



INDIANA  
STATE ETHICS COMMISSION

JUL 14 2016

FILED

STATE OF INDIANA  
Department of Correction

Indiana Government Center – South

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Michael R. Pence  
Governor

Bruce Lemmon  
Commissioner

## IC 4-2-6-11 Post-employment Waiver

As the Appointing Authority for the Indiana Department of Correction, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Michael Lloyd in his post-employment with The Volunteers of America of Indiana.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

- A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of the following provisions of 42 IAC 1-5-14 (IC 4-2-6-11):

IC 4-2-6-11(b)(2): 365-day required "cooling off" period before receiving compensation from an employer for whom the state employee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.

IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker.

- B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

- 1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:**

Michael Lloyd is currently employed with the Indiana Department of Correction as its Director of Transitional Facilities. In this capacity, Director Lloyd helps oversee the administration of several minimum-security transitional programs operated by the Department of Correction, as well as community-based residential programs supported by the Department via contracts with third-party providers of residential services. One of these contracted providers is the Volunteers of America of Indiana, which is a faith-based organization that offers reentry services and transitional housing for persons in need, including those being released from the Department's prisons. The Indiana

Department of Correction currently has a contract with Volunteers of America of Indiana ("VOA") to provide residential housing in the Cities of Indianapolis and Evansville for inmates transitioning from prison, or for those released to parole but prove to be noncompliant with conditions of parole and require additional management and monitoring. As Director of Transitional Facilities, one of Michael Lloyd's responsibilities is to help identify good candidates for placement with VOA, and monitors activities and conditions within VOA facilities to insure that VOA complies with the terms of the contract with the Department.

The Department of Correction has contracted with VOA for residential beds for over ten years; long before Director Lloyd was appointed Director of IDOC's transitional Facilities. However, Director Lloyd was involved in the most current contract, which was executed in January 2016. Immediately prior to the contract with VOA, the Department of Correction's contract for Indianapolis-based low custody residential beds was with a vendor, Correctional Education Centers, Inc., that operated Indianapolis-based Liberty Hall. When facts emerged that management at Liberty Hall was below expectations and criminal charges were being pursued against some of its staff, the Department exercised the "termination for convenience" provision of the contract, and began relocating the approximately 150 inmates housed there to Department of Correction operated facilities. The 32 female inmates housed at Liberty Hall proved difficult to place. The only provider of female residential beds known to operate in Indianapolis is VOA, which also housed 50 male inmates in Evansville as a subcontractor for Liberty Hall. Because of the immediate need for placement, the Department of Administration approved a request for special procurement to contract with VOA for these transition residential beds. The contract is listed as EDS # D25-6-9594, and was prepared and executed in January 2016. It is a one-year contract that provides services for up to 35 female inmates in the Indianapolis area, and an additional 50 inmates in the Evansville area, at a per diem rate of \$37.50 per inmate, for a total do not exceed amount of \$1,163,437.50. The per diem rate and other terms of the contract with VOA were virtually identical to the terms of the contract with Liberty Hall.

**2. Please describe the nature of the duties to be performed by the employee for the prospective employer:**

VOA's offer of employment would have Michael Lloyd chiefly responsible for the day-to-day operations of VOA's residential facilities. These facilities provide housing to a variety of persons in need, and would include the beds encompassed under VOA's contract with the Department of Correction.

**3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency, and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:**

The Department's contract with VOA continues until January 4, 2017, and includes a one-year renewal provision upon consent of the parties. In as much as VOA would be providing beds for persons sent to the Department of Correction, it would be expected that in this new role, Michael Lloyd would engage in routine and ongoing communications with staff from the Department's Operations Division. These communications by Mr. Lloyd or by staff he would supervise would include such things send routine reports to the Department, as well as specialized reports on DOC inmates/parolees who have absconded from the program. They would also provide updates on activities by residents that may get them removed from the program, and provide details of any events that could impact fulfillment of the contract for residential beds.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Although losing his experience would be a detriment to the Agency, in this new role Michael Lloyd would best understand and be able to implement the services consistent with the expectations of the Department, and the needs of the inmates and parolees assigned to the facilities operated by the VOA. Director Lloyd's previous experience superintending cutting edge transitional facilities for the Department should prove beneficial in assuring that the residential services provided by VOA operate using best correctional practices. Providing good transitional residential services can reduce the rate of inmate recidivism, reduce the number of subsequent crimes committed by released offenders, and improve the safety of the citizens of Indiana.

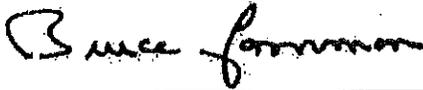
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

The employee would not experience undue hardship if this request were denied.

C. Signatures

1. Appointing Authority/State Officer of Agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Bruce C. Lemmon



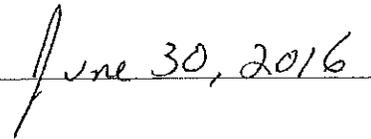
DATE

2. Ethics Officer of the Agency

By signing below I attest to the form and this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



DATE

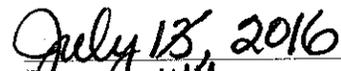


D. Approval by State Ethics Commission

FOR OFFICE USE ONLY

Approved by State Ethics Commission

  
Priscilla Keith, Acting Chair, State Ethics Commission

  
Date 