEASONAL	ALL TYPES
HEALTH PLAN	Eligible	Eligible	Eligible	Eligible	Not Eligible
DENTAL PLAN	Eligible	Eligible (if working > 40% of full-time)	Eligible (if working > 40% of full-time)	Eligible if working full-time at least 8 months per year	Not Eligible
VISION PLAN	Eligible	Eligible (if working > 40% of full-time)	Eligible (if working > 40% of full-time)	Eligible if working full-time at least 8 months per year	Not Eligible
LIFE INSURANCE PLAN	Eligible	Eligible (if working > 40% of full-time)	Eligible (if working > 40% of full-time)	Eligible (if working > 40% of full-time)	Not Eligible
ACCIDENTAL DUTY DEATH	Eligible	Eligible	Eligible	Eligible	Not Eligible
LONG-TERM DISABILITY PLAN	Eligible	Eligible (if working > 40% of full-time)	Eligible (if working > 40% of full-time)	Eligible if working full-time	Not Eligible

6-17 STRIKES

6-17.3 Employee Grievance Procedures

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(a) **Presumption.** An employee who is absent from work without permission or who abstains wholly or in part from the full, faithful performance of his or her duties in the normal manner on the date or dates when a strike occurs, and who did not have advance approval for leave or produce evidence of illness for each day of absence certified by a person licensed as a doctor of medicine, osteopathic medicine or surgery, or dental science or surgery, is presumed to have engaged in such strike on such date or dates.

* * *

8-1 DEFINITIONS

Unless the context clearly provides otherwise, the following terms in the civil service rules and regulations are defined as follows:

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~~8-1.9 Appointment Duration~~

~~*Appointment duration* means the expected length of an appointment. Appointment duration types include (1) indefinite, (2) limited term, and (3) noncareer.~~

8-1.41 Employment Preference

Employment preference means a ~~system or~~ process for determining an employee's rights ~~to retain present classification level, or to displace another employee,~~ when a reduction in force occurs.

~~8-1.42 Employment Type~~

~~*Employment type* means the work status of the employee. Employment types include, for example, (1) full-time, (2) part-time, (3) intermittent, and (4) seasonal.~~

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2 **8-1.70 Noncareer Appointment**

3 *Noncareer appointment* means an appointment to a classified position that is expected to last
4 | less than the equivalent of 90 full-time workdays in a calendar year.

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7 **8-1.94 Red-circled Pay Treatment**

8 *Red-circled pay treatment* means fixing the current salary rate of an employee above the
9 | maximum salary rate authorized in the compensation plan for the employee's classification or
10 | classification level.

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13 **8-1.97 Regulation**

14 *Regulation* means a formal, general written enactment issued by the state personnel director
15 | that: (1) exercises, implements, or applies powers granted in article 11, section 5, of the
16 | constitution; (2) exercises, implements, or applies ~~legislative~~ powers granted by civil service
17 | rule; or (3) prescribes the procedures or practices of the department of civil service. A
18 | regulation does not include the following:

- 19 (a) A determination, decision, or order in a contested case, technical appeal, or individual
20 | labor relations matter.
- 21 (b) A determination, declaratory ruling, order, or other disposition by the state personnel
22 | director of a particular matter as applied to a specific set of facts.
- 23 (c) A personnel or administrative action by the state personnel director.
- 24 (d) A form with instructions, an interpretive statement, an informational pamphlet, or other
25 | material that in itself does not have the force and effect of a regulation but is merely
26 | explanatory.
- 27 (e) An advisory.
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[Note: If amendments are adopted, all rules will be renumbered as
necessary.]