Michigan Civil Service Commission

REGULATION

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~~10-08~~	~~August 22, 2010~~	Selection, Position Vacancies, Applicant Pool	**3.04**
Issued By:	**Rule Reference:**		**Replaces:**
Classifications and Selections	Rules: 1-6 (Merit, Efficiency, and Fitness) 1-7 (Equal Employment Opportunity) 1-8 (Prohibited Discrimination) 3-1 (Examinations) 3-2 (Applicant Pools and Recall Lists) 3-3 (Appointments and Job Changes)		Reg. 3.04 (SPDOC ~~07-14~~10-08, ~~October 7, 2007~~August 22, 2010)
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:	**SELECTION OF EMPLOYEES FOR POSITION VACANCIES**		

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1. PURPOSE

This regulation establishes standards and practices to be used when considering and selecting candidates for vacant positions. This regulation provides a foundation for establishing sound personnel practices that result in a meritorious, job-related selection 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 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.*

* * *

Rule 3-1 Examinations

3-1.1 Authority

Civil service staff shall prepare or approve examinations for all classified positions. Examinations are referred to as appraisal methods *in these rules.*

3-1.2 Content and Method

Appraisal methods must assess relevant, job-related knowledge, skills, abilities, and other qualifications necessary for successful job performance. The state personnel director may authorize the use of another organization's appraisal results.

3-1.3 Application

The state personnel director shall establish procedures for persons seeking positions in the classified service.

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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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3-2.3 Recall Lists

An employee is eligible to be placed on a recall list only if the employee (1) gained status from an indefinite appointment and (2) is laid off, demoted, or otherwise displaced for reasons of administrative efficiency. Recall lists are not created or maintained for classifications that are protected from the application of employment preference in rule 2-5 [Employment Preference] or applicable regulations.

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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. DEFINITIONS

A. Civil Service Commission Rule Definitions

1. ***Applicant*** *means a person who requests to participate in an appraisal process.*
2. ***Applicant pool*** *means a group of applicants whom civil service staff has determined to be qualified.*

3. ***Candidate*** *means a qualified person who requested to be considered for appointment to a specific position in the classified service and who was considered by the appointing authority.*
4. ***Candidate pool*** *means qualified persons considered for a position.*

B. Additional Definitions as used in this Regulation

1. ***Agency created applicant pool*** means a group of applicants who have been recruited by an agency using appropriate methods to ensure equal employment opportunity.
2. ***Considered by the appointing authority*** means a qualified candidate who (1) met the screening criteria established by the appointing authority and (2) was interviewed or otherwise comparably evaluated by the appointing authority.
3. ***NEOGOV*** means the automated selection and hiring system used by the Civil Service Commission.

4. STANDARDS

A. Recall.

1. The appointing authority must obtain a recall list report (ZP106) from the Human Resources Management Network (HRMN).
2. All recall names must be cleared in accordance with regulation 3.07 [Appointments and Job Changes].

B. Contractual Provisions.

The appointing authority must comply with any provision of a collective bargaining agreement pertaining to posting, transfer lists, etc., applicable to the selection process for the position.

C. Availability of Applicant Pools.

Civil Service shall establish and maintain applicant pools from the results of appraisal and recruitment methods for pre-identified classifications. Applicant pools are available in HRMN for creating candidate pools.

D. Recruitment.

1. An appointing authority may use any appropriate method to recruit and contact applicants for a position vacancy that ensures equal employment opportunity for a qualified applicant pool.
   a. The Civil Service vacancy posting website is the primary recruiting method when filling a position from an agency-created applicant pool.
   b. Civil Service shall develop and maintain an overall recruitment strategy and plan to assist agencies in obtaining applicants. In addition to the vacancy posting website, other recruitment activities may be used, such as, partnerships with schools, community service agencies, trade and vocational organizations, and community organizations (e.g., Urban

League, NAACP, minority and women's professional or fraternal associations, etc.); premium job boards, and recruitment firms.

2. Appointing authorities shall ensure equal employment opportunity consistent with Civil Service rules and regulations.
3. In the recruitment process, consistent job-related information must be provided. Information may include, for example, the following:
   a. Proper Civil Service position title, classification level, and working title, if different.
   b. A brief description of the job duties, responsibilities, and working conditions.
   c. Qualifications or special requirements needed for the position.
   d. Salary.
   e. Employee status code.
   f. Job location.
4. A minimum of 7 calendar days from the date of posting or contact is recommended for applicants to respond.

E. Applicant Screening.

1. An agency should reduce the size of the applicant pool to an acceptable number of candidates. The size of the pool may be reduced on a random basis or by applying screening criteria (e.g., supplemental questions in NEOGOV).
2. The screening criteria must be job-related and ensure equal employment opportunity.
3. An applicant who has been disqualified from the selection process for any reason specified in Civil Service Commission rules cannot be considered as a viable candidate in any applicant pool (e.g., sanctioned applicants).

F. Candidate Credential Reviews.

1. Civil Service shall conduct credential reviews in the following circumstances:
   a. To evaluate any experience gained outside the classified service (i.e., any experience not recorded on official employee history records).
   b. To evaluate degree majors not specifically listed on the job specification.
   c. To evaluate recognized alternatives identified on the job specification.
   d. To evaluate potential equivalent combinations of education or experience.
   e. To evaluate experience gained while working out of class.
   f. When the appointing authority requests assistance for conducting credential reviews for classifications for which they have preauthorized authority.
   g. When the appointing authority does not have approval by Civil Service to conduct preauthorized credential reviews.

2. When requesting that Civil Service conduct credential reviews under standard F.1., the appointing authority must remit, via NEOGOV, credential information (résumés, transcripts, etc.) to Civil Service for applicants who have been pre-screened by the agency and are considered potential candidates. These are individuals the agency intends to include in the candidate pool for further consideration if Civil Service determines they meet the minimum qualification requirements. Denial letters will be sent to applicants whose credentials do not satisfy the requirements. Civil Service approval signifies only that an individual candidate meets the minimum qualification requirements for the classification.
3. Civil Service authorizes appointing authorities and approved designated staff to conduct credential reviews provided they have received Civil Service credential review training and certification, except in the circumstances noted in standard E.1.
   a. The appointing authority may nominate one or more persons to act as agency credential reviewers.
   b. Civil Service must provide training for agency staff assigned to conduct credential reviews.
   c. Agency staff cannot conduct credential reviews until Civil Service has certified that the person has been adequately trained. Additional periodic training may be provided to ensure quality and accuracy.
   d. The appointing authority shall document their candidate credential reviews.
   e. Failure to comply with established standards may result in cancellation of the credential review authorization.
4. To properly evaluate degree majors, the required education must be obtained from an institution accredited by an accrediting body of the Council on Higher Education Accreditation, unless otherwise indicated on the job specification.
5. If after conducting a credential review, an appointing authority does not believe an applicant or candidate qualifies for a classification, and the issue is raised by the applicant or candidate, it shall be submitted to Civil Service for an official determination. That official determination may be appealed in accordance with regulation 8.02 [Technical Classification and Qualification Complaints].
6. Credential review determinations on documented applicant qualifications must be completed before the agency makes a job offer.

G. Evaluation of Candidates.

1. An appointing authority may evaluate and verify the qualifications of candidates using any appropriate selection methods, as permitted by law. Examples of appropriate methods include, but are not limited to, the following:
   a. Job/person fit measures.
   b. Background investigations.
   c. Assessment of applicants' education, training, and experience.

d. Formal job performance evaluations from current and previous jobs.

e. Structured interviews.

f. Job simulations.

g. Performance tests.

h. Physical agility tests.

i. Reference checks.

j. Supplemental written or electronic tests.

2. Evaluation methods and criteria must be job-related. To the extent practical, an agency shall utilize the same, or substantially similar, selection methods and criteria, and elicit the same, or substantially similar, pertinent, job-related information for all candidates. Civil Service staff shall provide assistance in the development or use of any additional evaluation methods, if requested.

3. At the conclusion of the selection process, the appointing authority must give notice to any non-selected qualified candidates considered by the appointing authority that they are not selected or that a particular vacancy will not be filled.

H. Participation in Selection Process by Current Students.

A student who has not yet received an academic degree necessary for appointment to a classified position, may be treated as qualified to participate in a selection process, subject to the following conditions:

1. The position must be an entry-level position.
2. The applicant must be enrolled and scheduled to receive the required degree by the end of the current academic term.
3. A conditional offer may be extended to the applicant before receipt of the required degree to allow pre-employment drug testing and any other background checks.
4. Any selection of the applicant is contingent upon receiving on schedule the required degree. The applicant cannot fill the vacancy until the educational requirement is obtained. Failure to receive the required degree on schedule will result in the revocation of any conditional offer.

~~H~~I. Selection of Noncareer Employees.

The selection of noncareer employees does not require a full evaluation process. Documentation for the selection of noncareer employees should include a current, approved position description, documentation that recall records were checked, and the evaluation of the selected candidate compared to the rating criteria used.

~~I~~J. Certification of Appointment.

A requisition using PA42.1 in HRMN must be created when NEOGOV is not the selection process used.

~~J~~K. Documentation.

1. An appointing authority shall maintain accurate documentation for all steps of the selection process for at least 3 years from the completion of the selection process. Documentation to be retained must include, if used:
   a. A current, approved position description, including any approved special requirements (e.g., current selective position requirements).
   b. Methods used to notify applicants of a vacancy, a selection, or a decision not to fill a vacancy.
   c. Verification that recall obligations have been met.
   d. Verification that the selected candidate is not a sanctioned applicant.
   e. Applications or resumes of candidates evaluated.
   f. Interview questions, final completed rating forms, if used, or other selection documentation.
   g. Results of other selection methods used (e.g., performance tests, reference checks, job simulations).
   h. Evaluation of the selected candidate compared to the selection criteria used.
   i. Documentation verifying that the candidate selected for the position meets the educational and experience qualifications and any special requirements for the job. Verification must be completed before the appointment. Appointing authorities shall notify Civil Service if it appears that candidates may have misrepresented their credentials.
   j. Documentation verifying that all non-selected candidates who were contacted for any evaluation were notified that they were not selected or that the vacancy was not filled.

~~K~~L. Compliance.

1. The 3-year documentation retention period begins once all candidates who were contacted for an interview or other assessment are notified of the outcome of the selection process.
2. The selection process is subject to audit.
3. Appointing authorities shall cooperate in the investigation and participate in the defense of their selection methods.

5. PROCEDURE

Responsibility	Action
Appointing Authority	1. Determines if there are any recall, posting, or transfer obligations required by collective bargaining agreements. 2. Requests recall list.

Responsibility (continued)	Action (continued)
Appointing Authority	3. Determines if there are any EEO considerations or requirements to be met. Conducts additional recruitment, as necessary, using tools available (see standard D.). 4. Receives resumes and applications from interested applicants. 5. Screens applicants in accordance with standard E.
~~Appointing Authority~~	6. Determines, in HRMN, if non-state employee applicants have an existing record (PA31.1) with an "active" status (A1) code or if state employee applicants have been sanctioned, either by going to Employee Self-Service, HR Statewide, Employee History (STWDE), Sanctions field or contacting Classifications and Selections, Civil Service. **NOTE:** Non-state employee applicants having a status code of S1 (complete sanction) may not be considered for any vacancy, in accordance with standard E.3. 7. For non-preauthorized credential reviews, remits documentation via NEOGOV to Civil Service. 8. If preauthorized to do so, conducts credential reviews for candidates the agency wants to consider in order to determine candidates' eligibility based on the minimum requirements. **NOTE:** Applicants appearing on the ZP-22 for tested classifications require no further Civil Service credential review 9. Schedules and conducts job-related assessment of the candidates in accordance with standard G. 10. Makes selection in accordance with agency procedures.

Responsibility (continued)	Action (continued)
Appointing Authority	11. Contacts selected candidate and makes contingency offer of employment, pending acceptance of offer and passing of drug test, if a drug test is required. 12. Appoints the selected candidate in accordance with regulation 3.07 [Appointments and Job Changes]. 13. If NEOGOV is not the selection tool used, certifies the appointment of the selected candidate in HRMN. 14. Notifies the non-selected candidates. (See standard G.3.). 15. Retains documentation in accordance with standard ~~J~~K.
Civil Service	16. May conduct an audit of selection activities for compliance with Civil Service rules and regulations.

CONTACT

Questions regarding this regulation should be directed to Office of Classifications, Selections, and Compensation, 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.