



**POLICY STATEMENT**  
Commonwealth of Pennsylvania • Department of Corrections

<b>Policy Subject:</b> Human Resources and Labor Relations		<b>Policy Number:</b> 4.1.1
<b>Date of Issue:</b> November 21, 2016	<b>Authority:</b> Signature on File  John E. Wetzel	<b>Effective Date:</b> December 5, 2016

## **I. AUTHORITY**

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

## **II. PURPOSE**

It is the purpose of this policy to identify the basic responsibilities, requirements, and procedures that establish a system for all personnel and labor relations issues and to ensure compliance with all Commonwealth personnel/labor relations directives and ensure the programs are administered consistently by the Department's Bureau of Human Resources.

## **III. APPLICABILITY**

This policy is applicable to all facilities under the jurisdiction of the Department.

## **IV. DEFINITIONS**

All pertinent definitions are contained in the confidential procedures manual for this policy.

## **V. POLICY**

It is the policy of the Department to identify and address all personnel and labor relations issues that exist within the Department and to ensure compliance with all Commonwealth personnel/labor relations programs. This policy establishes the agency's staffing,

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recruiting, promotion, benefits, and review of employee practices. Functional areas include, but are not limited to, the following:<sup>1</sup>

- a. employee relations;
- b. transaction and payroll;
- c. employee benefits;
- d. recruitment and staffing; and
- e. classification and pay.

## **VI. PROCEDURES**

All pertinent procedures and/or terms are contained in the procedures manual for this policy.

## **VII. SUSPENSION DURING AN EMERGENCY**

In an emergency or extended disruption of normal facility operation, the Secretary/designee may suspend any provision or section of this policy for a specific period.

## **VIII. RIGHTS UNDER THIS POLICY**

This policy does not create rights in any person nor shall it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy shall be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose(s) of the policies of the Department.

## **IX. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY**

### **A. Release of Information**

#### 1. Policy

This policy document is public information and may be released upon request.

#### 2. Procedures Manual (if applicable)

The procedures manual for this policy is not public information and shall not be released in its entirety or in part, without the prior approval of the Secretary/designee. This manual or parts thereof may be released to any Department employee on an as needed basis.

### **B. Distribution of Policy**

#### 1. General Distribution

The Department's policy and procedures manuals (when applicable) shall be distributed to the members of the Central Office Executive Staff, all Facility

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<sup>1</sup> 1-CTA-1C-01, 1-ACRS-1C-02

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Managers, and Community Corrections Regional Directors on a routine basis. Distribution to other individuals and/or agencies is subject to the approval of the Secretary/designee.

2. Distribution to Staff

It is the responsibility of those individuals receiving policies and procedures, as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures.

## X. SUPERSEDED POLICY AND CROSS REFERENCE

### A. Superseded Policy

1. Department Policy

***4.1.1, Human Resources and Labor Relations issued January 14, 2002, by former Secretary Jeffrey A. Beard, Ph.D.***

2. Facility Policy and Procedures

This document supersedes all facility policy and procedures on this subject.

### B. Cross Reference(s)

1. Administrative Manuals

- a. ***1.1.4, Centralized Services***
- b. ***1.6.1, Equal Employment Opportunity***
- c. ***5.1.1, Staff Development and Training***
- d. ***6.2.4, Uniform Regulations***
- e. 6.3.1, Facility Security
- f. ***6.3.12, Drug Interdiction***
- g. ***6.7.2, Special Response Teams***
- h. DC-ADM 003, Release of Information
- i. ***DC-ADM 008, Prison Rape Elimination Act (PREA)***

2. Other

- a. Management Directive 505.20, Wage Complement Management and Control
- b. Management Directive 525.11, Dual Employment
- c. Management Directive 525.4, Temporary Assignment in Higher Classification
- d. Management Directive 530.17, Partial and Full-Day Closing of State Offices
- e. Management Directive 520.4, Position Classification Post-Audits
- f. Management Directive 520.6, Processing of Reclassification Actions
- g. Management Directive 540.7, Employee Performance Review
- h. Management Directive 505.11, Emergency Assignments of Employees during Emergencies

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- i. Management Directive Manual M530.7, Automated Leave Accounting and Management Program Manual
  - j. Management Directive Manual 530.2, Collective Bargaining Agreements and Administrative Manual
  - k. Management Directive Manual M530.9, Unemployment Compensation Insurance
  - l. Management Directive 530.22, Unemployment Compensation, Non-covered Employment, Major Non-tenured Policymaking or Advisory Positions
  - m. Management Directive 570.13, State Employees Retirement System, Regional Field Offices
  - n. Management Directive 205.25, Disability Related Employment Policy
  - o. Management Directive 410.10, Guidelines for Investigating and Resolving Discrimination Complaints
  - p. Management Directive Manual M505.7, Commonwealth Personnel Rules
  - q. Management Directive Manual M505.1, Wage Complement Management and Control
  - r. Management Directive Manual M530.19, Leaves and Holidays Program Manual
  - s. Management Directive 515.2, Transfers of Employees from One Agency
  - t. Management Directive 505.3, Processing of Personnel Actions and Employee Paychecks
  - u. Management Directive 505.4, Salaried Complement Control
  - v. Management Directive 525.2, Retroactive Pay Increments and Retroactive Special Salary Increases
  - w. Management Directive 525.5, Special Pay Rates
  - x. Management Directive 525.6, Advances on Salaries or Wages Earned
  - y. Management Directive 525.8, Processing of Pay Increments
  - z. Management Directive Manual M525.12, Reinstatement of Discharged Employees
  - aa. Management Directive 515.15, Identification, Employment, and Education Verification Checks
  - bb. Management Directive Manual M505.5, Commercial Driver License Drug and Alcohol Testing and Licensing Requirements
  - cc. Management Directive 590.7, Labor Relations - Grievance Administration
  - dd. Management Directive 505.25 Amended January 16, 1998, Substance Abuse in the Workplace
  - ee. Management Directive 205.25 Amended December 17, 1997, Disability-Related Employment Policy
  - ff. Executive Order 1996-13, Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace
  - gg. Executive Order 1996-11, Disability-Related Policy

### 3. ACA Standards

- a. Adult Correctional Institutions: 4-4008, 4-4041, 4-4048, 4-4054, 4-4055, 4-4057, 4-4058, 4-4060, 4-4061, 4-4062, 4-4069, 4-4071, **4-4322**
- b. Adult Community Residential Services: 1-ACRS-1C-02, 3-ACRS-1C-03, 3-ACRS-1C-21, 4-ACRS-2A-03, 4-ACRS-2A-06, 4-ACRS-7B-04, 4-ACRS-7B-05, 4-ACRS-7D-27, 4-ACRS-7E-03, 4-ACRS-7E-07,

4-ACRS-7E-08, 4-ACRS-7E-11

c. Correctional Training Academies: 1-CTA-1C-01, 1-CTA-1C-06

4. PREA Standards 28 C.F.R.

115.17, **115.76**, 115.217



PROCEDURES MANUAL  
Commonwealth of Pennsylvania • Department of Corrections

<b>Policy Subject:</b> Human Resources and Labor Relations		<b>Policy Number:</b> 4.1.1
<b>Date of Issue:</b> November 21, 2016	<b>Authority:</b> Signature on File John E. Wetzel	<b>Effective Date:</b> December 5, 2016

Release of Information:

**Policy Document:** The Department of Corrections policy document on this subject is public information and may be released to members of the general public, staff, legislative, judicial, law enforcement and correctional agencies, and/or inmates upon request.

**Procedures Manual:** This Procedures Manual is not public information and **will not be released** in its entirety or in part, without the prior approval of the Secretary of Corrections or designee. This manual or parts thereof, may be released to any Department of Corrections employee on an as needed basis.

**Procedures Development:** All required procedures will be developed in compliance with the standards set forth in this manual and/or the governing policy. These standards may be exceeded, but in all cases these standards are the minimum standard that must be achieved. In the event a deviation or variance is required, a written request is to be submitted to the appropriate Regional Deputy Secretary and the Standards, Audits, and Accreditation Unit for review and approval prior to implementation. Absent such approval, all procedures set forth in this manual must be met.

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BULLETIN  
Commonwealth of Pennsylvania • Department of Corrections

<b>Policy Subject:</b>		
<b>Human Resources and Labor Relations</b>		
<b>Policy Number:</b>		
4.1.1 - 1 <b>Section 4 – Resignations in Lieu of Discharge</b> <b>Section 6 – The Pennsylvania Public Employee Relations Act</b> <del><b>Section 7 – Standardization of Pre-Disciplinary Conferences (PDC)</b></del>		
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<b>Date of Issue:</b>	<b>Authority:</b>	<b>Effective Date:</b>
January 20, 2015	Signature on File John E. Wetzel	January 22, 2015

The purpose of this bulletin is to address Human Resource and Labor Relations issues impacted by the Prison Rape Elimination Act (PREA).

**Section 4 – Resignations in Lieu of Discharge**

**Subsection A.2.** shall now read:

2. Requests for resignation in lieu of discharge for employees charged with violations of the Governor's Code of Conduct, employees in the appointment probationary period, or employees determined to be involved in sexual activity with inmate, shall not be approved. However, the Director, BHR, (no designee) shall consider exceptions in consultation with the Executive Deputy Secretary and the Office of Administration. The Department shall code the record of an employee's separation appropriately to alert agencies when hiring to evaluate the individual's previous state employment to better assess the appropriateness of rehiring. This is not intended to preclude employees, once terminated, from being re-hired; it is intended to ensure that the hiring agency has access to all the information necessary to make an informed judgment in the best interest of the Commonwealth. ***All resignations in lieu of discharge cases related to violations of inmate sexual abuse or sexual harassment of inmates shall be reported to the Office of Special Investigations and Intelligence (OSII) to determine if the activity is criminal in nature. If the violation is determined to be criminal, OSII shall report the violations to law enforcement agencies and to any relevant licensing bodies in accordance with PREA Standard §115.76 (d).***

**Section 6 – The Pennsylvania Public Employee Relations Act**

**Subsection D.2.(e)(5)** shall now read:

- (5) ***All dismissal cases related to violations of inmate sexual abuse or sexual harassment of inmates shall be reported to the Office of Special Investigations and Intelligence (OSII) to determine if the activity is criminal in nature. If the violation is determined to be criminal, OSII shall report the violations to law***

enforcement agencies and to any relevant licensing bodies in accordance with PREA Standard §115.76 (d).

**Section 7 – Standardization of Pre-Disciplinary Conferences**

**~~Subsections F.10. & 11. shall now read:~~**

- ~~10. ***Inmate Sexual Abuse: In accordance with the Prison Rape Elimination Act of 2003, Standard §115.76 (b), termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.***~~
- ~~11. ***In accordance with the Prison Rape Elimination Act of 1993, Standard §115.76 (c), disciplinary sanctions for violations of agency policies related to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.***~~

## **Section 1 – Organization of Human Resources and Labor Relations**

### **A. Divisions**

The Bureau of Human Resources (BHR) is divided into three divisions (Workforce Management, Employee Services and Labor Relations), which are responsible for various Commonwealth Human Resource programs as outlined on the **Table of Organization (Attachment 1-A)**.

1. A Division Chief heads each division and reports directly to the Director of the BHR.
2. The Workforce Management Division is divided into two sections that are headed by Section Supervisors who report to the Division Chief. These sections include the **Classification, Placement and Recruitment Section and the Special Projects Section**.
3. The Employee Services Division is divided into two sections that are headed by Section Supervisors who report to the Division Chief. These sections include the **Employee Services Section and the Employee Systems Section**.
4. The Labor Relations Division is **divided into two sections that are headed by Section Supervisors who report to the Division Chief. These sections include the Eastern Region Section and the Western Region Section**.

### **B. Functional Statement**

The BHR establishes overall policy and procedures for implementing the Commonwealth's and the Department's Human Resource programs in the areas of classification and pay, recruitment and retention, employee benefits, personnel data maintenance, timekeeping, payroll, leave management, employee performance evaluation, organizational planning, and labor relations. The BHR also provides guidance on the management of Human Resources to the Secretary and other senior staff of the Department.

### **C. Responsibilities**

1. Director
  - a. The Director of the BHR is responsible for the overall direction of the Bureau in carrying out the mission of the Department in the area of Human Resources programs.
  - b. The Director supervises a Central Office Staff and provides guidance on Human Resources management issues to Executive Staff, Facility Staff, Field Human Resource Offices (FHRO), and other senior staff of the Department.
  - c. The Director reports to the Deputy Secretary for Administration.

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**Section 1 – Organization of Human Resources and Labor Relations**

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- d. The Director is responsible for the formulation and distribution of the semi-annual Human Resources Activity Report. The report shall include information regarding the following topics, but may contain more information:
- (1) authorized complement and vacancies;
  - (2) average complement distribution;
  - (3) filled corrections officer positions by class;
  - (4) total staff to inmate population;
  - (5) corrections officer to inmate population;
  - (6) **Corrections Officer Trainee (COT) physical/medical testing process;**
  - (7) **new hire appointment packages;**
  - (8) separation transactions;
  - (9) overtime by facility;
  - (10) working out of class;
  - (11) sick leave usage;
  - (12) disability claims and costs;
  - (13) **EPR Timeliness Report;**
  - (14) **time & attendance errors;**
  - (15) arrests by facility;
  - (16) discipline by facility;
  - (17) first step grievances; and
  - (18) area grievance committees.

2. Division Chief

- a. A Division Chief, who maintains a separate office and support staff, manages each Division.

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- b. The Division Chief reports directly to the Director. Division Chiefs are responsible for various aspects of the operation of the BHR in their assigned personnel program areas.

3. Workforce Management

- a. Under the direction of the Division Chief, the Workforce Management Division is divided into the following two sections:
  - (1) Classification, **Placement** and Recruitment Section; and
  - (2) **Special Projects Section.**
- b. These sections are responsible for directing, supervising and coordinating the Commonwealth and Department's Human Resource programs in the areas of position classification, **employee placement, statewide recruitment**, staff and workforce analysis, succession planning, personnel, **non-civil service**, and civil service rules and regulations. This Division provides ongoing direction and guidance to all facility Human Resource offices.

4. Employee Services Division

- a. Under the direction of the Division Chief, the Employee Services Division is divided into the following two sections:
  - (1) Employee **Services** Section; and
  - (2) **Employee Systems** Section.
- b. These sections are responsible for directing, supervising and coordinating the Commonwealth and Department's Human Resource programs in the areas of personnel transactions,<sup>1</sup> employee benefits, State Employees' Assistance Program, Human Resource Information Systems, personnel data maintenance, timekeeping, payroll, and leave management. This Division provides ongoing direction and guidance to all facility Human Resource offices.

5. Labor Relations Division

- a. Under the direction of the Division Chief, **the Labor Relations Division is divided into the following sections:**
  - (1) **Eastern Region Section; and**
  - (2) **Western Region Section.**

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<sup>1</sup> 4-ACRS-7E-07, 4-ACRS-7E-11

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- b. These sections are responsible for planning, organizing, and directing matters related to the Labor Relations functions for the Department. This Division participates in formulating the Department's position during contract negotiations, serves on negotiations teams, develops answers to Departmental grievances and manages the Accelerated Grievance Program (AGP). This Division also provides guidance and direction to all facilities regarding disciplinary procedures and conducts grievance hearings. The Division also serves as a consultant on arbitration cases and provides testimony as necessary.
  
- c. The Labor Relations Division provides technical assistance, advice, and strategy to Central Office, Executive Staff, Facility Managers, and Deputies for Facilities Management, Deputies for Centralized Services, Human Resource Officers, **FHROs**, and other management personnel on labor relations issues.

## **Section 2 - Code of Ethics**

This section establishes the processes and procedures for orienting new employees to the policies and procedures of the Department.<sup>1</sup>

### **A. Responsibilities**

1. The Department shall provide a copy of the Code of Ethics to all employees at the time of employee orientation.<sup>2</sup> An employee is any person whether full-time or part-time, permanent or temporary, hired by the Department as a Commonwealth employee.
2. Facility Personnel Officers shall ensure that new employees read the Department's Code of Ethics and sign a receipt ([See Sample, Attachment 2-A, DC-173, Receipt of Code of Ethics Handbook](#)) stating that he/she has read and understands the Code of Ethics. A copy of this receipt shall be placed in the employee's Official Personnel File.

### **B. Code of Ethics**

The Department's Code of Ethics is contained in the [DC-174, Code of Ethics](#) booklet.

<sup>1</sup> 1-CTA-1C-01, 3-ACRS-1C-03

<sup>2</sup> 4-4069

**Section 3 - Employee Arrests - Felony, Misdemeanor, or Summary Offenses**

Employees charged with criminal misconduct shall be dealt with appropriately. **This will be** dependent upon the seriousness of the charge **and any** resultant violations of the Department of Corrections Code of Ethics, as well as the Governor's Code of Conduct.

**All Department of Corrections employees are cross checked against the Justice Network (JNET) system on a daily basis to identify employees that have had negative contact with law enforcement (i.e., any criminal citation, criminal charge, arrest, etc.).**

**It is the employee's responsibility to report any negative contact with law enforcement (i.e., any criminal citation, criminal charge, arrest, etc.) to his/her supervisor, security, or designee. The employee should report such contact as soon as possible or no later than his/her next scheduled work day.**

**No form of approved leave, paid or unpaid, is permitted for employees who are incarcerated, including but not limited to house arrest and electronic monitoring. Facilities/Bureaus should initiate their review and investigation in advance of the sentencing date.**

Additionally, employee arrests must be reported to the respective Regional Deputy Secretary as soon as the facility is made aware of the arrest.

**A. Procedures for Employee Arrests – Felonies and Work-Related Criminal Misconduct**

The following table outlines the required procedures and the individual(s) responsible for carrying out the procedures for employee arrests for felonies and work-related criminal misconduct.

<b>Action By</b>	<b>Action</b>
<p style="text-align: center;">Facility Manager/Regional Director/Bureau Director</p>	<p>If an employee is charged with criminal misconduct, which either constitutes a felony or is directly work-related, the employee must be immediately suspended pending investigation <b>following a Pre-Suspension Hearing (refer to Section 5 of this procedures manual)</b>, in accordance with the Governor's Code of Conduct, Executive Order 1980-18, and the Department of Corrections Code of Ethics. <b>For work-related summary offenses, contact the Director, Bureau of Human Resources (BHR), prior to taking any action.</b></p>



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<p>Facility Manager/Regional Director/Bureau Director</p>	<p>Submit <b>Employee Arrest Report (Attachment 3-A)</b> to the respective Regional Deputy Secretary, with a copy to the <b>Office of Administration (OA) (<a href="mailto:RA-Investigations@pa.gov">RA-Investigations@pa.gov</a>)</b>, <b>within 12 business days of notification of the arrest, as well as final disposition and discipline administered, if any. If a hearing is pending, OA should be notified and the agency should follow up with OA within 12 business days of the hearing. Also</b> copy the Director of the BHR and the Chief of the Labor Relations Division. <b>Action taken will normally reflect that the employee was suspended pending investigation and the date of the action.</b></p>
<p><b>Chief, Labor Relations Division</b></p>	<p><b>Provide JNET notifications to the Facility Manager/Regional Director/Bureau Director. Track and monitor arrests to ensure necessary reports are received and provided to OA as required.</b></p>
<p>Supervisor/Facility Security Office</p>	<ol style="list-style-type: none"> <li>1. Investigate the matter fully, contacting all the necessary officials/parties needed to obtain the full facts of the situation and resultant charges.</li> <li>2. Review findings with the <b>Facility Manager</b>, Regional Director, or Bureau Director.</li> </ol>
<p>Facility Manager/Regional Director/Bureau Director</p>	<ol style="list-style-type: none"> <li>1. Proceed in accordance with <b>Section 7 of this procedures manual regarding Pre-Disciplinary Conferences (PDC)</b>.</li> <li>2. <b>Submit Employee Arrest Report</b> to the respective Regional Deputy Secretary, with <b>a copy to the OA (<a href="mailto:RA-Investigations@pa.gov">RA-Investigations@pa.gov</a>)</b>, <b>indicating final disposition of the criminal charges, as well as any administrative action taken. Also</b> copy the Director of the BHR and Chief of the Labor Relations Division.</li> </ol>

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**B. Procedures for Employee Arrests - Misdemeanors and Summary Offenses**

The following table outlines the required procedures and the individual(s) responsible for carrying out the procedures for employee arrests for misdemeanors and summary offenses.

Action By	Action
<p>Facility Manager/ Regional Director/ Bureau Director</p>	<p><b>Submit Employee Arrest Report to the respective Regional Deputy Secretary, with a copy to the OA (<a href="mailto:RA-Investigations@pa.gov">RA-Investigations@pa.gov</a>), within 12 business days of notification of the arrest, as well as final disposition and discipline administered, if any. If a hearing is pending, OA should be notified and the agency should follow up with OA within 12 business days of the hearing. Also copy the Director of the BHR and the Chief of the Labor Relations Division.</b></p>
<p>Supervisor/<b>Facility Security Office</b></p>	<ol style="list-style-type: none"> <li>1. Investigate the matter fully, contacting all the necessary officials/parties needed to obtain the full facts of the situation and resultant charges.</li> <li>2. Review findings with the <b>Facility Manager</b>, Regional Director, or Bureau Director.</li> </ol>
<p><b>Facility Manager</b>/ Regional Director/ Bureau Director</p>	<p>Determine which course of action should be pursued: a fact-finding conference or a PDC. (Normally a fact-finding conference would be held for first time summary or misdemeanor offenses. Only if unusual circumstances exist [publicity, injuries, etc.] or the employee is charged with a subsequent offense should a PDC be considered and then it would be in accordance with the Department Directive on such hearings.) Provide decision to the supervisor.</p>
<p>Supervisor/<b>Facility Security Office</b></p>	<p>Schedule a fact-finding meeting with the employee. During the fact-finding meeting, the following points are to be covered:</p> <ol style="list-style-type: none"> <li>1. Verify with the employee charges that have been filed.</li> <li>2. Obtain the employee's explanation of the situation.</li> <li>3. Ascertain the status of the situation.</li> <li>4. Put the employee on notice that immediately after the disposition of the charge(s), he/she is to notify you of the outcome of the charges in writing.</li> <li>5. <b>If there is a weapons restriction (Brady Bill Disqualifier) or any other restriction impacting the employee's ability to perform the essential functions of his/her position, meet with and notify the employee of the need to resolve the restrictions and issue the Arrest or PFA Initial Letter (Attachment 3-B). Provide a time limit for resolution of five work days. Do not assign the employee to a post or Special Team that requires use of a firearm. Notify Chief of Security of Special Team suspension. If the employee fails to resolve the restrictions, meet with the employee for an explanation, then remove him/her from the work place until resolved.</b></li> </ol>

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Action By	Action
<p>Supervisor/<b>Facility Security Office</b> (Continued)</p>	<p><b><i>The employee may utilize leave to cover the absences in accordance with the Arrest or PFA Second Letter (Attachment 3-C).</i></b></p> <ol style="list-style-type: none"> <li>6. Advise the employee that failure to comply with <b>Step 4</b> shall be dealt with accordingly.</li> <li>7. Advise the employee that after the disposition of charges is known, a determination shall be made concerning what action, if any, is appropriate. Consideration shall be given to all relevant factors which includes, but is not limited to: years of service; prior discipline; prior offenses; the nexus between offense and employment; adverse publicity; and the continued ability to effectively discharge his/her duties, in making that determination.</li> <li>8. Advise the employee that if the disposition of the charges includes incarceration or electronic monitoring, he/she shall not be permitted to perform his/her duties until the terms of the disposition are completed and a PDC held to deal with the impact upon his/her employment.</li> <li>9. Advise the employee that if the <b><i>disposition of the charges includes electronic monitoring or house arrest, the employee must follow the procedures outlined in Subsection D. below, to work under the conditions of a work release. If the request for work release is disapproved, a determination will be made if the electronic monitoring/house arrest results in unapproved leave (AW) which could lead to disciplinary action. Advise the employee that if the disposition of the charges includes incarceration, no form of approved leave, paid or unpaid, is permitted and a determination will be made if the incarceration results in unapproved leave (AW) which could lead to disciplinary action.</i></b></li> <li>10. The employee is to be advised that if, after such consideration, discipline appears appropriate, he/she shall be notified in writing of the need for a subsequent meeting, its purpose, place, time, date, and potential outcome (discipline).</li> <li>11. Prepare a report of the fact-finding meeting to the <b>Facility Manager</b>, Regional Director, or Bureau Director which documents the date, time, and place of the fact-finding meeting, the employee's explanation, the employee's legal status at the time of the meeting, and documentation that steps one through <b>eleven</b> were covered with the employee. Retain a copy of that report.</li> <li>12. If there is no conviction, a determination shall be made regarding administrative action to be taken, if any.</li> </ol>

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Action By	Action
<p>Facility Manger/ Regional Director/ Bureau Director</p>	<p>If the arrest results in a summary or misdemeanor conviction, and there is no nexus between the criminal offense and the employee's job duties then no PDC is necessary. However, the employee should be counseled regarding his/her off-duty conduct and offered assistance through the State Employees Assistance Program (SEAP). For summary and misdemeanor charges, a PDC is only necessary when there is a nexus between the employee's off duty misconduct and his/her employment. Factors to consider in determining whether or not there is a nexus between the criminal misconduct and the employee's job duties include:</p> <ol style="list-style-type: none"> <li>1. Was there adverse publicity that injured the reputation of the Department? How?</li> <li>2. Was the employee named as a Commonwealth or Department employee in any public release?</li> <li>3. What effect did the misconduct and/or publicity have on the operations of the Department? Was there damage to the Department's reputation?</li> <li>4. Did the off-duty misconduct breach the trust of the community? Trust of co-workers?</li> <li>5. Did the off-duty misconduct diminish the credibility of the employee because inmates became aware of the misconduct?</li> <li>6. Is the employee restricted from performing any essential functions of his/her job? Restricted from performing any duties?</li> <li>7. Was the misconduct reasonably related to the employee's ability to perform his/her job?</li> <li>8. Was there any loss of licensure that may affect the employee's ability to perform his/her job?</li> <li>9. Have co-workers expressed apprehensions of continuing to work with the employee? Would continued employment jeopardize the safety of others?</li> </ol> <p>If the disposition of the charges <b><i>includes electronic monitoring or house arrest, the employee must follow the procedures outlined in Subsection D. below, to work under the conditions of a work release. If the request for work release is disapproved, a determination will be made if the electronic monitoring/house arrest results in unapproved leave (AW) which could lead to disciplinary action. If the disposition of the charges includes incarceration, no form of approved leave, paid or unpaid, is permitted and a determination will be made if the incarceration results in unapproved leave (AW) which could lead to disciplinary action.</i></b></p>

**C. Procedures for Commonwealth Law Enforcement Agency Network (CLEAN)/JNET Notification of Criminal Charges of Staff**

1. **Consistent with the standards of the Prison Rape Elimination Act (PREA): 28 C.F.R. §115.17 Hiring and promotion decisions, the BHR will, upon notification from the Office of Special Investigations and Intelligence (OSII) that an employee has been criminally charged, contact the respective facility with their findings. (28 C.F.R. §115.17[e])**
2. **Please refer to the procedures table in Subsection A. above for the required procedures and the individual(s) responsible for carrying out the procedures for employees charged with sexually violent crimes.**

**D. Procedures for Employee Work Release Requests and Approvals**

1. **Work release approvals apply to those instances where an employee has been sentenced by the courts to serve time in a correctional facility. It also includes situations where an employee has been sentenced to in-home confinement (also known as house arrest) and/or is required to wear an electronic monitoring device.**
2. **Employees are not entitled to an automatic approval of a work release request. Supervisors and Facility Managers/Bureau Directors do not have the authority to approve any work release request, and must immediately forward any recommendations for approval of such requests to the BHR. Facility Managers/Regional Directors/Bureau Directors do have the authority to disapprove work release requests and must provide notification of such disapproval to the employee and the BHR. Prior to submitting recommendations for approval and before disapproving requests, due diligence must be taken to conduct a thorough investigation to ensure that granting/not granting a work release request is in the best interest of the Agency and the Commonwealth.**
3. **The following table outlines the required procedures and the individual(s) responsible for carrying out the procedures for Work Release Requests.**

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<b>Action By</b>	<b>Action</b>
<p style="text-align: center;"><b>Facility Manager/Regional Director/Bureau Director/FHRO/Supervisor/Facility Security Office</b></p>	<p><b><i>If the disposition of the charges includes granting a work release by the governing Authority/Jurisdiction, the employee must request permission to work under the conditions of the work release. The employee must provide documented proof of the work release to his/her local Human Resources Office for consideration and the following procedures shall be adhered to:</i></b></p> <ul style="list-style-type: none"> <li><b><i>• Identify all conditions associated with the work release, including any restrictions that will be placed upon the employee. This includes obtaining documentation about the work release conditions and restrictions, and may require contact with the district attorney, the employee’s probation/parole officer, and/or the employee’s attorney.</i></b></li> <li><b><i>• Conduct a complete review of the impact of those conditions and restrictions upon the employee’s job functions and upon commonwealth operations. The conditions/restrictions must not result in unacceptable impact upon commonwealth operations, such as a requirement that the employee’s computer be available for inspection by court officers.</i></b></li> <li><b><i>• Review the employee’s personnel records to ensure that he/she reported all criminal charges (both current and past) as required by the Governor’s Code of Conduct and internal agency policies.</i></b></li> </ul>

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<b>Action By</b>	<b>Action</b>
<p align="center"><b>Facility Manager/Regional Director/Bureau Director/FHRO/Supervisor/Facility Security Office</b></p>	<ul style="list-style-type: none"> <li>• <b>Utilize the criteria found in Part III of the Governor’s Code of Conduct to review the impact of the criminal conviction upon the agency, including the extent to which the employee must deal directly with the public, and the extent to which the public’s trust and confidence in the commonwealth would be undermined if the work release were to be approved.</b></li> <li>• <b>If the work release request is not supported, prepare a memo from the Facility Manager/Regional Director/Bureau Director notifying the employee of the disapproval and the reasons.</b></li> </ul>
<p align="center"><b>Facility Manager/Regional Director/Bureau Director</b></p>	<p><b>If the work release request is supported, the following actions need to be taken:</b></p> <ul style="list-style-type: none"> <li>• <b>Prepare a memo to the Director of the BHR. This memo should include the following information:</b> <ul style="list-style-type: none"> <li>• <b>employee name and job title;</b></li> <li>• <b>employee work location, including bureau, division, and/or work unit;</b></li> <li>• <b>length of employment with the Commonwealth, previous discipline history, and performance ratings;</b></li> <li>• <b>nature of the charges that led to the conviction and incarceration;</b></li> <li>• <b>previous convictions, including dates and nature of the charges;</b></li> <li>• <b>projected dates, length, and nature of incarceration;</b></li> <li>• <b>documentation of the investigation results, including copies of all court documents and analysis of impact of conditions and restrictions;</b></li> <li>• <b>rationale for agency request for work release approval, including results of the investigation; and</b></li> <li>• <b>whether there have been previous requests or approvals of work release for the employee.</b></li> </ul> </li> </ul>

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<b>Action By</b>	<b>Action</b>
<p><b>Bureau of Human Resources            Director</b></p>	<p><b><i>If after the internal review process it is determined that a work release request is not appropriate, prepare a memo notifying the employee of the disapproval and the reasons.</i></b></p> <p><b><i>If after the internal review process it is determined that a work release request is appropriate, provide a written request to the OA, Workplace Support Services Division. The request should include the following information:</i></b></p> <ul style="list-style-type: none"> <li><b>• <i>all the required information provided by the Superintendent/Regional Director/FHRO of the affected facility; and</i></b></li> <li><b>• <i>written approvals of the agency’s chief counsel and agency head by utilizing the Work Release Approval Request (Attachment 3-D).</i></b></li> </ul> <p><b><i>Upon review by the OA, the Director of the BHR will be notified regarding the approval/disapproval of the request. Upon such notification, provide notification to the Facility Manager/Regional Director/Bureau Director.</i></b></p>



## Section 4 – Resignations in Lieu of Discharge (RILD)

This section provides procedures to process RILD for Department employees.<sup>1</sup> ***It is not necessary to automatically process an employee’s request for resignation upon receipt or to process a separation upon receipt of the State Employee Retirement System (SERS) Agency Notification of Retirement. Management must consider the circumstances under which the employee is submitting the request to resign. It is management’s discretion whether or not to accept the resignation, but must do so in writing in accordance with the following procedures.***

### A. Approval Process for Resignations in Lieu of Discharge (RILD)

1. The Director/designee, Bureau of Human Resources (BHR), and the Regional Deputy Secretary must approve all RILD in advance. Approval may be verbal with appropriate paperwork to follow. ***For a sample resignation letter, refer to Employee Request for Resignation (Attachment 4-A). For sample acceptance letters, refer to Sample Letter-Acceptance RILD (Attachment 4-B), Sample Letter RILD Acceptance-Pending Investigation for Sexual Misconduct (Attachment 4-C), Sample Letter RILD Acceptance-Prison Rape Elimination Act (PREA) Investigation Ongoing (Attachment 4-D), and Sample Letter RILD Acceptance-PREA Investigation Complete (Attachment 4-E). For a sample denial letter, refer to Sample Denial Letter-RILD (Attachment 4-F).***
2. Requests for RILD for employees charged with violations of the Governor’s Code of Conduct, employees in the appointment probationary period, or employees determined to be involved in, ***or being investigated for sexual abuse or sexual harassment of inmates***, shall not be approved. However, the Director, BHR, (no designee) shall consider exceptions in consultation with the ***Regional Deputy Secretary***. The Department shall code the record of an employee’s separation appropriately to alert agencies when hiring to evaluate the individual’s previous state employment to better assess the appropriateness of re-hiring. This is not intended to preclude employees, once terminated, from being re-hired; it is intended to ensure that the hiring agency has access to all the information necessary to make an informed judgment in the best interest of the Commonwealth.
  - a. ***RILD for PREA-related offenses under Department policy DC-ADM 008, “PREA.”***

***In the event that a staff member resigns in lieu of discharge for violation of Department policy DC-ADM 008, the BHR shall notify the Office of Special Investigations and Intelligence (OSII) to determine if a potential criminal violation exists. If the violation meets criminal standards, OSII shall refer the matter to the District Attorney’s Office that has jurisdiction over the affected facility. Whether or not the matter is referred to the District Attorney’s Office, BHR shall notify any relevant licensing bodies. (28 C.F.R. §115.76[d])***

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<sup>1</sup> 4-4048, 1-CTA-1C-01

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**Section 4 – Resignations in Lieu of Discharge (RILD)**

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- b. **For sample letters, please see the appropriate Acceptance Letter samples as referenced in Subsection A.1. above. Additional information on notifying relevant licensing bodies is located in Section 6 of this procedures manual.**
3. Once the initial approval is received, a Personnel Action Request (PAR) shall be submitted. The Human Resource Office shall:
  - a. notify Central Office by submitting a PAR with all required documentation attached, to include the following:
    - (1) employee's notice of resignation;
    - (2) management's acceptance of resignation; and
    - (3) a summary of the reasons for the RILD.
  - b. input a separation transaction in SAP after the PAR has been submitted, but no later than the Friday before pay processing; and
  - c. ensure that the separation is coded as "ZH" separation action with the appropriate reason code. The reason code may be changed later if necessary; however, the initial action and reason code must be used to ensure appropriate retirement process. The SAP codes to be used are as follows:
    - (1) 7 – Resign/Contact Former Agency;
    - (2) 23 – Retire/Contact Former Agency (no sick payment); or
    - (3) 24 – Retire/Contact Former Agency (sick payment).

**B. Resignations in Lieu of Discharge (RILD) Without Settlement**

1. Employees under investigation for misconduct frequently decide to voluntarily resign their position prior to the final decision or issuance of the termination letter. While management always reserves the right to refuse the resignation, in most cases it is preferred that the resignation be accepted.
2. Often, **but not always**, the offer to resign is communicated to management through an employee representative. In **either** circumstance, the following steps shall be taken:
  - a. require the employee to submit the resignation in writing and immediately acknowledge its acceptance in writing;
  - b. summarize in memorandum format **for** the record the circumstances that led to the employee's resignation. Attach any corroborating evidence such as reports, statements, etc., to the memorandum and place in the employee's Official Personnel File; and

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c. ***pre-approval must still be obtained in accordance with Subsection A.2. above for such charges listed in that section and should not be accepted in writing until approval is granted in accordance with Subsection A.2. above.***

3. Submission of proper documentation to the BHR and the processing of the separation of the employee shall be in accordance with **Subsection A.3. above.**

**C. Resignations in Lieu of Discharge (RILD) as Part of a Settlement**

1. It is not uncommon for an employee representative to negotiate a voluntary resignation on behalf of an employee under investigation for misconduct or an employee who has been, or is about to be, dismissed from employment. The employee representative shall generally advocate that the record be cleared and a reference, if not positive at least neutral, be given to prospective employers. In addition, it is not uncommon for the employer to offer such a suggestion for resolution on these circumstances as well. It is frequently appropriate to settle such matters in this regard.

2. ***In cases where an employee resigns while under investigation for violations of Sexual Abuse or Sexual Harassment policies, any settlement language shall include provisions that permit the employer to report to any prospective institutional employer that the employee resigned during a pending investigation. (28 C.F.R. §115.17[c][2][h]) (28 C.F.R. §115.76[d])***

3. Prior to any agreed upon settlement of the above nature, approval must be received from the Director/designee, BHR. Even though the ability to move fast is essential on striking a settlement, the following guidelines listed below must be adhered to:

a. ***pre-approval must still be obtained under Subsection A.2. above for such charges listed in that section, and should not be accepted in writing until approval is granted in accordance with Subsection A.2. above;***

b. contact the appropriate staff in the BHR to discuss and obtain approval of any offer made by an employee representative or a contemplated offer that management is considering. Contact may be by email, telephone, facsimile, memorandum, etc.;

c. after approval, the settlement must be reduced to writing; and

d. ***in order to maintain the ability to share employment information with other Commonwealth agencies under the Governor's jurisdiction when a former employee is being considered for employment after the acceptance of a resignation under these terms, the following language shall be used in settlements where a neutral reference is being agreed upon when the separation from employment is NOT related to a pending investigation for Sexual Abuse or Sexual Harassment policies:***

***“Should the Commonwealth be contacted by an external employer regarding the individual's employment with the Department of Corrections, we agree to***

***provide a neutral reference indicating only the period of his/her employment and the capacity in which he/she was employed. Further information will only be provided upon receipt of a release form signed by the individual.”***

4. Submission of proper documentation to BHR and the processing of the separation of the employee shall be in accordance with **Subsection A.3. above**.

#### **D. Payroll Transaction**

If it is determined that the separation transaction shall not update timely, pending an approval of the RILD, the resignation transaction shall be processed through the SAP system using the appropriate reason code for dismissal/removal. After the approval is received from the Director/designee, BHR, the Human Resource Office may update the employment history by processing a change to the reason code on a separation. ***For assistance with the transaction, please contact the Department’s Employee Services Division in the BHR.***

#### **E. Notice from State Employee Retirement System (SERS) of Retirement**

1. ***Occasionally, a SERS Agency Notification of Retirement is received when an employee has not submitted a request to retire/resign. In such circumstances, management should not process the separation, but should contact the employee to obtain his/her written request. Upon receipt of the employee’s written request, management can then process the separation if they choose to accept it.***
2. ***If a SERS Agency Notification of Retirement is received and/or the employee has submitted a request to retire/resign but management chooses not to process the separation due to a pending investigation, provide written notification to the employee and copy SERS indicating that the notification was received but, due to a pending investigation, the separation is not being processed at this time. At such time as the investigation is either concluded or it is determined that the separation can be processed, appropriate action can then be taken in accordance with the above procedures.***

## Section 5 – Suspension Without Pay for Exempt Employees Under the Fair Labor Standards Act

### A. General

1. The Department shall ensure that employee suspensions are consistent with the Fair Labor Standards Act (FLSA). FLSA-exempt employee suspensions without pay shall be for full workweeks, except in cases where the suspension is imposed in good faith for an employee's violation of:
  - a. an infraction of **serious** written workplace conduct rules applicable to all employees;  
or
  - b. a safety rule of major significance including those relating to the prevention of serious danger in the workplace or to other employees.
2. The purpose of this section is to outline suspension pending investigation and disciplinary suspension requirements for FLSA-exempt employees. Most exempt positions are management covered. For explicit interpretation by job classification, please refer to the complete Department Class Code Listing.
3. ***For purposes of this policy, a workweek shall be defined as the payroll workweek which commences on Sunday at 12:00 midnight and ends on the following Sunday at 12:00 a.m. For an employee assigned to a work schedule that spans midnight, the hours are reported on the day the shift begins.***

### B. Applicability

This section applies to all FLSA-exempt employees.

### C. Generally Applicable Workplace Conduct Rules

1. The FLSA regulations permit suspensions of less than a full workweek for violations of written workplace policies applicable to all employees. This provision applies to generally applicable written work rules which prohibit serious workplace misconduct, which includes, but is not limited to, workplace violence, sexual harassment, substance abuse, internet access policies, Code of Ethics violations or violations of state or federal law. Discipline for these infractions should be consistent with Section 6 of this procedures manual.
2. Suspensions for less than a full work week are explicitly not permitted for leave abuse or work performance issues *that do not constitute serious misconduct*. Any questions regarding this provision shall be directed to *the Bureau of Human Resources (BHR)*.

#### D. Major Safety-Related Infractions

1. ***The FLSA regulations permit suspensions of less than a full workweek for infractions of safety rules of major significance. Safety rules of major significance include those rules relating to the prevention of serious danger in the workplace or to other employees. The federal rules provide an example for guidance: rules prohibiting smoking in explosive plants, oil refineries or coal mines.***
2. ***This provision is to be narrowly construed. Any questions regarding this provision shall be directed to the BHR.***

#### E. Immediate Suspension and Removal from the Workplace

1. An FLSA-exempt employee who is placed on an immediate suspension or suspension pending investigation that warrants the immediate removal from the workplace must be suspended with pay during the initial workweek of the suspension. If the suspension continues into subsequent workweeks, the subsequent workweeks should be without pay. For example, a Monday through Friday employee who is suspended on a Wednesday, would be suspended with pay for the rest of the workweek; if the suspension continues, it must be for the entire upcoming workweek period (Monday through Friday), with additional whole workweeks thereafter and all such whole workweek suspension time would be without pay.
2. ***For suspensions of FLSA-exempt employees***, annual and/or personal leave must be deducted for the time suspended with pay. In cases ***in which*** the employee has insufficient leave balances to cover the suspension, anticipated annual leave should be deducted.
3. ***Exempt employees are not to be compensated for attending their Pre-Disciplinary Conference (PDC) or attending their administrative fact finding interview if they are currently in a suspended pending status without pay.***

#### F. Attendance and Performance-Related Infractions

In most situations, an employee is not required to be suspended immediately ***for attendance or performance-related infractions***. If, after a PDC, a suspension without pay is decided upon, the suspension may be scheduled appropriately; however, the suspension must be in increments of full workweeks; a Monday through Friday employee must be suspended without pay for the entire Monday through Friday work period (or for additional full workweeks). ***If a full work week suspension is not appropriate under the circumstances, another form of discipline should be considered (i.e., alternate discipline, reprimand, etc.).***

**G. Attorneys, Physicians, Teachers**

The FLSA contains a blanket exemption for employees working in these professions. For the purposes of discipline, these employees should continue to be treated as nonexempt.

**H. Complaints Regarding Improper Pay Deductions**

***An FLSA exempt employee who believes that improper deduction has been made from his/her salary should immediately report this information to his/her direct supervisor or to the BHR. In the event that such a complaint is received, the employee must be provided with an Improper Pay Deductions Complaint Form (Attachment 5-A) to document the complaint. The complaint form will be sent immediately to the BHR, which will investigate the complaint. If the investigation reveals that an improper deduction was made, the employee will be reimbursed and any other action necessary to comply with the FLSA rules will be taken. Retaliation against an employee for making a complaint is strictly prohibited.***

**Section 6 - The Pennsylvania Public Employee Relations Act**

**A. The Pennsylvania Public Employee Relations Act (43 P.C.S.A. §1101.101, P.L. 563, No. 195)**

1. Pennsylvania Public Employee Relations Act

The Pennsylvania Public Employee Relations Act (Act 195) and the Pennsylvania Labor Relations Board establishes the rights, rules, and conditions under which Pennsylvania public employees may organize and bargain collectively through selected representatives.

2. Right to Organize

Act 195 guarantees the right of employees, with some exceptions, to organize and select a representative of their choice to bargain collectively over hours, wages, and conditions of employment. To protect these rights, the Act made it an Unfair Labor Practice for the employer to do any of the following:

- a. interfere, restrain or coerce employees in their right to organize, form, or join employee organizations for the purpose of collective bargaining;
- b. dominate or interfere with the formation or operation of any employee organization;
- c. discriminate in regard to the hiring or continued employment or any term or condition of employment to encourage or discourage membership in any employee organization;
- d. discharge or otherwise discriminate against an employee because he/she has signed or filed an affidavit, petition, or complaint or given any information or testimony under the Act;
- e. refuse to reduce a collective bargaining agreement to writing and sign such agreement;
- f. refuse to bargain in good faith with an employee representative, which is the exclusive representative of employees in a designated unit;
- g. violate any of the rules and regulations established by the Labor Relations Board regulating the conduct of representation elections;
- h. refuse to comply with binding arbitration award; and
- i. refuse to comply with the requirement to "meet and discuss" with representatives of first line supervisors.



3. Employer/Employee Defined

- a. For state employees, Act 195 identifies the public employer as the Commonwealth of Pennsylvania, not individual agencies. Under the Act, the employer is liable for the actions of its "agents." This means the employer may be held responsible for what one of its supervisors does as long as the supervisor was acting in his line of duty. This is true even if the supervisor was not authorized by the employer to perform the particular act by the employer.
- b. An employee, as defined by the Act, is any individual employed by the Commonwealth of Pennsylvania except elected officials, appointees of the Governor with the advice and consent of the Senate, management level employees, and confidential employees. These employees are not permitted to organize and bargain collectively.
- c. First-line supervisors are permitted to form separate units from other employees; however, they do not have full bargaining rights under the Act. They may "meet and discuss" with management on matters affecting hours, wages, and other conditions of employment. When impasses are reached in meet and discuss, the employer's decision is final.
- d. This first-line supervisor concept is unusual in labor relations. First-line supervisors are determined by the Labor Relations Board after hearings in which the Union and employer justify placing employees either into or out of units.

4. Employee Organizing Rights

- a. The Act gives the employee the right to organize and bargain; it insures these rights by identifying those actions that may be unfair practices; it then establishes the ground rules for the conduct of organizing activities.
- b. The employer may not restrain, coerce, or interfere with employees in the exercise of their rights; may not discriminate against employees because of their refusal to engage in such activities or to join the union; may not dominate or assist a labor organization and may not refuse to recognize and bargain with a union duly selected to represent the employees.
- c. "Interference" includes such unfair practices as discrimination, domination, and refusal to bargain. Forbidden practices range from restraining unions from soliciting members to granting wage increases during an organization drive for discouraging employee interest in union membership. The following are other examples of Interference:
  - (1) Solicitation of Members - This usually depends on who is doing the soliciting and distribution of literature; where it takes place, on or off state property; and when it takes place, during or off work hours. An employer may prohibit employees from engaging in union solicitation or distribution of literature during their working time. Generally, an employer may not forbid his employees from distributing literature in non-working areas during non-working time.

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- (2) Questioning Employees - An employer may not poll the employees as to their union views unless the purpose of the poll is to prove the union's claim to represent a majority; they are told this is the purpose of the poll; assurance against reprisal is given; the employees are polled by secret ballot; and the employer has not engaged in unfair labor practices or otherwise created a coercive atmosphere.
- (3) Anti-Union Petitions - An employer may not become involved in getting employees to withdraw from a union or circulate an anti-union petition.
- (4) Promises of Wages or Benefits - An employer may not grant or promise increases in wages or benefits at a critical time during union organization drives unless the increases were pre-established and announced before the campaign began.
- (5) Removal of Privileges - When used to discourage union organization, the threat of removal, or removal of privileges shall constitute illegal interference.

5. Determining a Bargaining Unit

- a. Act 195 gives the Labor Relations Board the authority to determine what the appropriate bargaining unit shall be. In making this determination, the Board considers the following criteria:
  - (1) the employees must have an identifiable community of interest;
  - (2) over-fragmentation must be avoided;
  - (3) professional and non-professional employees may not be combined in a single unit unless a majority of the professionals vote for inclusion in the unit; and
  - (4) it shall take into consideration that when the Commonwealth is the employer, bargaining shall be on a statewide basis unless the issues involve working conditions particular to a given governmental employment locale.
- b. In addition to these limitations, the Act requires that certain types of employees be excluded, regardless of the type of unit. These include management level employees and confidential employees who work in the personnel offices of a public employer and have access to information subject to use by the public employees in collective bargaining or in a close continuing relationship with public officers or representatives associated with collective bargaining on behalf of the employer. In addition, first-level supervisors shall not be included with other units of public employees, but shall be permitted to form their own separate units.

6. Elections/Certifications

- a. The Labor Relations Board has the responsibility to conduct an election after they determine a unit is appropriate and an election should be held. The employee

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representative receiving a majority of votes cast shall be eligible for certification. All ballots must include a choice of "no representative."

- b. If no objections to the elections are filed, the Board shall then issue a certification of results. The union and the employer both benefit when a representative is certified because:
  - (1) the employer must bargain with the certified union for at least one year;
  - (2) a rival union may not engage in any activity for recognition in the face of the certification;
  - (3) even if the parties do not sign an agreement, another union cannot petition for an election within one year of the date of the election; and
  - (4) if an agreement is signed within a year of certification, it shall usually bar another union's petition during the life of the agreement to a maximum of three years.
- c. If an employee group of the employer feels the organization does not represent the majority of its employees, they may request an election to decertify the representative. This must be supported by a thirty percent showing of interest on behalf of an employee group or a good faith doubt on behalf of the employer.

## 7. Bargaining

Both the employer and the union representative are obligated to bargain in good faith. The Act requires the two meet at reasonable times to confer over wages, hours and other terms and conditions of employment. The parties may expand bargaining to include other areas, although they are not unlimited in scope; some subjects may not be bargained over by law. Generally, there are three broad categories of bargaining subjects. These are:

- a. Illegal Subjects - demands that are forbidden under the Act. These subjects may not be included in an agreement even if both parties are willing.
- b. Voluntary Subjects - subjects outside the mandatory wages, hours, and conditions. They may be placed on the table for voluntary bargaining and agreement; however, neither party must agree to them.
- c. Mandatory Subjects - subjects that fall within the category of "wages, hours, and other conditions of employment." Examples of these are:
  - (1) discipline;
  - (2) seniority;
  - (3) work schedules; and

(4) leave.

## 8. Required Negotiator Procedures

When good faith bargaining fails to result in agreement, the Act mandates a procedure to resolve the impasse.

- a. Both parties may voluntarily request mediation after negotiations begins, but in no event later than 150 days prior to the "budget submission date." (For the Commonwealth, the budget submission date is defined by Act 195 as of February 1 of each year.)
- b. Fact finding may begin 21 days after mediation begins, but no later than 130 days before the budget submission date.
- c. Both parties must respond to the recommendations of the fact finder 80 days before the budget submission date.
- d. If the recommendations are not accepted by the parties, they are made known to the public.
- e. Between five and 10 days after publication, the parties shall again inform the fact finder whether they accept the recommendations.
- f. Impasses may be submitted to voluntary binding arbitration at almost any time.

## 9. Strikes

Strikes by Corrections Officers at prisons are prohibited at any time. In addition, strikes which occur during the impasse procedures detailed above are prohibited. Strikes that occur after all impasse procedures are exhausted shall not be prohibited unless or until the strike creates "a clear and present danger or threat to the health, safety, or welfare of the public." To that point, the public employer can seek injunctive relief from the strike.

## **B. Administration Agreement**

### 1. The Contract

The Collective Bargaining Agreement (Contract) is a document in which the Commonwealth guarantees, beyond the conditions spelled out by laws and Executive Orders, the over-all conditions of employment.

### 2. The Supervisor

The supervisor represents management's labor relations' policies to the employees and to the union steward. The supervisor occupies a key position in the administration of the

agreement. Therefore, the actions of the supervisor represent the actions of management to those employees. The importance of this relationship cannot be over-emphasized.

3. The Steward

The steward is selected by employees to represent them in the collective bargaining process.

**C. Labor/Management Relations**

It is imperative to maintain an exchange of dialogue of information with the various unions representing employees within the Department. This is accomplished through various forums at the local and statewide level which encompasses the following:

1. Local labor/management meetings

- a. Local agenda items are discussed among management (Facility Manager, Deputy Superintendents, Field Human Resource Officer) and local union officers in an attempt to resolve issues.
- b. Minutes of the meeting must be taken. These are to be taken in the form of written notes using a clerical employee. Tape recording devices at local, regional and statewide meet and discuss sessions are not to be used.
- c. Distribution of local labor/management minutes should be to the respective Deputy Secretary, all Facility Managers, the Director of the BHR, and the Chief of the Labor Relations Division.

2. Eastern Joint Area Committee, Western Joint Area Committee, and State Committee Grievance Hearings. (Refer to **Section 8, Standardized Grievance Tracking and Handling**).

3. Regional Labor/Management Meeting

Local union representatives and staff representatives meet with the respective Deputy Secretary and respective Facility Manager/designee to discuss issues that could not be resolved at the local level.

4. Statewide Meet & Discuss

- a. Issues are discussed that could not be resolved at either the regional or local level.
- b. When dealing with all unions, with the exception of PSCOA, the respective Deputy Secretary/designee, the Bureau Director, a representative from the Labor Relations Division, along with local union staff representatives shall be present.

- c. When dealing with the PSCOA on H1 issues, the Secretary, Executive Deputy Secretary, Deputy Secretaries and Facility Managers shall be present, along with local union officials and representatives from PSCOA.

#### **D. Discipline**

1. The purpose of discipline is to correct inappropriate behavior. It is not to punish or restate authority. Disciplinary actions should be administered within a reasonable period after the event giving rise to such disciplinary action or knowledge thereof.
2. Employee disciplinary actions are designed to encourage employees to conform to established standards of performance or conduct. It is recommended when dealing with attendance or performance related issues, progressive discipline is used. However, in those instances where the actions of an employee are in violation of a work rule or are serious enough to warrant more severe action, appropriate discipline should be administered on a case-by-case basis. Additionally, strict adherence to progressive discipline during the appointment probationary or contractual probationary period is not mandatory. The five steps of progressive discipline are listed below.

##### a. Counseling Session

- (1) A counseling session is a pre-disciplinary action. Its purpose is to draw the employee's attention to a problem with the expectation he/she shall correct it without further action or need for discipline. A counseling session should be conducted when the problem or practice becomes obvious.
- (2) The immediate supervisor shall have a face-to-face conference with the employee. The Supervisor should be firm in notifying the employee of the problem and in outlining the expectation(s) regarding correction. However, be positive in approach; allow/encourage the employee to openly discuss the matter and to participate in setting the time frame(s) for realization of correction. Remember, this is intended to apprise the employee of the need for correction in some area of performance. By approaching the matter with a positive attitude, you shall preserve the existent areas of satisfactory performance and realize improvement in the deficient area(s).
- (3) Record of Action
  - (a) Option #1 - Comprehensively reiterate in a memo to the employee the deficiency discussed, the corrections required, the time frames established within which the corrections are to be realized. Remember, a positive attitude/approach was present at the conference, so allow it to show in the memo.
  - (b) Option #2 - Make a comprehensive note (listing the information shown in #1 Option) for your records.

(4) Record Distribution

(a) For Option #1 above - The original memo is given to the employee. A copy shall be put in the supervisory folder.

(b) For Option #2 above - The memo would be put in the supervisory folder.

b. Verbal Reprimand

(1) A verbal reprimand is the first step in the progressive discipline process. It is used to warn an employee verbally that some action (or lack thereof) or performance on his/her part is unacceptable and that repetition shall result in further disciplinary action. A verbal reprimand is used when the problem or practice dealt with in the counseling session is not corrected within the established time frame(s).

(2) The immediate supervisor has the authority and responsibility to issue a verbal reprimand to an employee.

(3) The immediate supervisor should have a face-to-face conference with the employee. The problems are to be outlined and the employee permitted an opportunity to explain his/her action(s), or the lack thereof. Listen first, then discipline only if appropriate.

(4) The original **Record of Action (Attachment 6-A)** shall be given to the employee. A copy should be placed in the supervisory folder. A copy shall be placed in the employee's Official Personnel File. Other copies are to be distributed per local procedure, where applicable.

(5) The normal retention period for a verbal reprimand is six months. However, it depends largely on the case particulars, intervening evaluations, **subsequent discipline or misconduct, etc.**

c. Written Reprimand

(1) A written reprimand is the second step in the progressive discipline process. It is used to warn an employee in writing that some action (or lack thereof) or performance on his/her part is unacceptable and that repetition shall result in further disciplinary action. A written reprimand is used when the verbal reprimand failed to produce correction of the employee problem(s) within the specified time frame.

(2) The immediate supervisor of the employee has the authority and responsibility for issuing a written reprimand.

(3) The supervisor should advise the employee of the problem(s) regarding his/her behavior and/or performance. The employee is to then be permitted to fully

explain his/her actions. (The employee's explanation should be considered appropriately in making a final decision.)

- (4) The supervisor should incorporate the essence of the meeting in a memo (**Attachment 6-B**) in which the subject should be "Written Reprimand." The memo should include: (1) a brief description of the facts surrounding the misconduct; (2) indicate when and what previous attempts were made to gain correction of the problem by the employee; (3) specify the correction needed and indicate the time frame for that correction; (4) indicate repetition shall result in further discipline; **(5) information regarding the State Employees Assistance Program (SEAP); and** (6) that a copy of the reprimand shall be placed in the employee's Official Personnel File.
- (5) The employee should receive the original written reprimand. A copy should be retained by the supervisor. A copy will be placed in the employee's Official Personnel File, with additional copies being distributed in accordance with local procedure, where applicable.
- (6) ***While retention for a written reprimand is typically two years, the written reprimand is normally considered current or active for progressive discipline for one year. However, the life span of the action depends largely on the case particulars, intervening evaluation, subsequent discipline or misconduct, etc.***

d. Suspension

The third step in the progressive discipline **process** is suspension. There are **typically** three suspension steps, each being for a greater number of days, in the progressive discipline procedure.

- (1) A suspension is the temporary removal of an employee from the payroll for a specific period to warn the employee that some action (or lack thereof) or performance on his/her part is unacceptable and that repetition shall result in further disciplinary action.
- (2) When the written reprimand (or in the case of a second or third suspension, the prior suspension) failed to produce correction of the employee's problem(s) within the specified time frame, a suspension would be appropriate.
- (3) The immediate supervisor has the responsibility for continually monitoring the employee's action(s)/performance. When it is evident the problem is continuing he/she has the authority to recommend a PDC be convened. (Refer to **Section 7, Standardization of Pre-Disciplinary Conferences**).
- (4) If the employee is suspended, a letter to that effect shall be given to the employee (**Attachment 6-C**). Copies shall be forwarded by the local Human Resource Office.



- (5) ***Suspensions of more than one full pay period will be suspensions 'without benefits.' Suspensions of one full pay period or less, even if they cross a pay period ending date, will be with benefits.***
- (6) Suspensions are normally considered current for two years from their effective date. However, the life span of the action depends largely on the case particulars, intervening evaluations, subsequent employee discipline or misconduct, etc.

e. Dismissal

- (1) Dismissal is the final step in the progressive discipline process. The purpose of a dismissal is to permanently remove an employee from the payroll. Dismissal is used when the previous suspension actions fail to achieve correction by the employee of his/her unacceptable performance and/or conduct.
- (2) The Facility Manager/designee has the authority and responsibility for issuing a dismissal.
- (3) If the employee is dismissed, a letter to that effect shall be given to the employee (**Attachment 6-D**) and copies shall be forwarded by the local Personnel Office.
- (4) Dismissals are normally considered permanent.

**E. Alternate Discipline Program (ADP)**

For non-H1 employees, including management, the ADP can be used for attendance and performance related issues for both exempt and non-exempt employees. In addition, the ADP may be used for employees (those at or above pay range 8 and coded exempt in the Commonwealth's Pay Plan) to address discipline for all types of infractions. In place of suspensions, a Level 1 letter (**Attachment 6-E**) and a Level 2 letter (**Attachment 6-F**) must be issued prior to dismissal. It is important to note that prior to the issuance of a Level 1 letter for attendance or performance related issues, a counseling session, verbal reprimand, and a written reprimand should have been given.

**F. Due Process**

1. Giving an employee the opportunity to fully present his/her explanation concerning problems a supervisor (or other superior) has about his/her performance, attitude, etc. The opportunity is to be given prior to any action being taken. The employee's explanation must be given appropriate consideration in deciding what action is to be taken, discipline or otherwise.
2. Collective bargaining agreements require disciplinary action to be for "just cause." In order to properly determine if "just cause" exists, you must first conduct an investigation of the matter to ascertain the facts. Thereafter, the supervisor (or other superiors, as appropriate) must discuss the matter with the employee. Only after an investigation can "just cause" be properly determined.

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3. It applies to all employees for whom disciplinary action is contemplated because of some unacceptable performance, conduct, etc.
4. It is to be provided during a face-to-face meeting. The employee must be given advance notice of the meeting (preferably in writing), its time, date and place, the subject(s) to be discussed, and any other relevant information. It shall be during this meeting that the employee shall be provided an opportunity to explain his/her performance, actions, etc.
5. If, based upon the nature of the offense, the results of the preliminary investigation, the employee's work record and service time, and any prior discipline, it appears the most that would happen is that the employee would be given either a verbal or written reprimand, the immediate supervisor shall chair the meeting. (Whenever possible, the supervisor's immediate superior shall be in attendance.) If based upon the same factors it appears a suspension, demotion, or dismissal was to result, a more formal meeting would take place. This Department terms that meeting a Pre-Disciplinary Conference (PDC), and has established a policy concerning it (refer to **Section 7, Standardization of Pre-Disciplinary Conferences**). Regardless of the name applied to it or who chairs it, the meeting must take place prior to any decision being made as to what action should be taken, disciplinary or otherwise.
6. Although providing an employee with due process is a technical point, it is vitally important if discipline was taken. Failure to provide it may endanger management's defense of that discipline. For example, in one case, an arbitrator found that management had just cause for the discipline, but because they failed to provide the employee with due process in advance of their decision to take such action, he/she overturned the suspension.

## **G. Union Representation**

1. Represented employees are entitled to have a duly designated representative of the Union present on their behalf during many proceedings. The representative can be a local steward up to the Executive Director or President of the Union. Who represents the employee is a decision to be made by or between the employee and the Union.
2. The U. S. Supreme Court in its Weingarten decision, 420 U.S. 251 (1975), gave employees covered by the National Labor Relations Board the right to Union representation whenever they are subject to discipline or can reasonably perceive the threat of discipline. While the Pennsylvania Labor Relations Board has not formally adopted that decision, they do consider it when hearing charges brought by Pennsylvania State employees.
3. Any employee of a bargaining unit, which is represented by a union, has the right to union representation, regardless of his/her employment status (trainee, provisional, probationary, permanent, temporary or wage). This right exists even if the employee is not a dues-paying member of the union. However, only representation from the

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applicable union must be permitted. PSSU, for example, cannot claim the right to represent an AFSCME covered employee.

4. Any employee has the right to union representation during any meeting where because of the discussions of that meeting and other applicable things, the employee may be disciplined. The right to union representation exists for all counseling sessions, including the 90-day review of sick leave restrictions. Additionally, the right exists for the full range of disciplinary actions, verbal reprimand through, and including dismissal. The right also exists when, during any employer-conducted investigation, an employee is questioned.
5. The employee has the responsibility of arranging representation with the Union. Management should not routinely notify the Union of such meetings unless they have a local practice of doing so because it is the employee's choice to have representation or not. (This is not to be confused with the contractual obligation of management to notify the Unions of demotions, suspensions, and dismissals.)
6. Management has the responsibility for advising the employee of potential discipline in advance of the meeting if possible, thereby providing the employee with an opportunity to arrange representation. Regardless of the level of discipline that may result from the meeting, the employee is to be advised, preferably in writing, of the particulars of the meeting, including the subject(s) to be discussed and any other information that is appropriate. The last paragraph of that notice should indicate that depending on the information developed during that meeting, the appropriate action should be taken, including possible disciplinary action. Such an advisement fulfills management's responsibility to provide advance notice of potential discipline.
7. The Union is present to advise the employee and to ask clarifying and/or relevant questions on the employee's behalf. They are not, however, there to speak for the employee. Regardless of how many or who the representative(s) are, they are expected to conduct themselves properly.
8. There is no set number of representatives permitted to attend a proceeding. However, you need not provide more than one union steward with leave with pay to attend the meeting. If the number of representatives is unreasonable, you can put a limit on the number. However, it is the Union's right to choose who shall attend, if there is more than one representative present, you can require they designate a spokesperson. However, provided they conduct themselves appropriately, the other representatives should be permitted the opportunity to interact in the proceeding.

## **H. Appeal Rights**

1. Employees may, by virtue of their classification and Civil Service status, have more than one appeal route available to them. As a result, it shall be necessary to determine on an individual-by-individual basis which of the following sets of appeal language must be incorporated in suspension and dismissal letters.
  - i. Civil Service Employees (Management, Supervisory, or Rank and File)

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*"Your rights in this personnel action are explained in Part C, Appeal Request, Form SCSC-4112, copies of which are attached."* **(See Attachment 6-G)**

**Management Directive 580.11, Documentation of Classified Service Personnel Actions**, requires that two copies of the Appeal Request be furnished to the employee, attached to the suspension or dismissal letter. Either it can be presented personally, in which case a signed, dated acknowledgement of its receipt must be obtained, or through the US Postal Service, in which case it must be sent certified mail, return receipt requested. Regardless which delivery method is used, the acknowledgement/receipt must be maintained, preferably in the Official Personnel File, as documentation of the employee's receipt of the appeal rights and forms.

- ii. Union Represented Employees (Civil Service, Non-Civil Service, Supervisory or Rank and File)

*"Your rights in this personnel action are explained in the 'Discharge, Demotion, Suspension, and Discipline Article of the \_\_\_\_\_ Agreement.' However, the 'Grievance and Arbitration Articles of the \_\_\_\_\_ Agreement' also provide relevant information concerning your appeal rights."*

2. For supervisory employees, Recommendation and Memorandum of Understanding are used rather than Article and Agreement.
3. The Grievance and Arbitration provision specifically advises employees of their appeal rights in case more than one appeal route (Civil Service, PHRC, etc.) is available to them. Therefore, there is no need to include this information in the letter.

## Section 7 – Standardization of Pre-Disciplinary Conferences

In the event that an employee's actions may warrant disciplinary action (this includes facility personnel below the classification of Major and Central Office personnel below the classification of Bureau Director/Office Director), the procedures listed below, in addition to the [Investigation/PDC Guidelines \(Attachment 7-A\)](#), and the [Investigation/Fact-Finding Tracking Sheet \(Attachment 7-B\)](#), shall be followed.<sup>1</sup>

### A. Designation of a Fact-Finder

The Facility Manager/**Bureau Director or** designee shall assign an appropriate staff member to serve as a fact-finder to conduct a thorough, **fair, and timely** investigation of the alleged violation of Department policy, procedure, Governor's Code of Conduct, and/or the Code of Ethics. The fact-finder must be a staff member who was not involved in the alleged incident/issue.

### B. Fact-Finder's Actions

The fact-finder shall conduct a fact-finding by:

1. investigating the matter **in a thorough, fair, and timely manner. The fact-finder will provide appropriate 24-hour notice when an H-1 employee is interviewed as a result of being named by an inmate in his/her verbal complaint or written grievances. This is not required for Prison Rape Elimination Act (PREA)-related charges;**
2. obtaining all relevant documents, directives, post orders, policies, etc.;
3. interviewing all witnesses and/or complainants;
4. obtaining written, signed, and dated statements, on the appropriate witness forms (**refer to Section 8 of this procedures manual**) as deemed appropriate;
  - a. **when requested by the employee, the fact-finder will return copies of the employee's witness statement, following the fact-finding, if the investigation involves a single individual such as during a time and attendance investigation;**
  - b. **witness statements of multiple witnesses in a more complex investigation will be held and released to those individuals requesting them after completion of the entire investigation; and**
  - c. **an employee may only be given his/her own witness statement. Under no circumstances shall a witness statement be shared with a witness until the investigation is complete.**

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<sup>1</sup> 4-4048, 1-CTA-1C-01, 4-ACRS-7E-07

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5. reviewing the findings with the Facility Human Resources Officer, **or with the appropriate Labor Relations staff for Central Office investigations**, to determine:
  - a. if a recommendation shall be made to the Facility Manager/**Bureau Director** for a Pre-Disciplinary Conference (PDC) **or administrative action; and**
  - b. **potential work rule violations.**
6. factors to be considered to determine if a recommendation for a PDC is warranted include, but are not limited to:
  - a. violation(s) of the Code of Ethics;
  - b. violation(s) of the Governor's Code of Conduct;
  - c. violation(s) of Department or facility policy/procedures;
  - d. **time/attendance history; and**
  - e. **relevant past disciplinary history.**
7. if a PDC does not appear warranted, **the fact-finder will** discuss the matter with the appropriate member of the Administrative Staff **who will**:
  - a. take whatever action is deemed appropriate (no action, counseling, or verbal/written reprimand);
  - b. prepare and distribute documentation on the information gathered and reviewed and of any resulting actions; and
  - c. **notify the employee in writing if the investigation determines no violations have been made.**
8. if a PDC appears warranted, **the fact-finder will**:
  - a. discuss the matter with the appropriate member of the Administrative Staff;
  - b. prepare a written report of the findings that would support a PDC;
  - c. attach all supporting documents (statements, directives, etc.); and
  - d. forward the report and all supporting documentation through the Chain-of-Command to the Facility Manager/**Bureau Director or** designee.

### C. Facility Manager's/Bureau Director's Actions Prior to a Pre-Disciplinary Conference

1. Review the submitted report and recommendation, and determine if a PDC is warranted.
2. **Review, in consultation with the Human Resources Officer/designee, the potential work rule violations identified by the fact-finder to determine the charges to be addressed during the PDC.**
3. If a PDC is deemed appropriate, a [Pre-Disciplinary Conference Notice \(Attachment 7-C\)](#) is to be prepared and signed by the Facility Manager/designee. **For a Central Office PDC, the notice shall be prepared and signed by the Bureau Director/designee or Bureau of Human Resources (BHR) Director.** The notice shall indicate the time, date, and location of the conference. The notice shall include enough specifics regarding the charge(s) to provide the employee with sufficient knowledge of the matter so that he/she may prepare to explain his/her actions. Unless extenuating circumstances exist, the PDC shall be held no sooner than two days (48 hours) from the date of the notice being served. The notice shall be hand-delivered to the employee while he/she is at work or shall be mailed to his/her home via **First Class United States Postal Service (USPS)** certified mail with a return receipt requested. If the notice is hand-delivered, a signed [Pre-Disciplinary Conference Notice of Receipt \(Attachment 7-D\)](#) must be returned as proof the notice was delivered **to the employee. If the employee refuses to sign the Pre-Disciplinary Conference Notice of Receipt, the notice will be signed and dated by the management representative, noting the refusal. The PDC will generally be scheduled during the employee's normal working shift.**
4. If, prior to the PDC, the employee requests a postponement in order to be represented by the Union during the PDC, a postponement may be granted. If a postponement is requested for another reason, the Human Resources Office shall decide if a postponement is warranted based upon the facts of the matter. **The employee will be instructed to submit the request for postponement in writing to the Human Resources Officer/designee.** The time of a postponement shall not exceed 14 days following the originally scheduled PDC date. For special circumstances, the Human Resources Officer/**designee** may approve a longer period of postponement. If a postponement is granted for any reason, appropriate notice of the postponement and the rescheduled date, time, and location shall be given to all concerned parties. The postponement notice either shall be hand-delivered to the employee while he/she is at work or shall be mailed to his/her home via **First Class USPS** certified mail with a return receipt requested. If the postponement notice is hand-delivered, a signed **Pre-Disciplinary Conference Notice of Receipt** must be returned as proof the notice was delivered **to the employee.**
5. Once the PDC is scheduled, at Central Office or in a facility, a committee shall be established for conducting the conference. The committee shall be comprised of the following:
  - a. a representative from the Human Resources Office; and

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- b. at least one management level employee, designated by the **Deputy Secretary/Bureau Director**/Facility Manager, who was not involved in the investigation or incident/issues giving rise to the investigation and who is of an equal or higher classification than the individual for which the PDC is being conducted.
6. In Community Corrections, the committee shall be comprised of the following:
  - a. the Center Director/designee;
  - b. the Regional Director/designee; and
  - c. **a representative from the Human Resources Office from the support institution.**
7. Based upon the nature of the offense, technical nature of the facts, and/or based upon the position of the employee, the Facility Manager may request a variance of the committee's composition from the Regional Deputy Secretary. For a Central Office employee, the Bureau Director may request a variance of the committee's composition from the **appropriate** Deputy Secretary/designee.
8. With the exception of the committee's composition, each committee shall function in the same manner and all other procedures in this manual shall be adhered to.

**D. Pre-Disciplinary Conference Committee's Actions**

1. The **Deputy Secretary/Bureau Director**/Facility Manager **or** designee who is establishing the committee shall designate one of the committee members as the "Chairperson." **The Chairperson, absent extenuating circumstances, will be a representative from the Human Resources Office. The Chairperson shall provide the fact finding information to the other committee members prior to the scheduled PDC.** Each member shall **be responsible for reviewing the fact finding information prior to the scheduled PDC and shall** have an equal voice in determining whether the charge(s) under consideration in each case are substantiated or unsubstantiated.
2. **For extenuating circumstances, the PDC can be held by phone or videoconference, as long as provisions are made by the PDC Committee to ensure due process representation and proper presentation of the evidence.**
3. Minutes of the PDC are to be taken and submitted with the recommendation(s). The minutes of the PDC may be based upon a tape recording or written notes. The subject matter of the PDC is to be maintained as confidential, **therefore**, if clerical staff are **utilized** to take minutes of the proceedings, discretion must be used in selecting clerical staff for this assignment. A copy of the minutes shall be provided to the employee at his/her request **and only once the investigation is complete and if/when discipline has been imposed.**



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4. In the event that a transcript or tape recording is made of the conference, the employee shall be provided with a copy of the transcript or tape at his/her request **once the investigation is complete and if/when discipline has been imposed.**

**NOTE: No transcripts or tape recordings may be made during a PDC for employees covered by the Pennsylvania Social Services Union (SEIU Local 668/PSSU), per language in the collective bargaining agreement.**

5. The PDC Chairperson shall determine if a tape recording device shall be used. If it is determined that a tape recording device shall not be used, neither party may tape record the proceedings.

**NOTE: A mutual agreement between the Chairperson and the employee allowing the tape recording of the proceeding must be in place prior to the taping. If one of the parties disagrees with the use of a tape recording device, the device shall not be used.**

6. The fact-finder/designee shall verbally present the pertinent information gathered during the investigation. **The fact-finder may remain during the PDC at the request of the PDC panel in order to provide additional facts of the case.**
7. Names of witnesses and/or complainants shall not be supplied, nor are copies of any statements or complaints to be provided to the employee involved in the PDC. Additionally, copies of any internal reports (Office of **Special Investigations and Intelligence [OSII]**, State Police reports, **Equal Employment Opportunity [EEO] reports**, etc.) shall not be supplied. The fact-finder only needs to be specific concerning the facts discovered during the investigation, not from whom or how the facts were discovered.
8. Employees, including management employees, are not permitted to have legal counsel during these proceedings. However, bargaining unit employees are permitted Union representation **or an attorney or legal counsel designated or employed by the Union as their representative.**
9. The employee shall be provided a full opportunity to explain his/her actions or lack thereof. Following the explanation, the committee members may ask whatever questions are relevant and appropriate. The PDC Chairperson shall determine the relevancy and appropriateness of all questions. The Union representative's role is to advise the employee of his/her contractual rights **and may also ask clarifying questions.** All questions asked during the PDC shall be directed **to** and answered by the employee, not the Union representative. The Union representative shall be given the opportunity to comment prior to the conclusion of the PDC.
10. If the employee has witnesses who can offer relevant testimony and requests for them to be present, the employee is to provide a list of such witnesses to the Human Resources Office at least 24 hours prior to the scheduled PDC. The employee may also offer copies of his/her witnesses' signed and dated statements. The Chairperson shall determine whether to allow such witness testimony and/or accept the statements. If allowed, the

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committee shall afford the witnesses' testimony and/or their statements appropriate consideration when formulating its recommendation(s).

11. The presence of witnesses on the employee's behalf is voluntary. If the employee agrees to testify in the PDC, and is on duty, arrangements shall be made to have the employee relieved and made available. If the employee agrees to testify in the PDC and is off duty, there shall be no compensation for the time the employee is at the PDC.
12. If the presence of witnesses on the management's behalf is required and, if the employee is on duty, arrangements shall be made to have the employee relieved and made available. If the employee is off duty, the employee shall be compensated for the time the employee is at the PDC.
13. If the employee who is the subject of the PDC has been suspended pending the PDC being conducted, that employee shall be compensated for the time the employee is at the PDC, **except for Fair Labor Standards Act (FLSA)-exempt employees (refer to Section 5 of this procedures manual)**.
14. If all matters have been adequately covered and no further investigation is required, the PDC shall be concluded. At this point, the fact-finder/designee who presented the facts, the employee, clerical staff, and any Union representatives shall be dismissed so the committee may meet in private. The committee reviews the facts of the case and a recommendation regarding whether the charge(s) are substantiated or unsubstantiated **shall be** formulated.
15. Only the designated PDC committee members shall be present while their recommendation is being formulated. If additional investigation is needed before a recommendation can be made, the employee and Union shall be so advised **when necessary. The PDC may need to be reconvened for the purpose of the employee being given the opportunity** to respond **to newly developed information** prior to the final recommendation.
16. At no time shall the committee indicate the recommendation to the employee and/or the Union. All recommendations are to be confidential and are not to be discussed by the committee members with other employees prior to the action being imposed.
17. If the committee cannot reach a consensus decision, each member shall prepare a written recommendation. Any recommendation must be justified based upon the facts of the matter at hand.
18. The Chairperson shall forward a synopsis of the hearing and the minutes of the PDC to the **Deputy Secretary/Bureau Director**/Facility Manager for review and final action. The [Synopsis of Pre-Disciplinary Conference \(Attachment 7-E\)](#) shall include the finding of whether the charge(s) were substantiated or unsubstantiated, the facts relied upon to formulate the finding, and any aggravating or mitigating factors which shall be considered by the **Deputy Secretary/Bureau Director**/Facility Manager in determining a disciplinary sanction. **The Synopsis of Pre-Disciplinary Conference will not include a**

*recommendation for a level of discipline, which is the sole responsibility of the Deputy Secretary/Bureau Director/Facility Manager.*

**E. Regional Deputy Secretary/Bureau Director and/or Facility Manager Actions Following a Pre-Disciplinary Conference**

1. Review the finding and determine whether disciplinary action is warranted.
2. The **Deputy Secretary/Bureau Director**/Facility Manager may meet with the PDC committee, if necessary, whenever the finding differs from the facts of the case, or if the **Deputy Secretary/Bureau Director**/Facility Manager requires additional information to make a decision regarding the level of discipline to be imposed.
3. If the charge(s) are found to be unsubstantiated, the **Deputy Secretary/Bureau Director**/Facility Manager shall prepare an appropriate correspondence to the involved employee informing him/her of that finding.
4. If the charge(s) are substantiated and the discipline does not meet the criteria in **Subsection F. below**, the **Deputy Secretary/Bureau Director**/Facility Manager shall prepare an appropriate correspondence to the involved employee. The correspondence shall contain a clear and sufficient explanation of the reason(s) for the action(s) and shall inform the employee of any appeal rights. The **Deputy Secretary/Bureau Director**/Facility Manager shall sign the correspondence. **Please refer to Section 6** of this procedures manual **regarding delegation of signatory authority**. The correspondence shall be either hand-delivered to the employee while at work, or mailed to the employee's home via **First Class USPS** certified mail with a return receipt requested. If the correspondence is hand-delivered, a signed notice of receipt must be returned as proof the correspondence was delivered.
5. If the charge(s) are substantiated and the discipline meets the criteria in **Subsection F. below**, the **Deputy Secretary/Bureau Director**/Facility Manager must submit a brief, concise, written synopsis of the case, a copy of the PDC Committee's recommendation, and a copy of the PDC minutes to the Chief of the Labor Relations Division. A copy of the **[Pre-Disciplinary Conference Review Checklist \(Attachment 7-F\)](#), **Investigation/Fact-Finding Tracking Sheet, a complete copy of the fact-finding, all evidence collected, and all applicable investigative information checked on the Pre-Disciplinary Conference Review Checklist must** be submitted.**
6. The synopsis shall be submitted to the Chief of the Labor Relations Division as soon as possible following the determination of the planned action.
7. The synopsis must include the critical aspects of the investigation through and including the PDC. Previous discipline imposed must be referenced, as well as a summary of discipline from similar cases at the facility (**if applicable**), a recommendation for discipline in the case at hand, **and a justification as to why substantiation of the charges are resulting in the level of discipline requested.**

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8. The intent of the synopsis is to summarize the issue in as brief a manner as possible, while including necessary details. Failure to include specifics of the matter may cause a delay in the review and implementation of the planned action.

**F. Actions Requiring Review**

The actions listed below require review by the Central Office BHR, the Deputy Secretary, **and/or other Executive Staff** prior to the action being imposed.

1. Dismissal: All dismissals except for Union and/or Civil Service status employees during the initial employment probationary period.
2. Demotions: All demotions.
3. Resignation in Lieu of Discharge: These actions require processing and approval in accordance with **Section 4** of this procedures manual.
4. Suspension: All suspensions except attendance related.

**NOTE:** This is not to be interpreted that an employee cannot be immediately suspended, if **a suspension is** warranted to ensure safety and security, pending the outcome of a fact-finding, an investigation, or PDC action (**see Section 5 of this procedures manual**).

Civil Service covered employees may not be suspended to exceed 60 working days in a calendar year **or 30 days after the completion of an external investigation**.

5. Felony and Work-Related Criminal Misconduct: All planned actions. As per the Governor's Code of Conduct #1980-80, as soon as practicable after an employee has been charged with criminal conduct that constitutes a felony **or work-related criminal charges**, such employee shall be suspended without pay. If the arrest results in a conviction, a PDC must be held **prior to termination**.
6. All Non-Felony and Non-Work Related Convictions: Only those convictions and/or dispositions requiring a PDC as outlined in **Section 3** of this procedures manual.
7. Bid Post Removal: All **permanent** Bid Post removals.
8. **Any substantiated charges of:**
  - a. **violation of Department policy DC-ADM 008, "PREA;"**
    - (1) **In accordance with Prison Rape Elimination Act of 2003, Standard 28 C.F.R. §115.76(b), termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.**
    - (2) **In accordance with the Prison Rape Elimination Act of 2003, Standard 28 C.F.R. §115.76(c), disciplinary sanctions for violations of agency policies**

***related to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.***

- b. inmate abuse/***use of*** excessive force; ***and***
- c. workplace violence.

#### **G. Bureau of Human Resources (BHR) and Labor Relations Division Review Process**

***For disciplinary actions requiring review, a PDC review packet consisting of all information compiled in Subsection E.5. above will be reviewed by BHR staff to include:***

1. Chief of the Labor Relations Division/designee ***and/or*** the Director/designee, BHR;

***Each successive staff member will promptly:***

- a. review the Facility Manager/designee's synopsis of the case;
  - b. review the range of sanctions normally imposed in similar cases;
  - c. ***ensure that the PDC review packet is complete;***
  - d. review any comments made by ***prior reviewers; and***
  - e. ***provide a disciplinary recommendation and forward to the next level of review.***
2. the Director/designee, BHR, shall forward the information to the appropriate Deputy Secretary for review.

#### **H. Deputy Secretary's Actions**

The affected Deputy Secretary/designee shall:

1. review all the information received relative to the planned course of action and the range of sanctions expected to be imposed in similar cases;
2. ***provide a disciplinary recommendation;***
3. return the form to the Director, BHR, ***who will:***
  - a. ***review any comments;***

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- b. **inform the Deputy Secretary/Bureau Director/Facility Manager or designee of the outcome of the review in writing, using the [Pre-Disciplinary Conference Response Form \(Attachment 7-G\)](#).**
4. **cases for dismissal will also be forwarded for additional review by the Office of General Counsel and/or Executive Deputy Secretary and/or Secretary; and**
5. **for PREA-related violations, the information shall be reviewed by the Department's PREA Coordinator/designee at Central Office.**

**I. Deviation from the Range of Sanctions**

The Facility Manager/**Bureau Director or** designee may deviate from the normal range of sanctions. However, if the Facility Manager/**Bureau Director or** designee opts to deviate from that range, a report of the rationale for the deviation must be submitted, in advance, to the appropriate Deputy Secretary and approval must be given for such deviation.

**Verification of such approval shall be submitted to the Chief of the Labor Relations Division for notification to the Facility Manager/Bureau Director or designee.**

**Section 8 - Standardized Grievance Tracking and Handling**

The purpose of this section is to implement a procedure which standardizes the logging, handling, responding, and reporting of all grievances received at the facility/center/bureau level so the Department is aware of the number and type of grievances being filed, as well as enable the Department's Labor Relations Division to offer assistance to the respective facility at the earliest stages of the grievance procedure.<sup>1</sup>

**A. Step-by-Step Plan of Action**

The following table represents the step-by-step plan of action for the proper administration of grievance procedures.

<b>Step</b>	<b>Action</b>	<b>Responsibility</b>
1.	Upon receipt of a grievance, immediately mark on the grievance form the date it was received and initial the notation.	Manager/Supervisor/Bureau Director/Center Director
2.	For all facility grievances, immediately forward the grievance to the Personnel Officer with a note requesting it be assigned a tracking number and logged. <b>Proceed to Step 3.</b>  For all Bureau or Center grievances, assign a tracking number and enter the grievance on the appropriate log. <a href="#">Attachment 8-A</a> is for non-AGP grievances and <a href="#">Attachment 8-B</a> is for non-AGP Classification grievances. <a href="#">Attachment 8-C</a> is for AGP grievances and <a href="#">Attachment 8-D</a> is for AGP Classification grievances. <b>Proceed to Step 5.</b>	Manager/Supervisor/Bureau Director/Center Director
3.	Assign a tracking number and enter the grievance on the appropriate log. <b>Attachments 8-A and 8-B</b> are for non-AGP grievances. <b>Attachments 8-C and 8-D</b> are for AGP grievances.  For AGP grievances, forward the grievance to the appropriate DSFM, Facility Maintenance Manager, or Business Manager, requesting someone is assigned to investigate it. The Personnel Officer is responsible for investigation of all classification grievances. <b>Proceed to Step 4.</b>  For non-AGP grievances, forward the grievance to the grievant's immediate supervisor for investigation, hearing, as appropriate, and response. <b>Proceed to Step 5.</b>	Personnel Officer
4.	For AGP grievances, review the grievance to determine the issue(s) and who would be the most appropriate person to investigate it. Forward the grievance to that person for investigation (except classification grievances). <b>Proceed to Step 5.</b>	Respective Deputy Superintendent /Facility Maintenance Manager/Business Manager
	Upon receipt, review the grievance to determine the issue(s) and how best to proceed. Conduct a thorough investigation of every grievance. Your investigation must include a complete explanation of the circumstances giving rise to the grievance (the	Manager/Supervisor; Designated Investigator; Center/Bureau Director; Personnel Officer

<sup>1</sup> 2-C0-1C-02, 3-ACRS-1C-21

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<p>5.</p>	<p>who, what, where, when, and how's), a determination if the grievance was timely filed and the gathering of all appropriate policies and procedures.</p> <p>For all AGP grievances, complete the appropriate investigation form (<a href="#">Attachment 8-E</a>, <a href="#">8-F</a>, or <a href="#">8-G</a>). Ensure all witnesses' statements are on the proper form (<a href="#">Attachments 8-H and 8-I</a> are for employees; <a href="#">Attachment 8-J</a> is for non-employees) and that all statements by persons other than Commonwealth employees have been properly notarized. For facility AGP grievances, <b>proceed to Step 6.</b></p> <p>For Center AGP grievances, <b>proceed to Step 7.</b> For all non-AGP grievances, complete the appropriate investigation form (<a href="#">Attachment 8-K</a> or <a href="#">8-L</a>). Ensure all witnesses' statements are signed and dated. (No special witness forms are required.) <b>Proceed to Step 6.</b></p>	
<p>6.</p>	<p>For all facility AGP grievances, the complete investigation packet (grievance, all supporting policies, procedures, and documentation, witnesses' statements, etc.) shall be returned to the Facility Manager. <b>Proceed to Step 7.</b></p> <p>For all non-AGP grievances, prepare a draft response for the review of your immediate superior, if required. Once approved, record that response on the appropriate form. <a href="#">Attachment 8-M</a> shall be used whenever the union has indicated the grievance is to be withdrawn. <a href="#">Attachment 8-N</a> must be used whenever the grievance is to be settled. If space is provided, denials are to be recorded on the grievance form itself; otherwise, a short memo shall be prepared and attached as management's response. Forward the response to the person from whom it was received.</p> <p>For facility non-AGP grievances, provide a copy of the entire packet (grievance, investigation report, supporting documentation, policies, procedures, and response) to the Personnel Officer, who shall immediately forward a copy of it to the Labor Relations Division. Classification grievance packages shall be submitted to Manpower Management &amp; Personnel Services Division.</p> <p>For Center/Bureau non-AGP grievances, immediately provide a copy of the entire packet to the Labor Relations Division.</p> <p><b>NOTE:</b> Any questions concerning the appropriateness of the proposed response shall be directed to the Personnel Officer before it is given to the union or grievant. If questions arise regarding a response or the Department's position to a grievance, the Personnel Officer must consult with the Department's Labor Relations Division for appropriate guidance prior to a formal response being issued to the union. Issues concerning classification grievances require consultation with a classification</p>	<p>Manager/Supervisor/ Designated Investigator/Center/Bureau Director/Personnel Officer</p>



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	<p>analyst in Manpower Management &amp; Personnel Services Division. In the event the grievance was settled, ensure that the necessary actions are taken to implement the terms of the settlement when the signed settlement letter is received from the union.</p>	
<p>7.</p>	<p>For AGP grievances, review the complete investigation packet to determine if it contains any information, which may be considered confidential. All decisions regarding the confidentiality of information shall be made by the Director of Special Investigations in accordance with Department policy <b>DC-ADM 003, "Release of Information."</b></p> <p>If nothing is confidential, determine exactly what information from the investigation packet you shall rely upon to support your position on the grievance. Make 2 copy sets of that information. (This information shall be used to defend your position on the grievance. Consequently, it must be furnished to the union during the first step hearing. It shall also be the information introduced at the Joint Area and State Committees should the grievance proceed that far.) Then prepare a cover memo to the union representative who attends the first step hearings, specifying exactly what information is being furnished. Attach the original memo to one of the copy sets and provide the packet to the union during the first step hearing; the second copy of the memo and information shall serve as your record of what information was provided during the hearing.</p> <p>If some information contained in the grievance investigation packet has been determined by the Director of Special Investigations to be confidential, you shall still initiate the above action except you shall not include the confidential information.</p> <p>It is imperative your cover memo indicates that some information has not been included because of its confidentiality and that it shall be necessary for the union to contact either the appropriate District council or Union Staff Representative or the Labor Relations Division if a review of that information is desired. <b>Proceed to Step 8.</b></p>	<p>Respective Deputy Superintendent/Facility Maintenance Manager/Business Manager/Regional Director</p>
<p>8.</p>	<p>For facility AGP grievances, return the entire grievance investigation packet, including both copy sets (cover memo and information packets), to the Personnel Officer with a note indicating the investigation has been reviewed, found to be complete and accurate and requesting the grievance be held for listing on the appropriate month's hearing agenda. <b>Proceed to Step 9.</b></p> <p>For Center AGP grievances, the entire packet, including both copy sets (cover memo and information packets), shall be held for listing on the appropriate month's hearing agenda. <b>Proceed to Step 9.</b></p>	<p>Respective Deputy Superintendent/Facility Maintenance Manager/Business Manager/Regional Director</p>

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<p>9</p>	<p>Six calendar days before the first step hearing, a hearing agenda shall be prepared listing all AGP grievances to be heard at that month's hearing.</p> <p>For facility AGP grievances, copies of the agenda shall be provided to the Facility Manager, and as appropriate, Respective Deputy Superintendent, Business Manager, Facility Maintenance Manager, Local Union President, and District Council Representative.</p> <p>For Center AGP grievances, copies shall be provided to the Local Union President and District Council Representative.</p> <p>Grievances involving continuing liability (demotion, promotion, discharge, etc) can be added to the agenda up to 3 days before the hearing, provided a complete investigation of the matter has been done and all procedural matters (determination of information, confidentiality, preparation of the memo and information packet, etc.) can be accomplished in time for the hearing. Otherwise, the grievance must be held for the next month's hearing.</p> <p>If grievances are added to the agenda after its distribution, notice of the added grievances must be promptly provided to the persons to whom the agenda was furnished. <b>Proceed to Step 10.</b></p>	<p>Personnel Officer/Regional Director</p>
<p>10.</p>	<p>Conduct a hearing for each grievance listed on the agenda. As part of the hearing, discuss the results of the grievance investigation and review the respective information copy sets.</p> <p>If the Union indicates the grievance shall be withdrawn from the procedure, complete <b>Attachment 8-M</b>, have it signed by the union representative, provide a copy to the representative and file a copy with your grievance packet.</p> <p>If the grievance is to be settled, <b>Attachment 8-N</b> must be used. If the grievance is neither withdrawn nor settled, it shall be denied. Management's position for the denial must be in writing, signed, and dated. Denials must be given as soon as possible, but in no case later than 5 working days after the hearing.</p> <p><b>NOTE:</b> If questions arise regarding the appropriateness of a response or the Department's position to a grievance, the Personnel Officer must consult the Department's Labor Relations Division for appropriate guidance prior to a formal response being issued to the union. Issues on classification grievances must be addressed to a classification analyst in Manpower Management &amp; Personnel Services Division.</p> <p>For facility AGP grievances, the Respective Deputy Superintendent, Facility Maintenance Manager, or Business Manager</p>	<p>Respective Deputy Superintendent/Facility Maintenance Manager/Business Manager/Personnel Officer/Regional Director</p>

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	<p>shall be responsible for providing the Personnel Officer with Step One grievance packet (grievance, investigation form, relevant policies and procedures, hearing agenda, the disposition and whatever other material was used to support the action taken). <b>Proceed to Step 11.</b></p> <p>For Center AGP grievances, <b>proceed to Step 11.</b></p>	
11.	<p>For AGP grievances, complete <a href="#">Attachment 8-O</a> no later than the first of each month following the month in which the first step hearings were held, attaching copies of the grievances, each grievance’s investigation packet and response, and forward to the Labor Relations Division.</p> <p><b>NOTE:</b> No AGP grievance packets are to be submitted to the Division of Labor Relations prior to this unless specifically requested by Central Office. Complying with this submissions schedule shall ensure consistent handling, Central Office’s timely review of each grievance, and avoid costly redundant submissions.</p>	Personnel Officer/Regional Directors

## **Section 9 - Limited Advance Notification Process for Employee Disciplinary Action**

### **A. Procedures**

It is the purpose of this section to establish a limited advance notification process whereby Facility Managers and Bureau Directors/designees shall contact the Office of the Inspector General (OIG), **Harrisburg Office**, to notify them in advance of possible employee disciplinary action against an employee who is under investigation by the OIG or any other external agency. The purpose of this advance notification is to ensure that any ongoing investigation by the OIG or other external agency is not compromised or adversely affected by premature disciplinary action. ***This notification is not intended to apply to general cases of criminal misconduct that are covered under the provisions of Section 3 of this procedures manual.***

1. The Facility Manager or Bureau Director must notify the OIG prior to taking any disciplinary action against an employee who is under investigation by the OIG or any other external agency.
2. Unless mutually agreed upon by the Department **and** OIG or external agency, this notification does not preclude the disciplinary action taken by the facility on the employee.
3. The Department's Labor Relations Division should be notified for input on the final disciplinary action.
4. It shall be the responsibility of the Facility Manager or Bureau Director to notify the OIG **Harrisburg Office** prior to taking any disciplinary action against an employee in cases where the incident involves behavior that is currently or is likely to become the subject of an investigation by the OIG or other external agency. This would not include employee incidents such as tardiness, insubordination, undependability, or other related work rule violations.

## **Section 10 - Drug Interdiction**

### **A. Procedures**

Substance abuse issues, drug and alcohol testing requirements, and the consequences of drug and alcohol use shall be provided to all employees and shall be handled in accordance with Department policy, **6.3.12, "Drug Interdiction Manual - Section 5."**

## Section 11 – Workplace Violence

### A. Policy

1. The Department is committed to ensuring a safe environment for its employees and is dedicated to maintaining a work environment that is free from violence. The Department has a “zero tolerance” policy for any incidents of workplace violence, including threats of violence, by or against its employees or other individuals on Commonwealth property. All forms of violence, threatening behavior, and/or harassment, which involve or affect employees of the Department, are prohibited by this policy. Violence, threats, harassment, intimidation, and other behaviors that are disruptive to the Department will not be tolerated, regardless of mistakes, ignorance, or other extenuating circumstances. All reports of workplace violence incidents will be taken seriously and will be dealt with appropriately through a prompt investigation completed in accordance with established procedural guidelines set forth by the Department. **Individuals who report a workplace violence incident will be notified by the Department if the resulting investigation discovered that the incident was substantiated or unsubstantiated.** Violations of this policy by Department employees may lead to: **the employee being removed from the premises; disciplinary action, up to and including termination from employment; and/or criminal charges.**
2. Violence connected to the workplace takes many forms. Incidents of workplace violence include, but are not limited to, threats in person, by letter or note, telephone, fax, or electronic mail **or other electronic means (i.e., websites, blogs, social networks);** intimidation, harassment **which creates a hostile work environment to include sexual harassment, retaliation for reporting an act of workplace violence,** mugging, robbery, physical assault, and destruction of Commonwealth property. **Other examples of workplace violence include homicide and other physical assaults; hazing; domestic violence; stalking; bullying; and emotional abuse,** refer to **Examples of Workplace Violence (Attachment 11-A)** for further examples of workplace violence incidents. Incidents of workplace violence may occur either at or away from the workplace. The determining factors in assessing whether an incident constitutes workplace violence are the individuals involved and the relationship of the action to the workplace; the location of the incident; and/or if the violence is as a result of Commonwealth business.
3. **Employees are urged to use the confidential benefits of the State Employee Assistance Program (SEAP) in dealing with emotional response to workplace violence. SEAP is available for employees and their family members 24-hours/day at 1-800-692-7459, TTY 1-800-824-4306.**

### B. Responsibilities

1. Office of Administration

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The Office of Administration is responsible for monitoring workplace violence incidents in order to identify patterns and to develop policies for mitigating and avoiding future occurrences of such incidents. The information shall also be used to initiate critical incident stress debriefings offered by SEAP should they be needed.

2. Department of Corrections

a. Central Office

- (1) The Director of the Bureau of Human Resources (BHR)/designee is responsible for notifying the Deputy Secretary for **Human Resources and Management** of the Office of Administration of all serious workplace violence incidents.
- (2) **The Director of the BHR/designee will be responsible to establish and maintain a workplace violence committee. The Committee shall:**
  - (a) **review workplace violence incidents to identify trends and patterns and to recommend policies/strategies for mitigating and avoiding future occurrences of such incidents. The committee shall also provide periodic updates to Department senior staff;**
  - (b) **the committee chair shall be the Agency Workplace Violence Coordinator. Other members shall include the EEO Director/designee; Security Division Manager/designee; Training Academy Director/designee; Assistant to the Deputy Secretary for Administration (optional); and**
  - (c) **frequency of committee meetings shall be on an as needed/ad hoc basis.**

b. Facility **Manager/Bureau Director**

- (1) Each Facility Manager/designee **or Bureau Director** is responsible for ensuring that all employee reported serious incidents of workplace violence are immediately reported to Central Office. **The Facility Manager/designee or Bureau Director/designee will ensure an investigation is completed concerning the workplace violence complaint. Responsibility will include determining if the complaint is substantiated or unsubstantiated. After the conclusion of the investigation, the Facility Manager/Bureau Director will complete a response letter to notify the complainant and/or the subject(s) of the investigation, as appropriate.**
- (2) **If unsubstantiated, the Facility Manager/designee shall use the Workplace Violence Response Letter – Unsubstantiated (Attachment 11-B) to respond to the complainant and the subject(s) of the investigation.**

- (3) ***If substantiated, the Facility Manager/designee shall use the Workplace Violence Response Letter – Substantiated (Attachment 11-C) to respond to the complainant.***
  - (4) ***Any discipline requested as a result of a Pre-Disciplinary Conference (PDC) for a workplace violence incident must come to Central Office for review before being issued.***
  - (5) ***A copy of any discipline issued as a result of a workplace violence incident shall be sent to the Agency Workplace Violence Coordinator at the e-mail resource account: CR, CEN Workplace Violence.***
- c. Employee
- (1) Each employee is responsible for reporting incidents of workplace violence.
  - (2) ***The employee is responsible for reading and being familiar with the workplace violence policy and being proactive in the prevention of workplace violence incidents.***

## C. Reporting Procedures

### 1. Bureau of Human Resources

- a. The Director, BHR/***designee*** shall make notification, by telephone, to the Deputy Secretary for ***Human Resources and Management*** of the Office of Administration of all serious incidents of workplace violence immediately after appropriate law enforcement/***medical*** authorities are notified.
- b. The following procedures for reporting serious incidents shall be used as soon as possible after the incident and the victims have been seen by appropriate law enforcement/***medical*** personnel.
  - (1) Where the Intranet exists, it shall be used to complete the **Reporting Data Sheet for Incidents of Workplace Violence (Attachment 11-D)**. To access this form:
    - (a) go to the intranet site:  
[http://oapmr.state.pa.us/Program%20Areas/Seap/Online\\_WPV\\_Application/Security\\_For\\_WPV\\_Form/default.asp?oahrmNav=\[4151\]](http://oapmr.state.pa.us/Program%20Areas/Seap/Online_WPV_Application/Security_For_WPV_Form/default.asp?oahrmNav=[4151]);
    - (b) log in using Department user name and password;
    - (c) choose the type of transaction; and
    - (d) complete and submit the form.



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- (2) Where or when the intranet is not available, the **Reporting Data Sheet for Incidents of Workplace Violence** shall be used and forwarded/faxed to the **Workplace Support Services** Division of the Office of Administration.
  - (3) If all information is not readily known, complete all available information as soon as possible. Additional data regarding the incident can be added or updated at any time on the Intranet site by clicking on the “Edit an Existing Record” link.
  - (4) If the incident involves the use of e-mail, the BHR shall coordinate with the Bureau of Information Technology (BIT) to investigate electronic communication records as needed.
2. Facility Manager/**Bureau Director** shall:
- a. ensure that all incidents of workplace violence are reported to the Central Office BHR;
  - b. immediately telephone the **Director of the BHR**, Chief of Labor Relations **and/or the Agency Workplace Violence Coordinator** to report any incidents **which may result in the need for medical treatment and/or law enforcement involvement**;
  - c. secure information from the victim to complete the **Reporting Data Sheet for Incidents of Workplace Violence** within two work days after the **incident or as soon as possible if circumstances prevent reporting within this timeframe**; and
  - d. **submit the completed Reporting Data Sheet for Incidents of Workplace Violence** to the Workplace Violence e-mail resource account: CR, CEN Workplace Violence.
3. Employees shall:
- a. **immediately report all incidents of workplace violence to his/her supervisor, reviewing officer, field human resource officer, or Central Office Workplace Violence Coordinator; and**
  - b. **employees who have protection from abuse orders from other individuals should notify management. Employees should work with their managers and supervisors to take appropriate steps to minimize the opportunity for the legally identified perpetrator to contact or visit the employee.**

**Section 12 – Personnel Transactions (Appointments, Promotions, Demotions, Pay  
Changes, Leaves, Transfers, and Separations)**

**A. General Procedures**

1. The Department shall conduct all employee transactions in accordance with the instructions issued via the **Governor’s Office of Administration (OA), Human Resources Office** and the following Management Directives and resources:<sup>1</sup>
  - a. **Personnel Rules, M505.7;**
  - b. Civil Service Rules;
  - c. **Wage Complement Management and Control, M505.20;**
  - d. **Absence Program Manual, M530.7;**
  - e. **Injury Leave Manual, M530.2;**
  - f. **Transfers of Employees from One Agency to Another, M515.2;**
  - g. **Salaried Complement Control, M505.4;**
  - h. **Payroll Advances, MD 525.6;**
  - i. **Payment of Back Pay Due to Reinstatement of a Separated Employee or Reduction of Disciplinary Suspension, MD525.12;**
  - j. **Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates, MD530.15;**
  - k. **the Commonwealth Pay Plan;**
  - l. **Appropriate Collective Bargaining Agreements;**
  - m. **Department of Corrections Promotion/Demotion Guidelines;**
  - n. **Department of Corrections Electronic Personnel Action Request (E-PAR) Quick Reference Guide;** and
  - o. **Department of Corrections Bureau of Human Resources (BHR) Transaction E-PAR Manual.**

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<sup>1</sup> 1-CTA-1C-01, 4-ACRS-2A-03

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2. These directives and manuals are issued to Field **Human Resource** Offices through the Commonwealth Directives Management System **and/or through distribution from the Department's Central Office**. All Field **Human Resource** Offices are to **ensure that personnel transactions are processed through the Standard Application Processes System (SAP) in accordance with the latest directives and manuals outlined above**.

**B. Responsibilities**

1. **Central Office BHR Transaction Unit**

- a. **The BHR Transaction Unit will provide guidance and support to the field HR transaction personnel with respect to completion of the required E-PAR for any action affecting a filled position.**
- b. **The BHR Transaction Unit will perform random post audits of transactions entered into SAP for accuracy.**

2. **Field Human Resource Transaction Personnel**

- a. **The field HR transaction personnel will prepare the appropriate E-PAR to initiate a personnel action request and attach all calculations and documentation to process the transaction.**
- b. **The field HR transaction personnel will perform a post audit of each transaction request completed via E-PAR to include the notification documentation prepared by the Human Resource Service Center (HRSC) to ensure accuracy.**
- c. **The field HR transaction personnel will notify the transaction processor of errors and track the corrections and changes to ensure accuracy.**
- d. **The field HR transaction personnel will distribute the notification documentation prepared by the HRSC to the employee and will prepare appropriate carbon copies.**

3. **Human Resource Service Center (HRSC)**

**The HRSC will input all actions for filled positions as requested via the E-PAR application.**

## **Section 13 – Employee Transfers within the Department**

### **A. Guidelines<sup>1</sup>**

All employee movements between facilities (with the exception of Corrections Officer Trainee, Corrections Officer 1, and Corrections Officer 2) will be made in accordance with **Management Directive 505.7 Personnel Rules**, which allows facilities to hold promotion and transfer actions for up to 60 calendar days, except when employees are moving into certain trainee classifications. Additionally, employee demotion actions will not exceed the 60 day time frame. All determinations that are in contrast with this policy will ultimately be approved by the Secretary of Corrections.

### **B. Procedures**

1. Human Resource Offices will ensure that job vacancies are posted at designated recruitment locations and filled in accordance with **Sections 38** and **39** of this procedures manual.
2. Current Department employees will seek out job postings for positions and locations of interest and submit appropriate application materials in accordance with the language on the posting to the Human Resource Office.
3. Facility Managers/Bureau Directors will approve or deny selections after reviewing the justification for selection, and forward all information to the Human Resource Office for processing.
4. Losing Facility Managers will review the request to release the employee and determine if the release will significantly impact the operations of the facility. If operations will not be negatively impacted due to the release, then a release date can be coordinated with the gaining facility. If operations will be significantly impacted due to the release, the Facility Manager will provide a written justification for non-release to the appropriate Regional Deputy Secretary/Executive Deputy Secretary (EDS) for consideration.
5. The Regional Deputy Secretary/EDS will review the justification for non-release for merit and discuss with the Secretary of Corrections.
6. The Secretary of Corrections will review the justification for non-release, make the final determination, and notify the Regional Deputy Secretary, who will then notify the Facility Manager of the decision.
7. Transfer requests based upon hardship will be submitted to the Director, Bureau of Human Resources, and will only be approved by the Secretary of Corrections.

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<sup>1</sup> 4-4058

## Section 14 – Corrections Officer Transfers

The purpose of this section is to establish procedures for the administration of the Department's Inter-Facility Employee Transfer Program for **Corrections Officer employees in the H-1 Bargaining Unit.**<sup>1</sup>

### A. Eligibility

1. An employee must meet all of the following criteria:
  - a. **be a current Corrections Officer (CO) 1 or 2 and have held either of these job titles at the current facility for the previous 12 months;**
  - b. **received an** overall satisfactory or better rating on the **most recent** employee performance review (EPR);
  - c. **received no oral or written reprimands within the previous six months and no suspensions or disciplinary demotions within the previous 24 months;** and
  - d. **be in a full active duty status (no restrictions or modified duty assignments).**
2. A gaining Facility Manager who wishes to reject an otherwise eligible employee for transfer must submit a detailed justification to his/her Regional Deputy Secretary. The Deputy Secretary shall make the final decision.

### B. Responsibilities

1. **The Field Human Resource (FHR) Office shall be responsible for the following:**
  - a. **Post vacancy announcement for the first CO 1 position which they intend to fill each calendar quarter for the purpose of facilitating Inter-Facility lateral transfers. Additionally, each facility (excluding Camp Hill and Graterford) shall post an additional CO 1 vacancy every six-month period for a total of six postings per year. SCI Camp Hill and SCI Graterford shall be required to post their first two CO 1 vacancies in each calendar quarter for a total of eight postings per year.**
  - b. **Postings shall be for 15 days and will be distributed and displayed in the same manner as non-CO job postings.**
  - c. **Review all bids once the posting closes and verify the bidder's eligibility status with the losing facility FHR Office. Once the eligibility is confirmed, the bidder with the most bargaining unit seniority will be awarded the transfer. If there are no eligible CO 1 or CO 2 bidders available, the posting shall still count towards**

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<sup>1</sup> 4-4058

***the quarterly posting quota requirement and the FHR Office may attempt to fill the vacancy via other recruitment methods.***

- d. Once an eligible bidder has been selected for transfer, the facilities shall coordinate a transfer date within 60 days. A facility seeking to delay a transfer for operational needs may do so for up to 120 days with the approval of the Regional Deputy Secretary.***
- e. Gaining facilities shall ensure that the selected bidder meets all of the eligibility criteria at the time of transfer. Losing facilities shall not release employees that do not meet the transfer criteria.***
- f. If a facility determines it is necessary to fill vacant CO 1 positions via the selective certification process prior to fulfilling its quarterly posting quota, it must obtain advance approval from the Director of the Bureau of Human Resources/designee.***
- g. If the facility does not have enough CO vacancies open in a given quarter to meet the posting quota, the posting requirement shall be carried over and added to the next quarter's posting quota. The unmet quota requirement shall roll over each quarter until the end of the fiscal year. All posting quotas will start fresh at the beginning of each fiscal year (July 1).***
- h. SCI Camp Hill and SCI Graterford shall permit eight CO 1s or CO 2s to transfer out each fiscal year (four officers per six-month period; Jul-Dec or Jan-Jun). All other facilities shall permit six CO 1s or CO 2s to transfer out each year (three officers per six-month period); Jul-Dec or Jan-Jun). Hardship transfers shall not count against this number of transferees.***

**2. *The CO shall be responsible for the following:***

- a. monitor the Department vacancy postings and apply for vacancies at any facility they wish to transfer to;***
- b. meet the eligibility criteria and submit a completed bid form and any other required documentation as indicated on the posting to the location listed on the posting by the posting closing date;***
- c. CO 2s that wish to apply for a CO 1 posting shall be required to take a demotion to CO 1 if selected for transfer. All other CO 1 transfers shall be processed as lateral reassignments.***

## Section 15 – Temporary Working Out of Classification (TWOC)

### A. General<sup>1</sup>

To control and monitor the use of temporary higher classification assignments, the procedures outlined below have been established to ensure compliance with **Management Directive 525.4, Temporary Assignment in Higher Classification, and Management Directive 580.37, Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service.**

### B. Procedures

1. Before an employee is assigned to work in a higher classification, every effort should be made to ensure that such an assignment is absolutely essential and critical to the continued operation of the organizational unit.
2. Prior consideration must be given to accomplishing these duties on a temporary and non-overtime basis in the following priority order:
  - a. higher-level employees, supervisors, or managers are to be used to absorb the most essential responsibilities for short periods; and
  - b. employees in the same classification or same pay **group** are to be temporarily assigned on a rotational basis.
3. If an employee in a lower classification must be assigned TWOC, the employee must meet the minimum experience and training requirements for the higher classification.
4. Such temporary duties must be separate and distinct from the employee's regular assignment. Written notice of the temporary assignment must be provided to the employee.
5. ***If an employee is in a non-civil service job title and is being assigned TWOC in a civil service job title, approval is required from the State Civil Service Commission in accordance with Management Directive 580.37. All assignments of this nature require pre-approval on day one of the assignment, regardless of the number of days the work will be assigned. The FHRO should attach the following to a TWOC EPAR:***
  - a. ***memorandum to the Director, Bureau of Human Resources (BHR), justifying the need to assign this work, the logical career ladder of the recommended employee's current position, and the employee's qualifications for the job title (e.g., on list, preliminary evaluation, previously held classification, etc.);***

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<sup>1</sup> 4-4060

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- b. position description of the civil service work to be assigned along with an organization chart identifying the location of the civil service position; and*
  - c. current position description of the employee recommended for TWOC and an organization chart identifying the location of their current position.*
6. An employee will not be temporarily assigned to perform, in general, the duties and responsibilities of a position in a higher rated classification for more than nine continuous months or the length of the leave of absence of the employee being replaced, whichever is greater. Managers shall not permit working an employee in a higher classification up to the nine-month limitation, discontinuing the assignment for a short period of time, and then resuming it.
7. In those cases where it is essential that a temporary assignment exceeds the nine-month limitation, an exception may be authorized by the **Director**, BHR. If the temporarily assigned employee's permanent position is covered by a collective bargaining agreement, union concurrence must be obtained, in writing, for exception to **Management Directive 525.4** and applicable contractual provisions. Where the nine-month limitation is exceeded due to the length of the leave of absence of an employee being replaced, no exception is required.
8. All temporary assignments must be reviewed and approved in advance by the Field Human Resource Officer and Facility Manager/CCC Regional Director/designee. Positions in the class series of Corrections Officer may be excluded from this approval process of the policy if so directed by the Facility Manager/CCC Regional Director/designee due to the nature of the operations.
9. All assignments that exceed 10 full days or 20 half days (where a collective bargaining agreement calculates TWOC in half days) in a calendar quarter must be submitted via a Working Out of Class Employee EPAR to the BHR for approval, with the exception of assignments in the job series of Corrections Officer.
10. The BHR and the Office of Administration (OA) conduct quarterly or more frequent post audit reviews of select temporary assignments in a higher classification. On a quarterly basis the OA provides the BHR with a list of selected assignments, and the BHR contacts the affected Field Human Resource Officers to address these requests.
11. Refer to **Management Directives 525.4** and **580.37** for additional guidelines and processing procedures.



## **Section 16 – Overtime**

### **A. General**

The purpose of this section is to establish procedures regarding the assignment and appropriate documentation of overtime work.

### **B. Procedures**

1. When assigning overtime work, consideration must be given to applicable collective bargaining agreements and memorandum of understanding.
2. Employees eligible for overtime pursuant to a labor agreement, memorandum of understanding, Fair Labor Standards Act (FLSA), or the Commonwealth's Personnel Rules shall not perform work outside their scheduled hours of work without prior authorization, except in case of emergency. Affected employees who arrive at the work site early should be directed to a lounge or waiting area, in order to comply with the above provisions.
3. Questions regarding which employees are covered by FLSA should be directed to the Human Resource Office.
4. Whenever possible, overtime work shall be approved, scheduled and the appropriate compensation (paid overtime or compensatory leave) determined, in advance by the immediate supervisor of the personnel involved, and approved through the appropriate Chain-of-Command, and the employee notified in writing. The immediate supervisor shall maintain a log of all approved overtime that, at a minimum, includes the following information:
  - a. date;
  - b. who was approved;
  - c. number of hours authorized; and
  - d. reason for the overtime.
5. The Shift Commanders shall schedule overtime work for Corrections Officers through the completion of the standard duty rosters for their shifts, which shall be reviewed and approved by the Major of the Guard.
6. Source documentation of overtime authorized for processing will be maintained for seven years.
7. In addition to the specific extended leave situations that would justify an extended work schedule, absences of Corrections Officers due to the following situations also might affect the need for assignment of overtime work to other Corrections Officers:

- a. non-pre-scheduled leave;
- b. detached duty;
- c. inmate escort posts;
- d. training;
- e. union business;
- f. military leave; and/or
- g. emergency situation.

### C. Employee Self Service (ESS) Users

1. Employees who have been granted ESS access shall use the module of SAP to enter requests for overtime compensation. Attendance type RT shall be used when requesting compensation in the form of pay and attendance type CLE1 shall be used when requesting compensation in the form of compensatory time.
2. Supervisors of employees who utilize ESS to request compensation for overtime hours worked will review the overtime compensation request and either authorize or reject the request via workflow (Supervisor Self Service) in SAP.
3. The Timekeeper will run the appropriate SAP report of entries that require allocation and allocate the activity pursuant to applicable labor agreement, Memorandum of Understanding, Fair Labor Standards Act (FLSA) or the Commonwealth's Personnel Rules. Allocation will be made using reports and tools provided in SAP (reference the Time Management Process Manual and SAP Timekeeper's Manual).
4. ***Management employees (except Corrections Officer 3 in accordance with Subsection F. below) may maintain a current balance of compensatory quota throughout the entire leave calendar year. Management employees should be encouraged to utilize the compensatory quota within 90 days of when it is accrued. If a Management employee transfers to another agency, the employee shall lose the remaining compensatory quota at the time of transfer. If a Management employee transfers to another facility within the agency, the compensatory shall remain intact.***
5. ***If a non-management employee transfers to another agency the employee shall be paid for any remaining compensatory quota at the time of transfer. If a non-management employee transfers to another facility within the agency the compensatory quota will remain intact.***

## **D. Non-ESS Users**

### 1. Corrections Officers

All overtime and absences shall be recorded via daily attendance roster or overtime report extracted from the daily attendance rosters. Each roster or report shall be approved by the Shift Commander by electronic acknowledgement or physically initialing and dating the form. The approved roster or report with corresponding **STD-330, Request for Leave Slips** will be submitted to the Timekeeper as the source documents for entry into SAP.

### 2. Non-Corrections Officers

All overtime and absences shall be conveyed to the Timekeeper through whatever means are deemed appropriate for each work site.

### 3. The timekeeper will review the employee's entitlements pursuant to the applicable labor agreement; Memorandum of Understanding, FLSA or the Commonwealth's Personnel Rules and enter the activity into the Cross Application Timesheet (CAT) in SAP prior to the scheduled biweekly payroll processing performed in SAP (reference the Time Management Processes Manual and the SAP Timekeeper's Manual).

## **E. Post Audit Process**

1. Each leave calendar quarter (as defined in Management Directive **M530.7 Amended, Absence Program; Appendix B; Definitions**) the Time Advisor will perform a post audit of Timekeeper entries made in SAP. This post audit will be performed on a random selection of five employee records that contain overtime.
2. For non-ESS employee records, the Time Advisor will compare the information for the pay period found on the source documents in accordance with **Subsection D. above**. The Time Advisor will verify all overtime attendances and absences have been entered and that overtime entitlement has been **allocated** accurately.
3. For ESS employee records, the Time Advisor will review that the overtime allocation is accurate.
4. If a Timekeeper processes attendance/absence data for more than one type of employee; i.e., AFSCME and PSCOA covered employees, a selection should be made from each distinct group with respect to overtime entitlements. This may mean that more than five records will need to be reviewed for such a Timekeeper.
5. The **Timekeeper Entry Audit Form (Attachment 16-A)** will be completed by the Time Advisor for each Timekeeper each leave calendar quarter. The Time Advisor will follow up with the Timekeeper regarding any discrepancies discovered during the review and annotate the corrective actions taken on the form.

6. The facility's Human Resource Office will initial the completed audit form. The original audit form will be maintained by the Time Advisor for seven years (with copies of applicable source documents). The Timekeeper and the Timekeeper's supervisor will receive a copy of the packet. Retention of the copies will be at the discretion of the recipients.
7. ***The facility Human Resource Office will scan and email the audit form to the CR, CEN Transactions resource account no later than four weeks after the quarter ends.***
8. ***Central Office will review audits and make recommendations for improving the timekeeping process.***

#### **F. Compensatory Time and Overview for Corrections Officer 3 (CO3) Positions**

1. CO3s are exempt from the overtime requirements of the FLSA and, therefore, are not entitled to overtime pursuant to the FLSA. Nonetheless, pursuant to the February 7, 2012 Executive Board Resolution, CO3s are eligible to receive overtime compensation in the form of compensatory time off or cash overtime, at the Department's discretion.
2. The acceptance of compensatory time off in lieu of cash overtime and agreement with this compensatory time policy constitutes a term and condition of employment as a CO3 with the Department. Continued employment as a CO3, as well as accepting overtime assignments, constitutes acceptance of and agreement with this policy.
3. Employees shall not perform work outside their scheduled hours of work without prior authorization, except in case of emergency.
4. Each CO3 will have the option to receive cash at the rate of 1 ½ times his/her regular hour rate of pay for up to 32 hours of overtime or holiday time worked per fiscal year.
5. Each Facility Manager will have the discretion to authorize additional cash payment for CO3s. Payment will be made at the rate of 1 ½ times the regular rate of pay for each hour worked, up to a maximum of 88 hours worked by a CO3 per fiscal year (exclusive of specialty team assignments, for which payment is governed by Section 18 of this manual and Department policy **6.7.2, "Corrections Emergency Response Teams"**). The Department does not guarantee any amount of cash per fiscal year. The 88 hours maximum does not include the 32 hours referenced in **Subsection F.4. above**.
6. **Subsections F.4. & 5. above** notwithstanding, each Facility Manager will ensure that CO3s do not receive cash for more than an aggregate of 120 hours of paid overtime or holiday time per fiscal year (exclusive of specialty team assignments, for which payment is governed by **Section 18** of this procedures manual and Department policy **6.7.2**).
7. Each CO3 will be entitled to receive compensatory time off in lieu of cash overtime for which he/she is not paid in cash under **Subsections F.4. & 5. above**. Compensatory time will be at the rate of 1 ½ times the number of overtime hours worked.

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8. At no time shall a CO3 be permitted to maintain a compensatory quota that exceeds 240 hours. Any accrued overtime in excess of the 240 hours compensatory quota limit will be paid in cash.
9. CO3s promoted to CO4 will carry their unused compensatory balances with them.
10. Upon separation from Commonwealth employment or transfer to another FLSA exempt position, other than promotion to CO4, a CO3 will receive payment for accrued and unused compensatory time, up to a maximum of 240 hours, paid out at the CO3's hourly base rate of pay as of the date of the separation or transfer.

11. Procedures

- a. An employee will be permitted to use compensatory time within a reasonable period after making such a request, provided the use of compensatory time does not unduly disrupt the operations of the facility.
- b. A CO3 who wishes to use compensatory time shall submit leave requests via the Department's automated leave request system. Approval to use compensatory leave will be granted subject to the Facility Manager's discretion to maintain efficient operations.
- c. A Facility Manager retains the discretion to schedule a CO3's compensatory time off based on operation or staffing needs.

12. Responsibilities

- a. The Bureau of Human Resources (BHR) will distribute CO3 compensatory leave balances to Facility Managers each quarter.
- b. The Facility Manager/designee shall monitor CO3 compensatory quotas and ensure that the provisions contained in this policy are carried out and that compensatory leave quotas are being effectively managed.

**Section 17 - Compensatory Time Policy (Central Office)**

**A. Procedures**

1. Each Bureau must use **Attachment 17-A** as documentation of overtime worked and authorized for such work to be entered on the **STD-929, Time and Attendance Record** with the form *attached*, and submitted to the BHR.
2. Each Bureau must use the **Compensatory Leave Tracking Form (Attachment 17-B)** to monitor compensatory leave accrual, usage, and balance.
3. Union covered employees, in accordance with the appropriate Labor Agreement, shall be compensated for unused compensatory leave accrual. Each Bureau shall use **Attachment 17-C**, and submit to the BHR to compensate employees for unused compensatory leave after the appropriate time frame has passed.
4. Management employees may maintain a current balance throughout the entire calendar year. Management employees should be encouraged to use compensatory leave within 90 days of when it is accrued.
5. Form **STD-330, Request for Leave** shall be submitted to the employee's immediate supervisor for approval, then forwarded to the Division Chief or Bureau Director for possible further action. Request for compensatory leave must be coded "CL" and usage noted appropriately on the **STD-929, Time and Attendance Record**.

## Section 18 – Salary Compensation for Emergency Team Responses

### A. Procedures

The following procedures shall be used for properly compensating emergency response team members during emergency deployment, **Department searches, and any training exercises scheduled at the direction of Central Office.**

1. Salary paid to an emergency response team member prior to and during emergency deployment shall be in accordance with the applicable collective bargaining agreement or **applicable human resource directives. Commissioned Officers and managers have the option of choosing pay or compensatory leave.**
2. An emergency response team member returning to his/her home facility after an emergency deployment, who has worked an eight hour shift including travel, shall be paid for his/her next regular full shift without having to work that shift, providing his/her shift begins within 12 hours of his/her return to the home facility. This includes when his/her return is during his/her regular shift. In these situations, the employee should be charged administrative leave for time away from work during his/her regular shift.
3. If the team member has put in less than eight hours of duty, including travel prior to returning to his/her home facility, he/she shall be required to work his/her next scheduled shift or take appropriate leave.
4. **When members are paged for a pre-scheduled time or activation they will be paid from the time they report to the designated location. When a member is paged for an unannounced drill, activation or emergency situation they will be paid from the time they are paged. Corrections Emergency Response Team (CERT) members will call with their arrival time. If a member does not answer the page or call with an ETA, he/she will be paid from the time he/she reports to the facility or crisis site.**

## **Section 19 - Limited Term Wage Position and Dual Incumbency**

The BHR shall establish and extend Limited Term Wage positions. These positions are to be used to hire employees to substitute for permanent employees who are or shall be absent due to injury, illness, military leave, or educational leave. These positions are also created for peak workload situations.<sup>1</sup> Positions are given a six month time limit. A position is not to be requested in order to assist in a shortage of positions on a facility's complement. These positions shall be used only to prevent serious impairment to health, welfare, and security of inmates, to avert irreparable damage to facility operations, or for other cogent reasons.

### **A. Establishing Limited Wage Positions**

1. Wage positions are established and managed in accordance with **Management Directive 505.20, "Wage Complement Management and Control."**
2. If the need arises, with justification, expiration dates can be extended. Employment of incumbents shall terminate to coincide with the expiration date of Limited Term positions or upon return to full duty of the permanently assigned employees, whichever date is the earliest.

### **B. Request for a Limited Wage Position**

1. When a Department Head determines a need for a Limited Term Wage Position, a request shall be made in writing using the Limited Wage Position Request Form (**Attachment**). The form shall be submitted to the Facility Manager.
2. The Facility Manager shall review the request, sign, and forward the request to the Transactions Section of the Manpower Management and Personnel Services Division. The request shall be logged and forwarded to the Classification and Recruitment Section for review and recommendations. Classification and Recruitment shall forward the request to the Chief, Manpower Management and Personnel Services Division.
3. The Chief, Manpower Management and Personnel Services Division, shall review the request, make recommendations for approval or disapproval and forward the request to the Director of the BHR.
4. The Director, BHR shall review the request, make recommendations for approval or disapproval, and forward the request to the appropriate Regional Deputy Secretary.
5. The Regional Deputy Secretary shall review the request, make the approval or disapproval, and return the request to the Director, BHR.
6. The Director, BHR shall notify the requesting facility of the approval or disapproval.

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<sup>1</sup> 4-4060



**C. Extending or Abolishing a Limited Term Wage Position**

When a Limited Term Wage Position is to be extended or abolished, the following procedures shall be used.

1. The Commonwealth Technology Center (CTC) shall produce a **PMS-136, Report of Position Expiration Dates** and forward the report to the BHR, Transaction Section.
2. The BHR shall review the **PMS-136** and inform the facility of the Limited Term Wage Position about to expire.
3. The facility Personnel Office shall notify the BHR of their intent to extend/abolish the Limited Term Wage Position.
4. The Transaction Section shall review and forward the request to the Chief, Manpower Management and Personnel Services for approval or disapproval of the extension/abolishment of the Limited Term Wage Position. The decision shall be forwarded to the facility after the Office of Administration has taken final action.
5. In addition, the Transaction Section shall forward the request with their recommendations to the Office of Administration, Bureau of Personnel, for final approval/disapproval.
6. The Transaction Section, upon approval/disapproval from the Office of Administration, Bureau of Personnel, shall forward the decision to the facility Personnel Office through the Facility Manager.
7. Positions to be abolished shall be done through the Transaction Section.

## **Section 20 - Dual Employment**

### **A. Dual Employment of Employees**

The Department may fill a vacant part-time position by employing the services of a full-time person who is already on the payroll of or on a Service Purchase contract with another agency under the Governor's jurisdiction, or on the payroll of the Department. All part-time positions in the 102 Appropriation "Activities" shall be approved by the Activities Managers, Facility Manager, and then approved by the Director of Correction Education as the Agency Intermediate. All other part-time employment within the Department requires the facilities with the part-time positions to initiate the paperwork for Dual Employment. All procedures for seeking Dual Employment shall be in accordance with **Management Directive 525.11, "Dual Employment."**

### **B. Requests for Dual Employment**

1. The Dual Employment Personnel Officer/Director shall prepare form **STD-338, Request for Dual Employment** to include clear justification for classification, rate of pay, and period of time for the services.
2. The Supervisor of Dual Employment signs and forwards form **STD-338** to his/her Facility Manager/Bureau Director.
3. The Facility Manager/Bureau Director reviews for completeness and justification, then signs Head/Designee of Requesting Agency and forwards to his/her Regional Deputy Secretary/Director of Correction Education for signature.
4. The Regional Deputy Secretary/Director of Correction Education approves/ disapproves. If approved, signs Agency Intermediate and forwards to the BHR of primary agency.
5. The BHR of the primary agency (full time) forwards to the employee's Supervisor.
6. The primary agency Supervisor completes form **STD-338**. If approved, signs Supervisor or Agency Intermediate and forwards to the primary agency BHR.
7. The primary agency Head approves/disapproves and signs Head/Designee of employee's primary agency and forwards to their BHR.
8. The BHR sends approval to Dual Employment Agency or maintains file if both positions are in the Department.

**4.1.1, Human Resources and Labor Relations**

**Section 21 – Employee Health Benefits/Pennsylvania Employees Benefit Trust Fund (PEBTF)**

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**Section 21 – Employee Health Benefits/Pennsylvania Employees Benefit Trust Fund (PEBTF)**

**A. Workforce Management Division/Field Human Resource Office**

1. Advise new hire employees prior to the start of employment that there will be an online Onboarding Orientation which includes Health Benefit Information.<sup>1</sup> Advise the employees to contact the Human Resource Service Center (HRSC) for health benefit related questions at 1-866-377-3672. The Bureau of Human Resources (BHR) verifies employee home email addresses and advises new hire employees that an email with instructions to access the Onboarding process will be sent to their home email address by the HRSC.
2. Advise new hire employees without home computer access of local computer resources such as Local/State Library.
3. Employees unable to complete the Onboarding process prior to their start date should be given time to complete the process at the facility during their first day of employment.
4. Current employees with Health Benefit questions shall be advised to contact HRSC at 1-866-377-2672 or to access Employee Self Services (ESS) for benefit information.

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<sup>1</sup> 1-CTA-1C-01

## Section 22 – State Employee Assistance Program (SEAP)

### A. General

The purpose of this section is to establish procedures for the implementation of the State Employee Assistance Program (SEAP) within the Department. SEAP is designed to aid employees with personal problems that can adversely affect an employee's ability to perform job duties. ***In addition, employees may be mandated to seek SEAP services for Employer Based Referrals (EBRs). All procedures shall be in accordance with M505.3, State Employee Assistance Program Supervisor's Guide.***<sup>1</sup>

### B. Responsibilities

1. The Secretary shall name a Department SEAP Coordinator and ensure that the Commonwealth SEAP policy is followed.
2. Each Facility Manager shall name a Facility SEAP Coordinator and ensure all Commonwealth and Department SEAP policies are followed.
3. The Department SEAP Coordinator shall:
  - a. ***function as a resource to the manager, supervisor, union representative, Labor Relations and employee on issues involving the use of SEAP, access to services and training;***
  - b. ***provide technical assistance, training and consultation to all Department personnel/Facility SEAP Coordinators and give advice on cases involving employee situations that may warrant on-the-job intervention by SEAP;***
  - c. ***serve as a liaison between the Office of Administration (OA) SEAP, Sick Parental Family (SPF) Unit, SEAP Central Coordinating Office (CCO), Labor Relations and field offices for EBR per M505.3 and ensure confidentiality of the SEAP program;***
  - d. ***assist the field in creating and obtaining the required documentation for EBRs; review all EBR requests with OA SEAP for approval; and forward OA SEAP approved EBR templates to facility for completion;***
  - e. ***ensure all EBR required documentation and copy of signed Health Insurance and Portability Act (HIPPA) notices are sent to OA-SEAP;***
  - f. ***ensure all SEAP CCO notifications are handled with confidentiality and reported only to those on a need to know basis. Follow up on SEAP CCO EBR non-compliance reports by ensuring all facility contacts involved with the EBR are advised and the required employee contact is made; and***

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<sup>1</sup> 4-4071

- g. maintain records on EBRs and retain these records for one year. Ensure all records are kept locked, separate from all other employee records, and are accessible only to the Department/Facility SEAP Coordinator. Abide by state and federal regulations on confidentiality. No information written or oral can be re-disclosed without written consent of the employee.**
- 4. The Training Academy shall provide initial SEAP training *information* to all new employees during basic training, and provide SEAP training to all new supervisors within six months of promotion to management or supervisor positions.**
- 5. The Facility SEAP Coordinator shall:**

  - a. provide SEAP training/information/support to new hires and current employees, advise employees of leave options/SPF to utilize for SEAP benefits, post SEAP information, and ensure SEAP program information visibility for employees with/without email access;**
  - b. provide technical assistance and consultation to supervisors per M505.3 for all EBRs;**
  - c. act as the liaison to the Department SEAP Coordinator, SPF Unit, Labor Relations, OA SEAP and SEAP CCO for EBRs and other field SEAP matters; ensure confidentiality of SEAP Program; attend appropriate SEAP training; and obtain OA SEAP approval for all EBRs;**
  - d. collect DC-121, Extraordinary Occurrence Reports/Witness Statements and review the information with the Department SEAP Coordinator for potential EBR. Receive/complete OA SEAP approved EBR templates. Collect and submit additional required documentation to the Department SEAP Coordinator for approved EBR. Attend presentation of EBR to employee and serve as a SEAP advocate;**
  - e. notify the SPF Absence Section of pending EBR and obtain SPF eligibility and entitlement status. Notify the SPF Absence Section when a SEAP excuse for absence is received for a self-referral. Advise the facility SPF Liaison to have absences coded as SPF leave for EBRs and self-referrals to SEAP;**
  - f. ensure all SEAP CCO notifications are handled with confidentiality and reported only to those on a need to know basis. Follow-up on SEAP CCO EBR non-compliance reports by ensuring all contacts involved with the EBR are advised and the required employee contact is made;**
  - g. advise/handle required drug testing for employees' return to work for Self Disclosure (SD)/Commercial Driver's License (CDL). Arrange for employee return to work testing, provide testing forms, have management escort and advise management to ensure employee is to abstain from drinking liquids**

**prior to testing. Advise the Department SEAP Coordinator, the facility, and Labor Relations of all positive results; and**

- h. maintain records on EBR and retain those records for one year. Ensure all records are kept locked, separate from all other employee records, and are accessible only to the Department/Facility SEAP Coordinator. Abide by state and federal regulations on confidentiality. No information written or oral can be re-disclosed without written consent of the employee.**

6. The Supervisor shall:

- a. evaluate work performance using the Department’s Employee Performance Review (EPR) System and M505.3. Inform employees when work performance is not satisfactory. Take appropriate progressive disciplinary steps when work performance is not satisfactory. Encourage participation in SEAP for employees with unsatisfactory performance or behavior;**
- b. ensure the safety and security of the employee, coworkers and facility by evaluating employee “Fitness for Duty” using M505.3;**
- c. ensure employees are aware of SEAP. Restrict oneself from diagnosing employee’s personal problems;**
- d. contact the SEAP Management Consultation Line (1-800-662-9206) for advice;**
- e. follow SEAP guidelines for EBRs when appropriate. Contact Facility SEAP Coordinator/Department SEAP Coordinator (to discuss a case before offering EBR option to the employee); and**

**NOTE: Appropriate grounds for an EBR referral may exist when an employee’s behavior poses a threat to self, others or the workplace; a drug and/or alcohol policy violation; progressive discipline has not been effective in changing an employee’s performance; and/or the facility is offering a final change in lieu of termination.**

- f. ensure all records are kept locked for a period of one year, separate from all other employee records, and are accessible only to the Department/Facility SEAP Coordinator. Abide by state and federal regulations on confidentiality. No information written or oral can be re-disclosed without written consent of the employee.**

## **Section 23 – Group Life Insurance**

### **A. Procedures**

- 1. Prior to employment, the chosen candidate is advised of the Onboarding Orientation process. The Workforce Management Division/Field Human Resources Office (WMD/FHRO) verifies the candidate's email address and explains they will receive an Onboarding Orientation email from the HR Service Center (HRSC) explaining the benefit package offered by the Commonwealth of Pennsylvania.<sup>1</sup> The WMD/FHRO advises the chosen candidates without computer access of local computer resources such as Local/State Library. Candidates who are unable to complete Onboarding prior to their start date should be given time to complete the onboarding activities at the work facility upon/after date of hire.**
- 2. When an existing employee has questions regarding Group Life Insurance benefits they will be referred to contact HRSC at 1-866-377-2672.**
- 3. WMD/FHRO will refer an employee/survivor to contact the HRSC at 1-866-377-2672 when an employee is changing beneficiaries, separating, applying for disability life insurance, or when contacted by the survivor of the deceased employee.**
- 4. The employee shall also be provided with the Prudential Customer Service Number 1-800-893-7316 for when the employee wishes to change beneficiaries; when the employee is terminating service; when an employee is terminating service and applying for disability life insurance; for referring survivors of deceased employees; and when an employee has questions regarding Group Life Insurance benefits.**

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<sup>1</sup> 4-4048, 1-CTA-1C-01

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## Section 24 – Modified Duty

The purpose of this section is to make TEMPORARY modified duties available to an injured employee, who has a work/non-work related injury, when operationally feasible so he/she may return to employment. In many cases, lost time can be avoided by use of this practice.

### A. Modified Duty

The Department recognizes the benefits of returning injured employees to employment. To expedite that return, the Department is committed to providing modified duty assignments, when operationally feasible, for employees who are able to work in a limited capacity and who will be able to resume all of the duties of his/her regular classification in a reasonable period of time. A modified duty position may be made available consistent with the employee's limited capabilities, but may not be extended beyond 90 days without approval of the **Employee Services Coordinator**. Modified duty is not a right of an employee and may be terminated by the Facility Manager/designee at any time based on operational concerns, or if it becomes apparent that the employee will not be able to resume all of the duties of the employee's classification within a reasonable period of time.

### B. Responsibilities

#### 1. Injured Employee

It is the responsibility of the injured employee to ensure the following:

- a. provide updated Physician/Practitioner's Certificates (refer to **Section 26, Attachment 26-D) and Employee Duty Status Report (refer to Section 26, Attachment 26-E)** every 30 days or as requested, which includes the capabilities the employee is able to perform and the prognosis for the injury and/or an anticipated return to full duty date;
- b. contact employer if capable of performing modified duty;
- c. return to active employment on modified duty when approved by the Facility Manager/designee and physician/psychologist or chiropractor;
- d. review medical or psychiatric advised restrictions and sign the **Modified Duty Position Description (Attachment 24-A)** in presence of supervisor;
- e. notify supervisor and Facility Human Resource Office promptly when released to full duty by submitting a completed Physician/Practitioner's Certificate **and Employee Duty Status Report**;
- f. attend meetings with supervisor to discuss current status and date of return to full duty;
- g. submit request for leave in advance of medical appointments;



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- h. report any recurrence to supervisor and Facility Human Resource Officer immediately; and
  - i. refrain from performing any duty until approved by a physician/practitioner.
2. Supervisor of the Injured Employee (this applies to both permanent and modified duty supervisor)

It is the responsibility of the Supervisor of the injured employee to ensure the following:

- a. complete the **Modified Duty Position Description** in accordance with the duties to be performed and the employee's limited capabilities;
  - b. review medical/psychiatric-advised restrictions with employee and secure employee's signature on the **Modified Duty Position Description**;
  - c. maintain contact with employee on modified duty, review and document work status;
  - d. ensure the employee is providing updated Physician/Practitioner's Certificates **and Employee Duty Status Reports** every 30 days or as requested;
  - e. inform Facility Human Resource Officer when employee returns to unrestricted full duty; and
  - f. notify Facility Human Resource Officer if employee suffers a recurrence or new injury.
3. Facility Human Resource Officer

It is the responsibility of the Facility Human Resource Officer to ensure the following:

- a. **review all Physician/Practitioner Certificates for possible modified duty release;**
- b. **if necessary, contact the Worker's Compensation Administrator and/or employee's physician, psychologist and/or chiropractor to determine employee's limitations and qualifications for modified duty;**
- c. **coordinate the development of the Modified Duty Position Description with the appropriate supervisor;**
- d. **upon completion of the Modified Duty Position Description, offer the employee modified duty within the restrictions set forth in the Physician/Practitioner's Certificate. All offers will be made in writing, and the Modified Duty Position Description and the medical certificate releasing the employee to modified duty will be attached to the Modified Duty Job Offer Memo;**
- e. **always copy the adjuster, the union, and if the employee is represented by an attorney, the employee's attorney on the Modified Duty Job Offer Memo. Always**

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*give the employee ample time to prepare for return (a minimum of seven days); and*

- f. *ensure that modified duty assignments do not last more than 90 days, and if in accordance with above, it appears as if an assignment may last more than 90 days, then request approval from the Employee Services Coordinator.*

#### 4. Facility Manager

It is the responsibility of the Facility Manager to ensure the following:

- a. review and approve/disapprove all modified duty assignments;
- b. ensure modified duty policy is implemented consistently throughout the facility; and
- c. terminate modified duty when that duty is no longer operationally feasible, or when it becomes apparent that the employee will not be able to resume the full duties of the employee's classification within a reasonable period of time.

### C. Guidelines

1. All modified assignments must be for a specified period. (Time limitation renewable at 30, 60, or 90 days and must be approved by the Facility Manager.) The employee must have a projected date of return to full duty from a treating physician. Any approval for a probationary employee or any approval beyond 90 days may only be granted by the **Employee Services Coordinator**.
2. An Employee who is unable to resume all of the duties of the employee's classification within a reasonable period of time, may be demoted or laterally reclassified into an appropriate classification, taking into account the duties and responsibilities the employee is capable of performing, the protections afforded by Federal and State law, and in compliance with Personnel Policies and Procedures, Civil Service Rules, Management Directives, and applicable Collective Bargaining Agreements.
3. An employee assuming modified duty must submit a **Physician/Practitioner's Certificate and Employee Duty Status Report** to the Facility Human Resource Office every 30 days, or as requested, until returned to full, unrestricted duty.
4. If a modified duty assignment requires that an employee be assigned duties outside his/her previously assigned shift, schedule, overtime equalization unit, classification or bargaining unit, such assignment shall be made in accordance with the appropriate Collective Bargaining Agreement.
5. Depending on the nature of the modified duty assignment, it may be advisable to extend the probationary period of a probationary status employee.

6. A supervisor must defer to the medical/psychiatric-advised restriction for an injured employee. (Physical and/or psychiatric conditions must be determined and clearly stated by the attending physician/practitioner).
7. Supervisor(s) and the Human Resource Officer shall meet with an employee returning to modified duty and the employee must sign the **Modified Duty Position Description** prior to beginning the modified duty assignment. (Employee is informed of the restriction placed on him/her by his/her Physician/Practitioner and agrees to abide by the conditions and restrictions as delineated on the **Physician/Practitioner's Certificate**.)
8. If an employee refuses to cooperate in the process to determine the appropriateness of a modified duty assignment, or refuses to report for an approved modified duty assignment, consistent with the medical documentation available, the Employee Services Division shall be contacted immediately to determine the appropriate course of action.

#### D. Appeals

1. Any dispute regarding modified duty assignments for employees in the H1 bargaining unit, who qualify for benefits under the **Heart and Lung Act** and/or **Act 632**, shall be determined by the **Heart and Lung Act/Act 632** hearing panel as outlined in Article 35 of the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the Pennsylvania State Corrections Officers Association. The Department's Employee Services Coordinator, in conjunction with the Legal Office, shall request hearings in accordance with Article 35 using the **Heart & Lung Appeal Procedures Letter (Attachment 24-B)**.
2. Questions regarding the modified duty program should be directed to the Employee **Services** Section of the Bureau of Human Resources.

**Section 25 – Reasonable Accommodations for Employees or Job Applicants with Disabilities**

**A. General**

1. The Department shall comply with the provisions of the Americans with Disabilities Act (ADA), U.S.C. §§12101-12213; the **ADA Amendments Act of 2008**; **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794**; and the **Pennsylvania Human Relations Act, 43 P.S. §§951-963**, in accordance with **Executive Order 2002-5, Disability Related Policy**; **Executive Order 2003-10, Equal Employment Opportunity**; and **Management Directive 205.25, Amended, Disability-Related Employment Policy**.
2. Any qualified employee or applicant for employment with a disability who believes that he/she has been discriminated against may file a complaint with the Facility’s Human Resource Office, the Community Corrections Center (CCC) Regional Director (if applicable), or the Department’s Office of Equal Employment Opportunity (EEO). The procedures for filing a discrimination complaint are outlined in Department policy **1.6.1, “Equal Employment Opportunity.”**
3. The obligation to provide a reasonable accommodation applies to all aspects of employment. The duty is ongoing and may arise at any time, such as when there is a change in a person’s disability, in their need for accommodation, or in their job responsibilities.
4. The reasonable accommodation provided by the Department must be effective and enable the requestor to perform the essential functions of the job.
5. The Department cannot deny an employment opportunity to a qualified employee or applicant with a disability solely because of the need to provide a reasonable accommodation.
6. Requests for a reasonable accommodation may be denied if the requestor is not a qualified individual with a disability, if the accommodation would create an undue hardship on the Department, or if an accommodation would not significantly reduce the risk of a direct threat to the individual and others.<sup>1</sup>
7. The Department is not required to provide an accommodation for an individual who:
  - a. is not otherwise qualified for a position;
  - b. is not an individual with a disability as defined by law;
  - c. meets the definition of disability solely on the basis of being “regarded as having a disability;” and/or

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<sup>1</sup> 4-4054, 4-ACRS-7E-03

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- d. requests an accommodation based on his/her association with an individual with a disability.
8. A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job with or without accommodation, he/she may be considered to be unqualified.
9. The accommodation request, and all information related to the request, will be kept as confidential as possible.

**B. Requests for Reasonable Accommodation<sup>2</sup>**

1. A qualified employee with a disability who needs or anticipates the need for a reasonable accommodation to perform the essential functions of his/her job or to perform or participate in any other aspect of employment may request a reasonable accommodation from his/her supervisor.
2. Qualified applicants for employment with a disability, who anticipate the need for an accommodation due to a disability in order to participate in interviews or physical ability tests, may request a reasonable accommodation from the Interviewer or Field Human Resource Officer.
3. Unless the needed accommodation is apparent, it is the obligation of the qualified employee or applicant for employment with a disability to request a reasonable accommodation, or to indicate that he/she has a disability that is affecting his/her ability to perform the essential functions of the job. The employee/applicant makes a request for a reasonable accommodation to his/her supervisor by submitting a completed **Request for Accommodation (Attachment 25-A)** and the **Health Care Provider Questionnaire (Attachment 25-B)**. Blank forms shall be available through the Human Resource Office, Equal Opportunity Office, Benefits Section of Central Office or on DOCNet in the Forms and Templates section under Human Resources.
4. The Supervisor/Interviewer shall review the **Request for Accommodation**, document all meetings, and make necessary comments on the **Request for Accommodation**. The Supervisor/Interviewer forwards the **Request for Accommodation** and all pertinent information/documentation to the Field Human Resource Officer or ADA Coordinator.
5. The Field Human Resource Officer or ADA Coordinator will review every **Request for Accommodation** and shall interview the employee/applicant within 14 working days of receipt of the **Request for Accommodation** and request any additional information needed to determine if a reasonable accommodation is recommended. An accommodation request shall contain the **Request for Accommodation, Health Care Provider Questionnaire**, Job Description, a copy of the Essential Job Functions and the completed **ADA Checklist (Attachment 25-C)**. The Field Human Resource Officer will forward every request to the ADA Coordinator for review.

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<sup>2</sup> 4-4054, 4-ACRS-7E-03

6. Every **Request for Accommodation** shall be reviewed by the Department's ADA Coordinator. The ADA Coordinator will request additional information if required, and then place the request on the docket for the next ADA meeting. The ADA Coordinator will chair each meeting, set the agenda, and prepare and sign the minutes.
7. The ADA Review Committee approves or denies the **Request for Accommodation** within 10 days of the committee review, unless additional information/documentation is necessary to render a decision.
8. The ADA Coordinator shall notify the employee or applicant, and the Field Human Resource Officer of the Committee's decision to approve or deny the **Request for Accommodation**. The Field Human Resource Officer reviews the decision of the ADA Committee with the employee/applicant.
9. If the **Request for Accommodation** is denied, the ADA Coordinator shall notify the employee or applicant of the right to request reconsideration.

### **C. Reconsideration**

1. If the ADA Committee denies a **Request for Accommodation**, the employee or applicant may file a request for reconsideration with the Department's Office of EEO located at 1920 Technology Parkway, Mechanicsburg, PA 17050. Toll Free Hotline 1-877-336-0846 or fax 717-728-0336.
2. The request for reconsideration must be submitted in writing, within 20 days of the notification of the denial.
3. The Department's Office of EEO will review and process the request for reconsideration and other relevant information as expeditiously as possible in accordance with **Management Directive 410.10, Amended, Guidelines for Investigating and Resolving Internal Discrimination Complaints**.
4. If the request for reconsideration is denied, the Department's Office of EEO will notify the employee or applicant of the decision and the right to file an appeal.

### **D. Appeal**

1. An individual who is not satisfied with the Department's decision concerning the request for reconsideration may file an appeal with the Governor's Office of Administration, Bureau of EEO, Room 222, Finance Building, Harrisburg, PA 17120, Telephone 717-783-1130.
2. The appeal must be submitted in writing, within 20 days of the notification of the denial for reconsideration.

**E. Retaliation**

Retaliatory action against anyone who has filed charges, testified, assisted, or participated in any proceeding, investigation, or hearing concerning disability-related employment issues is expressly prohibited.

**F. Disciplinary Sanctions**

Any employee who is found to have engaged in discrimination or retaliation against anyone who has filed charges, testified, assisted, or participated in any proceeding, investigation, or hearing concerning disability-related employment issues is subject to appropriate disciplinary action including termination.

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## Section 26 – Act 632 Amended by Act 534

The Act of December 8, 1959, P.L. 1718, No. 632, as amended by the Act of September 2, 1961, P.L. 1224, No. 534 (61 P.S. §951), provides special benefits for eligible employees of the Department who are injured or disabled by the act of an inmate.

### A. Administrative Authority

***The Secretary/designee is vested with the authority to determine eligibility for payment of benefits under Act 632 as amended by Act 534.***

### B. General Information

**Act 632** provides that “Any employee of a state penal or correctional institution who is injured during the course of his/her employment by an act of any inmate or any person confined in such institution or by any person who has been committed to such institution by any court of the Commonwealth of Pennsylvania or by any provision of the “Mental Health Act” shall be paid, by the Commonwealth of Pennsylvania, his/her full salary, until the disability arising therefrom no longer prevents his/her return as an employee of such department, board, or institution at a salary equal to that earned by him/her at the time of his/her injury.”

### C. Benefits

***The Department and the Pennsylvania State Corrections Officers Association (PSCOA) have determined that H1 Bargaining Unit employees who are injured at the hands of an inmate will initially be placed on Heart and Lung Benefits (refer to Section 27 of this manual), but must still be approved by the Department’s Employee Services Coordinator/designee. After Heart and Lung Benefits have been exhausted, the employee may apply to be placed on Act 632 benefits. This applies to H1 Bargaining Unit employees only.***

#### 1. Primary Benefits

- a. Full salary at the same rate as at the time of injury shall continue until the disability arising therefrom has ceased or until claimant terminates employment with the Commonwealth; and
- b. All reasonable and necessary medical and hospital expenses (such expenses shall be paid by the Commonwealth’s third party administrator pursuant to the Worker’s Compensation Act).

#### 2. Additional Benefits

- a. Leave accrues during the period of disability. However, all leave accrued in excess of carry over allowances shall be removed in accordance with **Management Directive 505.7, Collective Bargaining Agreement and Personnel Rules.**



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- b. Medical/hospital and group life insurance continues.
  - c. Seniority continues to accrue.
  - d. Supplemental benefits continue, i.e., dental, vision, and hearing.
  - e. Full retirement credit continues to accrue.
  - f. ***Clothing allowance for H1 Bargaining Unit employees. In accordance with the January 3, 2007, pre-arbitration settlement between the Commonwealth and PSCOA, employees on approved Heart and Lung (and subsequently added Act 632) disability leave shall receive payment for clothing allowance under the schedule as listed below.***
    - (1) ***The employee shall receive full allowance if in compensable status for less than 200 days in the fiscal year where the initial injury occurred provided they were awarded Act 632 and/or Heart and Lung leave. The employee shall receive pro-rata share of the allowance for subsequent fiscal years if he/she is compensable status less than 200 working days for any reason, including Heart and Lung (Act 632) leave.***
    - (2) ***The employee shall receive full allowance if in compensable status more than 200 working days in the fiscal year where the initial injury occurred, despite the Heart and Lung (Act 632) leave. In the fiscal year immediately following the year of the qualifying injury, if the employee is in compensable status for less than 200 working days due to the Heart and Lung (Act 632) leave, he/she shall receive the full amount of the contractually defined clothing allowance. For the third and subsequent fiscal years where the employee is in compensable status for less than 200 working days the employee would receive the pro-rata share of the allowance.***

#### D. Claims Review

1. The Employee Service Coordinator/designee, Bureau of Human Resources (BHR), shall administer all ***claims involving injury at the hands of an inmate.***
2. All initial claims and any claims of recurrence shall be submitted to the Employee Services Coordinator/designee, BHR, for review and initial determination of eligibility under **Act 632.**
3. Pending a decision on **Act 632** claims, the employee is placed on appropriate leave. If no paid leave is available, the employee shall be placed on leave without pay status. After a final decision is made on a claim, adjustments shall be made to leave as necessary. In no case shall the employee receive more than his/her gross salary as of the date of his/her injury.

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## E. Responsibilities Prior to Incident

1. **Before the incident/injury occurs, the employee shall follow all safety rules, policies, and orders, and report all potential security/safety problems to the supervisor and/or Fire Safety Manager.**
2. Before the incident/injury occurs, the supervisor shall orient staff of their responsibility to immediately report all incidents regarding injuries resulting from the act of an inmate and to complete the **Employee Incident Report (Attachment 26-A)** and ensure all safety and security policies are followed.

## F. Responsibilities After the Incident Occurs

### 1. Employee

The employee shall ensure the following:

- a. immediately report **any and all incidents/injuries to a supervisor**;
- b. seek medical treatment, if necessary, from an approved **panel provider**;
- c. complete an **Employee Incident Report** available from the Human Resource Office and return it to the supervisor as soon as possible;
- d. **complete the Notification to Employees of Their Rights Under the Workers Compensation Act (Attachment 26-B) and Commonwealth Employee Workers Compensation Information (Attachment 26-C). Retain a copy of each and provide a copy of each to the supervisor;**
- e. **if treated by medical staff in the infirmary, have a DC-457, Medical Incident/Injury Report completed;**
- f. provide the field Human Resource Office with a **Physician/Practitioners' Certificate (Attachment 26-D) and the Employee Duty Status Report (Attachment 26-E)** to support claim for benefits. **A Physician/Practitioner must sign the forms. A signed Physician/Practitioners' Certificate and the Employee Duty Status Report** must be provided **every 30 days or** upon request; and
- g. cooperate with all requests for information from the Department's Human Resources staff and third party administrator.

### 2. Supervisor

The supervisor shall ensure the following:

- a. ensure that appropriate medical treatment for the injured employee is provided, if necessary;

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- b. accompany the injured employee to the medical facility if necessary;
  - c. thoroughly investigate incident, acquire **Witness Statements (Attachment 26-F)**, complete and submit the electronic **Workers' Compensation Claim Report (Attachment 26-G)** via SAP or hardcopy and prepare any written reports as necessary;
  - d. **ensure that the employee has completed all required documentation, if appropriate;**
  - e. submit the completed **Employee Incident Report, Notification to Employees of their Rights Under the Workers Compensation Act, Commonwealth Employee Workers Compensation Information, DC-457, Physician/Practitioners' Certificate, Employee Duty Status Report, Witness Statements, and Workers' Compensation Claim Report** to the appropriate Field Human Resource employee within 24 hours of the incident; and
  - f. **notify the Human Resources Office immediately when an employee returns to work.**

3. Field Human Resource Office

The Field Human Resource Office shall ensure the following:

- a. ensure that the required documents are completed and signed by the claimant and supervisor respectively;
- b. submit all related documentation, forms and information to the Workers' Compensation third party administrator if medical treatment is sought;
- c. forward claims and all documentation to the Employee Services Section for all new cases and all recurrences;
- d. report deaths immediately to the Facility Manager/designee, Secretary/designee, the BHR, and to the Commonwealth's third party administrator; and
- e. **notify the Employee Services Coordinator/designee and the Commonwealth's third party administrator immediately when an employee returns to work.**

4. Employee Services Coordinator

The Employee Services Coordinator's Office shall ensure the following:

- a. review each new claim and approve or disapprove the **claim**;
- b. review any recurrence and approve or disapprove the **claim**;

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- c. **for non H-1 Bargaining Unit employees**, provide written decision to the employee with explanation of appeal rights if applicable **using the Heart and Lung Approval Letter (Attachment 26-H) or the Heart and Lung Denial Letter for Non H-1 employees (Attachment 26-I)**;
  - d. **for H-1 Bargaining Unit employees**, provide written decision with explanation of appeal rights **using the Heart and Lung Approval Letter or the Heart and Lung Denial Letter for H-1 employees (Attachment 26-J) and provide the employee with an H-1 Bargaining Unit 632/534/Heart and Lung Arbitration Appeal Form (Attachment 26-K)**;
  - e. monitor active claims by requesting medical updates from claimant's physician, requesting Independent Medical Examinations and corresponding with the claimant;
  - f. forward **claims** to the Office of Chief Counsel when the **claim is**:
    - (1) **denied and employee files a timely appeal;**
    - (2) **approved but the disability appears to be no longer compensable; and**
    - (3) **approved and the employee fails to provide medical documentation and/or fails to attend a medical examination scheduled by the Department or a third party administrator.**
  - g. **for H-1 Bargaining Unit employees**, request a hearing in conjunction with the Office of Chief Counsel, to resolve disputes over benefits or to terminate benefits as appropriate using the Commonwealth's Petition for a Hearing before the Heart and Lung Arbitration Panel (Attachment 26-L).
5. Office of Chief Counsel

The Office of Chief Counsel shall ensure the following:

- a. receive and review **claims from the Employee Benefits Section**;
- b. **for non-H1 Bargaining Unit employees**, schedule an administrative hearing with a Hearing Examiner to determine eligibility for benefits when claims have been:
  - (1) **denied and employee files a timely appeal;**
  - (2) **approved but the disability appears to be no longer compensable; and**
  - (3) **approved and the employee fails to provide medical documentation and/or fails to attend a medical examination scheduled by the Department or a third party administrator.**
- c. **for H-1 Bargaining Unit employees**:

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- (1) ***request a hearing, in conjunction with the Employee Benefits Section, in accordance with Article 35 of the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and PSCOA when claims have been:***
    - (a) ***denied and an appeal has been filed timely;***
    - (b) ***approved, but the disability appears to no longer be compensable; and***
    - (c) ***approved and the employee fails to provide medical documentation and/or fails to attend a medical examination scheduled by the Department or a third party administrator.***
  - (2) ***represent the Department at hearings held to resolve claim disputes; and***
  - (3) ***review the decisions issued as a result of the hearing and provide implementation information to the appropriate facility.***

6. Secretary/Designee

The Secretary/designee shall ensure the following:

- a. review the report and recommendation of the Hearing Examiner from the administrative hearing and any advice provided by the Legal Services section of the Office of Chief Counsel; and
- b. issue the final adjudication, through the Legal Services Section of the Office of Chief Counsel.

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## Section 27 – Heart and Lung Act

The Act of June 28, 1935, P.L. 477, as amended, Title 53 P.S. §637, known as the Heart and Lung Act, provides benefits for **employees of the Department whose principal duty is the care, custody, and control of inmates, who are injured in the performance of their duties. On March 15, 2006, the Governor signed Senate Bill 437 into law which expanded the eligibility of Heart & Lung Benefits to all Age 50 Retirement eligible employees. This law went into effect on May 15, 2006.** Benefits are payable under the Heart and Lung Act only for injuries which occur in the performance of duties resulting in a temporary inability to perform his/her duties.

### A. Administrative Authority

The Secretary/designee is vested with the authority to determine eligibility for payment of benefits under the Heart and Lung Act.

### B. General Information

1. **An Employee of the Department, whose principal duty is the care, custody, and control of inmates, who is injured in the performance of his/her duties, and by reason thereof is temporarily incapacitated from performing his/her duties, shall be paid by the Commonwealth of Pennsylvania, his/her full rate of salary, until the disability arising therefrom has ceased.**
2. In the case of Corrections Officers employed by the Department, whose principal duty is the care, custody, and control of inmates, who have served for four consecutive years or longer, diseases of the heart and tuberculosis of the respiratory system, contracted or incurred by any of them after four years of continuous service as such, and caused by extreme overexertion in times of stress or danger or by exposure to heat, smoke, fumes, or gases, arising directly out of the employment of any such, shall be compensable in accordance with the terms hereof. **It shall be presumed that tuberculosis of the respiratory system contracted or incurred after four consecutive years of service was contracted or incurred as a direct result of employment.**

### C. Benefits

1. **Primary benefits shall include the following:**
  - a. full rate of salary shall continue until the disability arising therefrom has ceased or until the disability is no longer temporary; and
  - b. all reasonable and necessary medical and hospital expenses [such expenses shall be paid by the Commonwealth's third party administrator pursuant to the Worker's Compensation Act].

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2. Additional Benefits shall include the following:
    - a. all scheduled pay raises and increments;
    - b. leave accrual during the period of disability. However, all leave accrued in excess of carry over allowance shall be removed in accordance with **Management Directive 505.7, Collective Bargaining Agreement and the Personnel Rules;**
    - c. ***holiday absences for H-1 bargaining unit employees only will not be deducted from the employees' Holiday Absence Quotas during the period of disability. Employees may schedule holiday absences and/or request compensation for such holiday absences in accordance with Management Directive 505.7;***
    - d. ***seniority rights per Collective Bargaining Agreement and the Personnel Rules;***
    - e. ***medical/hospital and group life insurance;***
    - f. ***supplemental benefits (vision, hearing, and dental);***
    - g. ***retirement credits; and***
    - h. ***clothing allowance for H-1 Bargaining Unit employees.***
      - (1) ***In accordance with the January 3, 2007, pre-arbitration settlement between the Commonwealth and the Pennsylvania State Corrections Officers Association (PSCOA), an employee on approved Heart and Lung (and subsequently added Act 632) disability leave shall receive payment for clothing allowance.***
      - (2) ***The employee shall receive full allowance if in compensable status for less than 200 days in the fiscal year where the initial injury occurred provided he/she was awarded Act 632 and/or Heart and Lung leave. The employee shall receive pro-rata share of the allowance for subsequent fiscal years if he/she is in compensable status less than 200 working days for any reason, including Act 632 and/or Heart and Lung leave.***
      - (3) ***The employee shall receive full allowance if in compensable status more than 200 working days in the fiscal year where the initial injury occurred, despite the Heart and Lung (Act 632) leave. In the fiscal year immediately following the year of the qualifying injury if the employee is in compensable status for less than 200 working days due to the Heart and Lung (Act 632) leave, he/she shall receive the full amount of the contractually defined clothing allowance. For the third and subsequent fiscal years where the employee is in compensable status for less than 200 working days the employee would receive the pro-rata share of the allowance.***

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## D. Claims Review

1. The Act applies to “injuries” in the performance of duties that result in temporary incapacities. “Injuries” are classified under the Act as either occupational injuries or work-related diseases of the heart and/or tuberculosis of the respiratory system.
2. All claims not subject to **Subsection D.3. below** must be reviewed and approved/denied in writing by the facility Field Human Resources Officer.
3. All claims for disabilities related to ***injuries at the hands of an inmate and*** disabilities related to the heart and/or tuberculosis of the respiratory system must be submitted to the Employee Services Coordinator at the Bureau of Human Resources (BHR) for review and determination in accordance with the Heart & Lung Act.
4. Pending the determination on all Heart and Lung claims, the employee shall be placed on appropriate leave. If no paid leave is available, the employee shall be placed in a leave without pay status. After a final decision is made on a claim, adjustments shall be made to leave records as necessary. In no case shall an employee receive more than his/her gross salary.
5. During the initial review, if it appears that the claim is not compensable under the Heart and Lung Act, ***the Field Human Resource Officer shall deny the claim. The claimant shall receive written notice of denial and of his/her appeal rights using either the Heart and Lung Denial Letter for non H-1 employees (refer to Attachment 26-J) or the H-1 Heart and Lung Denial Letter (refer to Attachment 26-K) (the H-1 Bargaining Unit 632/534/Heart and Lung Arbitration Appeal Form (refer to Attachment 26-L) must be attached to the H-1 Heart and Lung Denial Letter only). If the claim is approved the employee must be sent a Heart and Lung Approval Letter (refer to Attachment 26-I).***
6. If at any time it appears that the disability is no longer compensable or the disability exceeds **six** months, the claim shall be forwarded to the Employee Services Section for review and possible action.
7. ***When inmate related injuries become permanent, an employee must apply for Act 632 benefits, This is completed by submitting a letter to the BHR. If approved, the employee shall be awarded Act 632 benefits and placed at the salary he/she was receiving on the date of the injury.***

## E. Administration/Responsibilities

1. Before the incident/injury occurs
  - a. Before the incident/injury occurs, the employee shall:
    - (1) ***follow all safety rules, policies, and orders;***
    - (2) ***complete first aid and CPR training, if mandated; and***



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- (3) **report all potential safety/security problems to the supervisor and/or Fire Safety Manager.**
- b. Before the incident/injury occurs, the supervisor shall:
    - (1) **orient staff regarding their responsibility to immediately report all incidents and injuries and to complete the Employee Incident Report (refer to Attachment 26-A); and**
    - (2) **ensure all safety rules and policies are followed.**
2. After the incident/injury occurs
    - a. The employee shall:
      - (1) immediately report any and all incidents/injuries to the supervisor;
      - (2) **seek medical treatment, if necessary, from an approved panel physician for the first 90 days from the first date of treatment,**
      - (3) complete the **Employee Incident Report (refer to Attachment 26-A)** in its entirety, and return it to the supervisor as soon as possible;
      - (4) **complete the Rights and Duties Form (refer to Attachment 26-B) and the Workers Compensation Notification Form (refer to Attachment 26-C), retain a copy of each and provide a copy of each to the supervisor;**
      - (5) **if treated by medical staff in the infirmary, have a DC-457, Medical Incident/Injury Report completed;**
      - (6) **provide the Field Human Resource Office with a Physician/Practitioners' Certificate (refer to Attachment 26-E) and Employee Duty Status Report (refer to Attachment 26-F) to support a claim for Heart and Lung benefits. The Physician/Practitioner's Certificate and Employee Duty Status Report must both be signed by a Physician/Practitioner. These certificates must be provided every 30 days, and upon request; and**
      - (7) **cooperate with all requests for information from the Department's Human Resources staff and third party administrator.**
    - b. The supervisor shall:
      - (1) ensure that appropriate medical treatment is provided for the injured employee if necessary;
      - (2) accompany the injured employee to the medical facility, if necessary;

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- (3) thoroughly investigate the incident, acquire witness statements, prepare a written report as necessary, complete and submit the electronic **Workers' Compensation Claim Report (refer to Attachment 26-H)** via SAP or hard copy;
  - (4) **ensure that the employee has completed all of the required documentation, if appropriate;**
  - (5) **submit copies of the completed Employee Incident Report, Rights and Duties Form, Workers Compensation Notification Form, DC-457, Physician/Practitioner's Certificate, Employee Duty status Report, and the Workers Compensation Claim Report to the field Human Resource Office within 24 hours of the incident; and**
  - (6) **notify the Human Resource Office when an employee returns to work.**
- c. The Field Human Resource Officer/designee shall:
- (1) **ensure that the appropriate documents are completed and signed by the employee and supervisor;**
  - (2) **submit all related documentation, forms and information to the Workers' Compensation third party administrator if medical treatment is sought;**
  - (3) **review the required documentation and the medical documentation to determine if the incident/injury is compensable under the Heart and Lung Act (unless the injury is at the hands of an inmate, heart disease, or tuberculosis then refer to Subsection E.c.(8) below);**
  - (4) **for a non H-1 bargaining unit employee, provide written decision of an approval using the Heart and Lung Approval Letter and for a denial using the Heart and Lung Denial Letter which provides written notification of the appeal process;**
  - (5) **for a H-1 bargaining unit employee, provide a written decision of an approval using the Heart and Lung Approval Letter and a written decision of denial using the H-1 Heart and Lung Denial Letter attaching a H-1 Bargaining Unit 632/534/Heart and Lung Arbitration Appeal Form to the denial letter;**
  - (6) **request and review an updated Physician/Practitioner's Certificate and Employee Duty Status Form every 30 days or as otherwise noted;**
  - (7) **forward all documentation to the Employee Services Coordinator at the BHR when the employee has been out on Heart and Lung Act benefits for a period of six months or if the disability appears to be permanent or no longer compensable for any reason;**

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- (8) **forward the claim to the Employee Service Coordinator at the BHR when the claim is related to an injury at the hands of an inmate, the heart, or tuberculosis of the respiratory system. The packet shall include the following:**
    - a. **a copy of the Workers' Compensation Claim Report, Employee Incident Report, Physicians/Practitioner's Report, and Employee Duty Status Report;**
    - b. **copies of all related correspondence;**
    - c. **a copy of the facility investigation report;**
    - d. **a recommendation from the Field Human Resources Officer;**
    - e. **copies of all medical reports; and**
    - f. **any other relevant documentation or information.**
  - (9) **inform employees who are terminated or separated from employment while receiving Heart and Lung benefits that they will no longer receive Heart and Lung benefits; and**
  - (10) **notify the Employee Services Coordinator and Comp Services when an employee returns to work.**
- d. The Employee Services Coordinator/designee shall:
- (1) review all Heart and Lung Act claims and contact the Field Human Resource Office for more information when necessary;
  - (2) monitor all claims, which are over six months in duration, by requesting updated medical documentation and corresponding with the employee;
  - (3) forward the case to the Office of Chief Counsel **in the following circumstances:**
    - (a) **denied and an employee files a timely appeal;**
    - (b) **approved but the disability appears to be no longer compensable; or**
    - (c) **approved and the employee fails to provide medical documentation and/or fails to attend a medical examination scheduled by the Department or a third party claims administrator.**
  - (4) **For a H-1 bargaining unit employee, request a hearing, in conjunction with the Office of Chief Counsel, to resolve disputes over Heart & Lung Act benefits or to terminate Heart and Lung Act benefits as appropriate using**

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***the Commonwealth's Petition for a Hearing before the Heart and Lung Arbitration Panel.***

- e. The Office of Chief Counsel shall:
- (1) receive and review cases;
  - (2) ***for a non-H-1 bargaining unit employee, schedule an administrative hearing to determine eligibility for Heart and Lung Act benefits when benefits have been:***
    - (a) ***denied and an employee files a timely appeal;***
    - (b) ***approved but the disability appears to be no longer compensable; or***
    - (c) ***approved and the employee fails to provide medical documentation and/or fails to attend a medical examination scheduled by the Department or a third party claims administrator.***
  - (3) ***for a H-1 bargaining unit employee:***
    - (a) ***request a hearing, in conjunction with the Employee Benefits Section, in accordance with Article 35 of the Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the Pennsylvania State Corrections Officers Association when claims have been:***
      - i. ***denied and an appeal has been timely filed;***
      - ii. ***approved, but the disability appears to be no longer compensable; and***
      - iii. ***approved and the employee fails to provide medical documentation and/or fails to attend a medical examination scheduled by the Department or third party administrator.***
    - (b) ***represent the Department at hearings held to resolve Heart and Lung Act disputes; and***
    - (c) ***review decisions issued as a result of the hearing and provide implementation information to the appropriate facility.***
- f. The Secretary/designee shall:
- (1) review the report and recommendation of the Hearing Examiner and any advice provided by the Legal Services section of the Office of Chief Counsel for a ***non-H-1 bargaining unit employee***; and

- (2) issue, through the Legal Services section of the Office of Chief Counsel, the final adjudication **for a non-H-1 bargaining unit employee.**

**Section 28 - Workers Compensation and Work Related Injury Leave**

**A. Procedures**

All Department employees who suffer a job related injury are to be provided essential information for the successful operations of Workers' Compensation Insurance and Work Related Injury Leave.<sup>1</sup>

Procedures regarding the administration of Workers' Compensation Insurance and Work Related Injury Leave shall be handled in accordance with P.L. 736, No. 338, the "Pennsylvania Workmen's Compensation Act" of 1915, (Title 77 of the Pennsylvania Consolidated Statutes), the appropriate Collective Bargaining Agreements, and Administrative Manual **M530.2, Workers' Compensation Insurance/Work-Related Injury Leave Administrative Manual**.

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<sup>1</sup> 4-4041

## **Section 29 – Unemployment Compensation**

This section establishes the procedures necessary to carry out the Department's responsibilities under the Commonwealth's Unemployment Compensation Insurance Program. All procedures shall be in accordance with Administrative Manual **530.22, Unemployment Compensation, Non-Covered Employment, Major Non-Tenured Policymaking or Advisory Positions.**

### **A. Administration**

1. To administer the Departments' Unemployment Compensation (UC) Program, the Secretary/designee has delegated authority to the Bureau of Human Resources (BHR), Facility Managers, Field Human Resource Officers (FHRO) and Regional Directors.
2. The BHR has contracted with a Third Party Administrator (TPA) to administer the UC Program and assigns responsibility to the Department's UC Coordinator.
3. The Unemployment Compensation (UC) Coordinator shall:
  - a. serve as the liaison between the Department and the TPA;
  - b. monitor TPA performance and consult timely with Purchasing for contract deficiencies;
  - c. maintain the current Work Location UC Coordinator/FHRO contact list and communicate updates to the TPA; and
  - d. communication all TPA updates/information to the FHRO/Work Location UC Coordinator.
4. The TPA shall:
  - a. respond timely to all correspondence regarding applications for UC benefits by present/former employees or any person filing a UC claim against the Department;
  - b. if requested, represent the Department's case at UC Hearings with Department witness(es);
  - c. request continuance, prepare Department witness(es) for hearing; and
  - d. write and submit appeals when directed by the Department to appeal unfavorable decisions of the UC Referee.
5. The Work Location UC Coordinator shall:
  - a. forward all UC correspondence received at the facility to the TPA;

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- b. respond timely to the TPA for all correspondence regarding UC benefits, supporting documentation and witness identification; and
- c. advise Department UC Coordinators of UC concerns with TPA.

**B. Procedures and Responsibilities**

The following table denotes the responsible party for specific procedures and lists the required actions that must be taken. Actions appear in the order they need to be addressed.

Responsible Party	Action
Department UC Coordinator	Provides weekly separation spreadsheet to the TPA. Provides monthly UC Report to Work Location UC Coordinator and TPA. Responds to TPA UC request for Central Office employees in a timely manner. Provides supporting documentation and identifies witness(es) for Hearings. Advises TPA of Department UC concerns/issues.
Claimant/Employee	Resigns, retires, is furloughed, is dismissed, suspended pending investigation or otherwise terminates employment may or may not apply for UC benefits.
Work Location UC Coordinator	Ensures detail for the <b>UC-1609 (Attachment 29-A)</b> , utilized for separating employees, has current Employer Information, to include: Department of Corrections, Address: C/O TPA/Administrator, Street Address, State, Zip and name of FHRO/Facility/designee. Signs completed <b>UC-1609</b> for separating employees. May answer separating employee's general questions on UC emphasizing the distribution of the <b>UC-1609</b> is standard procedure and does not imply eligibility. Does not counsel employee on UC benefits or eligibility requirements. Neither encourages nor discourages application for benefits.
Local UC Center	Sends UC-45/44/UC forms for completion by employer to the TPA.
TPA	<p>Receives weekly separation spreadsheet from Department UC Coordinator and completes UC forms with provided data. Will contact facility to obtain additional employee separation information and complete UC form(s). Forwards request for pension/retirement information to SERS for completion. Returns completed forms to UC Center in a timely manner to ensure adherence to UC stated Due Date.</p> <p>Maintains library of all UC forms received from UC Center and sent to UC Center for a period of two years post final disposition.</p>



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Work Location UC Coordinator	If UC forms are received at facility from UC Center from Bureau of Employment Security, local office forwards via fax/email to TPA. Responds to TPA request for UC information, provides all supporting documentation regarding employee separation/suspension/pending investigation in a timely manner to ensure adherence to UC stated Due Date. Consults with TPA for direction regarding suspension pending documentation.
Local UC Center	Determines claimant's eligibility for UC based on the reason for separation or low wages. If employer and employee's reason for separation differ significantly, sends forms to the TPA requesting additional information. Notifies the TPA of the determination.
Work Location UC Coordinator	All UC forms received at facility should be faxed/emailed to the TPA. UC forms, maintained by the facility are retained for a period of two years post final disposition.
TPA	Contacts local UC office if a determination is not received within two weeks of the date that the <b>UC-45</b> was returned. Notifies facility and Department UC Coordinator of all unfavorable decisions to begin appeal process if basis for appeal exists.  Requests to know if Work Location UC Coordinator wants to file an appeal. Appeals in writing on all separation determinations made in favor of the claimant if there is a basis for believing claimant is not entitled to UC. The letter of appeal should contain the claimant's name, social security number and date of the decision being appealed if known and reason for the appeal. The letter of appeal should be mailed to the local office within 15 days of the date of the determination.
Work Location UC Coordinator	Advises TPA if an appeal should be filed for unfavorable decisions. Consults with TPA for direction regarding suspension pending documentation and responds to TPA request for decision to file appeal in a timely manner to ensure adherence to UC stated Due Date. May provide additional supporting documents.
TPA	Receives from Local UC Office the <b>UC-46, Petition for Appeal</b> , a notification that the appeal has been filed and that a hearing will be scheduled. Will file timely appeals to UC Center in writing on all separation determinations made in favor of the claimant if there is basis for believing claimant is not entitled to UC benefits. TPA receives <b>UC-46</b> , a notification that an appeal has been filed and that a hearing shall be scheduled and advises the Work Location UC Coordinator.
UC Referee	Sends <b>UC-53, Notice of Hearing</b> to all parties with date, time and location of hearing.

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TPA/Department Legal Counsel	Arranges with Work Location UC Coordinator to provide Department witness(es) and TPA/Department representative at the appeal hearing. The Department should be represented in person whenever possible. The claimant's former/immediate supervisor or other first-hand witness(es) when appropriate are essential at most hearings. Prepares witness(es) in advance for hearing. Explains the purpose and the format of the hearing to witness(es). Discusses with witness(es) the pertinent facts that should be highlighted at the hearing. A review of the information submitted on and with the <b>UC-45</b> to UC Center may be helpful to witness(es) and supervisors. Department Legal Counsel is sometimes advisable at the hearing.
Work Location UC Coordinator	Provides witness contact information to TPA. Advises TPA if witness(es) is/are available in person or by telephone; may also request TPA to ask for a continuance if witness(es) is/are not available. Advises witness(es) of TPA witness preparation process. Consults with Department UC Coordinator to determine if Department Legal Counsel is advisable at the hearing.
TPA/Department Legal Counsel	Meets with witness(es) prior to hearing to review case and counsel witness(es). Presents the facts of the case in a clear concise and logical manner. Has available supporting documentation.
UC Referee	Hears both parties and cross-examines as necessary. Failure of the appellant/Department, who has been properly notified to appear at the Hearing, may result in default. Sends a copy of the Referee decision/Order ( <b>UC-59</b> ) to the TPA/facility.
TPA/Department Legal Counsel	Contact UC Coordinator to advise of Appeal. May appeal Referee's decision to UC Board of Review within 15 days of mailing date of Referee Decision/Order if requested by UC Coordinator.
Work Location UC Coordinator/BHR/Department Legal Counsel	Work Location UC Coordinator in consult with Department UC Coordinator/Department Legal Counsel decides to continue with Hearing/Appeals beyond Board of Review to conclusion of case. May ultimately result in hearing before Commonwealth Court.
Department UC Coordinator	Forwards monthly UC Report and distributes to facility/TPA.
FHRO/Work Location UC Coordinator/Department UC Coordinator	Review monthly UC reports for unsupported charges and notifies TPA to research.
TPA	Receives weekly separation spreadsheet and completes UC forms with provided data. Monitors UC claims processing reports for unsupported charge. TPA will contact UC Center to report unidentified charges. TPA will research unresolved claims that are 90 days or older.

**Section 30 - State Employees Retirement System Regional Field Offices**

**A. Procedures**

All procedures governing the administration of the State Employees Retirement System (SERS) Field Offices shall be in accordance with **Management Directive 570.13, “State Employees Retirement System, Regional Field Offices.”** The SERS field offices shall provide retirement counseling services for all members. The purpose of **Management Directive 570.13** is to provide direction to the Department with regard to retirement and related matters for the State Employee Retirement System (SERS) Regional Counseling Center Program.

## **Section 31 - Job Specifications**

All positions in the Department are under the jurisdiction of the Commonwealth's Classification **and Pay** Plan. All positions are defined and described in written **job** specifications approved by the Governor's Office of Administration and the State Civil Service Commission (for Civil Service positions only), and promulgated by the Executive Board.<sup>1</sup>

### **A. Job Specification Outline**

#### **1. Job Title**

The **official name** of a **job specification** as included in the compensation plan for the Commonwealth. The **job** title is descriptive of the kind of work performed in the position and indicates, where applicable, the relative level of the **job** within the **job** series (Clerk 1, Clerk 2, Clerk 3, etc.). This title is used uniformly for payroll, budgeting, **human resources**, and other administrative purposes, which is commonly referred to as the "payroll title." This title is different from "working titles" which are used for internal administration.

#### **2. Series Nature of Work**

***This portion of the specification will only be utilized if the job is within a job series and will summarize the type of work performed by the job series (clerical, administrative, accounting, etc.).***

#### **3. Definition**

The definition characterizes the kind and level of work that distinguishes the particular **job** from other **jobs**. It may include references to such factors as difficulty of work, independence of actions, consequence of error, work hazards, and supervision received and exercised.

#### **4. Examples of Work**

This portion of the specification lists typical duties of positions in the **job**. They are not intended to be all-inclusive, nor are they intended to restrict the supervisor in the assignment of specific duties and work standards expected of an employee, which are consistent with the concept of the class.

#### **5. Entry Level Knowledge, Skills, and Abilities**

This portion outlines the knowledge, skills, and abilities an applicant is required to possess **at the time of employment**.

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<sup>1</sup> 4-4008

6. **Full Performance Knowledge, Skills, and Abilities**

***This portion outlines the knowledge, skills, and abilities expected of an employee performing the work of this job at the full performance level.***

7. Minimum Experience and Training

This portion of the specification states the experience and training requirements necessary to adequately perform the duties of the position. An equivalency clause provides for related applicable training and experience. Applicants must possess the stated qualifications as a prerequisite for appointment and promotion to that position and/or have taken a Civil Service examination.

8. Special Requirements

This section ***lists*** any required licensing or other unique qualifications for appointment. ***The special requirement may be required for all positions or certain positions in a job and may be required upon employment or within a specific time period after employment.***

## Section 32 – Decentralized Classification and Classification Post Audit

### A. Responsibilities

1. Field Human Resource Officers

Field Human Resource Officers (**FHROs**) shall have the authority to approve reclassifications of positions as long as both titles are in the same **job** series and have a {1} designation in the “Decentralized Class” field on the Department’s Class Code List.

2. Bureau of Human Resources

- a. Position actions involving titles with a {1} designation in the “Decentralized Class” field but in different series (i.e., Corrections Counselor 2 to Drug & Alcohol Treatment Specialist 2) require approval by the **Bureau of Human Resources** (BHR) through the Facility Manager.
- b. Position actions involving any job with a {2} designation in the “Decentralized Class” field requires approval by the BHR through the Facility Manager.
- c. Position actions involving any job with a {3} designation in the “Decentralized Class” field requires approval by the BHR and then by the Office of Administration (OA).

### B. Process

1. **All reclassification actions shall be documented through a Reclass/Reallocate Electronic Personnel Action Request (EPAR) and require documentation including an updated position description with essential functions, organization chart, and a technical analysis report. Actions submitted to BHR must be approved by the Facility Manager.**
2. **The technical analysis report should be completed by the Field Human Resource Office staff. Reviews of filled positions should include a desk audit and supervisory review.**
3. Reclassification actions should be processed in accordance with **Management Directive 520.6, Position Classification**, and **520.8, Pay Action Effective Dates for Changes to Position Classifications** and the **Commonwealth’s Classification and Compensation Plan**.
4. Post audits shall be conducted of decentralized reclassification actions taken by **FHROs** in accordance with **Management Directive 520.4, Position Classification Post-Audits**.
5. Any facility found not in compliance with the decentralized classification program requirements may lose decentralized classification authority.

## **Section 33 - Position Classification Components of Supervisory Jobs**

Employees in supervisory positions have a primary duty to direct the work of other employees.

### **A. Supervisory Job Duties**

The following are some examples of supervisory duties:

1. plans, organizes, and assigns work; determines work priorities; sets goals and objectives; reviews and evaluates work performance;
2. determines or interprets work procedures; plans and adjusts work flow;
3. coordinates work of unit with other units;
4. interprets rules, regulations, policies, standards, and objectives of the organization or program to subordinates;
5. interviews and ranks prospective employees and recommends employee selection;
6. initiates and recommends corrective disciplinary action for misconduct by employees;
7. interprets contractual language as to administrative rights and obligations of the employer;
8. receives grievances and complaints, conducts initial investigation into causes and conditions, and resolves or recommends resolution to grievance or complaint;
9. approves and schedules leave and authorizes or assigns overtime;
10. plans and conducts training; demonstrates more efficient work methods; and arranges for training courses; and
11. **completes Employee Performance Review (EPR).**

## Section 34 – Classification Maintenance Review

### A. General

1. The Department is committed to ensuring the maintenance of equitable, fair, and accurate position classifications as prescribed by job specifications adopted by the Executive Board.
2. As required by **Management Directive 520.4, Position Classification Post-Audits**, agencies are responsible for reviewing 25% of their positions on an annual basis, to ensure that every position is reviewed on a four year cycle. Agency compliance is subject to post audit by the Governor's Office of Administration.
3. All completed technical analysis reports can be counted toward the 25% requirement including reclassification requests for filled and vacant positions, classification reviews performed before posting vacancies, and classification grievance reviews.

**NOTE:** Corrections Officer (**CO**) Trainee, CO 1, and CO 2 positions are not subject to Classification Maintenance Review. All other positions, both centralized and decentralized, are subject to this policy.

### B. Responsibilities

1. Field Human Resource Office

The Field Human Resource Officer (**FHRO**) shall:

- a. determine how many classification reviews are needed each year to meet the requirement by calculating 25% of the salaried complement minus CO Trainee, CO 1, and CO 2 **positions**;
- b. identify positions that have not been reviewed in the last four years and target those for review throughout the year to supplement reviews performed as the result of reclassification requests, postings, and grievances;
- c. ensure all reviews include an updated online position description with technical analysis **report** including allocation criteria and rationale used to determine current classification;
- d. conduct desk audits as necessary to resolve discrepancies and contact the Classification and Recruitment Section for assistance in determining the proper classification; and
- e. update Classification Review Data in SAP using PO13/Detail Position Attribute after each review.



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2. Bureau of Human Resources (BHR)

The Classification and Recruitment Section, Workforce Management Division shall:

- a. fulfill the responsibilities in **Subsection B.1. above** for Central Office positions;
- b. run PO13 Classification Review Data queries at the conclusion of each fiscal year to determine how many classification reviews were performed by each facility;
- c. determine if each facility has met its 25% requirement and is targeting positions not reviewed in the last four years;
- d. review a sample of technical evaluations performed in the prior year for accuracy and completeness; and
- e. provide each FHRO with annual feedback regarding its management of classification reviews.

## **Section 35 – Online Position Descriptions**

### **A. Communication of Online Position Description**

Each employee, current or prospective, shall be informed of the nature of work and the duties **he/she** is expected to perform in his/her assigned position. This shall be communicated by verbal discussion and the completion of an Online Position Description (**PD**) Form. A supervisor shall review each **PD** at least annually and revise the **PD** as necessary.<sup>1</sup>

### **B. Position Description Reviews**

A **PD** is reviewed for the following reasons:

1. when a new employee begins with the Department;
2. when conducting an annual Employee Performance Review (EPR);
3. when a current employee is transferred into a new position within the Department;
4. when an employee requests a classification review;
5. when **a manager** or Human Resource Officer requests a classification review of a filled or vacant position;
6. to identify duties of a new position **or current position**;
7. prior to posting a vacant position;
8. when the Bureau of Human Resources (BHR) conducts a classification review of an individual position or group of related positions; or
9. when the duties of a particular position change substantially and necessitates a review.

### **C. Completion of Online Position Description Forms**

1. Supervisor

The supervisor's responsibilities shall include, but not be limited to, the following:

- a. ensure each **position (filled or vacant)**, under his/her supervision has a complete, current, and active Online **PD**;

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<sup>1</sup> 1-CTA-1C-01, 4-ACRS-7E-08

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- b. complete the Online **PD** by accessing the Online **PD** application at <http://www.occup.state.pa.us>;
- c. provide comments in the comments field, which will be forwarded to the employee or reviewing officer via the email notification;
- d. submit the completed Online **PD** for review by the employee or reviewing officer;
- e. if an employee does not have email access, select “If your employee does not have access to email, [click here.](#)” and
  - (1) route the electronic version through the reviewing officer;
  - (2) print a paper copy for review by the employee;
  - (3) ensure the employee acknowledges the **PD**; and
  - (4) **retain a signed copy of the PD in the employee’s Supervisory File.**
- f. complete an Online **PD** for a new employee within two weeks of his/her start date, or immediately upon return to the Facility/Bureau if the employee reported directly to Basic Training; and
- g. access additional Online **PD** reference material **by going to**: DOCNet; Bureaus/**Offices**; Human Resources; Online **PDs**.

2. Employee

The employee’s responsibilities, shall include, but not be limited to, the following:

- a. upon receiving an email notification, click on the link provided in the email, or log onto the Employee Logon page of the **PD** Data Collection website at <http://www.occup.state.pa.us/Subordinate> and enter the access code provided in the email;
- b. review the submitted **PD** to ensure that the information is accurate and consistent with the duties being performed;
- c. certify the **PD** after reviewing it, by entering his/her name in the employee’s acknowledgement field on the Online **PD**;
- d. provide comments in the comments field, which will be forwarded to either the supervisor or reviewing officer via the email notification;
- e. choose the appropriate option on the Online **PD** form indicating agreement or acknowledgment of the position description or that he/she wishes to discuss the content of the **PD** (**NOTE**: only the supervisor can edit **an Online PD**); and

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- f. if the employee does not have access to an email account, he/she receives a paper copy from the supervisor to review, discuss, and acknowledge.

3. Reviewing Officer

The reviewing officer's responsibilities shall include, but not be limited to, the following:

- a. upon receiving an email notification, click on the link provided in the email, or log onto the Reviewing Officer Logon page of the **PD** Data Collection website at <http://www.occup.state.pa.us/Reviewing%5FOfficer> and enter the access code provided in the email;
- b. review the submitted Online **PD** for accuracy and certify the **PD** by entering his/her name in the reviewing officer's acknowledgement field;
- c. provide comments in the comments field that will be forwarded to either the supervisor or Human Resource Office via the email notification;
- d. choose the appropriate option on the Online **PD** form indicating agreement with the **PD** or that he/she wishes to discuss the content of the **PD** (**NOTE**: only the supervisor can edit an Online **PD**); and
- e. submit the Online **PD** to the Human Resource Office by making the appropriate selection and submitting the form.

4. Field Human Resource Officer

The Field Human Resource Officer's (**FHRO**) responsibilities include, but are not limited to, the following:

- a. provide a consultation on the preparation of **PDs**;
- b. ensure the duties and responsibilities listed on the **PDs** are consistent with the employee's current classification;
- c. review the email notification sent by the reviewing officer and click on the link provided in the email or log onto the Human Resource Logon Page at: [http://www.occup.state.pa.us/HR\\_Office/](http://www.occup.state.pa.us/HR_Office/);
- d. ensure that paper copies of **PDs** are reviewed for accuracy, appropriateness of duties, appropriate signatures, and have a current, complete, and accurate Online **PD**; and
- e. provide a brief technical analysis of the position in the appropriate field on the Online **PD** if the position warrants a formal classification review; and ensure the classification review date is input in SAP on the PO13 "Maintain Position" screen in the infotype "Detailed Position Attribute."

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5. Bureau of Human Resources

The BHR's responsibilities shall include, but not be limited to, the following:

- a. follow the above guidelines under "Field Human Resource Officer" for all Central Office Bureaus' employees;
- b. provide technical support to the **FHRO** on the preparation of **PDs**; and
- c. review **PDs** submitted from the **FHRO** for proper classification and take appropriate action, if necessary.

6. Maintaining Position Descriptions

- a. A current, complete, and active Online **PD** must be maintained for each employee or vacant position.
- b. A signed paper copy must be maintained in the **Supervisory File**.
- c. **PDs** are to be reviewed in conjunction with the yearly EPR.

**Section 36 – Non-Corrections Officer Trainee (COT) Pre-Employment Medical Screenings**

This section provides procedural guidelines for pre-employment medical screenings for positions other than COTs specifically, facility non-COT job titles with responsibility for care, custody, and control; facility food service positions; facility non-COT positions without responsibility for care, custody, and control; central office positions with frequent inmate contact; and central office positions with limited or no inmate contact. Conditional offers of employment should include information regarding the pre-employment medical screening that is appropriate to the candidate’s job title.<sup>1</sup>

**A. Facility Non-COT Positions with Care, Custody, and Control Responsibilities (i.e., Age 50/55 Retirement)**

Candidates receiving a conditional offer of employment will **receive** pre-employment medical screenings for Tuberculosis, Varicella (Chicken Pox), and Hepatitis C. These medical screenings will be conducted, reviewed, and the records retained within the hiring facility’s Medical Department.

Responsibilities	Actions
Field Human Resource Office (FHRO)	1. After selection and preliminary background investigation has been completed, schedule candidates for pre-employment medical screenings with the facility’s Medical Department. Complete the non-medical portions of the <b>Facility Non-COT Positions with Care, Custody, and Control Responsibilities (Age 50/55) Form (Attachment 36-A)</b> .
Facility Medical Department	2. At initial appointment, perform first Tuberculin Skin Test and schedule candidate for second Tuberculin Skin Test; perform Hepatitis C screening; and <b>obtain verbal confirmation</b> of Varicella (Chicken Pox) immunity. Complete the medical portions of the <b>Facility Non-COT Positions with Care, Custody, and Control Responsibilities (Age 50/55) Form</b> .
	3. Candidates with a positive Tuberculin Skin Test must provide a physician certification that active Tuberculosis is not present, including a report of a chest x-ray. If candidate provides this information, proceed to Step 5.

<sup>1</sup> 4-4062

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	Candidates who have not had the Varicella infection or Varicella immunization must provide physician certification of immunization or serologic immunity.
	4. At second appointment, perform final Tuberculin Skin Test. (See Step 3 if test is positive.)
	5. Notify FHRO of screening results.
	6. Retain screening records in a secure location within the Medical Department.

**B. Facility Food Service Instructors, Supervisors, and Managers<sup>2</sup>**

Candidates receiving a conditional offer of employment will receive pre-employment medical screenings for Tuberculosis, Varicella (Chicken Pox), and Hepatitis C. In addition to these screenings, a Conditional Employee and Food Employee Interview Form (available on DOCNet) will also be completed. These medical screenings will be conducted, reviewed, and the records retained within the hiring facility’s Medical Department.

<b>Responsibilities</b>	<b>Actions</b>
FHRO	1. After selection and preliminary background investigation has been completed, schedule candidates for pre-employment medical screenings with the facility’s Medical Department. Complete the non-medical portions of the <b>Facility Food Service Positions (Food Service Instructors, Supervisors, and Managers) Form (Attachment 36-B)</b> .
Facility Medical Department	2. At initial appointment, perform first Tuberculin Skin Test and schedule candidate for second Tuberculin Skin Test; perform Hepatitis C screening; and <b>obtain verbal confirmation</b> of Varicella (Chicken Pox) immunity. Additionally, <b>review</b> completed Conditional Employee and Food Employee Interview Form provided by the Bureau of Health Care Services (BHCS), Food Service Division (FSD). Complete medical portions of the <b>Facility Food Service Positions (Food Service Instructors, Supervisors, and Managers) Form</b> .

<sup>2</sup> 4-4322

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	<p>3. Candidates with a positive Tuberculin Skin Test must provide a physician certification that active Tuberculosis is not present, including a report of a chest x-ray. If candidate provides this information, proceed to Step 5.</p> <p>Candidates who have not had the Varicella infection or Varicella immunization must provide physician certification of immunization or serologic immunity.</p> <p>Candidates with evidence of symptoms or exposure covered on the Conditional Employee and Food Employee Interview Form should be handled according to the information on the Decision Trees and Tables provided by the BHCS, FSD.</p>
	<p>4. At second appointment, perform final Tuberculin Skin Test. (See Step 3 if test is positive.)</p>
	<p>5. Notify FHRO of screening results.</p>
	<p>6. Retain screening records in secure location within the Medical Department.</p>

**C. Facility Non-COT Positions without Care, Custody, and Control Responsibilities (i.e., Age 60/65 Retirement)**

Candidates receiving a conditional offer of employment will receive pre-employment medical screenings for Tuberculosis and Varicella (Chicken Pox). These medical screenings will be conducted, reviewed, and the records retained within the hiring facility’s Medical Department.

<b>Responsibilities</b>	<b>Actions</b>
FHRO	<p>1. After selection and preliminary background investigation has been completed, schedule candidates for pre-employment medical screenings with the facility’s Medical Department. Complete the non-medical portions of the <b>Facility Non-COT Positions without Care, Custody, and Control Responsibilities (Age 60/65) Form (Attachment 36-C)</b>.</p>



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Facility Medical Department	2. At initial appointment, perform first Tuberculin Skin Test and schedule candidate for second Tuberculin Skin Test. <b>Obtain verbal confirmation</b> of Varicella (Chicken Pox) immunity. Complete medical portions of the <b>Facility Non-COT Positions without Care, Custody, and Control Responsibilities (Age 60/65) Form.</b>
	3. Candidates with a positive Tuberculin Skin Test must provide a physician certification that active Tuberculosis is not present, including a report of a chest x-ray. If candidate provides this information, proceed to Step 5.  Candidates who have not had the Varicella infection or Varicella immunization must provide physician certification of immunization or serologic immunity.
	4. At second appointment, perform final Tuberculin Skin Test. (See Step 3 if test is positive.)
	5. Notify FHRO of screening results.
	6. Retain screening records in secure location within the Medical Department.

**D. Central Office Positions with Frequent Inmate Contact Responsibilities**

Candidates receiving a conditional offer of employment for a position which the Bureau/Office Director has determined, will have frequent inmate contact responsibilities, will receive pre-employment medical screenings for Tuberculosis, Varicella (Chicken Pox), and Hepatitis C. The Varicella, Hepatitis C, **and Tuberculosis** screenings will be conducted and reviewed by the State Correctional Institution (SCI) at Camp Hill’s Medical Department. All records will be retained within the **SCI Camp Hill’s Medical Department.**

<b>Responsibilities</b>	<b>Actions</b>
Bureau of Human Resources (BHR)	1. After selection, schedule candidates for pre-employment medical screenings with SCI Camp Hill’s Medical Department. Complete the non-medical portions of the <b>Facility Non-COT Positions with Care, Custody, and Control Responsibilities (Age 50/55) Form.</b>

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SCI Camp Hill's Medical Department	2. At <b>initial</b> appointment, perform <b>first Tuberculin Skin Test and schedule candidate for second Tuberculin Skin Test; perform</b> Hepatitis C screening, and <b>obtain verbal confirmation</b> of Varicella (Chicken Pox) immunity. Complete medical portions of the <b>Facility Non-COT Positions with Care, Custody, and Control Responsibilities (Age 50/55) Form.</b>
	3. Candidates with a positive Tuberculin Skin Test must provide a physician certification that active Tuberculosis is not present, including a report of a chest x-ray. If candidate provides this information, proceed to Step 5.  Candidates who have not had the Varicella infection or Varicella immunization must provide physician certification of immunization or serologic immunity.
	4. At <b>second</b> appointment, perform <b>final</b> Tuberculin Skin Test. (See Step 3 if test is positive.)
	5. Notify BHR of screening results.
	6. Retain screening records in secure location within the <b>Medical Department.</b>

**E. Central Office Positions with Limited or No Inmate Contact**

Candidates receiving a conditional offer of employment for a position which the Bureau/Office Director has determined will have limited or no inmate contact are not required to undergo a medical screening.

## Section 37 – Employment/Salary Verifications for Outside Entities

### A. Employment/Salary Verifications

#### 1. General

Requests for employment/salary verifications from non-Commonwealth entities for Department employees **will** be processed through “The Work Number for Everyone,” serviced by the TALX Corporation in accordance with **Management Directive 505.18 Amended, “Maintenance, Access, and Release of Employee Information.”** The TALX Corporation provides this service for agencies under the Governor’s jurisdiction to answer questions from both employees and lenders/verifiers for such activities as mortgage applications, reference checks, loan applications, and apartment leases or other such requests requiring proof of employment. Information is available through a touchtone phone or via the website to verifiers, immediately upon request, and **will** be conducted in the manner listed below.

#### 2. Responsibilities

##### a. The Bureau of Human Resources (BHR) **will**:

- (1) designate a TALX Coordinator to receive employment/salary verification requests for central office employees and assist field human resource office designees with questions; and
- (2) the TALX Coordinator **will**:
  - (a) respond to requests by sending the requester the **Employment/Salary Verifications for Verifiers/Lenders (Attachment 37-A)** or the **Employment/Salary Verifications for Employees (Attachment 37-B)** which refers them to “The Work Number;”
  - (b) not furnish employee social security numbers to lenders/verifiers; and
  - (c) not utilize SAP or other tool to provide employment/salary information to lenders/verifiers.

##### b. The Field Human Resource Offices **will**:

- (1) receive and respond to requests for employment/salary verifications for employees at their respective facility by sending the requester the **Employment/Salary Verifications for Verifiers/Lenders** or the **Employment/Salary Verifications for Employees** which refers them to “The Work Number;”
- (2) not furnish employee social security numbers to lenders/verifiers;

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- (3) not utilize SAP or other tool to provide employment/salary information to lenders/verifiers; and
  - (4) contact the BHR TALX Coordinator with any questions.
- c. Supervisors/Managers **will**:
- (1) instruct employees to utilize “The Work Number;”
  - (2) not personally respond to employment/salary verification requests and instead refer all verifier/lender and employee requests to their human resource office;
  - (3) not furnish employee social security numbers to lenders/verifiers; and
  - (4) not utilize SAP or other tool to provide employment information to lenders/verifiers.
- d. Employees **will**:
- (1) refer lenders/verifiers directly to “The Work Number” as explained in the **Employment/Salary Verifications for Employees**; and
  - (2) provide required information as outlined in the **Employment/Salary Verifications for Employees** to the verifier/lender.

**B. Prison Rape Elimination Act (PREA) Verifications**

**1. General**

***Requests for PREA verifications from Commonwealth and non-Commonwealth entities for current or former Department employees will be processed by the human resource office at the facility where the employee is/was last employed. Requests for employees from closed facilities will be forwarded to the BHR, Workforce Management Division for processing.***

**2. Responsibilities**

- a. ***The Facility Human Resource Office will designate a PREA Employment Verification Coordinator to receive and respond to PREA verification requests.***
- b. ***The PREA Employment Verification Coordinator will:***
  - (1) ***respond to requests by researching the employees’ Official Personnel File for disciplinary actions relating to PREA and contacting the facility’s Security Office for any additional relevant information;***
  - (2) ***record the results of the research on the supplied document; and***

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- (3) *return the information to the requester within one week of receiving the request.*

## **Section 38 – Recruitment, Selection, and Placement for Non-Civil Service Positions<sup>1</sup>**

This section provides procedural guidelines for the recruitment, selection, and placement of candidates for non-civil service positions in the Department.

### **A. Guidelines**

1. The Workforce Management Division (WMD), Bureau of Human Resources (BHR), is responsible for developing, publishing, and enforcing recruitment policies and procedures for the Department, and **servicing as a** liaison with the Bureau of State Employment (BSE).
2. The Field Human Resource Officers, Program Directors, and Department Head **will** consult with the WMD before establishing any extensive recruiting efforts. This **will** enable the Division to coordinate statewide recruitment efforts with the BSE for the entire Department.
3. The WMD and Field Human Resource Offices **will** respond to inquiries about non-civil service employment opportunities. Individuals shall be directed to the Commonwealth's employment portal ([www.employment.pa.gov](http://www.employment.pa.gov)) and encouraged to apply through the BSE.
4. All recruiting efforts shall emphasize equal employment opportunity and **will** be monitored by the Equal Employment Opportunity (EEO) Office.

### **B. Responsibilities**

1. **The WMD will:**
  - a. ***maintain a working relationship with all Bureaus/Offices within Central Office and with Field Human Resource Offices;***
  - b. ***serve as a liaison with the BSE; and***
  - c. ***conduct analysis on workforce trends of jobs that have a large impact on the Department's operations.***
2. **Field Human Resource Offices will:**
  - a. ***be familiar with BSE rules regarding selection procedures;***
  - b. ***establish and maintain recruitment contacts with education facilities; professional, veterans, minority, and community organizations; and job centers;***

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<sup>1</sup> 4-4048, 4-ACRS-7B-04, 4-ACRS-7D-27

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- c. **determine and pursue all appropriate sources for recruiting and attracting qualified applicants, while ensuring that all advertisements are reviewed by the WMD prior to publication; and**
- d. **identify jobs for which recruiting has been historically difficult and establish recruitment efforts for these job titles in conjunction with the WMD.**

**C. Procedures<sup>2</sup>**

1. For recruitment and placement information for non-civil service covered positions designated as On-the-Spot-Interview or Blanket Direct Recruitment, refer to **Management Directive 515.10** and the current memos explaining On-the-Spot-Interview, Blanket Direct Recruitment, and Direct Recruitment.
2. The following table outlines the responsibilities and required actions for the recruitment and placement of non-civil service covered positions.

Responsibilities	Step	Action
Field Human Resource Office or Bureau of Community Corrections (BCC) Human Resource Coordinator*	1	Complete furlough checks to determine whether there are furlougees to be considered. If the vacancy is a management position, complete a furlough check on the State Civil Service Commission (SCSC) mainframe and contact the Chief, WMD who will seek approval from BSE to proceed. If the vacancy is a union covered position, complete a furlough check on the SCSC mainframe (AS400) and submit a Furlough Check Template to the BSE. If furlough check results in a furlougee, contact the WMD for guidance.
	2	Post the vacancy according to the appropriate union contract, BSE, and Department policy and procedures.
	3	If the posting resulted in insufficient candidates, enter a request through the NEOGOV computer system for a BSE referral list.
	4	Upon receipt of referral list, contact referrals from BSE in accordance with <b>Management Directive 515.10</b> . Candidates should be provided a copy of the position description and inquire if any special accommodations are necessary to participate in the interview. An applicant requesting a reasonable accommodation should be given a Request for Accommodation Form, in accordance with <b>Section 25</b> of this procedures manual, to complete and return to the interviewer.
	5	If the posting resulted in insufficient candidates and the referral list proves to be inadequate, recruitment assistance should be requested from the WMD.

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<sup>2</sup> 4-4057, 4-ACRS-7D-27

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Field Human Resource Office or BCC Human Resource Coordinator* or Bureau Director/designee	6	Schedule and conduct interviews with eligible candidates and furloughees. Selections and appointments will be made according to the rules and regulations of the BSE, appropriate union contract, and Federal ADA Statutes.
Field Human Resource Office or BCC Human Resource Coordinator*	7	Collect a completed <b>Pennsylvania Department of Corrections Application for Employment (Attachment 38-A)</b> from the selected candidate and review for completeness. Candidates indicating that they have and will maintain supplementary employment will be processed in accordance with <b>Section 58</b> of this procedures manual.
	8	Obtain a completed <b>STD-483, Equal Employment Review Certificate (EERC)</b> for the selected candidate and review for appropriate facility approvals before submitting to the EEO Office for final review and approval. <b>NOTE:</b> Senior level appointments do not require EERC approval.
	9	Submit either a Furlough Clearance Template or Candidate CAR Template, as appropriate, to BSE for approval. If a furlougee is identified, halt the selection process and contact the WMD for further guidance.
	10	Submit a <b>Checklist for Background Check Requests (Attachment 38-B)</b> in accordance with <b>Section 40</b> of this procedures manual and <b>Management Directive 515.15</b> . In addition, complete identification checks and verify the last five years of employment history.
	11	If necessary, submit requests for appointment at a salary above the minimum via a Special Pay Action PAR to the WMD. These requests must be reviewed and approved by the Director, BHR. In accordance with <b>Management Directive 520.9</b> , for management positions, if the requested amount is greater than ten percent of the candidate's current documented salary, the request is submitted to the Office of Administration for final approval. Requests for union covered positions will be sent by the BHR to the Office of Administration for review and to notify and seek concurrence from the union. Managers and supervisors are not authorized to make a commitment or a promise to candidates for actions at a salary above the minimum prior to BHR approval.
	12	If the vacancy is designated as Senior Level, obtain executive staff approval and forward the selected candidate's application materials to the WMD for preparation and submission of the Senior Level Request (SLR) memo to the Office of Administration. <b>NOTE:</b> The Corrections Officer 5 is a Senior Level job title; however a SLR memo is not required, but should still be forwarded to the Chief, WMD for CAR approval.



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Workforce Management Division	13	Prepare the SLR memo for the Secretary’s signature, submit to the Office of Administration for review, and ensure the Field Human Resource Office or BCC Human Resource Coordinator is notified upon receipt of approval.
Field Human Resource Office or BCC Human Resource Coordinator*	14	Schedule the medical screenings with the facility medical department in accordance with <b>Section 36</b> of this procedures manual. <sup>3</sup>
	15	Send the candidate a <b>Conditional Offer of Employment Letter (Attachment 38-C)</b> , including dates for medical screenings. <b>NOTE:</b> Candidates must be able to perform the essential functions of the position with or without a reasonable accommodation. <sup>4</sup>
	16	Ensure that a Request to Fill (RTF) PAR has been submitted and approved.
	17	Upon receiving all necessary approvals, collect the documentation required for employment processing, and submit a Fill A Vacancy (FAV) PAR, two weeks prior to effective date, when possible, to place the candidate in the vacancy.
	18	Upon receipt of completed PAR, review the appointment letter for accuracy prior to distribution. If necessary, reopen PAR to request changes.
	19	Annotate and close the referral request, if needed.
	20	Prepare and send “Thank You Letters” to the non-selected candidates.

\*The Workforce Management Division will perform this action for Central Office positions.

<sup>3</sup> 4-4062

<sup>4</sup> 4-4062

## Section 39 – Recruitment, Selection, Placement, and Reinstatement for Civil Service Positions<sup>1</sup>

This section provides procedural guidelines for the recruitment, selection, placement, and reinstatement of candidates for civil service positions in the Department.<sup>2</sup>

### A. Guidelines

1. The Workforce Management Division (WMD), Bureau of Human Resources (BHR), is responsible for developing, publishing, and enforcing recruitment policies and procedures for the Department, and **servicing as a** liaison with the State Civil Service Commission (SCSC), and Bureau of State Employment (BSE).
2. The Field Human Resource Officers, Program Directors, and Department Heads **will** consult with the WMD before establishing any extensive recruiting efforts. This **will** enable the Division to coordinate statewide recruitment efforts with the SCSC for the entire Department.
3. The WMD and Field Human Resource Offices **will** respond to inquiries about **civil service** employment opportunities. Individuals **will** be directed to the Commonwealth's employment portal ([www.employment.pa.gov](http://www.employment.pa.gov)) and encouraged to **apply through the SCSC**.
4. Probationary appointments **will** be made in accordance with SCSC rules and regulations.
5. Emergency civil service appointments (as defined in **Management Directive 515.3, Classified Service Emergency Appointments**) are not authorized without the prior approval of the WMD.
6. Special recruiting efforts **will** not be conducted for jobs that have viable civil service employment lists.
7. All recruiting efforts **will** emphasize equal employment opportunity and **will** be monitored by the Equal Employment Opportunity (EEO) Office.

### B. Responsibilities

1. **The WMD will:**
  - a. **maintain a working relationship with all Bureaus/Offices within Central Office and with Field Human Resource Offices;**
  - b. **serve as a liaison with the SCSC; and**

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<sup>1</sup> 4-4048, 4-ACRS-7B-04, 4-ACRS-7D-27

<sup>2</sup> 4-4057, 1-CTA-1C-01

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- c. **conduct analysis on workforce trends of jobs that have a large impact on the Department’s operations.**

**2. Field Human Resource Offices will:**

- a. **be familiar with SCSC rules regarding selection procedures;**
- b. **establish and maintain recruitment contacts with education facilities; professional, veterans, minority, and community organizations; and job centers;**
- c. **determine and pursue all appropriate sources for recruiting and attracting qualified applicants, while ensuring that all advertisements are reviewed by the WMD prior to publication; and**
- d. **identify jobs for which recruiting has been historically difficult and establish recruitment efforts for these job titles in conjunction with the WMD.**

**C. Recruitment and Placement Procedures for Civil Service Positions Other than Corrections Officer Trainees<sup>3</sup>**

The following table outlines the responsibilities and required actions for the recruitment and placement of civil service positions other than Corrections Officer Trainees (COTs).

<b>Responsibilities</b>	<b>Step</b>	<b>Action</b>
Field Human Resource Office or Bureau of Community Corrections (BCC) Human Resource Coordinator*	1	Complete furlough checks to determine whether there are furlougees to be considered. If the vacancy is a management position, complete furlough check on SCSC mainframe (AS400). If vacancy is a union covered position, complete furlough check on SCSC mainframe (AS400) and submit a Furlough Check Template to the BSE. If furlough check results in a furlougee, refer to SCSC Rules, Section 101.1 and contact the WMD for guidance.
	2	Post the vacancy according to the appropriate union contract, SCSC rules and regulations, and Department policy and procedures.
	3	If you will be utilizing a SCSC list, enter list request into SCSC computer system or submit a <b>SCSC-90, SCSC Request for Certification</b> to the WMD.
	4	Survey the employment list, as appropriate and in accordance with <b>Management Directive 580.10, Conducting Interview for Classified Service Positions.</b>
	5	If an employment list proves to be inadequate and the posting resulted in insufficient candidates, request assistance from the WMD.
Field Human Resource Office, BCC Human Resource Coordinator* or Bureau Director/Designee	6	Interviews will be scheduled and conducted with eligible candidates and furlougees. Selections and appointments will be made according to the rules and regulations of the SCSC, appropriate union contract, and Federal ADA Statutes.

<sup>3</sup> 4-4048, 4-4057

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Field Human Resource Office or BCC Human Resource Coordinator*	7	Collect a completed <b>Pennsylvania Department of Corrections Application for Employment</b> (refer to <b>Attachment 38-A</b> of this procedures manual) from the selected candidate and review for completeness. Candidates indicating that they have and will maintain supplementary employment will be processed in accordance with <b>Section 58</b> of this procedures manual.
	8	If SCSC certification is required, forward selected candidate's SCSC application, <b>SCSC-90</b> , and other appropriate documentation to the WMD for approval and submission to the SCSC.
	9	Obtain a completed <b>STD-483, Equal Employment Review Certificate (EERC)</b> for the selected candidate and review for appropriate facility approvals before submitting to the EEO Office for final review and approval. <b>NOTE:</b> Senior level appointments do not require EERC approval.
	10	Complete a subsequent furlough check through the SCSC mainframe (AS400). If a furlougee is identified, halt the selection process and contact the WMD for further guidance.
	11	Submit a <b>Checklist for Background Check Requests</b> (refer to <b>Attachment 38-B</b> of this procedures manual) in accordance with <b>Section 40</b> of this procedures manual and <b>Management Directive 515.15</b> . In addition, complete identification checks and verify the last five years of employment history.
	12	If necessary, submit request for appointment at a salary above the minimum via a Special Pay Action PAR to the WMD. These requests must be reviewed and approved by the Director, BHR. In accordance with <b>Management Directive 520.9</b> , for management positions, if the requested amount is greater than ten percent of the candidate's current documented salary, the request is submitted to the Office of Administration for final approval. Requests for union covered positions will be sent by the BHR to the Office of Administration for review and to notify and seek concurrence from the union. Managers and supervisors are not authorized to make a commitment or a promise to candidates for actions at a salary above the minimum prior to BHR approval.
	13	If the vacancy is designated as Senior Level, obtain executive staff approval and forward the selected candidate's application materials to the WMD for preparation and submission of the Senior Level Request memo to the Office of Administration.
Workforce Management Division	14	Prepare the Senior Level request memo for the Secretary's signature, submit to the Office of Administration for review, and ensure the Field Human Resource Office or BCC Human Resource Coordinator is notified upon receipt of approval.
Field Human Resource Office or BCC Human Resource Coordinator*	15	Schedule the medical screenings with the facility medical department in accordance with <b>Section 36</b> of this procedures manual. <sup>4</sup>
	16	Send the candidate a <b>Conditional Offer of Employment Letter</b> (refer to <b>Attachment 38-C</b> of this procedures manual) including dates for medical screenings. <b>NOTE:</b> Candidates must be able to perform the essential functions of the position with or without a reasonable accommodation. <sup>5</sup>
	17	Ensure that a Request to Fill (RTF) PAR has been submitted and approved.

<sup>4</sup> 4-4062

<sup>5</sup> 4-4062

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	18	Upon receiving all necessary approvals, collect the documentation required for employment processing, and submit a Fill A Vacancy (FAV) PAR, two weeks prior to effective date, when possible, to place the candidate in the vacancy.
	19	Upon receipt of completed PAR, review the appointment letter for accuracy prior to distribution. If necessary, reopen PAR to request changes.
	20	Annotate and close the SCSC list, if needed.
	21	Prepare and send "Thank You Letters" to the non-selected candidates.

\*The Workforce Management Division will perform this action for Central Office positions.

**D. Recruitment and Placement for Corrections Officer Trainee Positions<sup>6</sup>**

The following table outlines the responsibilities and required actions for the recruitment and placement of COTs.

Responsibilities	Step	Action
Field Human Resource Office	1	Refer to <b>Subsection C, Steps 1-11 above.</b>
	2	Upon receiving all necessary approvals, submit candidate scheduling information to the COT Medical Coordinator, WMD.
COT Medical Coordinator	3	Schedule medical examination appointment and respond to the Field Human Resource Office with medical examination location, date, and time.
Field Human Resource Office	4	Send candidate a <b>Conditional Offer of Employment Letter (Attachment 39-A)</b> including the dates for their medical screenings. <b>NOTE:</b> Candidates must be able to perform the essential functions of the position with or without a reasonable accommodation.
COT Medical Coordinator	5	Receive the candidate's medical examination results from the medical vendor. If candidate has successfully completed the medical examination, notify Field Human Resource Office of approval to proceed with the hiring process. Proceed to Step 10.
	6	If candidate tests positive for an illegal drug, send a letter to the candidate explaining the medical failure due to evidence of illegal drug use and notify the Field Human Resource Office. Submit a request to the SCSC to remove candidate from the COT list for a period of one year.
	7	If the candidate fails the medical examination for a disqualifying medical condition, send a letter to the candidate confirming the medical failure and explaining that the candidate has 30 calendar days to supply qualifying information or to have a re-examination. Notify the Field Human Resource Office of the status.
	8	If the candidate requests a medical re-examination or supplies qualifying information within the 30 calendar days, and successfully completes the medical examination, notify the Field Human Resource Office of the status. Proceed to Step 10.
	9	If the candidate does not supply qualifying information or successfully completes a medical re-examination within the 30 calendar days, send a letter to the candidate confirming the medical failure. Notify the Field Human Resource Office of the status. Submit a request to the SCSC to remove the candidate from the COT list for a period of three months.

<sup>6</sup> 4-4048, 4-4057

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Field Human Resource Office	10	Administer the objective personality inventory to the candidate and provide the psychological profile to the facility licensed psychologist for review.
Facility Licensed Psychologist	11	Review the psychological profile to determine if the candidate can successfully perform the essential functions of a COT, with or without a reasonable accommodation, and notify the Field Human Resource Office of approval to proceed with the hiring process. Proceed to Step 22.
	12	If psychological profile results reveal potential impediments to performing the essential functions of a COT position, schedule a personal interview with the candidate. If interview is inconclusive, inform the Field Human Resource Office that the candidate should be given a second objective personality inventory.
Field Human Resource Office	13	Administer a second objective personality inventory to candidate and send answer sheet to COT Medical Coordinator for processing.
COT Medical Coordinator	14	Score the answer sheet and provide psychological profile to the Field Human Resource Office.
Field Human Resource Office	15	Provide second psychological profile to the facility licensed psychologist for review.
Facility Licensed Psychologist	16	Review the second psychological profile to determine if the candidate can successfully perform the essential functions of a COT, with or without a reasonable accommodation, and notify the Field Human Resource Office of approval to proceed with the hiring process. Proceed to Step 22.
	17	If second psychological profile reveals that the candidate cannot successfully perform the essential functions of a COT position, schedule a second personal interview with another Department licensed psychologist, thoroughly document findings and forward all pertinent information to the second facility licensed psychologist and the Director of Psychology.
Facility Licensed Psychologist (second facility)	18	If the personal interview reveals that the candidate can successfully perform the essential functions of a COT position, notify the Field Human Resource Office of approval to proceed with the hiring process. Proceed to Step 22.
	19	If the personal interview reveals that the candidate cannot successfully perform the essential functions of a COT position, thoroughly document findings and forward to the Director of Psychology.
Director of Psychology	20	Review the psychologists' findings, prepare a written narrative, and provide it to the COT Medical Coordinator.
COT Medical Coordinator	21	Submit a request to the SCSC to remove the candidate from the COT list.
Field Human Resource Office	22	Upon receipt of satisfactory medical examination and objective personality inventory results, determine the appointment date, refer to <b>Subsection C, Steps 17- 21 above.</b>

\*The Workforce Management Division will perform this action for Central Office positions.

**E. Movement into the Corrections Officer Job Series when the Candidate has been out of the Corrections Officer Job Series for More than Six Months *or is new to the Job Series***

Procedures for movement into the Corrections Officer Job Series when the candidate has been out of the Corrections Officer Job Series for more than six months ***or is new to the Job Series will*** include the following:

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1. at the discretion of the facility management;
2. should not circumvent **Section 14** of this procedures manual;
3. should be processed according to **Subsection D. above** with the following exceptions:
  - a. the only clearances required are NCIC/CLEAN/JNET when a candidate has been separated from the Corrections Officer Job Series for less than 60 days; and
  - b. a new objective personality inventory should only be completed if the candidate has been out of the Corrections Officer Job Series for more than one year.
4. refer to Department policy **5.1.1, “Staff Development and Training,” Section 1** for basic training requirements.

## Section 40 – Conducting Pre-Employment Background Investigations

Background investigations for all candidates for positions in the Department will be in accordance with **Management Directive 515.15, Identification, Employment, and Education Verification Checks** and **M505.5, Commercial Driver License, Drug and Alcohol Testing, and Licensing Requirements** and processed in the manner listed below.<sup>1</sup> (28 C.F.R. §115.17[c][1], §115.217 [c][1])

### A. General Processing

1. Human Resource Offices will **submit a background check request** for all **prospective** new hires and rehires that have been separated for more than 60 days **to the Office of Special Investigations and Intelligence (OSII)** which **will** contain the **following** items:
  - a. **DC-96E Department of Corrections Application;**
  - b. **state issued identification or federally issued passport (address must match with the one provided on the application or a change of address must also be provided);**
  - c. **birth certificate/proof of birth or social security card;**
  - d. **Description of Applicant Form (Attachment 40-A);**
  - e. **Prison Rape Elimination Act (PREA) Current/Prior Employer Letter(s) (Attachment 40-B) (if applicable);**
  - f. **DD-214 (if applicable) (copy 4 to include characterized discharge) or DD-215 (corrected version);**
  - g. **candidate's explanation of any conviction(s) disclosed, to include the events leading up to the adverse contact, what occurred, the disposition, and any rehabilitative action taken (if applicable); and**
  - h. **proof of payment plan for outstanding case balance(s) (if applicable).**
2. **Human Resource Offices will email the Background Coordinator in the Bureau of Human Resources (BHR), Workforce Management Division (WMD), with the name and social security number of all** rehires that have been separated for less than 60 days. **The Background Coordinator will then coordinate with OSII to have an updated background check completed.**

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<sup>1</sup> 1-CTA-1C-06, 4-ACRS-7B-05



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3. Consistent with the PREA

- a. Prior employment in any type of prison, jail, lockup, community confinement facility, juvenile facility, or other institution (**as defined in 42 U.S.C. 1997**) to include state facilities for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped; residential care or treatment facilities for juveniles; and facilities that provide skilled nursing, intermediate, or long-term care, or custodial or residential care will be further investigated to ensure that the candidate has not been found to have any of the following: (28 C.F.R. §115.17 [a][1], §115.217 [c][2])
  - (1) has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); and (28 C.F.R. §115.17 [a][1], §115.217 [a][1])
  - (2) has been convicted or civilly or administratively adjudicated for engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse. (28 C.F.R. §115.17 [a][2][3], §115.217 [a][2][3])
- b. Human Resource Offices will be responsible for sending the **PREA Consent to Release of Information Form**, along with the **PREA Current/Prior Employer Letter** to the attention of applicable employer's Human Resource Office, receiving and reviewing their responses, and determining whether the applicant may be hired consistent with the PREA. Human Resource Offices should wait a minimum of two weeks for a response before proceeding with the hiring process. **Completed forms will be forwarded to the Background Coordinator.**
  - (1) If the answer is "Yes" to any of the questions, then the Background Coordinator **will** obtain the Office of Chief Counsel's concurrence that the candidate will be considered unsuitable for hire.
  - (2) **If the answers are "No" or if no response is received, then the Background Coordinator will ensure that the letter is included in the candidate's appointment package.**
- c. **Human Resource Offices will be responsible for ensuring that candidates complete the Position Vacancy Interest Form (Attachment 40-C) when submitting application materials to job postings. Consistent with the PREA, responses must be reviewed and considered when determining whether to hire or promote anyone.**

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4. **OSII will conduct a full background investigation and complete the following on all applicants:**
  - a. **check of the applicant's name, home address, and telephone number(s) against each facility's inmate visitor and telephone lists;**
  - b. request a ten year driver's certified driving record;
  - c. access Pennsylvania State Police (PSP) investigative files; and
  - d. in addition, some information that should be solicited, dependent on a particular applicant or position, could include all or some of the following:
    - (1) confirmation of licensing status/certification;
    - (2) professional license/certification verification;
    - (3) military records;
    - (4) criminal justice documentation; and
    - (5) drug-related convictions.
5. When a detailed investigation is completed, it will be provided to the Background Coordinator **who will notify the Human Resource Office of the candidate's results.**
  - a. **Candidates with reports containing no derogatory information may proceed in the hiring process and the Background Coordinator will ensure that the package has been scanned into the Case Management System.**
  - b. **Candidates with** reports containing results of adverse contacts as outlined in **Section 41** of this procedures manual will **be reviewed and processed in accordance with Management Directive 515.15, M505.5, and Section 41 of this procedures manual.**

## **B. Commercial Driver's License (CDL)**

Background investigations for all candidates for positions in the Department that require possession of a CDL will be in accordance with **M505.5** and **Management Directive 505.34, Commercial Driver License Drug and Alcohol Testing Requirements**. All employees in agencies under the Governor's jurisdiction who are required to have a CDL in order to perform their assigned duties are required to comply with this procedures manual and directives.

Section 41 – Employment of Job Applicants Having Prior Adverse Contacts with Criminal Justice Agencies

A. Guidelines

1. The Department **will** ensure that any job applicant who has had adverse contact with a criminal justice agency **will** be evaluated as to his/her suitability for employment.<sup>1</sup>
2. Consistent with **Public Law 108-79, 28 C.F.R. Part 115**, the Prison Rape Elimination Act (PREA), the Department shall not hire or promote anyone who:
  - a. has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, **juvenile facility** or other institution (**as defined in 42 U.S.C. 1997**) to include state facilities for persons who are mentally ill, disabled, or retarded or chronically ill or handicapped; residential care or treatment facilities for juveniles; and facilities that provide skilled nursing, intermediate or long-term care, or custodial or residential care;
  - b. has been convicted **or civilly or administratively adjudicated for** engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; and/or
  - c. **has been convicted of any offense under the following (or equivalent out of state offense):**
    - (1) **Title 18 Pa. C.S.A. Chapter 31 – Sexual Offenses; or**
    - (2) **Title 18 Pa. C.S.A. Chapter 59 – Public Indecency.**
3. **Also, consistent with the PREA, the Department will consider any incidents of sexual harassment in determining whether to hire or promote anyone.**
4. **Consistent with the Child Protective Services Law, 23 Pa. C.S.A. §6301 et seq., the Department will not hire anyone who has been convicted of the enumerated offenses in 23 Pa. C.S.A. §6344 (c).**
5. **Any applicant with an open case balance (without a payment plan); currently serving probation; or currently participating in or awaiting acceptance into an Accelerated Rehabilitative Disposition (ARD), Intermediate Punishment Program (IPP), or other diversion program will not be considered suitable for employment with the Department of Corrections.**

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<sup>1</sup> 4-4055, 4-4061

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6. Any applicant who has been convicted of ***the following will*** not be considered as suitable for employment in a position requiring the use of a firearm:
  - a. ***any person unable to possess a firearm pursuant to any of the restrictions set forth in 18 Pa. C.S.A. §6105 (Persons Not to Possess a Firearm) and the person's rights have not been restored pursuant to 18 Pa. C.S.A. 6105.1 or other similar statute; or***
  - b. ***any person who has committed a misdemeanor crime of domestic violence as defined in 18 US Code §921(a)(33)(A).***
  
7. ***Any applicant who has been convicted of any offense under the following (or equivalent offense in any other jurisdiction), will not be considered as suitable for employment for a position involving the care, custody, and control of inmates:***
  - a. ***any misdemeanor or felony conviction, in which less than ten years has elapsed since the date of conviction or release from confinement, whichever is later;***
    - (1) ***crimes of dishonesty;***
      - (a) ***Title 18 Pa. C.S.A. Chapter 35 – Burglary and Other Criminal Intrusion;***
      - (b) ***Title 18 Pa. C.S.A. Chapter 37 – Robbery;***
      - (c) ***Title 18 Pa. C.S.A. Chapter 39 – Theft and Related Offenses;***
      - (d) ***Title 18 Pa. C.S.A. Chapter 41 – Forgery and Fraudulent Practices;***
      - (e) ***Title 18 Pa. C.S.A. Chapter 47 – Bribery and Corrupt Influence; or***
      - (f) ***Title 18 Pa. C.S.A. Chapter 49 – Falsification and Intimidation.***
    - b. ***any misdemeanor conviction, in which less than five years has elapsed since the date of conviction or release from confinement, whichever is later; or any felony conviction, in which less than ten years has elapsed since the date of conviction or release from confinement, whichever is later;***
      - (1) ***crimes of violence;***
        - (a) ***Title 18 Pa. C.S.A. Chapter 25 – Criminal Homicide;***
        - (b) ***Title 18 Pa. C.S.A. Chapter 27 – Assault; or***
        - (c) ***Title 18 Pa. C.S.A. Chapter 29 – Kidnapping.***

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- i. **specifically limited to convictions of the following:**
    - aa. **18 Pa. C.S.A. §2901 (Kidnapping);**
    - bb. **18 Pa. C.S.A. §2902 (Unlawful Restraint); or**
    - cc. **18 Pa. C.S.A. §2903 (False Imprisonment).**
  - (2) **crimes involving drug trafficking;**
    - (a) **35 Pa. C.S.A. §780-113(a)(12) (Acquisition of Controlled Substance by Fraud);**
    - (b) **35 Pa. C.S.A. §780-113(a)(14) (Unlawful Administration or Delivery of a Controlled Substance by Practitioner);**
    - (c) **35 Pa. C.S.A. §780-113(a)(30) (Manufacture/Delivery/Possession with Intent to Deliver a Controlled Substance);**
    - (d) **35 Pa. C.S.A. §780-113(a)(33) (Manufacture/Delivery/Possession with Intent to Deliver Drug Paraphernalia);**
    - (e) **35 Pa. C.S.A. §780-113(a)(35) (Manufacture/Delivery/Possession with Intent to Deliver a Non-Controlled Substance); or**
    - (f) **35 Pa. C.S.A. §780-113(a)(36) (Manufacture/Delivery/Possession with Intent to Deliver a Designer Drug).**
  - (3) **crimes involving the obstruction of justice;**
    - (a) **Title 18 Pa. C.S.A. Chapter 51 – Obstructing Governmental Operations.**
8. **Any applicant who has been convicted of a second degree misdemeanor or higher will not be considered suitable for employment in a position whose essential functions require the use of CLEAN/JNET, to include records specialists.**

**B. Procedures**

1. As indicated on the employment application, each applicant for employment must disclose on his/her employment application any **conviction**, participation in an ARD program, or other criminal justice disposition that occurred anywhere in the Commonwealth of Pennsylvania or any other jurisdiction. Failure to reveal such information is cause for removal. **Expunged offenses should not be disclosed on the employment application and will not be considered.**

2. ***Applicants with pending charges will be evaluated using the above guidelines accordingly.***
3. ***Any applicant who has more than ten Title 75 (PA Vehicle Code) violations or vehicle code violations in any other jurisdiction within the last five years requires the approval of the Background Review Committee.***
4. ***Any applicant for a position involving the care, custody, and control of inmates that has been convicted of or committed under any of the following within the last ten years requires the approval of the Background Review Committee and Chief Counsel:***
  - a. ***felony;***
  - b. ***first or second degree misdemeanor;***
  - c. ***two or more convictions for non-traffic summary offenses; or***
  - d. ***had a commitment under the Mental Health Procedures Act.***
5. ***Any applicant for a position that does not involve the care, custody, and control of inmates that has been convicted of a summary, misdemeanor, or felony within the last ten years requires the review and approval of the Background Review Committee for job relatedness.***
6. ***In determining suitability for hire, the following factors should be taken into consideration:***
  - a. ***the nature and severity of the conviction(s) and underlying offense(s);***
  - b. ***the time that has passed since the offense, conviction, and completion of sentence; and***
  - c. ***the relationship between the conviction and the position for which he/she is being hired to include an analysis of the nature of the job duties, the essential functions of the job, the circumstances under which the job is performed, and the environment in which the job is performed.***

## **Section 42 – Civil Service Leave of Absence**

### **A. Guidelines**

Civil Service Leave of Absence (CS LOA) is a temporary interruption of civil service status. CS LOA definition and all procedures for seeking CS LOA will be in accordance with Management Directive 580.30 Amended, Civil Service Leave of Absence and Return Rights.

### **B. Responsibilities**

1. Employees will:

- a. read and become familiar with Management Directive 580.30 Amended, Civil Service Leave of Absence and Return Rights;
- b. request in writing and obtain approval for a CS LOA prior to effective date of placement into a non-civil service position;
- c. request in writing and obtain approval for an extension of CS LOA from the Bureau of Human Resources (BHR) within 14 calendar days of date of renewal reminder correspondence;
- d. submit a formal request in writing to the Director, BHR, when exercising right to return; and
- e. meet the Minimum Experience and Training requirements for job title to which being returned (when applicable).

2. The BHR will:

- a. receive and review initial CS LOA requests and requests for extension for appropriateness and timeliness;
- b. provide written notification of approval or disapproval to the employee and ensure his/her Human Resource Office is notified;
- c. ensure the employee's civil service status is updated accordingly in SAP;
- d. notify employee two weeks prior to the expiration of his/her CS LOA;
- e. establish and maintain a CS LOA tracking system;
- f. ensure requests and notifications are completed timely and accurately;
- g. ensure that upon expiration of CS LOA, there is a position to which the employee can return to, if a guaranteed right of return and if requested by the employee; and

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- h. coordinate with the State Civil Service Commission when employees are unable to be returned to a civil service covered job.
3. Field Human Resource Offices will:
- a. refer employees to the Director, BHR, when requesting CS LOA; and
  - b. coordinate with the BHR to have a position available to which an employee can return to, if guaranteed a right of return and if requested by the employee.

**C. Procedures**

1. Employees submit either an initial written request, prior to effective date of placement into non-civil service position, or request for an extension of CS LOA in writing to the Director, BHR.
2. The Director, BHR will review the request and provide written notification to the employee indicating approval/disapproval. If approved, the notice will include the start and end date of the CS LOA, along with the employee's reemployment rights.
3. Employees will receive written notification that their CS LOA is expiring 14 calendar days prior to the end date. If an employee does not respond to the notification, the employee's civil service status will be removed.



## **Section 43 – Interns**

### **A. Responsibilities**

1. The Director, Bureau of Human Resources (BHR), is responsible for monitoring the use of paid and unpaid interns (herein referred to as “interns” unless otherwise specified) throughout the Department.
2. The Chief, Workforce Management Division (WMD), should serve as the primary designee to ensure that facilities and bureaus direct, plan, and coordinate intern services for the Department in accordance with this Section.
3. The Facility Manager/Bureau Director is responsible for monitoring the use of interns within their facility/bureau and ensuring that the goals, objectives, types of services offered, and population served is in accordance with this Section.
4. The Field Human Resource Officer (FHRO) or Chief, WMD, should oversee the Internship Coordinator (IC).
5. The FHRO or Chief, WMD, in coordination with the IC, should establish a maximum number of interns per program, so that the number of interns used in the facility/bureau remains manageable, yet maximizes the use of interns within the facility/bureau.
6. The IC will:
  - a. coordinate the internship program and services to ensure that they operate in accordance with this policy;
  - b. recruit and schedule interns as follows:
    - (1) emphasize equal employment opportunity throughout all recruiting efforts;
    - (2) utilize interns in as many diverse program areas as possible to include, but not be limited to; procurement, human resources, information technology, medical, psychological, administration, correctional industries, and operations; and
    - (3) review internship proposals for services from any school of higher education requesting internship resources and prepare a recommendation for submittal to the Facility Manager/Director, BHR, for approval. Approval will be based on the operational needs as determined solely by the Department.
  - c. confirm with the Department’s Office of Chief Counsel that a Student Internship Agreement exists with the school that the intern attends. If no agreement exists, serve as a liaison between the Office of Chief Counsel and the school internship coordinator to establish the necessary agreement;

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- d. function as a liaison between the Department and the school internship coordinator and oversee internships, ensuring that appropriate supervision for interns is provided in accordance with this policy; and
- e. respond to requests from the WMD for reports and information.

**B. Guidelines**

1. Current Department employees and contract service providers are not permitted to serve as an intern for any inmate program unless written permission is granted by the Facility Manager/Director, BHR.
2. Interns do not take the place of staff, but instead are permitted to assist Department staff with duties that are commensurate with their education, experience, and training.
3. Proper escort of interns to and from the program area should be provided as deemed necessary by the Facility Manager.
4. An employee or contract service provider should provide intermittent supervision while a fully oriented intern is in the facility.

**C. Procedures**

1. Paid interns selected for employment in the Department should be hired in accordance with **Sections 38 and 40** of this procedures manual and should receive proper orientation provided through the New Employee Orientation Process in accordance with Department policy **5.1.1, “Staff Development and Training Procedures Manual,” Section 2.**
2. Unpaid interns selected for employment should be processed in accordance with Department policy **1.1.4, “Centralized Clearances Procedures Manual,” Section 4,** and are required to complete the **Non-Paid Intern Consent/Waiver Form (Attachment 43-A).**

**D. Separation of Interns**

1. Interns should be separated in accordance with **Section 51** of this procedures manual.
  - a. An intern may be separated when the internship assignment has been successfully completed.
  - b. An intern may be terminated by the Facility Manager/Director, BHR when it is determined that the intern by his/her behavior, indicates an inability or unwillingness to function within the structure, rules, and regulations of the facility.
2. The Facility Security Office will immediately deactivate the individual’s identification card and biometrics access (if applicable).

## Section 44 – Leave Management Program

### A. Procedures

1. All leave entitlements are to be administered in accordance with **Management Directive Manual M530.7, Absence Program.**<sup>1</sup>
2. All technical procedures in the SAP computer system for leave management shall be in accordance with the Time Processes Manual and any applicable Business Process Procedures (BPP's). **These documents are located on the HR Professionals Portal of the Office of Administration's website. The current website location is:**

**[http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4259&&SortOrder=5&level=3&parentid=3937&css=L3&mode=2&in\\_hi\\_userid=423492&cached=true](http://www.portal.state.pa.us/portal/server.pt?open=512&objID=4259&&SortOrder=5&level=3&parentid=3937&css=L3&mode=2&in_hi_userid=423492&cached=true)**

3. **Select the "How To's" tab to access the Time Processes Manual and the BPP's.**

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<sup>1</sup> 4-4048, 4-ACRS-7E-07, 1-CTA-1C-01

## **Section 45 - Department Office Hours and Lunch Periods**

The purpose of this section is to outline official hours of work and lunch periods for employees who receive unpaid lunch periods in the Department.<sup>1</sup>

### **A. Official Business Hours of the Department**

1. The official business hours of the Department are 8:30 a.m. to 5:00 p.m. This does not mean that all employees must work from 8:30 a.m. to 5:00 p.m. Rather, each administrative office must have adequate coverage between the hours of 8:30 a.m. and 5:00 p.m. An employee shall work either 7.5 hours (37.5 hr. week) or 8 hours (40 hr. week) with a one-half hour lunch period or one hour, if approved by the Facility Manager. Exception: All CO5s (Majors) are required to take a one-hour lunch period.
2. All Department administrative offices are to be appropriately staffed for operation during the official hours of work and be available for the transaction of public business. This applies to all administrative offices in facilities/offices operated by the Department and for all employees with unpaid meal periods.
3. A facility/office may authorize employees to work hours outside the official business hours of work in order to meet special program or operational needs, to accommodate employees participating in car pools, or for other compelling reasons, provided such accommodation does not impair the operational efficiency of the facility/office.

### **B. Lunch Periods**

The period for lunch is either one-half hour or one hour per day as operationally necessary.

<sup>1</sup> 1-CTA-1C-01

**Section 46 – Leave Procedures for Employee Interviews**

**A. Lateral Transfer, Promotion, and Demotion Interviews within the Department**

1. Employees who are currently employed by the Department and scheduled to interview for positions within the Department shall be permitted time off from their regular work assignment for travel and participation in an interview with no loss of annual, personal, or combined leave. Every attempt shall be made to schedule the interview during a regularly scheduled day off or outside of the employee's normal work shift. **Any absence taken beyond the time to travel and attend the interview will be charged against an appropriate leave type.**
2. Time **spent** off regularly scheduled work assignments to attend interviews within the Department shall be considered regular hours worked and **NOT** charged as administrative leave.
3. No overtime shall be paid for attending an interview, **except as outlined in Subsection B. below.**
4. All expenses incurred to attend an interview, **except as outlined in Subsection B. below, are the responsibility of the employee, NO reimbursement will be made.**
5. **The use of State Vehicles to attend interviews is prohibited, except as outlined in Subsection B. below.**

**B. Interviews for Specialized Assignments within the Department**

1. All expenses incurred to attend an interview for an assignment to one of the Department's specialized areas (Detached Duty, Correctional Emergency Response Team (CERT), Fire Emergency Response Team (FERT), Corrections Rifle Specialist Team (CRST), Hostage Rescue Team (HRT), Hostage Negotiations Team (HNT), Critical Incident Stress Management (CISM), and Drug Interdiction Unit (DIU) including transportation cost), are reimbursable in accordance with **Management Directive 230.10, "Travel and Subsistence Allowance."**
2. Interviews shall be scheduled during normal working hours. Overtime may be authorized by the appropriate approving authority in accordance with **Management Directive 525.15, "Overtime."**

**C. Interview with other Commonwealth Agencies**

1. Department employees interviewing for positions with other State Agencies shall be required to use personal, annual, or combined leave for time off to attend the interview.
2. All expenses, including transportation costs, are the sole responsibility of the employee and are not reimbursable.

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3. Employees shall follow the standard operating procedure of their Facility, Bureau, Division or Section that is used when requesting time off from regularly scheduled work assignments. ***Each facility will attempt to accommodate an employee with approved leave, provided that the employee demonstrates proof of interview date/time.***

## **Section 47 - Emergency Assignment of Employees during Emergencies**

In the event of an emergency, employees may be assigned other duties and may be temporarily reassigned to other facilities or other Commonwealth agencies as deemed necessary by the Secretary/designee.<sup>1</sup>

### **A. Declaration of Emergency**

1. The Secretary/designee may declare an emergency affecting the health, safety, and welfare of employees and/or inmates in the Department.
2. The Secretary of Administration may declare an emergency affecting the health, safety, and welfare of the public and/or employees/residents of other Commonwealth agencies.

### **B. Emergency Assignment of Employees**

1. Department Emergencies
  - a. All Department employees are considered to be essential employees and may be assigned as required by the Secretary/designee. In the event of a declared emergency, all Department personnel are to carry their RED Emergency Response Card on their person for appropriate identification to authorities as required by **Management Directive 505.11, "Emergency Assignments of Employees during Emergencies."**
  - b. All Corrections Education employees represented by CIVEA may be assigned other duties within his/her facility in the event of an emergency consistent with the language of their collective bargaining agreement.
  - c. In the event that employees are assigned to perform duties outside of their usual classification, they shall be notified accordingly, and the affected labor union representative(s) shall be notified as soon as the emergency permits.
  - d. Employees assigned to work in a higher classification during an emergency shall be paid in accordance with **Management Directive 525.4, "Temporary Assignment in Higher Classification."**
  - e. Employees required to work at an alternate work assignment shall be given as much notice as possible as to the location and expected duration of the temporary assignment. Travel, lodging, and subsistence shall be paid in accordance with established policy. The affected labor union representative(s) shall be provided as much advance notice as possible of the proposed assignments.
  - f. If the nature of the emergency requires the assistance of other Commonwealth agencies, the Secretary shall contact the Secretary of Administration, specifying:

<sup>1</sup> 4-ACRS-2A-06

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- (1) the number of people needed by location, skills, and job classification(s);
  - (2) the reason the emergency assistance is needed; and
  - (3) the anticipated duration of the temporary assignment(s).
- g. The affected labor union representative(s) shall be notified as soon as the emergency permits.
  - h. The Secretary/designee may also assign bargaining unit work in the event of an emergency to volunteers, vendors/contractors, or other non-bargaining unit personnel and/or overtime equalization units. The affected labor union representative(s) shall be notified as soon as the emergency permits.
  - i. The Secretary/designee may also choose to re-employ Commonwealth annuitants in the event of an emergency subject to approval by the Office of Administration.
2. Other (non-Department) Commonwealth Emergencies
- a. In the event that the Secretary of Administration contacts the Secretary/designee, requesting the reassignment of Department employees to other Commonwealth agencies during an emergency, the Secretary/designee shall first ensure that Department program areas essential to the health, safety, and welfare of corrections staff and inmates are adequately manned. Any employees not needed to maintain essential programs and services may be released to other Commonwealth agencies for emergency purposes as requested by the Secretary of Administration. A list of available employees by name, classification, and location shall be provided to the Secretary of Administration.
  - b. Employees selected for temporary reassignment shall be advised with as much notice as possible as to when, where, to whom to report, and the anticipated duration of the assignment. The affected labor union representative(s) shall be notified as soon as the emergency permits. Emergency reassignments shall be made in accordance with labor union agreements. Travel, lodging, and subsistence shall be paid in accordance with established policy.
  - c. In the event that employees are assigned to perform duties outside of their usual classification, they shall be notified accordingly, and the affected labor union representative(s) shall be notified as soon as the emergency permits.
  - d. Employees assigned to work in a higher classification during an emergency shall be paid in accordance with **Management Directive 525.4**.



## Section 48 – Early and Full-Day Closings

### A. General

Early and full-day closings for Department employees fall under the jurisdiction of Commonwealth Offices under the Governor and shall be in accordance with **Management Directive 530.17, Partial and Full-Day Closing of State Offices.**

1. An office closing is defined by:
  - a. a partial or full-day closing when it is deemed necessary to suspend operations within the Department of Corrections for Non-Essential employees working within Central Office, Correctional Industries, the Training Academy, or any institution due to events in the local area like severe weather, natural disaster, fire, or any other related hazard where it is operationally feasible and consideration has been given in balancing the health, safety, and welfare of our employees with the need to continue essential services and operations; and
  - b. a partial or full-day closing for Non-Essential employees ***not related to an emergency***, as authorized by the Governor's Office.
2. All Department employees in classifications eligible for Age 50 or 55 retirement are considered Essential and are required to work, as scheduled, during all authorized Commonwealth office closings. Employees in classifications eligible for Age 60 or 65 retirement are considered Non-Essential. Non-Essential employees may be required to work during office closings, at the discretion of the Facility Manager or Deputy Secretary, if the employee's specific job duties must be performed to meet deadlines or to perform work deemed essential to maintain efficient operations of their assigned workplace.
3. Partial or full-day closings announced by the Office of Administration (OA) only apply to the Philadelphia, Scranton, Reading, and Pittsburgh State Office Buildings, and the State Offices with a Harrisburg mailing address, which includes the Capitol Complex. Such closings do not apply to any Department of Corrections (DOC) facility or office; all DOC closings will be DOC specific.
4. All partial or full-day closings pertaining to each individual institution must be authorized by the appropriate Regional Deputy Secretary prior to being announced to staff with notification given to the Secretary, Executive Deputy Secretary, and the Director of the Bureau of Human Resources. The Deputy Secretary for Administration will have the authority to approve office closures for Central Office staff and the Training Academy. Partial or full-day office closings or dismissals ***not related to an emergency*** must be authorized by the Governor or OA.
5. Essential and Non-Essential employees who work during an office closing shall not be granted additional time off for hours worked during their regular work schedule. Employees shall be paid at the appropriate rate of pay.

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6. The Pennsylvania State Police (PSP), Pennsylvania Emergency Management Agency (PEMA), and local police have been informed to allow Corrections employees that are considered Essential and possess an Emergency Response ID Badge to proceed to work. If employees are prohibited from reporting to work by police or emergency personnel, employees must notify their assigned workplace and documentation is required to be provided upon return to work. If documentation is unattainable, employees are required to provide the name and company/organization of emergency personnel for verification purposes.
7. Department employees who are Essential, who do not report to work as scheduled due to hazardous weather, extreme conditions, or instances as described in **Subsection A.6. above** shall be permitted to use annual, combined, personal, accrued compensatory leave, or approved LWOP at the discretion of the Facility Manager or appropriate Deputy Secretary.
8. Essential employees desiring to leave work before the end of a regular shift due to hazardous weather or extreme conditions may be permitted to use annual, combined, personal, accrued compensatory leave, or leave without pay (LWOP), at the discretion of the Facility Manager or appropriate Deputy Secretary.
9. Each workplace shall be responsible to develop a notification system to inform staff of partial or full-day closings.
10. Central Office, Bureau of Human Resources shall:
  - a. communicate office closings to OA; and
  - b. notify employees annually of their Essential/Non-Essential designation at the beginning of each year.
11. Facility, Bureau of Human Resources shall:

notify employees of their Essential/Non-Essential designation by reviewing and signing off on the **Essential Function Notification Memo (Attachment 48-A)** or **Non-Essential Function Notification Memo (Attachment 48-B)** at the time of hire and when changing from an Essential to Non-Essential designation or vice versa.

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**Section 49 - Military Leaves of Absence**

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**Section 49 - Military Leaves of Absence**

The purpose of this section is to outline the responsibilities and procedures for authorizing Military Absences with or without pay, as well as procedures pertaining to any employee on a Military Absence. Procedures are pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, codified at 38 U.S. Code, §§4301-4333.

**A. Action by Employee**

1. Any employee/service member must provide his/her employer with advance notice of military service. The employee/service member has the option to provide advance notice either verbally or in writing.
2. An employee is required to provide written orders either before or after all military service.
3. The employee must submit the **Verification of Attendance at Military Obligations Form (Attachment 49-A)** to his/her supervisor upon completion of the military duty in order for the employee to receive a paid military absence, which is limited to 15 days per calendar year.
4. ***The employee is not required to submit the Verification of Attendance at Military Obligations Form to his/her supervisor for the granting of an unpaid military absence, unless the military obligation is 31 days or more.***
5. ***In accordance with Chapter 8, Subchapter C, Section 8.132 of the Personnel Rules (Management Directive 505.7, Amended, February 24, 1998), upon release from active duty, an employee may request a Military Absence Without Pay Without Benefits for up to a set amount of days, as specified in the Personnel Rules, before returning to work. The employee must provide documentation, which indicates his/her release from active duty date.***

**B. Action by Supervisor**

1. Review military orders and/or annual training schedule. Any questions regarding validity of the military orders must be directed to the Field Human Resource Officer.
2. Request the employee to submit a **STD 330, Request for Leave or Employee Self Service (ESS) Leave Request**, along with military orders as far in advance of the training and/or military obligation as possible.
3. Submit approved **STD 330** or with documentation to timekeeper for input via ESS or approve Leave Requests via ESS and forward the appropriate documentation to the Field Human Resource Officer.
4. Upon submission of the **STD 330** or **ESS Leave Request**, provide the employee with **Verification of Attendance at Military Obligations Form** for completion by his/her commanding officer/designee. Employee must be informed at this time that the absence

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is approved conditionally upon receipt of the completed **Verification of Attendance at Military Obligations Form**.

5. If approving the employee absence to attend military training would present major operations problems, the Field Human Resource Officer should be informed so he/she can explore with the commanding officer alternate times for training, if possible.
6. **Forward employee requests for Military Absences Without Pay Without Benefits to the Field Human Resource Officer with any documentation required.**
7. Absences must be disapproved and appropriate action taken if the employee fails to submit the **Verification of Attendance at Military Obligations Form**, or other required documentation.

**C. Action by Field Human Resource Officer**

1. If the validity of military orders is questionable, contact the commanding officer to verify the orders.
2. If the absence of an employee due to military training hampers operations, contact the commanding officer to research the possibility of alternative training dates.
3. Approve all Military Absences Without Pay requests via SAP Workflow.
4. Approve Military Absences Without Pay Without Benefits in accordance with the *Personnel Rules*, via SAP Workflow.

**D. Promotional/Bid Post Opportunities**

***If a promotional and/or bid post opportunity arises, and if an activated Reservist or National Guardsman is eligible for consideration, every effort shall be made to contact that employee via e-mail or other means to determine if he/she is interested in the opportunity. If the Reservist or National Guardsman is selected for the promotion or bid post, another employee will be assigned in an acting capacity until the Reservist or National Guardsman returns to work.***

**E. Vacation Selection**

***When an activated Reservist or National Guardsman is eligible to select vacation, every effort shall be made to contact that employee via e-mail or other means to determine if he/she is interested in the opportunity to select a time period for vacation.***

## **Section 50 - Employee Recognition**

The purpose of this section is to establish recognition programs for stimulating employee performance, motivation, and productivity in accordance with **Management Directive 505.23 Amended, Employee Recognition Program**.

### **A. Outstanding Performance Award Program**

#### 1. Guidelines

There shall be no specific categories designated for the Outstanding Performance Award Program. Award recipients shall be honored each year for outstanding performance, regardless of job classification.

#### 2. Eligibility

Every employee who has been employed by the Department for more than two years is eligible. The following are excluded:

- a. Secretary;
- b. Deputy Secretaries;
- c. Facility Human Resource Officers;
- d. Facility Managers;
- e. Deputy Superintendents;
- f. Facility Business Managers;
- g. Regional Directors;
- h. Bureau Directors;
- i. Office Directors;
- j. Chief Counsel; and
- k. Press Secretary.

#### 3. Criteria

The criteria listed on the **Outstanding Performance Awards Nominating Form (Attachment 50-A)** shall be used as a guideline for considering candidates. Emphasis shall be placed upon consistent, exceptional performance, and positive impact on the Department.

4. Awards

Winners will receive a plaque and a letter of commendation from the Secretary at a presentation ceremony at a date and time to be announced each year. Each winner will be featured in a news release to local newspapers and an article and photograph will be published in the Department's newsletter. In addition, each of the award recipients may attend a professional conference or seminar on correctional issues as a representative of the Department. The recipient may select any job-related training program that is offered within one year of receipt of the award for a reasonable cost. Please note, exceptions to any of the above restrictions must be submitted by the recipient to the Secretary along with a justification.

5. Procedures

a. Procedures for Facility Nominations

- (1) Any employee of a facility may submit candidates for nomination to the Facility Manager. An employee who wishes to nominate a candidate shall describe, in a written statement, why the candidate is worthy of the award and forward the **Outstanding Performance Awards Nominating Form (Attachment 50-A)** to the Facility Manager. The person suggesting the candidate must sign the form.
- (2) The Facility Manager shall establish and announce a deadline for receipt of nominations from staff. A committee designated by the Facility Manager shall review all suggestions. This committee shall select no more than one name from the candidates for every 100 employees on a facility's complement. Employee totals are rounded to the nearest hundred. Totals up to 50 are rounded downward; 50 and over are rounded upward.
- (3) The Facility Manager shall forward the nominee(s) selected by the facility committee to the Secretary, using **Attachment 50-A** with the original nomination letter attached.

b. Procedures for Community Corrections Centers (CCC) Nominations

- (1) Any employee of a CCC may nominate a candidate. An employee who wishes to nominate a candidate shall describe, in a written statement, why the candidate is worthy of the award and forward **Attachment 50-A** to the Regional Director. The person suggesting the candidate must sign the form.
- (2) The Director of the Bureau of Community Corrections shall establish and announce a deadline for receipt of nominations from CCC staff. A committee consisting of the Director of the BCC and the three CCC Regional Directors shall review all suggestions. This committee shall select no more than one name from the candidates for every 100 employees on the CCC complement. Employee totals shall be rounded as noted in **Section VI.A.5.a. (2)** above.

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- (3) The Director of the BCC, shall forward the nominee(s) selected by the committee to the Secretary, using **Attachment 50-A** with the original nomination letter attached.
- c. Procedures for Central Office Nominations
    - (1) Any employee of Central Office may nominate a candidate. An employee who wishes to nominate a candidate shall describe, in a written statement, why the candidate is worthy of the award and forward **Attachment 50-A** to the Bureau Director. The person suggesting the candidate must sign the form.
    - (2) The Central Office Committee shall establish and announce a deadline for receipt of nominations from the Central Office staff. This committee shall select no more than one name from the candidates for every 100 employees on the Central Office complement. Employee totals shall be rounded as previously noted. The nominee(s) selected by this committee shall be forwarded to the Secretary, using **Attachment 50-A** with the original nominating letter attached.
  - d. Each Facility Manager and the Central Office Committee shall submit completed **Attachment 50-A** forms by the deadline that is announced each year. A committee designated by the Secretary shall select winners. Nominees not selected in a given year may be re-nominated in succeeding years.

**B. Cash Performance Award Program**

1. Guidelines

The purpose of the Cash Award program is to enable the Department to recognize and reward outstanding performance.

2. Eligibility

Management, confidential, and employees not covered by a collective bargaining agreement or memorandum of understanding, and who are paid on the Standard Pay Schedule or the Corrections Management Pay Schedule are eligible for Cash Performance Awards. Only one award may be granted for an eligible employee during any 24-month period.

3. Criteria

- a. At the \$1,500 award level, the employee must have received an overall performance rating of “outstanding” on his/her last three annual Employee Performance Reviews (EPRs).
- b. At the \$1,000 award level, the employee must have received an overall “commendable” or “outstanding” rating on his/her last two annual EPRs.
- c. At the \$500 award level, the employee must have received an overall rating of

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“commendable” or “outstanding” on his/her most recent annual EPR.

- d. The employee must not have received any discipline (including verbal and written reprimands) within three years of his/her nomination.
- e. The employee must not have had any attendance or absence-related problems within three years of his/her nomination. Attendance or absence-related problems are defined as five or more days of sick leave usage per calendar year.
- f. The employee must have achieved one or more of the following special performance factors:
  - (1) Measurable productivity increase. Examples include reduction in sick leave or overtime usage, or increased production in a Correctional Industries program.
  - (2) Significant cost reduction in an operation or program.
  - (3) Significant technical or administrative improvement to an operation. Examples include reorganizing or realigning staff to effect a more efficient and effective operation, or implementing technological changes to modernize operations.
  - (4) Demonstrated creativity, initiative, and independence of action that results in improvement of services or resolution of problems through the development of new programs, processes, and management methods. Examples include developing and/or creating a new program for inmate rehabilitation, new product lines for industries, or new exam and selection programs for staff.
  - (5) Demonstrated ability to resolve an unusual or emergency situation in an outstanding manner.

#### 4. Awards

Cash Performance Awards shall be granted in amounts of \$500, \$1,000, or \$1,500. Cash awards are taxable income, but will not be considered compensation for the purpose of determining retirement benefits.

#### 5. Procedures

All employee nominations must be submitted using the **Cash Performance Award Nomination Form (Attachment 50-B)**. Documentation supporting the employee’s eligibility for a Cash Performance Award must be attached to the nomination form. Supervisors of an eligible employee must document and process the nomination through his/her chain of command. The Secretary has the final approval/disapproval authority of all Department nominations. After the Secretary issues a final approval/disapproval, the Bureau of Human Resources (BHR) will notify the respective Director or Facility Manager, and process the transaction to implement the award.



### **C. Exceptional Pay Increase Program**

#### **1. Guidelines**

The purpose of the Exceptional Pay Increase program is to enable the Department to reward service beyond that expected in the discharge of assigned duties and responsibilities.

#### **2. Eligibility**

Management, confidential, or other employees not covered by collective bargaining agreements or memorandum of understanding are eligible for this program. Only one Exceptional Pay Increase may be approved for an employee in any 12-month period.

#### **3. Award Exceptions:**

- a. Exceptional Pay Increases that affect a salary greater than the maximum of the pay range may not be granted.
- b. Exceptional Pay Increases greater than two longevity steps require the approval of the Secretary of Administration.
- c. Exceptional Pay Increases for employees in policy, press, and legislative positions, and Integrated Enterprise System (IES) staff, require the approval of the Secretary of Administration.
- d. Exceptional Pay Increases for attorneys under the Office of General Counsel require the approval of the General Counsel.

#### **4. Criteria**

- a. Criteria for an Exceptional Pay Increase may vary. The supervisor/manager shall fully document and justify a nomination for an Exceptional Pay Increase.
- b. The nomination may include, but is not limited to:
  - (1) Specific examples of how the employee has consistently exceeded the expectation of assigned duties and responsibilities over an extended period.
  - (2) Specific examples of how the employee has increased the efficiency/productivity of the workforce and statistical data to illustrate the increase over an extended period.
  - (3) Specific examples of how the employee has measurably reduced operating costs and fiscal data to illustrate the reduction.
  - (4) Any other information/documentation about the employee's performance that would support the request.

5. Awards

Exceptional Pay Increases may consist of one or two longevity steps and will not affect the employee's longevity date.

6. Procedures

- a. All nominations must be processed using the **Exceptional Pay Increase Nomination Form (Attachment 50-C)** with supporting documentation attached.
- b. The **Exceptional Pay Increase Nomination Form** shall be processed through the supervisor's Chain-of-Command.
- c. After the Secretary issues a final approval/disapproval, it will be forwarded to the BHR for notification of the respective Facility Manager, and to process the transaction to implement the request.

**D. Retirement Recognition**

1. Guidelines

- a. For retirement after 15 or more years of service, retirement certificates with appropriate citations shall be presented to employees at a ceremony presided over by the Secretary, Regional Deputy Secretary, Facility Manager or Deputy Superintendent for Facilities Management (DSFM), CCC Regional Director, or Bureau Director. Such ceremonies are to be scheduled at the preference of the Facility Manager, CCC Regional Director, or Bureau Director.
- b. Adherence to this section shall not preempt informal employee group sponsored ceremonies such as retirement luncheons or dinners.

2. Procedures

- c. It is the responsibility of each facility, CCC Region, and Central Office to identify which employees are eligible for retirement recognition.
- d. The Facility Manager, CCC Regional Director, or Bureau Director shall prepare a retirement certificate and then forward it to the Secretary for signature.
- e. The Facility Manager, CCC Regional Director, or Bureau Director shall notify the Secretary where and when the retirement recognition ceremony will take place.
- f. Each facility shall be responsible for ordering and maintaining a supply of the **DC-435, Retirement Certificates**.

## **E. Commonwealth Longevity Recognition**

### 1. Guidelines

This program is intended specifically to recognize those employees who have state service in excess of five years and for each five-year increment thereafter.

### 2. Eligibility/Criteria

Employees with an excess of five years of state service shall be recognized, and shall be recognized for each five-year service increment. Every employee with 25 or more years of Commonwealth service is to be appropriately recognized. Such recognition may include special letters or other personalized memorabilia at the discretion of the Facility Manager.

### 3. Awards

Longevity certificates with appropriate citations attached shall be presented to employees at a ceremony presided over by the Secretary, a Deputy Secretary, the Facility Manager or DSFM, a Regional Director or a CCC Director. An employee with 10 years of service shall receive a service pin at that time and at five-year intervals thereafter.

### 4. Procedures

- a. It is the responsibility of the BHR to distribute the Commonwealth longevity certificates to those facilities that have employees eligible for such recognition.
- b. Each facility shall arrange for a ceremony where designated employees receive appropriate recognition.
- c. The facility shall coordinate the recognition ceremony with the Secretary's office so representation can be arranged.
- d. The BHR will distribute the appropriate memorabilia to each facility so that it may be presented during the recognition ceremony.

## **F. Sick Leave Recognition (Non H-1 Employees)**

### 1. Eligibility

- a. A permanent full-time employee who uses four or fewer sick days during the leave calendar year may be recognized. A permanent part-time employee may also be recognized. The four days or fewer shall be pro-rated based on regular hours worked for a permanent part-time employee.
- b. Regardless of sick leave usage, an employee who meets the following conditions shall not be recognized:

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- (1) was disciplined for any reason during the leave calendar year;
- (2) was on leave restriction;
- (3) was AWOL for any amount of time during the leave calendar year;
- (4) was employed less than one year from the most recent hire date; and/or
- (5) is a temporary employee.

2. Criteria

- a. Category One - shall include employees who had no "sick leave" usage, no leave without pay, and no sick family or sick bereavement leave usage for the leave calendar year.
- b. Category Two - shall include employees who had "sick leave use" of four or fewer days during the leave calendar year and who may have had leave without pay, sick family or sick bereavement leave.

3. Awards

- a. Category One - An employee in Category One shall receive a certificate and **may receive** a gift whose value does not exceed **\$25.00**.
- b. Category Two - An employee in Category Two shall receive a certificate and **may receive** a gift whose value does not exceed **\$10.00**.

4. Procedures

- a. The facilities shall decide on the gifts and certificates.
- b. Recognition shall occur as soon as possible after the end of the leave calendar year. Facilities are encouraged to provide awards in conjunction with other annual awards programs.

**G. Leave Recognition - H1 Bargaining Unit Employees**

1. Eligibility

- a. A permanent full-time employee who uses three or fewer occasions of CN, Non-Prescheduled Combined Leave, during the leave calendar year. A permanent part-time employee may also be recognized. The three or fewer occasions of CN shall be prorated based on regular hours worked for permanent part-time employees.
- b. Regardless of leave usage, an employee shall not be recognized who meets the following conditions:

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- (1) used more than three occasions of CN during the leave calendar year;
- (2) was disciplined for any reason during the leave calendar year;
- (3) was on leave restriction;
- (4) was AWOL for any amount of time during the leave calendar year;
- (5) was employed less than one year from the most recent hire date; and/or
- (6) is a temporary employee.

2. Criteria

- a. Category One - shall include an employee who had no CN during the leave calendar year and no leave without pay.
- b. Category Two - shall include an employee who had three or fewer occasions of CN during the leave calendar year and who may have had leave without pay.

3. Awards

- a. Category One - an employee in Category One **may** receive a certificate and a gift whose value does not exceed **\$25.00**.
- b. Category Two - an employee in Category Two **may** receive a certificate and a gift whose value does not exceed **\$10.00**.

4. Procedures

- a. The facilities shall decide on the gifts and certificates.
- b. Recognition shall occur as soon as possible after the end of the leave calendar year. Facilities are encouraged to provide awards in conjunction with other annual awards programs.

**H. Withholding Longevity Increments**

1. Guidelines

Longevity Increments for an eligible employee may be withheld with the written approval of the Secretary for the purpose of discipline or poor performance.

2. Eligibility

Only management, confidential, or other employees not covered by a collective bargaining agreement or memorandum of understanding are eligible for this program.

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Exceptions:

- a. Withholding of Longevity Increments from employees in policy, press, and legislative positions, and IES staff, require the approval of the Secretary of Administration.
- b. Withholding of Longevity Increments from attorneys under the Office of General Counsel requires the approval of the General Counsel.

3. Criteria

The practice of withholding Longevity Increments may be considered in cases where demotion is not warranted and suspension is not the most viable option.

4. Procedures

- a. All requests must be processed using the **Request for Withholding of Longevity Increment Form (Attachment 50-D)** with supporting documentation attached.
- b. The **Request for Withholding of Longevity Increment Form** shall be processed through the supervisor's Chain-of-Command.
- c. The Secretary has the final approval/disapproval authority for all requests.
- d. After the Secretary issues a final approval/disapproval, it will be forwarded to the BHR for notification to the Facility Manager or Director, and to process the transaction to implement the request.
- e. The Secretary may reinstate the withheld Longevity Increment at any time before the effective date of the next Longevity Increment, without affecting the employee's longevity date.

**I. Historical Practices**

This directive does not preempt or prohibit those facility practices of honoring employees by other additional means. Those programs may continue to operate in addition to this policy. Such local units of organization may continue to establish their own criteria, such as a specific number of years in a particular facility, etc.

**Section 51 - Benefits Briefing, Separation Processing**

**A. Procedures**

1. Employee informs Supervisor and Human Resources Office of separation in writing at least two weeks prior to leaving, and returns all Commonwealth property to Supervisor.
2. Supervisor informs the Business Manager and the facility Human Resource Officer of any Commonwealth property not returned by separating employee and submits an itemized list.
3. Human Resource Office shall schedule benefits briefing with separating employee (this includes employees involuntarily separated).
4. Human Resource Office explains information on Benefits Debriefing Checklist **(Attachment 51-A)**.
5. Employee answers questions on Debriefing Checklist with reasons for leaving and makes comments (optional).
6. Employee signs form.
7. Human Resource employee signs in appropriate place and files in employee's Official Personnel Folder.

**Section 52 - Dependent Entitlements for Employee Death**

**A. State Benefits - Non Job-Related Death**

1. Life Insurance
  - a. Payment of Group Life Insurance.
  - b. Based on yearly salary as of the preceding January 1.
  - c. Rounded off to nearest \$1000.00.
  - d. \$40,000 maximum.
2. Retirement
  - a. Members contribution plus interest if not vested.
  - b. Present value if vested (Superannuation or 5 Year Service Credit).
3. Payroll Information
  - a. Beneficiaries are entitled to any wages due deceased.
  - b. Beneficiary entitled to any travel expenses due deceased.
  - c. Clothing allowance.
4. Leave Information
  - a. Beneficiaries entitled to annual, personal and combined leave buy-out at 100%.
  - b. Beneficiaries entitled to sick leave buy-out at appropriate rate per contract or personnel rules.
5. Cobra Coverage
  - a. Health care benefits are available to survivor and dependents at state rates for 36 months.
  - b. Pennsylvania Employees Benefit Trust Fund (PEBTF) Summary Plan description shall be consulted prior to counseling survivors.
6. American General Life Insurance
  - a. Non-Commonwealth Benefit Program.
  - b. Pay records shall be reviewed to determine if employee was enrolled.



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7. Deferred Compensation

- a. Administered by citistreet.
- b. Beneficiary(ies) entitled to balance of account.

**B. State Benefits – Killed in the Line of Duty**

1. Life Insurance

- a. Payment of Group Life Insurance.
- b. Based on yearly salary as of the preceding January 1.
- c. Rounded off to nearest 1000.00.
  - a. \$40,000.00 Maximum.

2. Retirement

- a. Member's contribution plus interest if employee not vested.
- b. Present value if vested (Superannuation Or Five Year Service Credit).

3. Health Care Benefits

- a. Provides continuation of health care benefits to spouse and other dependents of the employee.
- b. Valid until spouse remarries or becomes eligible under another employers health plan as in several bargaining agreements.
- c. Annual certification of non-coverage required.
- d. Health benefits converted to REHP at time employee would have reached 60.

4. Cobra

- a. Ability to purchase health benefits at state rates for 36 months under Cobra if not eligible for any other health care program.
- b. Most Collective Bargaining Agreements agree to continue paying health care benefits to spouse and eligible dependents until spouse remarries or becomes eligible for coverage under another health plan.

5. Act 101

- a. \$58,500.00 if killed in line of duty (Recalculated on a fiscal year basis).

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- b. Law Enforcement Officers only.
  - c. State Law.
  - d. Not affected by federal benefits.
6. Post Secondary Educational Gratuity Program
- a. Children of Pennsylvania correctional employees killed in line of duty provided with 5 year educational gratuity.
  - b. State-owned or related institutions only.
  - c. Student 25 years or younger at time of application.
  - d. Deceased employee must have been full time employee.
  - e. Student must be a resident of Pennsylvania.
  - f. State Law.
7. Accidental Death Benefit
- a. Survivor eligible for \$10,000 accidental death benefit if not covered under Act 101.
  - b. Payable under Group Life Insurance.
  - c. See appropriate contract for amount.
  - d. State benefit.
8. Act 632 (State benefit)
- a. death as a result of an act of an inmate.
  - b. 50% salary until remarriage or death minus any workers compensation.
  - c. Remains eligible for act 101 and public safety officers death benefit.
9. Workers' Compensation
- a. \$3,000 burial expense.
  - b. 51% of wage until widower remarries or dies.
  - c. Children receive 32% of wage until 23 if full time student.
  - d. State Law.

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10. Payroll Information/Leave Information

- a. All monies due deceased employee (pay-travel expenses).
- b. Sick leave if in line of duty 100% unless surviving spouse or children are entitled to benefits under act 101 in which case spouse or children will be entitled to buy out according to provisions of appropriate contract.
- c. Annual, combined and personal leave paid at 100%.

11. American General Life Insurance

- a. Non-Commonwealth Benefit Program.
- b. Pay records shall be reviewed to determine if employee was enrolled.

12. Deferred Compensation

- a. Administered by Deferred Compensation Administrator.
- b. Beneficiary(ies) entitled to balance of account.

**C. Federal Benefits – Killed in the Line of Duty**

1. Public Safety Officers Death Benefits

- a. H-1 employees only.
- b. Amount recalculated annually if killed in the line of duty.
- c. Federal Law.
- d. Amounts of award changes yearly.
- e. Does not affect state benefits.

2. Educational Assistance For Public Safety Officers Survivors

- a. Families of law enforcement officers only whose total disability or death is the result of a traumatic injury sustained in the line of duty.
- b. Maybe used by spouse or dependent children up to age 27.
- c. Amount pro-rated for part-time students.
- d. Must apply to Attorney General.

**D. Guidelines for Local Human Resource Office**

The below listed guidelines shall be followed by the local Human Resource Office in the event that an employee dies while actively employed by the Commonwealth.

1. Employees death non-job related

a. Life Insurance.

- (1) Informs survivor to contact Prudential Insurance Company in order to receive claim information.
- (2) Phone number 1-800-893-7316.
- (3) A certified copy of the death certificate is need.

b. Retirement

- (1) Reports death to SERS.
- (2) Informs survivors that SERS will contact legal beneficiaries.
- (3) Any questions from survivors shall be directed to SERS (1-800-633-5461).
- (4) A death certificate is needed.

c. Pay

- (1) Any checks for regular pay, clothing allowance, etc., shall be returned to payroll. Survivors can procure monies due deceased.
- (2) Directive 315.13 shall be reviewed.
- (3) If salary, wages and benefits are \$5,000 or less, survivor completes STD 142 to procure monies.
- (4) If salary, wages, and benefits exceed \$5,000, a short certificate or a small Estate Petition Decree of Distribution is to be used. (These forms are available at the county courthouse.) It is the responsibility of the survivor or their representative to procure these forms.

d. Leave

- (1) Completes appropriate transaction to separate deceased employee, which generates 02000-leave payment transaction.
- (2) Compares time and attendance record with 02000 leave payment to ensure accuracy and then approves or disapproves.

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- (3) Informs survivor of amount of leave due.
  - e. Cobra Coverage
    - (1) Complete appropriate transaction to separate deceased employee.
    - (2) PEBTF contacts dependents regarding COBRA.
  - f. American General Insurance
    - (1) Determine if deceased employee was paying for coverage to American General.
    - (2) If deceased employee was paying for coverage have survivors call 1-800-231-3655.
  - g. Deferred Compensation
    - (1) Determine if deceased employee was contributing to Deferred Compensation Plan.
    - (2) Have Survivor contact Citistreet at 1-800-422-1327.
2. Employee killed in line of duty
- a. Dependents entitled to all benefits list above in A
  - b. Health Care Benefits
    - (1) The local Human Resources Office will submit the following to PEBTF:
      - (a) A **PEBTF-2, Employee Enrollment/Change Form**: indicate in the remarks section "employee death/work related accident." Form available through PEBTF.
      - (b) A copy of a report from TPA indicating death was job related.
    - (2) All questions regarding Health Care benefits approval shall be directed to PEBTF.
  - c. Act 101
    - (1) Human Resource Office assembles package, which includes:
      - (a) Claim for Death Benefits, Public Safety worker (Forms can be obtained by calling 1-888-744-6513).
      - (b) Certified copy of death certificate.

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- (c) Certified copy of proof of marriage if payment is to be made to spouse.
  - (d) Certified copies of birth certificates if payment is to be made to minor children.
  - (e) Certified copy of decease birth certificate that identifies parents or a certified copy of adoption decree if payment is to be made to parents.
  - (f) Notarized statement from the supervisor or officer in charge describing in detail the duties being performed at the time and the circumstances under which the employee was killed.
- (2) Application for Act 101 benefits must be signed by authorized representative of the Department of Corrections and claimant (spouse, child or parent) or their legal representative.
- (3) Local Human Resource Office submits complete package to Bureau of Classification and Compensation, OA.
- d. Post Secondary Educational Gratuity Program
- (1) Secretary of Corrections sends written notification of any corrections employee killed in the line of duty to the Pennsylvania Higher Education Assistance Agency (PHEAA) (Local Human Resources Office notifies Bureau of Human Resources who will author letter).
  - (2) Bureau of Human Resources sends information on Post-Secondary Educational Gratuity Program to family of deceased employee.
- e. Public Safety Officers Death Benefits  
(To obtain forms or information call 1-888-744-6513)
- (1) Local Human Resource office assembles package, which includes:
    - (a) Application for Public Safety Officer death benefits.
    - (b) Certified copy of investigative report.
    - (c) A certified copy of Autopsy report, including a toxicology analysis.
    - (d) Certified death certificate.
    - (e) If medical treatment beyond first aid administered prior to death-certified copy of attending physicians report.
    - (f) Certified copy of Essential Job Functions.

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- (2) Attached to the "Claim for Death Benefits" form shall include the following:
    - (a) Certified copy of decedent's marriage certificate.
    - (b) If either decedent or spouse was previously married, copy of certified divorce paper or certified copy of death certificate of previous spouse.
  - (3) Submits package to Bureau of Human Resources.
  - (4) Bureau of Human Resources sends completed information to Bureau of Justice Assistance Benefits Program, 810 Seventh Street NW, Washington, DC 20531.
- f. Educational Assistance For Public Safety Officers Survivors
- (1) Bureau of Human Resources requests application by calling 1-800-744-6513 or writing Bureau of Justice Assistance Clearing House, P.O. Box 6000, Rockville, MD. 20849-6000 or E-Mail [www.wcjrs.org](http://www.wcjrs.org).
  - (2) Bureau of Human Resources aids claimant in compiling information.
  - (3) Complete package is forwarded to Bureau of Justice Assistance.
- g. Accidental Death Benefit
- (1) Employee's beneficiary contacts Prudential Insurance Company at 1-800-893-7316 to obtain form.
  - (2) Beneficiary completes form and forwards to Prudential.
- h. Act 632
- (1) Bureau of Human Resources determines eligibility.
  - (2) Bureau of Human Resources determines yearly amount, if applicable.
  - (3) Bureau of Human Resources informs survivor of yearly amount, if any.
  - (4) Bureau of Human Resources insures yearly check to survivor as long as survivor remains eligible.
- i. Workers Compensation
- (1) Local Human Resources office files claim with Third Party Administrator (TPA).
  - (2) TPA determines eligibility.
  - (3) TPA informs survivor of eligibility or denies claim.

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- (4) If eligible, TPA issues monthly check as long as survivor eligible.



## **Section 53 – Professional Attire Standards for Non-Uniformed Staff**

### **A. General**

All staff including permanent, temporary, high school interns, contract employees, volunteers, and management interns will report for duty in attire appropriate to their profession and in compliance with these procedures. Attire will be appropriate to the corrections environment and reflect the professional image of the Department. These procedures supplement **Section 2** of this procedures manual which mandate that non-uniformed staff meet the standards of neatness and grooming as established by individual facilities. Appropriate attire and grooming standards are essential for the safety of both staff and inmates and to promote a professional image of the Department. These standards are not intended to affect any staff member's freedom of expression or personal resources.

### **B. Inappropriate Attire**

1. It is expected that all staff will exercise good judgment and common sense in selecting attire for the workplace. Staff will not wear the following while on duty:
  - a. shorts (except for Activities staff to be worn during structured activities only);
  - b. attire that conveys inappropriate or offensive messages or logos;
  - c. tank, tube, halter & midriff tops;
  - d. swimming attire;
  - e. spandex sportswear;
  - f. sweat/warm-up suits (except for Activities staff during structured activities);
  - g. any attire shorter than two inches above the knee;
  - h. revealing, low cut (in front/back), transparent, provocative, or tight (form-fitting) clothing;
  - i. ripped, torn, bleached, faded or dirty clothes; and
  - j. any footwear with heels that are four inches or higher.
2. All management personnel shall dress in professional attire, with no blue jeans, sneakers, or sandals. Men must wear ties. Dress down days may be authorized and scheduled with the approval of the Facility Manager or Deputy Secretary of Administration for all Central Office days.

**C. Jewelry, Watches, and Fitness Tracking Devices**

***Jewelry, watches, and Fitness Tracking Devices for non-uniformed staff shall be in accordance with Department policy 6.2.4, “Uniform Regulations,” Section 1, Subsections J. and K.***

**D. New Staff Orientation**

Each Facility Manager shall ensure that each new staff member is informed of these standards during the interview process. These standards will again be reviewed with new staff members during the orientation process. Managers and supervisors will provide ongoing communication of these standards to ensure they are tied to organizational needs for personal safety and to set an example for a professional atmosphere in the corrections work environment.

**E. Discipline**

Managers and supervisors are responsible for administering and enforcing the professional attire standards. Disciplinary action may be taken against a staff member for violation of these standards in accordance with **Section 7** of this procedures manual.

## **Section 54 – Leave Benefits for Domestic Partners**

This program is extended to any management and non-represented employee and to any employee in a bargaining unit, who has agreed to participate in this program, who legally attests to a domestic partnership.

### **A. Guidelines**

To qualify for the leave benefits outlined below, an employee and partner must meet the below listed criteria and provide a completed **Commonwealth of Pennsylvania Leave Benefits Domestic Partnership Verification Statement (Attachment 54-A)**. This notarized verification statement is to be maintained in the employee's official personnel file.

1. Each partner is the same gender.
2. Both partners are unmarried.
3. Both partners are at least 18 years old and mentally competent to enter into a contract in the Commonwealth of Pennsylvania.
4. Partners are the sole domestic partner of the other person.
5. Partners have lived together in the same residence on a continuous basis for at least six months immediately prior to the date of the notarized statement, with the intent to reside together permanently.
6. Partners are not related to each other by adoption or by blood, to a degree that would prohibit marriage in the Commonwealth of Pennsylvania.
7. Neither partner has been a member of another domestic partnership for the past six months (unless the prior domestic partnership ended as a result of the death or marriage of one of the domestic partners).
8. Partners are jointly responsible for the common welfare and financial obligations of each other.

### **B. Procedures**

1. Application by Employee and Domestic Partner for Domestic Partner Status
  - a. Employee submits completed **Domestic Partnership Verification Statement** to the **Employee Services Division of the Human Resource Service Center (HRSC)**.
  - b. The **Employee Services Division** of the **HRSC** reviews notarized **Domestic Partnership Verification Statements** for completeness and returns the form to the employee if the form is not complete.

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- c. **The Employee Services Division of the HRSC** files completed **Domestic Partnership Verification Statements** in the **employee's electronic official personnel file (E-OPF)**.
2. After the notarized **Domestic Partnership Verification Statement** is provided, the employee is eligible for leave benefits relative to the domestic partnership as listed below.
    - a. Sick family, additional sick family, and donated leave\* may be used for the domestic partner and for the child of the domestic partner.
    - b. Sick bereavement leave may be used for the following:
      - (1) up to five days for the death of the domestic partner or the child of the domestic partner;
      - (2) up to three days for the death of the parent, brother, sister, grandparent, or grandchild of the domestic partner;
      - (3) family care leave\* may be used for the domestic partner and the biological or adopted child of the domestic partner who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

\*NOTE: The Family and Medical Leave Act (FMLA) does not apply to employees in Pennsylvania who reside together in a domestic partner relationship. Therefore, family care leave and donated leave used for the domestic partner or a family member of the domestic partner may not be designated as FMLA leave and counted against the employee's FMLA entitlement.

3. Termination of Domestic Partner Request by Employee or Domestic Partner or Individual Partner as outlined in the **Joint Domestic Partner Termination Statement (Attachment 54-B)** and the **Individual Domestic Partner Termination Statement (Attachment 54-C)**.
  - a. Employee and partner or individual partner shall file the appropriate form with the **Employee Services Division of the HRSC**.
  - b. **The Employee Services Division of the HRSC** reviews the form for completeness and returns the form to the filing party(s) if not complete.
  - c. **The Employee Services Division of the HRSC** shall file the completed form in the **E-OPF**.

## **Section 55 – Leave Donation Program**

### **A. General**

1. All leave donations are administered in accordance with **Management Directive 505.7, Personnel Rules (Chapter 8, Subchapter B, Leave Donations)** and **Manual 530.7, Absence Program Manual (Part Two, Other Paid Absences)**. All leave donations are processed through the Department's Bureau of Human Resources (BHR), Sick, Parental and Family Care (SPF) Absence Unit located at Central Office.
2. All forms related to leave donations can be obtained by contacting the SPF Absence Unit in Central Office at 717-728-5341 or [ra-censpf@pa.gov](mailto:ra-censpf@pa.gov).

**Section 56 – Unreturned Commonwealth Property/Uniforms at Time of Separation**

**A. General**

In accordance with Department policy **6.2.4, “Uniform Regulations,” Section 1, Subsection A.12.**, which states “ When the staff member is leaving service with the Department, (retirement, resignation, or dismissal) he/she must properly account for and return all items issued by the Department, or be billed accordingly.”

**B. Separation Processing**

Upon separation, the below listed procedures shall apply.

1. The employee shall inform his/her supervisor and the Human Resources Office of the separation in writing at least two weeks prior to leaving. In the event the separation is involuntary, this process begins in accordance with **Subsection B.2. below**.
2. The supervisor shall inform the employee that all Commonwealth property must be returned no later than the close of business on his/her last day of employment or the subsequent pre-scheduled day of the exit interview.
3. The supervisor shall inform the employee that failure to return all Commonwealth property by the deadline will result in the cost of the item(s) being recouped through either the employee leave payment and/or retirement contributions.
4. The supervisor shall inform the employee that the failure to return Commonwealth property will delay separation processing and, if applicable, receipt of retirement money from the State Employee’s Retirement System.
5. The supervisor shall inform the Business Manager and the facility Human Resource Officer, in an itemized list, of any Commonwealth property not returned by the separating employee (the day after the established deadline for return of Commonwealth property has passed, to ensure that the employee’s leave payout and retirement are placed on hold).
6. The Business Manager will supply the costs of the items to the Human Resource Office.
7. The Human Resource Office shall notify the employee, in writing, using the **Notification Memo (Attachment 56-A)**, of items not returned with a cost assigned for each unreturned item. The notification shall include a second deadline for the employee to return the item(s), that failure to return the item(s) will result in payment being deducted from the leave payout and/or retirement contributions, and delay of any leave payout and/or retirement money being received. The Human Resource Office shall allow five business days for return of items.
8. The Human Resource Office shall add text to Infotype 2012 on the Q-action notating “leave is not being unlocked due to [list unreturned item(s)] and the date the process to recoup monies began.

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9. When the employee returns the property, the Human Resource Office will unlock the Time Specification Q-action in SAP to release leave payout and final separation processing to the Bureau of Commonwealth Payroll Operations.
10. If the employee does not comply with written notification to return the property, the Human Resource Office will notify the Bureau of Commonwealth Payroll Operations (BCPO), Travel Advancements/Audits and Receivables Manager of non-compliance. This notification will include a list containing all non-returned items with associated costs. This notification will be used to make recovery from the employee's leave payout, if possible. The BCPO Pay Processing will set up the necessary wage type deduction to recover the debt.
11. If recovery is made from the employee's leave payout, the BCPO Advancements and Receivables Manager will coordinate with the Bureau of Human Resources to unlock the Time Specification Qxxx action in SAP.
12. If recovery is not possible from the employee's leave payout, the BCPO, Travel Advancements/Audits and Receivables Manager will prepare an Agency Indebtedness Memorandum (AIM) for the non-payroll debt, along with amounts from any payroll related debts, and forward it to the Department's Office of Chief Counsel for authorization to recoup monies from the employee's retirement contributions.
13. The Office of Chief Counsel shall authorize the claim and forward it to the BCPO, Travel Advancements/Audits and Receivables Manager.
14. The BCPO recoups the debt and completes the separation process. The BCPO shall forward a check in the amount due for unreturned property to the appropriate party in the Department, who will complete a refund of expenditure in SAP using the appropriate account coding.

## **Section 57 – Expressing Breast Milk at the Workplace**

### **A. Patient Protection and Affordable Care Act**

1. The **Patient Protection and Affordable Care Act** (P.L. 111-148, known as the “Affordable Care Act”) amended Section 7 of the **Fair Labor Standards Act (FLSA)** to require employers to provide “reasonable break time for an employee to express breast milk for her nursing child for one year after the child’s birth each time such employee has need to express the milk.” Employers are also required to provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.
2. All Department facilities shall provide reasonable break time for an employee to express breast milk for a nursing child for one year after the child’s birth each time such employee has the need to express milk. The employee is to use appropriate leave if the break to express milk occurs on work time (excludes two paid rest periods and lunch period). The facility is to provide a private setting, other than a bathroom, for the employee to express breast milk.
3. Expressed milk is to be kept in the employee’s personal cooler in their personal vehicle.

### **B. Responsibilities**

#### 1. Facility Manager

Facility Managers are to ensure their facility is in compliance with the **Patient Protection and Affordable Care Act** with respect to providing a private setting for the use of expressing breast milk and providing adequate duty free breaks for the employee who is nursing a child and has a need to express breast milk for up to one year after the child’s date of birth. Inmates should not be permitted in the space designated for this purpose.

#### 2. Supervisor

Supervisors are to monitor the time spent by the employee for the purpose of this policy to ensure the appropriate amount of leave is charged to the employee for time spent expressing breast milk during work hours. If paid leave is not available, the employee shall be granted AO for this purpose. Supervisors are to notify the local Human Resource Officer of the employee’s request.

#### 3. Employee

Employees are responsible to notify their immediate supervisor in advance that they intend to breastfeed and will require breaks and an appropriate location to express the breast milk. Employees are responsible to notify their immediate supervisor as soon as practical of a need to express breast milk during their work shift for their nursing child. Employees are to be aware of their absence quotas and request appropriate paid leave (Annual, Personal, Combined Pre-Scheduled or Compensatory) for time spent



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expressing breast milk during work hours. If the employee does not have any paid quotas available for this purpose they shall request AO.

4. Local Human Resource Officer

The Local Human Resource Officer is to ensure a memo is issued to the employee notifying her of the location(s) designated for expressing breast milk. Copies of the memo are to be sent to the Facility Manager, Deputy Secretary for Facilities Management (DSFM), immediate supervisor, time advisor and if appropriate the local union representative. The **Request for Space to Express Breast Milk Memo (Attachment 57-A)** provides sample language for this memo.

## **Section 58 – Supplementary Employment**

Supplementary employment is any employment that is secondary to commonwealth employment. Supplementary employment encompasses paid, unpaid, and volunteer employment with the exception of military duty. All conflicts arising out of supplementary employment will be resolved in favor of the Department employment. All procedures for seeking supplementary employment will be in accordance with **Management Directive 515.18 Amended, Supplementary Employment.**

### **A. Responsibilities**

#### 1. Employee

##### a. Current Department employees will:

- (1) obtain approval for supplementary employment prior to accepting such employment; and
- (2) complete and submit all necessary forms to the Chief, Workforce Management Division (WMD), Bureau of Human Resources (BHR).

##### b. Prospective Department employees will:

- (1) obtain approval for supplementary employment prior to accepting employment with the Department; and
- (2) complete and submit all necessary forms to the Chief, WMD, BHR.

#### 2. Chief, WMD, BHR will:

- a. ensure requests and notifications are completed timely and accurately;
- b. establish and oversee the maintenance of a tracking system;
- c. forward requests through the appropriate authorities for review and approval/disapproval; and
- d. ensure appropriate responses to all inquiries and requests for information.

#### 3. Department Office of Chief Counsel (OCC) will:

- a. review all requests to determine whether any conflicts of interest exist between the supplementary employment and Department employment;
- b. recommend approval/disapproval of the request; and

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- c. forward requests through the appropriate Deputy Secretary and/or the Governor's Office of Administration (OA) for approval/disapproval.

**B. General Processing**

1. Current Department employees will complete and submit **STD-355, Supplementary Employment Request, (Attachment 58-A)** and **Supplementary Employment Request Memo (Attachment 58-B)** to the Chief, WMD, BHR prior to starting new Supplementary Employment and when changing job titles within the Department.
2. Prospective Department employees will complete Page D of the **DOC Application for Employment** (refer to **Section 38** of this procedures manual), which contains supplementary employment information. If the candidate indicates "Yes" then the Human Resource Office will provide the candidate with the **STD-355** and the **Supplementary Employment Request Memo**. Upon completion, forms will be submitted to the Chief, WMD, BHR.
3. The Chief, WMD, BHR will ensure that requests are logged, routed for review, and sent to the OCC.
4. The OCC will review the request and make a recommendation for approval or disapproval and then forward to the appropriate Deputy Secretary and/or OA (for requests involving political activity or senior level positions) for a final determination. Once a final determination is made, it will be forwarded to the Chief, WMD, BHR.
5. The Chief, WMD, BHR will ensure that the request with approval/disapproval is distributed to the employee through the appropriate Facility Manager or Central Office Director.

**C. Appeal Process**

1. An employee may, within ten workdays of receiving the final disapproval by the Chief, WMD, BHR request review by the Secretary of Administration by submitting an **STD-357, Supplementary Employment Request for Review (Attachment 58-C)** directly to the OA, BHR. The concurrence of the Secretary of Administration with the disapproval by the Department of a request for supplementary employment shall not be reviewable except as provided by specific collective bargaining agreements.
2. An employee covered by a collective bargaining agreement whose request for approval is denied may elect review of the denial by the Secretary of Administration as described above. In addition, employees covered by a collective bargaining agreement may elect to submit the issue directly to the fourth step of the standard grievance procedure, or Joint State Committee of the accelerated grievance procedure, as applicable, within 12 calendar days of receipt of final disapproval from the Chief, WMD, BHR.

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[NOTE: The following terms have the stated meanings unless the context of the situation clearly indicates otherwise.]

**Active Pay Status** - The condition during which an employee is eligible for pay.

**American with Disabilities Act (ADA)** - A Federal law concerning accommodation of people with disabilities.

**ADA Coordinator** - A Human Resource Analyst designated by the Bureau of Human Resources shall serve as the ADA Coordinator for reviewing ADA claims submitted by Department employees or job applicants. The ADA Coordinator also chairs the ADA Committee.

**ADA Review Committee** - A panel made up of designees from the Bureau of Human Resources, the Office of Chief Counsel, and others as appropriate whose purpose is to review ADA requests and to determine coverage and appropriate action when necessary.

**Adverse Contacts** - Contacts with Criminal Justice Agencies include the following: Arrest; Investigation; Prosecution; Conviction (excluding any that had been expunged or overturned); Incarceration; Accelerated Rehabilitative Disposition (ARD); Probation; and/or Suspended Sentence.

***Allegation(s) of Sexual Contact – Outcome of Investigation:***

1. ***Substantiated Allegation\**** - *an allegation that was investigated and determined to have occurred.*
2. ***Unfounded Allegation\**** - *an allegation that was investigated and determined not to have occurred.*
3. ***Unsubstantiated Allegation\**** - *an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.*

**Anniversary Date** - The anniversary date of an employee shall be one year from the date of appointment and, thereafter, one year from the month of the most recently scheduled annual (not probationary) performance evaluation or, for those employees eligible for annual increments, one year from the month of the most recent annual increment.

**Application for Benefits Date** - For UC: The date of the Sunday immediately before the day application for benefits is made, unless an exception to predate the claim is allowed under certain circumstances.

**Appoint or Hire** - The hiring of a person to perform designated duties in exchange for compensation; the term does not include individuals who are compensated through a contractual agreement or who transferred from other state agencies.

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**Appointing Authority** - The head of a department, board or commission or other official who has statutory authority to make an appointment in the state service. In the Department of Corrections, the appointing authority is the Secretary of Corrections. This authority has been delegated to (a) Superintendents for positions within their facilities, (b) Regional Directors in the Bureau of Community Corrections within their regions, and (c) the Executive Deputy Secretary for Central Office positions.

**At-Will Employment Relationship** - The right reserved by the Commonwealth, subject only to the express terms of any applicable labor agreement or statute, to terminate an individual's employment at any time for any reason or no reason except as prohibited by law.

**Available to Work (§401 (d); 43 P.S. §801)** - For UC: The Claimant must be ready, willing, and free to accept suitable work at any time it is offered. Claimants are not available who place unreasonable restrictions on the kind of work they will do, the hours they will work, or the working conditions they will accept. Claimants need not be available for all types of employment. The determination depends on whether or not employment limitations effectively remove claimants from their labor market. Registration for work is a prima facie case of availability, but may be rebutted by countervailing evidence.

- Examples of Unavailability: Incarceration or legal detention; caring for sick spouse, child, or parent; outside labor market area for personal reasons. If the reason for separation raises the question of availability, determination of availability is made simultaneously with the separation determination. (See Separation Determination)

**Base Year (§(a)(1))** - For UC: The first four of the last five completed calendar quarters immediately preceding the first day of the claimant's benefit year (see Benefit Year). The claimant's pattern of employment and wages earned during this period determine the weekly benefit rate.

**Base Year Employer** - For UC: The employer(s) who paid the wages during the claimant's base year.

**Benefit Year (§4(b))** - For UC: The 52-week period beginning with the application for benefits date (see Application for Benefits Date). The weekly benefit rate (see Weekly Benefit Range) established at the beginning of the benefit year remains constant for any period of unemployment during the year. (See §4(b) of the Law for an expanded definition.)

**Break in Employment** - A voluntary or involuntary interruption in an individual's employment status with the Commonwealth. A break in employment may be caused by such events as retirement, resignation, furlough, or involuntary separation. The term does not include leaves without pay of any kind, legal strike absences, suspensions, or transfers regardless of their duration.

**Bureau Director** - The director of a central office bureau/office or their designee.

**Bureau of State Employment (BSE)** – An agency in the Governor's Office of Administration that acts as a central referral agency for non-Civil Service jobs. The BSE services all state

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agencies under the Governor's jurisdiction. When state agencies have non-Civil Service vacancies, they may request BSE to supply them with a list of qualified candidates to interview.

**Civil Service Positions** - Those positions which are included in the definition of the classified service under Article 1, Section 3(d) of the Civil Service Act (71 P.S. §741.1 et seq.) including (13) "All positions now existing or hereafter created in any department or agency under the Governor's jurisdiction which (i) are required to be under a merit system in order to qualify the agency or department for the receipt of funds from the US Government or any agency or instrumentality thereof;...."

**Classification** - The assignment of a position to one of the jobs in the Commonwealth classification plan.

**Classification Appeal** - An official, written request by an employee for the reclassification of her/his position. This applies to all employees not covered by a labor agreement and those covered by an agreement that does not mandate resolution of classification disagreements through the grievance procedure. A classification appeal may or may not result in an appeal board hearing.

**Classification Grievance** - An appeal by an employee for reallocation of her/his position or other remedy through the classification grievance procedure as set forth in the labor agreement covering that employee.

**Classification Maintenance Review** - The review and evaluation of 25% of non-Corrections Officer Positions per year in each facility and Central Office to ensure that these positions are properly classified.

**Classification Plan** - A listing of all the jobs and corresponding job specifications used by the Commonwealth.

**Code of Ethics** - A handbook providing the basic principles and rules by which an employee of the Department is required to conduct his/herself. Every employee receives a handbook when they begin employment in the agency.

**Collective Bargaining Agreement** - A formal agreement between the Commonwealth and an employee organization that establishes an equitable procedure for the resolution of differences between labor and management and establishes rates of pay, hours of work, and other conditions of employment.

**Combined Leave** - Leave program for H-1 employees, which combines annual, personal, and some sick leave into one leave.

**Commercial Drivers License(CDL) Drug and Alcohol Testing and Licensing Program** - A program that requires employees whose job duties include operation of commercial motor vehicles to comply with federal regulations which require drug and alcohol testing.

**Compensation** - Pay and benefits granted directly or indirectly to employees.

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**Complement Control** - Maintenance of records and controls on the number and kind of positions within an agency.

**Condition of Continued Employment (COCE)** - Occurs when an employee is required to successfully participate in counseling/treatment for personal problems through the State Employee Assistance Program (SEAP). A COCE must receive approval from the agency, Office of Administration, and union if the employee is covered by a collective bargaining agreement or memorandum of understanding.

**Confidential employee** - An individual who is employed in a central personnel agency or in the personnel office of an operating agency and has access to information subject to use by the Commonwealth in collective bargaining, or who works in close continuing relationship with individuals associated with collective bargaining on behalf of an agency of the Commonwealth.

**Contract Employees** - An individual under contract to perform a service for a specific period.

**Covered Employment** - For UC: All personal service performed for remuneration by an individual under any contract of hire, except certain services specifically excluded by Pa. Unemployment Compensation Law. (See § 4(1) and §1002 of the Law for an expanded definition and exclusions.)

**Credit Weeks** - For UC: A calendar week (Sunday through Saturday) in the claimant's base year (see Base Year) in which there were earnings, regardless of when paid, of \$50 or more.

**Critical Incident** - An unusually traumatic situation, outside of the normal range of a correctional operations experience, to which employees have an unusually strong emotional reaction which has the potential to interfere with their ability to function. Examples include being held hostage, prolonged riotous situation, death or serious injury of an employee in the line of duty, physical or sexual assault on an employee, use of lethal force on an inmate, witnessing any of the preceding, involved in or witness to an execution of an inmate, witness to the death, suicide or attempted suicide of an inmate or staff member.

**Critical Incident Stress Debriefing (CISD) Team** - A CISD Team is composed of mental health professionals (facility doctoral and master level psychologist and master level counselors) and peer support persons (correctional officers, counselors, nurses, teachers, maintenance, culinary staff, etc.) whose function is to facilitate stress defusing and stress debriefings and provide consultation to management and/or the incident commander as requested. The team leader shall be a mental health professional.

**Critical Incident Stress Management (CISM)** - A process for the identification of critical incident stress situations, recognition of signs and symptoms of critical incident stress and reduction and management of critical incident stress in exposed employees.

**Demotion** –

1. Movement of an employee in a class to another class assigned to a pay range with a lower minimum hourly rate. The actual minimum hourly rate of the pay range assigned to a class

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shall be used to determine if an action is a demotion, even in those cases where an above minimum hiring rate has been approved for the class.

2. For determining Civil Service-covered actions for certification purposes only, demotion means a change to a position in a class carrying a lower maximum salary.

**Department Employee** - Any person, whether full-time or part-time, permanent or temporary, hired by the Department as a Commonwealth employee.

**Department** - The Pennsylvania Department of Corrections.

**Desk Audit** - An interview with an employee or the supervisor to verify or gather information about the duties of a position. Sometimes call "work audit" or "job audit."

**Direct Threat** - Under the ADA: A significant risk of substantial harm to the health or safety of any person including an employee/job applicant with a disability that cannot be eliminated or reduced by reasonable accommodation.

**Disability** - For purposes of coverage under the Americans with Disabilities Act (ADA) a person with a disability is defined as an individual who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record or history of such an impairment; or
3. Is perceived or regarded as having such an impairment.
4. The following conditions do not constitute disabilities: transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual disorders, compulsive gambling, kleptomania, pyromania, psychoactive substance abuse disorders resulting from current illegal use of drugs, the current use of illegal drugs, homosexuality or bisexuality.

**Disciplinary Action** - An oral or written reprimand, suspension, demotion, or dismissal.

**Discipline** - Written reprimand, suspension, demotion, and/or bid post removal, termination.

**Discrimination** - Unequal treatment of a protected class of persons or the consequence of an action, policy, or practice resulting in unequal treatment of a particular protected class. Discrimination may involve a single act or it may involve a continuing policy or practice.

**Discrimination Complaint** – Notification of an allegation of discrimination. The notification does not have to be in writing to warrant an investigation.

**Dismissal** - The involuntary termination of employment for reasons other than lack of funds or work.

**Dual employment** - The hiring of an employee already on a payroll or on contract with the Commonwealth, whether in a different agency, on a separate payroll or contract, or in a separate position in the same agency.



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**Duties** - A group of closely related tasks representing the body of work for which the employee is accountable. See also "Major Duty" and "Minor Duty."

**EEO Office** - The Department's Office of Equal Employment Opportunity/Contract Compliance.

**Emergency** - Any unusual incident that disrupts normal operations and that requires extraordinary measures to bring about a return to normal operations.

**Employee** - A person who has been hired by an agency subject to The Administrative Code of 1929 (71 P.S. §§51-732) and whose employment has not yet been terminated.

**Employee Performance Review Program** – An annual/intermittent/probationary review to measure and inform employees of their performance levels.

**Employee Service Coordinator** - The person designated by the Secretary of Corrections to oversee Commonwealth benefits for employees of the Department of Corrections.

**Entrance-Level Job** - A job involving work in an occupational area at the beginning level; the lowest level in a series of jobs.

**Equal Employment Opportunity** - A system of employment practices within an employing organization under which individuals are not excluded from any participation, advancement or benefits because of their race, color, religious creed, ancestry, union membership, age, sex, sexual orientation, national origin, AIDS or HIV status, or disability.

**Essential Employees** - Employees who are required to work when an office closing is authorized. All Department of Corrections employees have been deemed essential employees in the event of an emergency. (Reference Management Directive 530.17)

**Essential Job Function** - The job duties that the individual occupying a position must be able to perform unaided or with the assistance of a reasonable accommodation. This does not include any marginal functions assigned to a position.

**Examples of Work** - That part of the job specification that lists tasks illustrative or typical of positions in the job. It should not be construed as setting forth what the specific responsibilities and duties of any position shall be, nor does it limit or modify the power of the appointing authority to assign, direct, and control the work of employees.

**Exceptions to the Definition of Disability** – The terms ‘disability’ and ‘qualified individual with a disability’ exclude individuals currently engaging in the illegal use of drugs; psychoactive substance use disorders resulting from current illegal use of drugs; transvestism; transsexualism; pedophilia; exhibitionism; voyeurism; gender identity disorders not resulting from physical impairments; other sexual disorders; compulsive gambling; kleptomania; or pyromania. Additional protections may be provided under other civil rights laws or executive orders.

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**Executive Board** - The Executive Board consists of the Governor, who is the Chair, and six other heads of administrative departments to be designated from time to time by the Governor. Some of the powers of The Board are to:

1. Standardize the qualifications for employment, and all titles, salaries, and wages of persons employed by the administrative departments, boards, and commissions, except the Department of the Auditor General and the Treasury Department.
2. Approve or disapprove the establishment of bureaus and divisions by the administrative departments;
3. Approve or disapprove extra compensation for those who are employed at fixed compensation; and
4. Determine the hours when the administrative offices shall open and close, and to determine the holidays on which the administrative offices of State Government shall be closed for the purpose of transacting public business;

**Exempt employee** - An employee in a position or a job that has been identified as being exempt from the overtime provisions of the *Fair Labor Standards Act*.

**Facility** - A State Correctional Facility, State Regional Correctional Facility, Central Office Bureau or Office, Community Corrections Center or a Motivational Boot Camp.

**Facility Manager** - The Superintendent of a State Correctional Facility or State Regional Correctional Facility, the Director of a Central Office Bureau/Office, a Director of a Community Corrections Center or the Commander of a Motivational Boot Camp.

**Financial Determination** - The decision of eligibility or ineligibility for unemployment compensation made at the time of application for benefits that is dependent on the wages earned in the base year (see Base Year). The determination also involves computation of the claimant's weekly benefit rate.

**First-level supervisor** - An employee who functions as a supervisor in the lowest level of supervision not supervising other supervisors.

**FLSA** -The Fair Labor Standards Act.

**FLSA Exempt Employees** - Employees who are not eligible to be paid for overtime at the time and a half rate for hours worked over 40 in a workweek.

**Full-time Employee** - An employee who is expected to be in an active pay status 75 or 80 hours every pay period.

**Furlough** - The removal of an employee from his or her position due to lack of work or funds or for other operational reasons.

**Furlougee** - An employee who is removed from his or her position because of lack of work or funds or for other operational reasons and who meets one of the following criteria:

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1. Is on a furlough recall list as prescribed in the *Civil Service Act* or the appropriate labor agreement.
2. If not subject to the recall provisions of a labor agreement, has been furloughed within the past 36 months.

**Harassment** – Unwelcome conduct based on a protected class, when:

1. Enduring the offensive conduct becomes a condition of continued employment; or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

**Immediate Suspension and Removal from the Workplace Situation** - An action resulting from flagrant employee misconduct such as an assault on a co-worker.

**Inactive Pay Status** - The condition during which an employee is not eligible for pay.

**Incumbent** - The employee who occupies a position. May be permanently or temporarily employed, or absent on leave.

**Inter-Facility Transfer** - The movement of an employee between facilities within the Department from one position to another with the approval of the Facility Manager.

**Interim evaluation** - An evaluation which takes place between regularly scheduled evaluations.

**Intermittently scheduled employee** - An employee who is expected not to be in an active pay status every pay period.

**Investigation** - The process by which information is gathered, including, but not limited to, fact-finding, investigative interviews and document research.

**Investigator/Fact Finder** - A person designated by the Facility Manager, or designee to conduct a thorough investigation and collect facts regarding an alleged violation of Department policy, procedure and/or the Code of Ethics. In some cases, the Facility Manager may assign this function to the Office of Special Investigations or Intelligence (OSII) or other appropriate Department personnel.

**Job** – A group of positions sufficiently similar with respect to duties and responsibilities so that the same title and code, including parenthetical title and code, may be used to describe all positions included in the group, and so that the positions may be treated alike for recruitment, selection, pay, and other personnel purposes.

**Job Code** – The official numeric and/or alphabetic code designating a specific job. The code is composed of five digits, the first and last of which may be a letter and is assigned to the job by the Office of Administration.

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**Job Description** - See Position Description.

**Job Related Disability** – Any disability that substantially interferes with the ability to perform the essential job functions of the position that a person with a disability applies for, holds, or held.

**Job Series** – All jobs involving similar work but varying as to level of difficulty and responsibility.

**Job Specification Definition Section** – That part of the job specification that describes the kind and level of work that characterizes the job and distinguishes it from other jobs. It includes references such as type of work, independence of action, effect of error, work hazards, and supervision exercised and received.

**Job Standard (or Job Specification)** – A written description of a job which defines and describes representative duties and responsibilities and sets forth the experience and training which provide the knowledge, skills, and abilities essential to the performance of the work of the job.

**Journeyman** - An experienced employee who works at the full performance level under general supervision on work of average difficulty.

**Leave** - Absence from work, with or without compensation, for an authorized purpose.

**Leave Calendar Year** - Beginning with the employee's first full pay period commencing on or after January 1 and continuing through the end of the employee's pay period that includes December 31.

**Level** - A term used to describe differences in the difficulty and complexity of duties in different jobs within a single job series; occasionally used to describe the differences and/or similarities among positions in different job series.

**Limited Term Wage Position** - A position with a specified date of expiration, regardless of duration. A position used to hire employees for peak workload situations or to substitute for permanent employees. Positions of this nature usually have a six-month time limit and no benefits are applied.

**Line Employee** - An individual directly and immediately engaged in carrying out an organization's mission.

**Longevity Date** - The month and year an employee, paid in accordance with the Standard Pay Schedule or another schedule based on the Standard Pay Schedule, becomes eligible for a longevity increment.

**Major Duty** - A group of closely related tasks that occupy a significant amount of the employee's time (20% or more), or that affects the qualifications required for employment in the position.

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**Major Life Activities** – Any basic function that the average person in the general population can perform with little or no difficulty.

1. Such activities include, but are not limited to, caring for oneself, performing manual tasks, walking, sitting, eating, sleeping, standing, lifting, bending, seeing, hearing, speaking, breathing, learning, concentrating, thinking, communicating, and working.
2. A major life activity also includes the operation of a major bodily function, including but not limited to, immune system, normal cell growth, digestive, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Management** - Pertains to the officials in an organization:

1. Exercising control over the major efforts of the organization,
2. Determining objectives,
3. Setting forth the general policies,
4. Setting up the organization,
5. Exercising fiscal control, and
6. Directing the utilization of personnel.

**Management level employee** - An individual who is involved directly in the determination of policy or who responsibly directs the implementation of policy. The term includes all employees above the first level of supervision.

**Marginal or Minor Duty** - An incidental or miscellaneous group of closely related tasks that

1. Individually or collectively occupies an insignificant amount of the employee's time (less than 20%), and
2. Does not affect the qualifications required for employment in the position.

**Meet and discuss** - The obligation of the Commonwealth to meet at reasonable times and to discuss recommendations submitted by representatives of Commonwealth employees, provided that any decisions or determinations on matters so discussed shall remain with the Commonwealth and be deemed final on any issue or issues raised.

**Memorandum of Understanding** - A nonbinding understanding between the Commonwealth and an employee organization that represents first level supervisory employees and that establishes an equitable procedure for the resolution of differences between labor and management and that establishes rates of pay, hours of work, and other conditions of employment.

**Mental Health Professional (MHP)** - A Mental Health Professional shall possess a graduate degree in a social or behavioral science field. The MHP shall have knowledge of personality dynamics, abnormal behavior, and group processes. The MHP shall have knowledge of verbal and non-verbal communication, crisis intervention, and/or stress management, anxiety disorders, especially Post Traumatic Stress and a general knowledge of the overall operations of a correctional facility.

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**Minimum Experience and Training (METs)** - The part of the job specification that sets forth the type of prior work history and educational background that an employment applicant should have at the time of application for the job. That is, what the candidate knows without ever having done the job.

**Minnesota Multiphasic Personality Inventory (MMPI)** - A measure of standardized objective personality characteristics.

**Minutes** - A written or typed summary of a meeting's proceedings, such as a pre-disciplinary conference.

**Modified Duty** - Temporary duties assigned based upon the employee's abilities and the operational feasibility of the facility, which are intended to facilitate the employee's return to work from a disability.

**Modified Position Description** - A position description that sets forth the employee's modified duties. (See Appendix 2)

**Modified Work Schedule** – A Department and Governor's Office of Administration approved work schedule that permits an employee to work a schedule different from the standard 7.5 or 8.0 hours per day. Modifications of an employee's work schedule must be approved by the Governor's Office of Administration, Bureau of Equal Employment Opportunity (after consultation with appropriate program areas).

**NCIC/CLEAN** - National Crime Information Center/Commonwealth Law Enforcement Assistance Network.

**Necessitous and Compelling (§402(b); 43 P.S. §802)** - For UC: Considerations or motives that give the employee no reasonable alternative but to terminate employment. The reason must be more than mere whim, caprice, or selfish desire. The reason must be one connected with employment, except in cases where a claimant's personal reasons are considered good.

**Non-Civil Service Positions** - Those positions in agencies under the Governor's jurisdiction other than civil service positions.

**Non-covered Employment** - For UC: Services that are excluded from coverage by the Pennsylvania Unemployment Compensation Law. Wages earned in such employment are not subject to the employee UC tax and are not used to calculate UC benefits. (See §4(1) and §1002 of the law for an expanded definition and specific exclusions.)

**Non-exempt employee** - An employee in a position or a job that has been determined to be eligible for overtime under the provisions of the *Fair Labor Standards Act*.

**Non-monetary Determination** - For UC: The decision of eligibility or ineligibility for Unemployment Compensation that is dependent on the reason the claimant became unemployed or continues to be unemployed.

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**Non-Safety Infraction** - A violation or nonobservance of DOC policy and/or regulation that does not pose serious danger to the workplace or other employees.

**Office Hours of the Department** - The Office Hours of the Department are 0800 (8:00 AM) to 1700 (5:00 PM). The hours when the offices of state government are to be open for the transaction of public business is determined by the Governor's Executive Board (reference Management Directive 505.21).

**OIG** - The Office of the Inspector General, Department of Corrections satellite office (OIG).

**On Scene Support Services** - Direct services at the scene of a traumatic incident while the event is on going. Services may include brief interventions with personnel, advice and counsel to command, and assistance to family members. This is one-on-one contact, not a group process.

**Oral reprimand** - To warn an employee orally that some action or lack of action or performance on the employee's part is unacceptable and that repetition will result in further disciplinary action.

**OSII** – The Department's Office of Special Investigations and Intelligence.

**Overtime work** - Work performed by an employee in excess of a regular full-time work schedule.

**Partial Benefit Credit (§4 (m.3))** - For UC: 40% of the weekly benefit rate. This amount or less can be earned by a claimant without a reduction in Unemployment Compensation benefits.

**Part-time Employee** - An employee working less than 37.5 or 40 hours per week on a regular basis.

**Pay** - Money given directly to a person by his or her employer for services rendered. The term includes but is not limited to salaries, wages, overtime, shift differential, call time, standby time, bonuses, and money in lieu of benefits.

**Pay Plan** - The plan set forth in *Manual M525.2, Commonwealth Pay Plan*, which provides an appropriate pay schedule and pay rate for each class in the Commonwealths classification plan.

**Performance evaluation** - A periodic review and rating by the supervisor of how much, how well, and the manner in which an employee performed the duties and carried out the responsibilities of the position occupied during the evaluation period in accordance with performance standards and expectations.

**Performance factor** - An individual element of performance, such as communication or work results, which contributes to overall performance.

**Performance objective or expectation** - A statement of the most important work that can and should be accomplished within a specified period in terms that are measurable.

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**Performance standard** - A statement of how much, how well, and in what manner a particular task is to be done.

**Permanent Disability** - A disability that does not meet the criteria of a temporary disability, is expected to last over one year, and for which no anticipated date of return is stated.

**Permanent employee** - An employee who is hired with the expectation of being in an active pay status for more than 12 consecutive months or who is hired with the expectation of being in an active pay status from 9 to 12 consecutive months inclusive and with the expectation of working on an annually recurring basis. The use of this term does not change or alter in any way the at-will employment relationship between the Commonwealth and its employees.

**Permanent position** - A position created without a position expiration date and which may be eligible for benefits.

**Pre-employment Verification Report (PEVR)** - A collection of information compiled before employment. Background investigations for all candidates for positions in the Department shall be according to Management Directive 515.15, "Identification, Employment, and Education Verification Checks" and M505.5, "Commercial Driver License Drug and Alcohol Testing and Licensing Requirements." (See Policy 4.1.1, Section 40.)

**Physical or Mental Impairments** - Under the ADA: Physical impairments include physiological disorders or conditions; cosmetic disfigurement; or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs (which would include speech organs that are not respiratory such as vocal cords, soft palate, tongue, etc.); respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.

1. Specific examples of physical impairments include orthopedic, visual speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV disease (symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
2. Mental impairments include mental or psychological disorders, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Physician's Certificate** - Medical report used to stay updated on the status of an employee's medical condition required by the Department to consider approval of return-to-work for full or modified duty for injured employees. The employee is responsible to secure the completed certificate from the physician.

**PIC** - Possessing an Instrument of Crime.

**Position Accuracy Program** - The method of monitoring an employee's current position description to ascertain the accuracy of the duties performed, and the ADA Essential Job Functions in conjunction with annual performance evaluations.



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**Position** - An authorized and individually identified group of duties and responsibilities assigned or delegated by competent authority requiring the full-time or part-time employment of at least one person.

**Position Classification** - The process of allocating the position's duties and responsibilities to a job title. Supervisors and managers plan the work, and they have a great impact on the classifications of positions.

**Position Classification Plan** - A plan consisting of a schedule of job titles arranged according to series of jobs and occupational services as approved by the Executive Board on July 13, 1956, together with such amendments and revisions that are approved by the Executive Board. In addition, the plan includes a job standard/specification for each job.

**Position Classification Reviews** - The review and evaluation of positions for proper classification when the request is employee or management initiated and not in conjunction with routine reviews (such as the 25% annual Classification Maintenance Review).

**Position Description** - An official, written document outlining the specific duties and responsibilities and supervisory relationships of a position.

**Position Management** - The process of determining the duties to be assigned to a position, or the kinds of positions an organization needs. These decisions must be made by the person who is responsible for making the work assignments and for getting the work done - the supervisor.

**Post Audit** - A method to monitor the accuracy of the policies and procedures of human resource programs within the Department.

**Pre-Disciplinary Conference (PDC)** - A meeting conducted to provide an employee with an opportunity to explain allegations leveled against him/her and for the information gathered during the investigation to be presented to the Pre-Disciplinary Conference Committee.

**Pre-Disciplinary Conference Committee** - A committee of management level employees designated by the Facility Manager or designee who review the allegations, the available information, and the employee's explanation before making a recommendation for disposition of the matter.

**Probationary Period** - A preliminary period of employment or promotion for determining the fitness of an individual for continued employment in that position.

**Promotion –**

1. Movement of an employee in a job to another job assigned to a pay range with a higher minimum hourly rate. The actual minimum hourly rate of the pay range assigned to a job shall be used to determine if an action is a promotion, even in those cases where an above minimum hiring rate has been approved for the job.
2. For determining Civil Service-covered actions for certification purposes only, promotion means a change to a position in a job carrying a higher maximum salary.

**PSP** - The Pennsylvania State Police.

**Qualified Individual with a Disability** - Under the ADA: An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

**Rater** - The immediate supervisor or a supervisor who is familiar with the work performance of employees and who prepares the performance evaluation.

**Reasonable Accommodation** - Under the ADA: Any modification or adjustment to a job, to an employment practice, or to the work environment that makes it possible for an individual with a disability to perform the Essential Job Functions or to receive equal benefits and privileges of employment.

**Reassignment** - The movement of an employee from a position in a job to another position or job assigned to a pay range with the same minimum hourly rate. The actual minimum hourly rate of the pay ranges involved shall be used even in those cases where an above minimum hiring rate has been approved for a job.

**Reclassification** - The reassignment of a position from one job to a different job to recognize a change in duties and responsibilities, to correct an error in the original assignment, or to be assigned to a new or revised and more appropriate job.

1. Upward reclassification of a position - The movement of a position to a job assigned to a pay group with a higher minimum hourly rate.
2. Downward reclassification of a position - The movement of a position to a job assigned to a pay group with a lower minimum hourly rate.
3. Lateral reclassification of a position - The movement of a position to a pay group with the same minimum hourly rate.
4. For the purpose of determining whether an action is an upward, downward, or lateral reclassification, the actual minimum hourly rate of the pay group involved shall be used even in those cases where an above minimum hiring rate has been approved for a job or in those cases where the pay group is truncated.

**Recruitment** - Active and aggressive efforts by the Commonwealth to locate and attract qualified applicants for employment in Commonwealth service.

**Regional Counseling Centers** - SERS field offices that provide retirement counseling services for all members.

**Regional Team** - A Regional Team shall be comprised of team members from two or more facilities in a given geographic area and may include the Department's Chief Psychologist and/or designee. The Department's Chief Psychologist or designee based on need and specific incident shall determine the composition and geographic range of a Regional Team. The Regional Team shall augment an individual facility's team when the facility's team does not have

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sufficient members or is lacking certain members, (mental health professional, and peer with specific experience.)

**Regular work hours** - The number and times of work hours are predictable from pay period to pay period.

**Reimbursable Employer** - For UC: A nonprofit or governmental employer who reimburses the Department of Labor and Industry for the liability incurred as benefits are paid, instead of paying a tax on payroll into the Unemployment Compensation Fund as "contributing employers" do.

**Required Knowledges, Skills, and Abilities (RKSAs)** - That part of the job specification that sets forth the knowledge, skills, and abilities that are required of an employee at the time of appointment.

**Resignation** - The voluntary termination of employment.

**Retirement** - The termination of employment followed by a continuing relationship with the State Employees' Retirement System based on eligibility criteria for certain benefits as stated in *71 Pa. C.S. Part XXV* (relating to retirement for state employees and officers).

**Reviewing officer** - The individual, normally the rater's immediate supervisor, who reviews a performance evaluation.

**Salaried Employee** - An employee who is paid for a regularly scheduled number of hours for a biweekly pay period and is the incumbent of a salaried position.

**Salaried Position** - An authorized and individually identified group of duties and responsibilities assigned or delegated by competent authority that require the full-time or part-time employment of at least one person on a regular scheduled basis for a period of time exceeding six months and is charged against the salaried complement for budgetary control purposes.

**Satisfactory Attendance** - No discipline related to attendance.

**SEAP** – The State Employees Assistance Program. An evaluation and referral program servicing Commonwealth employees and their family members who may be experiencing personal problems.

**State Employees Assistance Program (SEAP) Coordinator** - A Commonwealth management employee, usually working in a human resources-related position, who is responsible for the implementation of SEAP within the workplace.

**Selective Certification** - A Civil Service certification of selected eligibles based upon special requirements in accordance with Management Directive 580.15.

**Separating Employer** - For UC: The employer (usually the last) from whom eligibility for benefits is determined. The reason for the separation for this employment determines eligibility

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for benefits. If the claimant had not earned six times his/her benefit rate from the last employer, then the reason for separating from the previous employer becomes relevant.

**Separation Determination** - For UC: The decision of eligibility or ineligibility for UC that is dependent on the reason for separation from employment.

**Serious Incident** - (as relates to workplace violence) – Generally, incidents of workplace violence including - but not limited to - murder, rape, bomb threats, or incidents involving the use of weapons.

**Standard work schedule** - A work schedule generally consisting of a single five days per week, 7.5 or 8.0 hours per day work shift (five out of seven days schedule), which conforms to the official operating hours of the agency as approved by the Executive Board. However, as permitted by contract, a standard work schedule also may consist of any 10 days in a pre-established 14-day schedule.

**State Civil Service Commission (SCSC)** - The SCSC was established and is governed by the provisions of the *Civil Service Act*. It has the responsibility for administering the merit system of the Commonwealth in all agencies under the Governor's jurisdiction. The services provided by the Commission, through its Executive Director, include the recruitment and certification of eligible job candidates for Civil Service positions, and the hearing of appeals by individuals employed in positions covered by Civil Service.

**Substantially Limiting** – Unable to perform a major life activity that the average person in the general population can perform or significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform the same major life activity.

**Supervisor** - A person responsible for directing, overseeing, and evaluating subordinates. An individual who has authority to appoint, assign, promote, transfer, suspend, dismiss, evaluate, reward, or discipline other employees; who has responsibility to direct other employees or adjust their complaints or grievances; or who can, to a substantial degree, effectively recommend such action or carry out such decisions, provided that the exercise of such authority is not merely routine or clerical in nature but calls for the use of independent judgment.

**Suspension** - The temporary termination of employment for disciplinary or investigative reasons.

**Tape Recording** - The audio recorded version of the pre-disciplinary conference proceedings.

**Temporary Disability** - The inability to perform assigned duties because of injury or disease incurred in the performance of duties that, according to every reasonable expectation, will be one year or less, except in those cases where it can be established with certainty that the employee will return to duty within a specific period of time beyond one year, not to exceed three months.

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**Temporary employee** - An employee who is hired with the expectation of being in an active pay status for less than 9 consecutive months, or who is hired with the expectation of being in an active pay status from 9 to 12 consecutive months inclusive and without the expectation of working on an annually recurring basis. The use of this term does not change or alter in any way the at-will employment relationship between the Commonwealth and its employees.

**Temporary position** - A position created with a position expiration date.

**Temporarily Working Out-of-Class** - A temporary assignment of higher level work which is essential and critical to the continued operation of the organizational unit and which cannot be assumed by other employees in the unit. Certain eligibility criteria and specific policy procedures are outlined in Management Directive 525.4, Amended.

**Terminate** - To end an agreement that provides compensation for a person's time by either the employee or employer. It can be the involuntary ending of employment with the Department.

**Termination** - A break in employment of more than 14 calendar days. The effective date of termination shall be the date the initial break in employment occurred.

**Third Party Administrator** - The company the Commonwealth has contracted to handle Workers' Compensation Claims.

**Transactions** - All actions affecting changes in the status of an employee's or of a position's history.

**Transcript** - A typewritten copy from written notes or an electric recording device.

**Transfer** - The movement of an employee from the jurisdiction of one appointing authority to another appointing authority. A transfer may occur in conjunction with a reassignment, promotion, or demotion.

**Transfer, H-1 Bargaining Unit Transfer Policy** – The movement of an employee in the H-1 Bargaining Unit between facility with no change in job title.

**Transfer, Hardship** - Severe personal hardship of an employee in which case only the Secretary of Corrections or designee may approve the hardship transfer. The employee sends a written request, with supporting documentation, to the Director, Bureau of Human Resources.

**Transfer List (H-1)** - An official list maintained by the Bureau of Human Resources of H-1 employees desiring to transfer between facilities.

**Transitory Impairment** – An impairment with an actual or expected duration of six months or less.

**UC** - Unemployment Compensation

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**Undue Hardship** - An action requiring significant difficulty or expense in the implementation of an accommodation under the Americans with Disabilities Act.

**Unemployed (§4(u))** - For UC: An individual is deemed unemployed for any week that:

1. He/she performs no services.
2. He/she performs services for which no remuneration is paid or payable; or
3. He/she works less than his/her full-time work and receives remuneration that is less than his/her weekly benefit rate plus his/her partial benefit credit.

**Visitors** - An individual entering a facility other than full-time employees, part-time employees, contract employees, regular volunteers, and inmates or Department Academy Cadets.

**Volunteer, Irregular** - Any person(s) from the community who comes into the facility on an irregular basis requires a general orientation by a staff member from the relevant department. These persons include sporting teams, outside entertainment, athletic officials, etc.

**Volunteer, Regular** - Any person from the community offering, without pay, any services, materials or facilities to the inmates in the correctional system on a regular basis. Practicum students, interns, and persons conducting authorized research are to be included in this category. Regular volunteer access to the facility should be on a regularly occurring, pre-approved schedule.

**Wage employee** – An employee who is paid on a hourly basis, whose hours are reported each pay period and is the incumbent of a wage position.

**Wage position** - An authorized and individually identified group of duties and responsibilities assigned or delegated by competent authority that require the full-time or part-time employment of one person on either:

1. A regular schedule for a limited time.
2. An intermittent or irregular schedule without regard to the duration of the term of employment.
3. Wage positions are charged against the wage complement for budgetary control purposes.

**Weekly Benefit Rate (WBR)** - For UC: The amount of UC calculated to be paid based on a claimant's base year wages (see Base Year).

**Willful Misconduct (§402(e); 43 P.S. §802)** - For UC: The wanton or willful disregard of the employer's interest, a deliberate violation of rules, a disregard of standards of behavior which the employer has a right to expect of his/her employee, and/or negligence of such degree or recurrence as to manifest culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to the employer.

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**Workplace** - A Commonwealth owned or leased property, a location where Commonwealth business is conducted or where an employee is considered "on duty." This could include Commonwealth property, in a Commonwealth vehicle or while on Commonwealth business.

**Workplace Violence** - For Office of Administration reporting purposes, workplace violence is an incident of violence that occurs outside of normal job expectations or is not generally expected to occur as part of an employee performing his/her regularly assigned duties.

**Written reprimand** - To warn an employee, in writing, that some action or lack of action or performance on the employee's part is unacceptable and that repetition will result in further disciplinary action.