



State of Indiana
Indiana Department of Correction

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**POLICY AND ADMINISTRATIVE
PROCEDURES**
Manual of Policies and Procedures

Title INDIANA DEPARTMENT OF CORRECTION PERSONNEL POLICY

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	Other References (includes but is not limited to) ACA Personnel Standards
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I. PURPOSE:

The purpose of this policy and administrative Procedure is to bridge the gaps between the Indiana State Personnel Department’s (SPD) policies and procedures and 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. The Department shall ensure that staff is provided information about employment with the Department including benefits, standards of conduct, and other relevant information.

In order for Department staff to carry out assigned duties in the most efficient and professional manner, staff must be fully informed of their individual duties and responsibilities, provided with adequate supervision, and treated with dignity and respect at all times.

In order to maintain compliance with nationally recognized corrections standards, it is necessary for the Department to develop policies and procedures that cover standards’ requirements that are not addressed by SPD.

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 agency or about employment in general are not considered to be an applicant.
- C. **DEPARTMENT PREA COORDINATOR:** The staff person designated by the Commissioner to oversee facility sexual assault prevention programs, sexual assault reporting and Department compliance with national standards.
- D. **DISCRIMINATION:** An act having an unjustifiable adverse effect against any person, including offenders, other staff persons, or the public, in any manner on the basis of race, color, creed, religion, sex, national origin, gender, sexual orientation, physical disability, or mental disability.
- E. **EX-OFFENDER:** 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.
- F. **REASONABLE ACCOMODATION:** Any alterations, adjustments, or changes in the job and/or workplace to enable an otherwise qualified disabled individual, or disabled veteran to participate or to perform a particular job successfully, as determined on a case-by-case basis and individual circumstances. The term also refers to adjustments made by an employer to accommodate an employee whose religious beliefs forbid working on certain days or hours.

IV. EQUAL OPPORTUNITY EMPLOYMENT AND AFFIRMATIVE ACTION PLANS:

The Department shall establish and implement an Affirmative Action Program which ensures that employment, training, and promotions for all individuals are considered without regard to race, color, religion, gender, national origin, conviction, age, disability, veteran or Vietnam Era Veteran status. Sexual harassment is also prohibited. In addition the Department is committed to providing reasonable accommodations to persons with disabilities.

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As a Department, the ethical and statutory responsibility to afford equal treatment and equal opportunity to all person is acknowledged. The Department affirms its policy of promoting non-discrimination and equality of 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 agency staff member(s) is prohibited.

All employees 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 agency's Affirmative Action Program and shall continue to exert the efforts necessary to correct the underutilization of minorities and women in all levels of employment and to maintain a discrimination free work environment. 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 know:

- 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.

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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 measure to be pursued, projected concerns, and current concerns. This report shall be submitted to the Commissioner with copies distributed to Executive Staff and Division Directors.

Staff members 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/students 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, "Student Grievance Process," respectively.

V. REQUESTS FOR REASONABLE ACCOMODATIONS:

Any employee requesting reasonable accommodation is to submit a written request to IDOC Human Resources. The employee will be provided with a document describing the essential physical and mental requirements of the position. The employee should present this document to the Primary Care Provider for completion and signature. The document is to be returned to the facility's Human Resources Office within ten (10) working days.

Once Human Resources has received the proper documentation, the request will be considered and approved on a case by case basis. All medical information shall be kept confidential.

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 in excess 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 will require 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 will be advised of the following options:

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- A. Obtain employment in a position where he or she can perform the essential job duties;
- B. Present medical documentation substantiating eligibility for accommodation in accordance with ADA;
- C. Apply for State of Indiana disability program, FMLA;
- D. Apply for retirement, if eligible;
- E. Resignation; or
- F. Dismissal.

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

The Department of Correction is committed to achieving compliance with Americans with Disabilities Act (ADA). This will be done 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 Affirmative Action complaint procedure as provided for employees and offenders without retribution or penalty for using said procedure.

All staff complaints alleging discrimination based on a disability should be brought to the attention of the facility's Human Resources Manager who will investigate the complaint to ensure a prompt resolution. All ADA complaints will in turn be forwarded to SPD's Employee 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. OFFENDER AND EX-OFFENDER EMPLOYMENT:

The Department endorses the employment of those persons who meet the minimum qualifications for positions within the Department, including contractual positions, regardless of previous status as an offender/student committed to the Department. Ex-offenders/students, 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/students will be restricted from some job classes and/or employment locations.

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An offender, housed in Community Re-Entry/Work Release Centers, that meets minimum qualifications may be considered for employment in the Department, including contractual positions, provided the Superintendent/Facility Head of the Community Re-Entry/Work Release Center and the Superintendent/Facility Head of the job location approve the employment. Due to the nature of certain positions, Community Re-Entry/Work Release offenders will 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, including contractual positions, provided the offender's supervising parole or probation officer and the Superintendent/Facility Head of the job location approve the employment in writing. Due to the nature of certain positions, the offender will be restricted from some job classes and/or employment locations.

VII. APPLICATION FOR EMPLOYMENT, TRANSFER, OR PROMOTION:

An applicant or staff person 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.

VIII. PROVISIONAL, TEMPORARY OR INTERMITTENT APPOINTMENTS:

In order to prevent stoppage of State business or loss or serious inconvenience during an emergency, an appointing authority may make an emergency appointment of any qualified person, but notice shall immediately be give of 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:

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

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IX. CRIMINAL BACKGROUND CHECKS:

The Department shall perform a criminal background records check before enlisting the services of any employee or contractor who may have contact with offenders. The Department shall also conduct criminal background records checks every four years of current employees and contractors who may have contact with inmates. These background checks shall be completed in four sections, one section each year, in order to ensure all background checks are completed within the four-year cycle.

Beginning with the first year of the four-year cycle, and subsequent years moving forward, facility Personnel staff shall compile a roster of staff based on their PeopleSoft ID number to be submitted to the Human Resources Director for the Department. The roster shall be sorted by using the last two digits of an employee’s PeopleSoft ID number. Staff with PeopleSoft ID’s ending in 00-24 shall be submitted for criminal background records checks during the first year, 25-49 for the second, 50-74 for the third and 75-99 for the final year. Upon completion of the final year, Personnel staff shall continue the process the following year with PeopleSoft ID’s ending in 00-24.

The Department’s Human Resources Director shall notify the Department PREA Coordinator upon receipt of submitted rosters. The Department PREA Coordinator shall then coordinate the completion of the criminal background records checks.

X. APPLICABILITY:

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

signature on file
Bruce Lemmon, Commissioner

Date