

REGULATION

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Issued By: Classifications and Selections	Rule Reference: Rules: 4-1 (Position Establishment and Classification) 4-2 (Position Classification Review) 4-5 (Working Out of Class)		Replaces: Reg. 4.09 (SPDOC No. 06-11, August 13, 2006)
Authority: Regulations are issued by the State Personnel Director under authority granted in the Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations are subordinate to the Commission Rules.			
Subject: EMPLOYEE GENERATED POSITION REVIEWS			

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1. PURPOSE

This regulation establishes the standards and procedures that an employee can use to request a position review from Civil Service.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

Note: This Section 2 reprints only selected Commission Rules for quick reference by the reader. Additional Rules (that are not reprinted below) may apply. The complete, current version of the Rules can be found at www.michigan.gov/mdcs.

Rule 4-1 Position Establishment and Classification

4-1.2 Classification

A position established in the classified service must be reviewed to classify the position properly.

Rule 4-2 Position Classification Review

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- (a) **Position review.** *An appointing authority shall give notice to civil service staff of material changes in the duties and responsibilities that may impact the proper classification of a position. If the appointing authority does not notify the civil service staff of material changes, the employee occupying the position may initiate a position review by filing an updated position description and a written request with the civil service staff.*

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- (c) **Effective date of change.** *A change in the classification of a position based on a review under this rule is on a current basis, except as otherwise approved by the state personnel director.*

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Rule 4-5 Working out of Class

- (a) **Working-out-of-class assignment.** *An appointing authority may temporarily assign an employee to work out of class only if (1) the employee is performing the duties and responsibilities of an existing position or (2) civil service staff has approved in advance a request for the employee to work out of class. A working-out-of-class assignment cannot exceed one year.*

- (b) **Working-out-of-class pay.** *If an employee is assigned to work out of class for more than 10 consecutive work days, the employee is entitled to supplemental pay and benefits for the temporary assignment in accordance with the civil service rules and regulations.*

- (1) **Claims for working-out-of-class pay.** *If an employee is assigned to work out of class and does not receive authorized supplemental working-out-of-class pay and benefits, the employee may request a technical working-out-of-class determination.*

- (A) **Time limit.** *A request for a technical working-out-of-class determination must be filed during the working-out-of-class assignment or after the end of the assignment, within the time specified in the regulations.*

- (B) **Back pay.** *In a technical working-out-of-class determination, the civil service review officer may award back pay and benefits for working out of class for a maximum of one year before the end of the working-out-of-class assignment. No supplemental working-out-of-class pay or benefits are payable for any period longer than one year even if the employee worked out of class for more than one year.*

- (2) **Relation to collective bargaining.** *Working out of class is a prohibited subject of bargaining. The exclusive procedure for any employee, including an exclusively represented employee, to bring a claim for working-out-of-class pay or benefits is to file a request for a technical working-out-of-class determination.*

(c) **Exclusions.** *An employee in any of the following circumstances is not considered to be working out of class:*

- (1) *The employee is working in a preauthorized position.*
- (2) *The employee is occupying a position downgraded for training.*
- (3) *The employee is occupying a position that is reclassifiable.*
- (4) *The employee is an overall assistant who normally substitutes for the employee's supervisor.*

3. STANDARDS

- A. If the appointing authority does not notify Civil Service of material changes in the duties and responsibilities assigned to a position, the employee occupying the position may initiate a position review by filing an updated position description and a written request with Civil Service.
- B. A group of employees, in the same classification and performing similar duties and responsibilities, may submit a composite position description for a position review. All employees must sign and date the composite position description (or an attached sheet) and include their position codes and employee ID numbers. No electronic filings will be accepted for group requests.
- C. Civil Service determines if the position is eligible for a review in accordance with regulation 4.05 [Frequency of Review of Positions]. If the position is not eligible for a review, Civil Service notifies the employee and the appointing authority. Requests to review a position to determine if a working-out-of-class assignment exists can be submitted in accordance with regulation 4.08 [Working Out of Class].
- D. Civil Service staff sends a letter to the appointing authority, along with a copy of the employee's request and position description for review. A copy of the letter to the appointing authority is sent to the employee as the official notice to the employee that Civil Service has received the request.
- E. The appointing authority is allowed 20 workdays to complete items 22-29 of the position description after receipt from Civil Service. The appointing authority is allowed an additional 10 workdays for professional managerial and specialist positions that require evaluation system rating reviews. Civil Service may authorize extensions for good cause.
- F. The appointing authority shall submit a Position Action Request (CS-129), stating whether the employee meets the minimum requirements for the requested classification and whether the incumbent is performing the duties and responsibilities of that classification satisfactorily.
- G. The appointing authority may submit any other necessary information for Civil Service staff to make a classification decision.
- H. Civil Service staff may conduct an on-site position review to gather additional information.

- I. If the requested information is not received from the appointing authority within the above specified time frame, Civil Service staff may review the position based on the information provided by the employee and the information obtained at the on-site position review.
- J. The effective date assigned to a classification action resulting from an employee's self-generated request is the beginning date of the pay period Civil Service receives the employee's request and signed position description, except for the following:
 - 1. The effective date assigned to a reclassification from an experienced-level worker classification to an advanced-level worker classification shall not precede the approved effective date of the agency-specific senior standards used to reclassify the position.
 - 2. The effective date assigned to a reclassification from an experienced-level or advanced-level worker classification to a specialist classification is the beginning date of the pay period the appointing authority certifies the employee began performing specialist duties. However, the effective date shall not precede the beginning of the pay period in which the employee's request and signed position description is received by Civil Service.

4. **PROCEDURE**

Responsibility	Action
Employee	1. Completes items 1-21 of the position description and submits it to Civil Service.
Civil Service	2. Upon receipt of the employee's request for position review, reviews the request for completion in accordance with Civil Service regulations and classification guidelines. 3. Sends the employee's request, completed position description and letter to the appointing authority. A copy of the letter is sent to the employee.
Appointing Authority	4. Directs the employee's immediate supervisor to complete items 22-27 of the position description. 5. Completes items 28 and 29 of the position description and provides any other information necessary to review the position and render a proper classification decision. 6. Submits the completed position description, appropriate rating system worksheet, and a Position Action Request (CS-129) to Civil Service.

Responsibility (continued)	Action (continued)
Civil Service	<p>7. If the necessary information is not received from the appointing authority within the specified time frame, reviews the position based on the information provided by the employee and the information obtained at the on-site position review.</p> <p>8. Reviews the request and renders a decision. Assigns an effective date.</p> <p>9. Enters the necessary position information in the Human Resources Management Network (HRMN) if action is approved.</p> <p>10. Simultaneously, releases the Position Action Request to the affected employee and appointing authority. If the classification action is disapproved, informs the employee of appeal rights.</p>
Appointing Authority	<p>11. Receives the Position Action Request. Enters employee information in HRMN and informs agency management of the classification decision.</p>

CONTACT

Questions regarding this regulation should be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone at 517-373-3030 or 1-800-788-1766; or by e-mail to MDCS-BHRS@michigan.gov.