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STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

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DIRECTOR'S OFFICE MEMORANDUM 2021 - 24

EFFECTIVE: January 1, 2021

DATE: December 16, 2020

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Heidi E. Washington, Director

SUBJECT: Department of Corrections Employment Preference Plan

SUPERSEDES DOM 2020 – 27 (effective 01/01/2020)

DEPARTMENT OF CORRECTIONS
EMPLOYMENT PREFERENCE PLAN

This plan is issued in accordance with—and incorporates by reference—the Michigan Civil Service Commission Rules and Civil Service Regulations.

EFFECTIVE JANUARY 1, 2019

When a reduction in force in the Department is necessary, management will identify positions to be abolished that will result in employees exercising employment preference or layoffs. When this occurs, consideration of position priorities based on program needs and responsibilities will be made.

Employment preference is applied based on continuous state service consistent with the Civil Service Rules and Regulations, including the agency layoff plan approved by the State Personnel Director. The following summarizes the operation of bumping in the department under Regulation 2.01 and the agency layoff plan.

The employee must accept or reject the position resulting from application of employment preference within seven (7) calendar days of receipt of notification of their bump (if applicable). If the employee does not accept a bump or does not have a bump, the employee will be laid off.

This Employment Preference Plan restricts application of employment preference to the same employment type. For example, less-than-full-time employees may only apply employment preference to less-than-full-time positions and full-time employees may only apply preference to full-time positions.

PROCEDURE

THE FOLLOWING PROCEDURE APPLIES TO SECURITY UNIT MEMBERS

In the event of a closure or reduction in force, bumping for security unit members will be offered within a layoff unit including nearby work locations. If other positions remain in the county of layoff, the layoff unit will be limited to the county. If no other work locations remain within the county with security unit members, the layoff unit will be expanded to include the county containing the work location with positions in the security unit closest to the facility where layoffs occur. Distance for determining the closest work location will be measured by the shortest driving route between facilities using a State of Michigan map.

Within a Layoff Unit, layoff will be by Civil Service classification.

Employees within the affected layoff unit will be laid off in inverse seniority order based on continuous service hours. However, the Department may lay off and recall out-of-line seniority because of (a) gender, as provided by law or court order, (b) Civil Service Commission approved selective certification, (c) voluntary layoffs. The exceptions in (a) and (b) above can only be made where there is a valid occupational requirement and no alternative exists for preferring the less-senior employee.

The process that will be used for applying employment preference will be as follows:

- (1) The Department will identify the vacancies and least-senior employees within the layoff unit equal to the number of positions being abolished within the layoff unit. These least-senior employees will be issued layoff notices.
- (2) If the layoff unit contains more than one work location, employees remaining in the layoff unit who are displaced from their original work location (due to closure, reduction, consolidation, etc.) will be placed in existing vacancies or the vacated positions identified in step 1. Placement in these positions will be in seniority order based on continuous service hours.
- (3) An employee covered by a collective bargaining unit agreement must first exhaust all bumping rights to other positions covered by the agreement. After exhausting all such rights, the employee may then bump into a position not covered by the collective bargaining agreement that minimizes loss of pay.

THE FOLLOWING PROCEDURE APPLIES TO ALL OTHER EMPLOYEES IN THE DEPARTMENT OF CORRECTIONS.

The geographic options in this plan will proceed as follows:

- (1) County of present work location.
- (2) Counties contiguous to present work location (based on counties that touch the county in which the work location is situated along any boundary or at any point, using the State of Michigan map).
- (3) Geographic Region (The Region that contains the employee's current work location—see attached map and county listing).

The process that will be used for applying employment preference will be as follows:

- (1) A search will be made for least-senior positions in the employee's current classification starting at the County of employment and moving one geographic option at a time out to the Region.

- (2) If no employment preference at the employee's current classification is possible within the geographic Region, the search for the least-senior position will continue in classifications or classification series in which the employee has attained status and will minimize loss of pay. The search will start in the employee's current work location moving one geographic option at a time out to the Region.
- (3) A search will continue into classifications or classification series in which the employee has attained status and will minimize loss of pay, until a least-senior position is found, or the Region is reached. If no bump is possible in any classification for which the employee is eligible, the employee's bumping rights are exhausted.
- (4) An employee not covered by a collective bargaining agreement must first exhaust all bumping rights to other positions not covered by a collective bargaining agreement. After exhausting all such rights, the employee may then bump into a position covered by a collective bargaining agreement that minimizes loss of pay.
- (5) An employee covered by a collective bargaining unit agreement must first exhaust all bumping rights to other positions covered by the agreement. After exhausting all such rights, the employee may then bump into a position not covered by the collective bargaining agreement that minimizes loss of pay.

MISCELLANEOUS INFORMATION: Employees being laid off will be provided a packet of information explaining recall, unemployment, continuation of insurance, etc. Recall will be in accordance with Civil Service Rules and Regulations.