



State of Indiana
Indiana Department of Correction

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3/1/2015	7	04-03-102

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

Title
HUMAN RESOURCES

Legal References (includes but is not limited to) IC 4-15-2.2 31 IAC 5	Related Policies/Procedures (includes but is not limited to) Indiana State Personnel Department Policy IDOC Policy and Administrative Procedure	Other References (includes but is not limited to) ACA Personnel Standards
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I. PURPOSE:

The purpose of this policy and administrative procedure is to supplement the Indiana State Personnel Department's (SPD) policies and procedures with nationally recognized correctional standards.

II. POLICY STATEMENT:

It is the policy of the Department to comply with the policies and procedures of the Indiana State Personnel Department (SPD). The Department shall ensure that staff is provided information about employment with the Department including benefits, standards of conduct, and other relevant information.

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

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

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III. DEFINITIONS:

For the purpose of this policy and administrative procedure, the following definitions are provided:

- A. **AFFIRMATIVE ACTION:** Specific actions taken by an employer to eliminate the effects of past discrimination with regard to recruiting, hiring, promoting, and training.
- B. **APPLICANT:** A person who files a formal application, or in some formal way, indicates a specific desire to be considered for employment. Persons making informal inquiries about the agency or about employment in general are not considered to be an applicant.
- C. **DISCRIMINATION:** An act having an unjustifiable adverse effect against any person in any manner on the basis of race, color, creed, religion, sex, age, national origin, gender identity, sexual orientation, physical or mental disability, or veteran status.
- D. **EXECUTIVE DIRECTOR OF HUMAN RESOURCES:** The staff person designated by the Commissioner to ensure adherence to SPD's policies and procedures.
- E. **EXECUTIVE DIRECTOR OF PREA:** The staff person designated by the Commissioner to oversee facility sexual assault prevention programs, sexual assault reporting and Department compliance with national standards.
- F. **EX-OFFENDER:** A person of any age convicted of a crime or a juvenile adjudged delinquent whose commitment to a department of correction (federal, state, or local), and/or the sentencing courts(s) has been discharged.
- G. **REASONABLE ACCOMODATION:** Any alterations, adjustments, or changes in the job and/or workplace to enable an otherwise qualified individual with a disability, or disabled veteran to participate in the application process, or to perform the essential job functions, absent an undue hardship, as determined on a case-by-case basis. The term also refers to reasonable adjustments made by an employer to accommodate a staff's religious observance or practice absent an undue hardship.
- H. **STAFF:** Any person(s) performing work on behalf of the Department, including contractors and volunteers.

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IV. EQUAL OPPORTUNITY EMPLOYMENT AND AFFIRMATIVE ACTION PLANS:

The Department shall establish and implement an Affirmative Action Program which ensures that employment, training, and promotions for all individuals are considered without regard to race, color, religion, sex, national origin, conviction, age, disability, veteran or Vietnam Era Veteran status. Workplace harassment on the basis of a protected class is also prohibited. In addition the Department is committed to providing reasonable accommodations to qualified individuals with disabilities and sincerely-held religious beliefs.

As a Department, the ethical and statutory responsibility to afford equal treatment and equal opportunity to all person is acknowledged. The Department affirms its policy of promoting non-discrimination and equal opportunity through affirmative action.

The Department has recognized the need for an aggressive affirmative action program. Therefore, the Department's equal opportunity goal has been to utilize minorities, women, and persons with disabilities at all levels and to maintain a work environment free of discrimination.

Retaliation against any staff, applicant, or offender who files a complaint of discrimination against the Department or agency staff member(s) is prohibited.

All staff shall abide by the requirements set forth in this policy and administrative procedure. Executive Staff members, Division Directors, and Facility Heads are charged with the additional responsibility of providing leadership in affirmative action matters and shall direct the compliance efforts of all units under their authority. Administrators, Managers, and Supervisors must recognize their explicit responsibility for carrying out the spirit and intent of the program among the staff they supervise. Each shall adhere to the agency's Affirmative Action Program. Failure to comply with the Affirmative Action Program shall not be tolerated and shall be documented in the performance appraisals, as well as other personnel actions as determined by the Commissioner. In addition, compliance with this Policy and Administrative Procedure is required for those who conduct business or enter into a contractual agreement with the Department.

It is imperative that all current and prospective staff know:

- The Department is committed to affirmative action and its implementation; and,
- The Department will not tolerate any discriminatory practices within its jurisdiction.

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A thorough understanding of the Department's commitment makes for a more cohesive work environment.

The Affirmative Action Plan shall be developed by IDOC Human Resources and approved by the Commissioner and the SPD. The Plan shall be reviewed annually and updated as needed.

A Department annual report shall be prepared by IDOC Human Resources to include progress of the Department toward fulfillment of annual goals, deficiencies or issues within the Department, corrective measure to be pursued, projected concerns, and current concerns. This report shall be submitted to the Commissioner with copies distributed to Executive Staff and Division Directors.

Staff members wishing to file an Affirmative Action or Equal Opportunity complaint may do so through the State's Civil Service Complaint process, Indiana Civil Rights Commission or Equal Employment Opportunity Commission. Supervisors receiving complaints shall adhere to the SPD procedures for Civil Service complaints found on the SPD website at:

<http://www.in.gov/spd/2399.htm>.

Offenders/students wishing to file an Affirmative Action or Equal Opportunity complaint shall use the forms and procedures found in IDOC Policy 00-02-301, "The Offender Grievance Process," or Policy 03-02-105, "Student Grievance Process," respectively.

V. REQUESTS FOR REASONABLE ACCOMODATIONS:

Any staff requesting reasonable accommodation is to submit a written request to IDOC Human Resources. Once IDOC Human Resources has received reasonable documentation of the disability for which the staff is requesting an accommodation, the next step is to engage in an interactive discussion to determine what, if any, accommodation should be provided. All requests shall be considered on a case-by-case basis. Decision regarding a request for reasonable accommodation shall be communicated in writing. All medical information shall be kept confidential and separate from the individual's personnel file.

In situations where it is deemed in the best interest of the facility, the Facility Head may provide arrangements (not ADA accommodations) for temporary impairments resulting from injury, illness, or disease. Temporary assignments should not exceed a period of ninety (90) days from the date the staff returns to work with restrictions which preclude the staff from performing all essential job requirements. Any consideration for an

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extension will require additional medical justification to be submitted prior to the end of the period of time granted for temporary assignment. If a staff is unable to return to full duty following the ninety (90) day temporary assignment and/or authorized extensions, the staff will be advised of the following options:

- A. Obtain employment in a position where he or she can perform the essential job duties;
- B. Request an ADA reasonable accommodation in accordance with Section V above;
- C. Apply for State of Indiana disability program and/or FMLA;
- D. Apply for retirement, if eligible; or
- E. Resign.

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

The Department of Correction is committed to achieving compliance with Americans with Disabilities Act (ADA). This will be done in conjunction with fulfilling the Department's mission, goals, and the responsibilities entrusted to it by the citizens of the State of Indiana.

All complaints alleging discrimination based on disability (ADA) may be initiated by utilizing the Civil Service Complaint form as provided for staff without retribution or penalty for using said procedure.

All staff complaints alleging discrimination based on a disability should be brought to the attention of the facility's Human Resources Manager who will investigate the complaint to ensure a prompt resolution. All ADA complaints will in turn be forwarded to SPD's Staff Relations Division.

The use of the ADA complaint procedure does not limit the rights of the individual to seek redress through other legal channels. The ADA complaint procedure permits the Affirmative Action Division to quickly respond to problems as they are reported.

VI. OFFENDER AND EX-OFFENDER EMPLOYMENT:

The Department endorses the employment of those persons who meet the minimum qualifications for positions within the Department regardless of previous status as an offender/student committed to the Department. Ex-offenders/students, regardless of community supervision (e.g., parole, probation, CTP) status, may be considered for employment at the discretion of the Facility Head. Due to the nature of certain positions,

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ex-offenders/students will be restricted from some job classes and/or employment locations. This section also applies to offenders seeking positions as contractors with the Department

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

An offender, under community supervision, that meets minimum qualifications may be considered for employment in the Department provided the offender's supervising parole or probation officer and the Superintendent/Facility Head of the job location approve the employment in writing. Due to the nature of certain positions, the offender will be restricted from some job classes and/or employment locations.

VII. APPLICATION FOR EMPLOYMENT, TRANSFER, OR PROMOTION:

An applicant or staff person who desires to be considered for employment, transfer, or promotion must initiate the process by acquiring and completing the application process of the SPD by visiting the State Job Bank and employment opportunities website at :

<http://www.in.gov/spd/2334.htm>.

Human Resources staff shall evaluate the application to determine if the preferred qualifications have been met and whether the applicant's name shall be routed to the hiring manager. New staff may received credit for prior, documented, relevant training.

VIII. PROVISIONAL, TEMPORARY OR INTERMITTENT APPOINTMENTS:

In order to prevent stoppage of State business or loss or serious inconvenience during an emergency, an appointing authority may make an emergency appointment of any qualified person, but notice shall immediately be give of the appointment to the SPD Director. The appointing authority shall adhere to the requirements of Indiana Administrative Code 31 IAC 5-2-4 found online here:

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

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The Department shall perform a criminal background records check, in accordance with Policy and Administrative Procedure 04-03-103, "Information and Standards of Conduct for Departmental Staff," before enlisting the services of any staff who may have contact with offenders. The Department shall also ensure that criminal background records checks are conducted at least once every four years on current staff who may have contact with offenders.

X. EMPLOYMENT VERIFICATION:

In accordance with the SPD procedures, employers requesting verification of the employment of a current or former Department staff may be given the following: name, gross compensation, job title, business address, business telephone number, job description, and dates of employment.

However, if the employer is an institutional/correctional employer, and the employer requests information on substantiated allegations of sexual abuse or sexual harassment involving the former staff, the request shall be forwarded to the Department's Executive Director of Human Resources. Human Resources shall confirm and document that the request originated from an institutional/correctional employer. After confirmation, Human Resources shall forward the Prison Rape Elimination Act Release of Information form, signed by the prospective employee, to the institutional/correctional employer for completion, signature, and return to Human Resources. Once the form is returned and received, Human Resources shall verify the dates of employment and forwards the form to the Executive Director of PREA Compliance. The Executive Director of PREA Compliance shall research the Sexual Incident Report System (SIRS) for substantiated incidents involving the former employee, accurately complete the form, and return to the institutional/correctional employer.

XI. CONFIDENTIALITY OF INFORMATION:

Staff, interns, volunteers and consultants who work with offenders shall be informed in writing about the facility's/Department's policies and procedures on confidentiality of information and agree to abide by them.

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XI. APPLICABILITY:

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

signature on file
Bruce Lemmon, Commissioner

Date