

# REGULATION

<b>SPDOC No:</b>  <u>03-2906-10</u>	<b>Effective Date:</b>  <del>March 18, 2001</del> <u>2006</u>	<b>Index Reference:</b>  Employee, Position Review, Effective Date, Reclassification	<b>Regulation Number:</b>  <b>4.09</b>
<b>Issuing Bureau:</b>  Human Resource Services	<b>Rule Reference:</b> Rules: 1-3 (Regulations and Advisories)— <del>Effective May 22, 2003</del> 4-1 (Position Establishment and Classification) 4-2 (Position Classification Review) 4-5 (Working Out of Class)— <del>Effective January 1, 2002</del>	<b>Replaces:</b>  Reg. 4.09 ( <del>CS-6940</del> <u>SPDOC No. 03-29</u> , March 18, 2001)	
<b>Subject:</b>  <b>EMPLOYEE GENERATED POSITION REVIEWS</b>			

## TABLE OF CONTENTS

1. PURPOSE.....	1
2. CIVIL SERVICE COMMISSION RULE REFERENCE .....	1
3. STANDARDS.....	3
4. PROCEDURE .....	5

### 1. PURPOSE

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

### 2. CIVIL SERVICE COMMISSION RULE REFERENCE

#### *Rule 1-3 Regulations and Advisories*

*The state personnel director is authorized to issue regulations and advisories that the director deems to be necessary or useful. A regulation issued by the state personnel director is binding unless the commission finds that the regulation violates a rule. An advisory does not have the force and effect of law and is not binding. The state personnel director shall make all regulations and advisories available to employees through their personnel offices and the internet.*

**Rule 4-1      *Position Establishment and Classification***

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**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***

\* \* \*

*(a) **Position review.** An appointing authority shall give notice to the department of civil service 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 department of civil service 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 department of civil service.*

\* \* \*

*(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.*

\* \* \*

**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) the department of civil service 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 within 28 calendar days after the end of the assignment.*

- (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 the Department of Civil Service of material changes, the employee occupying a position may initiate a position review by filing an updated position description and a written request with the Department of 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 ~~are~~ will be accepted for group requests.
- C. The Department of 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, the Department of 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 ~~at any time~~ in accordance with regulation 4.08 [Working Out of Class].

- ~~D.~~ The effective date of the reclassification may be retroactive as provided under regulation 4.04 [Effective Dates for Classification Actions] if the classification plan and the duties and responsibilities of the position are the same on both the date received and the retroactive date.
- ~~E.~~ The effective date assigned to the classification action is the beginning date of the pay period that the employee's request and signed position description is received by the Department of Civil Service. Requests for retroactive effective dates are reviewed in accordance with regulation 4.04 [Effective Dates for Classification Actions].
- FD.** The Department of Civil Service 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 the Department of Civil Service has received the request.
- GE.** The appointing authority is allowed 20 workdays to complete items 22-29 of the position description after receipt from the Department of Civil Service. The appointing authority is allowed an additional 10 workdays for professional managerial and specialist positions that require evaluation system rating reviews. The Department of Civil Service may authorize extensions for good cause.
- HF.** The appointing authority shall submit a Position Action Request form (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.
- IG.** The appointing authority may submit any other necessary information for the Department of Civil Service to make a classification decision.
- JH.** The Department of Civil Service may conduct an on-site position review to gather additional information.
- KI.** If the requested ~~necessary~~ information is not received from the appointing authority within the above specified time frame, the Department of Civil Service may review the position based on the information provided by the employee and from information obtained at the on-site position review.

#### **J. Effective Dates.**

- ~~1.~~ The effective date assigned to the classification action is the beginning date of the pay period that the employee's request and signed position description is received by the Department of Civil Service, except as authorized in standard J., 2. and 3. below.

2. The effective date assigned to a reclassification of a position resulting from an employee's self-generated request to be reclassified from an experienced-level worker classification to an advanced-level worker classification may not precede the approved effective date of the agency-specific senior standard used to reclassify the position.

3. The effective date assigned to a reclassification resulting from an employee's self-generated request to be reclassified from an experienced-level or an advanced-level worker classification to a specialist classification is the beginning date of the pay period the appointing authority certifies the position 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 the Department of Civil Service.

**4. PROCEDURE**

Responsibility	Action
Employee	1. Completes items 1-21 of the Position Description form and submits it to the Department of Civil Service.
Department of 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 <u>request</u> , completed Position Description form and <u>a written noticeletter</u> to the appointing authority <del>that the employee has requested a position review.</del> A copy of the <u>written noticeletter</u> is sent to the employee.
Appointing Authority	4. Directs the employee's immediate supervisor to complete items 22-27 of the Position Description form.  5. Completes items 28 and 29 of the Position Description form and provides any other information that is necessary to review the position and render a proper classification decision.

Responsibility (continued)	Action (continued)
Appointing Authority	6. Submits the completed Position Description form, appropriate rating system worksheet, and a Position Action Request form (CS-129) to the Department of Civil Service.
Department of Civil Service	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 from information obtained at the on-site position review.  8. Reviews the request and <del>documents</del> <u>renders a</u> decision. Assigns an effective date.  9. Enters the necessary position information in the Human Resources Management Network (HRMN) if action is approved.  10. Simultaneously, releases the Position Action Request form (CS-129) to the affected employee and appointing authority. If <u>the</u> classification action is disapproved, informs <u>the</u> employee of <del>the</del> appeal rights.
Appointing Authority	11. Receives the Position Action Request form. Enters employee information in the HRMN and informs agency management of the classification decision.

**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; by telephone, at 517-373-3048 or 1-800-788-1766; or by e-mail to [MDCS-BHRS@michigan.gov](mailto:MDCS-BHRS@michigan.gov).

**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.

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