



P O Box 8707
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 www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Holiday Payouts

NUMBER: ~~16-3819-XX~~

SUPERSEDES: ~~14-3116-38~~

APPLICABILITY: All Staff

REFERENCE: Act 1291 of 2007
 Act 289 of 2014

PAGE: 1 of 2

APPROVED: Original Signed by ~~Wendy Kelley~~

EFFECTIVE DATE: 8/26/2016

I. POLICY:

The Arkansas Department of Correction (ADC) may issue compensation for unused accrued holiday hours pursuant to the appropriation act for the current biennium.

II. EXPLANATION:

- A. The Arkansas Department of Correction is authorized to pay employees in an eligible classification hours of unused holidays in the employee's holiday account following the end of the calendar year.
- B. Employees terminating employment from the ADC are eligible to receive compensation for all holiday hours accrued while serving in an eligible classification.

III. DEFINITIONS:

- A. Eligible Classification - refers to employees who earn holiday time while employed in one of the following classifications:

- Correctional Officer
- Corporal
- Sergeant
- ~~Officer First Class~~

Lieutenant
Captain
Major
Food Production Manager
Food Production Supervisor

- B. Holiday Usage - any holiday that is not utilized on the actual holiday will always be used in the order they are accrued.

IV. PROCEDURES

A. Holiday Payouts:

1. Employees currently in an eligible classification may be paid annually for any holiday hours earned or they have the option to bank unused holiday hours in the employee's holiday account, ~~not to exceed one hundred fifty (150) hours.~~ The request for annual payment is contingent on approval by the Chief Fiscal Officer of the State, subject to verification by the Director of the Department of Correction that sufficient revenues are available to make such payment.
2. Current employees working in a classification not listed above are not eligible for the holiday payout.

B. Termination:

1. In order to receive compensation, employees in non-eligible classifications, who have previously worked in an eligible classification, may request payment of holiday accruals in writing within two (2) weeks of the proposed termination date but no later than the end of the pay period of the termination or separation from the Arkansas Department of Correction. -This written request must include the title of the eligible classification(s) and the dates worked in those positions.
2. The Unit Human Resources Manager will verify accrued holiday hours in excess of two-hundred forty (240) Annual/Holiday hours combined. Eligible employees will be compensated for all holidays beyond the two-hundred (240) hours provided they were earned while working in an eligible classification.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Holiday Payouts

NUMBER: 19-06

SUPERSEDES: 16-38

APPLICABILITY: All Staff

REFERENCE: Act 1291 of 2007
 Act 289 of 2014

PAGE: 1 of 2

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 2/8/19

I. POLICY:

The Arkansas Department of Correction (ADC) may issue compensation for unused accrued holiday hours pursuant to the appropriation act for the current biennium.

II. EXPLANATION:

- A. The Arkansas Department of Correction is authorized to pay employees in an eligible classification hours of unused holidays in the employee's holiday account following the end of the calendar year.
- B. Employees terminating employment from the ADC are eligible to receive compensation for all holiday hours accrued while serving in an eligible classification.

III. DEFINITIONS:

- A. Eligible Classification - refers to employees who earn holiday time while employed in one of the following classifications:

- Correctional Officer
- Corporal
- Sergeant

Lieutenant
Captain
Major
Food Production Manager
Food Production Supervisor

- B. Holiday Usage - any holiday that is not utilized on the actual holiday will always be used in the order they are accrued.

IV. PROCEDURES

A. Holiday Payouts:

1. Employees currently in an eligible classification may be paid annually for any holiday hours earned or they have the option to bank unused holiday hours in the employee's holiday account. The request for annual payment is contingent on approval by the Chief Fiscal Officer of the State, subject to verification by the Director of the Department of Correction that sufficient revenues are available to make such payment.
2. Current employees working in a classification not listed above are not eligible for the holiday payout.

B. Termination:

1. In order to receive compensation, employees in non-eligible classifications, who have previously worked in an eligible classification, may request payment of holiday accruals in writing within two (2) weeks of the proposed termination date but no later than the end of the pay period of the termination or separation from the Arkansas Department of Correction. This written request must include the title of the eligible classification(s) and the dates worked in those positions.
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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Orientation and Training

NUMBER: ~~199-04~~

SUPERSEDES: ~~19-048-24~~

APPLICABILITY: All Employees

REFERENCE: AR-204 Employment

PAGE: 1 of 7

APPROVED: Original signed by ~~Wendy Kelley~~

EFFECTIVE DATE: ~~1/9/2019~~

I. POLICY:

It is the policy of the Arkansas Department of Correction (ADC) to provide initial training for all newly hired employees and on-going annual training for current employees to ensure compliance with all applicable laws, standards, regulations, policies and post orders. Continuing education is a critical requirement of continued employment with the Department to maintain accreditation with the American Correctional Association (ACA) and to provide employees with the knowledge necessary to provide for the safe and humane treatment of inmates while maintaining the safety, security and good order of all its institutions. All management level employees shall be required to participate in supervisory management level classes as a requirement for the position that those individuals hold or for which they may apply.

II. PURPOSE:

Governor's Executive Order 94-07 ordered the establishment of the State Supervisory Management Institute within the Department of Finance and Administration, Office of Personnel Management (OPM). Approved classes should provide training to management level employees that will teach sound management practices and principles, while increasing the efficiency of the organization and improve the services provided.

All Department of Correction personnel who are considered management level shall participate in training classes, as required and approved by the Department of Correction and the Office of Personnel Management/State Supervisory Management Institute.

III. DEFINITIONS:

- A. New Hire: Employees entering state service for the first time.
- B. Rehire: Employees returning to state service after a break in employment of two or more pay periods.
- C. Transfer: Employees transferring between state agencies and/or institutions or laterally within the Department of Correction without a break in service.

IV. PROCEDURES:

It shall be the policy of the Arkansas Department of Correction (ADC) to provide orientation and training to all newly hired employees, recognized as the Basic Correctional Officer Training for security employees, and Correctional Security for Non-Security Training for non-security employees. Employees who promote or are newly hired and supervise one or more full-time employee(s) shall be required to complete the classes designated for their Management Level Training classification. Principles of this policy are:

- A. Any newly hired security employee must complete the Basic Correctional Officer Training (BCOT) before starting a security position at a unit and/or division. This training shall consist of correctional security training in accordance with ACA and ADC departmental standards.
- B. Any rehired or incumbent security employee who has had a break in security service for more than one year, but less than two (2) years, must re-take the BCOT ~~final examination~~ rehire exam and score 70% or above before being allowed to start a position at a unit and/or division. After a break of more than two (2) years, the rehire or incumbent must complete the entire BCOT training.
- C. Any security employee who is a transfer from another state agency, with or without security experience, must complete the Basic Correctional Officer Training.
- D. Any security new hire from another State Department of Correction must complete the Arkansas Basic Correctional Officer Training.

- E. All new full-time employees must complete a 40-hour orientation program before undertaking their assignments. Non-security employees will complete the Correctional Security for Non-Security class during the first year of employment with a portion of this during orientation. Orientation training requirements are in addition to agency annual requirements (see attachment).
- F. Any non-security rehire who has had a break in service for more than one (1) year, but less than two (2) years, must re-take the Correctional Security for Non-Security ~~final examination~~ ~~rehire exam~~ and score 70% or above within ninety (90) days of their rehire date. After a break of more than two (2) years, the rehire must complete the entire Security for Non-Security training, within (ninety) 90 days of their rehire date.
- G. Non-Security employees who work around or supervise inmates may be sent to Basic Correctional Officer Training at the Warden/Administrator's discretion.
- H. Medical/Mental Health professionals (i.e., M.D., Ph.D., and D.D.S.) may be exempted by the Deputy Director of Health & Correctional Programs, except for those classes mandated by Governor's Executive Order 94-07.
- I. Due to enrollment levels and/or other factors, class length of hours may be shorter than listed. Therefore, in gaining certification of any Management Level, the deciding approval factor is not the amount of hours completed, but rather the completion of the course(s) itself.

V. TRAINING:

ADC will ensure that all new employees/volunteers will receive the ACA/ADC mandatory training requirements. Each year following, the employee will be responsible for obtaining their required yearly ACA/ADC mandatory training within the calendar year (January 1st through December 31st). All employees shall have half of their training completed by June 30th and the remaining half by December 31st.

Training will be based on ACA/ADC Standards (See Attachment 1).. ALL SECURITY STAFF ARE REQUIRED TO OBTAIN 40 TRAINING HOURS ANNUALLY. All Non-Security Employees who supervise one or more employees ~~or have~~ ~~daily~~ ~~contact~~ ~~with~~ ~~inmates~~ are required to obtain 40 or more training hours annually. All Non-Security Employees who do not supervise other employees ~~and only have minimal contact with inmates~~ will only be required to obtain a ~~minimum of~~ 16 training hours annually. Off-site training and conference training must be approved in advance in accordance with ADC policy. Thirty (30) hours is the maximum amount of e-Learning and/or e-CADEMY training hours that will be approved to meet the ACA/ADC Mandatory Training

AD 19-04 Employee Orientation and Training

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Requirements. Failure to complete job related training will result in disciplinary action being taken in accordance with Employee Conduct Standards.

Central Human Resources management will review this policy annually to ensure it is current.

VI. REFERENCES:

Adult Correctional Institutions ACA Standards
Governor's Executive Order 94-07
Administrative Directive on Emergency Preparedness
Office of Personnel Management, Interagency Training Program
Administrative Regulation on Employee Conduct Standards (AR 225)
Administrative Directive on Employee Conduct Standards

Attachment 1

Required ACA/ADC Training for Security Personnel

- Ethics/Conduct Standards
- Firearms Qualification
- CPR/CPR Refresher (Sgt & Above) (every 2 yrs.)
- Suicide Prevention/Intervention
- Supervising IM & IM Rights & Responsibilities
- Use of Force Refresher
- Use of Restraints
- Emergency Preparedness
- Fire Safety
- Chemical Safety/Chemical Right to Know
- Sexual Abuse/Assault (PREA)/ Misconduct
- Sexual Harassment
- Sexual Misconduct

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Required ACA/ADC Training for Non-Security Personnel

- Emergency Preparedness
- Chemical Safety/Chemical Right to Know
- Fire Safety
- Sexual Abuse/Assault (PREA)
- Sexual Harassment Sexual Misconduct
- Ethics/Conduct Standards

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Management Level Training

- Level I training for Security (Sergeant and Food Preparation Manager) or Non-Security Grades GS5/6, IT03, MP04 and higher who supervise one or more employees shall consist of the following classes:
 - Administering Discipline
 - Hiring Talent
 - *CPR/First Aid/AED
 - Fair Labor Standards Act
 - Grievance Prevention and Handling
 - HRkansas
 - Interpersonal Communications
 - Introduction to Management
 - Performance Evaluation

*CPR/First Aid/AED is required for security personnel and must be completed at the unit of assignment prior to attending the Management Level I class. CPR/First Aid/AED is not required for non-security staff.

- **Level II training is designed for staffs that are grades GS7, IT03, MP04 and higher that supervise one or more staff members. Management Level I training is required prior to attending. This training shall consist of the following:**
 - **Ethics in Leadership**
 - **Management Effectiveness**
 - **PREA Investigations**
 - **Rethinking Retention**
 - **Solutions for Health Care in a Correctional Environment**
- **Level III training is designed for staff that are grades GS8/9, IT05, MP04 and higher that supervise one or more staff members. Management Level I and Level II training are required prior to attending. This training shall consist of Advance Management Training.**
- **Level IV training is designed for staff that are grades GS10, IT05, MP04 and higher that supervise one or more staff members. Management Level I, Level II, and Level III training are required prior to attending. This training shall consist of Executive Training.**

*The Department of Correction, with the approval of OPM/State Supervisory Management Institute may make changes in the mandatory classes/training, as needed, to address the operational needs of the Department.

National Incident Management Systems (NIMS) Training

- **In coordination with the Secretary of Department of Homeland Security, the Attorney General, and other appropriate Federal departments and agencies and in consultation with State and local governments, shall establish and maintain a comprehensive training program to meet the national preparedness goal. The program will identify standards and maximize the effectiveness of existing Federal programs and financial assistance and include training for the Nation's first responders, officials, and others with major event preparedness, prevention, response, and recovery roles.**

Attachment 2

ADC /NIMS Training Matrix

<p>Entry Level Employees:</p> <ul style="list-style-type: none"> • Non-Security Personnel • BCOT Cadets 	<p>Required Training:</p> <ul style="list-style-type: none"> • ICS 100, Introduction • IS-700, NIMS, an Introduction • Emergency Preparedness 	<p>Training Location: Training Academy: Security for Non-Security and BCOT</p>
<p>First Line Supervisor:</p> <ul style="list-style-type: none"> • Sgt and above • Lt and above (security) • Supervisor and above (non-security) 	<p>All of the above plus:</p> <ul style="list-style-type: none"> • ICS 200, Basic ICS 	<p>Unit Level FEMA Website http://training.fema.gov</p>
<p>Middle Management:</p> <ul style="list-style-type: none"> • Deputy Wardens, Wardens, Chiefs of Security, and EP Coordinators , ERT Leaders, and Upper level Supervisors 	<p>All of the above plus:</p> <ul style="list-style-type: none"> • ICS 300, Intermediate • ICS-400 Advanced • IS 800, National Response Plan 	<p>ADEM Class, FEMA Website http://training.fema.gov</p>
<p>Command and general staff: Department Heads (Management Team and Administrators, Directors, Public Information, Dept. Heads, and persons assigned to the EOC)</p>	<p>All of the above</p>	<p>ADEM Class, FEMA Website http://training.fema.gov</p>

| AD 19-04 Employee Orientation and Training

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Orientation and Training

NUMBER: 19-07

SUPERSEDES: 19-04

APPLICABILITY: All Employees

REFERENCE: AR-204 Employment

PAGE: 1 of 7

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 2/8/19

I. POLICY:

It is the policy of the Arkansas Department of Correction (ADC) to provide initial training for all newly hired employees and on-going annual training for current employees to ensure compliance with all applicable laws, standards, regulations, policies and post orders. Continuing education is a critical requirement of continued employment with the Department to maintain accreditation with the American Correctional Association (ACA) and to provide employees with the knowledge necessary to provide for the safe and humane treatment of inmates while maintaining the safety, security and good order of all its institutions. All management level employees shall be required to participate in supervisory management level classes as a requirement for the position that those individuals hold or for which they may apply.

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- **Fire Safety**
- **Chemical Safety/Chemical Right to Know**
- **Sexual Abuse/Assault (PREA)**
- **Sexual Harassment**
- **Sexual Misconduct**

Required ACA/ADC Training for Non-Security Personnel

- **Emergency Preparedness**
- **Chemical Safety/Chemical Right to Know**
- **Fire Safety**
- **Sexual Abuse/Assault (PREA)**
- **Sexual Harassment Sexual Misconduct**
- **Ethics/Conduct Standards**

Management Level Training

- **Level I training for Security (Sergeant and Food Preparation Manager) or Non-Security Grades GS5/6, IT03, MP04 and higher who supervise one or more employees shall consist of the following classes:**
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 - **Fair Labor Standards Act**
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 - **HRkansas**
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<p>Middle Management:</p> <ul style="list-style-type: none"> • Deputy Wardens, Wardens, Chiefs of Security, and EP Coordinators, ERT Leaders, and Upper level Supervisors 	<p>All of the above plus:</p> <ul style="list-style-type: none"> • ICS 300, Intermediate • ICS-400 Advanced • IS 800, National Response Plan 	<p>ADEM Class, FEMA Website http://training.fema.gov</p>
<p>Command and general staff: Department Heads (Management Team and Administrators, Directors, Public Information, Dept. Heads, and persons assigned to the EOC)</p>	<p>All of the above</p>	<p>ADEM Class, FEMA Website http://training.fema.gov</p>



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Driver's License

NUMBER: 48-0319-XX

SUPERSEDES: 47-2918-03

APPLICABILITY: All Staff

REFERENCE: AR 225, Arkansas State Vehicle
 Safety Program Rules and Guidelines

PAGE 1 of 3

APPROVED: Original Signed by ~~Wendy Kelley~~
 01/29/2018

EFFECTIVE DATE: _____

I. POLICY:

Any ADC employee whose assigned job duties, as per the job description, may require him/her to operate a state vehicle, or a private vehicle on state business, is required to possess a valid driver's license at all times while on duty.

II. PURPOSE

This policy is intended to insure that all ADC employees who drive on state business, in a state owned vehicle or are reimbursed for driving a private vehicle, have valid driver's licenses and good driving records in accordance with the Arkansas State Vehicle Safety Program.

III. PROCEDURES:

- A. If the employee's driver's license becomes invalid due to suspension, revocation, or expiration, or if the employee for any reason does not possess a valid driver's license, the employee must immediately notify

his/her supervisor. -Failure to do so will result in disciplinary action and may include termination of employment.

- B. An employee who fails to possess a valid driver's license and whose duties require him/her to operate a state vehicle shall be suspended without pay until the employee regains possession of his/her driver's license or until he/she is reassigned to suitable job duties. The suspension should not last longer than 15 days before progressing to the next level of action as in this policy.
- C. Actions against an employee who has accumulated 10 or more points on his/her current Traffic Violation Report shall be as follows:
1. Drivers Who Have Accumulated 10-13 points: The employee must complete a defensive driving course approved by the Department of Correction. If the position is required to operate a vehicle, the employee should also receive disciplinary action in accordance with the Employee Conduct Administrative Directive.
 2. Drivers Who Have Accumulated 14-17 points: Authorization to drive on state business shall be suspended for no less than five (5) working days (40 hours). -If the position is required to operate a vehicle, the employee may receive progressive discipline in accordance with the Employee Conduct Administrative Directive to include suspension without pay during the time the authorization to drive on state business is suspended. In both cases, an approved defensive driving course must be completed within 60 days after the suspension begins. -Upon completion of a defensive driving course, written confirmation of course completion must be provided to the Agency Director. A VSP-5 form must be completed and confirmation of course completion attached and sent to Central Human Resources.(See item 8 for exceptions)
 3. Drivers Who Have Accumulated 18-23 points: Authorization to drive on state business shall be suspended for no less than ten (10) working days (80 hours). -If the position is required to operate a vehicle and the employee has already been suspended for the accumulation of excessive points, the employee may receive progressive discipline in accordance with the Employee Conduct Administrative Directive to include termination. -If the position is required to operate a vehicle and the employee has not been suspended previously for excessive points, the employee shall be suspended without pay during the time the authorization to drive on state business is suspended. In the case of suspension, an approved defensive driving course must be completed within 60 days after the suspension begins. -Upon completion of a defensive

driving course, written confirmation of course completion must be provided to the Agency Director. -A VSP-5 form must be completed and confirmation of course completion attached and sent to Central Human Resources. (See item 8 for exceptions)

4. Drivers Who Have Driving Privileges Suspended or Revoked By the Office Of Driver Services-Shall not be permitted to drive on state business for the duration of the suspension or revocation for no less than 1 day but not to exceed 15 days (no more than 120 hours) -Authorization shall be reinstated only after evaluation and approval by the Agency Director. -Drivers with restricted permits may be authorized to drive on state business as allowed by the restricted permit and only with the Agency Director approval.
5. Drivers Who Have Accumulated 24 or more points on their current traffic violation report - Authorization to drive on state business shall be terminated in accordance with Employee Conduct Administrative Directive. -If the position is required to operate a vehicle, the employee will be terminated.
6. If an employee reaches any stage as described above within a three-year time period and has already completed the ADC-offered defensive driving course, the employee will be required to take another ADC-approved defensive driving course at the employee's expense.
7. Each warden/administrator will receive a weekly updated list of their respective unit/area employees who have excessive points and/or suspended licenses. -In addition, a list of all employees who have excessive points and/or suspended licenses will be provided to the Management Team weekly.
3. Drivers who are convicted for Receive a conviction for Driving While Intoxicated (DWI), Driving Under the Influence (DUI) or any type of Driving Without a License shall have their Authorization to drive on state business suspended.
8. shall be suspended for no less than twenty (20) working days (160 hours). Authorization may be reinstated only after evaluation and approval by the State Insurance Commissioner. A Defensive Driving Course approved by Agency Director must be completed within sixty (60) days after the suspension began with written confirmation of course completion sent to Agency Director.

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D. Actions taken with respect to an employee pursuant to this Administrative

Directive may be in lieu of or in addition to actions taken pursuant to the department's policy concerning employee conduct standards and the rules and guidelines of the Arkansas State Vehicle Safety Program.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Driver's License

NUMBER: 19-08

SUPERSEDES: 18-03

APPLICABILITY: All Staff

REFERENCE: AR 225, Arkansas State Vehicle
 Safety Program Rules and Guidelines

PAGE 1 of 3

APPROVED: Original Signed by Wendy Kelley

EFFECTIVE DATE: 2/8/19

I. POLICY:

Any ADC employee whose assigned job duties, as per the job description, may require him/her to operate a state vehicle, or a private vehicle on state business, is required to possess a valid driver's license at all times while on duty.

II. PURPOSE

This policy is intended to insure that all ADC employees who drive on state business, in a state owned vehicle or are reimbursed for driving a private vehicle, have valid driver's licenses and good driving records in accordance with the Arkansas State Vehicle Safety Program.

III. PROCEDURES:

- A. If the employee's driver's license becomes invalid due to suspension, revocation, or expiration, or if the employee for any reason does not possess a valid driver's license, the employee must immediately notify his/her supervisor. Failure to do so will result in disciplinary action and may include termination of employment.

- B. An employee who fails to possess a valid driver's license and whose duties require him/her to operate a state vehicle shall be suspended without pay until the employee regains possession of his/her driver's license or until he/she is reassigned to suitable job duties. The suspension should not last longer than 15 days before progressing to the next level of action as in this policy.
- C. Actions against an employee who has accumulated 10 or more points on his/her current Traffic Violation Report shall be as follows:
1. Drivers Who Have Accumulated 10-13 points: The employee must complete a defensive driving course approved by the Department of Correction. If the position is required to operate a vehicle, the employee should also receive disciplinary action in accordance with the Employee Conduct Administrative Directive.
 2. Drivers Who Have Accumulated 14-17 points: Authorization to drive on state business shall be suspended for no less than five (5) working days (40 hours). If the position is required to operate a vehicle, the employee may receive progressive discipline in accordance with the Employee Conduct Administrative Directive to include suspension without pay during the time the authorization to drive on state business is suspended. In both cases, an approved defensive driving course must be completed within 60 days after the suspension begins. Upon completion of a defensive driving course, written confirmation of course completion must be provided to the Agency Director. A VSP-5 form must be completed and confirmation of course completion attached and sent to Central Human Resources.(See item 8 for exceptions)
 3. Drivers Who Have Accumulated 18-23 points: Authorization to drive on state business shall be suspended for no less than ten (10) working days (80 hours). If the position is required to operate a vehicle and the employee has already been suspended for the accumulation of excessive points, the employee may receive progressive discipline in accordance with the Employee Conduct Administrative Directive to include termination. If the position is required to operate a vehicle and the employee has not been suspended previously for excessive points, the employee shall be suspended without pay during the time the authorization to drive on state business is suspended. In the case of suspension, an approved defensive driving course must be completed within 60 days after the suspension begins. Upon completion of a defensive driving course, written confirmation of course completion must be provided to the Agency Director. A VSP-5 form must be

completed and confirmation of course completion attached and sent to Central Human Resources. (See item 8 for exceptions)

4. Drivers Who Have Driving Privileges Suspended or Revoked By the Office Of Driver Services-Shall not be permitted to drive on state business for the duration of the suspension or revocation for no less than 1 day but not to exceed 15 days (no more than 120 hours) Authorization shall be reinstated only after evaluation and approval by the Agency Director. Drivers with restricted permits may be authorized to drive on state business as allowed by the restricted permit and only with the Agency Director approval.
 5. Drivers Who Have Accumulated 24 or more points on their current traffic violation report - Authorization to drive on state business shall be terminated in accordance with Employee Conduct Administrative Directive. If the position is required to operate a vehicle, the employee will be terminated.
 6. If an employee reaches any stage as described above within a three-year time period and has already completed the ADC-offered defensive driving course, the employee will be required to take another ADC-approved defensive driving course at the employee's expense.
 7. Each warden/administrator will receive a weekly updated list of their respective unit/area employees who have excessive points and/or suspended licenses. In addition, a list of all employees who have excessive points and/or suspended licenses will be provided to the Management Team weekly.
 8. Drivers who are convicted for Driving While Intoxicated (DWI) or Driving Under the Influence (DUI) or any type of Driving Without a License shall have their authorization to drive on state business suspended.
- D. Actions taken with respect to an employee pursuant to this Administrative Directive may be in lieu of or in addition to actions taken pursuant to the department's policy concerning employee conduct standards and the rules and guidelines of the Arkansas State Vehicle Safety Program.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Peace Officer Powers

NUMBER: ~~19-4-18~~

SUPERSEDES: ~~11-4114-18~~

APPLICABILITY: Employees of the Department of Correction who have been designated to exercise peace officer powers pursuant to ACA 12-27-107(6).

REFERENCE: AR 020 - Emergency Preparedness PAGE 1 of 3

APPROVED: Original signed by ~~Ray Hobbs~~ _____ **EFFECTIVE DATE:**
~~04/11/2014~~

I. POLICY:

It shall be the policy of the Department of Correction to designate those employees of the Department who shall have the powers of peace officers in the enforcement of criminal laws to the extent they apply to employees, inmates and persons on Department of Correction property, or while participating in the search for and capture of an inmate who has escaped custody, or while assisting law enforcement officers in the search for and capture of any fugitive or escapee from another jurisdiction.

II. PROCEDURES:

- A. The Director of the Department of Correction shall designate those employees of the Department who shall have the powers of peace officers and shall ensure that they receive proper training and certification.
- B. This peace officer authority will be exercised within the designated employee's scope of employment with the Department of Correction and in accordance with this regulation.
- C. Acts within the scope of employment are any acts carried out on duty that directly or indirectly involve the security and good order of a correctional facility or the care, custody or control of inmates committed to the Department.

- D. Examples of acts within the scope of employment of a Department employee designated as a peace officer include, but are not limited to, those listed below, provided that such acts are ~~effected~~affected safely and with the appropriate equipment and support.
1. Preventing attempted escapes.
 2. Pursuing, recapturing, arresting, and incarcerating escapees.
 3. Arresting or detaining any person committing a criminal offense within a correctional facility or any person caught bringing contraband into a correctional facility.
 4. Performing any acts specifically required and necessary to perform assigned job duties while on duty status as an employee of the Department of Correction.
- E. Designation as an employee with peace officer powers does not authorize any actions by the employee which fall outside the scope of employment. Acts outside the scope of employment are any acts carried out while the employee is off duty or any acts carried out while on duty which do not directly or indirectly involve the security and good order of a correctional facility or the care, custody, or control of inmates committed to the Department. (Provided, however, that an employee with peace officer powers may come to the aid of any law enforcement officer in need of assistance in carrying out his/her lawful duties.)
- F. Examples of acts outside the scope of employment of a Department employee designated as a peace officer include, but are not limited to, those listed below:
1. Pursuing, arresting or detaining any person for a violation of traffic laws, unless such violation affects the care, custody or control of a correctional facility or inmates committed to the Department.
 2. Arresting or detaining any person for a violation of fish and game laws or municipal laws and regulations, unless such violation affects the care, custody or control of a correctional facility or inmates committed to the Department.
 3. Pursuing, arresting or detaining anyone committing a criminal offense not directly related to the care, custody or control of a correctional facility or inmates committed to the Department.
- G. When ~~effecting~~affecting an arrest pursuant to this regulation, employees with designated peace officer powers will use only that amount of force necessary to effect an arrest or protect themselves or others. The employee making the arrest

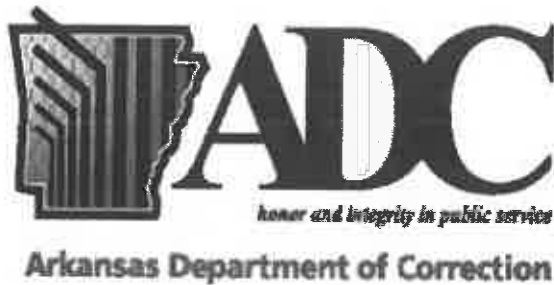
assumes primary responsibility for the health, safety and welfare of the person arrested.

- H. The employee making the arrest will advise the suspect that he/she is under arrest and the charge or cause for arrest. The suspect will be searched pursuant to the arrest. The employee will give the suspect the Miranda warning at the time of the arrest or as soon thereafter as possible.
- I. As soon as practicable after the arrest, the employee making the arrest will notify the law enforcement agency having primary jurisdiction where the arrest was made and relinquish custody of the arrested person to that agency. Alternatively, the employee making the arrest will promptly transport the arrested person to a jail or police station. The employee will provide a written report concerning the arrest and the reasons for the arrest to the law enforcement authority to whom custody of the arrested person is relinquished. The law enforcement authority to whom the Department employee relinquishes custody of the arrested person will determine whether to issue a citation to the person in lieu of continued custody.
- J. All employees certified as Correctional Police Officers (CPO) or who have been certified as a Police Officer through successful completion of an ALETA certified Police course, are to be identified as such by a State issued Police Identification card (ID). The Police Officer ID card will be produced by Human Resources and issued by the Emergency Preparedness Coordinator or the Internal Affairs Administrator at Central Office.
- K. The Internal Affairs Administrator will serve as the Departments full-time officer liaison with Certified Law Enforcement Standards Training (CLEST).
- L. The Emergency Preparedness Coordinator will be responsible for establishing a system of training in accordance with Certified Law Enforcement Standards and coordinating this training through the Arkansas Department of Corrections Training Academy.
- M. ~~The Arkansas Department of Corrections Training Academy~~ Department's Emergency Preparedness Coordinator will be responsible for the storage and maintenance of all records pertaining to the Certified Police Officer's program and must ensure that all mandatory training is completed annually. ~~The Training Academy will send a quarterly report to the Department's management team on the status of each certified employees' training status for certification.~~

III. REFERENCES:

ACA 12-27-107
 ACA 16-81-101 et seq
 ARCrP 4 and 5





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ADMINISTRATIVE DIRECTIVE

SUBJECT: Peace Officer Powers

NUMBER: 19-09

SUPERSEDES: 14-18

APPLICABILITY: Employees of the Department of Correction who have been designated to exercise peace officer powers pursuant to ACA 12-27-107(6).

REFERENCE: AR 020 - Emergency Preparedness PAGE 1 of 3

APPROVED: Original signed by Wendy Kelley EFFECTIVE DATE: 2/22/2019

I. POLICY:

It shall be the policy of the Department of Correction to designate those employees of the Department who shall have the powers of peace officers in the enforcement of criminal laws to the extent they apply to employees, inmates and persons on Department of Correction property, or while participating in the search for and capture of an inmate who has escaped custody, or while assisting law enforcement officers in the search for and capture of any fugitive or escapee from another jurisdiction.

II. PROCEDURES:

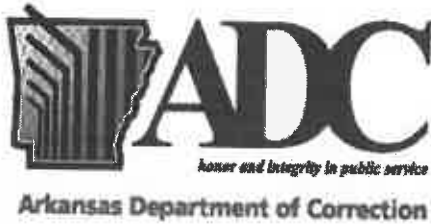
- A. The Director of the Department of Correction shall designate those employees of the Department who shall have the powers of peace officers and shall ensure that they receive proper training and certification.
- B. This peace officer authority will be exercised within the designated employee's scope of employment with the Department of Correction and in accordance with this regulation.
- C. Acts within the scope of employment are any acts carried out on duty that directly or indirectly involve the security and good order of a correctional facility or the care, custody or control of inmates committed to the Department.

- D. Examples of acts within the scope of employment of a Department employee designated as a peace officer include, but are not limited to, those listed below, provided that such acts are affected safely and with the appropriate equipment and support.
1. Preventing attempted escapes.
 2. Pursuing, recapturing, arresting, and incarcerating escapees.
 3. Arresting or detaining any person committing a criminal offense within a correctional facility or any person caught bringing contraband into a correctional facility.
 4. Performing any acts specifically required and necessary to perform assigned job duties while on duty status as an employee of the Department of Correction.
- E. Designation as an employee with peace officer powers does not authorize any actions by the employee which fall outside the scope of employment. Acts outside the scope of employment are any acts carried out while the employee is off duty or any acts carried out while on duty which do not directly or indirectly involve the security and good order of a correctional facility or the care, custody, or control of inmates committed to the Department. (Provided, however, that an employee with peace officer powers may come to the aid of any law enforcement officer in need of assistance in carrying out his/her lawful duties.)
- F. Examples of acts outside the scope of employment of a Department employee designated as a peace officer include, but are not limited to, those listed below:
1. Pursuing, arresting or detaining any person for a violation of traffic laws, unless such violation affects the care, custody or control of a correctional facility or inmates committed to the Department.
 2. Arresting or detaining any person for a violation of fish and game laws or municipal laws and regulations, unless such violation affects the care, custody or control of a correctional facility or inmates committed to the Department.
 3. Pursuing, arresting or detaining anyone committing a criminal offense not directly related to the care, custody or control of a correctional facility or inmates committed to the Department.
- G. When affecting an arrest pursuant to this regulation, employees with designated peace officer powers will use only that amount of force necessary to effect an arrest or protect themselves or others. The employee making the arrest assumes primary responsibility for the health, safety and welfare of the person arrested.

- H. The employee making the arrest will advise the suspect that he/she is under arrest and the charge or cause for arrest. The suspect will be searched pursuant to the arrest. The employee will give the suspect the Miranda warning at the time of the arrest or as soon thereafter as possible.
- I. As soon as practicable after the arrest, the employee making the arrest will notify the law enforcement agency having primary jurisdiction where the arrest was made and relinquish custody of the arrested person to that agency. Alternatively, the employee making the arrest will promptly transport the arrested person to a jail or police station. The employee will provide a written report concerning the arrest and the reasons for the arrest to the law enforcement authority to whom custody of the arrested person is relinquished. The law enforcement authority to whom the Department employee relinquishes custody of the arrested person will determine whether to issue a citation to the person in lieu of continued custody.
- J. All employees certified as Correctional Police Officers (CPO) or who have been certified as a Police Officer through successful completion of an ALETA certified Police course, are to be identified as such by a State issued Police Identification card (ID). The Police Officer ID card will be produced by Human Resources and issued by the Emergency Preparedness Coordinator or the Internal Affairs Administrator at Central Office.
- K. The Internal Affairs Administrator will serve as the Departments full-time officer liaison with Certified Law Enforcement Standards Training (CLEST).
- L. The Emergency Preparedness Coordinator will be responsible for establishing a system of training in accordance with Certified Law Enforcement Standards and coordinating this training through the Arkansas Department of Corrections Training Academy.
- M. The Department's Emergency Preparedness Coordinator will be responsible for the storage and maintenance of all records pertaining to the Certified Police Officer's program and must ensure that all mandatory training is completed annually.

III. REFERENCES:

ACA 12-27-107
ACA 16-81-101 et seq
ARCrP 4 and 5



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Arrests

NUMBER: ~~13-2119-XX~~
 0713-21

SUPERSEDES: 02-

APPLICABILITY: All Employees

REFERENCE: AD Employee Conduct Standards **PAGE** 1 of 4

APPROVED: Original signed by ~~Ray Hobbs~~ Wendy Kelley
 EFFECTIVE DATE: 06/14/2013

I. POLICY:

Employees of the Department of Correction will be dealt with consistently and fairly upon arrest for alleged involvement in illegal actions that result in criminal charges being filed.

II. EXPLANATION/PURPOSE:

Due to the nature of the job responsibilities performed by Department of Correction personnel, it is necessary for employees who have been arrested for alleged criminal conduct to notify their supervisors and Warden/Administrator.

III. DEFINITIONS:

Criminal Ceonduct (illegal action, misconduct) is defined as:

- a. All felonies as defined by State or Federal Codes, other than allegations filed by inmates against employees for misconduct in the performance of duties.

AD 13-219- Employee Arrest

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- b. All misdemeanors as defined by State or Federal Codes (excluding traffic offenses).

Arrest: Taking into custody by law enforcement officials or the issuing of a court summons or arrest warrant by law enforcement officials. All arrests will be reviewed based on the conduct causing the arrest and not necessarily the classification or outcome of the offense.

IV. **PROCEDURES:**

A. Responsibilities

1. Department of Correction employees must notify their supervisor and Warden/Administrator of any felony or applicable misdemeanor arrest.
2. Employees must notify their Warden/Administrator prior to reporting for their next scheduled work day if an arrest has occurred and submit a written explanation. As soon as the documents are available, the employee shall submit to the Warden/Administrator a copy of the arrest warrant and summons. The Warden/Administrator will notify the Human Resource Administrator and forward the documentation of the pending charges.
3. Failure to properly report criminal arrest to the Warden/Administrator will result in disciplinary actions up to and including termination in accordance with Administrative Directive on Employee Conduct & Standards.
4. The Warden/Administrator, upon notification of an employee arrest, will assign and/or assume the task of performing an internal investigation surrounding the circumstances of the arrest. The task of investigating should be assigned/assumed by someone suited to make an objective and unbiased determinations of fact.

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B. Internal Investigation Procedures

The procedures listed below shall be followed when notification has been received of an employee arrest:

1. The Warden/Administrator will place the employee on administrative leave if continued employment jeopardizes the security and good order of the institution. The Human Resources Administrator must be notified when an employee is being placed on Administrative Leave. (Refer to the administrative leave

directive, which explains the proper procedure for placing an employee on this type of leave.)

- a. The investigation should be completed within five (5) working days. -The five (5) working days shall begin on the employee's first scheduled workday following the initial notification of the arrest.

The investigation may include but not be limited to the following:

- a. Personal interview with employee;
 - b. Arrest report;
 - c. Written statements submitted by the employee and employee's witnesses, if any;
 - d. Contact with arresting officer or agency;
 - e. Interview with complainant, if any;
 - f. Contact with employee's immediate supervisor.
- b. If the investigation is not completed within five (5) working days, the Warden/Administrator may make a ~~write a~~ request to the Director to extend the leave with a ~~notice copy~~ request to the appropriate Deputy/Assistant Director and the Human Resources Administrator. -The Director may grant an extension of administrative leave, approve a job reassignment of the employee until the investigation is completed, or deny the request.

2. Completion of Internal Investigation

1. Upon completion of the investigation, the ~~W~~ ~~(take this space out)~~ Warden/Administrator will make a determination as to whether the employee's ability to perform his or her job assignment has been affected by the conduct of the employee and whether the security and good order of departmental operations could be jeopardized by the employee's continued employment. -The Warden/Administrator may hold an administrative hearing and dispense sanctions including termination prior to the criminal offense being adjudicated if the investigation reveals the employee violated employee conduct standards. -The action taken will be predicated on the type of crime, activity or violation committed.
2. Following the investigation, the Warden/Administrator may:

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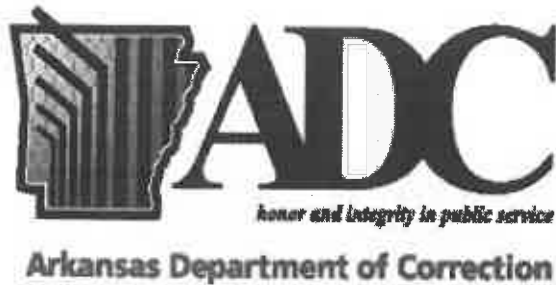
- a. Return the employee to regular duty status or reassign to another post.
- b. Initiate disciplinary action up to and including termination in accordance with the administrative directive governing employee conduct standards.
- c. The Warden/Administrator will submit to the Director, with a copy to the appropriate Deputy/Assistant Director and the Human Resource Administrator, a written report covering the incident, the investigation, persons contacted and his or her decision on the employee's work status.
- d. If the employee is found guilty of a felony or misdemeanor, the Warden/Administrator will review the employee's employment status to determine if further disciplinary action is warranted.

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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employee Arrest

NUMBER: 19-10

SUPERSEDES: 13-21

APPLICABILITY: All Employees

REFERENCE: AD Employee Conduct Standards

PAGE 1 of 4

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 2/22/2019

I. POLICY:

Employees of the Department of Correction will be dealt with consistently and fairly upon arrest for alleged involvement in illegal actions that result in criminal charges being filed.

II. PURPOSE:

Due to the nature of the job responsibilities performed by Department of Correction personnel, it is necessary for employees who have been arrested for alleged criminal conduct to notify their supervisors and Warden/Administrator.

III. DEFINITIONS:

Criminal Conduct (illegal action, misconduct) is defined as:

- a. All felonies as defined by State or Federal Codes, other than allegations filed by inmates against employees for misconduct in the performance of duties.
- b. All misdemeanors as defined by State or Federal Codes (excluding traffic offenses).

Arrest: Taking into custody by law enforcement officials or the issuing of a court summons or arrest warrant by law enforcement officials. All arrests will be reviewed based on the conduct causing the arrest and not necessarily the classification or outcome of the offense.

IV. PROCEDURES:

A. Responsibilities

1. Department of Correction employees must notify their supervisor and Warden/Administrator of any felony or applicable misdemeanor arrest.
2. Employees must notify their Warden/Administrator prior to reporting for their next scheduled work day if an arrest has occurred and submit a written explanation. As soon as the documents are available, the employee shall submit to the Warden/Administrator a copy of the arrest warrant and summons. The Warden/Administrator will notify the Human Resource Administrator and forward the documentation of the pending charges.
3. Failure to properly report criminal arrest to the Warden/Administrator will result in disciplinary actions up to and including termination in accordance with Administrative Directive on Employee Conduct & Standards.
4. The Warden/Administrator, upon notification of an employee arrest, will assign and/or assume the task of performing an internal investigation surrounding the circumstances of the arrest. The task of investigating should be assigned/assumed by someone suited to make an objective and unbiased determinations of fact.

B. Internal Investigation Procedures

The procedures listed below shall be followed when notification has been received of an employee arrest:

1. The Warden/Administrator will place the employee on administrative leave if continued employment jeopardizes the security and good order of the institution. The Human Resource Administrator must be notified when an employee is being placed on Administrative Leave. (Refer to the administrative leave directive, which explains the proper procedure for placing an employee on this type of leave.)

- a. The investigation should be completed within five (5) working days. The five (5) working days shall begin on the employee's first scheduled workday following the initial notification of the arrest.

The investigation may include but not be limited to the following:

- a. Personal interview with employee;
 - b. Arrest report;
 - c. Written statements submitted by the employee and employee's witnesses, if any;
 - d. Contact with arresting officer or agency;
 - e. Interview with complainant, if any;
 - f. Contact with employee's immediate supervisor.
- b. If the investigation is not completed within five (5) working days, the Warden/Administrator may make a request to the Director to extend the leave with a notice to the appropriate Deputy/Assistant Director and Human Resource Administrator. The Director may grant an extension of administrative leave, approve a job reassignment of the employee until the investigation is completed, or deny the request.

2. Completion of Internal Investigation

1. Upon completion of the investigation, the Warden/Administrator will make a determination as to whether the employee's ability to perform his or her job assignment has been affected by the conduct of the employee and whether the security and good order of departmental operations could be jeopardized by the employee's continued employment. The Warden/Administrator may hold an administrative hearing and dispense sanctions including termination prior to the criminal offense being adjudicated if the investigation reveals the employee violated employee conduct standards. The action taken will be predicated on the type of crime, activity or violation committed.
2. Following the investigation, the Warden/Administrator may:
 - a. Return the employee to regular duty status or reassign to another post.

- b. Initiate disciplinary action up to and including termination in accordance with the administrative directive governing employee conduct standards.
- c. The Warden/Administrator will submit to the Director, with a copy to the appropriate Deputy/Assistant Director and the Human Resource Administrator, a written report covering the incident, the investigation, persons contacted and his or her decision on the employee's work status.
- d. If the employee is found guilty of a felony or misdemeanor, the Warden/Administrator will review the employee's employment status to determine if further disciplinary action is warranted.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employment

NUMBER: ~~18-1819-XX~~
~~0418-18~~

SUPERSEDES: ~~18-~~

APPLICABILITY: All Employees and Applicants

REFERENCE: AR-204 Employment Policy

PAGE: 1 of ~~89~~

APPROVED: Original signed by _____ ~~Wendy Kelley~~
~~5/3/2018~~

EFFECTIVE

DATE:

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to ensure all applicants are given fair and equal opportunity for employment in accordance with all state and federal guidelines.

II. PURPOSE:

The Arkansas Department of Correction is an Equal Opportunity Employer. All positions are open equally to qualified male and female applicants.

III. DEFINITIONS:

- A. Employee. A person regularly appointed or employed in a position of the Department of Correction for which he or she is compensated on a full-time basis and which has a class title and pay grade in Arkansas Code Annotated § 21-5-208.
- B. Class or Classification. –A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training and experience or skill, and other characteristics

that the same title, the same test of fitness, and the same scale of compensation have been or may be applied.

- C. Promotion. -A change in duty assignment of an employee from a position in one classification to a position in another classification of a higher salary and/or grade requiring higher qualifications, such as greater skill and longer experience, and involving a higher level of responsibility.

In accordance with the AD governing Employee Conduct Standards, an employee is not eligible to apply for or receive a promotion or transfer while on probation as a result of disciplinary action unless a waiver has been granted by the Director.

An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.

If an employee promotes to a classification one or more grades higher than the current classification within their current pay grid, a 10% salary increase on the salary, less any enhancements or differentials, will normally be awarded. If an employee promotes from the career service pay grid to the professional and executive pay grid, a 12% salary increase on the salary, less any enhancements or differentials, will normally be awarded. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the increase that may be awarded.

- D. Demotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a lower salary and grade requiring fewer qualifications such as lower skill requirements, less job-related experience, and a lower level of responsibility. When an employee voluntarily or is administratively demoted to a classification one or more grades below the current classification within their current pay grid, a salary decrease of 10% or 12%, less any enhancements or differentials, will normally be required. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the decrease that may be required. -An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.

If an employee enters a position that is authorized to receive a Labor Market Rate or a Tier Plan Rate and receives a promotion, demotion, or transfer within the same job family or tier level within twelve (12) months, their base salary must be adjusted with the

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AD 2018-19-3 Employment

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~~applicable percentage increase or decrease according to provisions of the pay plan and authority of the Office of Personnel Management.~~

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- E. New Hire. Employees entering state service for the first time.
- F. Rehire. Employees returning to state service after a break in employment of two or more pay periods.
- G. Displaced Worker. —An individual who has worked for an employer that has downsized or closed within the last twelve (12) months, in which they were continuously employed for three (3) or more years, will be considered for hire with the ADC without a high school diploma or GED. All other criteria must be successfully completed. This individual will not be eligible for any type of promotion and/or merit increase/promotion until he/she has acquired a GED.
- H. Transfer. —Employees transferring between state agencies or institutions or laterally within the Department of Correction without a break in service.
- I. Hiring Authority. —Human Resources Administrator/Wardens/Center Supervisors/Administrators are authorized to make final selection of applicants for positions available within the Arkansas Department of Correction.
- J. Human Resources. —Any employee assigned or designated by a Deputy/Assistant Director, Warden, Center Supervisor, or Administrator, whether within a division, unit, or Central Human Resources, to perform employment-related functions.

IV. PROCEDURES:

A. Position Vacancies:

1. The Hiring Authority must initiate a Position Vacancy Report/Request and Hiring Freeze, with appropriate justification, in order to fill any vacant position. These documents must be submitted to the Central Human Resources Office.
2. ~~Upon receipt of the Hiring Freeze, the Central Human Resources Office will determine if the position is budgeted and authorized to be filled. It will then be forwarded to the Department of Finance and Administration, Office of Personnel Management, for final approval.~~

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- 3.2 Positions assigned to GS13 and above, IT08 and above, MP03 and above, or Senior Executive position vacancies, are not required to

be advertised. The Director has the authority and discretion to appoint or transfer individuals into these classifications.

34. Classified position vacancies within the general salary pay plan must be advertised according to procedures established by the Department of Finance and Administration, Office of Personnel Management, except when an emergency hire is warranted.

~~5.~~ ~~4.~~ Requests for recruitment or advertisement of positions that require additional actions, (e.g., newspapers, mail-outs, etc.), must be submitted to and coordinated by the Central Human Resources Office.

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~~6.~~ Individual units may advertise monthly for Correctional Officer (CO) 1's if there are open positions available at that unit. Each application must have a completed disposition within thirty (30) days of receipt. If an application is not dispositioned within thirty (30) days, no new applications may be accepted.

~~57.~~ All applications received for advertised positions must be submitted according to the guidelines established by the advertisement. Applications received must be complete and will be reviewed to determine if the applicant meets minimum qualifications for the vacancy. Work credit will only be given for paid positions, or internship under a higher education program relative to the qualifications for the position. All qualified applications will be submitted to the Hiring Authority after the closing date of the advertised vacancy.

B. Employment/Selection Process:

1. The Rating System set forth in this policy shall be utilized by the Hiring Authority and/or interview committee for scoring applicants selected for interview. Scoring shall be conducted in a manner that ensures objective criteria are used for selection of the most qualified applicants for vacant positions. Points shall be awarded to applicants for the following criteria: education, experience, and military service. The Rating System shall include:
 - a. Related Education. The applicant must meet minimum requirements for the job classification or must be approved as a qualified applicant per state requirements. A maximum of ten (10) points may be awarded to an applicant for completion of Related Education above and beyond the Minimum Educational Requirements for the position. (For example: If the Minimum Qualifications require a high school diploma, and the applicant possesses

a related Associate's degree, two and one-half (2.5) points will be awarded; if the applicant possesses a related Bachelor's degree, five (5) points will be awarded, and if the applicant possesses a related Master's degree, ten (10) points will be awarded. —If a Bachelor's degree is required and the applicant possesses a related Master's degree, five (5) points will be awarded, and if the applicant possesses a related Doctorate's degree, ten (10) points will be awarded.) A copy of the diploma or degree showing the award of the educational level is required. All diplomas received must be from an institution accredited by the Department of Education for the applicable state. All degrees received must be from a college or university accredited by one of the Regional Institutional Accrediting agencies recognized by the United States Department of Education.

- b. Related Experience. —An applicant's experience level for the job classification is awarded one-quarter (.25) points for each month of related experience exceeding the minimum requirements, up to a maximum of ten (10) points.
- c. Veteran's Status. —An applicant may qualify for five (5) or ten (10) points in accordance with provisions of the Arkansas Veteran's Preference Law. —To claim Veteran's Preference, an applicant must be honorably discharged from a tour of active duty, other than active duty for training only, with the Armed Forces of the United States, or served honorably in the National Guard or Reserve Forces of the United States for a period of at least six (6) years, whether retired or discharged. Five (5) points are awarded for standard veteran's preference. —A disability discharge is ten (10) points. —Discharge must be for "Honorable" or "Under Honorable Conditions" only. Disabled veterans or the spouse of a disabled veteran shall have ten (10) points added to his/her final rating score. The applicant must produce a copy of their DD214 long form or NGB form 22 to receive veteran's preference points. Total points awarded for veteran's status cannot exceed ten (10) points.
- d. Interview. —Scoring for interviews shall be determined by assessing 1) the completed application form, 2) other written material gathered or presented and the applicant's responses to questions which support the knowledge, skills, and abilities (KSA's) of each job specification. —The rating shall be multiplied times the numerical weight (importance)

assigned for each KSA to determine the interview score, which must be 60% or higher. Any supervisory position requires an interview score of 70% or higher.

2. The Hiring Authority shall appoint the interview committee, which will consist of three (3) to five (5) members of the Department. These committee members must be representative of the racial and gender composition of the applicant pool, the same or higher grade as the advertised position, and familiar with the knowledge, skills, and abilities of the position to be filled or positions consisting of General Salary 1-4 can be interviewed by the immediate supervisor of the position without a committee. -The Hiring Authority may also bypass the committee system if there are three (3) or fewer applicants eligible for the position. -At least one (1) member of the interviewing process must have successfully completed Structured Interviewing Training. -The Hiring Authority may select the top-scoring applicant if the Hiring Authority sat on the original interview panel; or, prior to making a final selection, the Hiring Authority may elect to re-interview the top three (3) applicants if the Hiring Authority did not sit on the original interview panel. Written justification in clear and unambiguous terms is required if the applicant selected did not receive the highest score, and this justification must state why this person was selected over the top scoring applicant.
3. Interviews will be conducted for advertised positions if there are applicants with a natural, maximum pre-score cut-off of ten (10) points based on: education, military service, and work experience. Work experience and education must be applicable to the advertised position in order to receive points. --However, no applicant can receive more than thirty (30) pre-score points. -There is no minimum or maximum number of applicants that can be interviewed for a position. -All applicants with military service, who provide a copy of their DD214 showing an honorable discharge, will receive veteran's preference points and must be interviewed, regardless of their pre-score points.

If the Hiring Authority chooses to interview only those applicants with a minimum pre-score, then all applicants with that pre-score, or above, must be interviewed.
4. The Hiring Authority or Human Resources must conduct a background check on all new employees, contractors, volunteers, and Interns/Student Services prior to them assuming their duties, in order to identify whether there are criminal convictions that have a specific relationship to the job performance. -The background check shall include comprehensive identifier information to be collected

and run against law enforcement indices. -If suspect information on matters with a potential terrorism connection is returned on an applicant, it is forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency. --The background check shall include, but is not limited to, NCIC/ACIC record review, Justice Exchange, two (2) or more favorable employment reference checks, and Maltreatment Registries check. --If the NCIC/ACIC report reveals ten (10) or more points assessed against an applicant's driver's license, or reveals that a license is suspended or not valid, the applicant is not eligible for hire if the position applied for requires a driver's license or requires driving a state vehicle. -If the applicant only has one (1) favorable employment reference, or has no employment history, approval to hire may be granted by Central Human Resources. ~~The Hiring Authority must be notified if the references cannot be obtained within three (3) working days. Documentation relative to the employment background check must be attached to the promotion/hire packet.~~

5. Incumbent staff who promote or demote to business positions in areas such as accounting, inmate banking, commissary, or any other area which has access to agency financial accounts, must have a background check completed and submitted as part of the packet for approval. -This also applies to staff that promote or demote to a position in Information Technology. -Employees occupying these positions will have an updated background check every five (5) years. -Although a criminal conviction, (i.e. embezzlement, fraud, etc.), does not automatically eliminate an applicant, approval may not be granted due to the nature of the criminal charge if it may conflict with the type of duties being performed.
6. Pre-employment screenings as may be required by department policy or procedure will be conducted prior to final review and approval of selectee. ---Such screenings may include, but are not limited to: 1) a drug test, 2) a physical assessment, 3) a tuberculosis test, and 4) the ability to perform essential job functions. -Applicants rejected for failing to pass a test for drugs will not be reconsidered for twelve (12) months from the date of rejection and upon reapplication must have successfully completed a state licensed drug rehabilitation program during the twelve-month period. A final offer of employment may not be made until approved by Central Human Resource. ~~all required documentation has been received and administrative approval has been received.~~
7. ~~The promotion/hire package recommending an applicant for selection must be presented to the Central Human Resources Office for administrative approval. The packet will consist of all documents as specified on the Human Resources Pre and Post~~

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~~Check-Off Sheet, including the Contingent Hire Notification documentation.~~

78. Positions classified as GS09 and above; IT08 and above; and MP03 and above will be approved by the Director. --GS07 and GS08; IT06 and IT07; and MP02 and below will be approved by the applicable Deputy/Assistant Director. -GS06 and below will be approved by the Hiring Authority and the Human Resources Administrator.
89. Following acceptance of an offer of employment, all other applicants will be notified of the decision by the Central Human Resources Office. --Approved promotions and transfers should occur within two (2) weeks following the employee's acceptance of the position and notice to his/her supervisor, unless alternative arrangements are authorized by the gaining and losing Hiring Authority.

C. Transfer:

1. Administrative Transfer. --The Director may at any time transfer employees and/or their positions to another location when the transfer is in the best interest of the Department.
2. Voluntary Transfer. --An Employee of the Department of Correction may request a voluntary transfer from a position classification at one location to the same position classification at another location provided there is an open advertisement for that position at the desired unit. The applicant will route requests for voluntary transfers through the Hiring Authority (releasing and receiving) for consideration and approval. The Hiring Authority has the option of selecting a transfer applicant in lieu of interviewing for the vacant position.

D. Demotion:

1. Administrative Demotion. Employees may be demoted to a lower-graded position classification in accordance with provisions of the department's employee conduct standards policy. --All demotions must be approved by the applicable Deputy/Assistant Director or Administrator.
2. Voluntary Demotion. Employees of the Department of Correction may request a voluntary demotion from their current position classification at one location to a lower graded position classification at the same or at another location provided a vacancy has been advertised. --A completed state application must be

received during the advertisement period. -The applicant will be considered with all other qualified applicants in the interview process.

E. Rehire:

1. The Hiring Authority will review Rehire applications and related previous work history to determine the reason(s) the employee terminated employment with the Department of Correction. Applications from persons not recommended for Rehire will not be considered for at least twelve (12) months from date of termination; however, the Human Resources Administrator may approve rehire after six (6) months if termination was unrelated to either (1) contraband or (2) inappropriate relationships with inmates, unless the employee left pending an investigation. Applications from persons terminated for violation of the drug testing policy will not be considered for at least six (6) months, and the applicant must have successfully completed a state licensed drug rehabilitation program since termination to qualify for rehire consideration.

A rehire applicant that has not been gone for at least ninety (90) days will be considered for re-employment only at his or her previous unit of assignment unless this requirement is waived by the Director. A rehired employee with a NO for rehire status that has been waived by the director will not be eligible for promotion for 12 months from rehire date.

2. The Hiring Authority will include the Rehire application, along with the applicant's previous termination notice(s) and all documentation of previous employment periods with the Department of Correction. This information must be submitted with the Rehire packet and forwarded to Central Human Resources.
3. The Director or Human Resources Administrator will make the final decision regarding all Rehire applicants.

F. Procedures Manual/Required Forms:

The Human Resources office shall develop detailed administrative procedures and required forms to guide the employment process. -The forms will be placed on the Department intranet site.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Employment

NUMBER: 19-11

SUPERSEDES: 18-18

APPLICABILITY: All Employees and Applicants

REFERENCE: AR-204 Employment Policy

PAGE: 1 of 8

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 2/25/2019

I. POLICY:

It shall be the policy of the Arkansas Department of Correction (ADC) to ensure all applicants are given fair and equal opportunity for employment in accordance with all state and federal guidelines.

II. PURPOSE:

The Arkansas Department of Correction is an Equal Opportunity Employer. All positions are open equally to qualified male and female applicants.

III. DEFINITIONS:

- A. Employee. A person regularly appointed or employed in a position of the Department of Correction for which he or she is compensated on a full-time basis and which has a class title and pay grade in Arkansas Code Annotated § 21-5-208.
- B. Class or Classification. A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training and experience or skill, and other characteristics that the same title, the same test of fitness, and the same scale of compensation have been or may be applied.

- C. Promotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a higher salary and/or grade requiring higher qualifications, such as greater skill and longer experience, and involving a higher level of responsibility.

In accordance with the AD governing Employee Conduct Standards, an employee is not eligible to apply for or receive a promotion or transfer while on probation as a result of disciplinary action unless a waiver has been granted by the Director.

An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.

If an employee promotes to a classification one or more grades higher than the current classification within their current pay grid, a 10% salary increase on the salary, less any enhancements or differentials, will normally be awarded. If an employee promotes from the career service pay grid to the professional and executive pay grid, a 12% salary increase on the salary, less any enhancements or differentials, will normally be awarded. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the increase that may be awarded.

- D. Demotion. A change in duty assignment of an employee from a position in one classification to a position in another classification of a lower salary and grade requiring fewer qualifications such as lower skill requirements, less job-related experience, and a lower level of responsibility. When an employee voluntarily or is administratively demoted to a classification one or more grades below the current classification within their current pay grid, a salary decrease of 10% or 12%, less any enhancements or differentials, will normally be required. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the decrease that may be required. An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.
- E. New Hire. Employees entering state service for the first time.
- F. Rehire. Employees returning to state service after a break in employment of two or more pay periods.
- G. Displaced Worker. An individual who has worked for an employer that has downsized or closed within the last twelve (12) months, in which they were continuously employed for three (3) or more years, will be considered for hire with the ADC without a high school diploma or GED. All other criteria must be successfully completed. This individual will not be eligible for any

type of promotion and/or merit increase/promotion until he/she has acquired a GED.

- H. Transfer. Employees transferring between state agencies or institutions or laterally within the Department of Correction without a break in service.
- I. Hiring Authority. Human Resources Administrator/Wardens/Center Supervisors/Administrators are authorized to make final selection of applicants for positions available within the Arkansas Department of Correction.
- J. Human Resources. Any employee assigned or designated by a Deputy/Assistant Director, Warden, Center Supervisor, or Administrator, whether within a division, unit, or Central Human Resources, to perform employment-related functions.

IV. PROCEDURES:

- A. Position Vacancies:
 - 1. The Hiring Authority must initiate a Position Vacancy Request in order to fill any vacant position. This document must be submitted to the Central Human Resource Office.
 - 2. Positions assigned to GS13 and above, IT08 and above, MP03 and above, or Senior Executive position vacancies, are not required to be advertised. The Director has the authority and discretion to appoint or transfer individuals into these classifications.
 - 3. Classified position vacancies within the general salary pay plan must be advertised according to procedures established by the Department of Finance and Administration, Office of Personnel Management, except when an emergency hire is warranted.
 - 4. Requests for recruitment or advertisement of positions that require additional actions, (e.g., newspapers, mail-outs, etc.), must be submitted to and coordinated by the Central Human Resource Office.
 - 5. Applications received must be complete and will be reviewed to determine if the applicant meets minimum qualifications for the vacancy. Work credit will only be given for paid positions, or internship under a higher education program relative to the qualifications for the position. All qualified applications will be submitted to the Hiring Authority after the closing date of the advertised vacancy.
- B. Employment/Selection Process:

1. The Rating System set forth in this policy shall be utilized by the Hiring Authority and/or interview committee for scoring applicants selected for interview. Scoring shall be conducted in a manner that ensures objective criteria are used for selection of the most qualified applicants for vacant positions. Points shall be awarded to applicants for the following criteria: education, experience, and military service. The Rating System shall include:
 - a. Related Education. The applicant must meet minimum requirements for the job classification or must be approved as a qualified applicant per state requirements. A maximum of ten (10) points may be awarded to an applicant for completion of Related Education above and beyond the Minimum Educational Requirements for the position. (For example: If the Minimum Qualifications require a high school diploma, and the applicant possesses a related Associate's degree, two and one-half (2.5) points will be awarded; if the applicant possesses a related Bachelor's degree, five (5) points will be awarded, and if the applicant possesses a related Master's degree, ten (10) points will be awarded. If a Bachelor's degree is required and the applicant possesses a related Master's degree, five (5) points will be awarded, and if the applicant possesses a related Doctorate's degree, ten (10) points will be awarded.) A copy of the diploma or degree showing the award of the educational level is required. All diplomas received must be from an institution accredited by the Department of Education for the applicable state. All degrees received must be from a college or university accredited by one of the Regional Institutional Accrediting agencies recognized by the United States Department of Education.
 - b. Related Experience. An applicant's experience level for the job classification is awarded one-quarter (.25) points for each month of related experience exceeding the minimum requirements, up to a maximum of ten (10) points.
 - c. Veteran's Status. An applicant may qualify for five (5) or ten (10) points in accordance with provisions of the Arkansas Veteran's Preference Law. To claim Veteran's Preference, an applicant must be honorably discharged from a tour of active duty, other than active duty for training only, with the Armed Forces of the United States, or served honorably in the National Guard or Reserve Forces of the United States for a period of at least six (6) years, whether retired or discharged. Five (5) points are awarded for standard veteran's preference. A disability discharge is ten (10) points. Discharge must be for "Honorable" or "Under

Honorable Conditions” only. Disabled veterans or the spouse of a disabled veteran shall have ten (10) points added to his/her final rating score. The applicant must produce a copy of their DD214 long form or NGB form 22 to receive veteran’s preference points. Total points awarded for veteran’s status cannot exceed ten (10) points.

- d. Interview. Scoring for interviews shall be determined by assessing 1) the completed application form, 2) other written material gathered or presented and the applicant’s responses to questions which support the knowledge, skills, and abilities (KSA’s) of each job specification. The rating shall be multiplied times the numerical weight (importance) assigned for each KSA to determine the interview score, which must be 60% or higher. Any supervisory position requires an interview score of 70% or higher.
2. The Hiring Authority shall appoint the interview committee, which will consist of three (3) to five (5) members of the Department. These committee members must be representative of the racial and gender composition of the applicant pool, the same or higher grade as the advertised position, and familiar with the knowledge, skills, and abilities of the position to be filled or positions consisting of General Salary 1-4 can be interviewed by the immediate supervisor of the position without a committee. The Hiring Authority may also bypass the committee system if there are three (3) or fewer applicants eligible for the position. At least one (1) member of the interviewing process must have successfully completed Structured Interviewing Training. The Hiring Authority may select the top-scoring applicant if the Hiring Authority sat on the original interview panel; or, prior to making a final selection, the Hiring Authority may elect to re-interview the top three (3) applicants if the Hiring Authority did not sit on the original interview panel. Written justification in clear and unambiguous terms is required if the applicant selected did not receive the highest score, and this justification must state why this person was selected over the top scoring applicant.
3. Interviews will be conducted for advertised positions if there are applicants with a natural, maximum pre-score cut-off of ten (10) points based on: education, military service, and work experience. Work experience and education must be applicable to the advertised position in order to receive points. However, no applicant can receive more than thirty (30) pre-score points. There is no minimum or maximum number of applicants that can be interviewed for a position. All applicants with military service, who provide a copy of their DD214 showing an honorable discharge, will receive veteran’s

preference points and must be interviewed, regardless of their pre-score points.

If the Hiring Authority chooses to interview only those applicants with a minimum pre-score, then all applicants with that pre-score, or above, must be interviewed.

4. The Hiring Authority or Human Resources must conduct a background check on all new employees, contractors, volunteers, and Interns/Student Services prior to them assuming their duties, in order to identify whether there are criminal convictions that have a specific relationship to the job performance. The background check shall include comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with a potential terrorism connection is returned on an applicant, it is forwarded to the local Joint Terrorism Task Force (JTTF) or other similar agency. The background check shall include, but is not limited to, NCIC/ACIC record review, Justice Exchange, two (2) or more favorable employment reference checks, and Maltreatment Registries check. If the NCIC/ACIC report reveals ten (10) or more points assessed against an applicant's driver's license, or reveals that a license is suspended or not valid, the applicant is not eligible for hire if the position applied for requires a driver's license or requires driving a state vehicle. If the applicant only has one (1) favorable employment reference, or has no employment history, approval to hire may be granted by Central Human Resource.
5. Incumbent staff who promote or demote to business positions in areas such as accounting, inmate banking, commissary, or any other area which has access to agency financial accounts, must have a background check completed and submitted as part of the packet for approval. This also applies to staff that promote or demote to a position in Information Technology. Employees occupying these positions will have an updated background check every five (5) years. Although a criminal conviction, (i.e. embezzlement, fraud, etc.), does not automatically eliminate an applicant, approval may not be granted due to the nature of the criminal charge if it may conflict with the type of duties being performed.
6. Pre-employment screenings as may be required by department policy or procedure will be conducted prior to final review and approval of selectee. Such screenings may include, but are not limited to: 1) a drug test, 2) a physical assessment, 3) a tuberculosis test, and 4) the ability to perform essential job functions. Applicants rejected for failing to pass a test for drugs will not be reconsidered for twelve (12) months from the date of rejection and upon reapplication must have successfully completed a state licensed drug rehabilitation program during the twelve-month period. A final offer

of employment may not be made until approved by Central Human Resource.

7. Positions classified as GS09 and above; IT08 and above; and MP03 and above will be approved by the Director. GS07 and GS08; IT06 and IT07; and MP02 and below will be approved by the applicable Deputy/Assistant Director. GS06 and below will be approved by the Hiring Authority and the Human Resources Administrator.
8. Following acceptance of an offer of employment, all other applicants will be notified of the decision by the Central Human Resource Office. Approved promotions and transfers should occur within two (2) weeks following the employee's acceptance of the position and notice to his/her supervisor, unless alternative arrangements are authorized by the gaining and losing Hiring Authority.

C. Transfer:

1. Administrative Transfer. The Director may at any time transfer employees and/or their positions to another location when the transfer is in the best interest of the Department.
2. Voluntary Transfer. An Employee of the Department of Correction may request a voluntary transfer from a position classification at one location to the same position classification at another location provided there is an open advertisement for that position at the desired unit. The applicant will route requests for voluntary transfers through the Hiring Authority (releasing and receiving) for consideration and approval. The Hiring Authority has the option of selecting a transfer applicant in lieu of interviewing for the vacant position.

D. Demotion:

1. Administrative Demotion. Employees may be demoted to a lower-graded position classification in accordance with provisions of the department's employee conduct standards policy. All demotions must be approved by the applicable Deputy/Assistant Director or Administrator.
2. Voluntary Demotion. Employees of the Department of Correction may request a voluntary demotion from their current position classification at one location to a lower graded position classification at the same or at another location provided a vacancy has been advertised. A completed state application must be received

during the advertisement period. The applicant will be considered with all other qualified applicants in the interview process.

E. Rehire:

1. The Hiring Authority will review Rehire applications and related previous work history to determine the reason(s) the employee terminated employment with the Department of Correction. Applications from persons not recommended for Rehire will not be considered for at least twelve (12) months from date of termination; however, the Human Resources Administrator may approve rehire after six (6) months if termination was unrelated to either (1) contraband or (2) inappropriate relationships with inmates, unless the employee left pending an investigation. Applications from persons terminated for violation of the drug testing policy will not be considered for at least six (6) months, and the applicant must have successfully completed a state licensed drug rehabilitation program since termination to qualify for rehire consideration.

A rehire applicant that has not been gone for at least ninety (90) days will be considered for re-employment only at his or her previous unit of assignment unless this requirement is waived by the Director. A rehired employee with a NO for rehire status that has been waived by the director will not be eligible for promotion for 12 months from rehire date.

2. The Hiring Authority will include the Rehire application, along with the applicant's previous termination notice(s) and all documentation of previous employment periods with the Department of Correction. This information must be submitted with the Rehire packet and forwarded to Central Human Resources.
3. The Director or Human Resources Administrator will make the final decision regarding all Rehire applicants.

F. Procedures Manual/Required Forms:

The Human Resources office shall develop detailed administrative procedures and required forms to guide the employment process. The forms will be placed on the Department intranet site.



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ADMINISTRATIVE DIRECTIVE

SUBJECT: Sexual Harassment Investigative Procedures

NUMBER: 13-169-

SUPERSEDE: 07-0413-16

APPLICABILITY: Wardens/Administrators/Supervisors/EEO/Grievance Officer

REFERENCE: AR 226 - Sexual Harassment

PAGE 1 of 5

APPROVED: Original signed by Ray Hobbs
DATE: 06/14/2013

EFFECTIVE

I. POLICY:

It is the policy of the Department of Correction that all allegations of sexual harassment (as defined in AR 226) will be handled in an expeditious and thorough manner while maintaining the confidentiality of the allegations, as much as possible.

II. PURPOSE:

Sexual harassment allegations must be investigated, and if sexual harassment is found to have occurred, appropriate action must be taken to ensure it is stopped and does not reoccur.

DEFINITIONS:

1. ~~Sexual Harassment~~ — Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly — a term or condition of an individual's employment.

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- b. ~~Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or~~
- c. ~~Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.~~
- 2. ~~Discrimination -- Treatment or denial of normal privileges to persons because of their race, age, sex, nationality or religion.~~
- 3. ~~Hostile Work Environment -- A situation in which the repeated actions of an employer or coworker has make it impossible for an employee to perform his or her job duties.~~

III DEFINITIONS:

- 1. Sexual Harassment -- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- 2. Discrimination -- Treatment or denial of normal privileges to persons because of their race, age, sex, nationality or religion.
- 3. Hostile Work Environment -- A situation in which the repeated actions of an employer or coworker has make it impossible for an employee to perform his or her job duties.

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EXPLANATION:

~~Sexual harassment allegations must be investigated, and if sexual harassment is found to have occurred, appropriate action must be taken to ensure it is stopped and does not reoccur.~~

IV PROCEDURES:

An employee must notify a supervisor at any level in the organization, EEO/Grievance Officer at Central Office or Warden, that she/he is being sexually harassed or if he/she is aware of sexual harassment in the work place. —The following procedure shall be used by supervisors or EEO/Grievance Officer in the handling of sexual harassment allegations. —An employee must notify the Warden after notification to the supervisor or EEO/Grievance Officer.

A. Upon Receiving Allegation:

Supervisors or EEO/Grievance Officer at Central Office must immediately notify the Warden/Administrator of the allegation.

B. Investigative Stage: The Warden/Administrator, upon receiving the allegation, shall take the following steps:

1. Advise the complainant that an investigation will be conducted.

Note: This refers to "complainant" but a third party may have reported it.

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2. Notify the accused of the allegation and eliminate work place interaction between the complainant and the accused.
3. Avoid taking any action, including involuntary reassignment of the complainant to less desirable job duties, which might be interpreted as punishing the complainant for making the allegation.
4. Keep the investigation as confidential as possible, but avoid guaranteeing absolute confidentiality to any of the parties.
5. The Warden/Administrator shall contact the Internal Affairs Division and may ask for assistance in investigating the allegation.
6. The investigation must be begun and completed promptly.

C. Investigative Steps:

1. Interview the complainant and gather as much information as possible, including specific details of what happened, when, where, and whether there were any witnesses or supporting evidence. Ask the complainant how he/she responded to the alleged conduct, including whether the complainant expressed in any way that the conduct was unwelcome. —Ask when the complainant first complained about this conduct and to whom. Advise the complainant that any further alleged misconduct must be reported

immediately. Remind complainant to keep the matter confidential pending the investigation.

2. Interview the accused and explain the Department's policy against sexual harassment, the need to investigate, and that any retaliation against the complainant is strictly prohibited. Ask for his/her version of the events, getting as much detail as possible. If the accused denies the allegation or claims that some or all of his/her behavior was welcomed by the complainant, ask for any supporting evidence or witnesses. If the allegation is denied, explore whether the complainant would have any motive to fabricate an allegation. Remind the accused to keep the allegation confidential pending the investigation and to avoid all contact with the complainant.
3. Interview any witnesses who have been identified. Consider interviewing other employees of the same sex as the complainant who have worked with the accused, to see whether they had any similar experiences. Remind witnesses to keep information confidential pending the investigation.

- D. Evaluate Evidence: After gathering as much information as feasible, evaluate the evidence to arrive at a conclusion. Consider the demeanor of the complainant and the accused, whether there are any inconsistencies in either of the stories, any possible motives for fabrication, the statements from witnesses, whether there have been any similar allegations asserted against the accused, and any other available evidence. The complainant's burden or proof is met if the evidence as a whole makes it more likely than not that the allegation is true. It is not necessary that the allegation be proven "beyond a reasonable doubt."

If the investigation is inconclusive, disciplinary action is not warranted, but the accused should be counseled that sexual harassment will not be tolerated and that actions will be taken if any harassment occurs in the future. The Warden/Administrator should consider taking appropriate actions to minimize future contact between the complainant and the accused. The accused should be advised that even a baseless complaint can give rise to disciplinary action and liability should there be any retaliation.

If the investigation substantiates the allegation, disciplinary action must be taken against the accused in accordance with the appropriate Administrative Directive on employee conduct standards. The Warden/Administrator should consider the seriousness of the harassment and history of similar problems on the part of the accused. The corrective actions must be reasonably calculated to put an end to the harassment. If

the accused is not discharged, he/she should be warned that any future harassment or retaliation may result in discharge. The Warden/Administrator should take any other appropriate action to avoid further problems between the two affected employees.

- E. Report: A written report should be prepared and filed with Internal Affairs summarizing the allegation, the accused's response, other evidence, all conclusions, and the action to be taken. The Warden/Administrator should then inform the complainant and the accused of the results of the investigation, i.e., whether the allegation was substantiated or not substantiated. After concluding the investigation, and taking any immediately appropriate corrective actions, the Warden/Administrator should continue to monitor the situation to ensure that no further problems develop.
- F. A ~~staff member~~ supervisor who observes conduct that constitutes sexual harassment, even if no such allegations are made by the victim(s), must make a report to the Warden/Administrator.
- G. If the Warden/Administrator is the subject of a sexual harassment allegation, the term "Warden/Administrator" in the preceding subsections should be replaced with that person's supervisor or other appropriate official higher in the chain of command.
- H. Policy Dissemination: Policy will be distributed to all employees of the Department of Correction.

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**EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT
OF THE ARKANSAS DEPARTMENT OF CORRECTION
ADMINISTRATIVE DIRECTIVE
INVESTIGATION PROCEDURES FOR SEXUAL HARASSMENT
ALLEGATIONS**

I have received a copy of the Administrative Directive, Investigation Procedures for Sexual Harassment Allegations, and understand that it is my responsibility to read and become familiar with herein.

If I have questions regarding this information, it is my responsibility to contact the EEO/Grievance Officer at the Central Office or Unit Human Resource Manager for assistance and/or explanation.

Employee Name (Printed)

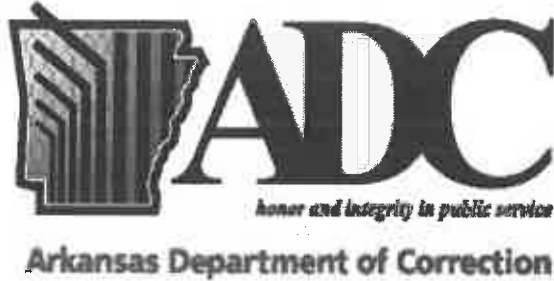
Employee Signature

Social Security #

Unit

Date

Distribution: White: Human Resources
 Yellow: Unit Personnel File
 Pink: Employee Copy



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 Pine Bluff, AR 71611-8707
 Phone: 870-267-6999
 Fax: 870-267-6244
 www.adc.arkansas.gov

ADMINISTRATIVE DIRECTIVE

SUBJECT: Sexual Harassment Investigative Procedures

NUMBER: 19-12

SUPERSEDE: 13-16

APPLICABILITY: All employees

REFERENCE: AR 226 - Sexual Harassment

PAGE 1 of 5

APPROVED: Original signed by Wendy Kelley

EFFECTIVE DATE: 2/25/2019

I. POLICY:

It is the policy of the Department of Correction that all allegations of sexual harassment (as defined in AR 226) will be handled in an expeditious and thorough manner while maintaining the confidentiality of the allegations, as much as possible.

II. PURPOSE:

Sexual harassment allegations must be investigated, and if sexual harassment is found to have occurred, appropriate action must be taken to ensure it is stopped and does not reoccur.

III DEFINITIONS:

1. Sexual Harassment – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
2. Discrimination – Treatment or denial of normal privileges to persons because of their race, age, sex, nationality or religion.
3. Hostile Work Environment – A situation in which the repeated actions of an employer or coworker has make it impossible for an employee to perform his or her job duties.

IV PROCEDURES:

An employee must notify a supervisor at any level in the organization, EEO/Grievance Officer at Central Office or Warden, that she/he is being sexually harassed or if he/she is aware of sexual harassment in the work place. The following procedure shall be used by supervisors or EEO/Grievance Officer in the handling of sexual harassment allegations. An employee must notify the Warden after notification to the supervisor or EEO/Grievance Officer.

A. Upon Receiving Allegation:

Supervisors or EEO/Grievance Officer at Central Office must immediately notify the Warden/Administrator of the allegation.

B. Investigative Stage: The Warden/Administrator, upon receiving the allegation, shall take the following steps:

1. Advise the complainant that an investigation will be conducted.
Note: This refers to “complainant” but a third party may have reported it.
2. Notify the accused of the allegation and eliminate work place interaction between the complainant and the accused.
3. Avoid taking any action, including involuntary reassignment of the complainant to less desirable job duties, which might be interpreted as punishing the complainant for making the allegation.
4. Keep the investigation as confidential as possible, but avoid guaranteeing absolute confidentiality to any of the parties.

5. The Warden/Administrator shall contact the Internal Affairs Division and may ask for assistance in investigating the allegation.
6. The investigation must be begun and completed promptly.

C. Investigative Steps:

1. Interview the complainant and gather as much information as possible, including specific details of what happened, when, where, and whether there were any witnesses or supporting evidence. Ask the complainant how he/she responded to the alleged conduct, including whether the complainant expressed in any way that the conduct was unwelcome. Ask when the complainant first complained about this conduct and to whom. Advise the complainant that any further alleged misconduct must be reported immediately. Remind complainant to keep the matter confidential pending the investigation.
 2. Interview the accused and explain the Department's policy against sexual harassment, the need to investigate, and that any retaliation against the complainant is strictly prohibited. Ask for his/her version of the events, getting as much detail as possible. If the accused denies the allegation or claims that some or all of his/her behavior was welcomed by the complainant, ask for any supporting evidence or witnesses. If the allegation is denied, explore whether the complainant would have any motive to fabricate an allegation. Remind the accused to keep the allegation confidential pending the investigation and to avoid all contact with the complainant.
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Employee Name (Printed)

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