

Michigan Civil Service Commission

Regulation 3.06

Subject: Employment Sanctions		
SPDOC No.:	Effective Date: October 1, 2019	Replaces: Reg. 3.06 (SPDOC 16-06, January 1, 2017)

1. Purpose

This regulation establishes standards for applying and challenging employment sanctions.

2. CSC Rule Reference

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.*

3. Definitions

A. CSC Rule Definitions.

1. ***Applicant** means a person who requests to participate in an appraisal process.*
2. ***Appointment** means an authorized act of an appointing authority employing a properly qualified person in a specific position in the classified service.*

B. Definitions in This Regulation.

1. **Conviction** means any misdemeanor or felony charge to which a person pleaded guilty, pleaded nolo contendere, or was found guilty by a court of law, regardless of the sentence imposed.
2. **Employment sanction** means a limitation imposed by Civil Service on a person's eligibility for appointment in the classified service.
3. **Expunged conviction** means a conviction that has been legally and finally set aside.

4. Standards

A. Authorized. If Civil Service determines that an employee or other person is ineligible, unfit, or unsuitable for employment in or appointment to the classified service, Civil Service may impose an appropriate employment sanction on a person:

1. Who was dismissed by an appointing authority or engaged in conduct that could have resulted in dismissal but resigned or retired before disciplinary proceedings could be begun or completed.
2. Who engaged in an act prohibited by rule 3-1.5.
3. Who committed an act that the rules or regulations authorize a sanction for.
4. Who consented in writing with an agent of the state or an appointing authority to an employment sanction or other limit on classified employment.
5. For whom adequate evidence of conduct indicates ineligibility, unfitness, or unsuitableness for classified employment.
6. Convicted of a felony or misdemeanor, as disclosed by a criminal-history check, court documents, or other trustworthy evidence.

B. Limitations on Appointing Authorities. An appointing authority cannot take an action prohibited by an employment sanction. An appointing authority must reverse any action taken prohibited by sanction. If an appointing authority fails to reverse an action prohibited by sanction, Civil Service may reverse the action.

C. Types and Duration. Civil Service may impose any sanctions authorized in the rules or regulations.

1. **Specific.** A specific employment sanction may include one or more of the following:
 - a. Removal from applicant referral mechanisms.
 - b. Prohibition from participating in appraisal processes.

- c. Designation as ineligible for appointment in specified agencies.
 - d. Revocation of an appointment.
 - e. Other appropriate limitations on the status of the person.
2. **Complete.** A complete employment sanction prohibits being examined for any classified position, kept in candidate pools, or appointed to any classified position. A complete sanction may be of limited or unlimited duration.
 3. **Duration.** If an employment sanction is not expressly limited in duration, it does not expire unless Civil Service modifies the sanction after a three-year review authorized under § 4.F. If the duration is limited, the sanction automatically expires at the sanction period's end, unless modified.
 4. **Mandatory Sanctions.**
 - a. **Test-designated positions.** A classified employee selected for a test-designated position who violates rule 2-7.4(a)(2) is prohibited from employment in test-designated positions for three years.
 - b. **New Hires.** An applicant whose conditional offer of employment is rescinded for violating rule 2-7.4(b)(1) is prohibited from appointment to the classified service for three years.

D. Procedures for Imposing Sanctions.

1. **Initiated by Civil Service.** If Civil Service determines that an employment sanction should be imposed, the director's designee may issue a technical qualification decision imposing a sanction.
2. **Initiated by Appointing Authority.**
 - a. **Request.** An appointing authority may request in writing that Civil Service impose an employment sanction for any reason authorized in the rules or regulations. The request must identify the basis in § 4.A under which the sanction is requested.
 - b. **Review.** Civil Service shall review the request and issue a technical qualification decision granting or denying the request, in whole or part.
3. **Service of Decision.** A technical qualification decision imposing an employment sanction must provide written notice of the sanction and its basis in a decision delivered by one of the following methods:
 - a. First-class U.S. mail to the sanctioned person's last known address.
 - b. Electronic delivery to the sanctioned person's last known email address.
 - c. Interoffice mail to a sanctioned classified employee.

E. Appeal of Sanctions.

1. **General.** Except as provided in §§ 4.E.2 and 3, a requesting appointing authority or sanctioned person may appeal a technical qualification decision by filing a technical qualification complaint on a CS-212 form as provided in regulation 8.02. The complaint must be received within 14 days after Civil Service issued the technical qualification decision. A technical review officer's final decision in a technical qualification complaint is the commission's final decision and cannot be further administratively appealed.
2. **Drug Testing of New Hire.** A new hire receiving a mandatory sanction for drug testing under rule 2-7.4(b)(1) cannot challenge the sanction through a technical qualification complaint. Instead, the sanction must be challenged under the process in regulation 2.10.
3. **Release or Agreement.** A person who has consented in a written release or agreement to not seek classified employment cannot appeal the sanction.
4. **No Collateral Challenge.** In the technical qualification complaint process, a person cannot collaterally challenge the factual basis for discipline or the discipline imposed by an appointing authority. Challenges to discipline must be raised in the appropriate grievance process.

F. Later Modification of Sanctions.

1. **Three Years or Less.** If an employment sanction is for three years or less and no timely appeal of the technical qualification decision was filed under § 4.E.1, the sanction cannot be reduced or modified, except under § 4.F.3.
2. **Over Three Years.** An employment sanction of over three years, including a sanction of unlimited duration, may be reviewed once by Civil Service after three years have passed.
 - a. **Request.** The sanctioned person must submit a written request to modify the sanction to Civil Service setting forth in detail why the sanction should be modified. Civil Service must receive a request no later than 28 days after the third anniversary of the sanction's issuance.
 - b. **Civil Service Review.** Civil Service shall review the request and obtain any additional information necessary to evaluate it.
 - (1) If sufficient grounds to modify the sanction are not found, Civil Service shall issue a technical qualification decision denying the request.
 - (2) If sufficient grounds to modify the sanction are found, Civil Service shall issue a technical qualification decision removing or modifying the sanction.

3. **Request Based on Changed Circumstances.** If an employment sanction's basis is subsequently vacated, a sanctioned person may request its removal. This provision is intended for sanctions based on discharges from employment or criminal convictions that are subsequently overturned. This section cannot be used to seek (1) reconsideration based on failure to disclose a then-valid discipline or conviction during an application process, (2) removal based on a subsequently expunged conviction, or (3) general reconsideration of a previous sanction.
 - a. **Request.** The sanctioned person must submit a written request to modify the sanction to Civil Service setting forth in detail why the sanction should be removed. Civil Service must receive the request no later than 28 days after the change in circumstances.
 - b. **Civil Service Review.** Civil Service shall review the request and obtain any additional information necessary or useful to evaluate it.
 - (1) If sufficient grounds to modify the sanction are not found, Civil Service shall issue a technical qualification decision denying the request.
 - (2) If sufficient grounds to modify the sanction are found, Civil Service shall issue a technical qualification decision removing the sanction.
4. **Notice of Decision.** Civil Service shall send a copy of the technical qualification decision to the requesting party and any other interested party.
5. **Final.** If an interested party disagrees with a technical qualification decision under § 4.F, the party may file a technical qualification complaint as provided in regulation 8.02. The complaint must be received within 14 days after Civil Service issued the technical qualification decision. The technical review officer's final decision is the commission's final decision and cannot be further administratively appealed.

5. Procedures

Responsibility	Action
Appointing Authority	1. Files request for sanction with Civil Service.
Civil Service	2. Reviews documentation from appointing authority or other source and investigates further, if necessary. 3. Determines if any sanction is appropriate. 4. Creates sanction record in HRMN identifying sanctioned person on ZP22.1 and removes passing code for any exam certification. 5. Issues sanction decision to sanctioned person and appointing authority, if applicable. Maintains sanction documentation.

Responsibility	Action
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Appointing Authority	6. Before hiring or moving person to a test-designated position, checks HRMN ZP22.1 for sanctions. For state employees, can also check HRMN Self Service: HR Statewide, Employee History (STWDE), Sanction Field. Applicants with sanction code of S1 (complete sanction) cannot be considered for any vacancy.
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CONTACT

Questions on this regulation may be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-284-0103; or MCSC-OCSC@mi.gov.

Michigan Civil Service Commission

Regulation 4.01

Subject: Classification Actions Requiring Civil Service Review		
SPDOC No.:	Effective Date: October 1, 2019	Replaces: Reg. 4.01 (SPDOC 16-06, January 1, 2017)

1. Purpose

This regulation establishes standards to process position-classification actions requiring Civil Service review.

2. CSC Rule References

4-1 Position Establishment and Classification

4-1.1 Requirement

All positions must be established in the classified service unless specifically exempted or excepted by article 11, section 5, of the constitution, or these rules.

4-1.2 Classification

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

4-1.3 Authority to Establish

The appointing authority may establish a position for reasons of administrative efficiency. An appointment cannot be made to a position until it has been established and classified.

4-1.4 Classification Plan

The civil service commission shall authorize an official classification plan for all positions in the classified service. The state personnel director shall administer the official classification plan.

(a) Classification. *Every position established must be classified in accordance with the official classification plan.*

(b) Reclassification. *Civil service staff may reclassify an employee if the employee's position has experienced gradual growth and accretion of higher level duties and responsibilities. The appointing authority must certify that the employee is satisfactorily performing the duties of the position.*

4-2 Position Classification Review

Civil service staff shall provide for both a periodic and ongoing review of positions in the classified service to ensure positions continue to be properly classified.

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3. Definitions

A. CSC Rule Definitions.

1. **Classification** means a group of positions whose assigned duties and responsibilities are sufficiently alike to warrant assigning the same classification title and requiring the same qualifications.
2. **Classification Level** means the placement of a classification within a series based on the duties and responsibilities of the position.
3. **Position** means a classified job identified by its respective duties and responsibilities.
4. **Preauthorized** means the specific authorization granted to an appointing authority to process a transaction in accordance with civil service rules and regulations without prior civil service review.
5. **Reclassification** means an authorized classification action to change an employee's classification or grade based on the gradual growth and accretion of higher level duties.
6. **Selective position requirements** means specific qualifications that are narrower or more limited than those generally associated with a position and that are determined to be essential for performance of the duties of a specific position.
7. **Subclass** means additional specialized experience, specialized training, licensure, or other specialized qualification that is required for appointment to a specific subgroup of positions.

B. Definitions in This Regulation.

1. **Establishment** means an appointing authority's creation of a new position by defining the duties, responsibilities, and other relevant considerations on a position description.
2. **Conversion** means changing positions from one classification to another when a classification is abolished, a new classification is created, or a position is moved into or out of a performance-pay program authorized by Civil Service.

4. Standards

A. Establishment and Reclassification.

1. Civil Service must approve a classification action that is not preauthorized before its entry in the Human Resources Management Network (HRMN). Classification actions

- for trainee, advanced-level, lead-worker, supervisory, managerial, specialist, administrative, and executive positions are not preauthorized.
2. For a classification action requiring Civil Service approval, the appointing authority must submit a Position Action Request to Civil Service. If necessary, Civil Service may require additional supporting documentation to complete the classification review.
 3. A position review is based on applying the Equitable Classification Plan (ECP) to the position's duties and responsibilities on the date a request is received. The effective date of any classification action requiring Civil Service review is in accordance with regulation 4.04, including limited potential retroactive reclassification if the ECP and the position's duties and responsibilities are the same on the date received and retroactive date.

B. Establishment.

1. Classification of a new position requires approval by Civil Service, unless otherwise preauthorized to the agency.
2. A position establishment is necessary, and a reclassification or position update is not appropriate, when the position's primary function undergoes a material and substantial change requiring a new body of knowledge, skills, and abilities. Each request is evaluated individually. A new position establishment and appointment is typically necessary if a job changes from any of the following:
 - a. Worker to trainee, supervisor, manager, administrator, or executive.
 - b. Worker to an unrelated program or staff specialty.
 - c. Worker to lead worker.
 - d. Supervisor to manager, administrator, or executive.
 - e. Nonprofessional to professional.
 - f. One program or staff specialty area to another unrelated program or area.
 - g. Multiple work areas' combination where similarly situated positions exist.
 - h. One kind of work to another (e.g., Accounting Assistant to Carpenter or Property Analyst to Human Resources Analyst).
 - i. A classification in one ECP Group to a classification in another ECP Group.
3. All professional administrative assistants and all secretaries and senior executive management assistants reporting to positions in the ECP Group 4 must be established at the appropriate classification level, as described in the job specification.
4. A supervisory, managerial, administrative, or executive position may be established with vacant subordinate positions to allow the future occupant to select subordinates. The appointing authority has six months from the manager's appointment to fill the

subordinate positions and submit verification to Civil Service. If the positions are not filled within six months, Civil Service shall take appropriate action to appropriately classify the position. Civil Service may grant extensions for good cause.

5. A pattern position requires specific education, experience, skills, and knowledge that can only be gained through on-the-job-training at lower levels in a classification. A pattern position must be filled at the lowest level in the approved pattern. Reclassification of a pattern position is not preauthorized.

C. Reclassification.

1. A reclassification requires the appointing authority's certification that the incumbent (a) meets the minimum requirements, (b) is satisfactorily performing the duties and responsibilities of the requested classification or classification level, and (c) has a current satisfactory performance rating.
2. A standard reclassification is one classification level higher, after the equivalent of one year (2,080 hours) of full-time documented satisfactory service of compatible work assignments at the lower classification level.
3. If, during a qualifying period, an employee is on a paid absence of more than two consecutive pay periods, the appointing authority may delay reclassification for a period equivalent to the absence's length.
4. If, during a qualifying period, an employee is on an unpaid absence, reclassification is delayed for a period equivalent to the absence's length.
5. Civil Service may reclassify a position in the following circumstances:
 - a. To the advanced level when assigned the most complex duties and responsibilities beyond those assigned to an experienced-level position, as determined by an advanced-level concept approved by Civil Service.
 - b. From the experienced or advanced level to a specialist level if the principal duties and responsibilities remain basically the same, but the job has evolved from a worker to a related and identifiable program or staff specialty that the appointing authority recommends and Civil Service accepts.
 - c. From a student assistant to a career classification under regulation 3.02.
 - d. When the assigned duties and responsibilities do not change, but a change in the ECP changes the classification concept.
 - e. When a change in a supervisory or subordinate position's classification impacts the other position's proper classification.
 - f. When duties and responsibilities remain basically the same, but the position takes on greater importance and stature through a change in organizational placement (e.g., a division is elevated to a bureau).

F. Selective Position Requirements.

1. Selective position requirements (SPRs) for specific positions must be job-related. The appointing authority must establish how the position differs from others in the classification and describe what unique qualifications are needed.
2. SPRs must be specific qualifications that are more limited than the classification requirements and essential to the position's duties (e.g., an associate's degree in an area for a position in a classification requiring any associate's degree or a master's degree for a classification typically requiring a bachelor's degree). An SPR is not appropriate for a qualification that is not required upon appointment to the position.
3. The criteria must relate to entry requirements rather than knowledge, skills, abilities, or other characteristics acquired in the position.
4. SPRs must be quantifiable, observable, and verifiable (e.g., a teacher's certificate, 15 credits in toxicology, one year of experience in historic preservation, etc.).
5. SPRs may be approved for positions in classifications with approved subclasses.
6. An approved SPR must be applied when a position is filled. The hiring agency must screen applicants to identify those who possess the SPR.
7. Approved SPRs must be in place for 28 days before they can be applied during a RIF affecting the position, employee, or person bumping the position. When a RIF affects a position with an SPR, the requirement applies to all people in whose bump chain the position appears. Only employees who satisfy the SPR can bump into the position.
8. The SPR approval remains in effect for the position, unless a substantial change in the position's duties and responsibilities affects the qualification requirements or Civil Service approves the appointing authority's request to remove the SPR.

G. Subclass Codes.

1. An identified position or a group of positions must have duties and responsibilities requiring more specialized qualifications (e.g., experience, training, licensure, etc.) than those on the job specification. The duties and responsibilities must be essential to the position at entry. The subclass definition must describe qualifications with a recognized applicant pool.
2. Civil Service establishes, abolishes, and revises subclasses and their definitions. Appointing authorities or Civil Service may initiate requests to establish, abolish, or revise subclasses. Appointing authorities may review and comment on subclasses to be established, abolished, and revised, including definitions, before implementation.
3. Subclasses may be assigned when a position is established or any other time, except during a RIF. An appointing authority must provide supporting rationale to request addition or removal of a subclass from a specific position.

4. Approval of subclasses for a position does not preclude further narrowing of the requirements through SPRs, when appropriate.
5. Subclasses are represented by subclass codes and defined in a list maintained by Civil Service.
6. To be qualified for a subclass, a person must first meet the qualifications of the classification of the job to which the subclass is assigned.
7. If a position is assigned one subclass, the applicant selected to fill it must satisfy the subclass criteria. If a position is assigned multiple subclasses, the selected applicant must satisfy at least one subclass, unless multiple subclasses are required.
8. Approved subclass criteria must be in place for 28 days before they can be applied during a RIF. Subclass qualification must be determined for all persons in whose bump chain the position appears. Only employees who satisfy the subclass criteria can bump into the subclass-assigned position.

H. Downgrading Positions.

1. An appointing authority may request reclassification between any of the lower classification levels within a non-supervisory or non-managerial class series, except professional administrative-assistant positions.
2. Agency recall names preclude downgrading a position. When requesting a downgrade, an appointing authority must include a cleared recall list with the Position Action Request.

5. Procedures

A. Establishing and Reclassifying Positions.

Responsibility	Action
Appointing Authority	<ol style="list-style-type: none"> 1. Submits Position Action Request and other necessary info to Civil Service for position review. 2. To reclassify filled position, certifies on request that employee meets minimum qualifications, is satisfactorily performing requested classification's duties and responsibilities, and has current satisfactory rating.
Civil Service	<ol style="list-style-type: none"> 3. Reviews establishment or reclassification request. 4. If approved or modified, classifies or reclassifies position appropriately with necessary documentation on request and enters necessary position information and employee information in HRMN. 5. If establishment is disapproved, documents reason on request and informs appointing authority of right to file technical complaint.

Responsibility	Action
	6. If reclassification is disapproved, documents reason on request and informs incumbent and appointing authority of right to file technical complaint.
	7. Releases request to appointing authority.
Appointing Authority	8. Receives Position Action Request and, for any occupied position, enters any employee information in HRMN not entered centrally by Civil Service.
B. Assigning or Removing SPRs or Subclass Codes.	

Responsibility	Action
Appointing Authority	1. Submits completed Position Action Request with any additional documentation, and narrative with rationale for requested assignment or removal.
Civil Service	2. Reviews request and, if approved, enters necessary position information in HRMN.
	3. If disapproving, informs appointing authority of right to file technical complaint.
	4. Releases request to appointing authority.

C. Establishing Subclass Codes.

Responsibility	Action
Appointing Authority	1. Submits written request with supporting rationale to establish new subclass or revise or abolish existing subclass.
Civil Service	2. Reviews requests, makes determination, makes appropriate adjustments to subclass, and notifies agencies.
	3. Updates Civil Service subclass listing to reflect changes.

CONTACT

Questions on this regulation may be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-284-0103; or MCSC-OCSC@mi.gov.

Michigan Civil Service Commission

Regulation 4.03

Subject: Employee Generated Position Reviews		
SPDOC No.:	Effective Date: October 1, 2019	Replaces: Reg. 4.03 (SPDOC 16-06, January 1, 2017)

1. Purpose

This regulation establishes procedures for an employee to request a position-classification review from Civil Service.

2. CSC Rule References

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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4-5 *Working out of Class*

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(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.*

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3. Standards

- A. If an appointing authority does not notify Civil Service of material changes in 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 in 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 joint position review. The employee originating the request must enter the other employees' ID numbers. Once submitted, all included employees will receive notification and must electronically verify the joint request.
- C. Civil Service determines if a position is eligible for review under regulation 4.05. If ineligible, 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. Notice is also sent to the employee that Civil Service has received the request and asked for the appointing authority's response.
- E. The appointing authority shall complete and submit the supervisor and appointing-authority sections of the position description to Civil Service within 28 days. An additional 14 days are allowed if professional managerial and specialist positions require a scored evaluation or ranking. Civil Service may grant extensions for good cause.
- F. The appointing authority's response to the Position Action Request must state whether the employee meets the requested classification's minimum requirements and is satisfactorily performing the classification's duties and responsibilities.
- G. The appointing authority may submit any other necessary information for Civil Service to make a classification decision.
- H. Civil Service may conduct an onsite position review to gather additional information.

- I. If requested information is not timely received from the appointing authority, Civil Service may review the position based on information provided by the employee and obtained at any onsite position review.
- J. The effective date assigned to a classification action from an employee-generated request is determined in accordance with regulation 4.04.

4. Procedure

Responsibility	Action
Employee	1. Completes employee information section of position description and electronically submits to Civil Service using PARIS .
Civil Service	2. Administratively reviews request for eligibility under regulations and classification guidelines. 3. Submits employee's request and completed position description to appointing authority. Notice is also sent to employee.
Appointing Authority	4. Directs employee's immediate supervisor to complete supervisor information section of position description. 5. Completes appointing authority information section of position description and provides any other information necessary to review position and render classification decision. 6. Submits completed position description and Position Action Request to Civil Service.
Civil Service	7. If necessary information is not timely received from appointing authority, reviews position based on information provided by employee and obtained at any onsite position review. 8. Reviews request, renders decision, assigns effective date, and signs off on request. 9. Human Resources Management Network (HRMN) is updated with appropriate position and employee record changes and notice is sent to employee and appointing authority. 10. If classification action is disapproved, employee is informed of appeal rights.
Appointing Authority	11. Receives final Position Action Request and informs management of classification decision.

CONTACT

Questions on this regulation may be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-284-0103; or MCSC-OCSC@mi.gov.

Michigan Civil Service Commission

Regulation 4.04

Subject: Effective Dates For Classification Actions		
SPDOC No.:	Effective Date: October 1, 2019	Replaces: Reg. 4.04 (SPDOC 16-06, January 1, 2017)

1. Purpose

This regulation establishes standards to determine an effective date for classification actions.

2. CSC Rule References

4-1 Position Establishment and Classification

4-1.5 Effective Date of Establishment

Positions are established and classified on a current basis.

4-2 Position Classification Review

(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.

3. Standards

A. Classification Actions Requiring Civil Service Approval.

1. The classification of all established positions requires Civil Service approval. The effective date of a position's establishment and classification is the start of the pay period when Civil Service receives a fully documented Position Action Request.
2. The effective date of a position's non-preauthorized reclassification is the start of the pay period when Civil Service receives a fully documented Position Action Request, if subsequently reclassified.
3. A reclassification can only be retroactive if the classification plan and the position's duties and responsibilities are the same on both the date received and the retroactive effective date. Retroactivity of student assistant reclassifications is not permitted. A retroactive effective date for any other non-preauthorized reclassification is

- determined based on Civil Service's receipt of a fully documented Position Action Request under the following standards:
- a. When reclassification is between entry, intermediate, experienced, or advanced levels in a class series and the appointing authority provides reasonable justification, Civil Service may grant retroactivity up to 26 pay periods before the start of the pay period when Civil Service received the request.
 - b. When reclassification is from a worker classification to a specialist classification and the appointing authority provides reasonable justification, Civil Service may grant retroactivity up to seven pay periods before the start of the pay period when Civil Service received the request. The appointing authority must certify that the incumbent was performing specialist duties on the requested effective date.
 - c. For other reclassifications, Civil Service may grant retroactivity of up to seven pay periods before the start of the pay period when Civil Service received the request, if the appointing authority provides reasonable justification.
 - d. Exceptional mitigating occurrences may provide a basis to grant retroactivity of up to 26 pay periods before the start of the pay period when a request is received if an employee was prevented from filing a position-review request directly with Civil Service by (1) inappropriate action by the appointing authority; (2) the employee's serious physical or mental incapacity; or (3) extraordinary unforeseen circumstances outside the employee's control.
4. Civil Service reviews and approves P-rate assignment for nonexclusively represented employees only. The effective date of a P-rate assignment is the start of the pay period when Civil Service receives a fully documented Position Action Request, except that retroactivity of up to 26 pay periods is allowed if the classification plan and the position's duties and responsibilities are the same on both the date the request is received and the retroactive effective date.
 5. The effective date assigned to agency-specific senior standards, Group-3 complex-work-area standards, and other standards developed by the appointing authority and approved by Civil Service is the start of the pay period when Civil Service receives the proposed standard or revision. A classification action's effective date cannot precede the standard's approved effective date.
 6. The appointing authority must supply any additional necessary information requested to render a classification decision (e.g., updated organizational charts, evaluation system rating forms, senior standards, etc.).
 7. After an appointing authority initiates a request, failure to provide additional requested information within 28 days (or 42 days for positions requiring appointing-authority evaluation on a scored rating system) may result in closing the request.

Civil Service may set the effective date of any subsequent action as the start of the pay period when Civil Service receives a fully documented resubmitted Position Action Request.

B. Preauthorized Reclassifications.

1. An appointing authority can process preauthorized reclassification actions only for a position in an entry/intermediate/experienced class series.
2. The appointing authority must assign as the effective date the start of the pay period when the preauthorized reclassification is processed, except that agency delays may be reasonable justification to grant retroactivity of up to 26 pay periods before the start of the pay period when the reclassification is processed if the employee was otherwise eligible for reclassification on the retroactive effective date.
3. Reclassification actions and effective dates are subject to Civil Service audit.

4. Procedures

A. Classification Actions Requiring Civil Service Approval.

Responsibility	Action
Appointing Authority	1. For position establishments, reclassifications, and P-rate assignments, submits Position Action Request with rationale for any requested retroactive effective date to Civil Service.
Civil Service	2. Reviews request. 3. If approved or modified, documents decision, enters approved position and employee information in Human Resources Management Network (HRMN), and releases request to appointing authority. 4. If disapproved, documents reasons on request and informs employee of action and appeal rights.
Appointing Authority	5. Receives completed request and enters employee information in HRMN for any occupied position.

B. Preauthorized Reclassifications.

Responsibility	Action
Management	1. Submits position description and request to appointing authority for classification review. 2. Certifies to appointing authority that employee is satisfactorily performing higher-level duties and meets classification's requirements.
Appointing Authority	3. Reviews request and documents decision, including rationale for any retroactive reclassifications.

Responsibility	Action
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- | | |
|---------------|--|
| | 4. Enters necessary approved employee information in HRMN. |
| Civil Service | 5. Audits to ensure reclassifications and effective dates are processed in compliance with applicable standards. |

CONTACT

Questions on this regulation may be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-284-0103; or MCSC-OCSC@mi.gov.

Michigan Civil Service Commission

Regulation 4.05

Subject: Frequency of Review of Positions		
SPDOC No.:	Effective Date: October 1, 2019	Replaces: Reg. 4.05 (SPDOC 16-06, January 1, 2017)

1. Purpose

This regulation establishes standards on how often a position can be reviewed.

2. CSC Rule Reference

4-2 Position Classification Review

Civil service staff shall provide for both a periodic and ongoing review of positions in the classified service to ensure positions continue to be properly classified.

* * *

(b) Frequency of review. The classification of an occupied position may be reviewed once in any 12-month period, unless otherwise approved by the state personnel director. When a significant, substantial, or material change has occurred in the duties and responsibilities, civil service staff may require the appointing authority to establish a new position that is properly classified. The classification of a position or appointment of an employee to a position constitutes a position review for the purposes of this rule.

* * *

3. Standards

- A. Civil Service typically reviews an occupied position only once in any 12-month period (equivalent to full-time). If a significant, substantial, or material change occurred since the last position review, a new position establishment may be required under regulation 4.01.
- B. An appointing authority typically reviews an occupied position in a preauthorized classification only once in any 12-month period (equivalent to full-time).
- C. An appointing authority may request a classification review of a vacant position at any time before an appointment.
- D. The date of the last position review is when a vacant position was filled or when the last Position Action Request was received for an occupied position.
- E. An early reclassification is a request to review a position before 12 months (equivalent to full-time) have passed since the last position review or to reclassify more than one level.

Employees reclassified early have time worked at the lower level credited toward completing the probationary period for the higher-level classification.

- F. An appointing authority may implement an early preauthorized reclassification before 12 months (equivalent to full-time) have passed if the employee is:
1. Performing higher-level work in a bachelor-degreed classification and has a directly related master's degree, doctorate degree, or recognized occupational license that is not a part of the classification's minimum requirements and was not used to qualify the employee for appointment. This may be substituted only once for the equivalent of six months of full-time experience for any employee after the equivalent of six full-time months in the position.
 2. Performing higher-level work and has the equivalent of 12 full-time months in multiple positions in the same classification that bring directly related value. The appointing authority may implement a reclassification effective date when the 12-month (equivalent to full-time) requirement is satisfied for the next level in the preauthorized class series. The appointing authority must retain documentation verifying the value and relatedness of the prior experience.
- G. Civil Service will consider requests for early reclassification in classifications that require Civil Service review (e.g., trainee, advanced-level, supervisory, managerial, specialist, administrative, or executive positions) if the employee is:
1. Performing higher-level work in a bachelor-degreed classification and has a directly related master's degree, doctorate degree, or recognized occupational license that is not a part of the classification's minimum requirements and was not used to qualify the employee for appointment. This may be substituted only once for the equivalent of six months of full-time experience for any employee after the equivalent of six full-time months in the position.
 2. Performing higher-level work and has the equivalent of 12 full-time months in multiple positions in the same classification that bring directly related value. The appointing authority must document the value and relatedness of the prior experience on the Position Action Request.
- H. The appointing authority may request Civil Service approval of an early reclassification if (1) there has been atypically rapid growth in the position's assigned duties and responsibilities over the equivalent of at least six full-time months as documented on the position description and (2) the employee qualifies for the higher level. The employee must be performing the higher-level work and meet the higher-level classification's requirements as determined by a credential review by Civil Service.
- I. An early reclassification can be implemented only once for an employee in a class series.

- J. Only appointing authorities can request early reclassifications. Early reclassifications requested under regulation 4.03 are dismissed.
- K. Effective dates are assigned in accordance with regulation 4.04.

4. Procedures

A. Early Reclassifications Requiring Civil Service Review.

Responsibility	Action
Appointing Authority	1. Submits Position Action Request and any other necessary documents for any early reclassifications.
Civil Service	2. Reviews request to determine if position can be reclassified based on §§ 3.G and H and documents decision.
	3. Enters necessary approved position information in Human Resources Management Network (HRMN) and releases request.
	4. If disapproved, documents reasons on request, releases it, and informs employee of action and appeal rights.
Appointing Authority	5. Receives request and enters employee information in HRMN.

B. Early Reclassifications on Preauthorized Positions.

Responsibility	Action
Appointing Authority	1. Reviews request to determine if position can be reviewed based on § 3.F and documents decision.
	2. Enters necessary employee information in HRMN as authorized in regulation 4.02, § 4.B.4. If agency participates in centralized processing, adjusts Hours in Grade plan with comment so employee will display correctly on ZR100 report. Also indicates approval of reclassification in HRMN's RECLASSIFY user field.
Civil Service	3. For agencies participating in centralized processing, effectuates reclassification in HRMN.

CONTACT

Questions on this regulation may be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-284-0103; or MCSC-OCSC@mi.gov.

Michigan Civil Service Commission

Regulation 4.06

Subject: Freezing Positions		
SPDOC No.:	Effective Date: October 1, 2019	Replaces: Reg. 4.10 (SPDOC 16-06, January 1, 2017)

1. Purpose

This regulation defines frozen-position actions and establishes standards for the actions.

2. Definition

A. Definition in This Regulation.

1. **Freeze** means an action on a position to identify an employee in a specific positions with duties and responsibilities that are no longer proper for the current classification.

3. Standards

- A. Civil Service shall not establish an improperly classified position.
- B. Appointing authorities shall notify Civil Service of material changes in a position's duties and responsibilities that may impact its proper classification such that it should be frozen.
- C. When Civil Service issues a classification action to freeze a position, the basis for the freeze must be identified on the Position Action Request. If determinable, the appropriate future classification may be identified.
- D. A freeze action is designated by a "Y" in the HRMN Frozen User field on the PA02.1 and adding "FZN" to the position description.
- E. An employee cannot appeal a freeze action.
- F. A freeze on a position in a preauthorized class series precludes reclassification to any higher level in the class series for the current employee.
- G. Freeze actions are employee- and position-specific and only transfer to another position when approved by Civil Service.
- H. A vacant frozen position must be reviewed and properly reclassified before an appointment to the position can be made.

- I. An occupied frozen position can be reclassified to the proper classification if the employee's current pay rate is not negatively impacted and the employee is not placed in a lower pay range.
- J. Frozen positions are not exempted from reduction-in-force (RIF) actions. Once vacated, all frozen positions must be properly classified to applybumping under regulation 2.01.
- K. Transactions on frozen positions are subject to audit.

4. Procedure

Responsibility	Action
Appointing Authority	1. Receives information that employee in position is no longer assigned duties and responsibilities commensurate with its classification.
	2. Submits Position Action Request to Civil Service to add freeze to position.
Civil Service	3. Reviews action and approves request, if appropriate. 4. HRMN is updated with "Y" in the Frozen User field and "FZN" added to end of position description.
Appointing Authority	5. Receives notification of completed Position Action Request and verifies information in HRMN. 6. Informs management and employee.

CONTACT

Questions on this regulation may be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-284-0103; or MCSC-OCSC@mi.gov.

Michigan Civil Service Commission

Regulation 4.07

Subject: Agency Reorganizations and Position Recodings		
SPDOC No.:	Effective Date: October 1, 2019	Replaces: Reg. 4.07 (SPDOC 16-06, January 1, 2017)

1. Purpose

This regulation outlines standards to notify Civil Service of a planned reorganization or position recoding before implementation to determine any classification impact.

2. CSC Rule Reference

4-2 Position Classification Review

Civil service staff shall provide for both a periodic and ongoing review of positions in the classified service to ensure positions continue to be properly classified.

(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.

* * *

3. Standards

A. Agency Reorganizations.

1. An appointing authority shall notify Civil Service of proposed reorganizations before implementation. A meeting may be held to discuss the reorganization.
2. The appointing authority must submit the following to Civil Service to determine a proposed reorganization's impact:
 - a. Current organizational charts.
 - b. Proposed organizational charts after the reorganization with organizational titles, classifications and levels, and employees' names.
 - c. Position descriptions for affected positions in the proposed organizational structure.
 - d. Executive orders or directives impacting the reorganization.

3. Civil Service will determine and notify the agency of:
 - a. The appropriate classification of affected positions.
 - b. Positions that can be recoded.
 - c. Positions that must be established or reclassified under regulation 4.01.
4. The appointing authority must submit official Position Action Requests and Position Recodings to implement the reorganization.

B. Position Recodings.

1. Position recoding means changing a position's supervisor, process level, or department code. The position's duties and responsibilities are essentially unchanged.
 - a. Positions must be recoded to reflect new organizational placement and reporting relationship when changed.
 - b. When a position is moved to a different supervisor, department code, or process level, the appointing authority must complete and submit a Position Recoding to Civil Service.
2. Only Civil Service can process a change to the direct supervisor code on a position record (PA02.1) and the supervisor code on an employee record (HR11.1). Changes to the direct-supervisor, process-level, or department code on a position record impact all employees attached to the position. To separate existing many-to-one positions, transactions must be made in accordance with regulation 4.01.
3. The appointing authority must indicate the reason for the Position Recoding in the request.
4. Civil Service shall determine if a change in reporting relationship impacts positions' classification and discuss any necessary classification actions with the appointing authority.
5. If approved, Civil Service will change the position record in the Human Resources Management Network (HRMN), which will automatically change the employee record.
6. If disapproved, Civil Service will notify the appointing authority.

CONTACT

Questions on this regulation may be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-284-0103; or MCSC-OCSC@mi.gov.

Michigan Civil Service Commission

Regulation 4.08

Subject: Working Out of Class		
SPDOC No.:	Effective Date: October 1, 2019	Replaces: Reg. 4.08 (SPDOC 16-06, October 1, 2017)

1. Purpose

This regulation establishes standards to make working-out-of-class (WOC) determinations for all classified employees, including pay rates, eligibility, time periods, and qualification credit.

2. CSC Rule Reference

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. Definition

A. CSC Rule Definition.

1. *Working out of class means being temporarily assigned to and performing the duties and responsibilities of another classification, in accordance with the standards in rule 4-5.*

4. Standards

A. Authorized.

1. An appointing authority may assign an employee duties and responsibilities of a different classification temporarily for up to 26 pay periods.
2. A working-out-of-class assignment can be made if:
 - a. Time constraints make it impractical or infeasible to establish, recruit, or fill a position on a limited-term basis.
 - b. There is an urgent or critical need to perform duties and responsibilities during another employee's absence.
 - c. The appointing authority is in the process of recruiting to fill the position.
 - d. Pending organizational or agency-leadership changes require temporary work assignments.
 - e. It is impractical to use an alternative listed in § 4.E.

B. Not Authorized.

1. The following situations do not constitute working out of class:
 - a. An employee working in a position downgraded for training or pattern position.
 - b. An employee performing permanently assigned entry-or-trainee-through-experienced-level duties and responsibilities that may result in reclassification.
 - c. An employee performing higher-level duties that may result in reclassification.

2. An appointing authority cannot enter any settlement agreement for a WOC assignment.

C. Eligibility Criteria.

1. All the following criteria must be met for an employee to be working out of class:
 - a. The appointing authority must submit a Position Action Request and any other necessary documentation for a classification review before processing the WOC payment if any of the following conditions exist:
 - (1) An employee is temporarily assigned duties and responsibilities that Civil Service has not classified.
 - (2) A question exists with the employee, the appointing authority, or Civil Service on whether the employee has worked out of class.
 - (3) A question exists with the employee, the appointing authority, or Civil Service on the proper classification of the temporary duties and responsibilities.
 - b. The appointing authority or designee must direct the employee to perform a properly classified assignment's duties and responsibilities.
 - c. The employee must perform all or substantially all of the duties and responsibilities that are different from the employee's classification.
 - d. The employee must perform a single temporary assignment's duties and responsibilities for a qualifying period of more than 10 consecutive full workdays (80 hours), interrupted only by leave use or a holiday, unless this regulation designates a different qualifying period.
 - e. The employee should have the education and experience requirements or be in a classification level that would ultimately satisfy the experience requirement for the WOC assignment. If the employee does not have the required education or experience, the appointing authority must document the reason for using the employee for later Civil Service audit.
 - f. The employee must meet any state or federal licensure, registration, and certification requirements, as stated on the classification's job specification.
2. Leave use or a holiday during a qualifying period does not constitute a break or count as part of the 10-day or other qualifying period under this regulation. Time lost for leave use or a holiday must be made up by an equal number of consecutive workdays to satisfy the qualifying period. Once the full qualifying period is satisfied, the employee is paid at the WOC rate for all subsequent leave use and holidays for the rest of the WOC assignment.
3. An employee cannot be worked out of class for initial and subsequent periods in the same assignment for over 26 pay periods. After 26 pay periods, the employee is

- ineligible for the same WOC assignment for 13 pay periods. After 13 pay periods, the employee must complete a new qualifying period to work out of class again.
4. If the appointing authority intends or believes that a WOC assignment may last over 26 pay periods, the appointing authority should make an appointment to the position.
 5. **Overall assistants.** An overall assistant with direct-line authority and responsibility over the organizational entity must act as chief supervisor during a supervisor's absence for over six consecutive pay periods. Any WOC designation begins after the first six pay periods, but WOC pay does not include the qualifying period.
 6. **Branch Supervisors.** A Department of State Branch Supervisor 10 must serve in a relief assignment as a Relief Branch Support Supervisor for over 30 consecutive full workdays. Any WOC designation begins after 30 consecutive full workdays, but WOC pay includes the qualifying period.

D. Pay and Qualification-Credit Criteria.

1. An employee is eligible for WOC pay only for work that has been properly classified as required in § 4.C.1.
2. Once the qualifying period is met, the employee is entitled to pay through a gross-pay adjustment (GPA) for working out of class from the assignment's first day. The classification and position code of the position that necessitated the WOC assignment must be identified in a comment line on the employee's record. This information is subject to audit by Civil Service.
3. If an employee is worked out of class for ten consecutive days and is subsequently worked out of class in the same assignment for 26 pay periods, the employee is entitled to working-out-of-class pay for the full extent of the subsequent assignments without another qualifying period. This pay is limited to a maximum of 26 pay periods for any one assignment. The 26 pay periods for a WOC assignment must be completed within 24 months from the qualifying period's start.
4. An employee may request a technical WOC determination from Civil Service under regulation 4.03. The request must be made within 28 days after the assignment ends and include a position description describing the temporary duties and documentation that a request for WOC pay was submitted to the appointing authority. Late requests are not accepted.
5. An appointing authority must process WOC pay adjustments or submit a WOC determination request to Civil Service within three months from any WOC assignment's end. The appointing authority must obtain Civil Service approval for any pay adjustments or determination requests beyond three months.
6. Determining the WOC pay rate is in accordance with regulations 4.08, 5.01 and 5.07.

7. An employee eligible for WOC compensation worked out of class in a preauthorized series is paid at the appropriate step for the classification level for which the employee meets the required education and experience, which is typically the entry level. If this does not result in a pay increase, the employee is paid at the appropriate step for the next higher level in the series that would result in a pay increase under § F.2 of regulation 5.01.
 8. An employee working out of class at an equal or lower pay range than the employee's permanent classification is ineligible for WOC pay.
 9. Qualification credit, as determined by Civil Service, is granted for experience in documented WOC assignments if the employee meets the minimum education, licensure, registration, and certification requirements for the temporary assignment's classification.
 10. Qualification credit does not substitute for the classification's aggregate qualification requirements. Qualification credit is granted at the highest level for which the employee meets the experience requirements, up to the WOC level.
 11. Qualification credit may only be applied once for an appointment, reclassification, or job change.
 12. Qualification credit cannot exceed 26 pay periods for any WOC assignment.
- E. Alternatives to Working out of Class.** The following alternatives should be considered instead of working an employee out of class:
1. Assigning supervisory or managerial assignments to other supervisors or managers.
 2. Making a limited-term appointment.
 3. Making an emergency appointment of 28 days or less, under rule 3-3.3.
 4. Rotating the potential WOC assignment among several employees in the work area.
 5. Dividing the work function among other employees in the work area.
- F. Compliance.** Civil Service audits all WOC payments. The appointing authority shall retain adequate documentation to substantiate compliance with this regulation. Failure to supply adequate documentation, upon request, may result in revoking the appointing authority's delegated authority to process future WOC payments.

5. Procedures

Responsibility	Action
Management or Employee	1. Submits request for WOC pay and documentation to appointing authority.

Responsibility	Action
Appointing Authority	2. Reviews request. 3. Determines appropriate classification and processes WOC payment, in accordance with regulations 5.01 and 5.07. If request is denied, documents reason. 4. If request involves set of duties that has not been reviewed and classified or there is dispute between employee and appointing authority on temporary assignment's proper classification, submits Position Action Request and any other necessary documentation to Civil Service for classification review.
Civil Service	5. Reviews WOC requests involving duties that have not been previously classified to determine proper classification and approvable timeframe, documents on Position Action Request, and releases as "No Action." 6. If request is denied, informs employee of WOC decision and appeal rights.
Appointing Authority	7. Receives Position Action Request for position review. 8. Processes approval for payment, if appropriate.

CONTACT

Questions on this regulation may be directed to Classifications and Selections, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-284-0103; or MCSC-OCSC@mi.gov.