



STATE OF MICHIGAN
CIVIL SERVICE COMMISSION

STATE PERSONNEL DIRECTOR OFFICIAL COMMUNICATION

SPDOC No. 24-08

TO: ALL APPOINTING AUTHORITIES, HUMAN RESOURCES OFFICERS,
AND RECOGNIZED EMPLOYEE ORGANIZATIONS

FROM: JOHN GNODTKE, STATE PERSONNEL DIRECTOR

DATE: NOVEMBER 13, 2024

SUBJECT: **PROPOSED AMENDMENTS TO RULES 2-8, ETHICAL STANDARDS AND CONDUCT; 5-2, HOURS OF SERVICE; 5-4, ADDITIONAL COMPENSATION: OVERTIME, ETC.; 5-10, PAID HOLIDAYS AND LEAVE; AND 9-1, DEFINITIONS; AND REGULATIONS 2.03, LEAVES OF ABSENCE; 5.01, GENERAL PAY SCHEDULE ADMINISTRATION; 5.02, OVERTIME, ON-CALL, AND CALLBACK COMPENSATION; 5.06, COMPENSATION UNDER CONDITIONS OF GENERAL EMERGENCY; 5.09, ANNUAL, PERSONAL, AND SCHOOL AND COMMUNITY PARTICIPATION LEAVE; AND 5.10, SICK AND FUNERAL LEAVE;**

A handwritten signature in black ink, appearing to read "John Gnodtke", with a long horizontal line extending to the right.

THIS DOCUMENT IS AVAILABLE UPON REQUEST IN ALTERNATIVE FORMATS. FOR FURTHER INFORMATION CALL 517-284-0115.

The commission has asked staff to circulate rule and regulation amendments for public comment to bring current leave policies into alignment with provisions of the Earned Sick Time Act (ESTA), PA 338 of 2018, which based on recent action by the Michigan Supreme Court is set to apply to most employees in Michigan from February 21, 2025. Career state civil servants currently accrue both paid sick and annual leave at rates above the standards of the act, while noncareer state civil servants do not currently accrue any paid leave under civil service rules and regulations. Existing provisions that are more generous than standards under the ESTA would remain unchanged.

The proposed rule and regulation amendments would grant paid sick time to noncareer employees. Rule 5-10.2 would grant noncareer employees 1 hour of paid sick time for every 30 hours worked. Regulation 5.10 would permit use of sick leave and sick time for the same reasons provided in the ESTA. Other changes would track the ESTA to provide for transfer of any unused sick leave or sick time to different positions in the classified service, reinstate any unused sick time if rehired to a noncareer position within six months of separation, and credit an employee moving between noncareer and career positions with sick leave or sick time for any unused sick time or sick leave, as applicable. Proposed amendments would also describe notice that an appointing authority may require before use of accrued sick leave or sick time.

Proposed amendments to rule 5-2.2 would clarify that noncareers remain ineligible for fringe benefits, except for paid sick time. Rule 5-4.2 would exclude sick time and funeral leave from counting toward overtime eligibility, just as sick leave and annual leave are excluded. Rule 2-8.2(a)(10) would prohibit requesting or using sick time to engage in supplemental employment, just as such request or use of sick leave is prohibited. Reference to sick time is also added to the definition of off-duty time. Similar references to sick time are proposed to be added to regulations 2.03, 5.02, and 5.06, where applicable. Rule references would also be updated in the above regulations and in regulation 5.09.

With regulations in chapter 5 reopened for housekeeping, staff also proposes amendments to regulations 5.01 and 5.02 to better clarify current practices. Regulation 5.01, § 3.E would specifically allow the initial pay of new hires to positions above the entry level in classes if the entry or intermediate levels' minimum pay rate exceeds a higher level's minimum rate. Staff also proposes clarifying use of an exception for a new hire's pay rate based on current salary, memorializing the current practice over special step increases after reclassification from certain position types and clarifying step movement in classes with levels dependent solely on educational attainment. Staff also proposes limiting the application of pre-hire education or experience beyond a classification's minimum requirements as a basis for higher starting pay to education or experience that directly relates to the position's duties. Staff proposes deleting § 3.F.2.b as redundant to the director's general exception authority under § 3.Q. An obsolete reference would be removed from § 3.F.4.

For regulation 5.02, substantive proposed amendments would clarify when overtime-eligible employees are paid for any unused accrued compensatory time, require civil service to approve any compensatory time plan for overtime-ineligible employees, and clarify required provisions of any compensatory time plan for ineligible employees, including maximum accrual limits. Staff proposes these amendments to improve consistency among agency plans and ensure compliance with existing regulations. Staff also proposes expressly excluding military leave from overtime calculations to align with current practice and excluding time on funeral leave from time-worked for overtime calculations to reflect the proposed amendment to rule 5-4.2. Additional proposed amendments are non-substantive to make the regulation more concise, renumber sections, or clarify current practice. These changes would not affect provisions on these subjects in approved collective bargaining agreements.

These proposed amendments are recommended with an effective date of February 16, 2025. Comments on the proposed amendments may be emailed to MCSC-OGC@mi.gov or sent to Office of the General Counsel, Michigan Civil Service Commission, P.O. Box 30002, Lansing, Michigan, 48909. Comments must be received by December 2, 2024.

Attachments