

# REGULATION

<b>SPDOC No:</b> 15-05	<b>Effective Date:</b> May 24, 2015	<b>Index Reference:</b> Special Pay Premiums	<b>Regulation Number:</b> <b>5.04</b>
<b>Issued By:</b> Compensation	<b>Rule Reference:</b> Rules: 5-5 (Additional Compensation: Prison Employees)		<b>Replaces:</b> Reg. 5.04 (SPDOC 09-06, October 7, 2007)
<b>Authority:</b> 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.			
<b>Subject:</b> <b>SPECIAL PAY PREMIUMS</b>			

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### 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 and forensic 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](http://www.michigan.gov/mdcs).

#### *Rule 5-5 Additional Compensation: Prison Employees*

##### *5-5.1 Prison and Forensic Employee Premium (P-rate)*

(a) *Eligibility.* An employee who meets any of the following eligibility criteria is paid P-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 at a correctional facility or the Center for Forensic Psychiatry 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 or forensic patients.*

(3) *An employee whose work location is within the security perimeter of a correctional facility or the Center for Forensic Psychiatry, thereby placing the employee in an environment where physical confrontation could occur.*

(b) **Exception.** *An employee is not eligible for P-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 commission meeting on December 14, 1978. The state personnel director shall list the current ineligible classifications in the regulations.*

(c) **Rate.** *P-rate is \$0.40 an hour. P-rate is paid for all hours in pay status, including holidays and leave time.*

\* \* \*

### 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 facility or the Center for Forensic Psychiatry and handles, on a regular and recurring basis, the personal, financial, or other matters affecting the well-being of prisoners or forensic patients.

An employee who handles the personal, financial, or other matters affecting the well-being of prisoners or forensic patients must have regular recurring and face-to-face contact with them. The work being performed must be of such a nature that it could create an adversarial relationship with the employee. Regular, recurring, and

face-to-face contact is defined as contact with prisoners or forensic patients 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 or forensic patient.

- 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 the Center of Forensic Psychiatry, thereby placing the employee in an environment where physical confrontation could occur.
- 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. Agency 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 [MCSC-Compensation@michigan.gov](mailto:MCSC-Compensation@michigan.gov).