

REGULATION

SPDOC No.: 15-01	Effective Date: January 4, 2015	Index Reference: Employee, Position Review, Effective Date, Reclassification	Regulation Number: 4.03
Issued By: Classifications and Selections	Rule Reference: Rules: 4-1 (Position Establishment and Classification) 4-2 (Position Classification Review) 4-5 (Working Out of Class)		Replaces: Reg. 4.03 (SPDOC No. 07-14, October 7, 2007)
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: EMPLOYEE GENERATED POSITION REVIEWS			

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1. PURPOSE

This regulation establishes the standards and procedures that an employee can use to request a position review from 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.

Rule 4-1 Position Establishment and Classification

4-1.2 Classification

A position established in the classified service must be reviewed to classify the position properly.

Rule 4-2 Position Classification Review

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- (a) **Position review.** *An appointing authority shall give notice to civil service staff of material changes in the duties and responsibilities that may impact the proper classification of a position. If the appointing authority does not notify the civil service staff of material changes, the employee occupying the position may initiate a position review by filing an updated position description and a written request with the civil service staff.*

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- (c) **Effective date of change.** *A change in the classification of a position based on a review under this rule is on a current basis, except as otherwise approved by the state personnel director.*

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Rule 4-5 Working out of Class

- (a) **Working-out-of-class assignment.** *An appointing authority may temporarily assign an employee to work out of class only if (1) the employee is performing the duties and responsibilities of an existing position or (2) civil service staff has approved in advance a request for the employee to work out of class. A working-out-of-class assignment cannot exceed one year.*

- (b) **Working-out-of-class pay.** *If an employee is assigned to work out of class for more than 10 consecutive work days, the employee is entitled to supplemental pay and benefits for the temporary assignment in accordance with the civil service rules and regulations.*

- (1) **Claims for working-out-of-class pay.** *If an employee is assigned to work out of class and does not receive authorized supplemental working-out-of-class pay and benefits, the employee may request a technical working-out-of-class determination.*

- (A) **Time limit.** *A request for a technical working-out-of-class determination must be filed during the working-out-of-class assignment or after the end of the assignment, within the time specified in the regulations.*

- (B) **Back pay.** *In a technical working-out-of-class determination, the civil service review officer may award back pay and benefits for working out of class for a maximum of one year before the end of the working-out-of-class assignment. No supplemental working-out-of-class pay or benefits are payable for any period longer than one year even if the employee worked out of class for more than one year.*

- (2) **Relation to collective bargaining.** *Working out of class is a prohibited subject of bargaining. The exclusive procedure for any employee, including an exclusively represented employee, to bring a claim for working-out-of-class pay or benefits is to file a request for a technical working-out-of-class determination.*

- (c) **Exclusions.** *An employee in any of the following circumstances is not considered to be working out of class:*
- (1) *The employee is working in a preauthorized position.*
 - (2) *The employee is occupying a position downgraded for training.*
 - (3) *The employee is occupying a position that is reclassifiable.*
 - (4) *The employee is an overall assistant who normally substitutes for the employee's supervisor.*

3. **STANDARDS**

- A. If the appointing authority does not notify Civil Service of material changes in the duties and responsibilities assigned to a position, the employee occupying the position may initiate a position review under regulation 4.03 or a working out of class determination under regulation 4.08 by electronically submitting an updated position description using PARIS at:
<https://csintranet.state.mi.us/PARIS/Login/Login.aspx?RequestType=EGR>.
- B. A group of employees, in the same classification and performing similar duties and responsibilities, may submit a composite position description for a position review. The employee originating the request must enter the additional proposed employees' ID numbers. Once the request is submitted, all included employees will receive notification and must electronically verify their joint request.
- C. Civil Service determines if the position is eligible for review under regulation 4.05 [Frequency of Review of Positions]. If the position is not eligible, Civil Service notifies the employee and appointing authority.
- D. Civil Service staff forwards the request and proposed position description to the appointing authority for review. A copy is also sent to the employee informing them that Civil Service has received the request and requested a response from the appointing authority.
- E. The appointing authority is allowed 20 workdays to complete the Supervisor Information and Appointing Authority Information sections of the position description after receipt from Civil Service. The appointing authority is allowed an additional 10 workdays for professional managerial and specialist positions that require evaluation system rating reviews. Civil Service may authorize extensions for good cause.
- F. The appointing authority shall respond to the Position Action Request, stating whether the employee meets the minimum requirements for the requested classification and is performing the duties and responsibilities of that classification satisfactorily.
- G. The appointing authority may submit any other necessary information for Civil Service staff to make a classification decision.

- H. Civil Service staff may conduct an on-site position review to gather additional information.
- I. If the requested information is not received from the appointing authority within the above specified time frame, Civil Service staff may review the position based on the information provided by the employee and the information obtained at an on-site position review.
- J. The effective date assigned to a classification action from an employee-generated request is the beginning date of the pay period Civil Service receives the employee's request and electronically signed position description, except for the following:
1. The effective date assigned to a reclassification from an experienced-level worker classification to an advanced-level worker classification cannot precede the approved effective date of the agency-specific senior standards used to reclassify the position.
 2. The effective date assigned to a reclassification from an experienced-level or advanced-level worker classification to a specialist classification is the beginning date of the pay period the appointing authority certifies the employee began performing specialist duties. However, the effective date cannot precede the beginning of the pay period when Civil Service receives the employee's request and electronically signed position description.

4. PROCEDURE

Responsibility	Action
Employee	1. Completes Employee Information section of the position description and electronically submits it to Civil Service using PARIS .
Civil Service	2. Administratively reviews the request for position review for eligibility under Civil Service regulations and classification guidelines. 3. Sends the employee's request and completed position description to the appointing authority. A copy is also sent to the employee.
Appointing Authority	4. Directs the employee's immediate supervisor to complete the Supervisor Information section of the position description.

Responsibility (continued)	Action (continued)
Appointing Authority	<p>5. Completes the Appointing Authority Information section of the position description and provides any other information necessary to review the position and render a proper classification decision.</p> <p>6. Submits the completed position description and a Position Action Request to Civil Service.</p>
Civil Service	<p>7. If the necessary information is not received from the appointing authority within the specified time frame, reviews the position based on the information provided by the employee and information obtained at any on-site position review.</p> <p>8. Reviews the request, renders a decision, assigns an effective date, and signs off on the request.</p> <p>9. The Human Resources Management Network (HRMN) automatically makes appropriate changes and notifies the employee and appointing authority.</p> <p>10. If the classification action is disapproved, informs the employee of appeal rights.</p>
Appointing Authority	<p>11. Receives the final Position Action Request and informs agency management of the classification decision.</p>

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.