

# REGULATION

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<b>Issued By:</b>  Classifications and Selections	<b>Rule Reference:</b> Rules: 3-1 (Examinations) 3-2 (Applicant Pools and Recall Lists) 3-3 (Appointments and Job Changes)		<b>Replaces:</b>  Reg. 3.11 (SPDOC <del>03-2907-14, March 18, 2004</del> 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>ESTABLISHMENT, USE, AND DURATION OF APPLICANT POOLS MAINTAINED BY CIVIL SERVICE</b>			

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### 1. PURPOSE

This regulation provides information and standards for the establishment, maintenance, and duration of applicant pools maintained by Civil Service.

### 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 3-1 Examinations***

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#### ***3-1.5 Integrity of Process***

*To be considered for appraisal or appointment, an applicant shall comply with the established procedures and processes.*

**(a) Prohibited practices.** *During the application, appraisal, or appointment process, a person shall not do any of the following:*

- (1) *Make any false statement or omission of a material fact.*
  - (2) *Misrepresent education or experience.*
  - (3) *Engage in deception or fraud.*
  - (4) *Cheat.*
  - (5) *Compromise the integrity of the appraisal process.*
  - (6) *Violate rule 2-7 [Drug and Alcohol Testing].*
- (b) **Sanctions.** *If civil service staff finds that an applicant has engaged in any prohibited act, the state personnel director may do any of the following:*
- (1) *Cancel or limit the applicant's eligibility for state employment.*
  - (2) *Require the separation of the applicant from state employment.*
  - (3) *Impose any other or additional sanction that is appropriate.*

### **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.*

#### **3-2.2 Removal from Applicant Pool**

*Civil service staff may remove a person from an applicant pool for any of the following reasons:*

- (a) *Appointment.*
- (b) *Separation or retirement from state service.*
- (c) *Evidence that the person is unable to perform satisfactorily, with or without reasonable accommodations, the essential duties of the job.*
- (d) *Evidence of conduct that indicates that the person is unfit or unsuitable for appointment.*
- (e) *Conduct that violates rule 3-1.5 [Integrity of Process].*
- (f) *Expiration of an applicant pool or eligibility.*

#### **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**

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#### **3-3.5 Lateral Job Change or Voluntary Demotion between Agencies**

*Any two appointing authorities may authorize a lateral job change or voluntary demotion for an employee between agencies. The employee may be moved to a different classification only if (1) the employee previously attained status in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change or voluntary demotion between agencies requires the agreement of the employee and the approval of the state personnel director. .*

#### **3-3.6 Lateral Job Change or Voluntary Demotion within an Agency**

*An appointing authority may authorize a lateral job change or voluntary demotion for an employee within the employee's current agency. The employee may be moved to a different classification only if (1) the employee previously attained status in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change within an agency does not require the agreement of the employee. However, an employee may request a lateral job change. A voluntary demotion requires the written agreement of the employee.*

\* \* \*

#### **3-3.9 Reinstatement**

*A classified employee who achieved status and who is demoted or separated while in satisfactory standing is eligible for reinstatement. An appointing authority may reinstate an eligible person to (1) the classification in which the person last achieved status before the separation or demotion or (2) to a classification at the same or lower classification level for which the person is qualified. A person's eligibility for reinstatement is limited to 3 years after separation or demotion. However, the state personnel director may extend eligibility in the regulations to meet work force needs.*

## **3. DEFINITIONS**

### **A. Civil Service Commission Rule Definitions**

1. **Applicant** means a person who requests to participate in an appraisal process.
2. **Appointing authority** means each of the following:
  - (a) A single executive heading a principal department or autonomous entity.
  - (b) A chief executive officer of a principal department or autonomous entity headed by a board or commission.
  - (c) The state personnel director.
  - (d) A person designated by any of the preceding as responsible for administering the personnel functions of the department, autonomous entity or other agency.

3. *Employee status code* means the following types of appointment status assigned to an employee for the purposes of determining pay, benefits, and employment preference:
  - (a) *Full-time indefinite career appointment.*
  - (b) *Part-time indefinite career appointment.*
  - (c) *Limited-term career appointment (full-time and part-time).*
  - (d) *Intermittent career appointment.*
  - (e) *Seasonal career appointment.*
  - (f) *Non-career appointment.*

#### B. Additional ~~Definitions~~ Definition as used in this Regulation

1. **State employee applicant** means any of the following individuals who are considered state employees for written, electronic, and other appraisal methods:
  - a. Those presently employed on a career or non-career basis.
  - b. Employees on layoff from a classified position.
  - c. Employees on a leave of absence whose rights to return to active employment are guaranteed.
  - d. Individuals currently in the disability retirement program or Return to Work Program.
  - e. Individuals appointed to executive branch unclassified positions.
  - f. Employees and members of the state legislature and judiciary.
  - g. Special personal services employees.

## 4. STANDARDS

### A. Placing Names in Applicant Pools Maintained by Civil Service.

1. Civil Service establishes and maintains applicant pools for selected classifications comprised of the names of qualified applicants seeking employment in the state classified service. Applicants are typically placed in these pools after passing the Civil Service appraisal.
2. An employee may request to have his or her name placed in an applicant pool maintained by Civil Service for the classification in which the employee most recently attained status in order to be considered for a lateral job change.
3. An employee who has been demoted after having attained status is eligible for placement in an applicant pool maintained by Civil Service for the classification from which the employee was demoted.
4. An employee who has separated or departed on a waived rights leave of absence within the last 3 years is eligible for placement in an applicant pool maintained by Civil Service for the classification in which the employee most recently attained status.

5. Individuals who are eligible under standards A(2), A(3), or A(4), may request to have their names placed in an applicant pool by contacting Civil Service.

#### **B. Obtaining Names from Applicant Pools Maintained by Civil Service.**

- ~~1. Applicant pools are maintained by county and employee status.~~
- ~~2. Applicant pools remain in effect for 90 days from the date the applicant pool is created. Extensions may be approved up to two additional 30-day periods if (1) the request is made prior to the actual expiration date and (2) there are no new recall names to consider.~~
- ~~3. In the absence of recall names, as provided in regulation 3.03-04 [Selection of Employees for Position Vacancies ~~When Using a Certified Applicant Pool Maintained by Civil Service~~], all applicants in the applicant pool are eligible for consideration by an appointing authority.~~

#### **C. Maintenance of Civil Service Applicant Pools.**

1. Names may be removed from an applicant pool for any of the reasons specified in rules [2-7.4](#), [3-1.5](#), or [3-2.2](#), or as agreed upon by the employer and employee, such as Workers Compensation redemptions, grievance settlement agreements, etc. ~~The appointing authority shall, in writing, notify Civil Service of any change as provided for in rule 3-2.2.~~ [Employment sanctions shall be imposed in accordance with regulation 3.06, Classified Service Employment Sanctions.](#)
2. It is the applicant's responsibility to inform Civil Service of name or address changes. State employee applicants may update this information using the HRMN website or by contacting the MI HR Service Center for participating agencies or their appointing authority for non-participating agencies. All other applicants may do so by contacting Civil Service. Any applicant's name may also be removed at the applicant's request.
- ~~3. All applicants must contact Civil Service to update county or employee status availability.~~

#### **D. Duration of Applicant Pool Records Maintained by Civil Service.**

1. State employee applicants who pass a Civil Service appraisal or who seek a promotion in accordance with this regulation have their names placed in the applicant pool for the period as determined by the specific appraisal method.
2. Employees seeking a lateral job change, in accordance with Civil Service rules and regulations, may have their names placed in applicant pools for 1 year. Extensions may be given, 1 year at a time, upon written request.
3. An individual who separates from state employment in good standing may request to have his or her name returned to an applicant pool by contacting Civil Service. The names of separated individuals are placed in applicant pools for the period as determined by the specific appraisal method, provided the appraisal method has not changed. Extensions may be given, one year at a time, upon written request.
4. Individuals who are not state employee applicants at the time they pass a Civil Service appraisal have their names placed in an applicant pool for the period

as determined by the specific appraisal method. If the appraisal content or method has not changed, extensions may be given, one year at a time, upon written request.

- ~~5. Individuals who are sanctioned may request reinstatement of their names in an applicant pool in accordance with regulation 3.06 [Employment Sanctions].~~
- 65.** Individuals seeking reinstatement in accordance with standard A(4) may have their names placed in the applicant pool for up to 3 years from the date of separation, demotion, or departure on a waived rights leave of absence. The reinstatement period for employees who have been laid off or demoted because of a reduction-in-force begins when their recall rights expire. Requests for extensions may be given, one year at a time, upon written request, unless the appraisal method has changed.
- 76.** If the appraisal method changes such that the results of a new appraisal replace the previous results, applicants in the applicant pool are notified of the change and offered an opportunity to participate in the new appraisal.

## 5. PROCEDURE

Responsibility	Action
Appointing Authority or Civil Service	1. Identifies applicants to be removed from Civil Service applicant pools for reasons specified in standard <a href="#">4.C(1)</a> and/or rules <a href="#">2-7.1</a> , <a href="#">3-1.5</a> , or <a href="#">3-2.2(c)</a> <del>and or</del> (d).
Appointing Authority	2. Requests removal of applicant from an applicant pool and provides documentation for the removal.
Applicant	3. Requests to be removed from Civil Service applicant pools.
Civil Service	4. Reviews documentation provided and investigates further, if necessary. 5. Determines appropriate action in accordance with rules <a href="#">2-7.4</a> , <a href="#">3-1.5</a> , or <a href="#">3-3.2.2 (c), (d), or (e)</a> . 6. Enters the action on the applicant record in HRMN.

## 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](mailto:MDCS-BHRS@michigan.gov).