

REGULATION

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| SPDOC No: 2008-09 | Effective Date: July 27, 2008 | Index Reference: Return-to-Work Appointment | Regulation Number: 3.12 |
| Issued By: Classifications and Selections | Rule Reference: Rules: 3-2 (Applicant Pools and Recall Lists) 3-3 (Appointments and Job Changes) | | Replaces: Reg. 3.12 (SPDOC 07-14, October 7, 2007) |
| 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: Return-To-Work Appointments | | | |

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1. **PURPOSE**

The statewide return-to-work (RTW) program assists employees currently receiving Workers' Compensation or Long-term Disability (LTD) benefits in their return to active state employment. The Office of the State Employer coordinates the program and each state agency has a case manager who works with RTW employees to locate potential vacancies and seek placements.

Civil Service provides support to the program by assisting appointing authorities in determining RTW employees' qualifications, evaluating them via an appraisal process, placing their names in applicant pools maintained by Civil Service, and authorizing approved appointment transactions to facilitate their return.

This regulation provides the standards and procedures for the RTW appointment process.

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 3-2 Applicant Pools and Recall Lists**3-2.1 Applicant Pool**

Civil service staff may establish and maintain applicant pools. Applicant pools may be divided by geographic area, organizational unit, occupational specialty, type of appointment, or other criteria. The state personnel director shall issue regulations for the duration and use of applicant pools. A person's eligibility to remain in an applicant pool or to be referred for a position is determined under the civil service rules and regulations in effect at the time the employee's name is referred to an appointing authority.

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Rule 3-3 Appointments and Job Changes**3-3.1 Process**

All appointments, promotions, and job changes in the classified service must be made in accordance with the civil service rules and regulations. Any person appointed or promoted must be certified as qualified in accordance with and subject to the civil service rules and regulations. The state personnel director shall administer the certification of all appointments and promotions.

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3. DEFINITION**A. Definition as used in this Regulation**

1. **Trial Work Experience** means the period of time in which an employee is assigned the duties of a position, different from those performed before being placed on Workers' Compensation or LTD, and demonstrates the ability to perform the essential job functions. The Trial Work Experience is part of the program administered by the Office of the State Employer that assists appointing authorities in returning employees from Workers' Compensation or LTD.

4. STANDARDS

- A. An employee must currently be receiving Workers' Compensation or LTD benefits to be eligible for an RTW appointment.
- B. Appointing authorities are to comply with any executive orders or directives in place that apply to their agency before creating a new position or filling a new or vacant position.
- C. Appointing authorities can request an RTW appointment only when recall lists are cleared and any applicable collective bargaining agreement obligations are satisfied.

- D.** Trial Work Experience in a classification typically requiring a Civil Service examination may serve as an alternative appraisal process for an approved appointment. In this situation, the employee will not receive a HRMN ZP22 Certification Code for the classification nor be placed in an applicant pool.
- E.** Request for an RTW appointment must be submitted along with a Request for Credential Review form (CS-153) and include the following:
1. An indication that the request is for an RTW appointment.
 2. An authorization from the Disability Management Program that the employee has successfully completed a Trial Work Experience of at least six months.
 3. A current employment history.
 4. A completed application or résumé.
 5. Copies of relevant transcripts, certificates, or listings of training programs completed.
- F.** Civil Service will review and determine the employee's qualifications before appointment to a position. Trial Work Experience may be considered to determine the qualifications.
- G.** The appointing authority must receive approval from Civil Service before making an appointment.
- H. Certification of Appointment.**
1. A requisition using PA42.1 in the Human Resources Management Network (HRMN) must be created.
 2. The appointment is certified by completing the Requisition Applicant Form (XP43.1) in HRMN. The "Date" field on this form will be used to enter the date of the appointment. The "Applicant" field on this form will be used to enter the date of the credential review for all sources except RECALL and UAW TXFR. For these sources, enter the date of the Recall or UAW Transfer Report in this field. The "Hire Source" is Civil Service Credential Review. When making the appointment for tested classifications, select "Approved Appointment."
- I.** The employee must satisfactorily complete a probationary period, as a condition of continuing employment.
- J.** If the employee's performance is determined to be unsatisfactory, the employee may then return to the benefit program, subject to the program's eligibility criteria, if no other viable position is available for placement of the employee.
- K.** An employee affected by a reduction in force from an RTW appointment has bumping rights in accordance with applicable collective bargaining agreements or Civil Service rules. If there are no other positions into which the employee may bump, the employee may be returned to the benefit program, subject to the program's eligibility criteria.

- L. Employees eligible for the RTW appointment process must comply with the state's drug and alcohol testing policy in accordance with regulation 2.07 [Drug Testing], 2.08 [Alcohol Testing], and 2.09 [Drug and Alcohol Testing Self-Reporting] if the appointment is to a test designated position, or any other applicable pre-employment requirements.
- M. Any appeal rights are in accordance with regulation 8.02 [Technical Classification and Qualification Complaints].

5. **PROCEDURE**

| Responsibility | Action |
|--------------------------------------|---|
| Employee or Case Manager | 1. Provides appointing authority with documentation of ability to work but not in the former position. |
| Appointing Authority or Case Manager | 2. Identifies a potential position for an RTW appointment. |
| Appointing Authority | 3. Submits a Request for Credential Review Form (CS-153) with required documentation to Civil Service. |
| Civil Service | 4. Reviews the request and determines if it satisfies the standards for approval. Indicates approval or disapproval and returns the request. Retains a copy of the CS-153 and enters applicable information into Applicant Tracker. |
| Appointing Authority | 5. Appoints the candidate in accordance with Civil Service rules and regulations. |

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.