



Office of the Secretary

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SECRETARIAL DIRECTIVE

SUBJECT: Employment

NUMBER: 2019-05

SUPERSEDES: NEW

APPLICABILITY: All Department of Corrections Employees

REFERENCE: Ark. Code Ann. §§ 25-43-105,
25-43-108, and 25-43-403

PAGE 1 of 10

ISSUED BY: Wendy Kelley

EFFECTIVE DATE: 10/17/2019

I. POLICY:

It shall be the policy of the Arkansas Department of Corrections to ensure all applicants are given fair and equal opportunity for employment in accordance with all state and federal guidelines.

II. PURPOSE:

This directive is intended to ensure that the Department will, as an Equal Opportunity Employer, implement fair and consistent employment policies.

III. DEFINITIONS:

A. Class or Classification.

1. A group of positions sufficiently similar as to
 - Duties performed,
 - Scope of discretion and responsibility,
 - Minimum requirements of training,

- Minimum requirements of experience, and
 - Minimum requirements of skill,
2. That the same
 - Title,
 - Scale of Compensation, and
 - Same test of fitness (if applicable),
 3. Have been or may be applied.
- B. At Will Employment. All Employees are “at will” under Arkansas Law meaning, the employer or the employee may end the employment relationship at any time. It can be for any reason or no reason. Advance notice is not required.
- C. Conditional Offer of Employment. An offer of employment based upon an applicant meeting certain job-related requirements prior to hire and/or during the probationary period.
- D. Convictions. A conviction may include, but is not limited to a guilty plea, plea of nolo contendere, negotiated plea, or finding of guilt by a judge or jury.
- E. Demotion. A change in duty assignment of an employee from a position in one classification to a position of a lower salary and grade requiring fewer qualifications, such as lower skill requirements, less job-related experience, and a lower level of responsibility. When an employee voluntarily or is administratively demoted to a classification one or more grades below the classification within their current pay grid, a base salary decrease of 10% will normally be required. However, provisions of the state pay plan will govern in all situations as years of service and other applicable situations may limit the decrease that may be required for that position/classification. An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion.

- F. Employee. A person appointed or employed in a position of the Department of Corrections for which he or she is compensated on a full-time basis and which has a class title and pay grade in Arkansas Code Annotated §21-5-208.
- G. Essential Job Functions. The fundamental duties of a job.
- H. Extra Help. Positions specifically designated in the agency budget to be filled by temporary employees who work 1,500 hours or less per fiscal year.
- I. Fiscal Positions. Fiscal positions include employees in Administrative Services, Center Business Managers, Commissary Supervisors, and any position in a center that has fiscal responsibilities.
- J. Grant Position. A position that is funded for a specified period of time and from sources other than State General Revenue or Agency Funds.
- K. Hiring Official. Administrators, Area Managers, Center Supervisors, Human Resources Administrator, Wardens, Superintendents or higher who are authorized to make a final selection of applicants for positions available within the Department of Corrections
- L. Law Enforcement Officer (LEO). Parole/Probation Officer/Agent, Parole/Probation Manager/Assistant Manager, Parole/Probation Assistant Director, Deputy Director of Parole/Probation Services, and others as designated by a Division Director who have met, or are in the process of meeting, Arkansas Law Enforcement certification requirements of Specialized Police Personnel.

- M. New Hire. Employees entering state service for the first time.
- N. Probationary Period. A continuous period of on-the-job work experience during which a new employee/rehire completes conditions of employment and during which the employee and the Division may evaluate employee suitability in terms of knowledge, skill, ability, character, interest and conduct in order to determine whether employment should be continued.
- O. Promotion. A change in duty assignment of an employee from a position in one classification to another position with a higher salary and/or grade requiring higher qualifications, such as greater skill, more experience, and involving a higher level of responsibility. An employee is not eligible to apply for or receive a promotion or transfer while on probation as a result of disciplinary action, unless a waiver has been granted by the Division's Director. An employee who applies for and receives a demotion, or who has been administratively demoted, will not be eligible to receive a promotion to a higher classification during the twelve (12) months following the demotion. An employee that promotes will have a six month probationary period in the new position.
- P. Rehire. Employees returning to state service after a break in employment of two or more pay periods.
- Q. Transfers. Employees transferring between state agencies, institutions, or laterally within the divisions of the Department of Corrections without a break in service. When transferring to another job classification within the Department of Corrections, there will be a six month probationary period.

IV. PROCEDURES

A. Exclusions

1. The provisions of this Directive do not govern to the selection or removal of members of the Parole Board. The selection or removal of Parole Board Members is governed by Ark. Code Ann. § 16-93-201.
2. The employees of the Correctional School are governed by the personnel policies set by the Board of Corrections (when convened as the Board of Education for the Arkansas Correctional School System).

B. Position Vacancies

1. The Hiring Official must initiate a Position Vacancy Request in order to fill any vacant position. This document must be submitted to the Central Human Resources Office.
2. GS13 and above, IT08 and above, MP03 and above, or Senior Executive position vacancies are not required to be advertised. The Secretary and/or Director has the authority and discretion to appoint or transfer individuals into these classifications.
3. Vacant positions within the general salary pay plan must be advertised according to procedures established by the Office of Personnel Management, except when an emergency hire is warranted.
4. A Request for advertisement of a position that require additional actions (newspapers or websites) must be submitted to and coordinated by the Central Human Resources Office.
5. Applications received must be complete and will be reviewed to determine if the applicant meets minimum qualifications for the position. All qualified applications will be submitted to the Hiring Official/Human Resources Manager after the closing date of the advertised position. Work credit will only be given for paid positions, or

internship under a higher education program relative to the qualifications for the position.

C. Employment/Selection Process

1. The Rating System set forth in this policy shall be utilized by the Hiring Official and/or interview committee for scoring applicants selected for an interview. Scoring shall be conducted in a manner that ensures objective criteria are used for selection of the most qualified applicants for vacant positions. Points shall be awarded to applicants for the following criteria: education, experience, and military service. The pre-score process determines eligibility of the applicant being interviewed.

- Education. The applicant must meet minimum requirements for the job classification or must be approved as a qualified applicant per state requirements. A maximum of ten (10) points may be awarded to an applicant for completion of related education above and beyond the minimum educational requirements for the position. Example: If the minimum qualifications require a high school diploma, and the applicant possesses a related Associate's degree, two and one-half (2.5) points will be awarded; if the applicant possesses a related Bachelor's degree, five (5) points will be awarded, and if the applicant possesses a related Master's degree, ten (10) points will be awarded. A copy of the diploma or degree showing the award of the educational level is required. All diplomas received must be from an institution accredited by the Department of Education for the applicable state. All degrees received must be from a college or university accredited by one of the Regional Institutional Accrediting agencies recognized by the United States Department of Education.
- Experience. An applicant's experience level for the job classification is awarded one-quarter (0.25) points for each month of related experience exceeding the minimum requirements, up to a maximum of ten (10) points.

- Veteran's Preference. An applicant may qualify for five (5) or ten (10) points in accordance with provisions of the Arkansas Veteran's Preference Law. To claim Veteran's Preference, an applicant must be Honorably Discharged from a tour of active duty, other than active duty for training only, with the Armed Forces of the United States, or served Honorably in the National Guard or Reserve Forces of the United States for a period of at least six (6) years, whether retired or discharged. Five (5) points are awarded for standard veteran's preference. A disability discharge is ten (10) points. Discharge must be for "Honorable" or Under Honorable Conditions" only. Disabled veterans, or the spouse of a disabled veteran, shall have ten (10) points added to his/her final rating score. The applicant must produce a copy of their DD214 long form or NGB22 form to receive veteran's preference points. Total points awarded for veteran's preference cannot exceed ten (10) points.

 - Interview. Scoring for interviews shall be determined by the applicant's responses to the questions that support the knowledge, skills and abilities (KSA's) of the job specification. The interview score must be 70% or higher to be considered for the position. One-half of the education pre-score, one half of the experience pre-score and all military pre-score points will be added to the interview score, to determine the highest scored applicant.
2. The Hiring Official shall appoint the interview committee, which will consist of at least two or more members from the Department of Corrections. These committee members must be representative of the racial and gender composition of the applicant pool, the same or higher grade as the advertised position, and familiar with the knowledge, skills, and abilities of the position being filled. A Hiring Official may elect to bypass the committee for Non-Exempt positions, with the exception of the entry level Parole/Probation Officer positions. A Hiring Official who either participated as a committee member or not, may still elect to interview the top three (3) applicants. Written justification in clear and

- unambiguous terms is required if the applicant selected by the Hiring Official did not receive the highest score, and this justification must state why this person was selected over the top scoring applicant of the interview.
3. The Hiring Official or Human Resources must conduct a background check on all new employees, contractors, volunteers, and Interns/Student Services prior to them assuming their duties, in order to identify whether there are criminal convictions that have a specific relationship to the job performance. The background check shall include comprehensive identifier information to be collected and run against law enforcement indices. The background check shall include, but is not limited to, the Arkansas Office of Courts, NCIC/ACIC record review, Justice Exchange, two (2) or more favorable employment reference checks, and Maltreatment Registries. If the NCIC/ACIC report reveals ten (10) or more points assessed against an applicant's driver's license, or reveals that a license is suspended or not valid, the applicant is not eligible for hire if the position applied for requires a driver's license or requires driving a state vehicle. A waiver will need to be submitted if the applicant only has one (1) favorable employment reference, or has no employment history, requesting approval to hire by Central Human Resources.
 4. Incumbent staff who promote or demote to business positions in areas such as accounting, inmate banking, commissary, or any other area which has access to agency financial accounts, must have a background check completed and submitted as part of the packet for approval. This also applies to staff that promote or demote to a position in Information Technology Services. Employees occupying these positions will have an updated background check every five (5) years. Although a criminal conviction, (i.e. embezzlement, fraud, etc.) does not automatically eliminate an applicant, approval may not be granted due to the nature of the criminal charge if it may conflict with the type of duties being performed.
 5. Pre-employment screenings as may be required by Department of Corrections policy or procedure will be conducted prior to final review

and approval of selectee. Such screenings may include, but are not limited to:

- A drug test screening
 - A physical assessment
 - A tuberculosis skin test
 - The ability to perform essential job functions.
6. A final offer of employment may not be made until approved by Central Human Resources.
 7. Following acceptance of an offer of employment all other applicants will be notified of the decision by Central Human Resources. Approved promotions and transfers should occur within two (2) weeks following the employee's acceptance of the position and notice to his/her supervisor, unless alternative arrangements are authorized by the gaining and losing Hiring Officials.

D. Demotion

1. Administrative Demotion. Employees may be demoted to a lower-graded position classification in accordance with provisions of the department's employee conduct standards policy. All demotions must be approved by the applicable Division's Director or comparable position or designee.
2. Voluntary Demotion. Employees of the Department of Corrections may request a voluntary demotion from their current position classification at one location to a lower graded position classification at the same or at another location, provided a vacancy has been advertised. A completed state application must be received during the advertisement period. The applicant will be considered with all other qualified applicants in the interview process.

E. Rehire

The Hiring Authority will review Rehire applications and related previous work history to determine the reason(s) the employee terminated employment with the Department of Corrections. Applications from persons not recommended for Rehire will not be considered for at least twelve (12) months from their date of termination; however, the Human Resources Administrator may approve rehire after six (6) months upon request of the Hiring Authority if termination was unrelated to either (1) contraband or (2) inappropriate relationships with inmates, unless the employee left pending an investigation.

An applicant that was not recommended for rehire will not be eligible to apply for a promotion for one (1) year from the rehired date.

Potential applicants that are attempting to be rehired into a security position must be terminated out of the system for ninety (90) days before they are considered for a position at another facility.

F. Transfer

1. Administrative Transfer. The Secretary and/or Division Directors may at any time transfer employees and/or their positions to another location when the transfer is in the best interest of the Department/Division.
2. Voluntary Transfer. An Employee of the Department of Corrections may request a voluntary transfer from a position classification at one location within a Division to the same position classification at another location within a Division provided there is an open advertisement for that position at the desired location. It is the applicant's responsibility to obtain and route a request for a voluntary transfer through the Hiring Official (releasing and receiving) for consideration and approval. The applicant will need to submit the approved transfer form when applying for the open advertisement in Arkansas State Jobs website. The Hiring Official has the option of selecting a transfer applicant in lieu of interviewing for the vacant position. Employees that have received and are currently on disciplinary probation are not eligible to transfer.

G. Procedures Manual/Required Forms

Central Human Resources shall develop detailed administrative procedures and required forms to guide the employment process. The forms will be placed on the Department's intranet site.