



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

GRETCHEN WHITMER
GOVERNOR

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DIRECTOR'S OFFICE MEMORANDUM 2019 - 33

EFFECTIVE: March 16, 2019

DATE: March 12, 2019

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Heidi E. Washington, Director

SUBJECT: Assignment and Transfer for Security Unit Employees

Civil Service Rule 6-4.1(d)

The employer may determine or exercise the following without engaging in collective bargaining: The method, means, and personnel by which government operations are to be conducted, including organizational structure and the selection, direction, assignment, and transfer of employees.

Shift Transfers

1. Employees may express an interest to transfer between shifts when management seeks to fill a vacancy. Subject to management's discretion and the following conditions, the most-senior qualified and available employee that has been in the classification and on the list for 30 days will be selected for a shift transfer.
 - A. Employees must notify the designated management representative in writing of their interest to transfer to another shift. Employees may have their name added or removed from the shift transfer list at any time.
 - B. The date the employee requests to be placed on the list will be recorded next to the employee's name.
 - C. Except for employees on approved leave or an approved leave of absence, an employee will have 3 days after being notified to accept a shift transfer. An attempt will be made to contact employees on approved leave at the time of the offer of a shift transfer. An employee able to return to work within 21 days of the offer will be allowed to accept the transfer. If contact could not be made with the employee or a message could not be left, the Union Chapter President will be notified. The absent employee will have 7 days to respond to the offer before the shift transfer is offered to the next eligible employee.

- D. Failure to timely respond will be considered a refusal.
 - E. An employee's refusal of an offered shift transfer will result in removal from the list for the particular shift. The employee can immediately place their name back on the list but must be on the list for 30 days before being eligible for a shift transfer.
 - F. If the transfer list is absent eligible applicants at the time the vacancy is being filled, employees with less than 30 days on the list will be eligible for transfer in seniority order.
2. Nothing prohibits a shift trade between two employees in the same classification who are the most senior on their respective shift transfer lists.
 3. Employees may be assigned or transferred between shifts out of seniority order to fill a vacancy that has a legally required or implied selective certification requirement. Additionally, it may be necessary to make temporary exceptions to have a balance of status personnel on each shift. Experience-balancing exceptions will not exceed six months, unless discussed with the exclusive representative at the local- or department-level. Before such exceptions are made, the exclusive representative will be notified and given the reasons as well as the duration of the exception. If seniority employees are moved to or held on a shift, all successful shift-transfer requests or bids on assignments will be honored upon completion of such period.
 4. Current institutional practice concerning treatment of the day-activity shift as part of, or separate from, the day shift will continue consistent with the following.
 - A. Same as Day Shift: if the current practice at the work location is to allow only employees on the first shift to obtain an assignment on the day-activity shift, the day-activity shift will be considered part of the first shift.
 - B. Separate Shift: if the current practice at the work location is to allow employees on all shifts to obtain an assignment on the day-activity shift, the day-activity shift will be considered a separate and distinct shift from the other shifts.

Bid Assignments

1. Employees in the classification on the same shift at a work location will be given an opportunity to apply for bid assignments (Attachment A). Bid assignments that become vacant will be posted within 21 days from the date of the vacancy for a period of 7 days. All postings will identify which shift is eligible to apply, the way the employee must apply, and include such information as classification, position location, description of duties, scheduled days off, and any special requirements, knowledge, skills, or abilities, if applicable.
2. Subject to management's discretion, bid assignments will be filled by selecting one of the three most-senior qualified and available employees on the shift in satisfactory service who filed a timely application. If less than three apply, one of the qualified applicants will be selected. An employee will be considered available if on annual or sick leave or approved leave of absence of up to 21 calendar days from the last day of the posting. During the period in which the selection process for bid assignments is being administered, an employee may be temporarily assigned to fulfill operational needs.
3. It is the intent that the selection will be based upon job-related criteria, resulting in the most-qualified

applicant being selected. If an employee pulls a bid request either prior or subsequent to being awarded, the next applicant will be placed in the pool.

4. When determining whether an applicant is qualified, and when considering the top three most-senior applicants, the following factors will be considered:
 - A. Demonstrated special knowledge, skills, or abilities as announced in the posting;
 - B. Physical ability;
 - C. Demonstrated ability to effectively interact with residents and the public;
 - D. Demonstrated ability to follow instructions, including security regulations;
 - E. Nothing requires the most-senior applicant be selected.
5. Employees may be reassigned from a bid assignment daily for operational needs. However, if an employee has been reassigned from a bid assignment, such bid assignment will not be filled with a different employee during the shift.
6. Bid assignments at current institutions where no such bid assignments exist may be discussed locally by management and the exclusive representative. Under no circumstance is management obligated to establish bid assignments that exceed 20 percent of the total assignments on a shift.
7. When bid assignments are abolished, an equal number of new bid assignments may be created. Any abolishment or establishment of bid assignments must be communicated to Central Office Labor Relations for the purpose of updating Attachment A.
8. Employees who have been placed in a bid assignment because of a successful bid may not bid on another position within 12 calendar months.
9. Employees in a bid assignment resulting from a successful bid will keep such assignment until they either:
 - A. Bid to another assignment; or
 - B. Are removed for the following reasons:
 - i. The employee occupies an assignment that is covered by the High-Security Premium program. In such event, the employee may be reassigned after nine or more months (20 pay periods) in the bid assignment to a different assignment for no more than three months (six pay periods), after which the employee will be returned to their bid assignment. The purpose of such reassignment is to provide the employee with cross training and exposure to different operations at the work location.
 - ii. The employee's performance in the bid assignment is not acceptable. Before reassigning the employee for reasons of unacceptable performance of their bid assignment, the employee must have been informed of the performance standards that must be met and must have been counseled in writing as an affirmative effort to raise the performance to an acceptable level, and the employee has continued to perform at a level below the

established standard.

- iii. The Warden or Deputy Warden has just cause to make the reassignment (on either a temporary or permanent basis) to restore, preserve, or enhance the effective operation of the bid assignment. Such reassignment will not be regarded as unacceptable conduct or performance, no adverse inference should be drawn from such reassignment, and will be confirmed by written documentation to the employee, with a copy in their personnel file.

10. If an employee voluntarily leaves their bid assignment for more than 28 days in a 12-month period to perform another job, the bid assignment will be considered vacant and reposted. An employee performing obligations for their exclusive representative will not be considered as voluntarily vacating their bid assignment.

Scheduled Regular Days Off (RDOs)

1. At any Department of Corrections facility with fixed days off, the system for exercising preference for scheduled regular days off (RDOs), will be as follows:

- A. Prime RDOs: any combination of RDOs that contain a Friday, Saturday, or Sunday are considered prime RDOs. Bid notices for prime RDOs with no specific work assignment will be posted on various bulletin boards at the work location within two weeks of becoming available. If prime RDOs are not posted for bid within two weeks of becoming available, the local exclusive representative Chapter President will, upon request, be given a written explanation as to the reasons why no posting was made. Such notices will remain posted for a period of seven days. Subject to management discretion, prime RDOs will be awarded by seniority. Employees will be required to have 30 days on shift to be eligible to bid on any RDOs. Posting of the RDO vacancies will not be delayed affecting the selection process. An employee on annual or sick leave for up to 21 days from the last day of the posting will be considered available.

It may be necessary to make temporary (four pay periods or less) exceptions to avoid an imbalanced distribution of RDOs during the pay period. Before such RDO-balancing exception may be implemented, the Department will provide the exclusive representative with written notice and give reasons for, as well as the expected duration of, such exceptions. Such RDO-balancing exception will be applied only to prime RDOs that do not have a specific work assignment. If seniority employees are not awarded available prime RDOs solely because of such exception, all successful bids for prime RDOs will be honored upon completion of such period. Bid postings for RDOs that will not be immediately filled because of this exception must contain notice to that effect.

- B. All Other RDOs: for all other RDOs employees will indicate their preference by placing their name in a book maintained by the Shift Commander. Subject to management discretion, such RDOs will be granted based on seniority as described above.

Transfers Between Work Locations

1. An employee may request a transfer to any position that is within the employee's same classification. An employee's request must be placed in writing on an appropriate form (CAJ-517) submitted to the Human Resources office of the facility at which the employee currently works. Human Resources will affix the date of receipt, return a copy to the employee, and enter the information into a database that will allow

Human Resources to administer and coordinate all transfers between work locations.

- A. Seniority-Based Transfer: to be eligible for a transfer utilizing an employee's seniority, the employee must be available to work within two biweekly pay periods, and meet the following conditions:
- i. Have status in the classification;
 - ii. Have no record of disciplinary action or unsatisfactory rating during the two years preceding the date of the transfer request or during the period between the application date and the time they are considered for transfer.
 - iii. Not have voluntarily transferred any time during the 12-month period prior to the application date, and;
 - iv. Apply during the window period. The window period will be November 1 through November 30 for transfers between January 1 and June 30 (for this window period in 2019, transfer requests will be accepted until March 31st) and May 1 through May 31 for transfers between July 1st and December 31st. The transfer list will expire at the end of each window period.
 - v. The conditions in which vacancies will be filled based on seniority at existing facilities, camps, and corrections centers are as follows:
 - a. Work locations will fill the first vacancy per six-month transfer period with the most senior, eligible, and qualified applicant.
 - b. Subsequent vacancies will be filled first by any Closer-to-Home transfers and then consistent with current practice.
 - c. Employees who have resigned in lieu of dismissal are excluded from any transfer rights to that work location.
- B. Closer-to-Home Transfer: this category of transfer will be awarded after seniority transfers, but before all other transfer requests. Up to 40 transfers per calendar year will be approved for employees seeking an assignment to a facility within a 40-mile radius of their home. Those wanting such a transfer must submit an application to their exclusive representative for consideration and possible referral to the Department of Corrections. The window period to apply for a closer-to-home transfer will be from October 1 to October 31 (for 2019 the window period will be until March 31, 2019) of each year for transfers occurring January 1 through December 31 of the following year.

Eligible employees must have status, have not voluntarily transferred during the 12-month period prior to the application date, and have no record of disciplinary action or unsatisfactory service rating during the two years preceding the date of the filling of the position.

No more than four employees from one work location will be eligible for transfer during a 12-month period and work locations do not need to accept more than ten employees. If all employees on the transfer list are not able to transfer to a vacancy during the year, up to three

employees who were unable to transfer will be carried over, in addition to the eligible 40, for the next calendar year.

Exceptions to these provisions may be granted on a case-by-case basis but only at the discretion of management.

- i. Exchange Transfer: an employee seeking a transfer to another work location has the responsibility to find an employee in their same classification willing to exchange positions. All exchange requests must be in writing. Exchange transfers are subject to the approval or disapproval of the involved Warden(s). Shift transfers within the institutions must be processed prior to placement of the employees from the exchange transfer.
- C. No reimbursement under the State Travel Regulations will apply for an employee accepting a transfer.
- D. The Correctional Facilities Administration Deputy Director may limit (freeze) transfers out of a work location. The exclusive representative will be told of the freeze prior to implementation. In the event of a transfer freeze out of a work location, any transfer requests submitted and approved prior to the announcement will be honored.

Involuntary Reassignment

1. Reassignments not associated with layoffs, closing of a subdivision of a work location, or reorganization of a work location, which involve a change in shift or days off will be prohibited except for the following:
 - A. Subject to management discretion, if a reassignment within a class and work location involves a change of shift or days off, the reassignment will be made by reassigning the least-senior qualified employee with status on shift. Exceptions may be made for employees without status in the classification, legally required or implied selective certifications, and employees with specific training (firearms, etc.) utilizing inverse seniority.
 - B. Where the employee has been disciplined and the misconduct or actions were such that continued presence may be detrimental to the effectiveness of the work unit or the employee.
 - C. Where investigated complaints from residents, visitors, recipients, or employees are found to be valid and reassignment is in the interest of the effective operation and security.
 - D. Where the employee is not performing successfully as verified by an unsatisfactory service rating.
 - E. Unusual circumstances where it is in the best interest of the work location. The Department will discuss with the exclusive representative before action is taken.
 - F. The need to follow a court order or restriction (e.g., personal protection order). Where more than one employee is involved, the least-senior employee will be reassigned, unless approved by the appropriate Assistant Deputy Director.
 - G. Corrections Transportation Officers (CTOs), Corrections Security Representatives (CSRs) and

SAI employees who do not meet the classification requirements will be demoted to a Corrections Officer (CO) vacancy at their parent facility, provided they meet the classification requirements of a CO. If the employee does not have a parent facility, or placement at the parent facility is not feasible, the employee will be allowed to request placement at another work location. Placement will be subject to operational needs.

Return Rights

1. If an employee with status is involuntarily reassigned from their bid assignment, shift, hours of work, or has their fixed prime RDOs changed for reasons other than layoff or those listed *Bid Assignments*, Section 9.B.2, or *Involuntary Assignments*, Section 1.B through E, the employee will have first right to return to the bid assignment, shift, hours of work, or prime RDOs for one year from the date of reassignment if it is being filled as a vacancy. If more than one employee is removed, return will be by seniority.