

# REGULATION

<b>SPDOC No.:</b>  <del>09-10</del>	<b>Effective Date:</b>  <del>November 29, 2009</del>	<b>Index Reference:</b>  Appointments Job Changes Transitional Positions	<b>Regulation Number:</b>  <b>3.14</b>
<b>Issued By:</b>  Classifications, <del>and</del> Selections, <u>and</u> <u>Compensation</u>	<b>Rule Reference:</b>  Rules: 3-3 (Appointments and Job Changes) 3-5 (Relation to Collective Bargaining) 3-6 (Probation and Status) 3-7 (Revocation of Appointment)	<b>Replaces:</b>  Reg. 3.14 (SPDOC <del>0709-1410, October</del> <u>November 729, 20072009</u> )	
<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>STATE TRANSITIONAL POSITION DESIGNATION AND APPOINTMENTS</b>			

## TABLE OF CONTENTS

<b>1. PURPOSE</b> .....	<b>1</b>
<b>2. CIVIL SERVICE COMMISSION RULE REFERENCE</b> .....	<b>2</b>
<b>3. DEFINITIONS</b> .....	<b>4</b>
<b>4. STANDARDS</b> .....	<b>5</b>
A. General Requirements.....	5
B. Transitional Business and Administrative Technician Position. ...	6
C. Transitional Professional Position.....	6
D. Transitional Manager Position. ....	7
<b>5. PROCEDURES</b> .....	<b>7</b>
A. Transitional Position Designation Request. ....	7
B. Removal of Transitional Position Designation.....	8

### 1. PURPOSE

This regulation provides the standards and procedures for designating an existing position classified as a business and administrative technician, professional, or manager as transitional. These positions may be used to facilitate the movement of career state employees to new classifications while maintaining the employees' employment preference rights and current pay rates if the rate of pay is less than or equal to the maximum of the classification level to which the employee will be reclassified upon completion of the transition period. After the employee's successful

completion of the transition period, the transitional designation is removed from the position.

## 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 3-3 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.*

\* \* \*

#### ***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.*

\* \* \*

### ***Rule 3-5 Relation to Collective Bargaining***

*An appointing authority shall make all appointments in accordance with the civil service rules and regulations, unless a provision in a collective bargaining agreement regarding reassignment, transfer, layoff, or recall permitted by rule 3-4 [Class Clusters] or rule 6-3 [Commission Authority] provides otherwise.*

## **Rule 3-6 Probation and Status**

### **3-6.1 Probationary Period**

\* \* \*

**(b) Employee with status.** *An employee with status who is appointed to a new classification must satisfactorily complete a working test period, called a probationary period, and receive a final satisfactory probationary rating as provided in rule 2-3 [Performance Ratings] as a condition of continued appointment in that position.*

\* \* \*

### **3-6.2 Length of Probationary Period**

**(a) Minimum length.** *The minimum length of a probationary period is 12 calendar months of full-time employment or 18 calendar months of less than full-time employment.*

**(b) Extension of probationary period.** *If the appointing authority determines that (1) the probationary period has been insufficient to adequately test the performance of a probationary employee or (2) the performance of a probationary employee has been unsatisfactory, the appointing authority may extend the probationary period for an employee. Any extension beyond an additional 6 calendar months requires the approval of the state personnel director. The appointing authority shall give written notice of the extension of the probationary period to the employee.*

**(c) Leave without pay during probationary period.** *If a probationary employee is placed on a leave of absence without pay or on extended sick leave, the period of the leave of absence does not count toward completing the probationary period and the length of the probationary period is automatically extended for an additional period equal to the length of the employee's absence.*

\* \* \*

## **Rule 3-7 Revocation of Appointment**

### **3-7.1 Review of Appointments**

*Every appointment in the classified service is expressly subject to review by civil service staff. If the state personnel director determines that an appointment violated a civil service rule or regulation, the director may order corrective action, including revocation of the appointment.*

### **3-7.2 Methods of Review**

*Civil service staff may review any appointment as part of the civil service audit function or as the result of a technical appointment complaint.*

#### **(a) Audit review.**

**(1) Revocation of appointment.** *If civil service staff audits an appointment and determines that the selection, appointment, or certification violated a civil service rule or regulation, the state personnel director may order corrective action, including revocation of the appointment. The director shall give written notice of the*

*revocation to the appointing authority and the employee whose appointment is revoked.*

- (2) ***Subsequent technical complaint.*** *An employee whose appointment is revoked, or the employee's appointing authority, may file a technical appointment complaint regarding a revocation order within 14 calendar days after the date the revocation order was issued. If a timely technical appointment complaint is filed, the revocation order is automatically stayed pending a decision or further order of the technical review officer.*

\*\*\*

### **3-7.3 Effect of Revocation of Appointment**

*When the state personnel director or a technical review officer revokes an appointment, the employment status of the employee whose appointment is revoked is determined as follows:*

- (a) ***Employee with continuing status.*** *If the employee had continuing status at the time of the appointment, the employee is to be retained in a position within the agency that appointed the employee at a classification and level in which the employee had continuing status at the time of the appointment. If no such position is available within the agency at the time of the revocation, the employee may exercise employment preference.*
- (b) ***Employee without continuing status.*** *If the employee had no continuing status in the classified service at the time of the appointment, the appointing authority shall separate the employee from state employment, unless the employee has otherwise been properly appointed to another position.*

## **3. DEFINITIONS**

### **A. Definitions as used in this Regulation**

1. ***Promotion*** means the appointment of an employee to a different position at a higher classification level wherein the maximum rate of pay of the new classification level is higher than the maximum rate of the former classification level, unless there is a *de minimus* difference between the maximum rates of pay.
2. ***State Transitional Position (STP)*** means a position that is designated as transitional to protect an employee's pay. All such positions are indicated in the Human Resources Management Network (HRMN) as "STP" in the position description. The designation is added to the position prior to appointment and removed after the employee's successful completion of the experience requirements.

## 4. STANDARDS

### A. General Requirements.

The transitional designation of an existing business and administrative technician, professional, or managerial position facilitates career movement of employees with status and specific education or experience to new careers.

1. Transitional designation of a position may be requested only if the movement of the employee does not result in a promotion.
2. Transitional designation of an existing business and administrative technician, professional, or managerial position may be requested only in the absence of recall names for the classification of the position intended to be filled.
3. Transitional designation of an existing business and administrative technician, professional, or managerial position may be requested when the appointment to the position would result in reduction of compensation because the prospective employee does not possess the required experience for the level in the classification series.
4. The appointing authority must submit a Position Action Request ~~(CS-129)~~ to Civil Service and identify the business and administrative technician, professional, or managerial position to be designated as transitional.
5. If the transitional designation is used to facilitate the movement of an employee to a position at the advanced level, position-specific or universal advanced classification standards must be approved at the time of the employee's appointment.
6. ~~Civil Service staff shall review the qualifications of the intended appointee prior to the appointment.~~ A credential review of the intended appointee shall be conducted in accordance with Standard F. of Regulation 3.04 [Selection of Employees for Position Vacancies].
7. At the discretion of the appointing authority, an employee with status who is appointed to a position designated as transitional at a new classification may be required to complete a probationary period as provided in regulation 2.06 [Conducting Employee Ratings].
8. The transitional designation may be removed from the position after the employee's successful completion of the experience requirements in standards B, C, or D of this regulation. This requires Civil Service review and approval and the appointing authority's certification that the employee (a) meets the minimum requirements, (b) is satisfactorily performing the duties and responsibilities of the classification or classification level, and (c) has a current satisfactory probationary, annual, or follow-up performance rating.
9. For purposes of qualification credit, employees who successfully complete the transition period are considered to have the years of aggregate experience required for the classification and level to which they transition.
10. Regulation 2.01 [Implementing a Reduction in Force for Nonexclusively Represented Employees], standard D., provides guidance for treatment of transitional positions in the event of a reduction in force (RIF).

- ~~40~~11. Regulation 3.07 [Appointments and Job Changes], standard A., provides guidance for treatment of transitional positions in the event of recall.
- ~~44~~12. Regulation 5.01 [General Salary Schedule Administration], standard L., establishes standards for salary upon appointment of the employee into a position designated as transitional. An employee's salary may be retained if the current rate of pay is less than or equal to the maximum of the classification level to which the employee will be classified upon completion of the transitional period.

#### **B. Transitional Business and Administrative Technician Position.**

1. To be eligible for appointment to a business and administrative technician position designated as transitional, an employee must meet the education and experience requirement for the entry level of the classification of the new job.
2. An employee appointed to a business and administrative technician position designated as transitional from a position classified at or above the 9 level in the Equitable Classification Plan (ECP) Group 1 may have the transitional designation removed after successful completion of the equivalent of six months of full-time experience in the transitional period.

#### **C. Transitional Professional Position.**

1. To be eligible for appointment to a professional position designated as transitional, an employee must either (a) meet the education requirement for the new classification or (b) possess the alternate education and experience identified on the job specification. An employee classified in the Senior Executive Management Assistant Service (SEMAS) with the equivalent of six months full-time experience as a SEMA or an employee who attained status in a SEMAS-designated position qualifies for professional classifications in which the minimum education allows for a bachelor's degree in any major and no specific required experience. An employee not possessing a bachelor's degree who attained status in a professional classification qualifies for professional classifications in which the minimum education requires a bachelor's degree in any major and no specific required experience.
2. An employee appointed to a professional 10-level (intermediate) position designated as transitional from a professional 10 through 12-level; SEMA 11, 13 or 15-level; or a professional specialist or managerial 12 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of six months of full-time experience in the transitional period. ~~For purposes of crediting experience for credential review, six months of this experience is equivalent to six months at the 9 level.~~
3. An employee appointed to a professional P11-level (experienced) position, 12-level (advanced) position, 13, 14, or 15-level specialist position designated as transitional from an equivalent or higher professional P11 or 12-level or a professional specialist or managerial 12 through 15-level job classification may have the transitional designation removed after successful completion of the equivalent of six months of full-time experience in the transitional period. ~~For purposes of crediting experience for credential review, six months of this~~

~~experience is equivalent to six months at one level below the level to which appointed.~~

4. An employee appointed to a professional P11-level (experienced) position designated as transitional from a SEMA 11, 13 or ~~15-15~~-level job classification may have the transitional designation removed after successful completion of the equivalent of six months of full-time experience in the transitional period. ~~For purposes of crediting experience for credential review, six months of this experience is equivalent to six months at one level below the level to which appointed.~~
5. An employee appointed to a professional 12-level (advanced) position or a professional 13-level specialist position designated as transitional from a SEMA 15-level job classification may have the transitional designation removed after successful completion of the equivalent of six months of full-time experience in the transitional period. ~~For purposes of crediting experience for credential review, six months of this experience is equivalent to six months at one level below the level to which appointed.~~
6. An employee appointed to a professional position designated as transitional from a non-professional job classification may have the transitional designation removed after successful completion of the experience requirements for the classification. If the removal of the transitional designation would result in a pay decrease, the employee remains in the transitional period for another year.

#### D. Transitional Manager Position.

1. To be eligible for appointment to a managerial position designated as transitional, an employee must be classified as a manager equal to the classification level and meet the education requirement of the new classification.
2. An employee appointed to a managerial position designated as transitional may have the transitional designation removed after successful completion of the equivalent of six months of full-time experience in the transitional period.

## 5. PROCEDURES

### A. Transitional Position Designation Request.

Responsibility	Action
Appointing Authority	1. Submits a Position Action Request ( <del>CS-129</del> ) to request designation of an existing business and administrative technician, professional, or managerial position as transitional. The request must include the position code, intended appointee name, identification number, necessary credential review information and Request for Credential Review form (CS-

153), if necessary, proposed release date and any other information necessary to support the request.

Responsibility (continued)	Action (continued)
Civil Service	<ol style="list-style-type: none"> <li>2. Reviews request and verifies release date and credential review to ensure compliance with Civil Service regulations.</li> <li>3. Enters necessary information in the Human Resources Management Network (HRMN), if approved.</li> <li>4. Releases <del>CS-129</del><a href="#">the Position Action Request</a> with proposed STP release date and credential review decision to the appointing authority.</li> </ol>
Appointing Authority	<ol style="list-style-type: none"> <li>5. Receives the <del>CS-129</del><a href="#">approved Position Action Request</a> and verifies information in HRMN.</li> <li>6. If standard C.2. is applied, must make note in the employee's HRMN record.</li> </ol>

#### B. Removal of Transitional Position Designation.

Responsibility	Action
Appointing Authority	<ol style="list-style-type: none"> <li>1. After the employee has served the required transitional period, submits <del>CS-129</del><a href="#">a Position Action Request</a> requesting removal of the transitional designation.</li> <li>2. Certifies <del>on CS-129</del> that the conditions outlined in this regulation are met.</li> </ol>
Civil Service	<ol style="list-style-type: none"> <li>3. Reviews request and assigns an effective STP release date.</li> <li>4. Enters <del>necessary</del> position information in HRMN.</li> <li>5. Releases approval action to appointing authority. If request is disapproved, informs appointing authority of revised STP release date and notifies employee of appeal rights.</li> </ol>

**CONTACT**

Questions regarding this regulation should be directed to [the Office of Classifications, and 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](mailto:MCSC-BHRS@michigan.gov).

 *Reg 3.14\_StateTransitionalPos.doc*