

REGULATION

| | | | |
|---|--|---|--|
| SPDOC No: 07-14 | Effective Date: October 7, 2007 | Index Reference: Special Pay Premiums | Regulation Number: 5.04 |
| Issued By: Compensation | Rule Reference: Rules: 5-5 (Additional Compensation: Prison Employees) 5-6 (Additional Compensation: Miscellaneous) | | Replaces: Reg. 5.04 (SPDOC 05-03, March 27, 2005) |
| 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: SPECIAL PAY PREMIUMS | | | |

TABLE OF CONTENTS

| | |
|--|---|
| 1. PURPOSE..... | 1 |
| 2. CIVIL SERVICE COMMISSION RULE REFERENCE | 1 |
| 3. DEFINITIONS..... | 4 |
| 4. STANDARDS..... | 4 |
| 5. PROCEDURE | 6 |

1. PURPOSE

This regulation establishes standards for application of special pay premiums approved by the Civil Service Commission for nonexclusively represented employees. It also establishes the standards and procedures for reviewing positions to approve or disapprove eligibility for prison premium pay (P-rate).

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 5-5 Additional Compensation: Prison Employees

5-5.1 Prison Employee Premium

(a) ***Eligibility.*** An employee who meets any of the following eligibility criteria is paid a special prison premium rate:

- (1) *An employee assigned regular and recurring responsibility for custody or supervision of prisoners in the department of corrections.*
 - (2) *An employee in a position located at a correctional or a mental health facility who handles, on a regular and recurring basis, the personal, financial, or other matters affecting the well-being of prisoners of the department of corrections.*
 - (3) *An employee whose work location is within the security perimeter of a correctional facility or within a facility of the department of community health housing corrections prisoners, thereby placing the employee in an environment where physical confrontation could occur.*
- (b) **Exception.** *An employee is not eligible for prison rate if the employee's classification or a predecessor classification was granted a special 5 percent increase in Part 1B of the minutes of the civil service commission meeting on December 14, 1978. The state personnel director shall list the current ineligible classifications in the regulations.*
- (c) **Rate.** *The prison premium rate is \$0.40 an hour. The prison rate is paid for all hours in pay status, including holidays and leave time.*

5-5.2 High Security Retention Premium

- (a) **Eligibility.** *An employee who meets the following eligibility criteria is paid a high security retention premium.*
- (1) *An employee who is classified as a Forensic Security Supervisor 11-14 at the department of community health center for forensic psychiatry.*
 - (2) *An employee in an eligible classification who works in an eligible facility:*
 - (A) **Eligible classifications.** *An employee in the following classifications is eligible:*
 - (1) *Corrections Security Inspector 13.*
 - (2) *Corrections Shift Supervisor 11, 12, or 13.*
 - (3) *Deputy Prison Warden 14.*
 - (4) *Assistant Resident Unit Supervisor 11.*
 - (5) *Resident Unit Manager 13, if the employee's office is in a housing unit considered a high security work unit.*
 - (B) **Eligible facilities.** *An employee in the following facilities is eligible:*
 - (1) *A correctional facility designated as level 4, 5, or 6 by the department of corrections. A level 4, 5, or 6 work unit or an administrative segregation work unit at another facility (i.e., regional, multiple, levels 3, 2, and 1) is **not** eligible.*
 - (2) *Huron Valley Center.*
 - (3) *An employee who receives the prison employee premium of \$0.40 an hour who has 2 years of continuous service, and is employed at one of the facilities listed in subsection (a)(2)(B).*

- (b) **Rate.** *The high security retention premium is \$0.50 an hour. The high security retention premium of \$0.50 an hour and the prison employee premium of \$0.40 an hour cannot be paid simultaneously.*

Rule 5-6 Additional Compensation: Miscellaneous

5-6.1 High Structures and Tunnels Premium

- (a) **Eligibility.** *An employee who works (1) on a structure over 40 feet in height that requires scaffolding or safety harnesses or (2) in a pressurized tunnel (new construction or reconstruction) is paid a hazard premium.*
- (b) **Exclusions.** *Work performed from safety buckets (aerial equipment) is not eligible for hazard premium pay. Work performed in caissons is not eligible for hazard premium pay.*
- (c) **Rate.** *The hazard premium is \$1.00 an hour for each hour of exposure. A minimum of 4 hours of hazard premium is paid for each day of exposure. The hazard premium is not paid for holidays or leave time used.*

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 \$103.85 per biweekly pay period.*

5-6.3 Premium for Department of Labor and Economic Growth Insurance Examiners Working out of State

- (a) **Eligibility.** *An employee who (1) is employed as an Insurance Examiner in the department of labor and economic growth, (2) is classified as an Auditor 9-12 or Auditor Manager 13, and (3) is required to work outside of the state of Michigan for extensive periods, is paid an out-of-state location premium.*
- (b) **Rate.** *The out-of-state premium is \$10.00 per day.*

5-6.4 Premium for Department Of Treasury Auditors Working and Residing out of State

- (a) **Eligibility.** *An auditor employed in the department of treasury whose principal work location and residence are outside of the state of Michigan is paid an out-of-state location premium.*
- (b) **Rate.** *The out-of-state location premium is \$25.00 per day.*

5-6.5 Other Employees Residing out of State

- (a) **Eligibility.** *Any other classified employee whose primary work location and residence are outside of the state of Michigan may be paid an out-of-state location premium.*
- (b) **Rate.** *The civil service commission shall determine the amount of the out-of-state location premium.*

5-6.6 Emergency Response Compensation

(a) State Police.

- (1) **Eligibility.** *A state police command officer is paid an emergency response compensation.*
- (2) **Rate.** *The emergency response compensation is \$4.00 per day.*

(b) Conservation Officer–Law Supervisors 13-16

- (1) **Eligibility.** *A Conservation Officer–Law Supervisor 13–16 is paid an emergency response compensation.*
- (2) **Rate.** *The emergency response compensation is \$3.00 a day.*

5-6.7 Conservation Officer 13 Premium

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

* * *

3. DEFINITIONS

A. Definition as Used in This Regulation

1. **P-rate compensation** means a special pay premium that is assigned to eligible positions in addition to the classification's regular compensation.

4. STANDARDS

- A.** An employee is eligible for P-rate compensation if the employee's position has been assigned responsibility for custody or supervision of prisoners in the Department of Corrections on a regular and recurring basis, in addition to regular job duties.
 1. The position must be located within an institution under the jurisdiction of the Department of Corrections, Correctional Facilities Administration, or at a Corrections Center in the Field Operations Administration.
 2. No two employees are given credit for supervising the same prisoners.
 3. Positions in other agencies must supervise prisoners assigned from the Department of Corrections, Correctional Facilities Administration.
- B.** An employee is eligible for P-rate compensation if the employee's position is located at a correctional or a community health facility and handles, on a regular and recurring basis, the personal, financial, or other matters affecting the well-being of Department of Corrections prisoners/residents.

An employee who handles the personal, financial, or other matters affecting the well being of Department of Corrections prisoners must have regular recurring and

face-to-face contact with prisoners/residents. The work being performed must be of such a nature that it could create an adversarial relationship between the prisoner/resident and the employee. Regular, recurring, and face-to-face contact is defined as contact with prisoners/residents in person, 25 percent or more of the time, in an environment that could permit a physical act to occur. Work performed that could create an adversarial relationship is defined as those situations when there is a reasonable chance of a difference of opinion leading to a physical attack by a prisoner.

- C. An employee is eligible for P-rate compensation if the employee's work location is within the security perimeter of a correctional facility or within a facility of the Department of Community Health housing Corrections prisoners, thereby placing the employee in an environment where physical confrontation could occur.

Positions in the Department of Community Health must be physically located within an institution under the jurisdiction of the Bureau of Forensic Mental Health Services (Huron Valley Center or the Center for Forensic Psychiatry).

- D. An employee is **not** eligible for P-rate compensation if classified in the following classifications identified in Part 1B, Special Increase, of the minutes from the December 14, 1978, Civil Service Commission meeting (as updated with the current nonexclusively represented classifications):

| | |
|---------------------------------------|---------------------------------|
| Assistant Resident Unit Supervisor 11 | Forensic Security Supervisor 11 |
| Corrections Security Inspector 13 | Forensic Security Supervisor 12 |
| Corrections Shift Supervisor 11 | Forensic Security Supervisor 13 |
| Corrections Shift Supervisor 12 | Resident Unit Officer E10 |
| Corrections Shift Supervisor 13 | |

- E. Department of Corrections and the Department of Community Health general policies may require employees with regular work locations outside the security perimeter to assume custodial responsibilities in emergency situations (disturbances, riots, etc.). Such situations are not considered "regular and recurring" and do not qualify a position for P-rate compensation.
- F. Incidental contact, such as passing by a prisoner porter, does not qualify for P-rate compensation.
- G. Appeals of staff decisions on P-rate compensation for individual positions are processed through the technical appeal process established in regulation 8.02 [Technical Classification and Qualification Complaints].
- H. If an employee vacates a position previously approved for P-rate compensation, the new employee may be assigned P-rate compensation without Civil Service review if the employee is performing the same duties.
- I. If an employee receiving P-rate compensation moves to another position, the new position must be reviewed by Civil Service for the continuation of P-rate compensation.

- J. When a change occurs to an employee's position, whereby the employee is no longer eligible for P-rate compensation, the P-rate assignment must be removed by the Appointing Authority.

5. PROCEDURE

| Responsibility | Action |
|----------------------|--|
| Appointing Authority | 1. Submits a Position Action Request (CS-129) and a Position Description form (CS-214) to Civil Service for a position review and approval before assigning P-rate compensation. |
| Civil Service | 2. Reviews the request for position review to approve or disapprove P-rate compensation. 3. If approved, releases the CS-129 to the appointing authority. 4. If disapproved, documents the reasons on the CS-129 and releases to the appointing authority. |
| Appointing Authority | 5. Receives the approved CS-129 and assigns P-rate compensation to the employee in the Human Resources Management Network (HRMN). 6. Removes P-rate compensation in HRMN when an employee becomes ineligible for such. |

CONTACT

Questions regarding this regulation should be directed to Compensation, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; by telephone, at 517-335-7862 or 1-800-788-1766; or by e-mail to MDCS-Compensation@michigan.gov.