



STATE OF MICHIGAN
CIVIL SERVICE COMMISSION

COMMISSIONERS
THOMAS M. WARDROP, CHAIR
JAMES BARRETT
JANET MCCLELLAND
ROBERT W. SWANSON

STATE PERSONNEL DIRECTOR
JANINE M. WINTERS

STATE PERSONNEL DIRECTOR OFFICIAL COMMUNICATION

SPDOC No. 15-06

TO: ALL APPOINTING AUTHORITIES, HUMAN RESOURCES OFFICERS,
AND RECOGNIZED EMPLOYEE ORGANIZATIONS

FROM: JANINE M. WINTERS, STATE PERSONNEL DIRECTOR
Janine M. Winters

DATE: JUNE 12, 2015

SUBJECT: **DRAFT AMENDMENTS TO CIVIL SERVICE REGULATION 3.02,**
STUDENT ASSISTANTS IN THE CLASSIFIED SERVICE

Staff proposes changes to Regulation 3.02, *Student Assistants in the Classified Service*. In addition to several minor stylistic changes, the proposed amendments would address recent changes to federal law involving full-time employment and health insurance. The state has traditionally allowed short-term, noncareer employment in positions without numerous benefits, including enrollment in state-sponsored group insurance plans. The proposed amendments would address issues across all noncareer positions in Regulation 3.02, which currently addresses only noncareer student positions. Changes in the proposed amendments include:

- General caps on noncareer appointments to 129 hours of service in a calendar month and 720 hours of service per calendar year, unless otherwise approved by the state personnel director or a collective bargaining agreement.
- Approval for student classes to work up to 1,559 hours per calendar year. This institutes a cap where one did not previously exist for student classes.
- Clarification that prior state service without a 13-week break in service constitutes continuing service for annual-limit purposes.

Written comments on the proposed amendments may be sent to Matthew Fedorchuk, Deputy Director, Civil Service Commission, P.O. Box 30002, Lansing, Michigan, 48909. Comments must be received by June 26, 2015.

Attachment

THIS DOCUMENT IS AVAILABLE UPON REQUEST IN ALTERNATIVE ACCESSIBLE FORMATS TO INDIVIDUALS WITH DISABILITIES. FOR FURTHER INFORMATION CALL: VOICE (517) 373-3020 OR MICHIGAN RELAY CENTER 711.

Copies of Regulations may be viewed in Civil Service Commission's Regulatory Information Web site, at <http://www.michigan.gov/mdcs/0,1607,7-147-6877---,00.html>

REGULATION

SPDOC No.: 10-07	Effective Date: June 13, 2010	Index Reference: Terms of <u>Noncareer</u> Employment: Students	Regulation Number: 3.02
Issued By: Classifications and Selections	Rule Reference: Rule: 2-1 (Terms of Employment)	Replaces: Reg. 3.02 (SPDOC 0710-1407, October 7 June 13, 2007 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: STUDENT ASSISTANTS IN THE CLASSIFIED SERVICE <u>NONCAREER EMPLOYMENT</u>			

TABLE OF CONTENTS

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

1. PURPOSE

This regulation establishes standards and conditions governing ~~the noncareer~~ employment ~~of Student Assistants~~ in the classified service.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

Note: This Section 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 2-1 Terms of Employment

* * *

2-1.2 Noncareer Appointment

(a) Defined. *An appointment expected to last less than the equivalent of 90 full-time workdays in a calendar year is a noncareer appointment.*

(b) Student and special noncareer classifications authorized. The state personnel director may issue regulations to permit noncareer employment exceeding the equivalent of 89 full-

time workdays in a calendar year, without fringe benefits, for designated student and special classifications.

(c) **Limitations on noncareer appointments.** An employee in a noncareer appointment is not entitled to any of the following:

(1) Sick or annual leave accruals.

(2) Holiday pay.

(3) Enrollment in state-sponsored group insurance plans.

(4) Service credit for any purpose, such as longevity compensation, salary step increase, employment preference, or status.

(5) Employment exceeding the equivalent of 89 full-time workdays in any calendar year.

3. DEFINITIONS

A. Civil Service Commission Rule Definition

1. **Noncareer Appointment** means an appointment to a classified position that is expected to last less than the equivalent of 90 full-time workdays in a calendar year.

B. Additional Definitions as used in this Regulation

1. **Hours of service** means hours that an employee is paid, or entitled to payment by the employer, for (1) performing duties for the employer or (2) a period when no duties are performed due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty, or leave of absence.

2. **State employment** means any employment in Michigan's state government, including positions in the state classified civil service, unclassified service, legislative branch, and state-level judicial branch, under a common federal Employment Identification Number.

3. **Student Assistant** means a noncareer employee in the Student Assistant and Information Technology Student Assistant classifications and any other designated student classifications.

34. STANDARDS

A. Limit on hours of service.

1. Noncareer employees cannot exceed 129 hours of service in any calendar month.

2. Unless otherwise approved in a collective bargaining agreement or by the State Personnel Director, noncareer employees other than Student Assistants cannot exceed 720 hours of service per appointment.

3. A Student Assistant cannot exceed 1,559 hours of service in a calendar year.

4. A noncareer employee cannot exceed 1,559 total hours of service in combined state employment during a calendar year or the first 12 full calendar months in the current period of state employment. Prior state employment is considered part of the current period of state employment unless at least 13 full weeks with no hours of service of any state employment have passed before the current noncareer appointment began.

5. The State Personnel Director may approve an appointing authority's request to allow a noncareer employee to exceed the above limits on hours of service.

~~A. Student Assistants are hired on a temporary, noncareer basis and may work more than 89 full-time workdays in a calendar year.~~

B. Student Assistants must be continually enrolled in, and attending, a high school, vocational school, or post-secondary educational institution. Summer attendance is not required.

C. Students must provide proof to the appointing authority of ~~their~~ enrollment and updated information whenever changes to their status occurs such as: (a) change in degree program, (b) change in class status (freshman to sophomore), (c) school transfer, (d) granting of a degree, or (e) leaving school.

D. Students accepted by, but not yet enrolled in, a post-secondary educational institution must provide proof of ~~their~~ acceptance to that institution.

E. Student Assistants should be employed in a work area that is relevant to the student's academic and career goals.

F. Student Assistants may be eligible to receive course credit for ~~the~~ work performed, in conjunction with an internship program.

G. The appointing authority shall assign a pay rate within the pay range that reflects the student's level of academic attainment and contribution to the organization within the following guidelines:

Academic Attainment	Pay Concept
High School: — Student is currently enrolled in or has completed high school and has been accepted by a post-secondary educational institution.	A
College: — Student is currently enrolled in a post-secondary educational program related to the work assigned.	B
Post-bachelor's degree: — Student is currently enrolled in an advanced degree program related to the work assigned and has completed a bachelor's degree.	C

The pay schedule for these concepts ~~will be~~ is published annually in the Civil Service ~~Commission~~ Compensation Plan.

- H. The appointing authority shall retain and make available for audit ~~purposes~~ all documents ~~ation~~ related to the selection and evaluation process, in accordance with regulation 3.04 [Selection of Employees for Position Vacancies].
- I. The appointing authority shall provide the student with orientation, supervision, and an evaluation of the student's performance.
- J. Student Assistant work time is credited toward meeting the requirements for related future employment.
- K. A Student Assistant ~~in the classified service~~ is a state employee for examination and employment consideration purposes.
- L. A Student Assistant who receives a degree ~~prior to~~ before completing an assignment or project in an appointment may continue ~~in that~~ employment until the assignment or project is completed. Only experience gained after ~~the attainment of~~ a bachelor's degree ~~will be~~ is considered qualifying for professional positions.
- M. Reclassification ~~of~~ a Student Assistant to an appropriate career classification requires Civil Service review and approval.
1. A Student Assistant ~~employee~~ may be eligible for reclassification if all ~~of~~ the following conditions are met:
 - a. The appointing authority selected the Student Assistant ~~employee for the Student Assistant position~~ after conducting a full evaluation and selection process.
 - b. The Student Assistant ~~employee~~ satisfactorily completed a performance review period of 1,040 hours.
 - c. The Student Assistant ~~employee~~ meets the minimum qualifications for the new classification.
 - d. The duties and responsibilities for the new classification are similar to those assigned to the employee's Student Assistant position.
 - e. Any applicable collective bargaining agreement provisions ~~must be~~ are met.
 - f. No agency recall names exist for the new classification.
 - g. ~~No s~~Statewide recall names exist for the new classification ~~will preclude reclassification~~, unless a hiring freeze (as described in regulation 3.10 [Promotion or Lateral Job Change Within an Agency of Current Employees Under Hiring Restriction Conditions]) is in effect ~~as of on~~ the effective date of reclassification, in which case. ~~When a hiring freeze is in effect and statewide recall names exist~~, reclassification may ~~only~~ be approved for only limited-term employment.
 - h. The appointing authority requests and must certify ~~ies~~ that ~~the agency authorizes~~ the Student Assistant ~~employee to be reclassified as a career employee in the new classification~~, meets the minimum qualifications of the new classification, is satisfactorily performing the duties and

responsibilities of the requested classification, has satisfactorily completed a performance review period of 1,040 hours, and has a current satisfactory performance rating.

2. The effective date of the reclassification is the beginning of the pay period in which a fully documented position action request is approved by Civil Service staff in accordance with regulation 4.04 [Effective Dates for Classification Actions]. Retroactivity is not permitted under any circumstances.
 3. Upon reclassification, the employee must satisfactorily complete a probationary period to gain status in the classified service.
 - a. Full-time employees ~~shall~~ must be reviewed upon completion ~~of 3 months, 6 months,~~ and 12 months of service.
 - b. Less than full-time employees ~~shall~~ must be reviewed upon completion ~~of 3 months, 9 months,~~ and 18 months of service.
- N. This regulation ~~does~~ is not applicable to ~~S~~ students ~~Assistants~~ hired as unclassified Special Personal Services (SPS) employees.
- O. The State Personnel Director may approve, with or without modification, an agency's request to establish a special noncareer classification ~~permitted~~ under rule 2-1.2.

45. PROCEDURE

Responsibility	Action
Appointing Authority	<ol style="list-style-type: none"> 1. Establishes a student position based on work functions. 2. Solicits applications through a web posting, advertisement, contacts with educational institutions, or other means. 3. Selects a student in accordance with Civil Service Commission rules and regulations. 4. Verifies that the applicant is a student in good standing with an accredited educational institution. 5. Assigns pay rate in accordance with the Student Assistant compensation schedule and based on the student's amount and type of job-related education.

<u>Responsibility (continued)</u>	<u>Action (continued)</u>
<u>Appointing Authority</u>	6. For position reclassification, submits a Position Action Request (CS-129) and a Position Description form (CS-214) to Civil Service. Certifies on the CS-129 that the employee meets the minimum qualifications, is satisfactorily performing the duties and responsibilities of the requested classification, has satisfactorily completed a performance review period of 1,040 hours, and has a current satisfactory performance rating.
Civil Service	7. Reviews the request.
	8. If approved, enters the necessary position information in the Human Resources Management Network (HRMN).

<u>Responsibility (continued)</u>	<u>Action (continued)</u>
Civil Service	9. Releases the CS-129 to the appointing authority.
Appointing Authority	10. Receives the completed CS-129 and enters applicable employee information in HRMN.
Civil Service	11. May conduct an audit for compliance 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 MCSC-BHRS@michigan.gov.