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State of Michigan

DEPARTMENT OF CORRECTIONS

EMPLOYEE HANDBOOK



MICHIGAN
DEPARTMENT OF CORRECTIONS

EMPLOYEE HANDBOOK

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INTRODUCTION

The purpose of this handbook is to provide employees with information regarding employment with the Michigan Department of Corrections, to inform employees of basic employment requirements, and to provide notice of Department work rules and the consequences of rule violations.

Independent contractors and their employees are expected to comply with Department rules. Failure to do so may result in termination of services with the Department.

MISSION AND VISION
OF THE
MICHIGAN DEPARTMENT OF
CORRECTIONS

“Help Make Things Right”

As Department of Corrections employees, we maintain high standards of professional conduct. We treat each other, citizens and offenders with respect.

Our mission is to create a safer Michigan by holding offenders accountable while promoting their success.

The vision of the Michigan Department of Corrections is based on the following principles:

- 1) We remain committed to the protection of the public, safety of our staff and security of offenders.
- 2) We actively engage in the development of effective criminal justice policy.
- 3) We ensure sound management using proven fiscal practices and outcome-oriented strategies.
- 4) We hire, train, equip, support and mentor a high quality staff and hold them to the highest professional standards.
- 5) We provide humane and protective custodial care, rehabilitative opportunities and reentry assistance for offenders under our supervision.
- 6) We establish meaningful partnerships with public and private entities to assist us in successfully accomplishing our mission.
- 7) We conduct all of our duties and responsibilities with the highest degree of integrity, expectations for excellence, and respect for the value and dignity of human life.

DEFINITIONS

For purposes of this document, the following definitions shall be used:

Contraband: any article not specifically authorized by policy including an employee's personal property.

Department: Michigan Department of Corrections.

Discipline: actions taken upon substantiating a rule violation including written reprimands, suspensions without pay, involuntary demotions, discharges or unsatisfactory service ratings.

Discriminatory Harassment: unwelcome advances, requests for favors, and other verbal or non-verbal communication or conduct (e.g. comments, innuendo, threats, jokes, pictures, gestures) based on race, color, national origin, disability, sex, sexual orientation, age, height, weight, marital status, religion, genetic information or partisan considerations.

Employee: any classified or unclassified employee of the State of Michigan in the Department of Corrections excluding any independent contractor or their employees.

Facility: any property owned, leased, or occupied by the Department (e.g. hospitals, public works assignments, etc.).

Offender: a prisoner or parolee under the jurisdiction of the Michigan Department of Corrections or housed in a Department facility, a probationer who is supervised by an employee of the Department, or any person referred to the Department by the courts for investigation or supervision.

Overfamiliarity: conduct which has resulted in or is likely to result in intimacy; a close personal or non-work related association.

Over-the-Counter Medication: medication which can be purchased without a prescription in the United States.

Prescription Medication: medication which cannot be purchased without authorization from a licensed health care authority.

Sexual Harassment of Offenders: sexual harassment includes verbal statements or comments of a sexual nature to an offender, demeaning references to gender or derogatory comments about body or clothing, or profane or obscene language or gestures of a sexual nature.

Sexual Conduct with Offenders: the intentional touching, either directly or through clothing, of a prisoner's genitals, anus, groin, breast, inner thigh, or buttock with the intent to abuse, arouse or gratify the sexual desire of any person. Invasion of privacy for sexual gratification, indecent exposure, or voyeurism. An attempted, threatened, or requested sexual act or helping, advising, or encouraging another employee to engage in a sexual act with an offender.

NOTE: The language of an applicable Collective Bargaining Agreement or Civil Service Commission Rules and Regulations supersede the provisions of the Employee Handbook where in conflict.

GENERAL INFORMATION

1. EQUAL EMPLOYMENT OPPORTUNITY

The Department is committed to equal employment opportunity. For more information, refer to PD 02.06.100 “Equal Employment Opportunity.”

2. DISCRIMINATION

An employee shall not discriminate against a person on the basis of religion, sex, sexual orientation, race, color, national origin, age, weight, height, disability, marital status, genetic information or partisan considerations.

3. POLITICAL ACTIVITIES

Classified employees are restricted from certain political activities by Civil Service Commission Rules. Refer to Section 1-12 “Political Activities” of the Civil Service Commission Rules and PD 02.03.107 “Code of Ethics and Conduct-Employees” for details on these restrictions.

4. CONFLICT OF INTEREST

Employees are restricted from engaging in actions which may constitute a conflict of interest with employment with the Department. Refer to Section 2-8 “Ethical Standards and Conduct” of the Civil Service Commission Rules and PD 02.03.105 “Outside Employment” for further details.

5. PUBLIC INFORMATION

Employees speaking as a representative of the Department are responsible for the accuracy of their statements, are expected to reflect the position of the Department, and are to contact the Office of Public Information and Communications for current information and the Department's position on issues.

Employees making presentations on correctional issues in a capacity other than as a representative of the Department shall inform the audience that their remarks are not made in their official capacity as an employee. Employees are to be guided by PD 02.03.106 "External Communications by Employees" and PD 01.06.130 "Media Relations" when speaking to the public or the media.

6. EMPLOYEE SERVICES PROGRAM

The Employee Services Program (ESP) provides services to active State employees who are experiencing problems or personal concerns that are affecting their work. ESP also offers assessment and referral for employees' family members when appropriate. ESP counselors provide assistance in the identification and resolution of personal problems. For additional guidance refer to PD 02.04.107 "Employee Services Program," or contact ESP at 1-800-521-1377 or (313) 456-4020.

7. EMPLOYEE GRIEVANCE PROCEDURE

The Civil Service Commission has established a grievance procedure for employees not covered by a labor agreement. Refer to the Civil Service Grievances, Technical Complaints, and Appeals Procedure for more information. This procedure is available in Department Human Resources Offices and on the Civil Service Web Site, Regulations, Chapter 8.

Employees covered by a labor agreement should refer to the applicable collective bargaining agreement to determine the grievance procedure which applies to them.

8. CHANGES IN EMPLOYMENT STATUS

a. Separation: Voluntary/Involuntary

An employee is expected to give at least two weeks advance notice before resigning, retiring, or transferring. Such notice shall be provided to the employee's supervisor and Human Resources Office.

If an employee is not rated satisfactory at the end of his or her initial probationary period (including any extensions), the employee will be separated as provided for in Civil Service Commission Rules or applicable collective bargaining agreements. Initial probationary employees are afforded grievance rights within the Department as specified in the applicable Civil Service Commission Rules or collective bargaining agreement.

An employee may be involuntarily separated or discharged for various reasons as specified by the Civil Service Commission Rules, Department policies, or applicable collective bargaining agreement. An employee with status may have a review of the discharge through the appropriate grievance procedure.

An employee will receive payment for any unused leave credits as authorized by the Civil Service Commission Rules or applicable collective bargaining agreement after separation.

b. Transfers

Transfer requests within the Department must be provided to the appropriate Human Resources Office and in accordance with any applicable collective bargaining agreement.

c. Promotion/Demotion

Any promotion or advancement within the Department is determined by the employee's past and present job performance, knowledge, skills, abilities, and eligibility. Some positions have residency requirements as identified in PD 02.02.112 "Duty Schedules, Business Hours and Residence Requirements."

A demotion is an authorized movement of an employee with status to a lower classification level. Voluntary or involuntary demotions are governed by the Civil Service Commission Rules, Department policies, and/or the applicable collective bargaining agreement. An employee with status may have a review of an involuntary demotion through the appropriate grievance procedure.

d. Position Classification Review

It may become necessary to review the class titles or levels of positions due to changes that have taken place in duties and responsibilities involved that may impact the proper classification of a position. These reviews are made by the Civil Service Commission. If an employee feels their current classification and level does not reflect their present duties, an employee may initiate a review of his or her position. Refer to Civil Service Commission Rules, Section 4-2 "Position Classification Review."

e. Retirement

The Department has employees covered under various retirement programs. There are several options as to how your benefits will be paid upon retirement or provided to a survivor. A description of these options is found in the information published by the Department of Technology, Management and Budget, Office of Retirement Services. Contact the Office of Retirement Services at 1-800-381-5111 or at www.michigan.gov/ors for more information.

EMPLOYMENT REQUIREMENTS

Employees shall comply with the following employment requirements. Failure to comply will generally result in corrective action, up to and including discharge.

1. ROLE MODELS

One of the major objectives of the Department is to influence and persuade offenders to become law-abiding citizens. The on-duty and off-duty conduct of Department employees must serve as an example of proper conduct.

2. FITNESS FOR DUTY

Employees are required to be physically and mentally fit to perform regular and emergency duties.

An employee, whose primary responsibility is a custody or security function and who incurs a duty or non-duty injury or temporary disability, may be required to submit medical information that s/he is able to perform regular and emergency duties before returning to active duty.

Employees who do not have primary custody or security responsibilities must also be physically and mentally fit to perform their duties. If a non-custody employee incurs a duty or non-duty injury or temporary disability, s/he will be permitted to work unless it is determined that the injury/illness will interfere with the performance of their essential job duties.

The Department may require a second medical opinion in accordance with the applicable collective bargaining agreement, the Family and Medical Leave Act (FMLA), and/or Civil Service Commission Rules.

Reasonable accommodations will be considered on a case-by case basis for qualified persons with specific needs under the Americans with Disabilities Act.

3. USE OF LEAVE

Use of leave (e.g. annual, sick, compensatory, school/community and banked leave time) is governed by Department policy, Civil Service Commission Rules and collective bargaining agreements. An employee may use annual leave, compensatory time, school/community or banked leave time only if prior approval has been obtained from the proper supervisor. Advance approval can be any time prior to actual use of leave credits. Leave may not be used before it is earned. Employees are responsible to ensure they have appropriate leave credits to cover the absence. Refer to PD 02.02.100, "Time Utilization and Compensation" for more information.

Administrative leave may be granted only in accordance with PD 02.02.101 "Administrative Leave."

All sick leave used must be certified by the employee. The appointing authority may require verification as provided by applicable Civil Service Commission Rules or collective bargaining agreements.

Medical verification will be required under the following conditions and may be required under other conditions:

- When an employee has been counseled for excessive use or abuse of sick leave within the preceding six (6) months (1,044 actual work hours).
- When the employee has been hospitalized for any reason.
- When an employee has been on sick leave for five (5) or more consecutive work days.
- When an employee has been absent as a result of an accident, injury, or outpatient surgery.

- When an employee has requested annual leave and been denied and subsequently requests use of sick leave for the corresponding time.
- When an employee claims illness on the day of a change of assignment.
- When the absence of a considerable number of employees on a shift indicates a concerted effort among the employees at the work site, the appointing authority shall immediately request medical verification of each employee.
- When an employee establishes a pattern of absences and/or emergency leave requests such as absence on a regular continuing basis on a given day of the week, before or after a regular day off, a payday, or a holiday.

Employees must be notified of the requirement to submit medical verification of their temporary disability at the time of call-in or in advance if possible. Employees must contact their Human Resources Office to obtain the necessary requirements for medical verification. Medical verification must be submitted prior to a return to work and may be submitted as applicable directly to the Human Resources Office or the Disability Management Unit. Failure to provide requested medical verification at the time of the return to work may result in the employee not being able to work.

Authorization of leave credits does not prohibit the issuance of corrective or disciplinary action for unsatisfactory time and attendance.

Refer to applicable collective bargaining agreements, Civil Service Commission Rules, and PD 02.02.102 "Leave of Absence" regarding absence due to the Family and Medical Leave Act or unpaid leave of absence.

4. PUNCTUALITY

Regular attendance and punctuality are required of all employees. All employees are expected to adhere to the work schedule approved by their supervisor and to be at their assignment at the start of their shift or work day. In addition, all employees must adhere to specific facility procedures for attendance accountability.

5. PROPER NOTICE OF ABSENCE

Any employee, who provides service to offenders or with duties involving the direct management or observation of offenders, must personally notify his/her supervisor or a designated person of an unscheduled absence no earlier than 30 minutes prior to the start of the employee's shift but no later than the start of the shift, or in accordance with the applicable collective bargaining agreement. For example, an employee with duties involving the direct management or observation of offenders whose shift begins at 8:00 a.m., must call in between 7:30 a.m. and 8:00 a.m.

Health care employees with duties involving the direct management or observation of offenders must call in their absence as soon as possible, but no later than 30 minutes prior to the start of the employee's shift.

All other employees must notify the proper authority of an unscheduled absence as soon as possible, but no later than 30 minutes after their normal starting time.

An employee who does not report for duty on their regularly scheduled workday without proper leave approval, will be considered absent without leave. That employee shall receive lost time and be subject to corrective action. The notice of an unscheduled absence shall be made personally by the employee, unless physically unable to do so. Unauthorized absence by an employee for three (3) or more consecutive workdays may result in separation for unauthorized absence.

The employee is responsible for providing updated medical documentation prior to the expiration of any previously submitted documentation for which s/he is absent from work for an extended time or on a medical leave of absence. Failure to provide updated medical documentation within the expiration of the previously submitted documentation may result in separation for vacating a position.

6. JAIL TIME OR OTHER RESTRICTED SUPERVISION

No employee shall be allowed to work while under any electronic monitoring supervision or device, house arrest, or sentenced to jail time for any reason, including weekends, even if granted a work release pass. Employees must use available annual leave, BLT, personal leave, or compensatory time while serving jail time or under other restricted supervision before being placed on lost time or requesting and being considered for approval of an unpaid leave of absence consistent with Civil Service Commission Rules and/or applicable collective bargaining agreement.

7. LICENSE, CERTIFICATION OR SIMILAR REQUIREMENT

Employees are responsible for maintaining any license, certification or similar requirement necessary to perform the duties of their assignment. Employees shall not be allowed to work in that position, and may be subject to immediate non-disciplinary separation or disciplinary action up to and including discharge, if a necessary license, certification or similar requirement has expired, been suspended or revoked.

8. TRAINING REQUIREMENTS

Employees are required to attend and successfully complete new employee and in-service training sessions in accordance with PD 02.05.100 “New Employee Training Program,” and PD 02.05.101 “In-Service Training.”

New employees who do not successfully complete the required training program will be separated.

Employees who are authorized to carry a concealed weapon or use any firearm on duty must take and satisfactorily complete training in accordance with policy on a prescribed time schedule. Employees will only be assigned to armed duties after meeting the qualifying standard for each individual type of firearm and chemical agent necessary for that assignment. As required by Department policy, in order to continue employment in such positions, employees must periodically re-qualify with the appropriate firearm(s) and chemical agents. Refer to PD 03.03.100 “Firearms and Chemical Agents” (Exempt) for additional information on weapon possession and use.

9. PERSONAL INFORMATION

To assist the Human Resources Office in maintaining complete and accurate personnel files, an employee must immediately supply a written report to the Human Resources Office regarding any change in personal status. Some changes may require completion of forms that are available in the Human Resources Offices or through MI HR Self Service.

Immediate reporting of changes in personal information will help avoid inaccurate payroll deductions, loss of insurance benefits for dependents, delays in payroll processing, or the Department’s inability to contact family members in emergencies.

Supervisors and employees whose primary responsibility is the custody, security, medical care, supervision, or investigation of offenders are required to have a working telephone by which they can be contacted. All other employees must provide their work location with a means to contact them within a reasonable period of time.

Current telephone numbers for employees as well as the home and street address of all employees must be on file at their Human Resources Office and work location. All employees are required to comply with residency and telephone requirements as specified in PD 02.02.112 "Duty Schedules, Business Hours and Residence Requirements."

10. RESTRICTIONS

Restrictions, such as a restricted or suspended driver's license or a personal protection order, must be verbally reported to the employee's immediate supervisor within 24 hours of becoming aware of the action to determine whether the restriction or personal protection order has an adverse impact on the employee's ability to perform his/her work assignment. Each verbal report shall be followed up within 72 hours with a written report by the employee to the appropriate Deputy Director, Administrator, or Warden.

DEPARTMENT WORK RULES

In accordance with PD 02.03.100 “Employee Discipline,” OP 02.03.100-A “Employee Discipline” and the applicable collective bargaining agreement, an employee who violates Department or Civil Service Commission Rules, regulations, policies, procedures, post orders, work statements or conditions of employment will be subject to disciplinary action.

Conduct violating any of the following rules will subject an employee to disciplinary action up to and including discharge. Refer to PD 02.03.100 “Employee Discipline” and the applicable collective bargaining agreement for information relating to an employee’s right to representation.

Any violation of rules occurring prior to the effective date of this handbook will continue to be disciplined based on the rule and policy in effect at the time of the infraction.

Employees are prohibited from retaliating against any person who reports rule violations. Employees shall not disclose to anyone that a work rule violation report has been filed, the details of the report, and/or the status of any investigation, except as required to comply with Department policy or to provide information to their representative in an administrative, civil or criminal proceeding.

1. HUMANE TREATMENT OF INDIVIDUALS

Employees are expected to treat individuals in a humane manner in the workplace or while on duty.

Examples of actions of an employee in violation of this rule are described below. This is not an exhaustive list of behavior which may be in violation of this rule.

- Displaying a weapon (firearm, taser, etc.) or object for the purpose of intimidating an offender, visitor, volunteer, employee or citizen, except in the performance of an employee's duties. See PD 04.05.100 "Disturbance Control" (Exempt), PD 04.05.110 "Use of Force" (Exempt) and PD 04.05.112 "Managing Disruptive Prisoners" (Exempt) for direction regarding control of offenders.
- Using speech, action, gesture, or movement that causes physical or mental intimidation or humiliation.
- Failing to try to secure necessary medical or other assistance in instances of medical emergencies, injury, assault or attempted suicide.
- Making unnecessary or unreasonable rules for an employee, visitor, volunteer or an offender to follow.
- Using abusive or profane language or actions which degrade or belittle another person or group.

2. USE OF POSITION FOR PERSONAL GAIN

Employees shall not engage in actions that could constitute the use of their position for personal gain.

Examples of actions of an employee in violation of this rule are described below. This is not an exhaustive list of behavior which may be in violation of this rule.

- Displaying his/her Department-issued identification card or badge, or referencing their employment or position with the Department for other than a work-related reason.
- Obtaining goods or services that would otherwise not be available or offered to the employee if not for his/her position.

- Obtaining information, assistance or leniency from another law enforcement or criminal justice agency.

Examples are not intended to restrict an employee from taking advantage of such things as retail discounts which a business may offer to all members of a group, such as law enforcement or criminal justice professionals.

For additional information refer to PD 02.03.107 “Code of Ethics and Conduct - Employees” and Civil Service Commission Rule 2-8 “Ethical Standards and Conduct.”

3. DISCRIMINATORY HARASSMENT

Employees shall not discriminate or engage in discriminatory harassment. Discriminatory harassment includes unwelcome advances, requests for favors and other verbal and non-verbal communication or conduct based on race, color, national origin, disability, sex, sexual orientation, age, height, weight, marital status, religion, genetic information or partisan considerations.

Employees must report any incidents of such conduct to the designated discriminatory harassment counselor or to the appropriate supervisor. For specific information pertaining to confidentiality and reporting requirements, refer to PD 02.03.109 “Discriminatory Harassment.”

Employees are prohibited from retaliating against a person because the person has made a complaint, either orally or in writing, of discrimination or discriminatory harassment based on race, color, national origin, disability, sex, sexual orientation, age, height, weight, marital status, religion, genetic information or partisan considerations.

4. MISUSE OF STATE OR OTHER AGENCY PROPERTY OR EQUIPMENT

Employees shall not misuse State or other agency property.

Examples of actions of an employee in violation of this rule are described below. This is not an exhaustive list of behavior which may be in violation of this rule.

- Using State or agency property for personal purposes or purposes beyond that of their official job duties without proper authorization.
- Use of computers, printers, faxes, etc., for non-work related activities.
- Inappropriate use of the internet.
- Removing items from State or other agency premises without proper authorization.

Accessing, attempting to access, or viewing pornography or sexually related graphic images shall result in discharge.

In addition to any disciplinary action that may be imposed, an employee who misuses State or other agency property will be responsible for any consequences resulting from that misuse (e.g. civil or criminal charges or penalties), and may be required to reimburse the affected agency for its value. Property must be kept clean and in good condition at all times and immediately returned upon leaving the Department.

State-operated recreation facilities and equipment may be used by off-duty personnel for physical fitness or rehabilitation purposes with the approval of the appropriate Warden or Administrator. Such activity is voluntary and the Department will not be responsible for accidents or injuries.

5. CONDUCT UNBECOMING

Employees shall not behave in an inappropriate manner or a manner which may harm or adversely affect the reputation or mission of the Department. Employees have a special responsibility to serve as role models. Employees must also support and uphold the law through their own actions and personal conduct.

If an employee is arrested for or charged with a criminal offense, the behavior shall be investigated to determine whether such activity violates this rule. Violation of this rule is not contingent upon whether or not an employee has been arrested or charged with a criminal offense. If the investigation establishes a violation of this rule, whether it occurred on or off duty, disciplinary action up to and including discharge may result regardless of any prosecutorial action or court disposition.

Any conduct by employees involving theft shall result in discharge.

6. PHYSICAL CONTACT

Inappropriate physical contact is prohibited. Examples include, but are not limited to, inappropriate placing of hands on another person, horseplay, or other types of body contact, including body contact with an object.

Examples of appropriate physical contact include, but are not limited to, a handshake at an offender's graduation; at the beginning or end of a meeting; or during times of accomplishment and achievement.

7. CONFIDENTIAL NATURE OF RECORDS

Employees shall respect the confidentiality of employee, offender and health care information (including electronic records). Employees shall not share confidential information, other official

information, or reports with unauthorized persons. Information is not to be divulged for other than legitimate authorized business purposes. Refer to PD 02.01.140 "Human Resources Files," PD 03.02.100 "Health Services" and PD 03.04.108 "Prisoner Health Information."

No offender file may be removed from a facility without the approval of the Director, Chief Deputy Director, or respective Deputy Director, Assistant Deputy Director, Warden or Field Operations Administration Regional Administrator unless required as part of the employee's official job duties. Offender health care information can only be released with a proper release of information signed by the offender, pursuant to a subpoena or court order, or under PD 03.04.108 "Prisoner Health Information."

8. USE OF HEALTH CARE SERVICES

Employees shall only use the facility health care services in cases of emergency, medical stabilization for serious on-the-job injuries, and Department authorized services, such as TB tests and Hepatitis B vaccinations. When the clinic facilities are used for an emergency or on-the-job injury, the employee is to be transferred as soon as practical to a physician or hospital. A written report must be made by the clinic staff in each of these instances and sent to the appropriate Warden, Human Resources Office and the Administrator of the Bureau of Health Care Services.

9. CLASS II INSUBORDINATION

Willful acts of employees contrary to management directives that may compromise the Department's ability to carry out its responsibilities, such as operation of safe and secure facilities or protection of the public, are prohibited. Violation of this rule shall result in discharge.

10. CLASS I INSUBORDINATION

Insubordination is the disregard of authority or refusal to immediately follow management directives. Employees are prohibited from actions or inactions showing disregard of authority or failing to immediately follow management directives.

11. SEARCHES WHILE ON FACILITY PROPERTY

All employees are subject to authorized searches while on facility property. Employees who refuse to submit to an authorized search will be suspended immediately pending investigation. Violation of this rule shall result in discharge.

12. RESPONDING OR ASSISTING DURING AN EMERGENCY

All employees of the Department, regardless of classification, have security responsibility. Employees shall immediately respond to any request for assistance during an emergency, including emergency preparedness drills and mobilizations. An employee shall come to the assistance of another employee, offender, visitor, volunteer, etc., who is in distress or any other emergent situation.

13. ENFORCING RULES, REGULATIONS, POLICIES, PROCEDURES, POST ORDERS AND WORK STATEMENTS

All employees shall be familiar with, enforce and follow all Department rules, regulations, policies, procedures, post orders and work statements. An employee shall not undermine or interfere with the Department's efforts to enforce rules, regulations, policies, procedures, post orders and work statements.

14. MAINTAINING ORDER

Any action or inaction by an employee that may detract from maintaining order of Department operations is prohibited.

15. CHAIN OF COMMAND

Employees shall follow their chain of command. Proper morale and discipline require a recognition of authority within the various units and divisions of the Department. It is important to know the immediate supervisory official in charge so that all work-related questions are addressed to the proper person. Complaints and concerns shall be submitted to the immediate supervisor for resolution before going to a higher level, or to an outside source.

An employee may bypass an immediate supervisor only in an emergency or in accordance with specific Department policies. Supervisors shall inform their employees whom they should contact in cases of emergency, questions or problems. If the chain of command is not followed, issues should be sent back to the proper supervisor by the recipient.

The requirement to follow chain of command is not intended to abrogate the ability of employees to file complaints under their respective collective bargaining agreement or under the Whistleblowers' Protection Act, PA 469 of 1980, as amended, or other State or federal law, to report a violation or suspected violation of the law.

CRIMINAL ACTS, CONTRABAND AND CONTROLLED SUBSTANCES

Work Rule #5 and Work Rules #16 through #22 prohibit behavior involving criminal acts, contraband, and controlled substances both on and off duty. Controlled substances are defined in the Michigan Public Health Code.

The Department has a zero-tolerance policy regarding employees possessing, using, or introducing controlled substances into a facility where offenders are housed or assigned. Zero tolerance means if a preponderance of evidence demonstrates that an employee has used, possessed, attempted to introduce, or otherwise involved themselves with controlled substances, s/he will be discharged.

The presence of contraband within correctional facilities and other settings where offenders are housed presents a safety and security risk and is therefore prohibited. For this reason, employees are responsible for any item within their area of control which includes, but is not limited to, the automobile they have driven, their clothing, and within purses and briefcases.

Employees are subject to drug and alcohol testing pursuant to Civil Service Commission Rules or the provisions of an applicable collective bargaining agreement.

16. CRIMINAL ACTS – FELONY

Employees shall not engage in any conduct, whether on one's own time or in connection with official duties, which results in a felony conviction, whether by guilty plea, no contest plea, delayed or deferred sentence or trial. A felony conviction shall result in discharge.

Felonious behavior not resulting in a felony conviction may still result in disciplinary action up to and including discharge for violation of Work Rule #5 "Conduct Unbecoming."

Employees shall provide a verbal report to their immediate supervisor, or if unavailable to the next available manager in their chain of command, within 24 hours after any felony citation or arrest. This verbal report shall be followed up within 72 hours with a written report by the employee to the appropriate Deputy Director, Administrator or Warden.

Employees shall also provide written reports to their immediate supervisor within 24 hours after any stage or phase of an arrest or prosecution including but not limited to: issuance of any warrant, any arraignments, any pre-trial conferences, pleas of any kind, preliminary examination, trial, conviction, sentencing, delay, deferral, diversion, or dismissal. Employees charged with a felony will be suspended without pay pending the outcome of the criminal charges.

Failure to report as required by this rule shall result in disciplinary action for violation of Work Rule #38 "Reporting Requirements."

17. CONTROLLED SUBSTANCE/ INTOXICANT– POSSESSION, INTRODUCTION OR ATTEMPTED INTRODUCTION

Possessing, introducing, or attempting to introduce controlled substances or intoxicants into any facility where offenders are supervised shall result in discharge and possible referral for prosecution. This does not include items brought in by a clergy as allowed per PD 04.04.110 "Search and Arrest in Correctional Facilities" and/or MCL 800.281.

Employees shall not possess, introduce, or attempt to introduce into any facility where offenders are supervised any other substances, such as yeast, which can be used to manufacture a prohibited or illegal substance.

18. USE OF ALCOHOL OR CONTROLLED SUBSTANCE

Employees are subject to random, reasonable suspicion, pre-appointment, post-accident, and follow-up drug and alcohol testing in accordance with Civil Service Commission Rule 2-7 or applicable collective bargaining agreement. An employee who reports for

duty with alcohol on his/her breath, or when suspected of being under the influence of alcohol or a controlled substance, will be required to submit to an evidential breath test or appropriate drug test.

Employees shall comply with all requirements of the Civil Service Commission Rule, the applicable collective bargaining agreement, and this work rule. A violation of Provision **A** below shall result in disciplinary action up to and including discharge. A violation of **B, C, D, E, or F** below shall result in discharge and the employee will not be eligible for rehire with the Department.

The following are prohibited activities for all employees:

- A. Consuming alcohol while on duty, or reporting for duty or being on duty with a blood alcohol concentration of .02 or greater percent by weight in the blood but less than .08.
- B. Reporting for duty or being on duty with a blood alcohol level of .08 or higher.
- C. Using a controlled substance on duty unless used as prescribed by a physician.
- D. Reporting for duty or being on duty with a prohibited level of a controlled substance.
- E. Refusing to submit to a required drug test or alcohol test. Refusal to submit to a drug and/or alcohol test means any of the following: 1) failing to provide an adequate sample without medical explanation, 2) engaging in conduct that obstructs the testing process, or 3) refusing to be tested.
- F. Interfering with any testing procedure or tampering with any test sample, including, but not limited to, not reporting directly to the testing site, eating or drinking prior to a required test unless specifically directed to by medical personnel, adulterating the sample, etc.

Marijuana is a schedule 1 drug. Use of marijuana for medicinal purposes is not considered an acceptable medical explanation for a positive test.

19. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

20. INTRODUCTION OR POSSESSION OF CONTRABAND ITEMS

Employees shall not introduce or possess unauthorized items such as escape paraphernalia, weapons, facsimiles of weapons, ammunition, wireless communication devices, cell phones, tobacco or facsimiles of tobacco products (e.g. electronic vapor cigarettes), lighters or any other item not specifically authorized by PD 04.04.100 "Custody, Security and Safety Systems" (Exempt) or facility operating procedure in any facility where offenders are housed.

21. CONTRABAND IN VEHICLE ON THE PREMISES OF A FACILITY HOUSING OFFENDERS

Employees shall lock or properly secure any vehicle (including jeeps, motorcycles, bicycles, etc.) brought onto the premises of a facility housing offenders. Employees are responsible for ensuring that unauthorized items such as alcohol, controlled substances, weapons, ammunition, or facsimiles thereof are not in the vehicle. It will be assumed the employee was aware of the presence of the prohibited item if it is found in the vehicle. Violations of this rule may result in criminal prosecution. See PD 03.03.100 "Firearms and Chemical Agents" (Exempt) regarding the proper handling and storage of weapons.

22. MISDEMEANOR OR OTHER RESTRICTIONS

Any conduct by an employee, whether on one's own time or in connection with official duties, which results in a misdemeanor conviction (including diversion programs), whether by guilty plea, no-contest plea, delayed or deferred sentence, or trial is prohibited.

The only exceptions are Department of Natural Resources misdemeanors, animal control misdemeanors (unlicensed dogs, unleashed dogs, barking dogs, etc.). While these misdemeanors are not considered a violation of this work rule, employees are still required to timely report as indicated below.

Situations which do not result in a misdemeanor conviction and misdemeanors not considered a violation of this work rule may still result in disciplinary action up to and including discharge for violation of work rule #5 "Conduct Unbecoming" or other applicable work rules due to the employee's conduct.

All employees, including those on leave, shall provide a verbal report for all arrests, misdemeanor citations, and/or criminal charges to their immediate supervisor or, if unavailable, to the next available manager in their chain of command within 24 hours after any stage or phase of an arrest or prosecution including but not limited to: issuance of any warrant, any arraignments, any pre-trial conferences, pleas of any kind, preliminary examination, trial, conviction, sentencing, delay, diversion or dismissal. Each verbal report shall be followed up within 72 hours with a written report by the employee to the appropriate Deputy Director, Administrator or Warden. Traffic offenses that are not misdemeanors do not need to be reported.

Failure to report as required by this rule shall result in disciplinary action for violation of Work Rule #38

“Reporting Requirements.”

A misdemeanor conviction for a violation of the Controlled Substance Act or criminal sexual conduct shall result in discharge.

An employee who is discharged for violation of this rule or who resigns in lieu of termination during an investigation will not be eligible for rehire with the Department.

23. POSSESSION AND/OR USE OF MEDICATION

Employees shall immediately notify their supervisor if taking prescribed medication which may interfere with the employee’s work responsibilities.

In addition, an employee who has duties involving the direct management or observation of offenders shall immediately provide written notice to the Warden or appropriate Administrator, through the Human Resources Office, of a prescribed medication that could reasonably be expected to affect the work performed. Such medication includes, but is not limited to: narcotic pain medication, psychotropic medication, mood altering medication, and antihistamines.

Employees must submit the “Employee Medication Request” form (CAJ-555) when taking prescribed medication which may interfere with their work responsibilities. If there is a question on the effects of the medication, the employee shall be required to provide medical clarification from a licensed physician. If the medication does not adversely affect job performance and needs to be taken at work, the Warden or appropriate Administrator will provide a way for the employee to take the medication by approving the CAJ-555 form.

24. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

25. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

26. ENTRY INTO A FACILITY

Employees shall not visit non-public areas of a facility where offenders are housed for non-work related purposes without prior approval of the Warden, appropriate Administrator, or designee. Off-duty employees are required to receive permission to enter or be present at any secure area of a facility.

Employees visiting any facility where offenders are housed shall sign the facility visitor's log.

An employee may visit an offender only if that offender is an immediate family member and is housed at a facility other than where the employee works. For purposes of this rule "immediate family member" is defined as grandparent, parent, stepparent, spouse, mother-in-law, father-in-law, child, stepchild, grandchild, sibling, stepbrother and stepsister. An aunt and uncle may be included if adequate verification is provided that they served as a surrogate parent.

Visitation at an institution shall take place in accordance with PD 05.03.140 "Prisoner Visiting."

Visiting an immediate family member who is an offender housed in a facility requires prior permission of both the appointing authority where the offender is housed and the employee's appointing authority. Visiting an immediate family member who is an offender housed in a jail and under Department supervision or jurisdiction requires prior written approval from the employee's appointing authority, and an approved "Offender Contact Exception Request" form (CAJ-202) on file. If the immediate family member is not under Department supervision or jurisdiction, prior written approval is not required.

27. DERELICTION OF DUTY

Employees shall fully perform their job duties. Any action or omission of an employee indicating neglect of his/her job duties, including but not limited to the safe and proper care and control of offenders, failure to make all required rounds, required field agent contacts, or participation in recreational activities with offenders while on duty, will be considered dereliction of duty.

28. USE OF FORCE

Employees shall use the least amount of force necessary to perform their duties consistent with the provisions of PD 04.05.110 "Use of Force" (Exempt) and PD 04.05.112 "Managing Disruptive Prisoners" (Exempt). Excessive use of force shall result in discharge.

29. EXCHANGE OF DUTIES-CUSTODY/ SECURITY

Employees shall not exchange duties or responsibilities without prior explicit permission from the immediate supervisor.

30. DUTY RELIEF

Employees shall not leave an assignment without proper relief or authorization.

31. SECURITY PRECAUTIONS

Any action or inaction by an employee which jeopardizes the safety or security of employees, the public or offenders is prohibited.

Examples of actions of an employee in violation of this rule are described below. This is not an exhaustive list of behavior which may be in violation of this rule.

- Failure to keep assigned weapons properly secured, clean and in working order, properly loaded and at hand for immediate use.
- Loss of security equipment (e.g. keys, handcuffs, radios, ERT equipment, etc.).
- Failure to keep assigned weapons properly secured, clean and in working order, properly loaded and at hand for immediate use.
- Loss of security equipment (e.g. keys, handcuffs, radios, ERT equipment, etc.).
- Failure to follow specific security detail instructions.
- Failure to follow PD 04.04.110 “Search and Arrest in Correctional Facilities.”
- Failure to follow critical/dangerous tool policy as indicated in PD 04.04.120 “Tool Control.”
- Propping open security doors or doors that should remain locked.
- Allowing unknown or unidentified individuals into buildings.
- Unauthorized distribution of exempt policy directives or operating procedures.
- Failure to follow security precautions as outlined in PD 03.03.100 “Firearms and Chemical Agents” (Exempt).

32. ATTENTION TO DUTY

Employees shall remain alert while on duty. Sleeping or failure to properly observe an assigned area or offenders, including missing post checks, are examples of inattention to duty.

Items that detract from the alertness of an employee are not allowed. Employees with duties involving the direct management or observation of offenders shall

not have unauthorized electronic devices, computer games, books, pamphlets, newspapers, or other reading materials while on duty except for post orders, a copy of the applicable collective bargaining agreement, and information specific to the performance of job-related duties.

All other employees may possess such items at their worksite but are prohibited from using them while on duty except when they fall within the scope of their assigned duties.

33. REPORTING VIOLATIONS

Employees shall immediately report behavior which is in violation of Departmental rules, policies, procedures, work statements or post orders, etc., to supervisory staff.

Failure to report conduct involving drugs, escape, sexual misconduct, sexual harassment, workplace safety or excessive use of force will aggravate the penalty up to and including discharge.

34. REPORTING APPROACH TO INTRODUCE CONTRABAND, VIOLATE RULES, POLICIES, PROCEDURES, POST ORDERS AND WORK STATEMENTS

Employees shall report each time they are approached to introduce contraband or violate rules, policies, procedures, post orders or work statements. A verbal report of the approach shall be made immediately to the employee's supervisor and a complete written report of the approach must be made no later than the end of the employee's work day.

35. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

36. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

37. RULE RESCINDED IN 2012. NUMBER INTENTIONALLY NOT REUSED.

38. REPORTING REQUIREMENTS

Employees shall timely submit accurate and complete oral and written reports when required by Department policy, procedure, post order, work statement or employee handbook when requested by a supervisor or other authorized personnel. Failure to provide reports that are accurate and complete is a violation of this work rule.

39. RULE RESCINDED IN 2012. NUMBER INTENTIONALLY NOT REUSED.

40. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

41. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

42. EMPLOYEE UNIFORM REQUIREMENTS

Employees shall not wear a Department uniform except in the performance of duty, while representing the Department in an official capacity, or direct travel to and from the work site. Refer to PD 02.03.103 “Employee Uniforms” for additional restrictions.

Employees required to be in uniform must wear and return the entire uniform as provided in PD 02.03.103 “Employee Uniforms” and PD 02.03.121 “Special Alternative Incarceration Program – Employee Uniforms.” Substitution of other types of clothing for parts

of the uniform or alterations of the uniform are permitted only when clearly authorized under policy or contractual guidelines. The uniform shall be clean and neat at all times.

43. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

44. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

45. RULE RESCINDED IN 2000. NUMBER INTENTIONALLY NOT REUSED.

46. RULE RESCINDED IN 2006. NUMBER INTENTIONALLY NOT REUSED.

47. FALSIFYING, ALTERING, DESTROYING, REMOVING DOCUMENTS OR FILING FALSE REPORTS

Employees shall not falsify, alter, destroy or remove documents, including but not limited to, employment applications, data entries, log book entries, door card entries, rounds, OMNI entries, investigative reports, time and attendance records (both electronic and hard copy), misconduct reports, health care provider statements, receipts, travel vouchers or databases. Fraudulent reporting of an employee's time through the time clock or the State's automated payroll system is expressly prohibited. Violation of this rule shall result in discharge.

Employees who file a false complaint will be considered to have violated this rule.

48. GIVING OR RECEIVING GIFTS OR SERVICES

Employees are forbidden from exchanging with,

giving to, or accepting gifts or services from an offender, including but not limited to: food and beverage items; shoe shines or any other item neither necessary for, nor related to, the performance of their official work-related responsibilities.

49. RULE RESCINDED IN 2012. NUMBER INTENTIONALLY NOT REUSED.

50. OVERLY-FAMILIAR OR UNAUTHORIZED CONTACT

OVERFAMILIARITY PROHIBITED

Employees are prohibited from engaging in over-familiarity with an offender, a family member or listed visitor of an offender, or any person referred to the Department by the courts for investigation or supervision.

It is prohibited for employees to have a non-professional relationship with an offender, the offender's family or their listed visitors. This rule gives examples of prohibited conduct, but is not intended to be all inclusive. Employees shall avoid any appearance of impropriety with offenders, offenders' family members and their listed visitors. However, contact with an offender, his/her family, or support system in the community is permitted in the performance of their duties in order to develop professional relationships with individuals who are part of the offender's support system. This contact shall be narrowly focused on the offender's success, with activities being documented in OMNI case notes for active offenders.

For purposes of this rule, "Listed Visitor" means a person on an offender's approved visitors list as provided in PD 05.03.140 "Prisoner Visiting."

Non-work relationships with offenders, other than an

employee with his/her approved family member, are prohibited regardless of when the relationship began.

Relationships with an offender which existed prior to offender status involving children of the employee and the offender will be evaluated on a case-by-case basis through submission of an "Offender Contact Exception Request" form (CAJ-202).

Relationships with an offender's family member or visitor which existed prior to offender status occurring will be reviewed on a case-by-case basis through submission of a CAJ-202 form.

Unless approved by the appropriate Executive Policy Team member, and employee shall not live with, nor provide lodging for, an offender except if the offender is a family member of the employee, including a spouse where the employee's marriage to the offender existed prior to the employment date or where the spouse became an offender after the employment date. In all cases where the employee lives with or provides lodging to an offender who is a family member, this must be immediately reported in writing to the employee's Warden or appropriate Administrator.

PERMISSIBLE CONTACT

Employees may have contact with another employee of the Department who is the family member of an offender. Approval from the appropriate Executive Policy Team member or designee, or an "Offender Contact Exception Request" form is not required for such contact.

Employees may have contact with their immediate family, which is defined as spouse, parent(s), children or step-children, brother(s), sister(s), parent(s)-in-law, grandparent(s), grandchild(ren) and any person(s) whose financial or physical care the employee is principally responsible. The CAJ-202 form is not required for employees to have contact with an offender who is a member of that employee's

immediate family. However, the employee is required to immediately provide written notice of the contact to the Warden or appropriate Administrator. Failure to report as required by this rule shall result in disciplinary action for violation of work rule #38 "Reporting Requirements."

REPORTING REQUIREMENTS AND APPROVAL PROCESS

If contact is made with an offender, a family member of an offender or a listed visitor of an offender outside the course of an employee's job duties, such contact must be reported in writing to the employee's immediate supervisor or, if unavailable, to the next available supervisor in their chain of command by the end of the employee's next regularly scheduled workday. Such reporting is not required if a written exception (CAJ-202 form) has been granted.

Employees shall not make any contact with any offender, any family member of an offender, or a listed visitor of an offender outside the regular performance of the employee's job duties unless approval has been granted in writing by the appropriate Executive Policy Team member or designee. Employees shall use form CAJ-202 "Offender Contact Exception Request" to request such an exception. Offender Contact Exception Requests must be renewed whenever a change in the offender's status occurs, the employee's classification or worksite changes, or relationship to the offender, family member of offender, or visitor changes. A copy of all requests shall be retained in the employee's personnel file.

EXAMPLES

Unless the contact is work related or an exception has been granted pursuant to this rule, examples of behavior which presume overfamiliarity include, but are not limited to:

- Giving or receiving non-work related letters,

messages, money, personal mementos, pictures, telephone numbers, legal or other services to or from an offender or a family member or a listed visitor of an offender. Being at the residence of an offender or a family member or listed visitor of an offender or them being at an employee's residence.

- Non-work related contact or visits with an offender or a family member or listed visitor of an offender without authorization.
- Any relationship with an offender, their family member or listed visitors that begins after offender status occurred.
- Conversation of a sexual or romantic nature.
- Sexual misconduct or sexual harassment of an offender's family members or listed visitors.
- Financial involvement with offenders, family members of offenders, or listed visitors.
- Working for or employing an offender or their family member(s).
- Visiting or corresponding with an offender or their family, or listed visitors.
- Having knowledge of or assisting another employee to engage in overfamiliarity.
- Renting property to an offender or an offender's family member or listed visitors.

Failure to report unauthorized contact until such contact is detected shall be considered an aggravating factor for determining the level of discipline issued. Any violation of this rule will be grounds for discharge.

An employee who is discharged for violation of this rule or who resigns during an investigation for overfamiliarity and other conduct prohibited by policies established pursuant to these topics or failure to report

a violation of Department policy or work rules in these areas will not be eligible for rehire with the Department.

51. SEXUAL CONDUCT WITH OFFENDER

Employees shall not engage in sexual conduct with an offender. Examples of actions of an employee in violation of this rule are described below. This is not an exhaustive list of behavior which may be in violation of this rule.

- An attempted, threatened, or requested sexual act or helping, advising, or encouraging another employee to engage in a sexual act. This includes assisting the violator in avoiding discovery.
- The intentional touching, either directly or through clothing, of an offender's genitals, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify the sexual desire of any person. This conduct is a criminal offense under Michigan Penal Code 750.520c.
- Invasion of privacy for sexual gratification, indecent exposure or voyeurism.

An employee shall not be eligible for rehire with the Department, who:

- A. Is discharged for any violation of this rule.
- B. Resigns during an investigation for sexual conduct, sexual harassment, or other conduct prohibited by policies established pursuant to these topics.
- C. Fails to report a violation of Department policy or work rules in these areas.

For additional information, refer to PD 03.03.130 "Humane Treatment and Living Conditions for Prisoners" and PD 03.03.140 "Prohibited Sexual Conduct Involving Prisoners."

Any violation of this work rule shall result in discharge and may lead to criminal prosecution.

52. SEXUAL HARASSMENT OF OFFENDER

Employees shall not engage in sexual harassment of an offender. Employees shall not assist, advise or encourage another to engage in sexual harassment, nor shall they assist the violator in avoiding discovery. Sexual harassment can include, but is not limited to:

- A. Verbal or written statements of a sexual nature.
- B. Demeaning references to gender or derogatory verbal or written statements about body or clothing.
- C. Profane or obscene language or gestures of a sexual nature.

For additional information, refer to PD 03.03.130 “Humane Treatment and Living Conditions for Prisoners” and PD 03.03.140 “Prohibited Sexual Conduct Involving Prisoners.”

Employees are required to report any incidents of sexual harassment to a supervisor. Incidents must be reported whether witnessed by the employee or reported to the employee by an offender.

53. WORKPLACE SAFETY

Threats by employees such as bomb threats, death threats, threats of assault, acts of physical violence, etc., are expressly prohibited.

Employees shall not carry or possess a firearm, explosive, weapon or facsimile of a weapon at a facility or while on duty except as authorized by Department policy.

Employees shall not physically fight or assault any person on facility grounds. Employees may act to reasonably defend themselves against violence in accordance with custody and security policies and

procedures.

If an employee becomes aware of a threat of violence or an act of violence, the employee shall immediately report the threat or act to their immediate supervisor, or if unavailable, to the next available supervisor in his/her chain of command. This verbal report shall be followed up by the end of the shift with a written report by the employee to the appropriate management representative.

Failure to report a threat or act of physical violence will be considered a violation of Work Rule #33 "Reporting Requirements."

Violation of this rule shall result in discharge.

54. MISUSE OF RECORDING DEVICES OR RECORDED INFORMATION

Using any type of recording device to record, transmit, or transcribe audio conversations, electronic information or video images without the consent of all parties being recorded is prohibited. The only exceptions to this rule are:

- A. Recordings which are authorized, routinely recorded, and/or monitored as part of the daily operations of the Department.
- B. Recordings made with prior approval of the appropriate Administrator.
- C. Recording devices used during investigatory interviews as part of an administrative investigation. Such recordings shall be disclosed to all members present at the time of its use, except in the case of prisoner interviews.

In addition, employees are prohibited from making copies or removing copies of communications without authorization which are routinely recorded and/or monitored as part of the daily operations of the Department (logbooks, security tapes, etc.).

Policy Directives (PDs) and Civil Service Commission Rules referenced in this Handbook are available for review at all work sites as well as electronically through Document Access System (DAS). If not available, contact your supervisor.

2014

**Michigan Department of Corrections
Employee Handbook**

Acknowledgement and Receipt

I certify that I have received, and understand that it is my responsibility to read and familiarize myself with, the Michigan Department of Corrections' work rules and employment requirements. I understand my signature below indicates that I have received the MDOC Employee Handbook. I recognize that I will be held to the standards contained within and that violation of any of those standards or any rule violations can result in corrective action up to and including discharge. I am aware that a copy of this document will be placed in my personnel file.

(perforated for easy detachment)

NAME (Please Print: Last, First, Middle Initial)

DATE

SIGNATURE

DATE

