

Arkansas Community Correction Administrative Directives and Administrative Memoranda Issued with an effective date from July 1, 2018 through September 30, 2018

Whistle Blower Act AD 18-20

We removed some unnecessary details about legal actions.

Whistle Blower Act AD 18-20 CLEAN COPY Page 2

Whistle Blower Act AD 18-20 MARKUP Page 9

Interstate Compact Offender Tracking System (ICOTS) AD 28-28

The Interstate Commission for Adult Offender Supervision (ICAOS) required us to write this policy. The policy provides guidance to ensure data in the Interstate Compact Offender Tracking System (ICOTS) is accurate, protected, used properly and disclosed properly.

Interstate Compact Offender Tracking System (ICOTS) AD 28-28 CLEAN COPY Page 18

Interstate Compact Offender Tracking System (ICOTS) AD 28-28 Page 21

Employee Discipline AD 18-27

We removed definitions and details about counseling.

Employee Discipline AD 18-27 CLEAN COPY Page 22

Employee Discipline AD 18-27 MARKUP Page 27

Employee Timekeeping, Compensation and Promotions AD 18-10

Revisions were made to align this policy with new Performance, Goals, Compensation System policy implemented by the Office of Personnel Management and the automated timekeeping system - EASE (Empowering Arkansas State Employees). We clarified information about promotions to include adding some detailed requirements.

Employee Timekeeping, Compensation and Promotions AD 18-10 CLEAN COPY Page 33

Employee Timekeeping, Compensation and Promotions AD 18-10 MARKUP Page 44

Reentry Facilities AD 18-14

Pursuant to law, we require applicants to conduct a public meeting and we clarified requirements to ensure this meeting is held and documented. We added detail about money we pay and money that may be collected from residents in a transitional living facility. We added a requirement to provide residents with personal care products such as toothpaste and to require residents to meet cleanliness and grooming standards. We added some rules for staff at transitional living facilities and a requirement to report to us when a resident changes his/her employment. We added a requirement to report to us any staff additions so we may conduct a background check.

Reentry Facilities AD 18-14 CLEAN COPY Page 56

Reentry Facilities AD 18-14 MARKUP COPY Page 72

Whistle Blower Act AD 18-20 CLEAN COPY



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: 18-20 Whistle-Blower Act

TO:Arkansas Community Correction (ACC) Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD 00-09

APPROVED: _____ Signature on File

EFFECTIVE: July 9, 2018

- I. **APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees.
- II. **POLICY.** It is Arkansas Community Correction (ACC) policy to protect employees from adverse action when, in good faith, they report fraud, waste of public funds or a violation of a State statute or regulation which is not of a merely technical or minimal nature, or violation of legal duties or a code of conduct or code of ethics designed to protect the interest of the public or the ACC. This policy does not permit the disclosure of legally protected confidential records.
- III. **DEFINITIONS.**
 - A. **Violation.** An infraction or a breach which is not of a merely technical or minimal nature of a State statute or regulation, of a political subdivision ordinance or regulation, or of a code of conduct or code of ethics designed to protect the interest of the public or a public employer.
 - B. **Waste.** A public employer's conduct or omissions which result in substantial abuse, misuse, destruction, or loss of public funds, property, or manpower belonging to or derived from State or local political subdivision's resources.
 - C. **Whistle-Blower.** A person who witnesses or has evidence of a waste or violation while employed with the ACC and who communicates in good faith or testifies to the waste or violation, verbally or in writing, to one of the employee's superiors, to an agent of the ACC, or to an appropriate authority, provided that the communication is made prior to any adverse action by a ACC supervisor.

IV. GUIDELINES. The Whistle-Blower Act prohibits ACC from taking adverse action (such as discharge, threaten, demote, etc.) against its employees for making waste and/or violation reports in good faith. However, the Act does not protect an employee from an adverse action which occurs before a violation report is communicated or from misconduct, poor job performance, or subsection to a reduction in workforce unrelated to a communication made pursuant to the Act.

A. Supervisor Responsibilities.

1. Familiarize themselves with this policy.
2. Notify supervised employees of their protections and obligations under the Whistle-Blower Act.
3. Document any conversations with employees relative to reported waste/violations and immediately forward it, with the report to the Internal Affairs Administrator (IAA), Director, or Board of Corrections (BOC) Chairperson, whichever appropriate.

B. Employee Responsibilities.

1. When reporting, in good faith, waste or violations as defined in this policy, communicate verbally or in writing the existence of the following:
 - a. Waste of public funds, property, or manpower (excluding federal funds, property, or manpower) or
 - b. A violation or suspected violation of a State, county, or municipal law, rule, or regulation. The violation must be an infraction or breach which is not of a merely technical or minimal nature.
2. Report violations to an appropriate authority, such as the following:
 - a. an ACC supervisor, IAA, Director, or BOC Chairperson, as appropriate.
 - b. a state, county or municipal government department, agency or organization having jurisdiction over criminal law enforcement, etc.
 - c. the office of Attorney General, Auditor of State, Arkansas Ethics Commission, Legislative Joint Audit Committee, Division of Legislative Audit, or prosecuting attorney's office.
3. Make a reasonable attempt to determine the correctness of the information furnished regarding inappropriate activity being reported.
4. Communicate at a time and in a manner which gives the ACC reasonable notice of the need to correct the waste or violation. When reporting, employees are encouraged to first report within the agency so that investigations may be expedited and/or other necessary action taken.

C. IAA Responsibilities.

1. Appropriately and expeditiously investigate all whistle-blower reports received internally, investigating the merits of the assertion, determining whether it meets the definition of an improper governmental action, and determining an appropriate course of action. When determining if the alleged assertion is improper, consider the following factors:
 - a. Accuracy of the information furnished
 - b. Nature and quality of evidence
 - c. Existence of relevant laws and rules
 - d. Whether the action appears to be isolated or systemic
 - e. History of previous assertions regarding the same subject or subject matter
 - f. Whether other avenues are available for addressing the matter
 - g. Seriousness or significance of the asserted improper governmental action
 - h. Cost and benefit of potential investigation
 - i. Be objective, thorough and independent of influence in conducting interviews and/or review of relevant documents associated with whistle-blower reports.
2. Maintain confidentiality of the whistle-blower and witnesses who provide information, as appropriate.
3. Document investigation activities and conclusions in a clear and understandable fashion and report findings to the Director.
4. Make referrals to appropriate agencies on discovery of reasonable cause to believe State laws have been violated, and follow up until appropriate corrective action has been taken.

D. Actions Prohibited by the Whistle-Blower Act.

1. The discharge, threat, discrimination or retaliation against an employee in any manner that affects the employee's employment (for example, compensation, job location, rights, immunities, promotions, or privileges) when an employee engages in an activity protected by the Act. This does not preclude a supervisor from taking adverse action against an employee for misconduct, poor job performance, or a reduction in the workforce.
2. Adverse action against an employee who participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review.
3. Adverse action against an employee who objects to or refuses to carry out a directive that the employee reasonably believes violates a law, rule, or regulation.

E. Legal Action.

1. Civil. An employee who alleges adverse action in violation of this Act may bring a civil action in circuit court for appropriate injunctive relief and/or actual damages within 180 days after the alleged violation of the Act.
2. Mediation. The employee and ACC may voluntarily participate in mediation under the Department of Finance and Administration's mediation program to resolve a dispute involving an adverse action taken against the employee. If voluntary mediation is agreed to, it shall occur before a civil action has been initiated in court.

V. PROCEDURES.

A. Reporting Alleged Violations. An employee who wishes to initiate a “good faith” report of a violation internally must complete and submit the Whistle-Blower Reporting Form to his/her or higher level supervisor, directly to the ACC IAA or, if believed to be necessary, to one of the other authorities identified in paragraph III. B. 2. above. If the IAA is the subject of the alleged violation, the report should be submitted to the ACC Director. If the Director is the subject of the alleged violation, the report should be submitted to the Chairperson of the Board of Corrections.

B. Employee Notification. All ACC employees shall be notified of the existence and contents of this policy and sign a copy of the notification form, Notice of Whistle-Blower Act Policy. New Hire employees will be so informed and complete the form as part of the new-hire orientation. Completed forms will be submitted to the ACC Human Resources Administrator for filing in the employees’ personnel files.

VI. REFERENCE. Arkansas Code beginning at section 21-1-601.

VII. ATTACHMENTS.

AD 18-20 Form 1 Whistle-Blower Reporting Form,
AD 18-20 Form 2 Notice of Whistle-Blower Policy

**Arkansas Community Correction
WHISTLE BLOWER REPORTING**

Investigator's Office Only
Date Received

Investigator's Office Only
WB Case No.

ACC Employee Filing Whistle Blower Report

Name _____ Position Title _____ Date _____

Home Address _____ Complete Position Location _____ Day Phone _____

Best Time to Call _____ Night Phone _____

Name of Alleged Violator(s)

Alleged Violator's Name _____

Position _____

Position Location _____

Alleged Violator's Name _____

Position _____

Position Location _____

Name of Alleged Violator(s) Supervisors

Supervisor's Name _____

Position _____

Position Location _____

Supervisor's Name _____

Position _____

Position Location _____

Please Complete One Form For Each Assertion

Which type(s) of improper governmental action does the assertion invoke?

- Violation of State Law Fraud Code of Conduct/Ethics Violation
- Violation of State Reg. Gross Waste of Public Funds Other (Specify)

Whistle Blower Reporting Form Continued

What is the alleged improper activity? Please describe in detail and attach a separate piece of paper if necessary.

When did the event(s) take place? Please include date, time, and frequency.

Where did the event(s) occur?

Are there other witnesses? If so, what are their names, positions, position titles and locations?

Is there evidence or documentation which can be examined reviewed?

How do you know about the improper action? Did you see documentation indicating it occurred? Did you hear it from someone? If so, from who?

If known, what specific law or State regulation has been violated?

**Arkansas Community Correction
NOTICE OF WHISTLE-BLOWER POLICY**

**TO: Arkansas Community Correction
Human Resources Section
Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, Arkansas 72201-5731**

(501) 682-9510 Fax (501) 682-9513

RE: Notice of Whistle-Blower Act Policy

EMPLOYEE STATEMENT: I have read and understand the Arkansas Community Correction policy as outlined in the Administrative Directive titled “Whistle-Blower Act.” I understand that I am protected from adverse action when I report “in good faith,” fraud, waste of public funds or a violation of a state statute or regulation which is not of a merely technical or minimal nature, or violation of legal duties or a code of conduct or code of ethics designed to protect the interest of the public or the ACC. I understand adverse action includes any of the following actions: discharge, threat, or otherwise discriminatory or retaliatory action in any manner that effects my employment, including compensation, job location, rights, immunities, promotions, or privileges. I am not protected from adverse action by this policy for actions which occur before a violation notice is communicated or for conduct or performance independent of communicating, in good faith, a violation notice.

_____ Employee’s Printed Name	_____ Employee’s Signature	_____ Date
_____ Employee’s Personnel Number		

Whistle Blower Act AD 18-20 MARKUP



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: ~~0018-09-20~~ Whistle-Blower Act

TO: ~~DEPARTMENT OF~~ Arkansas Community Correction (~~DCC~~ACC) Employees

FROM: ~~G. DAVID GUNTARP~~ Sheila Sharp, Director

SUPERSEDES: ~~NONEAD 00-09~~

APPROVED: _____ Signature on File

EFFECTIVE: ~~AUGUST 31, 2000~~

- I. **APPLICABILITY.** This policy applies to ~~Department of~~Arkansas Community Correction (~~DCC~~ACC) employees.
- II. **POLICY.** It is ~~Department of~~Arkansas Community Correction (~~DCC~~ACC) policy to protect employees from adverse action when, in good faith, they report fraud, waste of public funds or a violation of a State statute or regulation which is not of a merely technical or minimal nature, or violation of legal duties or a code of conduct or code of ethics designed to protect the interest of the public or the ~~DCC~~ACC. This policy does not permit the disclosure of legally protected confidential records.
- III. **DEFINITIONS.**

~~D. Adverse Action.~~ To discharge, threaten, or otherwise discriminate or retaliate against an employee in any manner that effects the employee's employment, including compensation, job location, rights, immunities, promotions, or privileges.

~~E. Communicate.~~ To give a verbal or written report to an appropriate authority.

~~F. Employee.~~ A person who performs a full or part-time service for wages, salary, or other remuneration for the ~~DCC~~ACC.

~~G. Good Faith.~~ An employee communicates in "good faith" if there is a reasonable basis in fact for the communication of the existence of waste or of a violation. "Good faith" is lacking when the employee does not have personal knowledge of a

~~factual basis for the communication or where the employee knew or reasonably should have known that the communication of the waste or violation is malicious, false or frivolous.~~

H.D. Violation. An infraction or a breach which is not of a merely technical or minimal nature of a State statute or regulation, of a political subdivision ordinance or regulation, or of a code of conduct or code of ethics designed to protect the interest of the public or a public employer.

H.E. Waste. A public employer's conduct or omissions which result in substantial abuse, misuse, destruction, or loss of public funds, property, or manpower belonging to or derived from State or local political subdivision's resources.

J.F. Whistle-Blower. A person who witnesses or has evidence of a waste or violation while employed with the ~~DCC-ACC~~ and who communicates in good faith or testifies to the waste or violation, verbally or in writing, to one of the employee's superiors, to an agent of the ~~DCCACC~~, or to an appropriate authority, provided that the communication is made prior to any adverse action by a ~~DCC-ACC~~ supervisor.

IV. GUIDELINES. The Whistle-Blower Act prohibits ~~DCC-ACC~~ from taking adverse action (~~re,~~ such as discharge, threaten, demote, etc.) against its employees for making waste and/or violation reports in good faith. However, the Act does not protect an employee from an adverse action which occurs before a violation report is communicated or from misconduct, poor job performance, or subjection to a reduction in workforce unrelated to a communication made pursuant to the Act.

A. Supervisor Responsibilities.

1. Familiarize themselves with this policy.
2. Notify supervised employees of their protections and obligations under the Whistle-Blower Act.
3. Document any conversations with employees relative to reported waste/violations and immediately forward it, with the report to the Internal Affairs Administrator (IAA), Director, or BCCP Board of Corrections (BOC) Chairperson, whichever appropriate.

B. Employee Responsibilities.

1. When reporting, in good faith, waste or violations as defined in this policy, communicate verbally or in writing the existence of the following:
 - a. Waste of public funds, property, or manpower (excluding federal funds, property, or manpower) or
 - b.** A violation or suspected violation of a State, county, or municipal law, rule, or regulation. The violation must be an infraction or breach which is not of a merely technical or minimal nature.

2. Report violations to an appropriate authority, such as the following:
 - a. an ~~DCC-ACC~~ supervisor, IAA, ~~or~~ Director, or ~~BCCP-BOC~~ Chairperson, as appropriate.
 - b. a ~~Statestate~~, county or municipal government department, agency or organization having jurisdiction over criminal law enforcement, etc.
 - c. the office of Attorney General, Auditor of State, Arkansas Ethics Commission, Legislative Joint Audit Committee, Division of Legislative Audit, or prosecuting attorney's office.
3. Make a reasonable attempt to determine the correctness of the information furnished regarding inappropriate activity being reported.
4. Communicate at a time and in a manner which gives the ~~DCC-ACC~~ reasonable notice of the need to correct the waste or violation. When reporting, employees are encouraged to first report within the agency so that investigations may be expedited and/or other necessary action taken.

C. IAA Responsibilities.

1. Appropriately and expeditiously investigate all whistle-blower reports received internally, investigating the merits of the assertion, determining whether it meets the definition of an improper governmental action, and determining an appropriate course of action. When determining if the alleged assertion is improper, consider the following factors:
 - a. Accuracy of the information furnished;
 - b. Nature and quality of evidence;
 - c. Existence of relevant laws and rules;
 - d. Whether the action appears to be isolated or systemic;
 - e. History of previous assertions regarding the same subject or subject matter;
 - f. Whether other avenues are available for addressing the matter;
 - g. Seriousness or significance of the asserted improper governmental action; ~~and~~
 - h. Cost and benefit of potential investigation;
 - i. Be objective, thorough and independent of influence in conducting interviews and/or review of relevant documents associated with whistle-blower reports.
5. Maintain confidentiality of the whistle-blower and witnesses who provide information, as appropriate.
6. Document investigation activities and conclusions in a clear and understandable fashion and report findings to the Director.
7. Make referrals to appropriate agencies on discovery of reasonable cause to believe State laws have been violated, and follow up until appropriate corrective action has been taken.

D. Actions Prohibited by the Whistle-Blower Act.

4. The discharge, threat, discrimination or retaliation against an employee in any manner that affects the employee's employment (~~i.e. for example~~, compensation, job location, rights, immunities, promotions, or privileges) when an employee engages in an activity protected by the Act. This does not preclude a supervisor from taking adverse action against an employee for misconduct, poor job performance, or a reduction in the workforce.
5. Adverse action against an employee who participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or in any form of administrative review.
6. Adverse action against an employee who objects to or refuses to carry out a directive that the employee reasonably believes violates a law, rule, or regulation.

E. Legal Action.

1. Civil. An employee who alleges adverse action in violation of this Act may bring a civil action in ~~chancery circuit~~ court for appropriate injunctive relief and/or actual damages within 180 days after the alleged violation of the Act.

~~a. The employee has the burden of proof in establishing that he or she has suffered an adverse action for an activity protected under the Act.~~

~~b. The DCC ACC shall have an affirmative defense if it can establish by a preponderance of the evidence that the adverse action taken against the employee was due to employee misconduct, poor job performance, or a reduction in workforce unrelated to a communication made pursuant to the Act.~~

~~Remedies. The court rendering judgment under the Act may order any or all of the following remedies:~~

~~order an injunction to restrain continued violation of the provisions of the Act;
reinstatement of the employee to the same position or to an equivalent position;
reinstatement of full fringe benefits and retirement service credit;
order compensation for lost wages, benefits, and any other remuneration;
order DCC ACC payment of reasonable court costs and attorney's fees, or
Order employee payment of reasonable attorney's fees and court costs unless, after exercising reasonable and diligent efforts after filing the suit, the employee files a voluntary non-suit concerning the employer within 60 days after determining the employer would not be liable for damages.~~

2. Mediation. The employee and ~~DCC ACC~~ may voluntarily participate in mediation under the Department of Finance and Administration's mediation program to resolve a dispute involving an adverse action taken against the employee. If voluntary mediation is agreed to, it shall occur before a civil action has been initiated in court.

V. PROCEDURES.

A. Reporting Alleged Violations. An employee who wishes to initiate a “good faith” report of a violation internally must complete and submit the Whistle-Blower Reporting Form (~~AD-00-09 Form 1~~) to his/her or higher level supervisor, directly to the ~~DCC~~ ACC IAA or, if believed to be necessary, to one of the other authorities identified in paragraph ~~IVIII~~. B. 2. above. If the IAA is the subject of the alleged violation, the report should be submitted to the ACC Director. If the Director is the subject of the alleged violation, the report should be submitted to the Chairperson of the Board of Corrections ~~and Community Correction.~~

B. Employee Notification. All ~~DCC~~ ACC employees shall be notified of the existence and contents of this policy and sign a copy of the notification form, ~~Notice of Whistle-Blower Act Policy AD-00-09 Form 2~~. New Hire employees will be so informed and complete the form as part of the new-hire orientation. Completed forms will be submitted to the ~~DCC~~ ACC Human Resources Administrator for filing in the employees’ personnel files.

VI. REFERENCE. Arkansas Code beginning at section 21-1-601.

~~**VII. STANDARDS.** None Applicable~~

VII. ATTACHMENTS.

AD 18-20 Form 1 Whistle-Blower Reporting Form, ~~AD-0-09~~

AD 18-20 Form 2 Notice of Whistle-Blower Policy ~~AD-00-09~~

DEPARTMENT OF Arkansas Community Correction (DCCACC)
WHISTLE-BLOWER REPORTING FORM

Investigator's Office Only Date Received	Investigator's Office Only WB Case No.

DCCACC Employee Filing Whistle-Blower Report

Name	Position Title	Date
Home Address	Complete Position Location	Day Phone
	Best Time to Call	Night Phone

Name of Alleged Violator(s)

Name of Alleged Violators' Supervisors

Alleged Violator's Name
Position
Position Location

Supervisor's Name
Position
Position Location

Alleged Violator's Name
Position
Position Location

Supervisor's Name
Position
Position Location

Please Complete One Form For Each Assertion

Which type(s) of improper governmental action does the assertion invoke?

- Violation of State Law Fraud Code of Conduct/Ethics Violation
- Violation of State Reg. Gross Waste of Public Funds Other (Specify)

Whistle-Blower Reporting Form Continued

What is the alleged improper activity? Please describe in detail and attach a separate piece of paper if necessary.

When did the event(s) take place? Please include date, time, and frequency.

Where did the event(s) occur?

Are there other witnesses? If so, what are their names, position titles and locations?

List evidence or documentation which can be examined or reviewed?

How do you know about the improper action? Did you see documentation indicating it occurred? Did you hear it from someone? If so, from whom?

If known, what specific law or State regulation has been violated?

NOTICE OF WHISTLE-BLOWER POLICY

Department of Arkansas Community Correction
Two Union National Plaza Building
105 West Capitol, 2nd Floor
Little Rock, Arkansas 72201-5731
(501) 682-9510 Fax (501) 682-9513

TO: Arkansas Community Correction, Human Resources Section
RE: Notice of Whistle-Blower Act Policy

APPLICANT/WORKER/EMPLOYEE STATEMENT: I have read and understand the Department of Arkansas Community Correction policy as outlined in the Administrative Directive titled "Whistle-Blower Act." I understand that I am protected from adverse action when I report "in good faith," fraud, waste of public funds or a violation of a state statute or regulation which is not of a merely technical or minimal nature, or violation of legal duties or a code of conduct or code of ethics designed to protect the interest of the public or the DCCACC. I understand adverse action includes any of the following actions: discharge, threat, or otherwise discriminatory or retaliatory action in any manner that effects my employment, including compensation, job location, rights, immunities, promotions, or privileges. I am not protected from adverse action by this policy for actions which occur before a violation notice is communicated or for conduct or performance independent of communicating, in good faith, a violation notice.

Employee's Printed Name Employee's Signature Date

Employee's Personnel Number

Department of

Applicant/Employee's Printed Name

Name

Witness' Printed

Interstate Compact Offender Tracking System (ICOTS) AD 28-28 CLEAN COPY



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: 18-28 Interstate Compact Offender Tracking System (ICOTS)

TO: Arkansas Community Correction Employees

FROM: Kevin Murphy, Director

SUPERSEDES: None

APPROVED: _____ Signature on File

EFFECTIVE: August 31, 2018

I. APPLICABILITY. This policy applies to:

- Arkansas Community Correction (ACC) employees with Interstate Compact Offender Tracking System (ICOTS) access
- Court personnel with ICOTS access. This access currently applies only to the 6th Judicial Circuit 1st and 5th Divisions located in Pulaski County
- Arkansas Parole Board employees with ICOTS access.

II. POLICY.

ICOTS information must be processed and used in compliance with this policy, Interstate Commission for Adult Offender Supervision (ICAOS) rules/guidance, and all applicable laws protecting privacy, civil rights, and civil liberties in the collection, use, analysis, retention, destruction, sharing, and disclosure of information.

III. ICOTS DESCRIPTION.

The Interstate Compact Offender Tracking System (ICOTS) is a web-based computer application that facilitates the transfer of supervision for probationers and parolees from one state to another. ICOTS is aligned with the Interstate Commission for Adult Offender Supervision (ICAOS) rules and guidance.

IV. GUIDANCE.

A. Training Requirements and Application to Use ICOTS.

1. To apply for approval to use ICOTS:
 - a. follow the instructions on the ACC form titled “ICOTS User Agreement and Application for Access Form” that is available on the ACCess > Policy and Forms website or from the Deputy Compact Administrator.
 - b. complete the application portion of the form. This requires you to read and acknowledge understanding of the “ICOTS User Agreement” and the “[ICOTS Privacy Policy](#)” and affirm completion of the training requirements. You or your supervisor must send the completed form to Arkansas Community Correction; Interstate Compact Office. If approved, you will receive instructions for accessing ICOTS.
2. In-Service Training for ICOTS Users. ICOTS users must meet or exceed training requirements set by the Deputy Compact Administrator.
3. Deputy Compact Administrator Training Responsibilities. The Deputy Compact Administrator’s training responsibilities are:
 - a. provide or make available for all ICOTS users:
 - annual refresher training about ICOTS
 - training on amended rules prior to the effective date of the amended rule
 - b. ensure Compact office staffs participate in appropriate refresher training and they receive training on amended rules prior to the effective date of the amended rule
 - c. participate in the Interstate Commission for Adult Offender Supervision (ICAOS)/ICOTS Enhancement Training sessions and other training to keep current with ICOTS processes

- d. ensure maintenance of all ICOTS training material she/he has developed or provided on agency computer systems and in the Relias Learning database
4. Area Manager Training Responsibilities. Area Managers must ensure their ICOTS users participate in ICOTS training.

B. Requirements for Working with ICOTS Information and ICOTS.

1. ICOTS users must log into ICOTS a minimum of monthly and review cases. ICOTS accounts may be deactivated by the Deputy Compact Administrator when inactivity is apparent and cases will be reassigned to the Area Manager or supervisor's designee
2. ICOTS users must respond appropriately and in a timely manner to emails and must manage transfer cases according to ICAOS rules
3. When working with ICOTS information, users must comply with:
 - this policy
 - the "[Privacy Policy \(for the\) Interstate Compact Offender Tracking System](#)," that is available on the ICAOS website
 - other ACC policy that pertains to data integrity and privacy such as "ACIC/NCIC Criminal Information Systems," "Public Release of Offender Information," "Computer, Cell Phone, Copier and Technology Resources," "Employee Code of Ethics and Rules of Conduct," "Records Management," and "Research and Program Evaluation."

C. Supervisors of Employees who have ICOTS Accounts.

Supervisors must ensure their ICOTS users are: trained, properly managing transfer cases, and logging into ICOTS a minimum of monthly to review cases. If an employee quits or changes jobs, the supervisor must promptly notify the Deputy Compact Administrator so cases may be reassigned and account access removed or modified.

D. Deputy Compact Administrator Other Responsibilities. The Deputy Compact Administrator must:

1. ensure appropriate administration of ICOTS as directed by ICAOS/ICOTS guidance.
2. receive and ensure proper processing of reports of alleged errors in the ICOTS information that originated from ACC.
3. monitor inactive ICOTS accounts and take appropriate actions to include when an ICOTS user with cases does not log into his/her account for 80 days, transfer the

case load to the Area Manager or the Manager's designee and close the ICOTS account

4. If another agency requests ICOTS access, seek approval from the Director.

V. FORMS AND REFERENCED DOCUMENTS.

"ICOTS User Agreement and Application for Access Form;" an ACC form available to staff on the ACC "ACCess" intranet

Reference: [Privacy Policy \(for the\) Interstate Compact Offender Tracking System](#)

Reference: Referenced ACC policy is available to staff on the ACC "ACCess" intranet and available to others on the ACC Public Website www.dcc.arkansas.gov

Interstate Compact Offender Tracking System (ICOTS) AD 28-28 MARKUP

There is not a markup because this is a new policy.

Employee Discipline AD 18-27 CLEAN COPY



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: 18-27 Employee Discipline

TO: Arkansas Community Correction Employees

FROM: Kevin Murphy, Director

SUPERSEDES: AD 09-14

APPROVED: Signature on File

EFFECTIVE: August 31, 2018

I. APPLICABILITY. All Arkansas Community Correction (ACC) employees.

II. POLICY. ACC employees are expected to abide by the ACC Code of Ethics and Rules of Conduct (Code), perform their duties and responsibilities within established job standards and adhere to ACC policies and procedures. When non-compliance or violations occur, supervisors must take action that is fair, impartial, objective, and consistent with the related policy. Discipline will be administered appropriately, consistently, objectively, and fairly. This policy and associated guidance do not create a contract of employment or any legally enforceable interest or limit agency's authority to establish or revise human resource policies or affect its right to terminate employment pursuant to the at-will employment doctrine.
(4-ACRS-7E-07 [P])

III. GUIDELINES FOR EMPLOYEE DISCIPLINE.

A. Components of the Disciplinary Process.

1. Communication. Communication should begin with a private and serious conversation between an employee and the supervisor that is conducive to open and frank discussion of issues. Both parties should attempt to ask and answer all pertinent questions.
2. Objective Investigation. Employee discipline should be initiated only after an inquiry or investigation into the facts. A supervisor may receive information alleging or may have other reason to suspect a violation. Prior to taking disciplinary action, the supervisor should perform the following:
 - a. Talk to persons who might be able to support, refute, or provide clarifying information about the alleged violations and review records, as appropriate.

- b. Meet with the employee to review the alleged violation and to elicit an explanation of the events.
 - c. Consult with superiors, review the facts (including any extenuating, aggravating, or mitigating circumstances, Internal Affairs investigation results if available), and/or make a determination concerning the allegation.
3. Preparation and Considerations. The choice of disciplinary action should be guided by the following:
- a. Consideration of the nature of the violation. More severe actions are appropriate for violations of standards that protect the civil rights and safety of others, ensure an orderly workplace, protect against abuses of authority and assure the public trust in the ACC and its employees.
 - b. Consideration of the potential impact or severity of the violation. For example, being absent from a work post could be viewed as a more serious infraction for a security officer than for an office worker.
 - c. Consideration of similar or repeated violations.
 - d. Consideration of the need to temporarily reassign an employee outside of his normal worksite, go through the appropriate Deputy Director to the Director for approval.
4. Progressive Personnel Actions. Supervisors must be fair, impartial and consistent in administering discipline. The actions listed below are usually initiated by an employee's supervisor but may also be initiated by a person in the employee's supervisory chain, or another hiring official. If a supervisor is contemplating action affecting an employee's pay, he/she must consult with the Human Resources Administrator prior to taking such action.
- a. Verbal Warning. A verbal warning is the lowest level of personnel disciplinary action. It is initiated usually when counseling has not worked or is inappropriate to correct an employee's conduct or performance. The employee is given specific information on what must be corrected and warned that non-compliance will result in disciplinary action up to and including employment termination. The supervisor must note the discussion in the supervisor's file. This may be considered when rating measurements with an employee's performance evaluation; however, it may not be used to prevent an employee from receiving a performance compensation.
 - b. Written Warning. A written warning is a disciplinary action which informs the employee of unsatisfactory performance or a specific Code violation(s), describes the corrective action that should be taken, and warns that a more severe disciplinary action will be taken if the inappropriate behavior or substandard performance is not corrected. An employee may be given a written warning when the seriousness of the violation merits. Unless the undesirable conduct or violation is observed by the supervisor, a written warning may not be issued prior to the supervisor meeting with the employee to elicit the employee's explanation of the situation. Once the supervisor determines personnel action is warranted, the supervisor should meet with the employee to discuss the written action being taken and place the employee on disciplinary probation for 3 to 6 months. Supervisors may extend an employee's probationary period if the employee has been absent from the workplace for the time period that probation would have been imposed. An employee who receives a written warning during the employee's rating period is disqualified from receiving performance compensation.

- c. Suspension. Suspension is a disciplinary action resulting in temporary interruption of an employee's work assignment due to serious or repeated violation(s) of the Code or substandard job performance. All suspensions shall be without pay. The period of suspension shall be at least 1 work day for non-supervisory and at least 3 work days for supervisory personnel, not to exceed ten (10) work days for either. A suspended employee must also be placed on disciplinary probation for 6 months to 1 year. An employee who is suspended during the employee's rating period is disqualified from receiving a performance compensation.
 - d. Demotion. Demotion is a disciplinary action resulting in the reduction of an employee's pay grade for serious or repeated violation(s) of the Code or substandard performance. The amount of the reduction in salary is 10% as set by the Office of Personnel Management. A demoted employee must also be placed on disciplinary probation for 1 year. An employee who is demoted during the employee's rating period is disqualified from receiving a performance compensation.
 - e. Employment Termination. Employment termination is the most severe disciplinary action that can be taken. The employee is discharged for unsatisfactory job performance or a serious, progressive, and/or repetitive Code or rule violation(s).
5. Employee Notification.
- a. Supervisors must give employees written notice of personnel actions administered to them other than counseling and verbal warnings. Once a supervisor determines that an employee's behavior is in violation of the Code or rules, the supervisor should inform the employee as to how the Code applies to the employee's behavior, the consequences, and, if termination is not considered, how the employee's conduct must change and how changes will be measured or observed.
 - b. Employees should be given the opportunity to respond or comment in writing and should acknowledge receipt of the written notice of action by their signature. Employees must sign written disciplinary action (excluding verbal warnings), acknowledging awareness and receipt. A copy should be maintained in the supervisor's file, a copy forwarded to the HRS Administrator for the official personnel file and the original given to the employee. If an employee refuses to sign, another supervisor may sign as a witness.
 - c. An employee receiving an involuntary termination must receive written notice of the termination in person or by certified letter, return receipt requested by addressee only. The letter must state that an eligible employee may extend his/her health insurance coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) for up to eighteen (18) months through the Employee Benefits Division of the Department of Finance and Administration within thirty (30) days from the termination date. If an employee is eligible to file a grievance, the termination letter must also state such.
 - d. Immediate notice must be given to the HRS Administrator when a personnel action affects an employee's pay.

6. Documentation. Supervisors should create and maintain appropriate documentation so that employee meetings and notices are on record. It is not necessary to document every detail of a meeting, but at a minimum the date, participants, key issues discussed, decisions and time frames set should be documented. Documentation of disciplinary action should be clear, factual and legible. Notices of written warning, suspension, demotion, re-assignment and termination must be maintained in the supervisor's file and the employee's official personnel file (maintained in the HRS). Removal of documented personnel actions in an employee's personnel file may only be done with the approval of the Director or as a direct result of employee mediation or grievance determination. Employees may submit requests through the supervisory chain to the Director.

B. Responsibilities.

1. Employees. Employees are responsible for understanding and complying with the Code. Should disciplinary or corrective action be necessary, employees are expected to cooperate as required. Unresolved work problems are to be immediately reported to appropriate supervisors to facilitate early resolution and when possible, avoid the need for disciplinary action. Guidelines in this policy are intended to facilitate the appropriate administration of discipline for violation of the ACC Code.
2. Supervisors. Supervisors must ensure employees under their supervision have access to this policy and sign acknowledgement of the same. Supervisors should facilitate appropriate response to questions concerning discipline.
3. Employee Review of Personnel File. (4-ACRS-7E-12 and 3-3067)
 - a. Review. An employee may make an appointment to view his or her personnel file in the HRS office located at ACC Central Office. The employee must present his/her ACC identification badge. The review will be done in the continual presence of a HRS staff member.
 - b. Challenge and Response. An employee may challenge the contents of his/her official personnel file by sending a written statement to the HRS Administrator. The statement should specify the document being challenged, why it is being challenged, and the employee's request concerning the document. The statement must be legibly dated and signed. The HRS Administrator will facilitate appropriate review of the employee's request and a response by the supervisor, whose action is being challenged, the appropriate Deputy Director, and final response by the Director.

- C. Employee Acknowledgment.** ACC employees must acknowledge their review, understanding, and acceptance of this directive by completing AD 18-27 Form 1 (attached).

IV. ATTACHMENT

AD 18-27 Form 1 Acknowledgment of the ACC Employee Discipline Policy

Arkansas Community Correction
Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, Arkansas 72201-5731
(501) 682-9510 Fax: (501) 682-9538

TO: Arkansas Community Correction (ACC) Human Resources Section

FROM: ACC Employees

RE: Acknowledgment of the ACC Employee Discipline Policy

DATE: _____

Employee Statement: I understand that the policy referenced above is located on the ACC Intranet (ACCess) and website at www.DCC.Arkansas.gov and is available for my review or printing during business hours. I understand it is my responsibility to read it thoroughly and refer to it for future reference. I understand that every effort has been made to ensure the accuracy of this policy and that the policy content is subject to change. I further understand that I should verify information by reviewing the relevant policy, speaking with my supervisor and by calling the Human Resources Section Administrator. I understand that nothing contained in ACC policies, handbooks, applications or other documents, or the granting of any interview, or the placement in a probationary status, or any other administrative act, creates a contract between myself and ACC for either employment or the provision of benefits. I have signed and dated this acknowledgment and understand it will be maintained in my personnel file.

Employee Name	Employee Signature	Date
Personnel Number	Location	

Please forward the signed document to the ACC Human Resources Section

AD 18-27 Form 1

Employee Discipline AD 18-27 MARKUP



Arkansas Community Correction

Two Union National Plaza Building
 105 West Capitol, 3rd Floor
 Little Rock, AR 72201-5731
 501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: ~~09-1418-27~~ Employee Discipline

TO: ~~DEPARTMENT OF~~ Arkansas Community Correction Employees

FROM: ~~G. DAVID GUNTARP~~ Kevin Murphy, Director

SUPERSEDES: AD ~~08-16~~ _____ PAGE
109-14

APPROVED: _____ Signature on File _____ EFFECTIVE: ~~October 30, 2009~~ August 31,

I. **APPLICABILITY.** All ~~Department of~~ Arkansas Community Correction (~~DCCACC~~) employees.

II. **POLICY.** ~~DCCACC~~ employees are expected to abide by the ~~DCCACC~~ Code of Ethics and Rules of Conduct (Code), perform their duties and responsibilities within established job standards and adhere to ~~DCCACC~~ policies and procedures. When non-compliance or violations occur, supervisors must take action that is fair, impartial, objective, and consistent with the related policy. Discipline will be administered appropriately, consistently, objectively, and fairly. This policy and associated guidance do not create a contract of employment or any legally enforceable interest or limit agency’s authority to establish or revise human resource policies or affect its right to terminate employment pursuant to the at-will employment doctrine. ~~(4-ACRS-7E-07 [P])~~
(4-ACRS-7E-07 [P])

III. ~~DEFINITIONS.~~

~~A. Personnel File. An official confidential file maintained in the Human Resources Section (HRS) for each DCC employee that may contain, but is not limited to, the following information:~~

- ~~1. Application for employment and related documents including verification of training and experience.~~
- ~~2. Reference letters.~~

- ~~3. Personnel information, employment status and pay changes.~~
- ~~4. Record of automobile insurance.~~
- ~~5. Letters of commendation and valid complaints, if any.~~
- ~~6. Certain corrective/disciplinary action reports and related materials.~~
- ~~7. Performance evaluation documents maintained in a separate confidential file.~~
- ~~8. Mental health and medical records and documents addressing the physical or mental well-being of a person maintained in a separate confidential file.~~
- ~~9. Background investigation reports maintained in a separate confidential file.~~

~~**B. Supervisor's File.** A file maintained by an employee's supervisor that contains, but is not limited to, the following information:~~

- ~~1. Position job description and essential functions of the job.~~
- ~~2. Performance evaluation documents and employee progress notes.~~
- ~~3. Letters of commendation and valid complaints.~~
- ~~4. Corrective/disciplinary action reports and related materials.~~

~~**C. Disciplinary Probation.** A provisional employment status imposed for disciplinary reasons during which an employee's performance or behavior is subject to an increased level of scrutiny and discipline.~~

IV. GUIDELINES FOR EMPLOYEE DISCIPLINE.

A. Components of the Disciplinary Process.

1. Communication. Communication should begin with a private and serious conversation between an employee and the supervisor that is conducive to open and frank discussion of issues. Both parties should attempt to ask and answer all pertinent questions.
2. Objective Investigation. Employee discipline should be initiated only after an inquiry or investigation into the facts. A supervisor may receive information alleging or may have other reason to suspect a violation. Prior to taking disciplinary action, the supervisor should perform the following:
 - a. Talk to persons who might be able to support, refute, or provide clarifying information about the alleged violations and review records, as appropriate.
 - b. Meet with the employee to review the alleged violation and to elicit an explanation of the events.
 - c. Consult with superiors, review the facts (including any extenuating, aggravating, or mitigating circumstances, Internal Affairs investigation results if available), and/or make a determination concerning the allegation.
3. Preparation and Considerations. The choice of disciplinary action should be guided by the following:
 - a. Consideration of the nature of the violation. More severe actions are appropriate

for violations of standards that protect the civil rights and safety of others, ensure an orderly workplace, protect against abuses of authority and assure the public trust in the [DCCACC](#) and its employees.

- b. Consideration of the potential impact or severity of the violation. For example, being absent from a work post could be viewed as a more serious infraction for a security officer than for an office worker.
 - c. Consideration of similar or repeated violations.
 - d. Consideration of the need to temporarily reassign an employee outside of his normal worksite, go through the appropriate Deputy Director to the Director for approval.
4. Progressive Personnel Actions. Supervisors [shall](#) be fair, impartial and consistent in administering discipline. The actions listed below are usually initiated by an employee's supervisor but may also be initiated by a person in the employee's supervisory chain, or another hiring official. If a supervisor is contemplating action affecting an employee's pay, he/she [should](#) consult with the Human Resources Administrator prior to taking such action.

~~a. Counseling. Counseling, a non-disciplinary action, may be given in response to performance or other issues. Counseling should be done in a private conversation with the employee and in a way that guides the employee in changing behavior or performance that if continued may cause or contribute to misconduct or inability to satisfactorily perform the job. The use of counseling is appropriate when the supervisor believes it will correct the behavior or performance in question. Counseling should be documented and maintained in the supervisor's file; however, it may not be used to prevent an employee from receiving a merit increase or promotion.~~

~~b.~~

~~a. Verbal Warning. A verbal warning is the lowest level of personnel disciplinary action. It is initiated usually when counseling has not worked or is inappropriate to correct an employee's conduct or performance. The employee is given specific information on what must be corrected and warned that non-compliance will result in disciplinary action up to and including employment termination. The supervisor must note the discussion in the supervisor's file. [This may be considered when rating measurements with an employee's performance evaluation](#); however, it may not be used to prevent an employee from receiving a [merit increase or promotion](#).~~

~~e-b. Written Warning. A written warning is a disciplinary action which informs the employee of unsatisfactory performance or a specific Code violation(s), describes the corrective action that should be taken, and warns that a more severe disciplinary action will be taken if the inappropriate behavior or substandard performance is not corrected. An employee may be given a written warning when the seriousness of the violation merits. Unless the undesirable conduct or violation is observed by the supervisor, a written warning may not be issued prior to the supervisor meeting with the employee to elicit the employee's explanation of the situation. Once the supervisor determines personnel action is warranted, the supervisor should meet with the employee to discuss the written action being taken and place the employee on disciplinary probation for 3 to 6 months. Supervisors may extend an employee's probationary period if the employee has been absent from the workplace for the time period that probation would have been imposed.~~

An employee who receives a written warning during the employee's rating period is disqualified from receiving ~~a merit increase.~~performance compensation.

- ~~d.~~
- c. Suspension. Suspension is a disciplinary action resulting in temporary interruption of an employee's work assignment due to serious or repeated violation(s) of the Code or substandard job performance. All suspensions shall be without pay. The period of suspension shall be at least 1 work day for non-supervisory and at least 3 work days for supervisory personnel, not to exceed ten (10) work days for either. A suspended employee must also be placed on disciplinary probation for 6 months to 1 year. An employee who is suspended during the employee's rating period is disqualified from receiving a ~~merit increase~~performance compensation.

- e.d. Demotion. Demotion is a disciplinary action resulting in the reduction of an employee's pay grade for serious or repeated violation(s) of the Code or substandard performance. The amount of the reduction in salary is 10% as set by the Office of Personnel Management. A demoted employee must also be placed on disciplinary probation for 1 year. An employee who is demoted during the employee's rating period is disqualified from receiving a ~~merit increase~~performance compensation.

- f.e. Employment Termination. Employment termination is the most severe disciplinary action that can be taken. The employee is discharged for unsatisfactory job performance or a serious, progressive, and/or repetitive Code or rule violation(s).

6. Employee Notification.

- a. Supervisors must give employees written notice of personnel actions administered to them other than counseling and verbal warnings. Once a supervisor determines that an employee's behavior is in violation of the Code or rules, the supervisor should inform the employee as to how the Code applies to the employee's behavior, the consequences, and, if termination is not considered, how the employee's conduct must change and how changes will be measured or observed.

- b. Employees should be given the opportunity to respond or comment in writing and should acknowledge receipt of the written notice of action by their signature. Employees must sign written disciplinary action (excluding ~~counseling and~~ verbal warnings), acknowledging awareness and receipt. A copy should be maintained in the supervisor's file, a copy forwarded to the HRS Administrator for the official personnel file and the original given to the employee. If an employee refuses to sign, another supervisor may sign as a witness.

- c. An employee receiving an involuntary termination must receive written notice of the termination in person or by certified letter, return receipt requested by addressee only. The letter must state that an eligible employee may extend his/her health insurance coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA) for up to eighteen (18) months through the Employee Benefits Division of the Department of Finance and Administration within thirty (30) days from the termination date. If an employee is eligible to file a grievance, the termination letter must also state such.

- d. Immediate notice must be given to the HRS Administrator when a personnel action affects an employee's pay.
6. Documentation. Supervisors should create and maintain appropriate documentation so that employee meetings and notices are on record. It is not necessary to document every detail of a meeting, but at a minimum the date, participants, key issues discussed, decisions and time frames set should be documented. Documentation of disciplinary action should be clear, factual and legible. Notices of written warning, suspension, demotion, re-assignment and termination must be maintained in the supervisor's file and the employee's official personnel file (maintained in the HRS). Removal of documented personnel actions in an employee's personnel file may only be done with the approval of the Director or as a direct result of employee mediation or grievance determination. Employees may submit requests through the supervisory chain to the Director.

B. Responsibilities.

1. Employees. Employees are responsible for understanding and complying with the Code. Should disciplinary or corrective action be necessary, employees are expected to cooperate as required. Unresolved work problems are to be immediately reported to appropriate supervisors to facilitate early resolution and when possible, avoid the need for disciplinary action. Guidelines in this policy are intended to facilitate the appropriate administration of discipline for violation of the DCCACC Code.
2. Supervisors. Supervisors must ensure employees under their supervision have access to this policy and sign acknowledgement of the same. Supervisors should facilitate appropriate response to questions concerning discipline.
3. Employee Review of Personnel File. (4-ACRS-7E-12 and 3-3067)
 - a. Review. An employee may make an appointment to view his or her personnel file in the HRS office located at DCCACC Central Office. The employee must present his/her DCCACC identification badge. The review will be done in the continual presence of a HRS staff member.
 - b. Challenge and Response. An employee may challenge the contents of his/her official personnel file by sending a written statement to the HRS Administrator. The statement should specify the document being challenged, why it is being challenged, and the employee's request concerning the document. The statement must be legibly dated and signed. The HRS Administrator will facilitate appropriate review of the employee's request and a response by the supervisor, whose action is being challenged, the appropriate Deputy Director, and final response by the Director.

- C. Employee Acknowledgment.** DCCACC employees must acknowledge their review, understanding, and acceptance of this directive by completing AD 08-1618-27 Form 1 (attached).

**V.
IV. ATTACHMENT**

AD 09-1418-27 Form 1 Acknowledgment of the DCCACC Employee Discipline Policy

Arkansas Community Correction
Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, Arkansas 72201-5731
(501) 682-9510 Fax: (501) 682-9538

TO: Arkansas Community Correction (ACC) Human Resources Section

FROM: ACC Employees

RE: Acknowledgment of the ACC Employee Discipline Policy

DATE: _____

Employee Statement: I understand that the policy referenced above is located on the ACC Intranet (ACCess) and website at www.DCC.Arkansas.gov and is available for my review or printing during business hours. I understand it is my responsibility to read it thoroughly and refer to it for future reference. I understand that every effort has been made to ensure the accuracy of this policy and that the policy content is subject to change. I further understand that I should verify information by reviewing the relevant policy, speaking with my supervisor and by calling the Human Resources Section Administrator. I understand that nothing contained in ACC policies, handbooks, applications or other documents, or the granting of any interview, or the placement in a probationary status, or any other administrative act, creates a contract between myself and ACC for either employment or the provision of benefits. I have signed and dated this acknowledgment and understand it will be maintained in my personnel file.

_____	_____	_____
Employee Name	Employee Signature	Date
_____	_____	
Personnel Number	Location	

Please forward the signed document to the ACC Human Resources Section

AD 18-27 Form 1

Employee Timekeeping, Compensation and Promotions AD 18-10 CLEAN COPY



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: AD 18-10 Employee Timekeeping, Compensation and Promotions

TO: Arkansas Community Correction (ACC) Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD 17-39

APPROVED: _____ Signature on File _____

EFFECTIVE: July 9, 2018

- I. **APPLICABILITY.** This policy applies to all ACC employees.
- II. **POLICY.** All ACC positions are classified as exempt, nonexempt or 207(k) (7K) law enforcement exempt from the Fair Labor Standards Act (FLSA). Supervisors of nonexempt and 7K law enforcement employees are required to hold employees accountable to the established regular workweek standard unless overtime hours of work are necessary and approved to facilitate operations.
- III. **DEFINITIONS.**
 - A. **Banked Time.** Balance of accrued leave (annual, sick, overtime or holiday).
 - B. **Overtime.** Time physically worked in excess of 40 hours in a workweek for nonexempt employees and in excess of 86 hours in a 2-week pay period for 7K exempt employees.
 - C. **Straight Time.** Time physically worked up to 40 hours in a pay period for non-exempt employees and up to 86 hours in a pay period for 7K exempt employees.
 - D. **Promotion.** An employee's change in duty assignment from a position in one classification to a position in another classification of a higher salary grade within the same pay table.
 - E. **Demotion.** An employee's change in duty assignment from a position in one classification to a position in a lower classified position within the same pay table.

- F. **Transfer.** Transferring to another position within the state under the same job classification of title, grade, and pay as their current position or between pay tables.

IV. TIME KEEPING.

- A. **Time Sheets.** All time sheets must reflect the exact time the employee physically worked, any paid leave, and leave without pay.
- B. **Time Entry Requirements.** All employees must have ALL time entered by noon on Wednesday prior to payroll processing. Payroll processing occurs the Monday before each pay day. Supervisors are to have all leave and time approved by 8:00 a.m. the very next morning (Thursday). It is mandatory for employees to contact their local timekeeper with any time entry questions that would affect payroll after the noon deadline. Timekeepers are to verify time is entered for employees from their area/center and are to contact HRS with any time entry questions that would affect payroll. Any necessary changes can be made in the following payroll cycle.
- C. **Timekeeping Records.** Non-exempt and all 7K exempt employees must accurately complete and submit time sheets through Empowering Arkansas State Employees (EASE) in sufficient time for the timekeeper to meet the payroll schedule. All employees must complete leave request forms and comply with guidance in this policy.
- D. **Determining FLSA Designation.** FLSA designations for each position classification within the state Classification and Compensation Act are determined and assigned by OPM. If the FLSA designation of the position occupied by the employee is in question, the appropriate Deputy Director must contact the HRS Administrator and request a classification status review. The HRS Administrator will submit the Request for Review to OPM.
- E. **Non-Exempt.** Non-exempt employees are those whose functional job duties and responsibilities do not meet the FLSA exemption test and are therefore entitled to be compensated for hours worked in excess of 40 in a workweek. Non-exempt employees will be compensated for overtime hours actually worked above 40 hours in a workweek with compensatory time banked at the rate of 1.5 times the number of hours worked. Non-exempt employees will be compensated with pay for overtime exceeding 240 hours at the rate of 1.5 times their regular rate of pay.
- F. **Exempt.** Employees whose positions meet specific tests established by the FLSA and state law and are exempt from the FLSA overtime provisions. Exempt employees are paid on an annual salary basis.
- G. **7K Law Enforcement (Partially Exempt).** Employees categorized as 7K law enforcement personnel are partially exempt from the FLSA and will record time based on a standard 14-day work period (80 to 86 hours). The partial exemption provides that employees are paid at their regular work schedule rate of pay for the first 80 hours they physically work. Those hours physically worked between 80 and 86 hours will be counted as 7K Exemption Gap and placed in the employee's banked 7K Exemption

Gap account. Any time physically worked in excess of 86 in the 14-day work period is counted at a rate of one and one half times and is banked in the employee's overtime account. The 7K exempt employee will be paid for overtime exceeding 480 hours.

- H. Leave Records.** Supervisors and timekeepers must ensure timekeeping records are forwarded to the new supervisor and timekeeper when an employee transfers, promotes or demotes to another position within the ACC. When an employee leaves the agency, leave records are to be maintained by the timekeeper under the records retention policy. All records are electronic after April 22, 2017.
- I. Use of Banked Holidays, Straight Time, 7K Exemption Gap, and Overtime.** Overtime may only be worked with the approval of an Assistant Area Manager, Assistant Center Supervisor, staff supervisor, or higher. "Authorization to Work Overtime" form must be used to request overtime. Employees are required to use banked leave in the following sequence: holiday, overtime, 7K Exemption Gap, straight time, annual leave, and leave without pay (LWOP) unless an exception is permitted in this policy. If an employee requests annual leave, the supervisor must confirm an EASE employee has adequate time prior to approving the leave request. An employee who requests to use banked holidays, 7K Exemption Gap, straight time, overtime or annual leave may be permitted to do so within a reasonable period after making the request as long as it does not affect critical operations of the agency. The minimum amount of banked holiday, 7K Exemption Gap, straight time or overtime that can be requested is fifteen (15) minutes. If an employee is in danger of losing annual leave at the end of the year, a supervisor may allow the employee to use annual leave before using banked holiday, straight time, and overtime.
- J. Leave Time. Benefit vs. Entitlement.** Benefits consist of holidays, annual and sick leave. Entitlements are overtime, 7K Exemption Gap, and straight time. Under no circumstance must a benefit be converted into an entitlement by counting it toward the hours the employee physically works. For example, a non-exempt employee uses 8 hours sick leave on Monday, then physically works 10 hours on Tuesday, 9 hours on Wednesday, 8 hours on Thursday and 8 hours on Friday. The employee would have a total of 35 hours physically worked and 8 hours of sick leave for a total of 43 hours. Forty (40) hours is all that is required for the pay week; therefore, the number of sick leave hours charged must be reduced from 8 to 5. Timekeepers should inform the supervisor and employee of the necessary corrections and then make the appropriate changes to AASIS. Under no circumstance will 3 hours be added to the employee's banked straight time account.
- K. Leave Entry Restrictions.** Leave must not be entered farther ahead than the current calendar year.
- L. Employee Leave – Additional Guidance.** There is additional guidance about employee leave in the policy titled "Employee Leave."

V. COMPENSATION.

A. Upon Hire. The ACC will not accept leave balances transferred from other State agencies for 7K Exemption Gap, straight time, or overtime.

B. Promotion. An employee who is promoted shall receive the maximum annual salary for which he or she is eligible as follows:

1. For a promotion to a position of a higher grade on the same pay table, the employee's maximum rate of pay shall be increased up to ten percent (10%).
2. An employee who upon promotion is receiving a rate of pay below the lowest entrance pay level established for the new grade will be adjusted to that lowest entrance pay level for that grade; however, an employee's rate of pay upon promotion cannot exceed the maximum pay level of the grade assigned to the classification.
3. When an employee promotes to a different agency or institution, the originating agency or institution must pay all accumulated compensatory time and overtime to the employee at the time of transfer.
4. Non-exempt employees promoting to an exempt classification must have all accumulated compensatory time and overtime paid at the time of transfer. Payment will be at the rate prior to promotion.

C. Job Series Promotions.

1. Correctional Officer (Residential Supervisors).

Only a CO I may become eligible to be promoted to a Corporal. This promotion will be processed following Human Resources' (HR) receipt of the form titled "Promotion Recommendation for Correctional Officer I to Corporal" with authorized signatures. The authorized signatures verify that the CO I has met the following criteria:

- completed the one year probationary period
- completed the RSBT Training Academy within the first 9 months of employment with ACC or within an extended period approved by the Deputy Director of Residential Services
- successfully completed the Security Officer Training Program. An employee that has not successfully completed this program will not be eligible for promotion until fully completed
- must have obtained an overall "Needs Development" or above on their most recent performance evaluation

If an employee receives a disciplinary action with a probationary period that extends past his or her 12 month probationary period, he or she will not be eligible for promotion until disciplinary probation is complete.

Promotion will result in an increase of one salary grade; however, the promotion will

not go into effect until the Promotion Recommendation Form is received in HR. The documentation provided to HR will be placed in the employee's personnel file.

If an employee cannot attend the required RSBT Academy within the first 9 months of employment due to extenuating circumstances, the Deputy Director of Residential Services must approve a requested extension.

2. Parole/Probation Officer.

a. Promotion from PPO I to PPO II

Only a PPO I may become eligible to be promoted to a PPO II. This promotion will be processed following Human Resources' (HR) receipt of a copy of the signed F7 (Application for Award of Law Enforcement Officer Certificate) submitted to the Commission on Law Enforcement Standards and Training (CLEST) with authorized signatures and the form "Promotion Recommendation for PPO I to PPO II." The authorized signatures verify that the PPO I has met the following criteria:

- continuously employed as a PPOI for one-year period
- successfully completed ACC basic PPO Training Academy, as well as Firearms Qualification
- successfully completed the Field Training Officer Program
- obtained an overall "Needs Development" or above on their most recent performance evaluation
- If an employee receives a disciplinary action with a probationary period that extends past his or her 12 month probationary period, he or she will not be eligible for promotion until disciplinary probation is complete

Promotion will result in an increase of one salary grade; however, the promotion will not go into effect until the official certification is received in HR from CLEST. The documentation provided to HR will be placed in the employee's personnel file.

If an employee cannot attend the required PPO Academy within the first 9 months of employment due to extenuating circumstances, the Deputy Director of Parole/Probation Services must approve a requested extension. If approved, the employee will not receive a promotion to a PPO II until completion of the required PPO Academy and previously stated eligibility criteria.

b. Promotion from PPO II to an Agent

Only ACC employees in PPO II positions (excluding those assigned to institutions) may voluntarily apply for promotion to a Parole/Probation Agent (Agent). The PPO II must meet the criteria on the form titled "Promotion to Agent Application."

- served in a PPO II position for two consecutive years immediately prior to application for Agent

- current on firearms requalification prior to his/her scheduled Promotion Board interview
- obtained an overall rating of “Needs Development” or above the first year as PPO II and an overall rating of “Solid Performer” or above on the most recent performance evaluation as a PPO II
- If an employee receives a disciplinary action with a probationary period that extends past his or her second year period, he or she will not be eligible for promotion until disciplinary probation is complete
- current on defensive tactics refresher course prior to his/her scheduled PB interview
- passed the PPA written examination with a minimum of 80%. If an employee fails the written examination, that employee will have an additional opportunity to take and pass the examination with a minimum score of 80%. If the employee fails the examination the second time, the employee must wait a period of six months to retake the examination and must pass with a minimum score of 80%
- successfully completed ACC’s Leadership Course before scheduled Promotion Board interview
- has current CPR/First Aid certifications
- received a favorable promotion recommendation by the Parole/Probation Promotion Board with at least a score of 80 out of 100 total interview points
- PPO IIs who were not promoted must wait six months before applying again

Promotions will result in an increase of one salary grade; however, the promotion will not go into effect until the completed Parole/Probation Recommendation Summary form is received in HR. The documentation provided to HR will be placed in the employee’s personnel file.

D. Demotion. When an employee is demoted for cause or voluntarily solicits a demotion, his or her rate of pay shall be:

1. For a demotion to a position of a lower grade on the same pay table, the employee's maximum rate of pay shall be decreased up to ten percent (10%).
2. If the employee’s salary falls below the entry pay level of the new grade upon demotion, his/her salary will be adjusted to entry level for that grade.
3. An employee’s rate of pay upon a demotion cannot exceed the amount provided by the maximum pay level of the grade assigned to the classification.
4. An employee returning within 12 months after a promotion to a position or classification that they previously occupied is eligible for a rate of pay not greater than that for which the employee would have been eligible had they remained in the lower-graded classification.

E. Transfer. An employee transferring positions from one pay table, either within the same agency or a different agency, may receive a change in pay if one of the following occurs:

1. The employee's salary falls below the entry pay level of the new grade then the employee's salary will be adjusted to the entry pay level.
2. The rate of pay must not exceed the maximum pay level.
3. When an employee transfers to another agency, the originating agency must pay the employee for all accumulated compensatory time and overtime accrued at the time of transfer.

F. Retirement. Employees are permitted to defer to the State 457 Deferred Compensation Plan for all, or a portion, of their final lump sum monies (comprised of unused sick or vacation leave) provided the employee follows the requirements of the program. For more information on Deferred Compensation please click this link [Arkansas Diamond Deferred Compensation Plan information](#). Employees should discuss this option with HRS before their termination due to retirement.

G. Termination. Upon termination from employment, the employee shall receive payment for any unused annual leave, birthdays, and holidays, not to exceed 240 hours, and straight time and overtime at the employee's final regular rate of pay. 7K Exempt employees will receive all unused holidays. Time will be paid the first full pay period after the termination.

H. Pay Periods. Biweekly pay periods run from Sunday of one week through Saturday of the following week. Employees are paid every other Friday for time worked through the preceding payroll cycle. The time sheet is used to record hours worked by non-exempt and all 7K exempt employees during the pay period. A pay period schedule is retained in HRS.

I. Meal, Rest and Fitness Breaks. Generally, non-exempt employees assigned to posts or workstations requiring constant staffing may be allowed a 15-minute paid rest break in the morning and in the afternoon, at times approved by the supervisor. ACC Residential Centers are the only locations that require constant staffing; however, breaks may not be approved at times of staff shortages. They must be completely relieved of their duties and free to leave the post during this time. Although other employees may be allowed the same, it is not a right, but a privilege at the discretion of the supervisor. When rest breaks are authorized, they may be combined for the purpose of participating in fitness activities and may not exceed 30 minutes.

All employees not assigned to a post are required to take a 30 minute unpaid lunch break and may be allowed up to a 60 minute unpaid lunch break, depending on their approved work schedule. This break may not be combined with rest breaks, nor taken to leave work early or arrive late. When an employee does not take a break during the day the benefit is lost. Aside from the breaks described above, there are no other authorized breaks.

- J. On-Call Time.** Time spent on-call, under circumstances where the time can be used effectively for personal purposes, is not compensable. An employee who is not required to remain on ACC premises but is only required to notify ACC officials where he/she may be reached or carry a cell phone is not working while “on call.” To be considered as compensable on-call time, an employee must be restricted from using the time for his or her personal pursuits. Should an employee be called in while on-call, pay begins when the employee receives the call. The employee must report immediately and no later than one (1) hour after receiving the call. An employee who reports later than one (1) hour will be paid beginning upon arrival. Should the employee be released before the end of the shift or the end of their regular work schedule, on-call pay will be stopped when the employee leaves the premises.
- K. Workers Compensation.** Employees who are absent from work due to a temporary occupational injury or illness and who are entitled to Workers’ Compensation benefits may use their accrued leave as a supplement to such benefits not to exceed the employee’s regular salary rate of pay per pay period. Contact the ACC Agency Human Resources Manager in Human Resources for more information.
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- N. Additional Compensation Information.** There are other sources for compensation information including the “Employee Leave” policy.

VI. ATTACHMENTS AND FORMS LIST.

Attachment 1 Guidelines for PPO to Agent Promotions
AD 18-10 Form 1 Authorization to Work Overtime
AD 18-10 Form 2 Promotion Recommendation for COI to Corporal
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AD 18-10 Form 5 Promotion Recommendation

Arkansas Community Correction Guidelines for PPO to Agent Promotions

In the process of becoming eligible to become an Agent, all candidates must take and pass all tests and evaluation exercises as follows:

1. Procedures for Requesting Promotion to Agent

A PPO may begin the qualification process for promotion to Agent at any time after obtaining the PPO II level for 2 years. There is no set order in which the PPO II must accomplish promotion requirements, except that the firearms requalification, defensive tactics, CPR/First Aid, and Leadership Training need to be currently up to date.

A PPO II may request promotion to Agent by initiating the Parole / Probation Promotion Summary form and forwarding it through an Assistant Area Manager to the Area Manager. The Area Manager will establish a file for maintaining promotion documents and activity. For consistency, the promotion file folder will be a standard layout with six sides, as follows: Side 1 - Application/Summary Sheet; Side 2 - Two Consecutive Performance Evaluations (Solid Performer or above on the most recent performance evaluation as a PPOII while rating Needs Development or above on the previous year's evaluation) and any other requested personnel information; Side 3 – Leadership Training Results; Side 4 - Written Examination Results; Side 5 - CPR/First Aid/Defensive Tactics Evaluations; Side 6 - Firearms Training; CPR/First Aid Certification,

2. File Review of Training, Performance Appraisals, Disciplinary and Other Records.

The supervisor will conduct a file review to determine whether the employee scored Solid Performer or greater on their last most recent annual performance evaluations. If the employee has been disciplined (excluding verbal warning) for inappropriate behavior or violation of policy, he or she will not be eligible for promotion until the disciplinary probation is complete.

3. Leadership Training.

Candidates will be required to attend a 40 hour Leadership training conducted through the Central Training Section (CTS) before the Promotion Board (PB) interview. Central Training Section will have necessary curriculum in various areas related to leadership. Supervisors will help coordinate time and dates for this training with CTS.

4. First Aid, CPR, Defensive Tactics, Firearms Requalification

Certification or re-certification of CPR/First Aid, Defense Tactics and Firearms must be accomplished prior to the projected date of the PB interview. The Central Training Section (CTS) will assist in providing scheduled training for CPR and Defense Tactics. Area Managers will facilitate firearms requalification for applicants. The results will be recorded on the Parole/Probation Promotion Summary.

5. Preparation

To facilitate demonstration of best efforts, promotion applicants may want to initiate early physical fitness activities and mental preparation prior to requesting consideration for promotion examinations, evaluations, and performance testing. Some helpful preparation resources could include job-related areas of agency policy and procedures, training materials, administrative regulations and directives, including but not limited to the following:

- The [Parole/Probation Services Manual](#)
- Interstate Compact Rules and Training Manuals;
- Use of Force, Safety and Security and other job related agency policies;
- Practice on the firing range;
- Defensive tactics training materials, and practice application;
- Review of first aid and CPR training materials, and practice application;
- Agency Employee Handbook; and

6. Policy/Procedure Examination

Assistant Directors for Parole/Probation (AD), Deputy Director for Parole Probation Services and others as designated by the Director will be responsible for administering the exam. An AD will be scheduled by the Deputy Director of Parole/Probation Services for each exam. Each applicant must take and pass a written test covering various aspects of ACC policies, procedures, and practices. A passing score is 80% or above.

7. Test Results

Applicants who fail an exam may retest at the next scheduled opportunity. If not successful following the retest, the applicant may repeat the application process six months after the retest date.

The promotion applicant is responsible to obtain test results recorded on a Promotion Summary and appropriately signed at each point of testing. Promotion Summary Form is forwarded to the Human Resources Section for promotion processing and placement in the employee's personnel file.

8. Promotion Board Interview

A supervisor may schedule an applicant for the PB interview following satisfaction of all other requirements.

Agent applicants successful in each of the required areas of testing/evaluation will be scheduled through the Area Manager by the Assistant Director for Parole/Probation Services for the Promotion Board interview.

The PB interviews will be scheduled to meet as necessary and scheduled by the Deputy Director of Parole/Probation Services. A panel consists of three PB members for each promotion interview. The Deputy Director (P/P Services) may appoint an Assistant Director (P/P Services) to chair or chair the PB him/herself. The Deputy Director or his/her designee will notify staff of PB interview dates. The applicant will dress in business attire for the interview and hand carry their Promotion Files to the PB the day of the interview.

Promotion documents should not be altered in any way. The file should reflect satisfaction of all promotion requirements as described above. If the file does not reflect all requirements, it will be returned to the Area Manager. The PB Chair will notify the appropriate Area Manager of the interview results within one business day of the decision. The PB chair must ensure the PB members sign and date the Promotion Summary, approving promotion to Agent. The PB will be the final decision on agent promotions.

Applicants recommended by the PB will be promoted to Agent effective the first day of the next pay period. A promotion ceremony will be held to confer honors to those approved by the PB and promoted to Agent.

Employee Timekeeping, Compensation and Promotions AD 18-10 MARKUP



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: AD ~~17-39~~18-10

Employee Timekeeping ~~and~~,
Compensation ~~and~~ Promotions

TO: Arkansas Community Correction (ACC) Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD 17-~~2639~~

APPROVED: _____ Signature on file

EFFECTIVE: ~~October 24, 2017~~

- I. **APPLICABILITY.** This policy applies to all ACC employees.
- II. **POLICY.** All ACC positions are classified as exempt, nonexempt or 207(k) (7K) law enforcement exempt from the Fair Labor Standards Act (FLSA). Supervisors of nonexempt and 7K law enforcement employees are required to hold employees accountable to the established regular workweek standard unless overtime hours of work are necessary and approved to facilitate operations.
- III. **DEFINITIONS.**
 - G. **Banked Time.** Balance of accrued leave (annual, sick, overtime or holiday).
 - H. **Overtime.** Time physically worked in excess of 40 hours in a workweek for nonexempt employees and in excess of 86 hours in a 2-week pay period for 7K exempt employees.
 - I. **Straight Time.** Time physically worked up to 40 hours in a pay period for non-exempt employees and up to 86 hours in a pay period for 7K exempt employees.
 - J. **Promotion.** An employee's change in duty assignment from a position in one classification to a position in another classification of a higher salary grade within the same pay table.

- K. Demotion.** An employee's change in duty assignment from a position in one classification to a position in a lower classified position within the same pay table.
- L. Transfer.** Transferring to another position within the state under the same job classification of title, grade, and pay as their current position or between pay tables.

IV. TIME KEEPING.

- M. Time Sheets.** All time sheets must reflect the exact time the employee physically worked, any paid leave, and leave without pay.
- N. Time Entry Requirements.** All employees must have ALL time entered by noon on ~~the second~~ Wednesday ~~of~~ prior to payroll processing. Payroll processing occurs the Monday before each ~~bi-weekly~~ pay ~~period.~~ day. Supervisors are to have all leave and time approved by 8:00 a.m. the very next morning (Thursday). It is mandatory for employees to contact their local timekeeper with any time entry questions that would affect payroll after the noon deadline. Timekeepers are to verify time is entered for employees from their area/center and are to contact HRS with any time entry questions that would affect payroll. Any necessary changes can be made in the following payroll cycle.
- O. Timekeeping Records.** Non-exempt and all 7K exempt employees must accurately complete and submit time sheets through Empowering Arkansas State Employees (EASE) in sufficient time for the timekeeper to meet the payroll schedule. All employees must complete leave request forms and comply with guidance in this policy.
- P. Determining FLSA Designation.** FLSA designations for each position classification within the state Classification and Compensation Act are determined and assigned by OPM. If the FLSA designation of the position occupied by the employee is in question, the appropriate Deputy Director must contact the HRS Administrator and request a classification status review. The HRS Administrator will submit the Request for Review to OPM.
- Q. Non-Exempt.** Non-exempt employees are those whose functional job duties and responsibilities do not meet the FLSA exemption test and ~~who~~ are therefore entitled to be compensated with time on a multiple for hours worked in excess of their hourly rate of pay for overtime. All time sheets must reflect the exact time the 40 in a workweek. Non-exempt employee physically worked. Actual time physically employees will be compensated for overtime hours actually worked above 40 hours in a scheduled workweek is accrued with compensatory time banked at the rate of time and one-half. The employee 1.5 times the number of hours worked. Non-exempt employees will be paid compensated with pay for overtime exceeding 240 hours at the rate of 1.5 times their regular rate of pay.
- R. Exempt.** Employees whose positions meet specific tests established by the FLSA and state law and are exempt from the FLSA overtime provisions ~~requirements.~~ Exempt employees are paid on an annual salary basis.

- S. 7K Law Enforcement (Partially Exempt).** Employees categorized as 7K law enforcement personnel are partially exempt from the FLSA and will record time based on a standard 14-day work period (80 to 86 hours). The partial exemption provides that employees are paid at their regular work schedule rate of pay for the first 80 hours they physically work. Those hours physically worked between 80 and 86 hours will be counted as 7K Exemption Gap and placed in the employee's banked 7K Exemption Gap account. Any time physically worked in excess of 86 in the 14-day work period is counted at a rate of one and one half times and is banked in the employee's overtime account. The 7K exempt employee will be paid for overtime exceeding 480 hours.
- T. Leave Records.** Supervisors and timekeepers must ensure timekeeping records are forwarded to the new supervisor and timekeeper when an employee transfers, promotes or demotes to another position within the ACC. When an employee leaves the agency, leave records are to be maintained by the timekeeper under the records retention policy. All records are electronic after April 22, 2017.
- U. Use of Banked Holidays, Straight Time, 7K Exemption Gap, and Overtime.** Overtime may only be worked with the approval of an Assistant Area Manager, Assistant Center Supervisor, staff supervisor, or higher. "Authorization to Work Overtime" form must be used to request overtime. Employees are required to use banked leave in the following sequence: holiday, overtime, 7K Exemption Gap, straight time, annual leave, and leave without pay (LWOP) unless an exception is permitted in this policy. If an employee requests annual leave, the ~~timekeeper/supervisor~~ must ~~check confirm~~ an EASE employee has adequate time prior to approving the leave balances and charge leave in the same sequence. The timekeeper will correct the employee's time sheet request. An employee who requests to use banked holidays, 7K Exemption Gap, straight time, overtime or annual leave may be permitted to do so within a reasonable period after making the request as long as it does not affect critical operations of the agency. The minimum amount of banked holiday, 7K Exemption Gap, straight time or overtime that can be requested is fifteen (15) minutes. If an employee is in danger of losing annual leave at the end of the year, a supervisor may allow the employee to use annual leave before using banked holiday, straight time, and overtime.
- V. Leave Time. Benefit vs. Entitlement.** Benefits consist of holidays, annual and sick leave. Entitlements are overtime, 7K Exemption Gap, and straight time. Under no circumstance must a benefit be converted into an entitlement by counting it toward the hours the employee physically works. For example, a non-exempt employee uses 8 hours sick leave on Monday, then physically works 10 hours on Tuesday, 9 hours on Wednesday, 8 hours on Thursday and 8 hours on Friday. The employee would have a total of 35 hours physically worked and 8 hours of sick leave for a total of 43 hours. Forty (40) hours is all that is required for the pay week; therefore, the number of sick leave hours charged must be reduced from 8 to 5. Timekeepers should inform the supervisor and employee of the necessary corrections and then make the appropriate changes to AASIS. Under no circumstance will 3 hours be added to the employee's banked straight time account.
- W. Leave Entry Restrictions. Leave must not be entered farther ahead than the current calendar year.**

X. Employee Leave – Additional Guidance. There is additional guidance about employee leave in the policy titled “Employee Leave.”

V. COMPENSATION.

F. Upon Hire. The ACC will not ~~accept leave balances transfer~~ transferred from other ~~State agencies for holidays,~~ 7K Exemption Gap, straight time, or overtime ~~from other State agencies.~~

G. Promotion. An employee who is promoted shall receive the maximum annual salary for which he or she is eligible as follows:

1. For a promotion to a position of a higher grade on the same pay table, the employee's maximum rate of pay shall be increased up to ten percent (10%).
2. An employee who upon promotion is receiving a rate of pay below the lowest entrance pay level established for the new grade will be adjusted to that lowest entrance pay level for that grade; however, an employee's rate of pay upon promotion cannot exceed the maximum pay level of the grade assigned to the classification.
3. When an employee promotes to a different agency or institution, the originating agency or institution must pay all accumulated compensatory time and overtime to the employee at the time of transfer.
4. Non-exempt employees promoting to an exempt classification must have all accumulated compensatory time and overtime paid at the time of transfer. Payment will be at the rate prior to promotion.

H. Job Series Promotions.

1. Correctional Officer (Residential Supervisors).

Only a CO I may become eligible to be promoted to a Corporal. This promotion will be processed following Human Resources' (HR) receipt of ~~a~~ the form titled “Promotion Recommendation Form for Correctional Officer I to Corporal” with authorized signatures. The authorized signatures verify that the CO I ~~have~~ has met the following criteria:

- completed the one year probationary period
- completed the RSBT Training Academy within the first 9 months of employment with ACC or within an extended period approved by the Deputy Director of Residential Services
- successfully completed the Security Officer Training Program. An employee that has not successfully completed this program will not be eligible for promotion until fully completed.
- must have obtained an overall ~~a~~ “satisfactory” in the “Needs Development” or above on their most ~~current~~ recent performance evaluation ~~rating,~~
- ~~is free from disciplinary action greater than a verbal warning.~~

If an employee receives a disciplinary action with a probationary period that extends past his or her 12 month probationary period, he or she will not be eligible for promotion until disciplinary probation is complete.

Promotion will result in an increase of one salary grade; however, the promotion will not go into effect until the Promotion Recommendation Form is received in HR. The documentation provided to HR will be placed in the employee's personnel file.

If an employee cannot attend the required RSBT Academy within the first 9 months of employment due to extenuating circumstances, the Deputy Director of Residential Services must approve a requested extension. ~~If approved, the employee will not receive a promotion to a Corporal until completion of the required RSBT Academy and previously stated eligibility criteria.~~

2. Parole/Probation Officer.

a. Promotion from PPO I to PPO II

Only a PPO I may become eligible to be promoted to a PPO II. This promotion will be processed following Human Resources' (HR) receipt of a copy of the signed F7 (Application for Award of Law Enforcement Officer Certificate) submitted to the Commission on Law Enforcement Standards and Training (CLEST) with authorized signatures; and the form "Promotion Recommendation for PPO I to PPO II." The authorized signatures verify that the PPO I ~~have~~has met the following criteria:

- ~~completed the~~continuously employed as a PPOI for one-year probationary period
- successfully completed ACC basic PPO Training Academy, as well as Firearms Qualification
- successfully completed the Field Training Officer Program
- obtained an overall "satisfactory" in the Needs Development" or above on their most current recent performance evaluation rating;
- ~~is free of disciplinary action greater than a verbal warning.~~
- If an employee receives a disciplinary action with a probationary period that extends past his or her 12 month probationary period, he or she will not be eligible for promotion until disciplinary probation is complete;

Promotion will result in an increase of one salary grade; however, the promotion will not go into effect until the official certification is received in HR from CLEST. The documentation provided to HR will be placed in the employee's personnel file.

If an employee cannot attend the required PPO Academy within the first 9 months of employment due to extenuating circumstances, the Deputy Director of Parole/Probation Services must approve a requested extension. If approved, the employee will not receive a promotion to a PPO II until completion of the

required PPO Academy and previously stated eligibility criteria.

b. Promotion from PPO II to an Agent

Only ACC employees in PPO II positions (excluding those assigned to institutions) may voluntarily apply for promotion to a Parole/Probation Agent (Agent). The PPO II must meet the ~~following~~ criteria ~~for on~~ the ~~promotion form~~ titled “Promotion to Agent Application.”

- served in a PPO II position for two consecutive years immediately prior to application for Agent
- ~~be~~ current on firearms requalification prior to his/her scheduled Promotion Board interview
- ~~obtained an overall~~ ~~satisfactory for rating of “Needs Development” or above~~ the ~~past 2 years~~ ~~first year as PPO II and an overall rating of “Solid Performer” or above on the~~ ~~most recent performance evaluation~~ as a PPO II, ~~with no~~
- ~~If an employee receives a~~ disciplinary action ~~(excluding verbal warnings)~~ ~~during the same~~ ~~with a probationary period that extends past his or her~~ ~~second year period, he or she will not be eligible for promotion until~~ ~~disciplinary probation is complete.~~
- ~~be~~ current on defensive tactics refresher course prior to his/her scheduled PB interview
- passed the PPA written examination with a minimum of 80%. If an employee fails the written examination, that employee will have an additional opportunity to take and pass the examination with a minimum score of 80%. If the employee fails the examination the second time, the employee must wait a period of six months to retake the examination and must pass with a minimum score of 80%; ~~and~~ %
- successfully ~~complete~~ ~~completed~~ ACC’s Leadership Course before scheduled Promotion Board interview
- ~~must have~~ ~~has~~ current ~~CPR/First Aid/CPR~~ certifications
- ~~received a favorable promotion recommendation by the~~ ~~Parole/Probation~~ Promotion Board:
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A PPO may begin the qualification process for promotion to Agent at any time after obtaining the PPO II level for 2 years. There is no set order in which the PPO II must accomplish promotion requirements, except that the firearms requalification, defensive tactics, CPR/First Aid, and Leadership Training need to be currently up to date.

A PPO II may request promotion to Agent by initiating the Parole / Probation Promotion Summary form and forwarding it through an Assistant Area Manager to the Area Manager. The Area Manager will establish a file for maintaining promotion documents and activity. For consistency, the promotion file folder will be a standard layout with six sides, as follows: Side 1 - Application/Summary Sheet; Side 2 - Two Consecutive Performance Evaluations (Solid Performer or above on the most recent performance evaluation as a PPOII while rating Needs Development or above on the previous year's evaluation) and any other requested personnel information; Side 3 – Leadership Training Results; Side 4 - Written Examination Results; Side 5 - CPR/First Aid/Defensive Tactics Evaluations; Side 6 - Firearms Training; CPR/First Aid Certification.

8. File Review of Training, Performance Appraisals, Disciplinary and Other Records.

The supervisor will conduct a file review to determine whether the employee scored Solid Performer or greater on their last most recent annual performance evaluations. If the employee has been disciplined (excluding verbal warning) for inappropriate behavior or violation of policy, he or she will not be eligible for promotion until the disciplinary probation is complete.

9. Leadership Training.

Candidates will be required to attend a 40 hour Leadership training conducted through the Central Training Section (CTS) before the Promotion Board (PB) interview. Central Training Section will have necessary curriculum in various areas related to leadership. Supervisors will help coordinate time and dates for this training with CTS.

10. First Aid, CPR, Defensive Tactics, Firearms Requalification

Certification or re-certification of CPR/First Aid, Defense Tactics and Firearms must be accomplished prior to the projected date of the PB interview. The Central Training Section (CTS) will assist in providing scheduled training for CPR and Defense Tactics. Area Managers will facilitate firearms requalification for applicants. The results will be recorded on the Parole/Probation Promotion Summary.

11. Preparation

To facilitate demonstration of best efforts, promotion applicants may want to initiate early physical fitness activities and mental preparation prior to requesting consideration for promotion examinations, evaluations, and performance testing. Some helpful preparation resources could include job-related areas of agency policy and procedures, training materials, administrative regulations and directives, including but not limited to the following:

- The Parole/Probation Services Manual
- Interstate Compact Rules and Training Manuals;
- Use of Force, Safety and Security and other job related agency policies;
- Practice on the firing range;
- Defensive tactics training materials, and practice application;
- Review of first aid and CPR training materials, and practice application;
- Agency Employee Handbook; and

12. Policy/Procedure Examination

Assistant Directors for Parole/Probation (AD), Deputy Director for Parole Probation Services and others as designated by the Director will be responsible for administering the exam. An AD will be scheduled by the Deputy Director of Parole/Probation Services for each exam. Each applicant must take and pass a written test covering various aspects of ACC policies, procedures, and practices. A passing score is 80% or above.

9. Test Results

Applicants who fail an exam may retest at the next scheduled opportunity. If not successful following the retest, the applicant may repeat the application process six months after the retest date.

The promotion applicant is responsible to obtain test results recorded on a Promotion Summary and appropriately signed at each point of testing. Promotion Summary Form is forwarded to the Human Resources Section for promotion processing and placement in the employee's personnel file.

10. Promotion Board Interview

A supervisor may schedule an applicant for the PB interview following satisfaction of all other requirements.

Agent applicants successful in each of the required areas of testing/evaluation will be scheduled through the Area Manager by the Assistant Director for Parole/Probation Services for the Promotion Board interview.

The PB interviews will be scheduled to meet as necessary and scheduled by the Deputy Director of Parole/Probation Services. A panel consists of three PB members for each promotion interview. The Deputy Director (P/P Services) may appoint an Assistant Director (P/P Services) to chair or chair the PB him/herself. The Deputy Director or his/her designee will notify staff of PB interview dates. The applicant will dress in business attire for the interview and hand carry their Promotion Files to the PB the day of the interview.

Promotion documents should not be altered in any way. The file should reflect satisfaction of all promotion requirements as described above. If the file does not reflect all requirements, it will be returned to the Area Manager. The PB Chair will notify the appropriate Area Manager of the interview results within one business day of the decision. The PB chair must ensure the PB members sign and date the Promotion Summary, approving promotion to Agent. The PB will be the final decision on agent promotions.

Applicants recommended by the PB will be promoted to Agent effective the first day of the next pay period. A promotion ceremony will be held to confer honors to those approved by the PB and promoted to Agent.

Reentry Facilities AD 18-14 CLEAN COPY



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: 18-14 Reentry Facilities

TO: Arkansas Community Correction Employees

FROM: Sheila Sharp, Director

SUPERSEDED: AD 17-05

APPROVED: Signature on File

EFFECTIVE: July 31, 2018

I. APPLICABILITY.

This policy applies to Arkansas Community Correction (ACC) employees, applicants for and recipients of a Reentry Facility License, owners, operators, volunteers, and staff members of licensed Reentry Facilities.

II. POLICY STATEMENT.

Reentry Facilities must meet or exceed the minimum standards and requirements established in this policy to ensure a structured, positive, and safe environment for residents; reduce recidivism; provide employment assistance and treatment; promote public safety; maintain the principles of evidence based practices; and establish a seamless transition back to the community.

III. DEFINITIONS.

A. Applicant. Any individual, group, business or organization that has applied to receive an Arkansas Community Correction Reentry Facility License.

B. Reentry Facility. A facility providing housing and programming that will address identified criminogenic and other needs for one or more residents transferred to ACC from ADC. A resident's home or the residence of a resident's family member will not be considered a Reentry Facility for purposes of this directive.

- C. Licensing Authority.** ACC is the authority for licensing Reentry Facilities. Facilities are licensed for one year with provisions for renewal as specified in this policy and in the Request for Qualifications (RFQ) from the Arkansas Office of State Procurement (OSP).
- D. Reentry Officer.** The liaison between a licensed Reentry Facility and ACC.
- E. Assistant Area Manager of Reentry.** The individual assigned to supervise the functions of the Reentry Officer and program requirements of residents.
- F. Housing Manager.** The individual assigned to monitor Reentry Facilities, to serve as the liaison between the facility and ACC for compliance issues, and to supervise the billing process.
- G. Housing Coordinator.** The individual assigned to inspect facilities.
- H. Reentry Screening Coordinator.** The individual responsible for the screening inmates for placement in a Reentry Facility.
- I. Licensure Requirements.** The information referred to in this Administrative Directive given to applicants of a facility license listing the minimum items and areas that will be inspected during the application process.

IV. PROCEDURES.

- A. Application:** Applicants may contact the Housing Manager for a Reentry Facility license packet. The application packet will also be posted on the ACC website. Applications, documents, and fees submitted for licensure consideration will not be returned. The completed application packet will be sent to the Housing Coordinator at the Central Office of ACC. The non-refundable fee for the initial Reentry Facility license is \$250. The non-refundable fee for the annual renewal of the Reentry Facility license is \$100. ACC reserves the right to waive licensing fees.
 - 1. For initial licensure or a proposed new location, the applicant must comply with all applicable laws including AR Code section 12-25-101 (2012):
 - (a) (1) “No state agency, board, commission, or governing body of any municipality or county shall approve the location or construction of any community-based residential facility housing juveniles or adults adjudicated or convicted of any sexual or violent offense or any other offense that would constitute a Class C felony or higher, even if the facility otherwise conforms to applicable zoning ordinances, until a public hearing is conducted in the municipality or county of the proposed location of the facility at least thirty (30) days prior to the contracting for the acquisition of any property on which to locate the proposed facility or any existing structure in which to locate the proposed facility by the owner, operator, or care provider of the proposed facility.”

(2) “No community-based residential facility housing juveniles or adults adjudicated or convicted of any sexual or violent offense or any other criminal offense that would constitute a Class C felony or higher shall be located or constructed within any municipality or county of this state until a public hearing is conducted in the municipality or county of the proposed location of the facility at least thirty (30) days prior to the contracting for the acquisition of any property on which to locate the proposed facility or any existing structure in which to locate the proposed facility by the owner, operator, or care provider of the proposed facility.”

(b) “All residents within one thousand feet (1000') of the proposed location of the facility shall be notified by mail at least ten (10) days prior to the day of the hearing.”

2. The ACC Housing Coordinator will review the application packet for completion and conduct the background checks on individuals submitted as staff (paid and volunteer) by the owner/operator. If all submitted paperwork is approved, the Housing Coordinator will arrange for the physical inspection of the property and buildings.
3. Individuals currently on supervision with ACC cannot be employed in positions of authority over another offender on supervision
4. To ensure compliance with Arkansas law, applicants must provide the following items to ACC:
 - a. Copy of the notification letter prior to being mailed to residents informing them of the date and time of the meeting and the proposed purpose of the facility. The letter must include a return address and must be approved prior to mailing.
 - b. List of all residents who were mailed the notification letter.
 - c. Notify ACC Housing Manager of date, time, and location of the meeting. ACC staff must be present at the public meeting

B. Licensure: The Reentry Facility Review Team for the licensure and annual inspections of facilities will be determined by the Housing Manager.

A Stage 1 Reentry Facility License will be granted for the applicant to be placed on the Office of State Procurement qualified vendor list. Qualifications to be granted a Stage 1 Reentry Facility License include:

- Proof of the physical location for the Reentry Facility.
- Proof of a person, group, or organization is capable of operating a Reentry Facility.

- Proof of a financial plan capable of sustaining an ongoing Reentry Facility operation.
- If the applicant is a current or former vendor for the State of Arkansas, proof of having been a viable operation with no corrective action taken.

If placed on the qualified vendor list with a Stage 1 Reentry Facility License, the vendor will have six (6) months from the date of that initial license to meet the requirements to obtain a Stage 2 Reentry Facility License. The Stage 2 license is the actual and final Reentry Facility License. No facility may admit residents without a Stage 2 Reentry Facility License. The requirements to obtain a Stage 2 license are included on the Minimum Requirements check list. The proposed facility must pass an ACC inspection prior to the license being granted.

Once a Stage 2 Reentry License has been obtained, the vendor must provide the Office of State Procurement with a copy of the license issued by Arkansas Community Correction.

Licenses will be issued only for the premises and persons specified in the application and are not transferable. Separate licenses are required for Reentry Facilities maintained on separate premises, even though they are operated under the same management.

The Housing Manager, for due cause, may recommend to the Assistant Director of Reentry that a facility license be suspended or revoked. The Assistant Director may assign ACC staff or any other local, state, or federal agency to assist in a facility investigation. In the event of a recommendation for denial of an application or the suspension or revocation of license, the applicant may appeal the denial to the Chief Deputy Director or Director of the agency within 30 days of the written recommendation for denial/suspension/revocation. Applicants may appeal that decision in writing within 30 days of the decision to the Board of Corrections whose decision is final.

When a license is renewed, it will be from the previous license expiration date, not any possible extended inspection date. A facility that wishes to renew its license must have all required paperwork and fees submitted to the Housing Manager no later than 30 days prior to the license's expiration.

All areas of the licensed facility and all records related to the care and protection of residents, including resident and employee records, must be open for inspection and search by ACC for the purpose of enforcing policy and regulations at any time, regardless of prior notification.

- C. Past Performance:** In accordance with provisions of State Procurement Law, specifically OSP Rule R5:19-11-230(b)(1), a vendors past performance with the state may be used to determine if the vendor is "responsible." Proposals submitted by vendors determined to be non-responsible will be disqualified.

D. Request for Qualifications: In addition to obtaining a Reentry Facility license, the Reentry Facility is responsible for completing all requirements to be placed on the Qualified Vendor List by properly responding to the Arkansas Community Correction RFQ for a Reentry Facility.

E. Billing: When a facility has met the conditions of licensure and has been approved by the OSP to be placed on the Qualified Vendor list, ACC will reimburse the facility monthly for resident housing at the approved reimbursement rate for up to the length of time stated in the RFQ. The billing process will follow the instructions stated on the RFQ and may include the use of electronic monitoring for housing verification. During a period of license suspension, resident placement may be suspended or reduced pending satisfactory implementation of an approved corrective action plan. The payment schedule for ACC and for residents is as follows:

- Phase I (Day 1-45) \$30.62/day, paid from ACC to Reentry Facility.
- Phase II and III (Day 46-150):\$26.12/day paid from ACC to Reentry Facility and up to \$14.00/day paid from the resident to the Reentry Facility.
- Phase IV (151-180): \$60.00 (one time reimbursement) from ACC to Reentry Facility responsible for the resident during Phase IV.
 - If a resident returns to an area without a Reentry Facility, no reimbursement will be made during Phase IV.
 - Residents who remain at a Reentry Facility between 151-179 days, will continue to pay up to \$14.00 a day per diem.
 - Residents who remain at a Reentry Facility after 180 days may be required to pay an increased per diem, up to \$30.00.
 - Residents awaiting ICOTS transfer are exempt from this provision. Shall continue to pay up to \$14.00 per day.

F. Operation of a Reentry Facility: Reentry Facility must provide supervision, housing, and evidence based programs (EBP) and services that address criminogenic risk factors in an effort to reduce recidivism among the target population. At a minimum, the programs must be in compliance with ACC Reentry Minimum Requirements (Attachment A) included at the time the contract agreement begins. The programs **must** include:

- Employment skills
- Job placement
- Reentry planning
- Criminal thinking and lifestyle
- Family reunification
- Pro-social support systems
- Education (GED or higher education)
- Substance abuse treatment
- Housing planning and placement

V. MINIMUM QUALIFICATIONS

Reentry Facility **must** be licensed as an ACC Reentry Facility, prior to receiving residents.

VI. REENTRY FACILITY REQUIREMENTS.

- A. Reentry Facility must utilize evidence-based programs or services directed at addressing the criminogenic risk factors and stabilizing needs of the resident, which, if left unaddressed, could lead to community supervision violations and/or criminal reoffending
- B. Reentry Facilities are subject to the residential conditions of the Prison Rape Elimination Act and must make measurable efforts to obtain compliance with PREA.
- C. The Reentry Facility will provide all residents with toothpaste, toothbrush, laundry detergent, soap, razors, and feminine hygiene products (if applicable).
- D. Reentry Facility must provide all personnel, management, security, equipment supplies, and services necessary for performance of all aspects of the contract.
- E. Reentry Facility must comply with all applicable federal, state, and local land use, building, and zoning codes and applicable ACC policies and procedures, including the ACC Administrative Directive titled Personal Cleanliness & Grooming of Residents.
- F. Reentry Facility must accept all resident placements from ACC if allowable by city, county, and state laws
- G. Reentry Facility must meet or exceed the minimum standards and requirements established in this policy.
- H. Reentry Facility must maintain a resident account for management of all resident funds. This account must be established with a financial institution recognized by the Federal Deposit Insurance Corporation (FDIC). The account system must be kept secure, and a resident cannot have direct access to his/her funds. Residents are allowed to spend up to \$30 per week. Residents must not have individual bank accounts. Their paychecks must include both the Reentry Facility's name and the resident's name.

If the resident is returned to ADC prior to program completion, the balance in the resident's account must be transferred to a money order with the resident's name and ADC number on it and mailed to the following address within 30 days. Funds owed to the Reentry Facility may be deducted prior to returning the remaining funds.

ARKANSAS DEPARTMENT OF CORRECTION
TRUST FUND CENTRALIZED BANKING
P.O. BOX 8908
PINE BLUFF, AR 71611

- I.** Reentry Facility staff must conduct drug test at least twice weekly of all residents. Reentry Facility staff must notify the ACC Reentry Officer of any resident's positive drug/alcohol test results immediately by phone. Reentry Facilities must utilize at least an 8-panel drug test to include K2 and alcohol.
- J.** Reentry Facility staff must respond to, comply with, provide transportation to, and notify the ACC Reentry Officer of subpoenas, court orders, and search and/or arrest warrants.
- K.** Reentry Facility staff must notify the ACC Reentry Officer immediately of any resident's violent or threatening behavior, endangerment of others, or awareness of a resident's attempted or actual escape from the facility. Reference the ACC Administrative Directive titled "Escapes."
- L.** The Reentry Facility must possess an established chain-of-command. The chain-of-command must be shown on an organization chart that includes a description of each position and outlines the management structure, responsibility, and contact information of each paid staff member. The organization chart must be provided to ACC upon licensure.
- M.** The Reentry Facility must have trained staff on duty on the premises to provide coverage 24 hours a day, seven (7) days a week. Trained staff refers to staff that have completed a training block developed by ACC within 10 days of hire or assignment. The facility must maintain a resident to staff ratio of at least 25:1. This coverage is to ensure the safety of all staff and residents and the secure supervision of all residents.
- N.** Reentry Facility staff must complete and document daily scheduled and unscheduled counts. Residents not present during count must be accounted for through sign-out logs and/or approved employment schedules. Counts must be conducted at least twice per shift and at every shift change.
- O.** The Reentry Facility must ensure residents do not supervise, manage, or have authority over other residents. This does not restrict the hiring of staff with criminal convictions; however, staff that are on supervision may not supervise, manage, or have authority over residents.
- P.** Reentry Facility must pass an annual Health Department inspection if meals are prepared for all residents in a central kitchen and an annual inspection by the fire department. Documentation of all inspections must be provided to ACC upon receipt.
- Q.** For any resulting contracts, all facilities must comply with local state fire regulations and applicable planning and zoning ordinances.

VII. PROHIBITED STAFF BEHAVIOR.

Reentry Facility staff must not under any circumstance:

- A.** Exchange personal gifts or favors with residents, their family, or their friends.
- B.** Accept any form of bribe or unlawful inducement.
- C.** Discriminate against any resident on the basis of race, religion, gender, national origin, creed, physical disability, charge/offense, sexual orientation, age.
- D.** Employ corporal punishment, unnecessary physical force, or physical punishments such as sitting on a brick or standing against the wall for an extended period of time.
- E.** Subject residents to any form of physical or mental abuse.
- F.** Withhold information from ACC including threats to the security of the facility, its staff, visitors, or community. This can lead to termination of contract.
- G.** Engage in unprofessional or sexual relationships with any resident of the Reentry Facility program.
- H.** Permit residents to leave the Reentry Facility for any reason other than employment, treatment, mentor sessions, or education without prior approval of the reentry officer.
- I.** Knowingly allow residents to violate any ACC policy or guideline.

VIII. FACILITY POLICY AND PROCEDURE.

- A.** Reentry Facility must develop and implement written policies and procedures, staff schedules, and security related practices that meet or exceed the requirements of the RFQ, the ACC Reentry Facility Program Schedule, Administrative Directive, and state and federal statutes. ACC has final approval of facility policies and procedures.
 - 1. Facility policies and procedures must be reviewed and updated at least annually and reviewed by ACC upon renewal of the license.
 - 2. A copy of all policy and procedures must be provided to ACC Reentry Division. Updates and changes must be provided to ACC thirty (30) days prior to incorporation.
- B.** Reentry Facility must have a written policy and procedures manual that includes, but is not limited to, the following policies:
 - 1. Resident Case Management
 - 2. Resident Discipline
 - 3. Resident Passes
 - 4. Resident Grooming
 - 5. Release Processing
 - 6. Escape

7. Zero Tolerance for Sexual Harassment or Abuse (PREA)
8. No Smoking or Tobacco Use
9. Hostage Situations
10. Any other policies pertaining to the operation and oversight of the Reentry Facility deemed necessary
11. Medical Emergencies
12. Housing Contingency Plan
13. Emergency preparedness plan that includes planning sessions at held least quarterly for staff and residents
14. Evacuation Plan

IX. RESIDENT GRIEVANCE PROCEDURE.

Residents are encouraged and expected to attempt to solve issues and/or problems through informal procedures, such as verbal communication with staff and other residents, prior to submitting a formal grievance. A formal grievance must follow established procedure and timelines in accordance with Administrative Directive titled “Resident Grievance and Appeal Process.”

X. HEALTHCARE AND MEDICAL INSURANCE.

All residents will be screened and submitted for enrollment in health insurance prior to transfer to a Reentry Facility.

XI. REENTRY FACILITY INFORMATION.

- A. Electronic Monitoring.** All reentry residents must submit to and comply with electronic monitoring. ACC has the right to extend the conditions of electronic monitoring for any resident placement in the Reentry Facility.
- B. Program failure.** A resident may be removed from the program and returned to ADC for continued failures, acts or threats of violence, a positive drug test, or for any reason that disrupts the security or good order of the facility.
- C. Security Issues.** In the event of a walk away, potential violence, or other issues of a security nature, the Reentry Facility must immediately call the ACC Reentry Officer who will follow ACC notification and emergency policies and procedures. For issues of active violence, the Reentry Facility should immediately call local law enforcement authorities and then contact the ACC Reentry Officer.
- D. Offender Movement:** Reentry facility staff must monitor movement of offenders to ensure travel is restricted to authorized areas only. Offenders are restricted from traveling without supervision unless approved by the ACC Reentry Officer. Offenders will be permitted to travel to work, school, and religious services. Travel to outside AA/NA, Celebrate Recovery, etc. will be permitted under facility staff supervision. Facilities may allow residents to utilize local public transportation to and from employment, to be paid for by the Reentry Facility. Residents will not be permitted to travel to retail establishments without prior approval from Reentry Officer.

- E. Resident Employment:** Residents are required to maintain full-time employment throughout the reentry program. Should a resident change employment, the Reentry Facility must notify the Reentry Officer within 24hours. The reason for the resident's employment change must be documented in the resident file and provided to the Reentry Officer.
- F. Failure to Return.** Should a resident not arrive within thirty (30) minutes of a designated return time, the Reentry Facility will immediately notify the Reentry Officer.
- G. Electronic Devices.** Residents will be permitted to use specific electronic devices for the purposes of education, employment, programming and treatment. Under the supervision of Reentry Facility staff, residents may access the internet for these purposes only. Residents will become familiar with the Good Grid and other resources to aid in their programming.
- H. Injurious Behavior.** Residents are prohibited from engaging in injurious behavior. Marking, rubbing, burning, piercing, scratching, or cutting themselves or the body of another person for the purpose of producing a tattoo, mark, friction burn, brand, or injury or for any other purpose.
- I. Sexual Misconduct.** Residents must not engage in sexual misconduct. Sexual misconduct includes consensual sex between residents. Sexual misconduct includes kissing, visible displays of affection, love letters to another resident or staff, and other sexually-oriented activity that is generally considered inappropriate in a residential center. Residents are prohibited from having any sexual contact while in the reentry program.
- J. Staff Background Checks.** The Reentry Facility will notify the ACC Housing Manager of any staff additions with information needed to complete a criminal background check prior to their employment at the Reentry Facility.

XII. PERFORMANCE STANDARDS.

Reentry Facilities must meet or exceed the following performance standards to remain in compliance with the Reentry Facility license.

- A.** Maintain a 90% employment rate for residents at completion of the six month program.
- B.** Maintain a 90% stable housing rate for residents at completion of the six month program.
- C.** Maintain a recidivism rate not less than 20% lower than the statewide recidivism rate.

Failure to meet or exceed these performance standards may result in sanctions placed on the Reentry Facility.

XIII. COLLABORATION.

The following is established to gain continuity and coordination in the management of reentry housing and programming for residents:

- A.** The Reentry Facility must provide the names and numbers of those residents in the facility when requested by an ACC staff member.
- B.** The ACC Reentry Officer assigned to a facility will investigate and report findings of any complaints, observed or suspected non-compliance with rules, policies, laws and regulations to the Housing Manager and/or Assistant Area Manager of Reentry for possible further referral or action.
- C.** Facility staff will immediately communicate to the ACC Reentry Officer each positive drug/alcohol test results.
- D.** Facility staff will respond to and notify the ACC Reentry Officer of such requests as subpoenas, court orders, search and/or arrest warrants.
- E.** Facility staff will notify the ACC Reentry Officer immediately of any offender's violent or threatening behavior, endangerment of others, and awareness of a walk away from the facility.
- F.** The ACC Housing Manager and/or Coordinator will arrange onsite visits and inspections (initial and periodic, announced and unannounced), review reports of critical incidents involving or concerning residents, and make objective recommendations.
- G.** The Reentry Facility will post office staffing hours and will comply with posted staffing hours. There must be a staff member or volunteer present 24 hours per day.

XIV. CONTRACT COMPLIANCE.

The owner/operator/manager of the facility must comply with all requirements/agreements of the RFQ/Contract as stated in the agreement as well as all requirements of this AD.

XV. ATTACHMENTS/FORMS.

- AD 18-14 Form 1 Minimum Requirements Checklist
- AD 18-14 Form 2 Stage 1 Application
- AD 18-14 Form 3 Stage 2 Application

**Arkansas Community Correction
Reentry Facility Minimum Requirements Checklist**

Facility Name: _____ **Date:** _____

During initial license inspections, annual renewal inspections, and unannounced visits by ACC staff, the following Minimum Requirement Checklist will be used. The inspections will not be limited to these items.

Copies of license or inspection by/from:	Inspector's Initials
1. Fire / Safety Inspection Annually	
2. Health Department/Food Service Annually	
3. Business License Initial License or after remodel / repair	
4. Plumbing Code Initial License or after remodel / repair	
5. Electrical Code Initial License or after remodel / repair	
6. Zoning Approval, Public Hearing, or Special Use Permit. Note: for new construction, new location, a public hearing must be held that meets the requirements of Arkansas Law section 12-25-101(a)(2).	
7. Copy of transportation vehicles insurance.	
8. Copy of facility property and liability insurance	
9. List of all staff and volunteers for background check (owner/operator must obtain / maintain consent to release information from staff and volunteers) Note: No person currently on parole may supervise another offender, no person with a propensity for violence may serve as staff member, and no person under 21 may serve as a staff member.	
10. Copies of facility disaster plans, evacuation plans, and contingency plans for operations if the facility must be abandoned. Contingency must be ample size.	
11. Copy of policy stating notification of Reentry Officer and procedures when a resident escapes / walks away from the facility.	
12. Copy of facility Policy and Procedure Manual that is unique to this facility	
13. Copy of facility resident orientation materials including facility rules, and consequences for violations.	
14. Copy of programming curriculum.	
15. Admission and discharge policies and procedures	
16. Proof that the facility is pursuing PREA compliance.	

17. Is the facility ADA compliant?	
18. Are resident records confidential, uniform in format and content, and properly secured?	
19. Copy of policy that passes / furloughs for offenders are approved by the Reentry Officer.	
20. Copy of staff listing and staffing hours.	
21. Inspection team proof of adequate space in sleeping rooms for the number of occupants (minimum 50 square feet per intended occupant)	
22. Inspection team proof of individual storage space for offenders clothing and personal items	
23. Inspection team proof of minimum ratio of bathrooms (meaning sink, toilet, shower) to offenders (1 to 8)	
24. Adequate laundry facilities at the Reentry Housing Facility	
25. Inspection team proof of signs posted at all entrances banning weapons except for law enforcement officials/officers	
26. Inspection team proof of facility being equipped with First Aid Kit, fire alarms and that fire suppression equipment continues to comply with annual Fire Inspection	
27. Proof of vendors contacts for employment.	
28. Dining room with tables and chairs.	
29. Adequate Kitchen facilities.	
30. Facilities for programs.	
31. Facilities for break room / day room.	
32. Smoke alarms in Kitchen and all sleeping areas.	
33. Bulletin board prominently displaying in the facility with postings of rules, fire evacuation plans, emergency protocols, PREA information, emergency staff contact information.	
34. Copy of facility policy concerning equal opportunity for employees.	
35. Copy of facility policy concerning equal opportunity for residents.	
36. Copy of certification with that facility does not employ illegal aliens.	
37. Inspection Team proof that all medication is behind double locks.	
38. Inspection Team proof of facility designee to accept medications.	
39. Check or Money Order attached to application.	

**Arkansas Community Correction
STAGE 2
REENTRY FACILITY LICENSE APPLICATION**

Check one: New Application Renewal Application Date: _____

Facility Name: _____

Address: _____
Street City State Zip

Owner/Operator: _____ County of Facility: _____
Name(Type or Print)

Telephone: _____ Cell# _____

Facility Email Address: _____

Housing Capacity: # of Males _____ # of Females _____

Is the facility accessible to individuals with physical disabilities? Yes No

Meals Served: Breakfast Lunch Dinner

Programs Provided	Yes	No	Services Provided	Yes	No
Employment Skills	<input type="checkbox"/>	<input type="checkbox"/>	Employment Assistance	<input type="checkbox"/>	<input type="checkbox"/>
Job Placement	<input type="checkbox"/>	<input type="checkbox"/>	Mental Health Services	<input type="checkbox"/>	<input type="checkbox"/>
Reentry Planning	<input type="checkbox"/>	<input type="checkbox"/>	Public Transportation	<input type="checkbox"/>	<input type="checkbox"/>
Criminal Thinking	<input type="checkbox"/>	<input type="checkbox"/>	Private Transportation	<input type="checkbox"/>	<input type="checkbox"/>
Family Reunification	<input type="checkbox"/>	<input type="checkbox"/>	Resident Parking	<input type="checkbox"/>	<input type="checkbox"/>
Pro-Social Support	<input type="checkbox"/>	<input type="checkbox"/>	Laundry Services	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>			
Substance Abuse Treatment	<input type="checkbox"/>	<input type="checkbox"/>			
Housing Planning	<input type="checkbox"/>	<input type="checkbox"/>			
Other Programs:					

Please list the name, position, date of birth, social security number, race and gender (F-Female) (M-Male) for

each person who will provide services at the Reentry Facility.

Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender

Signature of Applicant/Title: _____	Date: _____
<p>Signature means agreement by owner/operator of the facility to comply with all policy rules, regulations and laws concerning ACC Reentry Facilities. Failure to comply may result in sanctions up to and including withdrawal of license be ACC and/or civil penalties for violation of state law. Owner/Operator is responsible for obtaining consent to release information for background checks for staff and volunteers.</p>	
Date received by ACC: _____	Application Completed: <input type="checkbox"/> Yes <input type="checkbox"/> No
If no, what action was taken? _____	
Reentry Facility Coordinator Signature: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Approval of ACC Director _____	Date: _____

Reentry Facilities AD 18-14 MARKUP



Arkansas Community Correction

Two Union National Plaza Building
105 West Capitol, 3rd Floor
Little Rock, AR 72201-5731
501-682-9510 (office) 501-682-9513 (fax)

ADMINISTRATIVE DIRECTIVE: ~~17-05~~18-14 Reentry Facilities

TO: Arkansas Community Correction Employees

FROM: Sheila Sharp, Director

SUPERSEDED: AD ~~16-13~~17-05

APPROVED: Signature on File
2017 July 31, 2018

EFFECTIVE: ~~March 3,~~

I. APPLICABILITY:

This policy applies to Arkansas Community Correction (ACC) employees, applicants for and recipients of a Reentry Facility License, owners, operators, volunteers, and staff members of licensed Reentry Facilities.

II. POLICY STATEMENT:

Reentry Facilities must meet or exceed the minimum standards and requirements established in this policy to ensure a structured, positive, and safe environment for residents; reduce recidivism; provide employment assistance and treatment; promote public safety; maintain the principles of evidence based practices; and establish a seamless transition back to the community.

III. DEFINITIONS:

A. Applicant. Any individual, group, business or organization that has applied to receive an Arkansas Community Correction Reentry Facility License.

B. Reentry Facility. ~~An ACC licensed~~ A facility providing housing and programming that will address identified criminogenic and other needs for one or more residents transferred to ACC from ADC. A ~~residents'~~resident's home or the residence of a resident's family member will not be considered a Reentry Facility for purposes of this directive. ~~To operate a Reentry Facility in the state of Arkansas a person/group must apply for, obtain, and maintain an approved license from ACC.~~

C. Licensing Authority. ACC is the authority for licensing Reentry Facilities. Facilities are licensed for one year with provisions for renewal as specified in this policy and in the Request for Qualifications (RFQ) from the Arkansas Office of State Procurement (OSP).

D. Reentry Officer. The liaison between a licensed Reentry Facility and ACC.

E. ~~Reentry Housing Coordinator.~~ Assistant Area Manager of Reentry. The individual assigned to supervise the functions of the Reentry Officer and program requirements of residents.

F. Housing Manager. The individual assigned to monitor Reentry Facilities, to serve as the liaison between the facility and ACC for compliance issues, and to supervise the billing process.

F. ~~Reentry Placement~~G. Housing Coordinator. The individual responsible for the screening and selection of inmates for placement in a Reentry Facility. —assigned to inspect facilities.

G. ~~Reentry Screening Coordinator.~~ The individual responsible for the screening inmates for placement in a Reentry Facility.

I. Licensure Requirements. The information referred to in this Administrative Directive given to applicants of a facility license listing the minimum items and areas that will be inspected during the application process.

IV. PROCEDURES.

A. Application: Applicants may contact the ~~Reentry-Housing Coordinator~~Manager for a Reentry Facility license packet. The application packet will also be posted on the ACC website. Applications, documents, and fees submitted for licensure consideration will not be returned. The completed application packet will be sent to the ~~Reentry-Housing Coordinator~~ at the Central Office of ACC. The non-refundable fee for the initial Reentry Facility license is \$250. The non-refundable fee for the annual renewal of the Reentry Facility license is \$100. ACC reserves the right to waive licensing fees.

1. For initial licensure or a proposed new location, the applicant must comply with all applicable laws including AR Code ~~§section~~ 12-25-101 (2012):

(a) (1) “No state agency, board, commission, or governing body of any municipality or county shall approve the location or construction of any community-based residential facility housing juveniles or adults adjudicated or convicted of any sexual or violent offense or any other offense that would constitute a Class C felony or higher, even if the facility otherwise conforms to applicable zoning ordinances, until a public hearing is conducted in the municipality or county of the proposed

location of the facility at least thirty (30) days prior to the contracting for the acquisition of any property on which to locate the proposed facility or any existing structure in which to locate the proposed facility by the owner, operator, or care provider of the proposed facility-.”

(2) “No community-based residential facility housing juveniles or adults adjudicated or convicted of any sexual or violent offense or any other criminal offense that would constitute a Class C felony or higher shall be located or constructed within any municipality or county of this state until a public hearing is conducted in the municipality or county of the proposed location of the facility at least thirty (30) days prior to the contracting for the acquisition of any property on which to locate the proposed facility or any existing structure in which to locate the proposed facility by the owner, operator, or care provider of the proposed facility-.”

(b) “All residents within one thousand feet (1000') of the proposed location of the facility shall be notified by mail at least ten (10) days prior to the day of the hearing-.”

2. The ACC Housing Coordinator will review the application packet for completion and conduct the background checks on individuals submitted as staff (paid and volunteer) by the owner/operator. If all submitted paperwork is approved, the Housing Coordinator will arrange for the physical inspection of the property and buildings.

3. Individuals currently on supervision with ACC cannot be employed in positions of authority over another offender on supervision

4. To ensure compliance with Arkansas law, applicants must provide the following items to ACC:

a. Copy of the notification letter prior to being mailed to residents informing them of the date and time of the meeting and the proposed purpose of the facility. The letter must include a return address and must be approved prior to mailing.

b. List of all residents who were mailed the notification letter.

c. Notify ACC Housing Manager of date, time, and location of the meeting. ACC staff must be present at the public meeting

B. Licensure: The Reentry Facility Review Team for the licensure and annual inspections of facilities will be determined by the Housing ~~Coordinator~~ Manager.

A Stage 1 Reentry Facility License will be granted for the applicant to be placed on the Office of State Procurement qualified vendor list. Qualifications to be granted a Stage 1 Reentry Facility License ~~may~~ include:

- Proof of the physical location for the Reentry Facility.
- Proof of a person, group, or organization is capable of operating a Reentry Facility.
- Proof of a financial plan capable of sustaining an ongoing Reentry Facility operation.
- If the applicant is a current or former vendor for the State of Arkansas, proof of having been a viable operation withoutwith no corrective action taken against them.

If placed on the qualified vendor list with a Stage 1 Reentry Facility License, the vendor will have six (6) months from the date of that initial license to meet the requirements to obtain a Stage 2 Reentry Facility License. The Stage 2 license is the actual and final Reentry Facility License. No facility may admit residents without a Stage 2 Reentry Facility License. The requirements to obtain a Stage 2 license are included on the Minimum Requirements check list, ~~and the~~. The proposed facility must pass an ACC inspection ~~of~~prior to the facility license being granted.

Once a Stage 2 Reentry License has been obtained, the vendor must provide the Office of State Procurement with a copy of ~~thatthe~~ license ~~that was~~ issued by Arkansas Community Correction.

Licenses will be issued only for the premises and persons specified in the application and are not transferable. Separate licenses are required for Reentry Facilities maintained on separate premises, even though they are operated under the same management. ~~The facility cannot accept resident placements until the license to operate an ACC Reentry Facility has been issued and the Office of State Procurement has placed the facility on the Qualified Vendor List.~~

The Housing ~~Coordinator~~Manager, for due cause, may recommend to the ~~Chief Deputy Assistant~~ Director of Reentry that a facility license be suspended or revoked. The ~~Chief Deputy Assistant~~ Director may assign ACC staff or any other local, state, or federal agency to assist in a facility investigation. In the event of a recommendation for denial of an application or the suspension or revocation of license, the applicant may appeal the denial to the Chief Deputy Director or Director of the agency within 30 days of the written recommendation for denial/suspension/revocation. Applicants may appeal that decision in writing within 30 days of the decision to the Board of Corrections whose decision is final.

When a license is renewed, it will be from the previous license expiration date, not any possible extended inspection date. A facility that wishes to renew its license must have all required paperwork and fees submitted to the Housing ~~Coordinator~~Manager no later than 30 days prior to the license's expiration.

All areas of the licensed facility and all records related to the care and protection of residents, including resident and employee records, must be open for inspection and search by ACC for the purpose of enforcing policy and regulations at any time, regardless of prior notification.

C. Past Performance: In accordance with provisions of State Procurement Law, specifically OSP Rule R5:19-11-230(b)(1), a vendors past performance with the state may be used to determine if the vendor is “responsible~~”.~~” Proposals submitted by vendors determined to be non-responsible ~~shall~~will be disqualified.

D. Request for Qualifications: In addition to obtaining a Reentry Facility license, the Reentry Facility ~~must~~is responsible for completing all requirements to be placed on the Qualified Vendor List by properly responding to the Arkansas Community Correction RFQ for a Reentry Facility.

E. Billing: When a facility has met the conditions of licensure and has been approved by the OSP to be placed on the Qualified Vendor list, ACC will reimburse the facility monthly for resident housing at the approved reimbursement rate for up to the length of time stated in the RFQ. The billing process will follow the instructions stated on the RFQ and may include the use of electronic monitoring for housing verification. During a period of license suspension, ~~payment~~resident placement may be ~~withheld~~suspended or reduced pending satisfactory implementation of an approved corrective action plan. The payment schedule for ACC and for residents is as follows:

- Phase I: ~~(Day 1-45)~~ \$30.62/day, paid from ACC to Reentry Facility.
- Phase II and III: ~~\$(Day 46-150):~~\$26.12/day paid from ACC to Reentry Facility and up to \$14.00/day paid from the resident to the Reentry Facility.
- Phase IV: ~~(151-180):~~ \$60.00 (one time reimbursement) from ACC to Reentry Facility responsible for the resident during Phase IV.

- If a resident returns to an area without a Reentry Facility, no reimbursement will be made during Phase IV.
- Residents who remain at a Reentry Facility between 151-179 days, will continue to pay up to \$14.00 a day per diem.
- Residents who remain at a Reentry Facility after 180 days may be required to pay an increased per diem, up to \$30.00.
- Residents awaiting ICOTS transfer are exempt from this provision. Shall continue to pay up to \$14.00 per day.

F. Operation of a Reentry Facility: Reentry Facility must provide supervision, housing, and evidence based programs (EBP) and services ~~directed at~~addressing that address criminogenic risk factors ~~aimed at reducing in an effort to~~reduce recidivism among the target population. At a minimum, the programs must be in compliance with ACC Reentry Minimum Requirements (Attachment A) included at the time the contract agreement begins. The programs **must** include:

- Employment skills
- Job placement
- Reentry planning
- Criminal thinking and lifestyle
- Family reunification

- Pro-social support systems
- Education (GED or higher education)
- Substance abuse treatment
- Housing planning and placement

V. MINIMUM QUALIFICATIONS

Reentry Facility **must** be licensed as an ACC Reentry Facility, prior to receiving residents.

VI. REENTRY FACILITY REQUIREMENTS.

A. Reentry Facility must ~~develop curriculum which uses~~utilize evidence-based programs or services directed at addressing the criminogenic risk factors and stabilizing needs of the resident, which, if left unaddressed, could lead to community supervision violations and/or criminal reoffending.

~~B.B.~~ Reentry Facilities are subject to the residential conditions of the Prison Rape Elimination Act and must make measurable efforts to obtain compliance with PREA.

~~C.~~ The Reentry Facility will provide all residents with toothpaste, toothbrush, laundry detergent, soap, razors, and feminine hygiene products (if applicable).

~~D.~~ Reentry Facility must provide all personnel, management, security, equipment supplies, and services necessary for performance of all aspects of the contract.

~~CE.~~ Reentry Facility must comply with all applicable federal, state, and local land use, building, and zoning codes, ~~Corrections and applicable ACC~~ policies and procedures, as set forth by ACC including the ACC Administrative Directive titled Personal Cleanliness & Grooming of Residents.

~~DE.~~ Reentry Facility must accept all resident placements from ACC if allowable by city, county, and state laws. ~~Justifiable reasons include any that would result in the violation of local and/or state laws. Reentry Facility must provide, in writing, the reason for denial.~~

~~EG.~~ Reentry Facility must meet or exceed the minimum standards and requirements established in this policy.

~~FH.~~ Reentry Facility must maintain a resident account for management of all resident funds. This account must be established with a financial institution recognized by the Federal Deposit Insurance Corporation (FDIC). The account system must be kept secure, and ~~at no time shall~~ a resident cannot have direct access to his/her funds. ~~Request must be made from the resident to the reentry facility for funds, if necessary.~~ Residents are allowed to ~~request~~spend up to \$30 per week ~~from their account for approved purchases.~~ Residents must not have individual bank accounts. ~~Paychecks should~~ Their paychecks must include both the Reentry ~~facility~~Facility's name and the resident's name.

If the resident is returned to ADC, prior to program completion, the balance in the resident's account must be transferred to a money order with the resident's name and ADC number shall be on it and mailed to the following address for the total of the remaining funds and a completed Deposit Form (attached), within 30 days. Funds owed to the Reentry Facility may be deducted prior to returning the remaining funds.

ARKANSAS DEPARTMENT OF CORRECTION
TRUST FUND CENTRALIZED BANKING
P.O. BOX 8908
PINE BLUFF, AR 71611

- GI.** Reentry Facility staff must conduct drug test at least twice weekly of all residents. Reentry Facility staff must notify the ACC Reentry Officer of any resident's positive drug/alcohol test results immediately by phone. Reentry Facilities must utilize at least an 8-panel drug test to include K2 and a test for K2 alcohol.
- HJ.** Reentry Facility staff must respond to comply with, provide transportation to, and notify the ACC Reentry Officer of subpoenas, court orders, and search and/or arrest warrants.
- IK.** Reentry Facility staff must notify the ACC Reentry Officer immediately of any resident's violent or threatening behavior, endangerment of others, or awareness of a resident's attempted or actual escape from the facility. Reference the ACC Administrative Directive titled "Escapes."
- JL.** The Reentry Facility must possess an established chain-of-command. The chain-of-command shall must be shown on an organization chart that includes a description of each position, outlining and outlines the management structure, responsibility, and contact information of each paid staff member. The organization chart shall must be provided to ACC upon licensure.
- K-M.** The Reentry Facility must have trained staff on duty on the premises to provide 24 hour coverage 24 hours a day, seven (7) days a week. Trained staff refers to staff that have completed a training block developed by ACC within 10 days of hire or assignment. The facility must maintain a resident to staff ratio of at least 25:1. This coverage is to ensure the safety of all staff and residents and the secure supervision of all residents.
- LN.** Reentry Facility staff shall must complete and document daily scheduled and unscheduled counts. Residents not present during count shall must be accounted for through sign-out logs and/or approved employment schedules. Counts shall must be conducted at least twice per shift and at every shift change for the reentry facility.
- M-O.** The Reentry Facility must ensure residents will do not supervise, manage, or have authority over other residents at any point during their stay at the reentry facility. This does not restrict the hiring of staff with criminal convictions; however, staff that is are on supervision may not supervise, manage, or have authority over residents.

NP. Reentry Facility must pass an annual Health Department inspection, if meals are prepared for all residents in a central kitchen, and an annual inspection by the fire department and provide. Documentation of passing all inspections must be provided to ACC upon receipt.

OQ. For any resulting contracts, all facilities must comply with local state fire regulations and applicable planning and zoning ordinances.

VII. PROHIBITED STAFF BEHAVIOR.

Reentry Facility staff ~~shall~~must not under any circumstance:

- A. Exchange personal gifts or favors with residents, their family, or their friends.
- B. Accept any form of bribe or unlawful inducement.
- C. Discriminate against any resident on the basis of race, religion, ~~creed,~~ gender, national origin, creed, physical disability, charge/offense, ~~or other individual characteristics~~sexual orientation, age.
- D. Employ corporal punishment ~~or,~~ unnecessary physical force, or physical punishments such as sitting on a brick or standing against the wall for an extended period of time.
- E. Subject residents to any form of physical or mental abuse.
- F. Withhold information from ACC including threats to the security of the facility, its staff, visitors, or community. This can lead to termination of contract.
- G. Engage in unprofessional or sexual relationships with any resident of the Reentry Facility program.
- H. Permit residents to leave the Reentry Facility for any reason other than employment, treatment, mentor sessions, or education without prior approval of the reentry officer.
- I. Knowingly allow residents to violate any ACC policy or guideline.

VIII. FACILITY POLICY AND PROCEDURE.

- A. Reentry Facility must develop and implement written policies and procedures, staff schedules, and security related practices that meet or exceed the requirements of the RFQ, the ACC Reentry Facility Program Schedule, Administrative Directive, and state and federal statutes. ACC ~~shall have~~has final approval of facility policies and procedures.
 - 1. ~~The~~ Facility policies and procedures must be reviewed and updated at least annually and reviewed by ACC upon renewal of the license.
 - 2. A copy of all policy and procedures ~~shall~~must be provided to ACC Reentry Division. Updates and changes must be provided to ACC thirty (30) days prior to incorporation.

B. Reentry Facility ~~shall~~must have a written policy and procedures manual ~~to include that includes,~~ but is not limited to, the following policies:

1. Resident Case Management
2. Resident Discipline
3. Resident Passes
4. Resident Grooming
5. Release Processing
6. Escape
7. Zero Tolerance for Sexual Harassment or Abuse (PREA)
8. No Smoking or Tobacco Use
9. Hostage Situations
10. Any other policies pertaining to the operation and oversight of the Reentry Facility deemed necessary

~~**C.** Reentry Facility must have a written policy and procedure which specifies fire prevention, regulations and practices to ensure the safety of residents, visitor, and staff for each location. At minimum, policy and procedure must address the following:~~

- ~~—1. Provision of fire emergency planning sessions for staff and residents at least quarterly, with written documentation.~~
- ~~—2. Written evacuation plan posted for all residents to see.~~
- ~~—3. Working smoke detectors in each room that houses a resident.~~

~~**D.** Reentry Facility must have written policy and procedures for emergency situations for each location and documented staff training. At a minimum, this must include information concerning:~~

- ~~—1. Escapes.~~
- ~~—2. 11. Medical Emergencies.~~
- ~~312. Housing Contingency Plan~~
- ~~13. Emergency preparedness plan that includes planning sessions at held least quarterly for staff and residents~~
- ~~14. Evacuation Plan~~

~~**IX. ASSIGNMENT OF RESIDENTS**~~

~~The target population for Reentry placement is Male and Female inmates confined to an ADC facility and:~~

- ~~—1. Who are within eighteen (18) months of their transfer eligibility (TE) date and meet other legal requirements; and~~
- ~~—2. Who is moderate or high risk of recidivism as determined by the Arkansas Offender Risk Needs Assessment (ARORA).~~

~~**X. RESIDENT RISK ASSESSMENT**~~

~~The intake risk assessment will be done by the Reentry Officer upon transfer to the reentry facility and a copy will be provided to the Reentry Facility for use in the~~

~~resident's reentry plan. The Reentry Facility shall use the resident risk assessment in the development of an individual reentry plan.~~

~~—XI.~~ **RESIDENT GRIEVANCE PROCEDURE.**

Residents are encouraged and expected to attempt to solve issues and/or problems through informal procedures, such as verbal communication with staff and other residents, prior to submitting a formal grievance. A formal grievance must follow established procedure and timelines. in accordance with Administrative Directive titled "Resident Grievance and Appeal Process."

~~XIX.~~ **HEALTHCARE AND MEDICAL INSURANCE.**

All residents will be screened and submitted for enrollment in health insurance prior to transfer to a Reentry Facility.

~~XIII.~~XI. **REENTRY FACILITY INFORMATION.**

A. ~~Electronic Monitors:~~ ACC will require the use of Monitoring. All reentry residents must submit to and comply with electronic monitoring ~~devices for a period of the program. ACC shall have. ACC has~~ the right to extend the conditions of electronic monitoring for any resident placement in the Reentry Facility.

B. ~~Program failure:~~ A resident may be removed from the program and returned to ADC for continued failures, acts or threats of violence, a positive drug test, or for any reason ~~disrupting that disrupts~~ the security or good order of the facility.

C. ~~PREA Compliance:~~ Reentry Facilities will fall under the residential conditions of the Prison Rape Elimination Act and must make measurable efforts to obtain compliance with PREA.

~~—D.~~ **Security Issues:** In the event of a walk away, potential violence, or other issues of a security nature, the Reentry Facility ~~should~~ must immediately call the ACC Reentry Officer. ~~The who will follow ACC Reentry Officer shall immediately notify the Assistant Director of Reentry by phone. notification and emergency policies and procedures.~~ For issues of active violence, the Reentry Facility should immediately call ~~the~~ local law enforcement authorities and then contact the ACC Reentry Officer.

~~—E.~~
D. **Offender Movement:** Reentry facility staff must monitor movement of offenders to ensure travel is restricted to authorized areas only. Offenders are restricted from traveling without supervision unless approved by the ACC Reentry Team Officer. Offenders will be permitted to travel to work, school, and religious services. Travel to outside AA/NA, Celebrate Recovery, etc. will be permitted under facility staff supervision. Facilities may allow residents to utilize local public transportation to and from employment, to be paid for by the Reentry Facility. Residents will not be permitted to travel to retail establishments ~~unless on an approved pass. without prior approval from Reentry Officer.~~

E. Resident Employment: Residents are required to maintain full-time employment throughout the reentry program. Should a resident change employment, the Reentry Facility must notify the Reentry Officer within 24 hours. The reason for the resident's employment change must be documented in the resident file and provided to the Reentry Officer.

F. Failure to Return. Should a resident not arrive within thirty (30) minutes of the designated return time, the Reentry Facility will immediately notify the Reentry Officer. Upon arrival, the Reentry Facility will immediately notify ACC and verify the reason for reporting late and determine the appropriate disciplinary action, in accordance with their policy guidelines.

G. Electronic Devices. Residents will be permitted to use specific electronic devices for the purposes of education, employment, programming and treatment. Under the supervision of Reentry Facility staff, offenders/residents may access the internet for these purposes only. Offenders/Residents will become familiar with the Good Grid and other resources to aid in their programming.

H. Injurious Behavior. Residents are prohibited from engaging in injurious behavior. Marking, rubbing, burning, piercing, scratching, or cutting one's self/themselves or the body of another person for the purpose of producing a tattoo, mark, friction burn, brand, or injury or for any other purpose.

I. Sexual Misconduct. Residents must not engage in sexual misconduct. Sexual misconduct includes consensual sex between residents. Sexual misconduct includes kissing, visible displays of affection, love letters to another resident or staff, and other sexually-oriented activity that is generally considered inappropriate in a residential center. Residents are prohibited from having any sexual contact while in the reentry program.

XIV. J. Staff Background Checks. The Reentry Facility will notify the ACC Housing Manager of any staff additions with information needed to complete a criminal background check prior to their employment at the Reentry Facility.

XII. PERFORMANCE STANDARDS:

Reentry Facilities must meet or exceed the following performance standards to remain in compliance with the Reentry Facility license.

D. Maintain a 90% employment rate for residents at completion of the six month program.

E. Maintain a 90% stable housing rate for residents at completion of the six month program.

F. Maintain a recidivism rate not less than 20% lower than the statewide recidivism rate.

G. Maintain compliance with all ACC Policies and Procedures regarding the operation and program components of Reentry Facilities.

Failure to meet or exceed these performance standards ~~will~~ may result in sanctions

placed on the Reentry Facility ~~ranging from a 60-day probationary period in which resident placement will be suspended up to termination of the Reentry Facility license.~~

~~XV~~

XIII. **COLLABORATION.**

The following is established to gain continuity and coordination in the management of reentry housing and programming for residents:

- A. The Reentry Facility must provide the names and numbers of those residents in ~~their~~the facility when requested by an ACC staff member.
- B. The ACC Reentry Officer assigned to a facility will investigate and report findings of any complaints, observed or suspected non-compliance with rules, policies, laws and regulations to the Housing ~~Coordinator~~Manager and/or Assistant Area Manager of Reentry for possible further referral or action.
- C. Facility staff will immediately communicate to the ACC Reentry Officer each positive drug/alcohol test results.
- D. Facility staff will respond to and notify the ACC Reentry Officer of such requests as subpoenas, court orders, search and/or arrest warrants.
- E. Facility staff will notify the ACC Reentry Officer immediately of any offender's violent or threatening behavior, endangerment of others, and awareness of a walk away from the facility.
- F. The ACC Housing Manager and/or Coordinator will arrange onsite visits and inspections (initial and periodic, announced and unannounced), review reports of critical incidents involving or concerning residents, and make objective recommendations.
- G. The Reentry Facility will post office staffing hours and will comply with posted staffing hours. There must be a staff member or volunteer present 24 hours per day.
- ~~H. The Reentry Facility will notify the Housing Coordinator of any staff additions with information needed to complete a criminal background check prior to their employment at the Reentry Facility.~~

~~XVI~~

XIV. **CONTRACT COMPLIANCE.**

The owner/operator/manager of the facility must comply with all requirements/agreements of the RFQ/Contract as stated in the agreement as well as all requirements of this AD.

~~XVII~~ XV. **ATTACHMENTS/FORMS.**

- AD ~~17-0518-14~~ Form 1 Minimum Requirements Checklist
- AD ~~17-0518-14~~ Form 2 Stage 1 LiensesApplication
- AD ~~17-0518-14~~ Form 3 Stage 2 LiensesApplication

**Arkansas Community Correction
Reentry Facility Minimum Requirements Checklist**

Facility Name: _____ **Date:** _____

During initial license inspections, annual renewal inspections, and unannounced visits by ACC staff, the following Minimum Requirement Checklist will be used. The inspections will not be limited to these items.

Copies of license or inspection by/from:	Inspector's Initials
1. Fire / Safety Inspection Annually	
2. Health Department/Food Service Annually	
3. Business License Initial License or after remodel / repair	
4. Plumbing Code Initial License or after remodel / repair	
5. Electrical Code Initial License or after remodel / repair	
6. Zoning Approval, Public Hearing, or Special Use Permit. Note: for new construction, new location, a public hearing must be held that meets the requirements of Arkansas Law section 12-25-101(a)(2).	
7. Copy of transportation vehicles insurance.	
8. Copy of facility property and liability insurance	
9. List of all staff and volunteers for background check (owner/operator must obtain / maintain consent to release information from staff and volunteers) Note: No person currently on parole may supervise another offender, no person with a propensity for violence may serve as staff member, and no person under 21 may serve as a staff member.	
10. Copies of facility disaster plans, evacuation plans, and contingency plans for operations if the facility must be abandoned. Contingency must be ample size.	
11. Copy of policy stating notification of Reentry Officer and procedures when a resident escapes / walks away from the facility.	
12. Copy of facility Policy and Procedure Manual that is unique to this facility	
13. Copy of facility resident orientation materials including facility rules, and consequences for violations.	
14. Copy of programming curriculum.	
15. Admission and discharge policies and procedures	
16. Proof that the facility is pursuing PREA compliance.	
17. Is the facility ADA compliant?	
18. Are resident records confidential, uniform in format and content, and	

properly secured?	
19. Copy of policy that passes / furloughs for offenders are approved by the Reentry Officer.	
20. Copy of staff listing and staffing hours.	
21. Inspection team proof of adequate space in sleeping rooms for the number of occupants (minimum 50 square feet per intended occupant)	
22. Inspection team proof of individual storage space for offenders clothing and personal items	
23. Inspection team proof of minimum ratio of bathrooms (meaning sink, toilet, shower) to offenders (1 to 8)	
24. Adequate laundry facilities at the Reentry Housing Facility	
25. Inspection team proof of signs posted at all entrances banning weapons except for law enforcement officials/officers	
26. Inspection team proof of facility being equipped with First Aid Kit, fire alarms and that fire suppression equipment continues to comply with annual Fire Inspection	
27. Proof of vendors contacts for employment.	
28. Dining room with tables and chairs.	
29. Adequate Kitchen facilities.	
30. Facilities for programs.	
31. Facilities for break room / day room.	
32. Smoke alarms in Kitchen and all sleeping areas.	
33. Bulletin board prominently displaying in the facility with postings of rules, fire evacuation plans, emergency protocols, PREA information, emergency staff contact information.	
34. Copy of facility policy concerning equal opportunity for employees.	
35. Copy of facility policy concerning equal opportunity for residents.	
36. Copy of certification with that facility does not employ illegal aliens.	
37. Inspection Team proof that all medication is behind double locks.	
38. Inspection Team proof of facility designee to accept medications.	
39. Check or Money Order attached to application.	

**Arkansas Community Correction
STAGE 2
REENTRY FACILITY LICENSE APPLICATION**

Check one: New Application Renewal Application Date: _____

Facility Name: _____

Address: _____
Street City State Zip

Owner/Operator: _____ County of Facility: _____
Name(Type or Print)

Telephone: _____ Cell# _____

Facility Email Address: _____

Housing Capacity: # of Males _____ # of Females _____

Is the facility accessible to individuals with physical disabilities? Yes No

Meals Served: Breakfast Lunch Dinner

Programs Provided	Yes	No	Services Provided	Yes	No
Employment Skills	<input type="checkbox"/>	<input type="checkbox"/>	Employment Assistance	<input type="checkbox"/>	<input type="checkbox"/>
Job Placement	<input type="checkbox"/>	<input type="checkbox"/>	Mental Health Services	<input type="checkbox"/>	<input type="checkbox"/>
Reentry Planning	<input type="checkbox"/>	<input type="checkbox"/>	Public Transportation	<input type="checkbox"/>	<input type="checkbox"/>
Criminal Thinking	<input type="checkbox"/>	<input type="checkbox"/>	Private Transportation	<input type="checkbox"/>	<input type="checkbox"/>
Family Reunification	<input type="checkbox"/>	<input type="checkbox"/>	Resident Parking	<input type="checkbox"/>	<input type="checkbox"/>
Pro-Social Support	<input type="checkbox"/>	<input type="checkbox"/>	Laundry Services	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>			
Substance Abuse Treatment	<input type="checkbox"/>	<input type="checkbox"/>			
Housing Planning	<input type="checkbox"/>	<input type="checkbox"/>			
Other Programs:					

Please list the name, position, date of birth, social security number, race and gender (F-Female) (M-Male) for each person who will provide services at the Reentry Facility.

Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender
Name(Print or type)	Position	DOB	SS#	Race	Gender

Signature of Applicant/Title: _____	Date: _____
<p>Signature means agreement by owner/operator of the facility to comply with all policy rules, regulations and laws concerning ACC Reentry Facilities. Failure to comply may result in sanctions up to and including withdrawal of license be ACC and/or civil penalties for violation of state law. Owner/Operator is responsible for obtaining consent to release information for background checks for staff and volunteers.</p>	
Date received by ACC: _____	Application Completed: <input type="checkbox"/> Yes <input type="checkbox"/> No
If no, what action was taken? _____	
Reentry Facility Coordinator Signature: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Approval of ACC Director _____	Date: _____