

Michigan Department of Civil Service

REGULATION

Appointing Authority Letter Reference: CS-6940	Effective Date: March 18, 2001	Index Reference: American Indian, Applicant Pool	Regulation Number: 1.02
Issuing Bureau: Human Resource Services	Rule Reference: Rules 1-6 (Merit, Efficiency, and Fitness) 1-7 (Equal Employment Opportunity) 1-8 (Prohibited Discrimination)		Replaces: Reg. 1.02 (CS-6908, Nov. 9, 1999)
Subject: CODING AMERICAN INDIAN RACIAL DESIGNATION			

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1. PURPOSE

At the November 27, 1984 Civil Service Commission meeting, the commission approved the process for documenting and verifying the racial designation of all persons identifying themselves as American Indian. This regulation provides standards for the required documentation and procedures for coding applicants and new employees as an American Indian or for changing the racial designation of current employees to American Indian.

2. CIVIL SERVICE RULE REFERENCE

Rule 1-6 Merit, Efficiency, and Fitness

All appointments and promotions to positions in the classified service, all measures for the control and regulation of employment in such positions, and all separations from classified positions shall be based on merit, efficiency, and fitness, as provided in the civil service rules and regulations.

Rule 1-7 Equal Employment Opportunity

The department of civil service and each appointing authority shall provide equal employment opportunity in the state classified service for all persons in accordance with the civil service rules and regulations.

Rule 1-8 Prohibited Discrimination

1-8.1 Prohibited Discrimination. *The department of civil service or an appointing authority shall not do any of the following:*

- (a) Fail or refuse to hire, recruit, or promote; demote; discharge; or otherwise discriminate against a person with respect to employment, compensation, or a term, condition, or privilege of employment, because of religion, race, color, national origin, age, sex, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position.*
- (b) Limit, segregate, or classify an employee or applicant for employment in a way that deprives or tends to deprive the employee or applicant of an employment opportunity or otherwise adversely affects the status of an employee or applicant because of religion, race, color, national origin, age, sex, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position.*

* * *

3. DEFINITION

- A.** The Department of Civil Service uses the definition promulgated by federal agencies, including the Equal Employment Opportunity Commission (EEOC), for an American Indian. That definition is:

All persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

4. STANDARDS

- A.** Any individual wishing American Indian designation on applicant pool records, in the Human Resources Management Network (HRMN) and other departmental records must provide one of the following forms of documentation as evidence to substantiate the American Indian heritage:

1. Birth certificate showing either parent is an American Indian.
 2. Tribal identification card.
 3. Certification by a tribal officer that an individual appears on tribal rolls.
 4. Fishing rights card.
 5. Bureau of Indian Affairs documents, such as tuition eligibility.
- B.** The Department of Civil Service shall change the racial code on the applicant pool record to American Indian upon submission and approval of the required documentation.
- C.** Appointing authorities may change the racial designation of a state employee to American Indian in the HRMN and other departmental records after the individual provides one of the above documents. The appointing authority may confirm the applicability of the code with the Department of Civil Service.
- D.** For appointment purposes, if the code for the American Indian designation appears on the applicant pool record, the appointing authority may enter it in the HRMN upon appointment.
- E.** Some individuals may have difficulty in obtaining the documentation listed above. Other forms of documentation, supported by affidavits from other official sources, may be adequate. The Department of Civil Service shall review and determine the acceptability of this documentation.
- F.** The Department of Civil Service shall maintain a file of all documentation submitted as verification of status as an American Indian in accordance with the established application retention schedule (6 months). Appointing authorities shall maintain the documentation as provided in their personnel record retention schedule.

5. PROCEDURES

A. Request Submitted to the Department of Civil Service:

<u>Responsibility</u>	<u>Action</u>
Applicant	1. Submits a Classified Civil Service Application form (CS-102) marking American Indian as the racial designation.
Department of Civil Service	2. Receives the classified Civil Service Application form from the applicant requesting the American Indian racial designation on the applicant pool record.

<u>Responsibility (cont.)</u>	<u>Action (cont.)</u>
Department of Civil Service	<ol style="list-style-type: none"> <li data-bbox="716 327 1430 506">3. Sends a letter to the applicant requesting the necessary documentation as described in this regulation. Until documentation is received the applicant is coded as "Other" on the applicant pool record. <li data-bbox="716 527 1430 632">4. Receives the documentation from the applicant and determines if the documentation meets the Department of Civil Service standards. <li data-bbox="716 653 1430 800">5. If acceptable, sends a letter to the applicant that the documentation was accepted and changes the racial designation on the applicant pool record to American Indian. If the documentation is not accepted, writes a letter to the applicant stating why and what documentation is needed for acceptance.

B. Request Submitted to the Appointing Authority:

<u>Responsibility</u>	<u>Action</u>
Appointing Authority	<ol style="list-style-type: none"> <li data-bbox="716 1087 1433 1192">1. Receives documentation that a current employee requests the American Indian racial designation for human resource records. <li data-bbox="716 1213 1433 1283">2. Determines if the documentation meets the Department of Civil Service standards. <li data-bbox="716 1304 1433 1409">3. If acceptable, changes departmental and HRMN records to indicate the American Indian racial designation and informs employee. <li data-bbox="716 1430 1433 1499">4. Sends a copy of the documents to the Department of Civil Service.
Department of Civil Service	<ol style="list-style-type: none"> <li data-bbox="716 1524 1433 1661">5. Reviews the information, and if acceptable, changes the Department of Civil Service records to indicate the American Indian racial designation and informs employee. If unacceptable, informs appointing authority and employee of the necessary resolutions.

CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS-BHRS@state.mi.us.

NOTE: Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.