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Legal References (includes but is not limited to) IC 4-15-2.2 31 IAC 5	Related Policies/Procedures (includes but is not limited to) Indiana State Personnel Department Policy	Replaces: 04-03-102 (eff. 3/1/2015)
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I. PURPOSE:

The purpose of this policy and administrative procedure is to supplement the Indiana State Personnel Department's (SPD) policies and procedures with nationally recognized correctional standards.

II. POLICY STATEMENT:

It is the policy of the Department to comply with the policies and procedures of the Indiana State Personnel Department (SPD). The Department shall ensure that employees are provided information about employment with the Department including benefits, standards of conduct, and other relevant information.

In order for Department employees to carry out assigned duties in the most efficient and professional manner, they must be fully informed of their individual duties and responsibilities, provided with adequate supervision, and treated with dignity and respect at all times. Staffing requirements for all categories of personnel shall be determined on an ongoing basis to ensure that offenders have access to staff, programs, and services.

III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are provided:

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- A. **AFFIRMATIVE ACTION:** Specific actions taken by an employer to eliminate the effects of past discrimination with regard to recruiting, hiring, promoting, and training.
- B. **APPLICANT:** A person who files a formal application, or in some formal way, indicates a specific desire to be considered for employment. Persons making informal inquiries about the Department or about employment in general are not considered to be an applicant.
- C. **CRISIS INTERVENTION TEAM:** A team of staff who have received specialized training to guide interactions between law enforcement and individuals who may be suffering from symptoms of mental illness.
- D. **DISCRIMINATION:** An act having an unjustifiable adverse effect against any person in any manner on the basis of race, color, creed, religion, sex, age, national origin, gender identity, sexual orientation, physical or mental disability, or veteran status.
- E. **EMERGENT INTERVENTION:** A crisis situation in which it is necessary to ensure an employee is seen immediately in an emergency room or mental health hospital setting to be assessed for imminent risk of harm to self or others. Emergent intervention requires there be no delay in services and may involve calling police, EMS, or Crisis Intervention Teams for assistance in connecting an employee to care.
- F. **EXECUTIVE DIRECTOR OF HUMAN RESOURCES:** The employee designated by the Commissioner to ensure adherence to SPD's policies and procedures.
- G. **EXECUTIVE DIRECTOR OF PREA:** The employee designated by the Commissioner to oversee facility sexual assault prevention programs, sexual assault reporting and Department compliance with national standards.
- H. **EX-OFFENDER:** A person of any age convicted of a crime or a juvenile adjudged delinquent whose commitment to a department of correction (federal, state, or local), and/or the sentencing courts(s) has been discharged.
- I. **INDEPENDENT EVALUATOR:** A licensed psychologist or psychiatrist who is not an employee of the Department of Correction who is contracted to perform fitness for duty evaluations based on education, training, experience, and competency to evaluate individuals for mental or emotional disorders that may impair their ability to perform their job duties.

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J. **NEGLIGENT RETENTION:** Failure to remove an employee identified as potentially unfit for duty from duty, creating a situation in which the employer may be held liable if the employee harms another individual in the performance of their job duties.

K. **PSYCHOLOGICAL FITNESS FOR DUTY EVALUATION:** A formal, specialized examination of an incumbent employee that results from:

1. Objective evidence that the employee may be unable to safely or effectively perform a defined job; and,
2. A reasonable basis for believing that the cause may be attributable to a psychological condition or impairment.

The central purpose of a fitness for duty evaluation is to determine whether the employee is able to safely and effectively perform their essential job functions.

L. **REASONABLE ACCOMMODATION:** Any alterations, adjustments, or changes in the job and/or workplace to enable an otherwise qualified individual with a disability, or disabled veteran to participate in the application process, or to perform the essential job functions, absent an undue hardship, as determined on a case-by-case basis. The term also refers to reasonable adjustments made by an employer to accommodate an employee's religious observance or practice absent an undue hardship.

M. **STAFF/EMPLOYEE:** Any person(s) performing work on behalf of the Department, including contractors and volunteers.

IV. **EQUAL OPPORTUNITY EMPLOYMENT AND AFFIRMATIVE ACTION PLANS:**

The Department shall establish and implement an Equal Opportunity Employment and Affirmative Action Program which ensures that employment, training, and promotions for all individuals are considered without regard to race, color, religion, sex, national origin, conviction, age, disability, veteran or Vietnam Era Veteran status. Sexual harassment and Workplace harassment on the basis of a protected class is also prohibited. In addition the Department is committed to providing reasonable accommodations to qualified individuals with disabilities and sincerely-held religious beliefs.

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As a Department, the ethical and statutory responsibility to afford equal treatment and equal opportunity to all persons is acknowledged. The Department affirms its policy of promoting non-discrimination and equal opportunity through affirmative action.

The Department has recognized the need for an aggressive affirmative action program. Therefore, the Department’s equal opportunity goal has been to utilize minorities, women, and persons with disabilities at all levels and to maintain a work environment free of discrimination.

Retaliation against any employee, applicant, or offender who files a complaint of discrimination against the Department or Department employee(s) is prohibited.

All staff shall abide by the requirements set forth in this policy and administrative procedure. Executive Staff members, Division Directors, and Facility Heads are charged with the additional responsibility of providing leadership in affirmative action matters and shall direct the compliance efforts of all units under their authority. Administrators, Managers, and Supervisors must recognize their explicit responsibility for carrying out the spirit and intent of the program among the employees they supervise. Each shall adhere to the Department’s Affirmative Action Program. Failure to comply with the Affirmative Action Program shall not be tolerated and shall be documented in the performance appraisals, as well as other personnel actions as determined by the Commissioner. In addition, compliance with this policy and administrative procedure is required for those who conduct business or enter into a contractual agreement with the Department.

It is imperative that all current and prospective employees understand:

- The Department is committed to affirmative action and its implementation; and,
- The Department will not tolerate any discriminatory practices within its jurisdiction.

A thorough understanding of the Department’s commitment makes for a more cohesive work environment.

The Affirmative Action Plan shall be developed by IDOC Human Resources and approved by the Commissioner and the SPD. The Plan shall be reviewed annually and updated as needed.

A Department annual report shall be prepared by IDOC Human Resources to include progress of the Department toward fulfillment of annual goals, deficiencies or issues within the Department, corrective measures to be pursued, projected concerns, and current

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concerns. This report shall be submitted to the Commissioner with copies distributed to Executive Staff and Division Directors.

Employees wishing to file an Affirmative Action or Equal Opportunity complaint may do so through the State’s Civil Service Complaint process, Indiana Civil Rights Commission, or Equal Employment Opportunity Commission. Supervisors receiving complaints shall adhere to the SPD procedures for Civil Service complaints found on the SPD website at:

<http://www.in.gov/spd/2399.htm>.

Offenders/youth wishing to file an Affirmative Action or Equal Opportunity complaint shall use the forms and procedures found in IDOC Policy 00-02-301, “The Offender Grievance Process,” or Policy 03-02-105, “Youth Grievance Process,” respectively.

V. REQUESTS FOR REASONABLE ACCOMMODATIONS:

Any employee requesting reasonable accommodation is to submit a written request to IDOC Human Resources. Once IDOC Human Resources has received reasonable documentation of the disability for which the employee is requesting an accommodation, the next step is to engage in an interactive discussion to determine what, if any, accommodation should be provided. All requests shall be considered on a case-by-case basis. Decision regarding a request for reasonable accommodation shall be communicated in writing. All medical information shall be maintained confidentially and separately from the employee’s personnel file.

In situations where it is deemed in the best interest of the facility, the Facility Head may provide arrangements (not ADA accommodations) for temporary impairments resulting from injury, illness, or disease. Temporary assignments should not exceed a period of ninety (90) days from the date the employee returns to work with restrictions which preclude the employee from performing all essential job requirements. Any consideration for an extension requires additional medical justification to be submitted prior to the end of the period of time granted for temporary assignment. If an employee is unable to return to full duty following the ninety (90) day temporary assignment and/or authorized extensions, the employee shall be advised of the following options:

- A. Obtain employment in a position where they can perform the essential job duties;
- B. Request an ADA reasonable accommodation in accordance with Section V above;
- C. Apply for State of Indiana disability program and/or FMLA;
- D. Apply for retirement, if eligible; or,
- E. Resign.

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Information regarding Americans with Disabilities Act may be obtained through SPD's Staff Relations Division or the facility's Human Resources Office.

The Department is committed to achieving compliance with Americans with Disabilities Act (ADA). This will be achieved in conjunction with fulfilling the Department's mission, goals, and the responsibilities entrusted to it by the citizens of the State of Indiana.

All complaints alleging discrimination based on disability (ADA) may be initiated by utilizing the Civil Service Complaint form as provided for employees without retribution or penalty for using said procedure.

All staff complaints alleging discrimination based on a disability shall be brought to the attention of the facility's Human Resources Manager who shall investigate the complaint to ensure a prompt resolution. All ADA complaints shall in turn be forwarded to SPD's Staff Relations Division.

The use of the ADA complaint procedure does not limit the rights of the individual to seek redress through other legal channels. The ADA complaint procedure permits the Affirmative Action Division to quickly respond to problems as they are reported.

VI. EMPLOYEE/STAFF RESPONSIBILITIES:

Employees are responsible for managing their health in a manner that allows them to safely perform their job responsibilities. Employees must come to work fit for duty and must perform their job responsibilities in a safe and secure manner during the entire time on duty. Employees are responsible for notifying their supervisor when they do not feel that they are fit for duty. Employees are responsible for notifying the supervisor when they observe a coworker acting in a manner that indicates the coworker may not be fit for duty.

VII. SUPERVISOR RESPONSIBILITIES:

Supervisors are responsible for observing the attendance, performance, and behavior of the employees they supervise. Supervisors are responsible for adhering to this policy and administrative procedure when presented with circumstances or knowledge that indicate that an employee may be unfit for duty. Any document containing medical information regarding an employee is considered private and protected information and shall be treated as confidential. All medical records transmitted electronically must be done so securely.

Supervisors are responsible for pursuing fitness for duty evaluations only when there is an objective, reasonable basis derived from direct observation, credible third-party report, or other reliable information which makes the supervisor feel that the employee may be

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unable to safely and/or effectively perform their duties due to a psychological condition or impairment. Fitness for duty evaluations are not meant to be punitive or retributive in nature and may not be used in place of disciplinary action. Fitness for duty evaluations should be used in situations where the intent is to retain the employee.

Fitness for duty evaluation does not take the place of assisting employees who are in crisis with obtaining urgent or emergent mental health care. For employees who make suicidal statements, gestures, or inferences; or who make statements of homicidality, it is imperative to call police, EMS, or a Crisis Intervention Team to assist in taking the employee to an emergency room or mental health hospital for evaluation. Following these interactions and all appropriate follow up care, a fitness for duty evaluation may be necessary prior to the employee returning to work. If an employee makes statements indicating they may be considering harming themselves or others, or is displaying symptoms indicative of a mental health crisis, intervention is necessary.

For employees whose concerns are urgent, but not life-threatening it is appropriate for another employee to assist them in contacting the Employee Assistance Program (EAP) and remaining with them until an appointment is scheduled. It is also appropriate for HR to follow up with the employee to identify any other needed resources.

No employee should experience retaliation for seeking or requiring hospitalization or inpatient care for mental health or substance use disorders.

VIII. THRESHOLD CONSIDERATIONS:

Referring an employee for a fitness for duty evaluation is indicated whenever there is an objective and reasonable basis for believing that the employee may be unable to safely, effectively perform their duties due to a psychological condition or impairment, and/or poses an imminent and serious safety threat to self or others. An objective basis is one that is not merely speculative but derives from direct observation, a credible third-party report, or other reliable evidence.

When deciding whether or not to conduct a fitness for duty evaluation, both the Department and independent evaluator shall take into account its potential usefulness and appropriateness given the specific circumstances, and the Department shall consider whether other remedies (e.g., education, training, discipline, physical fitness for duty evaluation) might be more appropriate or useful instead of, or in addition to, a psychological fitness for duty evaluation.

IX. FITNESS FOR DUTY:

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The intent of this process is to retain the employee or to determine whether the employee is fit for duty. Employees may be required to submit a statement from a licensed health care provider to verify fitness for duty or the legitimacy of a request for paid sick leave. Such a statement must indicate the period of incapacity and restrictions, if any, on the employee’s ability to perform all essential functions of their job with or without a reasonable accommodation. The Department’s Human Resources office shall engage the employee in an interactive discussion and require documentation, including the licensed health care provider’s suggestions regarding possible reasonable accommodations. Human Resources, along with the employee’s supervisor, shall determine whether there is a reasonable accommodation available that enables the employee to perform the essential functions of their job if the request for exemption is due to their own medical condition. If the employee’s illness, injury, or legal quarantine is anticipated to last more than thirty (30) consecutive days, the short and long term disability forms shall be used to document the medical necessity.

Once the need for a psychological fitness for duty evaluation has been identified, the employee shall either be removed from duty or shall be moved to a location where they do not present a threat to the safety of self or others. Failure to remove the employee from duty creates the situation of negligent retention where other employees are aware that the employee may be unfit for duty, but do not act to prevent negative outcomes. State-issued service weapons should be removed from the possession of an employee whose fitness for duty is in question at the beginning of the referral process.

A. Limitations

These guidelines are not intended to serve as a basis for disciplinary action, or civil or criminal liability against the employee. The standard of care is established by a competent authority, not by the guidelines. No ethical, licensure, or other administrative action or remedy, nor any other cause of action should be taken *solely* on the basis of an independent evaluator’s findings.

These guidelines are not intended to establish a rigid standard of practice for fitness for duty evaluations. Instead, they are intended to reflect the commonly accepted practices of the independent evaluator and the agency they serve. Each of the guidelines may not apply in a specific case or in all situations. The decision as to what is or is not done in a particular instance is ultimately the responsibility of the Department and independent evaluator.

B. Independent Evaluator Qualifications:

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In light of the nature of these evaluations and the potential consequences to the Department, the employee in need of evaluation, and the public, it is important for independent evaluators to perform fitness for duty evaluations with maximum attention to the relevant legal, ethical, and practice standards. Independent evaluators should also consider and be guided by statutory and case law applicable to the employing agency's jurisdiction. Consequently, it is recommended that these evaluations be conducted only by a qualified mental health professional. At a minimum, it is recommended that independent evaluators:

1. Be licensed psychologists or psychiatrists with education, training, and experience in the diagnostic evaluation of mental and emotional disorders;
2. Be competent in the evaluation of correctional personnel;
3. Be familiar with essential job functions of the employee being evaluated and the literature pertinent to fitness for duty evaluations, especially that which is related to corrections psychology;
4. Be familiar with, and act in accordance with, relevant State and federal statutes and case law, as well as other legal requirements related to employment and personnel practices (e.g., disability, privacy, third-party liability);
5. Recognize and make ongoing efforts to maintain and develop their areas of competence based on their education, training, supervised experience, consultation, study, and professional experience; and,
6. Seek appropriate consultation, supervision, and/or specialized knowledge to address pertinent issues outside their areas of competence that may arise during the course of a fitness for duty evaluation

When a fitness for duty evaluation is known to be in the context of litigation, arbitration, or another adjudicative process, the independent evaluator should be prepared by training and experience to qualify as an expert in any related adjudicative proceeding.

Fitness for duty independent evaluators strive to remain impartial and objective and to avoid undue influences by any of the parties involved in the case. In general, mental health professionals refrain from rendering fitness for duty opinions when they are not conducting a fitness for duty evaluation, such as when providing debriefings in the context of use-of-force deaths or similar services in situations when return to duty is at issue.

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C. Conflicts of Interest:

Independent evaluators should decline to accept a fitness for duty evaluation referral when personal, professional, legal, financial, or other competing interests or relationships could reasonably be expected to:

1. Impair their objectivity, competence, or effectiveness in performing their functions;
2. Expose the person or the Department with whom the professional relationship exists to harm or exploit (e.g., conducting a fitness for duty evaluation on an employee who had previously been in counseling or therapy with the independent evaluator, evaluating an individual with whom there has been a business or significant social relationship); or,
3. Pose potential conflicts of interest related to recommendations or the provision of services following the evaluation (e.g., referring an employee in need of evaluation to oneself for subsequent treatment).

If such conflicts are unavoidable or deemed to be of minimal impact, the independent evaluator should disclose the potential conflicts to all affected parties and obtain their informed consent to proceed with the evaluation. Disclosure by the independent evaluator and consent by all parties must be appropriately documented.

D. Referral Process:

When an employee has been identified as needing a psychological fitness for duty evaluation, the Department and independent evaluator shall consult before the fitness for duty evaluation commences to ensure that the fitness for duty evaluation is indicated in a particular case and that it is consistent with the independent evaluator's training, experience, and capacity for objectivity.

Once the referral has been deemed appropriate, the employer shall complete a referral in writing to the independent evaluator that includes a description of the objective evidence giving rise to concerns about the employee's fitness for duty and any particular questions that the employer requests the independent evaluator to address.

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In the course of conducting the fitness for duty evaluation, it is usually necessary for the independent evaluator to receive background and collateral information regarding the employee’s past and recent performance, conduct, and functioning. The information may include, but is not limited to, job class specifications and/or job description, performance evaluations, previous remediation efforts, commendations, testimonials, intelligence and investigation reports, formal citizen/public complaints, use-of-force incidents, reports related to inappropriate use of force, civil claims, disciplinary actions, incident reports of any triggering events, medical records, prior psychological evaluations, training records, and other supporting or relevant documentation related to the employee’s psychological fitness for duty. In some cases, an independent evaluator may ask the employee in need of evaluation to provide relevant medical or mental health treatment records and other data for the independent evaluator to consider. It is important that all collected information be clearly related to job performance issues and/or the suspected job-impairing mental condition.

When some portion of the information requested by an independent evaluator is unavailable or is withheld, the independent evaluator must judge the extent to which the absence of such information may limit the reliability or validity of their findings and conclusions before deciding to proceed. If the independent evaluator proceeds with the examination, it is recommended that the subsequent report include a discussion of any such limitations judged to exist.

E. Informed Consent / Authorization to Release Information:

A fitness for duty evaluation requires the informed consent of the employee and the employer to participate in the examination. At a minimum, informed consent should include the following:

1. A description of the nature and scope of the evaluation;
2. The limits of confidentiality, including any information that may be disclosed to the employer without the employee’s authorization;
3. The party or parties who will receive the fitness for duty evaluation report of findings, and whether the employee will receive a report or explanation of findings;
4. The potential outcomes and probable uses of the examination, including treatment recommendations, if applicable; and,

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5. Other provisions consistent with legal and ethical standards for mental health evaluation conducted at the request of third parties

As a part of the informed consent process, the independent evaluator identifies the client and communicates this to the employee at the outset of the evaluation. Nevertheless, the independent evaluator owes an ethical duty to both the referring agency and the employee to be fair, impartial, competent, and objective and to honor the parties' respective legal rights and interests. Other legal duties may also be owed to the employee or Department as a result of statutory or case law unique to an employer's and/or independent evaluator's jurisdiction.

In addition to obtaining informed consent, the independent evaluator will obtain written authorization from the employee to release the independent evaluator's findings and opinions to the employer. If such authorization is denied, or if it is withdrawn once the examination begins, the independent evaluator should be aware of any legal restrictions in the information that may be disclosed to the employer without valid authorization.

F. Evaluation Process:

Depending on the referral question and the independent evaluator's clinical judgment, a fitness for duty evaluation independent evaluator will use multiple methods and data sources to optimize the accuracy of findings. These methods and data sources include:

1. A review of relevant background and collateral information;
2. Relevant psychological testing using assessment instruments and norms appropriate to the referral question(s) and with validity and reliability that have been established for the current use;
3. A comprehensive clinical interview and mental status examination;
4. Collateral interviews with relevant third parties if deemed necessary by the independent evaluator; and,
5. Referral to, and/or consultation with, a specialist if deemed necessary by the independent evaluator.

Prior to conducting collateral interviews of third parties, informed consent must be obtained from the employer, the employee, and the third party, as appropriate. This

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shall include, at a minimum, an explanation of the purpose of the interview, how the information will be used, and any limits to confidentiality.

G. Report and Recommendations:

The independent evaluator shall provide a written report to the Department that contains a description of the rationale for the fitness for duty evaluation, the methods employed, and whenever possible, a clearly articulated opinion that the employee is presently fit or unfit for unrestricted duty. The content of the report should be guided by the referral question(s), the Department’s written policies and procedures, relevant law, the terms of informed consent, and the employee’s authorization.

Independent evaluators will strive to maintain detailed records that will allow scrutiny of their work by others in the event the fitness for duty evaluation becomes part of an adjudicative process. Findings will be presented in a fair, nonpartisan, and thorough manner. Independent evaluators will consider and evaluate whether the results were affected by factors unique to, or differentially present in, fitness for duty evaluation contexts including response style, whether the employee participated voluntarily, and situational stress associated with involvement in labor and/or legal matters.

When an employee is found unfit for unrestricted duty, the report will contain a description of the employee’s functional impairments or job-relevant limitations unless prohibited by law, agency policy, labor agreement, terms of the employee’s disclosure authorization, or other legal matters.

The independent evaluator will not provide opinions whether a recommended restriction or accommodation is reasonable for the specific case and the Department; that determination is to be made collaboratively by the employer and the IDOC Human Resources Director. The employer may request that the independent evaluator reconsider their conclusions in light of additional relevant information obtained after the initial examination is complete. Reexamination or reevaluation may be appropriate in circumstances in which an employee, previously deemed unfit for duty, subsequently provides information suggesting their fitness has been restored.

X. OFFENDER AND EX-OFFENDER EMPLOYMENT:

The Department endorses the employment of those persons who meet the minimum qualifications for positions within the Department regardless of previous status as an

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offender/youth committed to the Department. Ex-offenders/youth, regardless of community supervision (e.g., parole, probation, CTP) status, may be considered for employment at the discretion of the Facility Head. Due to the nature of certain positions, ex-offenders/youth will be restricted from some job classes and/or employment locations. This section also applies to ex-offenders/ex-youth seeking positions as contractors with the Department.

An offender, housed in Community Re-Entry/Work Release Centers, that meets minimum qualifications may be considered for employment in the Department provided the Warden of the Community Re-Entry/Work Release Center and the Warden/Facility Head of the job location approve the employment. Due to the nature of certain positions, Community Re-Entry/Work Release offenders shall be restricted from some job classes and/or employment locations.

An offender, under community supervision, that meets minimum qualifications may be considered for employment in the Department provided the offender's supervising Parole Agent or probation officer and the Warden/Facility Head of the job location approve the employment in writing. Due to the nature of certain positions, the offender shall be restricted from some job classes and/or employment locations.

XI. APPLICATION FOR EMPLOYMENT, TRANSFER, OR PROMOTION:

An applicant or current employee who desires to be considered for employment, transfer, or promotion must initiate the process by acquiring and completing the application process of the SPD by visiting the State Job Bank and employment opportunities website at :

<http://www.in.gov/spd/2334.htm>.

Human Resources staff shall evaluate the application to determine if the preferred qualifications have been met and whether the applicant's name shall be routed to the hiring manager. New employees may received credit for prior documented relevant training.

XII. PROVISIONAL, TEMPORARY OR INTERMITTENT APPOINTMENTS:

In order to prevent stoppage of State business or loss or serious inconvenience during an emergency and to ensure that short-term personnel, both full-time and part-time, can be available during emergencies, an appointing authority may make an emergency appointment of any qualified person. Notice shall immediately be forwarded to the appointment to the SPD Director. The appointing authority shall adhere to the requirements of Indiana Administrative Code 31 IAC 5-2-4 found online here:

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<http://www.in.gov/legislative/iac/T00310/A00050.PDF>

XIII. CRIMINAL BACKGROUND CHECKS:

The Department shall perform a criminal background records check, in accordance with Policy and Administrative Procedure 04-03-103, “Information and Standards of Conduct for Departmental Staff,” before enlisting the services of any individual who may have contact with offenders. The Department shall also ensure that criminal background record checks are conducted at least once every four (4) years on current employees who may have contact with offenders.

If suspect information on matters with potential terrorism connections is returned on an applicant, it shall be forwarded to Office of Investigations and Intelligence for notification to the local Joint Terrorism Task Force (JTTF) or similar agency.

XIV. EMPLOYMENT VERIFICATION:

In accordance with the SPD procedures, employers requesting verification of the employment of a current or former Department employee may be provided the following: name, gross compensation, job title, business address, business telephone number, job description, and dates of employment.

However, if the employer is an institutional/correctional employer, and the employer requests information on substantiated allegations of sexual abuse or sexual harassment involving the former employee, the request shall be forwarded to the Department’s Executive Director of Human Resources. Human Resources shall confirm and document that the request originated from an institutional/correctional employer. After confirmation, Human Resources shall forward the Prison Rape Elimination Act Release of Information form, signed by the prospective employee, to the institutional/correctional employer for completion, signature, and return to Human Resources. Once the form is returned and received, Human Resources shall verify the dates of employment and forwards the form to the Executive Director of PREA Compliance. The Executive Director of PREA Compliance shall research the Sexual Incident Report System (SIRS) for substantiated incidents involving the former employee, accurately complete the form, and return to the institutional/correctional employer.

XV. PERSONNEL RECORDS:

Human Resources shall maintain a current, accurate, confidential personnel record on each employee. Information obtained as part of required documentation regarding medical

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condition or history of applicants and employees is collected and maintained on separate forms and in separate medical files and treated as a confidential medical record.

If an employee wishes to challenge specific information in their personnel record, the staff person may contact the facility's Human Resources office to initiate the tenets of Indiana Code 4-1-6-5.

XVI. EMPLOYEE ASSISTANCE PROGRAM:

The SPD provides an Employee Assistance Program (EAP) with the goal to assist employees coping with challenges, either personal or professional. Employees may access the program by telephone or visiting the EAP website at:

<https://www.in.gov/spd/2466.htm>

XVII. HEALTH AND WELLNESS PROGRAMS:

The State of Indiana, through the State Personnel Department, encourages and supports employees to participate and engage in health and wellness activities inside and outside of their work stations. The *Invest in Your Health* program includes, but is not limited to:

- A. Education on inherent health risks;
- B. Monitored goals and objectives;
- C. Engagement surveys;
- D. Activity oversight committee;
- E. Periodic health screenings;
- F. Incentives to encourage employee participation; and,
- G. Linkages to support programs (e.g., Employee Assistance Program).

The *Invest in Your Health* program is found online here:

<http://www.investinyourhealthindiana.com/>

XVIII. CONFIDENTIALITY OF INFORMATION:

Employees, interns, volunteers, consultants, and contractors who work with offenders shall be informed in writing about the facility's/Department's policies and procedures on confidentiality of information and agree to abide by them.

POLICY AND ADMINISTRATIVE PROCEDURE			
Indiana Department of Correction			
Manual of Policies and Procedures			
Number	Effective Date	Page Number	Total Pages
04-03-102	11/1/2020	17	17
Title			
HUMAN RESOURCES			

XIX. APPLICABILITY:

This policy and administrative procedure is applicable to all Department facilities, Parole District Offices, Central Office, and staff.

signature on file
Robert E. Carter, Jr.
Commissioner

Date