

Michigan Civil Service Commission

Regulation 3.07

Subject: Appointments and Job Changes		
SPDOC No.: 21- 0704	Effective Date: <u>January 1,</u> 2022 <u>September 5, 2021</u>	Replaces: Reg. 3.07 (SPDOC 2118-043 , <u>September 5,</u> <u>2021</u> January 1, 2019)

1. Purpose

This regulation provides standards and procedures governing various transactions to make appointments and job changes.

2. CSC Rule References

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.

3-3.2 *Demotion*

(a) Notice. If an appointing authority intends to involuntarily demote an employee, the appointing authority shall give prior written notice of the specific reasons for the demotion to the employee.

(b) Conditions. An appointing authority may demote an employee under any of the following circumstances:

- (1) The employee is not performing satisfactorily.*
- (2) The employee's position is reclassified downward.*
- (3) The demotion is requested by the employee and approved by the appointing authority.*
- (4) The position occupied by the employee is abolished.*
- (5) The employee is displaced by the return to duty of another employee entitled to the position.*
- (6) The employee is displaced by another employee with more seniority during a reduction in force.*
- (7) The employee does not receive a satisfactory probationary service rating, as authorized in rule 3 6.3(b) [Unsatisfactory Service: Employee with Status].*

3-3.3 Emergency Appointment

When emergency conditions require immediate action, an appointing authority is authorized to make an emergency appointment for up to 28 calendar days. The state personnel director may approve an extension of an emergency appointment up to an additional 28 calendar days. An appointing authority cannot reappoint a person to a second consecutive emergency appointment within the same agency. An emergency appointment is authorized only when made in conformity with the civil service regulations governing emergency appointments.

3-3.4 Hire

An appointing authority may appoint a qualified candidate to a position in the classified service as authorized by and in accordance with the civil service rules and regulations. A candidate may be qualified for appointment if the candidate meets the civil service qualifications for appointment to a classification or is qualified after review by civil service staff.

3-3.5 Lateral Job Change or Voluntary Demotion between Agencies

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

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

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

3-3.7 Promotion

An appointing authority may appoint a qualified employee candidate to another position at a higher classification level as authorized by and in accordance with the civil service rules and regulations. A candidate may be qualified for appointment if the candidate meets the civil service qualifications for appointment to a classification or is qualified after review by civil service staff.

3-3.8 Recall

A person is recalled in accordance with the civil service rules and regulations in effect at the time of the recall. Unless the rules or regulations provide otherwise, appointment is first limited to persons on recall lists.

3-3.9 Reinstatement

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

3-3.10 Qualification

An employee or appointing authority that does not agree with a staff qualification decision may file a written request for reconsideration with the state personnel director as provided in the regulations. The state personnel director or the director's designee shall reconsider the staff qualification decision in writing. If an employee's appointment is revoked as provide in rule 3-7 due to a staff qualification decision, the employee or appointing authority may file a technical appointment complaint as provided in the rules and regulations in lieu of requesting reconsideration.

3. Definitions

A. CSC Rule Definitions.

- 1. **Applicant** means a person who applies for consideration for appointment to a classified position.*
- 2. **Appointment** means an authorized act of an appointing authority employing a properly qualified person in a specific position in the classified service.*
- 3. **Class series** means a series of classifications with similar but progressively more responsible job duties.*
- 4. **Demotion** means an authorized movement of an employee with status from a position in one classification level to a lower classification level.*
- 5. **Hire** means the initial appointment to the state classified service authorized by civil service staff.*
- 6. **Indefinite appointment** means a career appointment with no fixed ending date at the time of appointment.*
- 7. **Job change** means an authorized movement of an employee from one position to another. Job change includes, for example, demotion, lateral job change, promotion, reclassification, and reduction-in-force.*
- 8. **Lateral job change** means the authorized movement of an employee to a different position (1) in the same classification or (2) in a different classification at the same classification level.*

9. **Limited-term appointment** means a career appointment that has a fixed ending date at the time of appointment.
10. **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.
11. **Promotion** means the appointment of an employee to a different position at a higher classification level.
12. **Recall list** means a list of persons who have been laid off, demoted, or otherwise displaced for reasons of administrative efficiency, including, for example, lack of work, lack of adequate funding, change in mission, or reorganization of the work force.
13. **Reinstatement** means the appointment of a person who was previously separated from, or demoted in, the classified service while in satisfactory standing.
14. **Status** means the recognition of an employee who has been properly appraised, qualified, and appointed to the classified service and who has satisfactorily completed the probationary period in an indefinite or limited-term appointment.

B. Definitions in This Regulation.

1. **Emergency appointment** means an appointment based upon a short-term, urgent need. An employee in an emergency appointment is not entitled to (1) sick or annual leave accruals, (2) holiday pay, (3) enrollment in state-sponsored insurance plans, (4) service credit for any purpose, (5) continued employment, (6) status, or (7) employment preference rights.
2. **HRMN EEO category** means one of eight broad occupational groupings that Civil Service has assigned for each classification. Descriptions of each HRMN EEO category are in the Compensation Plan.
3. **Preauthorized lateral job change list** means a compilation of current classifications showing, for each classification, a listing of all the classifications at the same classification level to which a lateral job change may occur without prior review of qualifications by Civil Service.
4. **Recall** means the return of a former or current employee whose previous employment was modified by a reduction in force to a position in which status was achieved.

4. Standards

A. Recall Appointments and Job Changes.

1. Recall names for a classification prevent the hire, promotion, reinstatement, demotion or lateral job change between agencies of an individual to that classification, unless allowed under Regulation 3.10 because of a hiring freeze or hiring restriction.
2. Recall names prevent a lateral job change from a limited-term appointment type to an indefinite appointment type, except as authorized in regulation 3.10.
3. When names appear on the recall list within the same agency, an employee may be laterally job changed by the appointing authority to a position in the same classification and classification level, to a different classification at the same classification level within the same HRMN EEO category, or to a position where the movement is identified as a lateral job change in the Preauthorized Lateral Job Change List on the Civil Service website. An employee may be demoted to a position at a lower classification level in the same class series or to a position at a lower classification level within the same HRMN EEO category.
4. An appointment from an agency recall list must be the most senior available candidate, based on total continuous service hours. A recall name must possess at least one of any assigned sub-classes and meet any selective position requirement approved by Civil Service for a position to be recalled. There is no statewide recall.
5. Appointments to transitional or trainee positions when names appear on the recall list must be made as follows:
 - a. Appointments or job changes to these positions are only processed when there are no recall names for the specific corresponding professional classification.
 - b. Following appointment from a recall list, immediate reclassification to transitional or trainee positions is prohibited. Changes in classification of the position are subject to standards in regulation 4.05.

B. All Other Appointments and Job Changes.

1. Applicants must possess the qualifications for the classification to which an appointment or job change is made; possess at least one of any assigned sub-classes; and meet any selective position requirement criteria approved by Civil Service.
2. All appointments and job changes must be made in accordance with this regulation's standards. Misapplication of these standards creating an improper appointment or job change may result in revocation of the appointment or job change or other corrective action. An appointee whose position is revoked by the state personnel director after a

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Civil Service audit can challenge the revocation under the procedure in rule 3-7 and regulation 8.04

3. Civil Service shall review the qualifications of applicants for classifications that have not been preauthorized for credential review. Regulation 3.04 § 4.D.2, specifies other conditions under which Civil Service shall conduct credential reviews.
4. Appointing authorities may review qualifications of applicants for predetermined classifications under regulation 3.04. Civil Service shall maintain a list of statewide preauthorized classifications. Other classifications may be individually preauthorized to agencies.
5. Appointing authorities shall certify to Civil Service that all appointments and job changes are made in compliance with the rules and regulations.

C. Limited-term Appointments.

1. A limited-term appointment is a career appointment with a fixed ending date when the appointment is made.
2. A limited-term appointment expires at the fixed end of the term, unless terminated earlier by the appointing authority or extended by Civil Service.
3. An appointing authority may make a limited-term appointment for up to two years from the date of appointment.
4. An appointing authority may request Civil Service approval to extend a limited-term appointment for up to two additional years. A request for extension beyond two years must be submitted to Civil Service for approval, with the rationale for extending, before an appointment expires.
5. Limited-term appointments shall not exceed four years from the date of the initial appointment. Any continuation beyond four years must be submitted to the state personnel director, with the rationale for extending.
6. The appointing authority must enter the appointment date and expiration date to the employee record (HR11) when making a limited-term appointment.
7. An employee in limited-term status cannot be extended beyond four years by appointment or job change to another limited-term position in the same class series and work unit, unless approved by the state personnel director.
8. An individual appointed on a limited-term basis has the same rights as employees in indefinite appointments, except as those benefits and rights are otherwise limited in the rules or regulations.
9. A limited-term appointment need not be full-time.

10. Employment preference or recall rights can only be applied as defined in rule 2-5.1.
11. Limited-term appointments are subject to Civil Service audit.

D. Lateral Job Changes, Reinstatements, and Demotions.

1. A lateral job change, reinstatement, or demotion does not require Civil Service review of applicants' qualifications when any of the following conditions are met:
 - a. The movement is to a different position in the same classification (with the same subclass code, if applicable) or to a position at a lower classification level in the same class series.
 - b. The movement between classifications is listed in the Preauthorized Lateral Job Change Listing on the Civil Service website.
 - c. There is documentation that Civil Service has reviewed and approved the employee's qualifications for the proposed movement and the qualifications for the classification have not changed.
 - d. The appointing authority has reviewed and approved the employee's qualifications for the preauthorized classification and the qualifications have not changed.
2. Lateral job changes, reinstatements, or demotions that do not satisfy a condition in § 4.D.1 require review and approval of the candidate's qualifications by Civil Service before taking action. A request for qualification review must be submitted for this purpose. [A lateral job change may be from a position in Equitable Classification Plan Group 1, 2, or 3 to a position in a different ECP Group, except Group 4, if it otherwise satisfies this regulation.](#)
3. During the probationary period, an employee may be laterally job changed or demoted to a position in the same classification or class series, with the same employee status code.
4. Lateral job changes between agencies may occur under rule 3-3.5, as follows:
 - a. The sending and receiving appointing authorities must certify their mutual agreement to the job change in writing to the state personnel director.
 - b. An employee may refuse a lateral job change between agencies and, when necessary, exercise employment preference within the sending agency.
 - c. An employee cannot be laterally job changed between agencies if an employee currently working for the receiving agency has recall rights to the classification level.

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- d. An employee must receive written notice at least 28 days before the effective date of the lateral job change, unless agreed otherwise.
5. Reinstatement must take place within three years of the employee's separation, demotion, or departure on a waived-rights leave from an indefinite or limited-term appointment where status was attained. The reinstatement period for employees laid off or demoted because of a reduction in force begins when recall rights expire. An employee must have separated in satisfactory standing to be eligible for reinstatement.

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.