

# Michigan Civil Service Commission

## Regulation 3.09

<b>Subject:</b>		
<b>Recall Lists</b>		
<b>SPDOC No.:</b> 22- <del>14</del> 09	<b>Effective Date:</b> <del>September 4,</del> 2022 <u>January 1, 2023</u>	<b>Replaces:</b> Reg. 3.09 (SPDOC <del>21</del> <u>22</u> -09 <u>4</u> , September <del>5</del> <u>4</u> , 202 <del>2</del> <u>1</u> )

### 1. Purpose

This regulation provides standards to place employees on and remove them from recall lists.

### 2. CSC Rule References

#### *Rule 3-2 Applicant Pools and Recall Lists*

##### *3-2.1 Recall Lists*

*An employee is eligible to be placed on a recall list only if the employee (1) gained status from an indefinite appointment and (2) is laid off, demoted, or otherwise displaced for reasons of administrative efficiency. Recall lists are not created or maintained for statewide recall or for classifications that are protected from the application of employment preference in rule 2-5 [Employment Preference] or applicable regulations.*

##### *3-2.2 Removal from Recall Lists*

*Civil service staff may remove a person from a recall list for any of the following reasons:*

- (a) Appointment.*
- (b) Failure to respond to an inquiry regarding possible employment.*
- (c) An indication of lack of interest in an employment opportunity.*
- (d) Failure to accept employment.*
- (e) Separation or retirement from state service.*
- (f) Evidence that the person is unable to perform satisfactorily, with or without reasonable accommodations, the essential duties of the job.*
- (g) Evidence of conduct that indicates that the person is unfit or unsuitable for appointment.*
- (h) Conduct that violates rule 3-1.5 [Integrity of Process].*
- (i) Expiration of recall rights.*

### 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. **Frozen** means a classification or a position to which an appointing authority is prohibited from making an appointment without prior review and approval of civil service staff.
4. **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.

#### B. Definitions in This Regulation.

1. **Eligible class series** means class series where an employee has attained status from an indefinite appointment during the current employment period.
2. **Lack of interest** means an action by an employee listed in rule 3-2.42(b), (c), or (d).
3. **Reduction in force (RIF)** means an appointing authority's action to lay off, demote, or otherwise displace an employee for reasons of administrative efficiency, including lack of work, lack of adequate funding, change in mission, or workforce reorganization.
4. **Seniority** means total continuous service, as recorded in the Human Resources Management Network (HRMN), adjusted by deducting any hours in counters for unclassified, prior military, county, and college/university service and setting hours to zero for initial probationary employees without status.

### 4. Standards

#### A. Information.

1. Recall lists contain employees who were displaced by a RIF in eligible class series. Appointing authorities shall maintain recall records of their employees affected by a RIF. Displaced employees must be added to recall lists by the end of the pay period following the RIF. An appointing authority shall provide a recall list to a labor organization upon written request.
2. Employees on a recall list must report any name or address change (1) by updating information in Human Resources Management Network (HRMN) using MI HR Self Service or (2) in writing to the appointing authority.

3. An employee may prospectively update recall records, including changes to classification, location, or employment status availability in writing to the appointing authority.

**B. Eligibility.** An employee with status from an indefinite appointment who is displaced by a RIF has recall rights to eligible class series in the principal department or autonomous entity that implemented the RIF. An approved agency layoff plan may vary recall eligibility between recognized autonomous entities and appointing authorities of a principal department. An autonomous entity must also request approval of any plan altering recall eligibility for its employees or positions.

**C. Placement.**

1. **Placement and election.** If displaced, an employee is placed on the recall list for the class, county, and employee status code from which displaced. An employee must submit a CS-1848 form to the appointing authority to request placement on additional recall lists for which the employee is eligible and for counties of interest.
2. **Class series.** An employee is placed on recall lists:
  - a. For an eligible class series from which displaced at and below the level when displaced.
  - b. For any other eligible class series at and below the highest level where status was attained in each class series, but not above the level when displaced.
3. **Displaced within county.** If displaced in the same county, an employee is eligible for recall lists for the original county and counties of interest for eligible class series and levels above the level or pay rate of the new position.
4. **Displaced outside county.** If displaced to another county, an employee is eligible for recall lists for eligible class series (1) at eligible levels above the level or pay rate of the new position for counties of interest besides the county of original displacement and (2) at all eligible levels for the county of original displacement.
5. **Employee status codes.** An employee with status in a class from a full-time indefinite appointment may request recall to eligible positions in the class for any status code. An employee with status in a class from any other appointment type may only request recall to eligible positions in less-than-full-time status codes.
6. **Limited-term appointments.** If displaced from a limited-term appointment in a class where the employee lacks status from an indefinite appointment, the employee is eligible for recall lists for eligible class series at levels at or below the level of the last indefinite appointment where status was attained.
7. **Protected classes.** Recall lists are not maintained for (1) Group-4 classifications, including the Senior Executive Service (SES); (2) Senior Executive Management

- Assistant Service (SEMAS) classifications; (3) noncareer classifications; or (4) any classification designated as protected in a civil service rule or regulation.
8. **Transitional positions.** Employees displaced from transitional positions are placed on the recall list for the presumed future manager, professional, or technician class series at the same or lower levels. If recalled, the employee resumes transitional designation and pay treatment as provided in regulations 3.14 and 5.01.
  9. **Trainee positions.** Employees displaced from a trainee position are placed on the recall list for the presumed future technician or professional class series at the same or lower levels as follows:
    - a. Employees with two years of satisfactory full-time service in the position have recall rights at the experienced level and below for the class series.
    - b. Employees with between one and two years of satisfactory full-time service in the position have recall rights at the intermediate level and below for the class series.
    - c. Employees with less than one year of satisfactory full-time service in the position have recall rights at the entry level for the class series.
  10. **Frozen positions.** Employees displaced from a frozen position are placed on the recall list for the class series of the frozen position at and below the level when frozen.
  11. **Reclassifications.** If a pending reclassification request is retroactively approved for a position from which an employee is displaced, the employee is also placed on the recall list for the approved class series and level and below.
  12. **Class clusters.** If an approved agency layoff plan includes class clusters, an employee is eligible for placement on the recall list for class series in a class cluster at or below the employee's level when displaced.
  13. **Ranking.** Employees are ranked on recall lists by seniority when an appointment is to be made.
  14. **Reorganization.** If an executive order or law transfers part of a department to another department, the recall rights of employees previously displaced from positions in the transferred work area transfer to the new department.
- D. Removal.** Employees are removed from recall lists for the reasons in rule 3-2.24 as follows:
1. An employee is removed from all recall lists because of expiration of eligibility; retirement; separation, including a waived rights leave; accepting severance payment under rule 5-6.10 or a collective bargaining agreement; or ineligibility under rule 3-2.42(f), (g), or (h).
  2. An employee who shows a lack of interest in or returns to work in a position in the county of original displacement is removed from all recall lists for any classification and level at or below the level and maximum pay rate of the [new](#) position.

3. An employee who shows a lack of interest in or returns to work in a position in a county besides the county of original displacement is removed from all recall lists for counties of interest besides the county of original displacement for any classification and level at or below the level and maximum pay rate of the new position.
4. If the new position in § 4.D.2 or 3 above is not indefinite and full-time, the employee is not removed from any recall lists for indefinite full-time positions.
5. An employee displaced from SES, SEMAS, or Group-4 with pay protection under rule 4-6.2(g)(2), ~~4-7.2(g)(2)~~, or 4-8.2(f) who declines recall to a level where the pay rate meets or exceeds the maximum pay at the current level also has pay protection end and pay changed to the appropriate step for the level as provided in regulation 5.01, § 4.F.

#### E. Duration.

1. Employees are placed on recall lists for one year from the date of displacement.
2. An employee may request one-year extensions twice if the appointing authority receives a written extension request during the 28 days before expiration. Late requests are not honored.
3. Employees cannot remain on a recall list for more than three years, ~~except under § 4.E.4.~~
4. ~~**Transition provisions.** An exclusively represented employee on an agency recall list on December 31, 2018, remains on the list until the earliest of the recall expiration date on that date; December 31, 2021; or any removal authorized by rule 3-2.4. No additional renewal or extension is available after December 31, 2018. An exclusively represented employee on contractual medical layoff on December 31, 2018, can remain in that status until the earlier of December 31, 2020, or two years after the medical layoff began. An employee on medical layoff who timely provides medical certification of the ability to return to regular job responsibilities is moved to the agency's recall list with an expiration date of December 31, 2021. No statewide or other contractual recall rights can continue after December 31, 2018.~~

#### 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](mailto:MCSC-OCSC@mi.gov).