

State Employment: Advantages and Responsibilities

MYTH: CIVIL SERVICE PROTECTS ME FROM BEING FIRED, REGARDLESS OF HOW I PERFORM MY JOB

The Civil Service system is designed to prevent political influence in employment decisions, ensure equal pay for equal work, protect employees against unlawful discrimination, and protect employees from being disciplined unless cause exists. "Cause" can be defined as anything that impairs the efficiency of service. For this reason, the Department of State Civil Service seeks to promote good performance, professional conduct, excellent customer service and personal accountability. Employees can be disciplined, up to and including removal from the job. **An employee's best protection is good performance in the job, as determined by the supervisor.**

MYTH: AN APPEAL IS THE SAME THING AS A GRIEVANCE

A grievance is an internal agency procedure that is usually used when an employee has experienced some dissatisfaction on the job which is not related to a Civil Service rule violation, disciplinary action, unlawful discrimination or a PPR disagreement. The Civil Service Commission handles appeals of rule violations, disciplinary actions and unlawful discrimination; PPR disagreements are handled by agency review, and then by Civil Service review. Because each procedure has strict time guidelines that must be followed, it is highly recommended that employees get the advice of their Human Resources Office or an attorney if the proper method is not clear.

MYTH: MERIT INCREASES ARE AUTOMATIC

Merit increases are not automatic or guaranteed. Civil Service Rule 6.14(a) states that an employee MAY be granted a merit increase on his anniversary date provided that his performance merits the increase; the decision to grant the increase is at the discretion of the appointing authority or his designee (usually the employee's supervisor). It is not a disciplinary action to withhold or postpone a merit increase. Any employee who has received below "Meets Requirements" on his PPR is not eligible to receive a merit increase. Many agencies have policies that require that merit increases be withheld or postponed if the employee has scored below "Meets Requirements" on one or more important job factors, even if the employee's overall PPR score is "Meets Requirements" or better.

MYTH: ALL EMPLOYEES MUST BE TREATED THE SAME

As a general rule, employees in similar circumstances should be treated in a similar manner. However, people are different and this can affect how the supervisor deals with each. Employees with problem behavior can be held to standards not applied to others.

**MYTH: I'VE EARNED THAT LEAVE AND I CAN USE IT
WHENEVER I WANT**

State employees have fairly generous leave earning and accrual benefits. Most supervisors will accommodate employee leave requests as much as possible

- Requests for leave must be presented in accordance with the agency's policy, which usually requires some advance notice for annual leave, and may require advance notice for non-emergency sick leave.
- Supervisors must consider the greater good of other employees and customers – employees should avoid requesting non-emergency leave during peak work periods or for times when many other employees have already had leave approved ***SUPERVISORS CAN DENY ANNUAL LEAVE REQUESTS***
- Legitimate sick leave use cannot be denied Sick leave is for use by the employee for the employee's own illness or visit to the doctor; it cannot be used to stay home with sick family members
- Supervisors may ask employees to bring acceptable proof of the need for sick leave, such as a doctor's certification or statement Supervisors can require this for one employee who uses sick leave frequently Failure to produce the doctor's statement upon return to work can result in the employee being placed on leave without pay or disciplined. Become familiar with your agency's Family and Medical Leave Policy.

Employees who are careful with their leave requests and leave usage can help their supervisors avoid making difficult decisions!

MYTH: I HAVE A GRACE PERIOD TO GET TO WORK ON TIME

Employees are to be "duty-ready" at their workstations at the beginning of their workday. There is no such thing as a grace period of any duration to be late for work.

**MYTH: I AM ALLOWED TO SPEND AS MUCH TIME AS I NEED TO
ON PERSONAL MATTERS**

Most employers understand that a certain amount of interaction among employees is important to morale, and that most employees will have the occasional personal business that must be handled during the day Most supervisors allow employees short breaks during the day, although such breaks are not required by Civil Service Rules. The following types of activities will often cause a supervisor to believe the employee is wasting too much work time:

- Often reads the newspaper
- Often away from his or her desk
- Frequent personal phone calls, and/or excessively long personal calls
- Too many breaks (supervisor can tell you how many breaks are reasonable for your position)
- Frequently late from lunch (supervisor will advise when you are expected to be back from lunch)
- Frequently uses computer for personal reasons

To avoid the perception that one is wasting time, an employee should avoid the types of activities described above.

MYTH: LETTERS OF REPRIMAND, WRITTEN WARNINGS, AND VERBAL WARNINGS ARE DISCIPLINARY ACTIONS

The above statement is completely false. The above-mentioned items are not disciplinary actions, and are NOT placed in an employee's official personnel record in the Human Resources Office. These items may, however, be retained by the supervisor in the employee's productivity file. There are only five disciplinary actions and they are:

- Suspension without Pay
- Reduction in Pay
- Involuntary Demotion
- Involuntary Reassignment
- Dismissal

An employee who receives a written letter of warning, counseling, etc., has the right to respond, in writing, to the letter, and the Civil Service Rules require that the supervisor must keep a copy of the employee's written response with the letter.

MYTH: PROMOTIONS ARE BASED SOLELY ON SENIORITY

Civil Service rules do not require that the senior employee must be promoted ahead of others. Seniority is one factor of several which should be considered. Consult your Human Resources Office to see if your agency has any policy in this regard.

MYTH: AN AGENCY CANNOT CHANGE AN EMPLOYEE'S SHIFT

An agency can change the shift of an employee, or the work location, or even the work hours of an employee. Of course, if the agency has a policy in this regard, it should follow its policy.

MYTH: AN AGENCY CANNOT REQUIRE AN EMPLOYEE TO WORK OVERTIME

Civil Service Rule 11.3.1 states: "An employee in the classified service may be required by his appointing authority to work overtime." Employees in positions that are "non-exempt" must be compensated in accordance with the Fair Labor Standards Act; employees in positions, which are "exempt", must be compensated in accordance with Civil Service Rules Contact your Human Resources Office for the specifics as regards your position.

MYTH: EMPLOYEES HAVE NON-COMPETITIVE REEMPLOYMENT RIGHTS

Civil Service Rule 8.18 permits an agency to non-competitively rehire a former permanent classified employee under the conditions listed below. This is properly known as non-competitive reemployment eligibility. It is NOT a right or entitlement. It is one of several options an agency may exercise in hiring, all of them equally legal. An agency may non-competitively rehire a person into any job equal to or lower than the highest GS or MS level job that he held in permanent status within the past 10 years (does not apply to a position the employee was detailed to). If the employee is rehired within five years, the employee may also have his unused, unpaid leave balances

recredited. The employee must have left state service in good standing (was not dismissed for cause or resigned to avoid dismissal) and the employee must meet the minimum qualification requirements for the position. Test grades are not required EXCEPT in a limited number of circumstances, including:

- the job requires the typing test and the employee has never taken the test, or does not have a verifiable score for the typing test, or has not occupied a typing job for at least six months within the past five years
- the person is rehired into a Wildlife Enforcement job, or
- the person was in a non-professional job but wishes to be rehired in a professional-level position

MYTH: MY SUPERVISOR CAN'T MAKE ME DO THAT! IT'S NOT IN MY JOB DESCRIPTION

The supervisor, not the employee, determines what duties the employee will perform. The supervisor has the right to assign duties, even if they are not in the job description. It is insubordination to refuse to perform assigned duties.

However – the employee's job description determines the employee's job title, pay, qualification for other jobs, PPR expectations and ratings. The supervisor should not assign duties, for longer than a month, that would be assigned a higher job title and pay.

If these types of duties will exceed a month, the employee must be detailed to the higher job. If these duties are to become a permanent part of the position, then the employee's job description should be updated.

EMPLOYEES SHOULD BE AWARE THAT AN INCREASE IN WORK VOLUME DOES NOT NECESSARILY MEAN THAT A POSITION SHOULD BE UPGRADED. A position description should be prepared as a cooperative effort which includes the employee, the supervisor and the Human Resources Office, if there are significant, on-going duty changes that are of a higher level of responsibility, or that require the use of additional skills (such as typing).