

REGULATION

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Issued By: Classifications and Selections	Rule Reference: Rules: 1-6 (Merit, Efficiency, and Fitness) 1-7 (Equal Employment Opportunity) 1-8 (Prohibited Discrimination)		Replaces: Reg. 1.02 (CS-6940, March 18, 2001)
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: CODING AMERICAN INDIAN RACIAL DESIGNATION			

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1. PURPOSE

This regulation provides the process for documenting and verifying the racial designation of all persons identifying themselves as American Indian. It also includes 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 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 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 classified 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

Civil service staff 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.

Neither civil service staff nor an appointing authority shall 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, sexual orientation, 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, sexual orientation, 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

The Civil Service Commission uses the following definition promulgated by federal agencies, including the Equal Employment Opportunity Commission (EEOC), for an American Indian:

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 applicable 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.** Civil Service staff shall change the racial code on the applicant pool record to American Indian upon submission and approval of the required documentation.
- C.** Civil Service staff or appointing authorities may change the racial designation of a state employee to American Indian in HRMN and other applicable records after the individual provides one of the above documents. The appointing authority may confirm the applicability of the code with Civil Service staff.
- D.** For appointment purposes, if the code for the American Indian designation appears on the applicant pool record, Civil Service staff or the appointing authority may enter it in 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. Civil Service staff shall review and determine the acceptability of this documentation.
- F.** Civil Service staff 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 Civil Service.

Responsibility	Action
Applicant	1. Submits a Classified Civil Service Application form (CS-102) marking American Indian as the racial designation.
Civil Service	2. Receives the CS-102 from the applicant requesting the American Indian racial designation on the applicant pool record. 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.
Applicant	4. Submits requested documentation.
Civil Service	5. Receives the documentation from the applicant and determines if the documentation meets Civil Service standards.

Responsibility (continued)	Action (continued)
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Civil Service

6. 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.

Responsibility	Action
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Employee

1. Submits documentation requesting American Indian racial designation for personnel records.

Appointing Authority

2. Receives documentation and determines if it meets Civil Service standards.

3. If acceptable, changes HRMN and other applicable records to indicate the American Indian racial designation and informs employee.

4. Sends a copy of the documents to Civil Service.

Civil Service

5. Reviews the information, and if acceptable, changes the 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 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 MCSC-BHRS@michigan.gov.