



STATE OF OREGON DEPARTMENT OF CORRECTIONS

HR Policies— Reference Guide*

***Always confirm this information is current and accurate by including your HR manager in your decisions and actions.**

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1. Hiring and Position Management

A. EQUAL EMPLOYMENT OPPORTUNITY

Make sure Veterans receive the appropriate points at every stage of the hiring process, not just during the initial application process. (This is a legislative mandate)

Supervisors' Duties:

- Ensure no decisions related to any aspect of an employee's or an applicant's employment status (hiring, firing, rate of pay, etc.) is influenced by the following:
 - Race
 - Color
 - Religion
 - Sex
 - Mental or physical disability
 - Marital status
 - National origin
 - Political affiliation
 - Age
 - Union membership or activity
 - Sexual orientation

- Create a professional and respectful workplace;
- Upon learning of or suspecting a violation of this policy, contact a Human Resource Manager.

HR BRIEFINGS INFORMATION: EQUAL OPPORTUNITY EMPLOYMENT

Equal Employment Opportunities

- ODOC is committed to creating a workforce that represents Oregon's diversity and ensuring that all applicants receive fair and equal employment opportunities.
- In making an employment-related decision, no one may consider the applicant's race, color, national origin, religion, sex, age, mental or physical disability, marital status, political affiliation, sexual orientation or union activity.

Creating a Diverse Workplace

- Supervisors must have diverse screening and interviewing panels and take proactive steps to develop a diverse applicant pool for any vacancy. Further, supervisors must, after consulting with a Human Resource Manager or a Recruitment Analyst, ensure all state and federal

- employment laws and [Oregon's Affirmative Action](#) plan are followed and make every effort to achieve established affirmative action goals.
- A copy of the Affirmative Action policy statement is available at the Recruitment and Career Services Unit.

Reporting Violations

- Employees may file complaints with the State Affirmative Action Office, the Bureau of Labor and Industry (BOLI) or the Equal Employment Opportunity Commission (EEOC).
- AFSCME Parole and Post Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation officers should bring all but sexual orientation- and union activity-based discrimination grievances to the Appointing Authority. If the Appointing Authority does not resolve the complaint within 30 days, the employee may submit the grievance to BOLI.
- AFSCME Parole and Post Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation officers who feel they have been discriminated against based on their sexual orientation; the Union will bring a grievance to the Department of Administrative Services Labor Relations Unit if it cannot be resolved within ODOC. The complaint may not be advanced under the Union's Grievance Procedure.
- AFSCME Parole and Post Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation officers who feel they were discriminated against based on their union activity should go through the grievance procedure outlined in the collective bargaining agreement. Both parties may waive the arbitration in favor of having the Employment Relations Board resolve the issue.
- AFSCME Dentists should first file a grievance with the Appointing Authority. If the Appointing Authority has not resolved the issue within 30 days, the employee may take the grievance to BOLI. If BOLI declines to hear the case, the employee should follow the grievance procedures outlined in the collective bargaining agreement. The employee may use the grievance procedure only if BOLI does not hear the case.

For Further Information

See ODOC Policy 20.4.1- [Equal Employment Opportunity and Affirmative Action](#); [AFSCME Parole and Post-Prison Supervision](#) / [AFSCME Security Plus](#), Article 9- Equal Opportunity; [AFSCME Security](#), Article 9- Equal Opportunity; [AFSCME Parole and Probation Officers](#), Article 9- Equal Opportunity. ◇

B. TYPES OF APPOINTMENT

There are several regular types of appointments: permanent, part time, limited duration (seasonal) or hire backs. The limited duration positions are also sometimes positions where there is no permanent funding. While in some of these positions, the employee has all the benefits of a regular full time employee. They may apply and transfer out to any other positions that may come open during their tenure. Their positions also may become funded by the legislature – and then become a full time funded position. Occasionally retirees may be “hired back”. They may be hired full time or part time, depending on how the pay affects their retirement income benefits. Retirees should always consult with PERS regarding reemployment and affects on their retirement benefits.

Supervisors’ Duties:

- When seeking to fill a vacant position, a supervisor must determine what sort of appointment is most appropriate:
- Permanent Appointment: Upon hiring an employee to a permanent position, the supervisor must complete the necessary paperwork for the Records Section.
- Temporary Appointment: The supervisor must have the request for a temporary employee approved by the Appointing Authority. When filling temporary appointments, the supervisor should first offer the position to employees on the Injured Worker List and the Layoff Lists.
- Limited Duration Appointment: A supervisor may hire an individual to complete a specific project, which may last no longer than two years, unless the position is funded by a specific grant. The supervisor must inform the employee in writing that the position will end on or after a specific date.
- Doublefill: Supervisors may place two employees in the same position for budgetary, training or classification reasons.
- Underfill: When qualified applicants cannot be recruited, a supervisor may appoint someone to a position even if the employee does not meet the position’s minimum qualifications.
- Work-Out-of-Class: A supervisor may have an employee who is in a lower position fill a higher level position, so long as the employee meets the position’s minimum qualifications. Before the employee may be paid the Work-Out-of-Class differential, the Human Resource Manager or the Recruitment Section must confirm that the employee meets the minimum qualifications for the position.
- Job Rotation/ Developmental Assignment: To fill for a regular employee’s extended absence, or to conduct a special project, a supervisor may offer a job rotation opportunity to develop another employee’s skills; the employee need not meet the position’s minimum requirements. The sending and receiving supervisors are jointly responsible for the employee’s performance review.

- Job Sharing: The Functional Unit Manager must determine whether a job may be shared between two employees, without undue burden to ODOC.
- Transfer: Supervisors may encourage employees to apply to be placed on the Transfer List. Supervisors may obtain the Transfer List from the Recruitment and Career Services Unit.
- Competitive Appointment: Supervisors may advertise the position to members of the public, per ODOC Recruitment Policy.
- Re-Employment Appointment: A supervisor may appoint an employee who left State service in good standing within the past two years. The supervisor may contact the Recruitment Section to have that employee's name placed on the Transfer List; the supervisor may hire the employee from that list.
- Limited and Non-Competitive Appointment: In limited cases, the Director may approve the direct appointment of an individual.

Employees' Rights and Duties:

- Employees in different positions will have different rights and duties:
- Permanent Appointment: The position to which the employee is appointed is permanent; employees will enjoy all of the position's rights and duties.
- Temporary Appointment: Employees may work no longer than six months or 1,040 hours without DAS approval or 1039 hours in a calendar year for PERS retirees. They are not eligible for position reclassification; insurance benefits; layoff rights; holiday pay; vacation, sick or personal leave; promotion or regularly scheduled salary increases.
- Limited Duration Appointment: Employees' employment will not extend beyond the duration of the project; these employees have no layoff rights, unless their position is covered by an AFSCME collective bargaining agreement and they were formerly in State service or an AFSCME member.
- Doublefill: Both employees will have the full rights and duties of the position they are filling.
- Underfill: The employee will be paid in the range of his/her qualifications; upon meeting the journey level position's minimum qualifications, the employee will be reclassified and paid accordingly.
- Work-Out-of-Class: Employees who meet a higher position's minimum qualifications and perform that position's duties for at least five days (40 hours) will receive a Work-Out-of-Class differential.
- Job Rotation/ Developmental Assignment: Employees may take a job rotation to develop their existing skills; they will generally maintain the same salary. If the employee meets the position's qualifications, and the position is in a higher classification, the employee will be paid the Work-Out-of-Class differential.

- Job Sharing: Employees may file a written request with the Functional Unit Manager to job share. The employees who share the position will split the position's salary, leave and benefits according to the amount of work they perform. The sum of both employees' hours may not exceed 40 hours/week.
- Transfer: An employee who wishes to transfer may apply to be placed on the Transfer List.
- Re-Employment Appointment: An employee who left State service in good standing may be placed on the Transfer List and then hired from that list.

HR BRIEFINGS INFORMATION: Types of Appointment

Appointment to a Permanent Position

An employee is a regular employee when appointed to a permanent position. The supervisor must notify the Records Section and the Payroll Section and ensure the employee has completed the proper paperwork. Forms are available on the U: Drive, General Information, Forms, HR Forms, Personnel Records Forms, [Direct Appointment](#).

Appointment to a Temporary Position

- Supervisors may hire a temporary employee to meet a documented short-term or emergency need. Temporary employees must be paid at the lowest salary step on the position's unrepresented pay scale. They may work no longer than six months or 1,040 hours or 1039 hours in a calendar year if they are a PERS retiree, unless they are filling in for an employee on extended leave or with DAS approval. An extension may be requested for certain circumstances. However, the request must be approved by Management and DAS. Temporary employees must be informed they are not eligible for position reclassification, transfer, regular status, promotion, regularly scheduled salary increases, insurance benefits, layoff rights, sick, vacation or personal leave or holiday pay. Employees may count experience gained as a temporary employee towards the required experience for a state job.
- Consult the Recruitment Section to determine whether the position must first be offered to individuals on the Injured Worker or the Layoff List. Supervisors must submit a [Conditions of Temporary Appointment PD412](#) signed by the employee and Management to Personnel Records.

Limited Duration Appointment

- Generally, a supervisor may hire an individual to complete a specific project or study that may take no longer than two years.
- Supervisors must inform employees appointed to a limited duration position in writing, using a [Limited Duration Agreement](#) that their employment is limited in duration and they have no layoff rights. They do, however, have reemployment rights. Employees receive all other

wage, benefit, Union membership, etc. rights that are included in the collective bargaining agreement.

Underfill

- If unable to recruit qualified applicants, a supervisor may appoint an employee who does not meet the position's minimum qualifications. Before underfilling a position, consult a Human Resource Manager.

Doublefill

- Two full-time employees may fill one position when required for training, budgetary or classification reasons, with the appropriate consent. Requests for doublefill are to be submitted to the Appointing Authority and the Assistant Director for Human Resources and are officially approved by the Director's Office.

Work-Out-of-Class

- An employee who meets the minimum qualifications for a higher position and performs that position's duties may receive a Work-Out-of-Class differential. Represented employees must perform the duties for at least five days (40 hours); unrepresented employees must perform the duties for 10 days before receiving the differential. Form [Work Out-of-Class CD1370B](#) must be completed before beginning Work-Out-of-Class assignment.

Job Rotation

- Employees may take a job rotation to another position in ODOC, to another State agency or to some other entity to gain new skills or perform a different job. A job rotation assignment may last no longer than two years. Usually, a job rotation position is offered to fill in for an employee on extended leave or to cover a specific project. Employees on job rotation should remain in their current classification, though they may receive a work-out-of-class differential if they meet the minimum qualifications. The sending supervisor is responsible for conducting the employee's performance evaluation. Form [Job Rotation Agreement - Developmental CD1370A](#) must be completed before beginning Job Rotation assignment.

Job Sharing

- The Functional Unit Manager may allow certain full time positions to be filled by two part-time employees. Employees who job share will split the position's benefits; sick and vacation leave; and holiday pay. The sum of both employee's hours worked may not exceed 40 hours/week.
- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees who

- would like to participate in a job sharing arrangement must submit a written request to the Functional Unit Manager. The Functional Unit Manager will determine whether a position can be shared by two people without burdening the unit.
- If the Functional Unit Manager determines that the arrangement is burdensome, or no other qualified employee wants to job share, the employee may take the position on a full-time basis, take an alternate part-time position in that classification, voluntarily demote to a part-time position or resign.

Transfer

- Employees who wish to transfer must submit a transfer application to the Recruitment Unit to be placed on the Transfer List. Employees who have not yet completed their initial trial service may generally not request a transfer.
- Supervisors, who wish to fill a position from the transfer list, may encourage current employees to apply to be placed on the transfer list. They must notify the Records Section when an employee is transferred using a [Personnel Action Form](#).
- AOCE employees who are transferred because of a layoff must be transferred in reverse order of seniority. Employees who are involuntarily transferred should be considered laid off, and subject to the Layoff provisions listed in the collective bargaining agreement.

Competitive Appointment

- Generally, a supervisor must go through recruiting procedures outlined in the Recruitment Guide.

Re-Employment Appointment

- Employees may be non-competitively reemployed within two years of separating from State service, if they left in good standing, were voluntarily demoted or, reclassified downward.

Limited and Non-Competitive Appointments (Direct Appointments)

- In some cases, the Director may appoint an individual who meets the minimum qualifications to fill a vacancy. Supervisors who would like to appoint an employee to a position without going through the normal recruitment procedures should consult a Human Resource Manager and obtain the Appointing Authority's consent. Direct Appointments are authorized by the Director's Office after approval has been received by the Appointing Authority and the Assistant Director for Human Resources.

For Further Information

See ODOC Policies: 20.4.6- [Types of Appointment](#), 20.4.9- [Temporary Appointment](#), 20.4.10- [Direct Appointment](#), 20.4.11- [Alternate Ways to Fill Positions](#), 20.4.12- [Transfer](#), 20.5.5- [Job Rotation](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 43- Job sharing, Article 48- Limited Duration Appointment; [AFSCME Security](#), Article 44- Job sharing, Article 49- Limited Duration Appointment; [AFSCME Parole and Probation Officers](#), Article 38- Job sharing, Article 39- Layoff Procedure; Article 43- Limited Duration Appointment; [AOCE](#), Article 32- Job Sharing, Article 39- Seniority and Layoff Procedure. ◇

C. RECRUITMENT

When filling a vacant position you will need to have two items prepared before you contact the Recruitment Department. First you must have a **current** position description. Second, you must have a **signed** recruitment certification request. Hiring managers need to provide testing questions to the recruitment analysts. These managers need to also participate in developing the scoring for responses to these questions. [The Supervisors Recruitment Guide](#) as well as the recruitment analysts can assist the manager in these processes. Refer to *Developing the announcement examination* in the Supervisors Recruitment Guide.

Supervisors' Duties:

- Contact the Recruitment Unit before filling a vacant or newly created position;
- Ensure a complete and current position description for the vacancy and ensure that the position is appropriately classified;
- Determine whether a permanent, temporary, or limited-duration appointment would be most appropriate;
- Ensure that employees who are hired in a temporary or limited duration position are aware of their conditions of employment.
- Transfer Lists and the State-Wide Layoff List are considered first for an open position. These lists must be exhausted of qualified applicants before individuals from other lists may be considered;
- Develop a screening process, as outlined in the Recruitment Guide, or contact the Recruitment Section for information;
- Interview qualified candidates and select the most suitable applicant;
- Ensure that any request for a reasonable accommodation for an applicant has been carried out. To determine if an accommodation is reasonable, contact a Human Resource Manager or the Recruitment Section. For assistance in providing reasonable accommodation, contact the Human Resource Manager.
- Notify candidates who were not selected for the position;
- Prepare appropriate paperwork for the Records Section and the Payroll Section of the new hire;

- If contracting out a position that was formerly held by a represented employee, ensure that the Union has been properly notified.

Employees' / Applicant Rights and Duties:

- Applicants must carefully read and follow the recruiting announcement instructions;
- Ensure appropriate paperwork has been filled out and all tests or exams have been taken and completed;
- Employees may request to be on the hiring lists for which they are qualified;
- Employees who are hired on a temporary basis or for a short-term limited duration project will receive notice of the conditions of employment;
- Those who need special accommodation for a job interview must notify the respective hiring manager beforehand, to give the interview committee an opportunity to meet the individual's needs.

HR BRIEFINGS INFORMATION: RECRUITMENT

Generally

- ODOC is committed to ensuring that all qualified employees have the opportunity to apply and be considered for vacancies. The Recruitment Section is available for help to establish selection criteria.
- Employees who are on military leave must be considered for promotion if they would have been considered if they were currently on the job. Consult a Human Resource Manager for additional information.
- Supervisors should attempt to stay in touch with employees who are on military leave; if a promotional opportunity arises for which the employee is qualified, the supervisor must inform the employee.
- There is additional information about the promotion process on the ODOC website. Under the HR Division webpage, click on Recruitment and then Security Promotion Process.
- An employee may not be promoted to a position where he/she will be in direct authority over a family member. If such a conflict arises, the supervisor must take steps to remove the influence.

Employee Responsibilities

- Employees must ensure that they are qualified for any position for which they apply for promotion and provide written notice of their interest to the Recruiting Unit. They must pass required tests and exams and obtain the appropriate certifications.

Supervisor Responsibilities

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers must be informed of all vacancies covered by the collective bargaining unit. The supervisor

must post the vacancies on a designated bulletin board for at least five days.

- AOCE employees must be given a 14 day notice for upcoming corporal and sergeant interviews. The Security Manager must also fax or hand-deliver the interview notice to the AOCE president.

The Supervisors' Recruitment Guide

- For a thorough guide to the recruiting process, the [Supervisors Recruitment Guide](#) is available on the U: Drive, under Human Resources, in the Recruitment Folder.

Planning Stage

- First, supervisors must identify the need for a new employee and determine what sort of employee would be appropriate (i.e. if there is a project that needs to be done, a short-term employee may be more acceptable.) See the Types of Appointment HR Briefing for additional information.
- Second, supervisors must review and update the current Position Description or write a new one. They should also draft a recruitment schedule.
- Third, if the position's duties have significantly changed, the supervisor should consult the Classifications Manager to determine the position's appropriate classification. The supervisor should then contact the Recruitment Section to determine whether the position must be filled by an individual on the Injured Workers, Layoff or the Transfer Lists. The supervisor may gather additional candidates through other recruitment lists.

Preparation Stage

- Supervisors must develop interview questions and scoring criteria and an overall system to rank the candidates. In preparation for the interview, the supervisor should assemble a diverse interview panel that reflects the positions with whom the applicant will interact as part of the job.

Screening Stage

- The supervisor must contact the Recruitment Section to ensure that there is a current list of qualified candidates. If there is a large pool of qualified applicants, the supervisor may establish a method to rank the qualified applicants. Those with the highest ranking should be interviewed. Those applicants who will not be interviewed should be notified by letter.
- Employees may not be placed in a position to directly supervise a family member, or be involved with a family member's hiring. Applicants will be asked to disclose any family relationship they have with a current ODOC employee.

- The supervisor should send the selected applicants any forms that must be completed before the interview.

Interview Stage

- The interview panel generally should not deviate from the established questions. An appropriate location for the interviews must be identified and reserved; supervisors must make any reasonable accommodations requested by the applicants. In some cases, the supervisor may plan a second interview for the final candidates.

Selection Stage

- The supervisor must develop questions for the applicants' references and conduct reference interviews, or may use the Background Investigators in the Recruitment Section. Based on the applicants' applications, interviews and references, the supervisor must determine which candidate has the best overall knowledge and skills to be successful in the position. Before making a final selection, the supervisor should conduct a LEADS check. If an applicant has any conviction, the supervisor should consult a Human Resource Manager before making an offer of employment.
- When the successful candidate has been chosen, the supervisor should contact him/her and extend the offer. The supervisor must then send him/her a hire letter. Once the candidate has accepted the position, the supervisor should notify the remaining applicants.

Closing Stage

- The supervisor should compile all interview records as they may be used in future hiring decisions. These records will be kept for three years. The supervisor should examine the hiring procedure and determine what did and did not work, with this information being utilized to improve future interview processes. Finally, the supervisor should send the interview panelists a thank you card acknowledging their contribution to the hiring process.

Hiring Applicants with Criminal Backgrounds

- Supervisors should carefully weigh the applicant's qualifications and the job requirements with the applicant's background. For correctional officer positions, applicants with any prior felony convictions, misdemeanor crimes that involved domestic violence or other offense that would prohibit DPSST certification may not be considered for the position. Contact the Recruitment Section to determine whether an employee's criminal history will bar him/her from becoming DPSST certified.

For Further Information

See ODOC Policies: [20.4.2- Applicants for ODOC Positions with Prior Criminal Convictions](#), [20.4.3- Types and Order of Applicant Lists](#), [20.4.5- Recruitment and Selection Process](#), [20.4.12- Transfer](#), [20.5.14- Family Relationships](#); [AFSCME Parole and Post-Prison Supervision](#), Article 10- Management Rights, Article 44- Layoff Procedure; [AFSCME Security](#), Article 10- Management Rights, Article 44- Layoff Procedure; [AFSCME Parole and Probation Officers](#), Article 9- Management Rights, Article 39- Layoff Procedure; [AFSCME Dentists](#), Article 8- Management's Rights; [AOCE](#), Article 3- Management Rights, Article 39- Seniority and Layoff Procedure. ◇

Transfers

- Employees who wish to transfer must submit a completed transfer application to the Recruitment Unit to be placed on the transfer list. Employees may ask to be listed to transfer to any position for which they are qualified. If an employee is denied a transfer, the hiring manager must tell the employee why the transfer was denied. Employees who have not yet completed their trial service period may not apply for a transfer, except in certain exceptional circumstances such as promotions.
- Employees may apply for a hardship transfer, which will be considered on a case-by-case basis. For additional information, contact the Recruitment Section.
- AFSCME Parole and Post-Prison Supervision / Security Plus employees must be allowed to transfer between ODOC and the Board of Parole.

Effect on Salary

- Represented employees' salaries will increase to the next higher step in the new salary range when the employee assumes the new position. After the employee completes the trial service period for the position, the employee will receive another one-step increase. The date the employee completes the trial service period will become the employee's new salary eligibility date (SED).
- Unrepresented employees' salaries will increase by one step in the new salary range; the employee will maintain his/her original salary eligibility date (SED). The employee's salary will increase on their salary eligibility date. In some cases, the agency director may approve a two step increase. The two step increase must be supported by written justification. DAS must approve any increase above two steps.

Feedback to Employees

- All employees must be evaluated on their interview, job performance and commendation/discipline record. The interviewer must provide the employee with the employee's total score and rank among the applicants.

For Further Information

See ODOC Policies: 20.4.12- [Transfers](#); 20.5.14- [Family Relationships](#); See ODOC Policy 20.8.5- [Alternate Leave Provisions](#); [AFSCME Parole and Post-Prison Supervision](#), Article 14- Salary Administration, Article 40- Promotions/ Advancement; [AFSCME Security](#), Article 14- Salary Administration, Article 40- Promotions/ Advancement; [AFSCME Parole and Probation Officers](#), Article 13- Salary Administration, Article 35- Promotions/ Advancement; [AOCE](#), Article 11- Salary Administration, Article 35- Promotions/ Advancement. ♦

D. TRIAL SERVICE

Supervisors' Duties:

- Notify employees that they must complete a trial service period before being granted regular employee status. This is generally an initial six (6) to twelve (12) month period which may be extended, though the actual time varies with each collective bargaining agreement.
- Track any unpaid leave taken by an employee on trial service as the trial service may be extended by the same amount of time the employee spends on unpaid leave.
- Determine whether the employee has demonstrated the knowledge and skills necessary for successful performance of the position.
- If the employee does not have the knowledge and skills to be successful in the position, the supervisor may remove the trial service and notify the employee in writing.
- Trial service employees must generally be given the opportunity to correct their behavior, but in any case, the full dismissal procedure need not be followed to remove an employee on trial service.

Employees' Rights and Duties:

- Employees on initial trial service are expected to show that they possess the necessary skills and knowledge to perform the position's duties. If they are unable to do so, they may be removed and will not be subject to the procedures required for regular employees.
- Represented employees who are on trial service for a promotion may return to their former position if they are removed from promotional trial service. Management service employees who are on trial service for a promotion may be restored to their former classification if a position is vacant. If there is no vacancy, the employee may be laid off.
- Employees on initial trial service have no reemployment rights if they are terminated from trial service.

HR BRIEFINGS INFORMATION: Trial Service Length of Trial Service

- AFSCME Parole and Post-Prison Supervision / Security Plus employees may be required to complete six months of an initial trial service period before being granted regular status. Prison Term Analysts (PTAs) serve a nine month initial trial service period or completion of job training. If the supervisor is unsure of the employee's fitness to serve to the end of the six month period, the supervisor may extend the trial period in three-month increments no more than twice, for an additional six months, totaling 12 months.
- AFSCME Security and AFSCME Parole and Probation Officers who are newly hired will be required to complete a maximum of 12 months of an initial trial service period before being granted regular status. A trial period for a promotion may last no longer than six months.
- AFSCME Dentists may be required to complete a one year initial trial service period for either a new hire or a promotion. Dentists who are transferred laterally or to a different classification with the same or lower salary range before their initial trial service is completed may count the time in the first trial period towards the second position's trial period.
- AOCE employees may be required to complete an initial trial service period before being granted regular status. Security employees may have a 12 month maximum trial service period. Security Plus employees may be required to complete a six month initial trial service period, which may be extended no more than twice, in three month blocks for a total of 12 months. The trial period for a promotion may last no longer than six months. The employee's supervisor may decide to terminate the employee's initial trial service period early and grant the employee regular status early, if the supervisor is confident in the employee's abilities.
- Unrepresented employees may be required to complete an initial trial service period after hire for at least six months, but for no longer than 12 months, as determined by ODOC, before being granted regular status. Employees may not count their time as a temporary employee towards trial service
- All employees' initial trial service period may be extended if they take leave without pay during the trial period, but only for the length of the leave. Represented employees may also have their initial trial service period extended if they take any hardship leave.

Removal from Trial Service

- Employees who successfully complete their trial service will be granted regular employee status.
- If the supervisor feels the employee on trial service lacks the necessary knowledge and skills or is otherwise unqualified to perform the job, the supervisor must provide the employee with written notice of removal from trial service.

- Represented employees may not be removed from trial service without being given written notice from their supervisor and the opportunity to correct their behavior, unless the employee's misconduct was egregious. Employees who were on trial service for a promotion will return to their previous position.
- Management service employees who were removed from a promotional trial service may be restored to their former position if it is still vacant. If there is a vacancy in a position with similar duties, the employee may be placed in that position. Otherwise, the employee may be treated as though he/she is laid off.
- Employees may not appeal or file a grievance for removal from trial service.

For Further Information

See ODOC Policy 20.4.7- [Trail Service Period](#); [AFSCME Parole and Post-Prison Security / Security Plus](#), Article 41- Trial Service; [AFSCME Security](#), Article 41- Trial Service; [AFSCME Parole and Probation Officers](#), Article 36- Trial Service; [AFSCME Dentists](#), Article 23- Trial Service; [AOCE](#), Article 34- Trial Service. ◇

E. PROMOTION

Supervisors' Duties:

- Inform employees of upcoming promotion opportunities, as required by the applicable collective bargaining agreement;
- Encourage qualified employees to apply for promotions;
- All employees must be given feedback on their interviews for promotions, regardless of whether they were offered the higher position. In some cases, the supervisor may also be asked to provide non-ODOC employees with interview feedback;
- Employees may not be allowed to supervise a family member. If an employee is promoted to a position where that employee is required to directly supervise a family member, the family member should report to a different supervisor;
- Supervisors must work with the Recruitment Section to ensure that employees on military leave are considered for promotions.

Employees' Rights and Duties:

- Employees must ensure they have all the necessary qualifications for the promotion and have passed all required tests or exams;
- Fill out the appropriate paperwork, as required by the position's instructions on the announcement;
- Generally, employees' salaries will be increased by one step upon promotion;

- Employees on military leave are eligible for promotions for which they have applied for and are qualified.

HR BRIEFINGS INFORMATION: PROMOTION

Generally

- ODOC is committed to ensuring that all qualified employees have the opportunity to apply and be considered for vacancies. The Recruitment Section is available for help to establish selection criteria.
- Employees who are on military leave must be considered for promotion if they would have been considered if they were currently on the job. Consult a Human Resource Manager for additional information.
- Supervisors should attempt to stay in touch with employees who are on military leave; if a promotional opportunity arises for which the employee is qualified, the supervisor must inform the employee.
- An employee may not be promoted to a position where he/she will be in direct authority over a family member. If such a conflict arises, the supervisor must take steps to remove the influence.

Employee Responsibilities

- Employees must apply for promotional opportunities directly with the Recruitment Section. They must pass required tests and exams and obtain the appropriate certifications.

Supervisor Responsibilities

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers must be informed of all vacancies covered by the collective bargaining unit. The supervisor must post the vacancies on a designated bulletin board for at least five days.
- AOCE employees must be given a 14 day notice for upcoming corporal and sergeant interviews. The Security Manager must also fax or hand-deliver the interview notice to the AOCE president.

Transfers

- Employees who wish to transfer must submit a completed transfer application to the Recruitment Unit to be placed on the transfer list. Employees may ask to be listed to transfer to any position for which they are qualified. Employees who have not yet completed their trial period may not apply for a transfer, except in certain exceptional circumstances.

- Employees may apply for a hardship transfer, which will be considered on a case-by-case basis. For additional information, contact the Recruitment Section.
- AFSCME Parole and Post-Prison Supervision / Security Plus employees must be allowed to transfer between ODOC and the Board of Parole.

Effect on Salary

- Represented employees' salaries will increase to the next higher step in the new salary range when the employee assumes the new position. After the employee completes the trial period for the position, the employee will receive another one-step increase. The date the employee completes the trial period will become the employee's new eligibility date.
- Unrepresented employees' salaries will increase by one step in the new salary range; the employee will maintain his/her original eligibility date. No salary increase will be given after trial service period expires. However, the employee's salary will increase on their Salary Eligibility Date. In some cases, the agency director may approve a two step increase. The two step increase must be supported by written justification. DAS must approve any increase above two steps.

Feedback to Employees

- All employees must be evaluated on their interview, job performance and commendation/discipline record.

For Further Information

See ODOC Policies: 20.4.12- [Transfers](#); 20.5.14- [Family Relationships](#); [AFSCME Parole and Post-Prison Supervision](#), Article 14- Salary Administration, Article 40- Promotions/ Advancement; [AFSCME Security](#), Article 14- Salary Administration, Article 40- Promotions/ Advancement; [AFSCME Parole and Probation Officers](#), Article 13- Salary Administration, Article 35- Promotions/ Advancement; [AOCE](#), Article 11- Salary Administration, Article 35- Promotions/ Advancement. ◇

F. POSITION DESCRIPTION

Position descriptions should be updated annually, preferably at the same time as the employee's annual review. If an employee requests a reclassification of their position, all procedures for reclassification should be followed. Even if the need for reclassification seems apparent, it is important that all parties (Budget and Classification and Compensation) come to agreement and sign off, including legislative approval, prior to increasing compensation. If compensation is prematurely increased, the employee could be required to pay back over paid compensation.

Supervisors' Duties:

- Annually, supervisors must review and update the position descriptions of the employees they supervise.
- If the duties of the position description no longer apply to the duties the employee is performing, the supervisor should contact a ODOC Classification Specialist.
- If there is not funding available for an employee's position to be reclassified upwards, the supervisor may reassign some of the duties so that the job duties are aligned with the position's classification.

Employees' Rights and Duties:

- Employees may petition for a review of their position's classification per their collective bargaining agreement or DAS and ODOC's policy and procedures.
- Employees whose position is reclassified will have their salary adjusted, as outlined in DAS and ODOC policy.

HR BRIEFINGS INFORMATION: POSITION DESCRIPTION

Position Description

- Supervisors are responsible for maintaining up-to-date position descriptions of all the positions they supervise. The position description should include the basic information regarding the position (position title, classification, etc.), a clear description of the position's duties, the working conditions, the established guidelines used to do the job, those individuals or groups with whom the employee will interact regularly, examples of decisions the employee will have to make, who reviews the work, supervisory duties and special requirements.
- Supervisors should consult with a Human Resource Manager or ODOC Classification Specialist to ensure the position description is accurate and properly classified.

Creating / Updating Position Description

- Supervisors are responsible for maintaining up-to-date position descriptions of all the employees they supervise. The position description should be reviewed annually to ensure its accuracy. If the position description is no longer accurate, the supervisor should consult with a Human Resource Manager or ODOC Classification Specialist to determine what duties is appropriate for the position and how the different duties affect the employee's salary. The supervisor must submit a request for the new position or change in classification to the Appointing Authority and ODOC Classification Specialist and support the request with the necessary documentation. If the request is denied, the supervisor must

reassign some of the employee's duties so that the position's requirements correspond to the employee's classification.

- The Union and ODOC must agree on the new position's duties and salary and receive the appropriate authorization from DAS before changing an employee's salary and/or duties. Further, they must also agree whether or not a new position is properly listed as a union or non-union position.
- Supervisors must give employees a copy of their position description when they start the job, and place copies in the employee's personnel file and the supervisor's working file. The employee or Union must be given a copy of the position description upon request.

Employees' Appeal of Reclassification and Reclassification Requests

- Employees may request a copy of their position description from their supervisors. If an employee feels that their position is improperly classified, the employee may appeal the classification in writing and provide supporting documentation.
- Represented employees should send their appeal to both their Union and the Agency ODOC Classification Specialist and must receive a reply within 30 days of the request. The Unions may, at any time during the 30 days period, meet with a ODOC representative to present evidence in support of the reclassification. AOCE employees should first request a copy of the position description, which must be given to them within 14 days, then discuss their classification with their supervisor. If the employee chooses to appeal the classification, it must be filed within 30 days of requesting the position description.
- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation and AOCE employees may appeal through the Arbitration and Grievance procedures established in their collective bargaining agreement.
- AFSCME Dentists may file an appeal as a group, so long as the members of that group had the same or similar job descriptions. They may only petition to be reclassified or restored to a classification that currently exists (i.e. one that has not been eliminated.) The criterion the ODOC must follow is laid out in the collective bargaining agreement. AFSCME may appeal a denial of reclassification to a committee made up of AFSCME and ODOC representatives, who will then reevaluate the claim and determine which one class the employees should be assigned.
- If the committee cannot decide, either party may take the appeal to the Labor Relations Unit. The Union may continue an appeal even if the position becomes vacant, so long as ODOC does not substantially change the position's duties.
- An employee whose reclassification request was denied may appeal. Unrepresented employees must appeal to the Assistant Director within ten days.

The Effect of Reclassification on Incumbent

- If ODOC approves a new classification but the Legislature does not approve the funding, the supervisor must remove those duties which elevate the position to the higher classification.
- If the duties are essential to the job, an unrepresented employee may continue performing them and get paid work out of class.
- If the Legislature approves the funding for a new classification, the employee who is in the reclassified position will generally continue in the job. Represented employees who have been in the position for at least three months will automatically assume the position in the new classification. Unrepresented employees who meet the minimum qualifications may continue in the position; employees may finish their trial service regardless of the change in classification. Those who do not meet the minimum qualifications but will in the next 24 months may continue in the position as an underfill.

The Effect of Reclassification on Salary and Eligibility date

- Employees whose position is reclassified to the same or lower pay scale will be paid equal to their salary step before the reclassification. If the salary before reclassification is above the new classification's range, the employee will be red circled and paid at the same rate until the employee's salary is within the classification salary range. Employees will keep the same salary eligibility date. AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation and AOCE employees will also be placed on the layoff list for their former classification.
- Employees whose position is reclassified to a higher pay range will be paid at the next higher rate of the position's new range. Employees' eligibility date will be the first day of the month following the reclassification.

For Further Information

See ODOC Policies: 20.3.1- [Position Management](#); 20.3.2- [Position Management, Reclassification and Establishment](#); 20.3.3- [Effect of Position Classification Change on Incumbents](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 45- Review of Classification Series, Article 46- Reclassification Procedure; [AFSCME Security](#), Article 46- Review of Classification Series, Article 47- Reclassification Procedure; [AFSCME Parole and Probation Officers](#), Article 40- Review of Classification Series, Article 41- Reclassification Procedure; [AFSCME Dentists](#), Article 28- Implementation of New Classes—Appeals Process; [AOCE](#) Article 37- Review of Classification Series, Article 38- Reclassification Procedure.

G. APPLICANT LISTS

Applicant lists are received from the recruitment division after the closing date of the job opening. There are several types of lists and some lists are required to be used. The layoff list is one of these. While layoffs don't frequently occur, the agency does actively attempt to retain these individuals. If an individual has been laid off and is qualified for the opening, their name will appear on this list. As a supervisor, you must interview this (these) individual. This is just an example of how the lists work.

Hiring lists are active for 60 days. If your selection process and interview process is taking longer than this, contact Recruitment to request an extension. After the hiring process is complete individual Applicant Lists **must** be updated with new coding for each individual on the list. Contact HR recruitment for assistance in understanding codes and requests for extensions.

Supervisors' Duties:

- When filling a vacant or newly created position, supervisors will be required to fill the position with an individual on certain lists. The supervisor must check with the Recruitment Section to determine whether the position is available to employees on these lists, and whether there are any employees who are on one of these lists;
- The lists, in the order in which they must be used are as follows:
 - 1) Injured Worker List: Employees who have been injured while on the job;
 - 2) Layoff List: Employees who have been laid off;
 - 3) Agency Transfer List: Employees, who are demoted, wish to transfer, re-hires, OCE and Parole Board Employees.
 - 4) The supervisor may also consider employees on other available lists. If the recruitment is opened to the public, the supervisor may be required to interview applicants from the HIRE List. These lists are also available from the Recruitment and Career Services Unit.
 - 5) HIRE List: Applicants who are severely disabled and who DAS has determined meet the position's minimum qualifications. These applicants must be offered an interview, though the hiring manager may require them to take the tests or exams listed in the recruitment announcement.

Employees' Rights and Duties:

- Employees who have been injured on the job or laid off may seek employment assistance through the Recruitment Section.
- Employees may request to be placed on the Agency Transfer List after completing their trial service and on the Promotion List at any time, as they become available.

HR BRIEFINGS INFORMATION: APPLICANT LISTS **Using Applicant Lists**

- When a position is vacated or a new position is created, the supervisor may look at several ODOC-generated lists before recruiting outside ODOC. The supervisor must first contact the Recruitment and Career Services Unit to determine whether the position must be filled with an individual from the Injured Worker, Layoff or Transfer Lists.
- If there are no qualified individuals on these lists, the supervisor may request the Agency Promotion List, the Statewide Promotion List or the Open Competitive List. The supervisor should consult a Recruitment Analyst to develop a recruitment plan that will allow the supervisor to develop a large enough applicant pool from which to make the appointment.

Injured Worker List

- Employees who were injured while in State service must receive first consideration for a vacancy in the appropriate classification. The injury must be work-related and the employee may not have waived his/her re-employment rights. The position must be appropriate for the injured worker.
- Employees will remain on this list unless they refuse acceptable modified duty; decline interviews or offers of employment; retire; are terminated for cause; work for another suitable employer; fail to tell ODOC of changes of phone number, address or medical status; or have been on the list for three years.
- The lists are organized by classification for entry level, vacant stand-alone classifications and the first level of a classification series.

ODOC Layoff List

- Employees who left service in good standing because of layoff or took demotion instead of layoff will be automatically placed on the Layoff List. The Layoff List is organized by classification and geographic area; employees are listed in reverse order of layoff.
- Employees will be recalled to a vacancy that is the same classification and geographic area as the position from which they were laid off.
- Employees will remain on the list for two years after the layoff or until they are reemployed in a suitable position.

Secondary Recall List

- AFSCME Parole and Post Prison Supervision / Security Plus employees may place themselves on the Secondary Recall List. This list allows the employee to specify other geographic areas with AFSCME-represented units for which they would be willing to work.
- This list must be consulted if there is no one left on the Layoff List.
- Employees must meet the minimum qualifications to be listed for a classification. The five most senior employees on the list who meet the

minimum qualifications for the vacant position must be considered for the job. If there are fewer than five people on the list, the supervisor must consider all of them.

- Employees may remain on this list for no longer than two years, or until they have been rehired and successfully completed their three month trial period. An employee may be excluded from this list as a result of a disciplinary action; the employee may elect to be placed on the list after the disciplinary period has ended for the remainder of the two years.

Statewide Re-Employment Layoff List

- Unrepresented employees who were laid off will be placed on this list and organized by class. Employees must request to be placed on this list and identify which classifications they would like to be considered for. Employees must meet the minimum qualifications to be included in any list.

Agency Transfer List

- ODOC employees who would like to transfer to a different location may request to be placed on the Agency Transfer List. They must submit an application for each classification preference and must meet the minimum qualifications for those positions. Employees who voluntarily transfer to a new location are generally not eligible for the relocation allowance.
- A supervisor who seeks to fill a vacancy with a transfer from within ODOC may request the Recruitment Section to encourage ODOC employees to apply for the transfer. Supervisors must offer interviews to all qualified applicants on the transfer list.

Agency Promotion List

- ODOC employees who meet the qualifications for the classification and who have passed any relevant tests or exams may be placed on this list. This list is organized by class and location. Employees may be on this list for no more than two years, though most lists expire in six to 12 months. Employees may be removed from consideration if they fail to maintain their status on the list.
- Employees who are on military leave when a promotional opportunity arises and are on this list must be considered as though they are not on leave. Supervisors should stay in contact with employees who are on military leave and inform them when a promotion opportunity arises. Consult a Human Resource Manager for more information on dealing with an employee who is eligible for promotion and on military leave.

Statewide Promotion List

- State employees who meet the qualifications for the position and have passed any necessary test or exam may be placed on this list. The list is

organized by class and is generally used when a position requires specific expertise. Employees may be on this list for no more than two years, though they may be removed before if they are placed in a suitable position. Supervisors may use this list at their own discretion.

Open Competitive List

- All individuals who are seeking employment with the State and meet the qualifications and have passed the appropriate tests and exams will be placed on this list. Supervisors may use this list at their own discretion.

For Further Information

- See ODOC Policies: 20.4.3- [Types and Order of Applicant Lists](#); 20.4.12- [Transfer](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 44 sections 8 and 12- Layoff Procedure; [AFSCME Security](#), Article 45 section 8- Layoff Procedure; [AFSCME Parole and Probation Officers](#), Article 36 section 6- Layoff Procedure; [AOCE](#), Article 39- Seniority and Layoff Procedure. ◇

H. CONTRACTING OUT

Supervisors' Duties:

- For South Fork Forest Camp, supervisors may fill a temporarily vacant AOCE position for no more than two weeks with a non-AOCE member and must inform AOCE before doing so.
- When ODOC decides to contract services to organizations outside of ODOC, the unions must be informed if contracting a position that was formally held by a represented staff member.

Employees' Rights and Duties:

- Treat others in the workplace in a professional and respectful manner;
- If an employee suspects he/she is a victim of unlawful discrimination, he/she may file a complaint according to his/her collective bargaining agreement's procedures or ODOC Policy.

HR BRIEFINGS INFORMATION: CONTRACTING OUT

Informing the Union

- If ODOC determines that it must contract out duties that are normally performed by represented employees, ODOC representatives must inform Union representatives before doing so. The Union and ODOC must negotiate the extent of the contracting out and the impact it will have on the existing workforce.
- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers need not be informed of the contracting out in emergencies and if the impact on the workforce

- is minimal and not mandatory, or the work assignment is being transferred to another state agency.
- AFSCME Dentists and AOCE employees need not be informed of the contracting out in emergencies and the impact on the workforce is minimal and not mandatory.
 - In all other situations, the union must be told of the ODOC's decision to contract services out.

Short-term Vacancies

- At South Fork Forest Camp, AOCE employees' duties may be performed by a non-bargaining unit employee for no longer than two weeks. The supervisor must first tell the Association before filling the vacancy with an unrepresented employee.

For Further Information

See [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 11- Contracting Out; [AFSCME Security](#), Article 11- Contracting Out; [AFSCME Parole and Probation Officers](#), Article 11- Contracting Out; [AFSCME Dentists](#), Article 9- Contracting Out; [AOCE](#), Article 9- Contracting Out. ◇

CONTACT LIST FOR HIRING AND POSITION MANAGEMENT ISSUES

Contact the Recruitment and Career Services Assistant for:

Applicant record revisions
Lists for Office Specialist 1 and 2 Lists
Any Applicant List other than Corporate and Lieutenant Lists

Contact a Background Investigator for:

Background Investigations
Any questions regarding a specific applicant

Contact a Recruitment Analyst for:

Recruiting applicants for Information Systems or any Trade
Corporal or Lieutenant Promotion Lists

Contact the Records Section for:

Questions regarding a position's classification

For any other information or questions, contact your Human Resource Manager.

2. Compensation

Payroll is one of the largest expenditures ODOC incurs. Timely and accurate payroll reporting is necessary to budget, plan, and manage costs for the Department. Employees also expect and should receive prompt and accurate payment for their time and attendance.

It is extremely important that timesheets for employees with leave without pay are sent in prior to payroll's final cut-off each month. Providing the timesheets to payroll prior to cut-off will prevent the employee from going into an overpayment situation. The result of an overpayment for an employee is the financial burden on them; because payroll is required to deduct the overpayment amount out of the employee's next paycheck when it is due to pay received for time not worked. DAS policy and the ODOC union contracts include language on the process for recoupment of salary overpayments. In the event an employee is paid for hours not worked, the overpayment is subject to immediate recoupment. In the event of an overpayment, ODOC is required to reimburse DAS Central Payroll for the overpayment amount immediately upon discovery, causing ODOC to be in the negative (the payment to the employee is reflected in ODOC's budget) until the amount is collected back from the employee. It is highly encouraged that both the employee and the supervisor notify ODOC Payroll as soon as a leave without pay situation is discovered to avoid an overpayment situation for the employee.

A. SALARY

Supervisors' Responsibility:

- Work with Human Resource Manager to identify the appropriate pay for all new hires, promotions, demotions, etc. in accordance with policies and collective bargaining agreements.

- Prepare all necessary paperwork to support new hires, promotions, demotions, etc. and forward to HR Manager and Personnel Records for processing.

At Hire (Initial hire to the State of Oregon)

- Normally, an employee's starting salary is in the bottom two steps of the position's salary range. Work with HR Manager for any starting salary that is higher than step 2 to ensure appropriate approvals and paperwork is completed before making any offer higher than step 2.

New Hire to ODOC from other State Agency

- Employees who laterally transfer, promote, or demote to ODOC from another state agency shall have their pay determined by applicable policies and collective bargaining agreements. Work with HR Manager to determine appropriate pay for employees who come to ODOC from other state agencies.

Annual Salary Increases

- Employees automatically receive a one-step pay increase every 12 months on their salary eligibility date, until they reach the top step of their salary range.
- Annual increases may be withheld under certain circumstances where there are documented performance issues. Contact a HR Manager for guidance.
- Employees who promote typically receive an increase after six months or completion of the trial service and annually thereafter.

Salary after Voluntary Demotion

- Employees who voluntarily demote to a lower range and their current salary is within the lower range, shall maintain their current salary.
- Employees who voluntarily demote to a lower range and their current salary is above the top step of the lower salary range, shall be placed at the top step of the lower range.

Disciplinary Demotion

- Supervisor works with HR Manager to determine salary impact on disciplinary actions.

Salary after Promotion

- Represented employees' salaries will increase to the next higher step in the new salary range when the employee assumes the new position. After the employee completes the trial period for the position, the employee will receive a one-step increase and annually thereafter.

- Management Service/Unrepresented salaries will increase by one step in the new salary range; Employees will receive an increase after 6 months and annually thereafter.
- In some cases, the agency director may approve a two step increase, with proper supporting evidence. Work with Human Resource Manager for two steps on promotion.
- Work with HR Manager for assistance in determining pay for employees with and equity differential or pay line exception.

Salary after Reclassification (Downward)

- An employee whose position is reclassified shall maintain their current salary and salary eligibility date.
- If the salary is above the position's range, the employee will be red circled and receive the same salary.

Salary after Reclassification (Upward)

- An employee whose position is reclassified upward will receive a salary increase to the next higher step in the new classification.
- Represented Employees: Salary Eligibility Date shall be established the first of the month following the employees request for reclassification.
- Management Service Employees: Generally the employee's current salary eligibility date is retained.
- If the employee's salary is below the range of the new classification, they will be placed on step 1 of the new classification.

Salary after Lateral Transfer

- Employees who are laterally transferred shall have their pay maintained or adjusted in accordance with policies and collective bargaining agreements. Contact HR Manager for guidance.

Work Out of Class (WOC)

- Represented employees who work out of class may be eligible to receive a one step WOC differential:
- Employees who apply for or request a developmental or training assignment must meet the minimum qualifications in order to receive WOC. Otherwise this is a developmental assignment and no additional pay is given.
- WOC will be higher than one step if the first step of the WOC range is greater than one step.
- Mandatory assignments of higher level work for a limited time to fill in behind an employee on vacation or short term leave do not need to meet the minimum qualifications to receive the WOC pay.
- Management Service who work out of class receive a 5% differential when they meet the minimum qualifications of the higher level position.

- Work with HR Manager on any exceptions.

Special Merit Increases

- Management service employees may receive a one step special merit increase with the agency director's approval. The increase must be supported by documentation of the employee's exemplary performance. A sample petition for a special merit increase can be found on the U: drive, under General Information, in the HR forms folder.

Daylight Savings - Standard Time Change

- Employees who work during the time change between daylight savings time and standard time receive one hour of overtime pay for the extra hour of their shift. Those who lose an hour during their shift because of the time change may use vacation or other earned leave.

Retroactive Pay

- AFSCME Security and AFSCME Parole and Probation Officers may claim retroactive pay for clerical error or oversight with regard to a regular salary increase in accordance with the collective bargaining agreement.
- AOCE employees may claim retroactive pay for clerical error or oversight with regard to a regular salary increase in accordance with the collective bargaining agreement. If the employee has brought a successful grievance against the ODOC, the employee may receive retroactive pay in accordance with the collective bargaining agreement.

Effect of Break in Service

- Return from Layoff List: Employees who return from the layoff list will be paid at their former rate adjusted for any COLA's.
- Return from Reemployment: Employees will be paid at or below the rate they were paid at the time of separation in accordance with policy and/or collective bargaining agreements as long as the salary is within the salary range they are returning to.

Salary for Employees in Less than Full-Time Positions

- Employees in permanent positions who work less than full time will be paid a salary that is prorated by the number of hours worked and will earn prorated sick and vacation leave.
- Employees who work at least 80 hours per month will receive prorated health insurance contributions.

For Further Information

See ODOC Policy 20.2.2-[Pay Practices](#); Administrative Restrictions; [AFSCME Parole and Post-Prison Supervision](#) / [Security Plus](#) Article 14- Salary Administration, Article 20- Work out of Classification; [AFSCME](#)

[Security](#), Article 14- Salary Administration, Article 20- Work out of Classification; [AFSCME Parole and Probation Officers](#), Article 13- Salary Administration, Article 17- Work out of Classification; [AFSCME Dentists](#), Article 11- Salaries; and [AOCE](#) Article 11- Salary Administration and Article 16- Work out of Classification. ◇

B. OVERTIME

Supervisors' Duties:

- Assign and approve overtime in accordance with policy and collective bargaining agreements.
- An employee who is eligible for overtime must be paid according to the law or collective bargaining agreement. Supervisors shall use progressive discipline for employees who work overtime without approval;
- Attach the overtime approval sheet to the timesheet of an employee who has worked overtime.
- When creating employee schedules, supervisors should ensure that employees have at least two consecutive days off in any seven day period, in order to avoid paying penalty pay.
- Employees' schedule changes must begin on the first day of the workweek, which is Sunday.
- Manager must pay employees when they work overtime even if it is not approved. Example: Employee works while eating their lunch. Management is aware and therefore must pay the employee overtime.

Employees' Rights and Duties:

- Employees must receive their supervisor's approval before working overtime.

C. DIFFERENTIALS

Differentials occur if or when an employee is called back to work an additional shift or to work a shift which is different from their "normal" schedule. An example would be: an RN working the day shift, leaves for the day, but is called back to work. The employee is entitled to time and a half (overtime) pay, but may also additionally be entitled to "differentials." If the RN has a master's certificate, then a differential needs to be paid for on the job work performed at any time other than the regular schedule. This RN may also be entitled to a differential paid for work done during an evening shift or a weekend shift if their normal schedule is Monday through Friday day shift. This is in addition to the differential received for having a master's certificate. There may be several differentials paid to an employee for working one, or part of one, extra shift.

Supervisors' Duties:

- Ensure employees who have assumed specific additional duties or have certain special skills receive additional pay.

- Notify the Records Section by filling out a Personnel Action Request Form if an employee has any of the following differentials, except for the Evening and Night Shift Differential. For employees who qualify for the Evening and Night Shift Differentials, the supervisor must notify the Payroll Section on the employee's time sheet.

Types of Fixed Differentials:

- Evening, Night Shift and Weekend
- Bilingual
- Lead work
- Additional Security Units
- Work Out of Class (See Section 1)
- TERT Team
- DPSST Certification
- Management Service Equity (See HR Manager)
- Field Training Officer
- Institutional Staff Deployment (ISD)
- Security Plus Relief
- Dog Handlers
- Board of Dentistry Specialization
- Nurse Educational Differential

Evening, Night Shift and Weekend Differential

- Employees who work the night shift or weekend shifts are eligible for an hourly differential in accordance with their collective bargaining agreement. The hours, worked that qualify for the differential, are logged on the employee's timesheet.

Bilingual Differential

- All other employees who must use a language other than English as part of their position will receive a fixed bilingual differential in accordance with ODOC Policy and/or in accordance with the applicable collective bargaining agreement. This must be an assigned duty and listed as part of the employee's position description.

Lead work Differential

- All represented employees who are assigned to lead work duties over three or more of their colleagues will receive an additional 5% differential in accordance with the collective bargaining agreement.

- Management Service employees who are formally assigned to lead work for more than 10 days will receive an additional 5% differential for time spent in the lead position when the lead work is not part of the classification specification. Work with HR Manager for guidance before assigning lead work to a management service employee.

Additional Security Units Differential (SDU)

- AFSCME Parole and Post-Prison Supervision / Security Plus and AOCE employees who are classified as non-security employees will be awarded points for performing security duties by their supervisor. SDU point forms must be completed and accompanied by a position description which supports the award of SDU points.

Security Plus Relief Differential

- AFSCME Parole and Post-Prison Supervision / Security Plus who are assigned to be staff relief will receive an additional 5% differential. No other penalty pay apply.

TERT Team Differential

- AFSCME Parole and Post-Prison Supervision / Security Plus, AOCE and Management Service/Unrepresented employees who are a member of the TERT team receive an additional 2% differential. AFSCME Security employees assigned as Hostage Negotiators will also receive this differential.

DPSST Certification Differential

- AFSCME Security, AFSCME Parole and Probation, AOCE and certain Management Service positions receive an additional 3% differential for intermediate DPSST certification. Employees with advanced DPSST certification will receive 6% differential. See HR Manager for guidance on Management Service employees with DPSST certifications.

Field Training Officer Differential

- AFSCME Parole and Probation Officers who are assigned field training officer duties receive 5% differential.

Institutional Staff Deployment Differential

- AFSCME Security assigned as staff relief receive a 5% differential for time spent in that capacity. No other penalty pay applies.

Dog Handlers Differential

- AFSCME Parole and Post-Prison Supervision / Security Plus employees will have three hours of their 40 hour workweek set aside to care for the dogs.

Institutional Registered Nurse

- AFSCME Parole and Post-Prison Supervision / Security Plus and AOCE nurses who have a BSN will receive an additional 4.75% differential; those with an MSN will receive 9.5% differential.

For Further Information

See ODOC Policy 20.2.3- [Pay Differentials](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 16- Differentials; Article 18- Reporting Pay; [AFSCME Security](#) , Article 16- Differentials ◇

D. STANDBY AND ON-CALL DUTY

Supervisors' Duties:

- Assign employees to be on standby or on-call duty, as needed.

Employees' Rights and Duties:

- Employees must be able to come into work on short notice while on standby or on-call duty; They may also be restricted in where they may go and what they may do while on standby or on-call;
- Employees will be compensated as determined by their collective bargaining agreement.

Standby Duty

- Employees are considered to be on standby duty when they are required to be available for work and are prevented from traveling or doing specific activities.
- Employees will be compensated in accordance with the collective bargaining agreement.

On-Call Duty

- Employees are considered to be on call when specifically required being available outside his/her working hours and not subject to restrictions which would prevent them from using the time while on call effectively for the employee's own purpose.
- Employees will be compensated in accordance with the collective bargaining agreement

For Further Information

See [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 19- Standby/ On-Call Duty; [AFSCME Security](#), Article 19- Standby/ On-Call Duty; [AOCE](#), Article 15- On-Call/ Standby Duty. ◇

E. CALL BACK TIME AND REPORTING PAY

Employees' Rights and Duties:

- Employees whose supervisor requires them to return to work when they are not regularly scheduled are entitled to compensation, as set by each collective bargaining unit;
- Employees who come to work, but find that there is no work available to them, should be allowed to return home and be paid as though they completed the assigned shift.

Call Back Time

- The supervisor must require the employee to return to work for the employee to receive callback pay. If the employee comes back to work on his/her own, the employee will not receive call back pay.
- Employees called back to work are entitled to compensation in accordance with the collective bargaining agreement.

Reporting Pay

- AFSMCE Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AOCE employees who are scheduled to work, but no work is available for them when they report, should be allowed to leave but will be paid for the entire shift at their regular rate of pay.

For Further Information

See [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 17- Call-Back Time and Article 18- Reporting pay; [AFSCME Security](#), Article 17- Call-Back Time and Article 18- Reporting Pay ◇

F. OTHER COMPENSATION

Shift Change Penalty

- Employees who have their shift changed may be eligible for compensation in accordance with the collective bargaining agreement.
- Employees who are receiving an Institutional Staff Deployment differential are not eligible for penalty pay for shift changes.
- Employees who are TERT members or otherwise volunteer to change their work schedule are not eligible for penalty pay for shift changes.

Using Compensatory Time

- All employees may use compensatory time per their supervisor's approval.
- Work with HR Manager on employees who have attendance issues and request the use of compensatory time.

For Further Information

See DAS Policy 20.005.20- [Fair Labor Standards Act](#); ODOC 20.2.4- [Policy Fair Labor Standards Act](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 15- Overtime; [AFSCME Security](#), Article 15- Overtime;

[AFSCME Parole and Probation Officers](#), Article 14- Overtime; [AFSCME Dentists](#), Article 11, section 7- Salaries; [AOCE](#), Article 12- Overtime.

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G. PAYROLL PROCEDURES

Supervisors' Duties:

- Ensure that employees' timesheets are properly filled out and leave has been properly documented;
- Notify Payroll Department when:
 - an employee goes on unpaid leave;
 - an employee returns from unpaid leave;
 - an employee has time loss for a SAIF claim;
 - an employee ceases to be employed at ODOC.

Employees' Rights and Duties:

- Employees must keep an accurate record of time worked and leave taken, and turn in their timesheets on time;
- If the employee has been over-paid, the employee must work out a repayment arrangement with the payroll office, or be subject to the plan laid out in the employee's collective bargaining agreement or ODOC policy.

Reporting Attendance, Leave and Pay

- Supervisors must ensure that employees' time sheets are properly filled out and leave has been recorded. If an employee has used all paid leave and goes on leave without pay, the supervisor must notify the employee and the Payroll Unit immediately.
- Time sheets are due on the last day of the month, and, for employees who are paid an hourly rate, on the 15th as well. Supervisors must attach a signed Overtime Authorization Form to the time sheet if the employee has worked overtime.
- Supervisors must notify the Payroll Section as soon as any employee takes any leave without pay.

Final Paycheck

- Supervisors must notify the Payroll Technician as soon as an employee has quit or been terminated, and turn in the employee's final time sheet as soon as possible.
- Employees who have been dismissed must be paid by the end of the following business day. Employees who quit without notice must be paid within five business days or on the employee's regular payday, whichever comes first. Employees who quit with at least 48 hours notice must be paid on the final day of work or on the first business day after the final

day of work. Supervisors may not withhold the employee's final check to ensure the return of uniforms, keys or other ODOC property.

Emergency Draw

- Employees are eligible for pay advances in accordance with Policy and Collective Bargaining Agreements.

Over- and Under-Payments

- Employees who have been over- or under-paid will receive notice of the mistake. ODOC will recover any over-payment, and repay any under-payment, in accordance with the employee's collective bargaining agreement or ODOC policy.

For Further Information

See ODOC Policy 20.5.11- [Employee Time Reporting and Payroll Process](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 14- Salary Administration; [AFSCME Security](#), Article 14- Salary Administration; [AFSCME Parole and Probation Officers](#), Article 13- Salary Administration; [AFSCME Dentists](#), Article 22- Recoupment of Over- and Under-Payments; [AOCE](#), Article 11- Salary Administration ◇

3. Leave

A. VACATION LEAVE

Supervisor Duties:

- Evaluate and approve or deny employee's request for vacation.
- Ensure that the employee has completed six full calendar months of state service before being allowed to use vacation time.
- Monitor how much vacation time an employee has earned and used.
- If an employee is in danger of losing vacation time, as dictated by ODOC policy or the employee's collective bargaining agreement, the Agency may schedule the employee to take vacation or the Agency may make a cash payment in lieu of scheduling.
- For AOCE represented employees, oversee the bidding for vacation time and notify employees if vacation time slots become available after the bidding is complete.
- Oversee reimbursement for cancelled vacations, if the employee's collective bargaining agreement requires.
- Contact the FMLA / OFLA Coordinator to help determine whether the requested leave qualifies for protection under FMLA / OFLA.
- Notify Payroll Section of employee's leave.

Employee Rights and Duties:

- Earn vacation leave based on their status as a represented or unrepresented employee and how long they have spent in State service and on their status as a full- or part-time employee.
- Vacation accrual begins when the employee begins working, but the employee may not use the leave until his/her seventh month.
- Receive supervisor's approval before taking vacation leave.

- The number of hours of accumulated vacation leave is limited by the employee's collective bargaining unit and ODOC policy.

HR BRIEFINGS INFORMATION: VACATION LEAVE

Accrual Rate

- Employees begin earning vacation leave when they start work at ODOC. The rate at which they earn vacation depends on how long they have been in State service. For every five years of State service, the employee will accrue vacation leave at an increased rate. Also, management service, represented employees and unclassified, unrepresented employees earn vacation leave at different rates. Employees who work on a part-time basis will earn vacation leave at a rate that reflects the hours they work.
- Employees will earn vacation leave while on paid leave or serving on a jury. If the employee has had a break in service that does not exceed two years, the time spent in service before the break will be counted when determining the employee's vacation accrual rate. If the employee spends time in State service, on military leave, educational leave or job-incurred injury, that time should also count as time worked when determining the vacation leave accrual rate.

Vacation Leave Accrual Rate

Represented employees

<u>Years Worked</u>	<u>Accrual Rate</u>
After 6 months through 5th year	15 work days for each 12 full calendar months of service (10 hours/month)
After 5th year through 10th year	18 work days for each 12 full calendar months of service (12 hours/month)
After 10th year through 15th year	21 workdays for each 12 full calendar months of service (14 hours/month)
After 15th year through 20th year	24 workdays for each 12 full calendar months of service (16 hours/month)

After 20th year

27 workdays for each 12 full calendar months of service
(18 hours/month)

AFSCME Security and AOCE employees who have completed their trial service will receive an additional eight hours of vacation leave on July 1 of each year, provided they have been employed by ODOC since July 1 of the previous year.

Management and Executive Service employees

<u>Years Worked</u>	<u>Accrual Rate</u>
First month through 60th month	10.00 hours per month
61st month through 120th month	11.34 hours per month
121st month through 180th month	13.34 hours per month
181st month through 240th month	15.34 hours per month
After 240th month	17.34 hours per month

Maximum Hours of Vacation Leave Allowed

- Employees are limited in the number of vacation hours they may maintain; any hours earned in excess of that amount will be lost to the employee.
- AFSCME Parole and Post-Prison Supervisors / Security Plus; AFSCME Security; AFSCME Parole and Probation and AOCE employees may earn a maximum of 300 hours of vacation leave. They may only be compensated for 250 hours of unused vacation time upon separation.
- AFSCME Dentists may earn a maximum of 325 hours of vacation leave. They may only be compensated for 250 hours of unused vacation time upon separation.
- Executive and Management Service employees may earn a maximum of 350 hours of vacation leave. They may only be compensated for 250 hours of unused vacation time upon separation.

Avoiding the Loss of Vacation Leave

- Represented employees may receive a cash payment for some of the time or the supervisor may choose to schedule a vacation for the employee when they are in danger of losing their vacation time.
- Unrepresented employees who have 350 hours of vacation leave may request vacation leave to prevent the loss. If the supervisor determines that vacation leave cannot be granted, the supervisor may decide instead to make a cash payment equivalent to 40 hours.

Using Vacation Leave

- AFSCME employees must provide reasonable notice to and receive approval from their supervisor before using any vacation time.

- AOCE employees bid for their vacations in order of seniority at ODOC. Each employee has a 30-minute period in which to bid for vacation time, or may bid anytime thereafter. No employee may use seniority to bump another employee out of a bid selection. Unless there is a valid reason not to, supervisors must open canceled vacation time slots out for open bidding for seven calendar days. Employees may also request vacation time outside of the normal bidding time, provided the request is made at least 90 days in advance.
- Unrepresented employees may utilize vacation leave with prior approval of the designated supervisor.

Vacation Leave at Separation

- Employees who leave State service will have no more than 250 hours unused vacation time paid to them in cash.
- Employees who transfer to another State agency may transfer their vacation leave, though the amount will be determined by the receiving agency.
- AFSMCE Parole and Post-Prison Supervision / Security Plus may transfer up to 80 hours of leave if they are transferred to another AFSCME unit.
- Unrepresented; Management and Executive Service and AOCE employees may have no more than 250 hours paid to them at the end of service.

Reimbursement for Canceled Vacation

- AFSMCE Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers may not have their vacation cancelled by ODOC for any reason other than an emergency. If ODOC is forced to cancel an employee's vacation, ODOC will reimburse any unrecoverable deposits related to the vacation, for which the employee will be required to provide receipts.

For Further Information

See ODOC Policy 20.8.2- [Vacation Leave](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 32- Vacation Leave; [AFSCME Security](#), Article 32- Vacation Leave; [AFSCME Parole and Probation Officers](#), Article 27- Vacation Leave; [AFSCME Dentists](#), Article 16- Vacation Leave; and [AOCE](#), Article 16- Vacation Leave. ◇

B. PAID SICK LEAVE

Supervisor Duties:

- Contact the FMLA / OFLA Coordinator to determine whether the employee's sick leave may qualify for Family Medical Leave Act or Oregon Family Leave Act protection.

- May ask the employee for medical certification after the employee has missed four days (unrepresented employees), five days (AOCE employees) or seven days (AFSCME employees.)
- Notify the Payroll Section of employee's leave.

Employee Rights and Duties:

- Employees earn eight hours of sick leave for every full-time month worked.
- Employees may use sick leave for their own or employee's immediate family (employee's parents, wife, husband, children, brother, sister, grandmother, grandfather, grandchild, son-in-law, daughter-in-law, or another member of the immediate household including the PEBB definition of domestic partners) member's illness, injury, medical or dental care, a death in the family, or any reason protected under the Family Medical Leave Act, the Oregon Family Leave Act or applicable collective bargaining agreement.
- If the employee anticipates using sick leave, he/she should fill out a Leave Request Form 15 days before using the sick leave.
- If the leave is unanticipated, the employee must notify the supervisor as soon as possible of his/her need to take sick leave.
- If the supervisor or FMLA Coordinator so requires, the employee must obtain a certificate from a licensed health care provider, showing that the employee is too sick or injured to work or the employee's family member needs care. ODOC will pay for documented out of pocket expenses.
- Employees may transfer sick leave if they transfer to another agency, but will not be compensated in cash for any unused sick leave when they leave ODOC service.

HR BRIEFINGS INFORMATION: PAID SICK LEAVE

Accruing Sick Leave

- Employees earn eight hours of sick leave for every full-time month worked. Employees who work on a part-time basis will earn sick leave at a rate that reflects the number of hours worked. Actual time worked and all leave with pay, except for educational leave, is counted when determining how many sick leave hours an employee has accumulated. Temporary employees do not earn sick leave.
- Employees may use accrued sick leave after working at ODOC for one month. Employees may use sick leave for the purpose of personal or family member illness, medical/dental care, injury or death, exposure to contagious disease/hazard or for any period of absence under the Family Medical Leave Act (FMLA) or Oregon Family Leave Act (OFLA.)

Using Sick Leave

- Employees who anticipate using sick leave should submit a [Leave Request Form](#) (follow hyperlink then go to: ODOC Leave Request) 15 days

beforehand. If sick leave is unanticipated, employees may complete the Leave Request Form within three days.

- Employees are entitled to protection under the Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA) when taking sick leave for certain reasons. The Supervisor must contact the FMLA Coordinator to determine whether the employee qualifies for FMLA or OFLA protection.
- AFSME Security employees who are injured on the job and require immediate medical treatment will not be required to use sick leave while obtaining medical treatment, and will be paid their regular wage. Once the employee has been treated, the employee must return to the assigned shift or become subject to workers' compensation.

Physician Certification

- AFSCME employees may be required to produce a physician's certification after missing seven (7) days or if the supervisor believes the employee is abusing sick leave privileges. The supervisor may also require a certification before allowing the employee back to work.
- AOCE employees may be required to produce a physician's certification after missing five (5) calendar work days or if the supervisor believes the employee is abusing sick leave privileges. The supervisor may also require a certification before allowing the employee back to work.
- Unrepresented employees may be required to produce a physician's certification. The supervisor may also require a certification before allowing the employee back to work.

Staff Assaults

- AFSCME Parole and Post-Prison Supervision / Security Plus employees on leave because of an inmate committing an Assault 1 will continue to earn sick and vacation leave while on leave. The employee may earn no more than 300 hours of vacation leave during that time.
- AFSCME Security employees on leave because of an inmate Assault 1 will continue to earn sick and vacation leave while on leave. The employee may earn no more than 250 hours of vacation leave during that time.
- AOCE employees on leave because of an inmate Assault 1 will continue to earn sick and vacation leave while on leave. The employee may earn no more than 320 hours of vacation leave during that time.

Stress and Career Counseling

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees, during the performance of his/her work who is seized and detained by force or threat shall be allowed reasonable time off immediately after the incident to recover from any physical or psychological disability caused by

the action. Employees who are absent beyond one day must produce a doctor's or psychiatrist's note verifying their inability to return.

- Employer shall attempt to establish the reasons behind the employee's poor work habits and shall counsel with the employee in an attempt to aid the employee in developing a program to begin improving those habits.
- Employees who normally have good work habits but suddenly have problems with excessive absenteeism or being punctual may be evidence of job stress. Supervisors must ensure that employees are aware of all stress management programs, seminars and workshops relating to stress management.

Transferring Sick Leave from another State Agency

- An employee who previously worked for another State agency may transfer all unused sick leave that was earned while at that State agency.

Sick Leave at Separation

- Employees will not be compensated for sick leave they have not used when they leave ODOC service, except as provided in the Public Employees' Retirement Act.

Restoration of Sick Leave upon Rehire

- Employees rehired within two years of leaving State service will have previously earned sick leave credits restored.

Coordination with Workers' Compensation

- Represented employees' salaries will be the difference between their Workers' Compensation for time lost and their regular salary rate. Their sick leave will be used first, and will reflect the reduced salary they receive. Employees may use vacation or compensatory time if they choose, if their sick leave does not cover their absence, before taking leave without pay.
- Unrepresented employees' salaries will be the difference between their Workers' Compensation and their regular salary rate. Their sick leave will be used first, and will reflect their reduced salary. Employees must then use their other paid leave and have the option of using compensatory time, before taking leave without pay.

Death in the Employee's Family

- AOCE employees receive 40 hours per year of paid leave to attend the funeral of an immediate family member or their spouse's; domestic partner's immediate family member; the absence may be extended with sick leave.
- AFSCME Security Plus employees shall be eligible to use a maximum of 24 hours paid bereavement leave per occurrence prorated for part-time

employees in order to discharge the customary obligations arising from the death in the immediate family member or the employee's spouse.

Sick Leave without Pay

- After exhausting all applicable leave with pay, employees may be granted sick leave without pay. Supervisors may require the employee to provide medical certification verifying that the employee's illness or injury prevents them from working. Further, supervisors may also require the employee to provide a medical certification showing that the employee is able to perform the positions duties before returning to work.

Family Medical Leave Act / Oregon Family Leave Act

- Qualified employees are guaranteed the right to take up to 12 weeks of leave to care for their own or a family member's illness or injury. Employees whose leave is protected under either of these laws may not be subject to any sort of discipline or dismissal for their absences. The FMLA Coordinators are responsible for determining whether the employee's leave qualifies for FMLA / OFLA protection; the supervisor should contact a Human Resource Manager before counting an employee's leave as FMLA / OFLA protected.

For Further Information

See ODOC Policies 20.8.1- [Sick Leave with Pay](#), 20.8.4- [Family and Medical Leave](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 33- Sick Leave with Pay, Article 53- Stress/ Career Counseling; [AFSCME Security](#), Article 33- Sick Leave with Pay, Article 53- Stress/ Career Counseling; [AFSCME Parole and Probation Officers](#), Article 28- Sick Leave with Pay, Article 48- Stress/ Career Counseling; [AFSCME Dentists](#), Article 15- Sick Leave with Pay; [AOCE](#), Article 22- Sick Leave with Pay. ◇

C. LEAVE WITH PAY

Types of Leave with Pay

- *Crime Victim leave*: Employees may use paid leave to attend a judicial proceeding related to a crime committed against the employee. Supervisors must allow employees to attend these proceedings.
- *Jury Duty*: Employees shall be granted leave of absence without pay while on jury duty. Supervisors must allow the employee to use the appropriate leave.
- *Search and Rescue Operations*: Employees must be granted up to five days of paid leave to participate upon request from the Aeronautics Section Manager, the US Forest Service or any local civil defense organization.

- *Red Cross Disaster Relief:* Certified/qualified management service employees must be granted up to 15 days of paid leave to participate in relief efforts in Oregon.
- World, Olympic or Pan American events: Employees must be granted up to 90 days of paid leave to train and/or participate in any of these events.
- *Military Training:* Employees may take up to 88 hours of paid leave to attend.
- Court or other legal proceeding: Employees may take paid leave to attend a court or other legal proceeding that is related to the employee's position or job duties.
- *Pre-retirement Counseling:* Employees may take paid leave to attend these events, as allowed by their collective bargaining agreement or ODOC policy.
- *Interviews with other State agencies:* Employees may be granted leave with pay for interview and testing for an employment opportunity position at another state agency; the supervisor may determine the appropriate length of the leave.
- *Bargaining Team:* Union bargaining team members will be compensated for time spent in negotiations as per their contract.
- *OD Leave*^[b1] : Special leave, associated with the performance of Officer-of-the-Day duties, that awards eight hours of time-off with pay for each seven consecutive days or seven consecutive 24-hour periods (one week) on-call response and off-hours visitation of OD assignment.

Supervisors:

- Notify the Payroll Section of employee's leave.

HR BRIEFINGS INFORMATION: LEAVE WITH PAY

Crime Victim Leave

- Employees who have worked at least 25 hours per week for 180 days may use earned paid leave to attend a criminal proceeding; if the employee has no paid leave, the supervisor must grant unpaid leave. Supervisors are required by law to grant this leave, though may reasonably limit the amount of time the employee takes.
- The employee or his/her immediate family member must have suffered financial, social, physical or psychological harm relating to the criminal proceeding, and is responsible for providing appropriate supporting documentation. Supervisors must treat this documentation as confidential information and keep it in the employee's personnel file for three years.

Jury Duty

- Supervisors must grant employees leave with pay for jury duty.
- AFSCME employees may keep any money paid by the court for jury service.

- AOCE employees must give any money paid to ODOC.
- Unrepresented employees must waive any jury fees except for reimbursements.

Search and Rescue Operation Leave

- Supervisors must grant up to five days of paid leave to employees who are requested by law enforcement agencies to take part without pay, the Department of Transportation, the Administrator of the Board of Aeronautics or designee, the U.S. Forest Service or any local organization of civil defense to participate in a search and rescue operation.
- Red Cross Disaster Relief Services
- Supervisors must grant up to 15 days paid leave for an employee who is a certified disaster services volunteer for the American Red Cross to participate in disaster relief services in Oregon.

World, Pan American or Olympic Event Training

- Supervisors must grant up to 90 days paid leave to employees who are participating in official training camps for or competing in World, Pan American or Olympic events.

Military Training Leave with Pay

- An employee who is a member of the National Guard or any reserve components of the armed services may receive up to 15 days or 11 work days (88 hours) of paid leave per fiscal year. The employee must have completed six months of State service and give his/her supervisor appropriate written notice.

Court, Legislative or Quasi-Judicial Body Witness

- Employees who are required by subpoena to appear in court, legislative committee or quasi-judicial body may be granted paid leave.
- Represented employees may keep any money paid in connection with any court, legislative or quasi-judicial body.
- AOCE employees may only be granted leave if their appearance is related to their official duties.
- Unrepresented employees may not keep money paid if the appearance was related to the employee's official duties, unless the appearance occurred was required during off duty hours.

Pre-Retirement Counseling Leave

- Represented employees may take three and one-half days leave with pay to attend pre-retirement counseling programs. Employees must be at least 45 years old and within five years of retirement.
- AFSCME Parole and Post-Prison Supervision / Security Plus employees must provide at least 14 days notice before taking the leave. All other

- represented employees must give seven days notice. If the supervisor must deny the leave, the supervisor must give the employee a choice from three other dates to take the leave.
- Unrepresented employees may take up to three and one half days leave with pay within three years of the employee's retirement date to attend pre-retirement counseling programs.

Educational Leave

- Employees may be granted leave to pursue their education. ODOC may subsidize the tuition or continue paying the employee's salary, so long as the benefits to the State outweigh the inconvenience and the cost. The Agency Head must approve the leave and normally shall not approve such leave for more than one (1) YEAR. Employees on educational leave for longer than 15 days may not accrue vacation time.

Job Interviewing and Testing

- AFSCME Parole and Post-Prison Supervision/ Security Plus, AFSCME Security, AOCE and Unrepresented employees may be granted leave with pay for job interviewing and testing for other job opportunities within state government. The supervisor will determine how much time is appropriate.

Bargaining Team

- Employees who are members of their unit's bargaining team must be given provided paid leave to negotiate in accordance with their collective bargaining agreement.
- Supervisors must accommodate bargaining team members' schedules to accommodate the negotiation schedule.


Personal Business Leave

- AOCE and AFSCME Security Plus employees receive eight hours of personal leave each July 1; any personal leave not used by June 30 of the following year will be lost.
- Unrepresented employees who are on a full-time schedule in a permanent position and have been in State service for at least six months may take 24 hours of paid Personal Business leave per year. This leave is not cumulative and expires at the end of the fiscal year, though it may be transferred among State agencies.

Discretionary Leave (Exceptional Performance Recognition Leave with Pay)

- Discretionary Leave is given only to management. This is given out at the performance appraisal and must be used between Oct 1 and June 30. Leave hours awarded can not exceed 40 hours per fiscal year.

OD Leave^[b2]

- Special leave associated with the performance of Officer-of-the-Day duties that awards eight hours of time-off with pay for each 7 day/24-hour period of OD assignment, subject to the following limitations:
 - It has no cash value.
 - It cannot be transferred to another agency.
 - It cannot be donated to those with a hardship or military leave bank.
 -  ○ It shall be used within the fiscal year with the exception that leave earned in May or June may roll over to the next fiscal year.
 - The employee shall 'use it' or 'lose it'.

For Further Information

See ODOC Policy 20.8.3- [Special Leaves with Pay](#); DAS Policy 60.000.12 - [Statutorily Required Leaves with and without Pay](#), 60.000.26 - [Military Leave](#); [AFSCME Parole and Post-Prison Supervision](#) / [Security Plus](#), Article 36- Leaves with Pay, Article 38- Pre-Retirement Counseling, Article 2- Term of Agreement; [AFSCME Security](#), Article 36- Leaves with Pay, Article 37- Job Interview Leave, Article 39- Pre-Retirement Counseling, Article 2- Term of Agreement; [AFSCME Security](#), Article 31- Leaves with Pay, Article 33- Pre-Retirement Counseling, Article 2- Term of Agreement; [AFSCME Dentists](#), Article 17- Leaves with Pay, Article 19- Pre-Retirement Counseling; [AOCE](#), Article 20- Holidays, Article 25- Leaves with Pay, Article 27- Pre-Retirement Counseling, Article 2- Term of Agreement. ◇

D. HARDSHIP AND MILITARY DONATED LEAVE

Supervisor Duties:

Employee Rights and Duties:

HR BRIEFINGS INFORMATION: HARDSHIP AND MILITARY DONATED LEAVE

Hardship Leave

- Employees may donate accumulated vacation leave to a colleague who has exhausted all leave due to personal or a family member's illness or injury. With the Director's approval, Management/Executive Service and unrepresented employees may donate leave to employees of other agencies.
- Employees may donate leave in one hour increments to their colleague's sick leave account. If there is a difference in salary between the two

employees, the amount of leave credited to the employee on leave will reflect that difference.

- Donated hours will be converted on a first in, first out basis, unless the donating employee is in danger of losing the leave hours. If the employee on leave does not use the donated hours, those hours that have not been converted will be restored to the donor's account.

Who may Receive Hardship Leave

- Employees who have exhausted accumulated leave, are not receiving workers' compensation benefits or on parental leave, may receive hardship leave donations from his/her colleagues.

Applying for Hardship Leave

- Employees applying for hardship leave donations must fill out the appropriate form and return it to the Human Resource Manager. A medical certification of the employee's own or family member's illness or injury must be included in the application.
- AFSCME Parole and Post-Prison Supervision / Security Plus and AOCE employees' medical certification must verify that the injury or illness will continue for at least 15 calendar days after the employee has used all accumulated leave. The employee's leave must last at least 30 days.
- AFSCME Dentists may apply for hardship donations from other AFSCME Central Table participating agencies, subject to the approval of the Appointing Authority for the involved agencies.

State Military Donated Leave Program

- This program is designed to make up the difference between employees' regular state salary and their military pay.
- Regular status employees may donate unused vacation leave or compensatory time to the military donated leave program. Leave must be donated in one-hour increments and may be directed to an individual employee or to the state pool of donated leave.

Who may Receive Military Donated Leave

- Employees on leave without pay may sign up to receive donated leave on an individual basis or to take from the state pool of donated leave. If the employee does not specify whether to receive donated leave, the employee will automatically be placed in the state pool. The employee may request in writing no more than once every three months that their election be changed.
- To receive donations under this program, employees must show that their military pay is less than their base pay in their state job. Employees are required to verify their military pay on a monthly basis. Employees need not deplete their paid leave to receive donations under this program.

Military Donated Leave Distribution

- Leave donated under this program will be distributed on a monthly basis. The amount of leave an employee receives each month will depend on the amount of leave that has been donated for that month, but employees may not receive contributions that, when combined with the employee's military pay, exceeds their normal base pay in their regular state position.

For Further Information

See ODOC Policy 20.8.1- [Sick Leave with Pay](#), DAS Policy 60.020.05 - [Military Donated Leave](#) ; Program [AFSCME Parole and Post-Prison Supervision/ Security Plus](#), Article 33- Sick Leave with Pay; [AFSCME Security](#), Article 33- Sick Leave with Pay; [AFSCME Parole and Probation Officers](#), Article 33- Sick Leave with Pay; [AFSCME Dentists](#), Article 15- Sick Leave with Pay; [AOCE](#) Article 22, Section 10- Sick Leave with Pay. ◇

E. LEAVE WITHOUT PAY

Supervisor Duties:

- Work with a Human Resource Manager or FMLA / OFLA Coordinator to evaluate whether the reason for the requested leave is protected by law. The law requires ODOC to grant unpaid leave for court appearances, service in the Peace Corps, reserve component of the Armed Forces and up to 12 weeks for FMLA / OFLA leave.
- Ask employee for appropriate documentation to support leave, i.e. medical certification, Peace Corps offer letter, military orders, etc.
- Determine whether the employee must exhaust accrued paid leave before being allowed to take unpaid leave. This depends on the employee's collective bargaining agreement or ODOC policy.
- Where appropriate, ask for proper medical certification showing that the employee is capable of returning to their former position. Contact a Human Resource Manager for additional guidance.
- Notify the Payroll Section of employee's leave.

Employee Rights and Duties:

- Employees may take unpaid leave for illness or injury (after exhausting the appropriate paid leave); court appearances, service in the Peace Corps or the military.
- Upon return from protected leave, employees have the right to resume their former position.
- Notify supervisor of planned leave and provide appropriate documentation (medical certification, etc.)

HR BRIEFINGS INFORMATION: LEAVE WITHOUT PAY

General Considerations

- Generally, employees should use all appropriate accrued paid leave before being granted leave without pay. Which accrued pay must be used before granting the employee unpaid leave depends on the employee's union representation. Employees must submit all requests for unpaid leave to their immediate supervisor, who may then approve or deny the leave after consulting a Human Resource Manager.
- Supervisors must notify the Payroll Section as soon as an employee goes into leave without pay status.

Court Appearance

- As required by law, employees must be granted unpaid leave to appear as a plaintiff or defendant in any court proceeding that is not connected to the employee's official duties. Employees must have exhausted all accrued paid leave before being granted unpaid leave.

Service in the Peace Corps

- As required by law, employees who provide copies of Peace Corps appointment documents must be granted leave without pay for at least two years. Only full-time, salaried employees qualify for this leave.

Illness or Disability

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees may be granted up to one year of leave without pay, after exhausting all accrued sick leave and providing medical certification from an attending physician. The employee has the option of using compensatory time, vacation or personal leave. The employee may request to end the leave sooner, but must, in any case, provide medical certification of fitness to work before returning.
- AFSCME Dentists will be granted sick leave without pay according to standard ODOC Sick Leave without Pay regulations, and they need not use vacation leave before taking unpaid sick leave. Dentists must submit a written request to the appointing authority for unpaid sick leave.
- Executive, Management and unrepresented employees must use all sick, vacation and personal leave before they may be granted sick leave without pay. Before granting the leave, the supervisor may require the employee to submit a medical certificate supporting the employee's claim of illness or disability. The leave will end when the employee requests to return to work or can no longer show cause for the unpaid sick leave. The employee must show a medical certification that indicates the employee is fit to work.

Uniformed Services

- An employee may be granted up to five years unpaid leave to serve in the armed services, so long as the employee gives written or verbal notice. Employees may use paid leave at their discretion. They may extend their health insurance benefits through COBRA. In some cases, the period of leave may be extended beyond the five year period.
- Upon return to ODOC, the employee will be restored to their former position, with no loss of seniority or other benefits. If the employee is not capable of filling the former position, the employee will be given a new position and will retain the same seniority and benefits as before. Vacation accrual rate will be counted as though the employee did not leave State service, though the employee will not be actually earning paid leave while on military leave. Employees will have every opportunity to promote, have seniority and benefits, as though they never left.

Union Business

- AFSCME and AOCE may request that an employee be granted leave without pay to attend to union business. AFSCME local chapter presidents must be granted leave, under the conditions established in the collective bargaining agreements.
- The AOCE president must be granted unpaid leave according to the collective bargaining agreement guidelines.

Sick Leave

- See the Sick Leave HR Briefing.

Domestic Violence Victims Leave Law

Oregon Law requires employers to allow eligible employees to take unpaid time off to deal with issues arising from being a victim of domestic abuse, rape or stalking. Employers may need to allow an employee to take reasonable leave from employment for any of the following purposes:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent.
- To seek medical treatment for or to recover from injuries caused by domestic violence, sexual assault or stalking.
- To obtain, or assist a minor child or dependent in obtaining counseling from a licensed mental health professional or services from a victim services provider.
- To relocate or take steps to secure an existing home to ensure the employee's own or the children's health and safety.

Unemployment Insurance for Victims of Domestic Violence

Oregon law provides unemployment benefits to certain victims of domestic violence, sexual assault, or stalking if they are forced to leave a

job in order to protect their safety or the safety of their children.

Employees may be eligible for unemployment benefits if:

- They had to quite a job because they have been victims of domestic violence, sexual assault or stalking AND
- They believe they and/or their child are in danger of further harm if they continued to work AND
- They reasonably believe that leaving their jobs would project them or their child from further violence.

For Further Information

See ODOC Policy 20.8.6- [Leave without Pay](#), DAS Policy 60.000.12 - [Statutorily Required Leaves with and without Pay](#), 60.000.25 - [Military Leave](#); DAS 50.010.04, [Workplace Effects of Domestic violence, Sexual Assault and Stalking](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 34- Sick Leave without Pay, Article 37- Leave of Absence without Pay; [AFSCME Security](#), Article 34- Sick Leave without Pay, Article 37- Leave of Absence without Pay; [AFSCME Parole and Probation Officers](#), Article 29- Sick Leave without Pay, Article 32- Leave of Absence without Pay; [AFSMCE Dentists](#), Article 18- Leave of Absence without Pay; [AOCE](#), Article 23- Sick Leave without Pay, Article 26- Leave of Absence without Pay. ♦

F. FAMILY MEDICAL LEAVE ACT (FMLA) / OREGON FAMILY LEAVE ACT (OFLA)

Supervisor Duties:

- Contact the FMLA/OFLA Coordinator to determine whether an employee's leave qualifies as protected under FMLA / OFLA.
- Track employee's use of FMLA / OFLA leave
- Request medical certification, as allowed under the employee's collective bargaining agreement or ODOC policy.
- When determining whether the employee qualifies for FMLA / OFLA protection, supervisors may only ask for enough information to make that decision, as listed on the supervisors' check list; supervisors may not ask for any additional information that may be confidential.
- Notify the Payroll Section of employee's leave.

Employee Rights and Duties:

- Notify supervisor at least 15 days before taking foreseeable leave.
- Provide FMLA / OFLA Coordinator with any required information and/or documentation.
- Employees who take either FMLA or OFLA protected leave may not be disciplined or fired for taking the leave.
- Employees taking FMLA protected leave will continue to receive health insurance benefits.

HR BRIEFINGS INFORMATION: FMLA AND OFLA

General Information

- The Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA) are intended to allow employees to take up to 12 weeks leave to meet their personal and family health and parental obligations. Employees may take the leave as a 12-week block, may take a few days or weeks at a time, or reduce their work schedule. Employers may not terminate or discipline an employee for using either FMLA or OFLA leave.
- FMLA and OFLA may or may not cover the same type of leave. When they do, the leave granted by each law is used concurrently. When an employee's leave is covered by only one law, the employee may still be eligible for leave under the other law. For example, an employee may take 12 weeks to care for an ill same-sex domestic partner under OFLA and still have 12 weeks of FMLA protected leave. However, if the employee takes 12 weeks of leave for personal illness, the employee will not be able to take any additional protected leave, as both FMLA and OFLA applied to this leave.
- FMLA requires employers to continue employees' health insurance coverage during FMLA leave; OFLA does not have a similar requirement, though employees may choose to maintain their coverage through COBRA.

Supervisors' Responsibilities

- Supervisors are responsible for contacting the FMLA Coordinator when an employee's leave may be covered under FMLA / OFLA. The FMLA Coordinator will determine whether the employee's leave qualifies for protection under either law and designate the leave as such. Once the leave has been designated as protected under FMLA or OFLA, the employee must be informed of his/her rights under the applicable law(s).

Eligibility

- For an employee to receive FMLA leave, the employee must have been in State service for at least 12 months and worked 1,250 hours in the past 12 months. To qualify for OFLA leave, the employee must have been in State service for at least 180 days and work an average of 25 hours per week. To receive parental leave under OFLA, the employee need not work 25 hours per week.
- Employees who work part time may qualify for FMLA and OFLA leave, though the number of hours they work per week will determine the number of hours leave to which they are entitled.

Situations Covered by FMLA

- Birth of a child, including parental leave;

- Adoption of a child or the placement of a foster child in an employee's home;
- Pregnancy disability or prenatal care;
- Care for a spouse, child or parent with a serious health condition;
- Employee's serious health condition.

Situations Covered by OFLA

- Birth of a child, including parental leave;
- Adoption of a child or the placement of a foster child in the employee's home;
- Pregnancy disability or prenatal care;
- Care for a spouse, Parent-in-law, grandparent, grandchild or same-sex domestic partner with a serious health condition;
- Employee's own serious health condition;
- Injury or illness of a child that requires home care.

Length of Leave

- FMLA and OFLA allow employees to take a maximum of 12 weeks of leave per 12 month period. Usually, FMLA and OFLA leave run concurrently. In some cases, new parents may qualify for additional OFLA leave in a 12 month period.

Tracking FMLA / OFLA Leave

- Federal law requires employers to track all FMLA leave. ODOC requires supervisors to track OFLA leave. Contact the FMLA Coordinator for the appropriate forms.

Using Vacation, Sick or Other Paid Leave while on FMLA / OFLA Leave

- AFSCME Parole and Post-Prison Supervisors / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees must use all available sick leave while on FMLA or OFLA leave, before taking leave without pay. They may use vacation or compensatory time if they so choose.
- Unrepresented employees must exhaust accrued paid leave while on FMLA or OFLA leave. They may use compensatory time at their discretion and may request to keep a balance of 40 hours of sick time if the employee is receiving short-term disability insurance benefits provided through the Public Employee's Benefit Board.
- Employees who use compensatory time will not have that time counted against a FMLA / OFLA leave.

Intermittent or Reduced Schedule Leave

- Supervisors must allow employees to take intermittent or reduced schedule leave when medically necessary.

Notice Requirements

- In the case of a planned absence, the employee must give the employer a 15 day notice. If the employee does not know 15 days in advance, the employee should give notice as soon as possible, or within three days of the occurrence. Employees who fail to give proper notice may not be eligible for protection under either law.

Medical Certification

- All applications for FMLA or OFLA leave that are made 15 days in advance must be supported by a medical certification. For other applications, the employee must provide the certification within 15 days of the employer's request.
- AFSCME employees may be required to submit a medical certification every six weeks while on unpaid sick leave by the attending physician.
- Unrepresented employees may be required to submit a medical certification every four weeks for long-term, unpaid leave.
- Any cost associated with the supplying of a certificate concerning a job-incurred injury or illness that is not covered by Workers' Compensation benefits shall be borne by the Agency.

For Further Information

See ODOC Policy 20.8.4- [Family and Medical Leave](#); [AFSCME Parole and Post-Prison Supervision](#) / [Security Plus](#), Article 36- Family Leave; [AFSCME Security](#), Article 36- Family Leave; [AFSCME Parole and Probation Officers](#), Article 30- Family Leave; [AFSCME Dentists](#), Article 15- Sick Leave with Pay, Article 18- Leave of Absence without Pay; [AOCE](#), Article 22- Sick Leave with Pay, Article 23- Sick Leave without Pay, Article 26- Leave of Absence without Pay. ◇

G. HOLIDAYS AND ELECTION DAYS

Supervisor Duties:

- Ensure that all employees in full-time, permanent positions are scheduled to take a full day off in observance of officially recognized holidays or are paid at a time and a half rate, in addition to their regular pay, if they are not given the day off.
- Ensure represented employees are given time to vote in local, state and federal elections.

Employee Rights and Duties:

- Employees receive one day leave with pay for any officially recognized holiday, either on the day of the holiday or a day when it is observed.

- Employees who are required to work on a holiday must receive additional time-and-a-half compensation, either in payment or in compensatory time off.
- On recognized federal and state election days, the work will be arranged if necessary, to allow employees the opportunity to vote.

HR BRIEFINGS INFORMATION: HOLIDAYS AND ELECTION DAYS

Recognized Holidays

- New Year's Day – January 1;
- Martin Luther King Day – third Monday in January;
- President's Day – third Monday in February;
- Memorial Day – last Monday in May;
- Independence Day – July 4;
- Labor Day – first Monday in September;
- Veterans' Day – November 11;
- Thanksgiving Day – fourth Thursday in November;
- Christmas Day – December 25;
- Every day appointed by the Governor of the State of Oregon as a holiday;
- Every day appointed by the President of the United States as a day of mourning, rejoicing, or other special observance when the Governor recognizes that day as a holiday.

Holiday Observance

- Holidays that fall during the regular work week (Monday-Friday) will be recognized on that day. Holidays that fall on a Saturday will be recognized the Friday before; holidays that fall on a Sunday will be recognized the Monday after. Supervisors must ensure that an employee who's regularly scheduled days off fall on a holiday receive either time off or are paid at the holiday rate of pay.
- Supervisors must see that employees who work an irregular schedule are given eight hours of leave. They may either alter the employee's workweek or make other arrangements.
- If a holiday falls while an employee is taking sick or vacation leave, the holiday will not be counted against paid leave.

Holiday Pay

- Employees will be paid for an eight hour day for each legal holiday.
- Employees who are required to work on a holiday or on its recognized day will receive time and a half pay or receive compensation time at the rate of time and a half, in addition to their regular salary, at the discretion of the Agency.
- Employees who work part-time will have their holiday benefits pro-rated.

Election Days

- Supervisors must ensure that represented employees who need to vote in a polling station are given time in their work schedules to do so.

For Further Information

See ODOC Policy 20.8.7- [Holidays](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 31- Holidays, Article 39- Election Days; [AFSCME Security](#), Article 31- Holidays, Article 39- Election Days; [AFSCME Parole and Probation Officers](#), Article 26- Holidays, Article 34- Election Days; [AFSCME Dentists](#), Article 20- Holidays; [AOCE](#), Article 8- Election Days, Article 20- Holidays. ◇

H. FULL OR PARTIAL ODOC CLOSING

Supervisor Duties:

- At the direction of the Agency Head/Functional Unit Manager or designee, notify employees if ODOC is closing due to hazardous conditions, lack of work, lack of funding or for any other reason as soon as possible.
- At the Director's order, send employees home if there are unsafe conditions, lack of work, or other factors that would justify sending employees home.
- Ensure there is adequate work for employees' entire shift.

Employee Rights and Duties:

- Employees who are sent home from work must be paid for the entire shift.
- Fair Labor Standards Act non-exempt employees must use accrued paid leave for days off due to ODOC closure, when they have not reported to work.
- Employees who choose not to report to work or leave early because of poor weather or other reasons must use accrued paid leave.

HR BRIEFINGS INFORMATION: FULL OR PARTIAL ODOC CLOSING

ODOC Closing

- The ODOC operations may be limited due to unexpected or unusual situations such as the presence of hazardous materials or bad weather.

Closure during the Employee's Shift

- If employees have reported to work, but are sent home, they will be paid for the remainder of their regularly scheduled shift.

Closure before the Employee's Shift

- If the employee is notified of the closure before leaving for work, the employee will not be paid for their shift. Represented and Fair Labor Standards Act non-exempt employees have the option of using accrued vacation or compensatory time; otherwise, they will be granted leave

- without pay. FLSA exempt employees will be required to use accrued leave before being granted leave without pay.
- If the employee is not notified of the closing and arrives for work, the employee must either be given work for the shift or sent home. In either case, the employee will be paid for the assigned shift.

Employees who Choose not to Work

- Employees who are unable to report to work or request to leave work early must use appropriate paid leave.

For Further Information

See ODOC Policy 20.8.8- [Temporary Interruption of Employment](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 28- Inclement Conditions; [AFSCME Security](#), Article 28- Inclement Conditions; [AFSCME Parole and Probation Officers](#), Article 28- Inclement Conditions; [AOCE](#), Article 24- Inclement Conditions. ◇

CONTACT LIST FOR LEAVE ISSUES

How leave affects salary: Payroll Section
FMLA / OFLA Leave requirements: FMLA / OFLA Coordinator
When an employee goes on leave: Payroll Section
Disability Insurance- paperwork: Payroll Section
Disability Leave- other issues: Human Resource Manager
Workers' Compensation: Safety Manager

4. Workforce Management

A. WORKPLACE ENVIRONMENT

Supervisor's Duties:

Create a professional and cordial work environment:

- No one may be discriminated against or harassed based upon their race, color, religion, sex, marital status, national origin, disability, age, union membership/activity, political affiliation or sexual orientation;
- Take any report of inappropriate behavior seriously and immediately report it to the HR Managers and the Institutional Superintendent.
- As the budget and workload permits; consider employees' family needs by allowing flexible schedules, job sharing agreements within the parameters of the collective bargaining agreements, etc.,
- Ensure compliance with requirements for breaks and meal times.

Employees' Rights and Duties:

- Be respectful toward colleagues, the public and the inmate population;
- Promptly report any harassing, discriminatory or inappropriate behaviors witnessed on the job.
- Employees are expected to report illegal acts that would pose an immediate threat to the safety, security and welfare of staff and inmates, violations of post orders, rules, regulations, policies and procedures.

HR BRIEFINGS INFORMATION: THE WORKPLACE ENVIRONMENT

Respectful Workplace

- Supervisors must set the tone for a respectful workplace. Under no circumstance will discrimination, workplace harassment or sexual harassment be tolerated at ODOC. Supervisors must take any report of harassment or discrimination seriously. All ODOC employees are expected to act in a professional and appropriate manner while at the workplace. They must treat other ODOC staff, members of the public and inmates with courtesy. Harassment in any form may result in discipline and/or dismissal.
- Upon learning of a complaint, supervisors should get the complainant's name, the alleged violator's name and the circumstances of the violation. The supervisor should then speak with a Human Resource Manager to determine the appropriate next steps in investigating the claim and potential disciplinary action. All complaints must be treated seriously.

Sexual Harassment: the unwelcome sexual advances, requests for sexual favors, or other physical or verbal behavior of a sexual nature that creates a hostile or intimidating work environment. Employees must treat their

colleagues, the public and inmates in a way that does not make others uncomfortable because of sexual discussion or requests.

Workplace Harassment: offensive behavior or treatment that would, to a reasonable person, create an intimidating, hostile or abusive work environment. The subject of the harassment may be, but is not limited to, concerning another's race, color, national origin, religion, sex, age, disability, marital status, political affiliation or sexual orientation.

Discrimination: tying an employee's employment status (salary, hiring, firing, etc.) to his/her race, color, religion, sex, national origin, age, mental or physical disability, marital status, political affiliation, union activity or sexual orientation. Employees' employment status should be tied solely to their ability to perform their job.

Retaliation: an employee who has reported any workplace harassment may not be treated differently or harassed for bringing that claim forward.

Drug Free Workplace

- Employees may not manufacture, distribute, dispense, possess, use or be under the influence of a controlled substance. Employees who violate this policy may be transferred, disciplined and/or required to participate in a rehabilitation program.

Smoke Free Workplace

- The director may determine what areas, if any, may be used while smoking. Work areas must be controlled to create a smoke-free atmosphere.

Violence Free Workplace

- Employees may not threaten, or be reasonably perceived as threatening, to cause physical and/or psychological harm to other, non-inmate individuals. Employees may also not threaten another's property. Any potentially dangerous or violent situation must be reported to a Human Resource Manager for investigation.

Creating a Participatory Workplace

- Supervisors must create an environment in the workplace that encourages all employees to be part of the decision making process. Supervisors should actively solicit employee feed back and collaboration to improve the workplace. Supervisors should implement any suggested changes that will better the productivity and further the mission of the ODOC.

Supporting Employee's Work and Family Needs

- Supervisors must, whenever possible, allow their employees to take a flexible work schedule, a job sharing partnership or to telecommute, to allow the employee the flexibility to meet personal needs. The employee's personal preferences must be weighed against the needs of the ODOC when allowing alternate work schedules. Employees who alter their normal position will continue to accrue sick, vacation and other paid leave. Further, supervisors must ensure that federal and state medical leave laws are followed.

Stress and Career Counseling

- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees* who have a record of good work performance but suddenly develop performance problems, such as absenteeism, job inefficiency, poor interpersonal relationships and/or a change in personal appearance, attitude or behavior may be suffering from job related stress. Supervisors should identify and document the employee's job performance problems and encourage the employee to utilize the Employee Assistance Program or EAP.

For Further Information

See ODOC Policies: 20.1.3- [Code of Conduct](#), 20.5.1- [Management Authority and Accountability for a Participatory Work Environment](#), 20.6.1- [Promotion and Maintenance of a Respectful Workplace](#), 20.6.2- [Drug-Free Workplace](#), 20.6.3- [Smoke-Free Workplace](#), 20.6.4- [Safe Employment / Workplace](#), 20.6.14- [Violence-Free Workplace](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 53- Stress/ Career Counseling; [AFSCME Security](#), Article 54- Stress/ Career Counseling; [AFSCME Parole and Probation Officers](#), Article 48- Stress/ Career Counseling; [AOCE](#), Article 33- Stress/ Career Counseling. ♦

B. DRUGS AND ALCOHOL

Supervisor's Duties:

- Promote and ensure a drug and alcohol free workplace;
- Per ODOC policy or collective bargaining agreement, be aware of employee behavior for signs of drug or alcohol use while on ODOC property or during the employee's working hours;
- If a supervisor suspects an employee is under the influence of drugs or alcohol while on the job, he/she should consult his/her department head or designee to determine reasonable suspicion before asking the employee to submit to a drug or alcohol test;
- Ensure that the employee's drug or alcohol test is conducted in a licensed laboratory and the appropriate steps are taken, per ODOC policy or collective bargaining agreement;

- If an employee tests positive for drugs (as defined by policy) or alcohol, remove the employee from duty and consult a Human Resource Manager to determine next appropriate action.
- Attend training on how to recognize and deal effectively with substance abuse in the workplace.

Employees' Rights and Duties:

- Employees are required to be drug (as listed in ODOC policy) and alcohol free while on ODOC property and during their assigned shifts;
- *Represented Employees* who are required to submit to a drug or alcohol test may request a union representative to witness the test;
- An employee who tests positive for alcohol or a listed drug may have their original sample re-tested, at their own expense, within 30 calendar days of the first test;
- Employees who have tested positive for listed drugs or alcohol may be required to sign a "Last Chance Agreement" and complete a rehabilitation program before being allowed to return to work;
- Employees who have tested positive for listed drugs or alcohol may be subject to discipline.

HR BRIEFINGS INFORMATION: DRUGS AND ALCOHOL

Prohibited Conduct

- Buying, selling, possessing, possession with the intent to distribute or being under the influence of a controlled substance that has not been prescribed to the employee is forbidden. Employees may not be at work with a blood alcohol level at or above .02% and may not consume any alcohol while on ODOC property. Further, employees may not abuse prescription medications, even if they are lawfully prescribed.

Testing Procedures

- The supervisor may require any employee who the supervisor believes is under the influence of alcohol or controlled substances to take a drug or alcohol test. The supervisor must first get the department head's, or the department head's designee, agreement that there is reasonable suspicion.
- The supervisor then asks the employee to sign a consent form to submit to a urine, blood or Breathalyzer test. Failure to immediately consent to the test will be treated as a positive test result. Unless otherwise specified in the collective bargaining agreement, employees will be tested according to ODOC's standard procedure.
- *AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees* may request that a union representative be present during the testing procedure. While the supervisor must attempt to have a union representative present, a lack of the union representative is not grounds

- for refusing to take the test. The union representative may not interfere with the test's administration.
- The testing must take place in a state-approved laboratory and meet the required degree of reliability. The procedure must be well documented and confidentiality must be maintained as well as possible.
 - *AOCE employees'* sample must be divided into two parts. The two samples must be labeled and stored separately. If the sample tests positive, per the collective bargaining agreement cutoff levels, the sample must be tested a second time. The second sample must also test positive for the substance before the employee may be subject to discipline or dismissal.
 - If an employee's blood or urine test shows the presence of a controlled substance, the sample must be maintained at the lab for at least 30 days so that the employee may have the sample re-tested.

Consequences of Violating the Policy

- Employees, who buy, sell, possess or possess with the intent to distribute a controlled substance for which they have no prescription while on ODOC property, or in a ODOC vehicle, will be immediately terminated.
- *AOCE* and *Unrepresented employees* will be terminated if they are under the influence of a controlled substance for which they do not have a prescription while on ODOC property.
- *AFSCME Security* and *AFSCME Parole and Probation Officers* who are under the influence of a controlled substance must submit to a medical evaluation and successfully complete a rehabilitation program before being allowed back to work. If it is the employee's second time being on ODOC property while under the influence of the controlled substance, they will be disciplined and / or terminated.
- Any employee whose blood alcohol level is at or above .039%, consumes alcohol while on ODOC property or abuses prescription medicines, and is caught for the first time, must obtain a medical examination to determine the employee's dependency issues. Employees will be required to successfully complete the rehabilitation program that the doctor recommends before being allowed to return to work.
- An employee whose blood alcohol rate is between .02% and .039% for the first time will not be required to seek a medical evaluation, but will be removed from duty. The employee may use any accrued paid leave time to cover for the remainder of the shift.
- Employees who violate the drug and alcohol policy a second time in three years will be terminated. If the period between the two tests exceeds three years, the employee must be disciplined on a progressive disciplinary basis.

Voluntary Rehabilitation

- If an employee notifies his / her supervisor of a drug or alcohol problem, that employee will receive a medical evaluation at ODOC expense. If the employee successfully completes the rehabilitation program recommended by the doctor, the employee may return to work, with no threat of discipline. The employee may use any accrued leave or unpaid leave to attend rehabilitation.
- If the employee enters a rehabilitation program a second time and does not complete it successfully, he / she may be disciplined.

For Further Information

See ODOC Policy 20.5.18- [The Drug and Alcohol Testing of Employees](#); [AFSCME Security](#), Article 24- Use of Alcohol and Drugs; [AFSCME Parole and Probation Officers](#), Article 21- Use of Alcohol and Drugs; [AOCE](#), Article 42- Drug Testing. ◇

C. ACCOMMODATING DISABLED EMPLOYEES

Supervisor’s Duties:

- If an employee and/or applicant makes a request for a reasonable accommodation, consult with a Human Resource Manager to determine whether the requested accommodation is possible;
- Work with the Human Resource Manager and the employee to address the ongoing issues, such as medical certification;
- Maintain appropriate confidentiality with regard to the employee’s disability.

Employees’ Rights and Duties:

- Employees and applicants may notify their supervisor of any disability and what accommodation is needed;
- Employees shall engage in an interactive process with supervisor and Human Resource Manager for consideration of requested accommodations.

HR BRIEFINGS INFORMATION: ACCOMMODATING DISABLED EMPLOYEES

- Employees and applicants may not be discriminated against based on their disability. Their hiring, promotion, discharge, pay, training, fringe benefits, classification, referral and other aspects of employment may not be affected by their disability. ODOC must provide reasonable accommodations to the employee’s or applicant’s disability, so long as it does not cause significant difficulty or cost for ODOC. In other words, a qualified employee or applicant whose disability can be accommodated without undue hardship to ODOC may not be treated differently from any other qualified employee or applicant.

- Supervisors must notify employees and applicants that reasonable accommodation will be given to anyone who needs it and see that the accommodation is provided. Unless the disability is readily apparent, it is the applicant's or employee's duty to notify the supervisor if they need any special accommodation.

Reasonable Accommodation

- Once an employee or applicant has been offered a position, the supervisor must make reasonable accommodations for the employee's disability. First, the supervisor should contact a Human Resource Manager and/or a Safety Manager to determine whether a medical certificate is required and how to reasonably accommodate the employee.
- The supervisor should have a discussion with the employee and, if necessary, the employee's doctor to determine what accommodation the employee needs. The supervisor should consult a Human Resource Manager and/or a Safety Manager to determine whether the requested accommodation is reasonable. Reasonable accommodation is determined by evaluating the cost and inconvenience of meeting the employee's or applicant's needs; ODOC may offer an alternate accommodation if the employee's request cannot be carried out. All information regarding an employee's disability must be kept confidential.
- The Affirmative Action Officer will maintain a list of resources available to employees.

For Further Information

See ODOC Policy: 20.5.16- [ADA and Reasonable Accommodation](#). ◇

D. TRAINING

Supervisors' Duties:

- Ensure that all new employees attend New Employee Orientation;
- Schedule employees to attend 40 hours of training per year within funding and staffing resources;
- Schedule new correctional series employees to attend DPSST basic training within 90 days of hire or request an extension from DPSST;
- Evaluate employees' requests for tuition reimbursement. If the proposed education will contribute to the accomplishment of the ODOC mission and the budget and workload allow, the supervisor may approve the reimbursement of tuition and fees, transportation, and paid or unpaid leave upon documentation of successful completion;
- Work with the Professional Development Unit to receive approval of locally developed training courses and modules;
- Submit all rosters of training completed and certificates received to the Professional Development Unit.

Employees' Rights and Duties:

- Successfully complete required training;
- Employees may apply for reimbursement for work-related education they pursue independently, though actual funding is subject to the supervisor's approval;
- Submit appropriate documentation for training completed and certificates received to the Professional Development Unit.

HR BRIEFINGS INFORMATION: TRAINING

Staff Training and Development

- The Professional Development Unit provides all ODOC employees with opportunities for personal and professional growth and development. The PDU must assess ODOC's training needs and provide training and development as approved by the department's Executive team and allowed by available resources. Further, the PDU tracks each program's effectiveness and maintains employee training files.
- Supervisors, consulting with the employee, should develop an individual development plan in conjunction with each employee's annual performance appraisal. This plan should aim to develop the employee's job-related knowledge and skills.
- All training and educational opportunities must be posted on the employee bulletin boards; supervisors must keep the bulletin boards up to date. Supervisors should attempt to give employees who are attending training or outside classes a flexible schedule, to minimize overtime assignments.
- If the supervisor requires an employee to take classes outside of work, ODOC will pay for tuition and transportation. *Represented employees* will also receive a per diem and their regular salary. *Unrepresented employees* may be reimbursed for the cost of supplies.
- An employee may ask ODOC to subsidize his/her tuition for non-assigned course work, but such requests must be considered in light of the current workload and budgetary restraints. *Unrepresented employees* may be required to complete the class satisfactorily before being reimbursed for tuition. Employees may, at ODOC discretion, receive paid or unpaid leave to complete their education.
- *Management and Executive Service employees* may have one professional membership fee paid for by the ODOC.

Orientation Programs

- The Professional Development Unit must deliver a department-wide New Employee Orientation (NEO) program which covers, at a minimum, an introduction to the ODOC's mission, vision, regulatory requirements, policies, procedures and rules.

- Functional Units may provide orientation programs in addition to the NEO program provided by the Professional Development Unit, though they may not replace it.
- Supervisors must enroll all new employees and employees who are returning from a break in service that is longer than two years in the Professional Development Unit NEO program. NEO should be completed prior to the completion of an employee's Trail Service period.

Annual In-Service Training Programs

- All permanent represented and management service employees are required by policy to complete at least 40 hours of training every year. Supervisors should schedule training sessions to accommodate employee schedules and minimize the need for overtime. Further, supervisors must identify employees who need any other mandatory training and schedule training for them in a timely manner.
- The Professional Development Unit will develop and deliver a 40-hour In-Service program each year, based on the department-wide needs. This program is typically used by managers and employees to meet the 40-hour policy requirement. The supervisor may also seek outside training for staff.

Supervisory, Management and Leadership Training Program

- ODOC has developed a 40-hour Director's Academy for all current managers. The ODOC also offers management in-service training modules throughout the year, which cover present and emergent managerial issues.
- Certified staff must attend DPSST Supervision and Middle Management courses in order to obtain Supervisory and Managerial Certificates.
- In addition to what is offered by ODOC, employees are encouraged to seek leadership training opportunities through NIC, DAS, community colleges, universities, and outside vendors.

Department of Public Safety Standards and Training (DPSST)

- By statute, all Correctional Officer Series Personnel must complete DPSST basic correctional officer certification within the first year of employment. Anyone who does not must be removed from employment. Supervisors must submit DPSST training request forms directly to DPSST.
- Only ODOC Correctional Officer Series employees may complete DPSST training.
- The Supervisor must also submit forms requesting Intermediate or Advanced DPSST training courses for current employees. Upon successfully achieving the DPSST certification, employees are eligible to receive the appropriate differential.

- *AOCE employees* will receive at least 40 hours per year of DPSST-certifiable training, if resources allow.

For Further Information

See ODOC Policies: 20.7.1- [Staff Training and Development](#), 20.7.2- [Orientation Programs](#), 20.7.3- [Annual In-Service Programs](#), 20.7.4- [Leadership and Professional Development](#), 20.7.5- [DPSST Training](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 42- Training/ Education; [AFSCME Security](#), Article 42- Training/ Education; [AFSCME Parole and Probation Officers](#), Article 37- Training/ Education; [AFSCME Dentists](#), Article 14-Training and Education; [AOCE](#), Article 36- Training and Education.◇

E. POSITION MOVEMENT

This segment is a compilation of several sections and focuses on possible position changes for employees.

1. Promotion (Section 1, Part E)

Generally

- ODOC is committed to ensuring that all qualified employees have the opportunity to apply and be considered for vacancies. The Recruitment Section is available for help to establish selection criteria.
- Employees who are on military leave must be considered for promotion if they would have been considered if they were currently on the job. Consult a Human Resource Manager for additional information.
- Supervisors should attempt to stay in touch with employees who are on military leave; if a promotional opportunity arises for which the employee is qualified, the supervisor must inform the employee.
- An employee may not be promoted to a position where he/she will be in direct authority over a family member. If such a conflict arises, the supervisor must take steps to remove the influence.

Employee Responsibilities

- Employees must apply for promotional opportunities directly with the Recruitment Section. They must pass required tests and exams and obtain the appropriate certifications.

Supervisor Responsibilities

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers must be informed of all vacancies covered by the collective bargaining unit. The supervisor must post the vacancies on a designated bulletin board for at least five days.

- AOCE employees must be given a 14 day notice for upcoming corporal and sergeant interviews. The Security Manager must also fax or hand-deliver the interview notice to the AOCE president.

Effect on Salary

- Represented employees' salaries will increase to the next higher step in the new salary range when the employee assumes the new position. After the employee completes the trial period for the position, the employee will receive another one-step increase. The date the employee completes the trial period will become the employee's new eligibility date.
- Unrepresented employees' salaries will increase by one step in the new salary range; the employee will maintain his/her original eligibility date. No salary increase will be given after trial service period expires. However, the employee's salary will increase on their Salary Eligibility Date. In some cases, the agency director may approve a two step increase. The two step increase must be supported by written justification. DAS must approve any increase above two steps.

Feedback to Employees

- All employees must be evaluated on their interview, job performance and commendation/discipline record.

For Further Information

See ODOC Policies: 20.4.12- [Transfers](#); 20.5.14- [Family Relationships](#); [AFSCME Parole and Post-Prison Supervision](#), Article 14- Salary Administration, Article 40- Promotions/ Advancement; [AFSCME Security](#), Article 14- Salary Administration, Article 40- Promotions/ Advancement; [AFSCME Parole and Probation Officers](#), Article 13- Salary Administration, Article 35- Promotions/ Advancement; [AOCE](#), Article 11- Salary Administration, Article 35- Promotions/ Advancement. ♦

2. Demotion (Section 2, Part A)

Salary after Voluntary Demotion

- Employees who voluntarily demote to a lower range and their current salary is within the lower range, shall maintain their current salary.
- Employees who voluntarily demote to a lower range and their current salary is above the top step of the lower salary range, shall be placed at the top step of the lower range.

Disciplinary Demotion

- Supervisor works with HR Manager to determine salary impact on disciplinary actions.

3. Transfers (Section 2, Part A; Section 1, Part B)

- Employees who wish to transfer must submit a completed transfer application to the Recruitment Unit to be placed on the transfer list. Employees may ask to be listed to transfer to any position for which they are qualified. If an employee is denied a transfer, the hiring manager must tell the employee why the transfer was denied. Employees who have not yet completed their trial service period may not apply for a transfer, except in certain exceptional circumstances such as promotions.
- Employees may apply for a hardship transfer, which will be considered on a case-by-case basis. For additional information, contact the Recruitment Section.
- AFSCME Parole and Post-Prison Supervision / Security Plus employees must be allowed to transfer between ODOC and the Board of Parole.

Salary after Lateral Transfer

- Employees who are laterally transferred shall have their pay maintained or adjusted in accordance with policies and collective bargaining agreements. Contact HR Manager for guidance.

4. Layoff Procedure (Section 4, Part P)

Layoff

- A layoff occurs when employees are separated from ODOC service for reasons unrelated to the employee's conduct or ability to perform the job.
- Temporary Interruption of Employment
- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers may have their employment temporarily interrupted for no more than 15 days, without being laid off. These employees may choose to use accrued paid leave instead of being placed on leave without pay. Limited duration work assignments that become available during any of these times should be assigned to the employee who has been in ODOC service the longest and meets the minimum qualifications.

Initiating the Layoff

- The Director must determine what positions or the number of positions within each classification must be removed to deal with budgetary constraints, lack of work or reorganization. The Director should consult with Union representatives to find mutually acceptable alternatives to layoff whenever possible.
- The Director must determine how many full-time, part-time and seasonal employees to layoff. AOCE employees who work a part-time schedule should be laid off before full-time employees.

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers must also have positions subject to layoff be classified according to full- or part-time status, functional unit and/or geographic location.

Determining Who to Lay Off

- Unrepresented employees' quality of performance, special skills or knowledge and length of service are to be considered, in that order, when determining the order of whom to lay off.
- Management Service employees may appeal their layoff by following the Grievance Procedure.
- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers will be laid off in reverse order of length of service with ODOC. The length of service includes time spent on leave, so long as the leave was not longer than 180 days and the employee did not fail to respond to a notice to return to work within five days. If two employees in the same classification have the same length of service, then the employee who has been in State service for the shortest period will be laid off first. If the employees have been in State service the same amount of time, then the manager must determine which employee's skill set and performance is most needed.
- AFSCME Dentists will be laid off in reverse order of length of service with ODOC.
- AOCE employees will be laid off in reverse order of length of time spent in the employee's current classification. The length of service will include time spent on leave, so long as the leave was not longer than 180 days and the employee did not fail to respond to a notice to return to work within five days. If two employees have the same amount of time in that classification, the decision will be made by a coin toss. If three or more employees have the same length of service, the employees will draw straws.

Layoff Notification

- Laid off employees must be given a 15 day notice. The Human Resource staff is available to help laid off employees find alternative employment and minimize the negative impact on the remaining employees.

Options Instead of Layoff

- AFSCME employees must exercise these options within five days of receiving notice of layoff.
- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers may choose to displace another employee in the same classification and geographic area, who has

- fewer service credits. The displacing employee must be able to perform the job within two weeks.
- AFSCME Parole and Post-Prison Supervision / Security Plus and AFSCME Security employees may demote within their functional unit. That position must not be protected from layoff and they may not displace an employee with more seniority. If no opportunity exists within the functional unit, the employee may displace an undesignated employee in a lower classification, from the same geographic location. If there is no option within the functional unit, they may displace the employee in a lower classification with the least seniority. For employees to demote, they must meet the lower position's minimum requirements and be able to perform the job within two weeks.
 - AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security employees and AFSCME Dentists are responsible for any moving expenses associated with their demotion instead of layoff.
 - AFSCME Parole and Post-Prison Supervision / Security Plus employees may take a position that is vacant and ODOC intends to fill, so long as they are qualified.
 - AFSCME Parole and Probation Officers may accept an opening with another functional unit, so long as they are qualified and can perform the duties within two weeks.
 - AOCE employees must exercise this option within seven days of receiving the layoff notice, or they may demote within their functional unit to a lower classification if the displaced employee has less class seniority.

5. Discharge (SECTION 5)

Cause for Dismissal

- No employee in a permanent position who has completed trial service may be dismissed without cause.
- Misconduct: employee knows or should know that the conduct would result in discipline or dismissal.
- Inefficiency: employee does not produce the results required for the job, even though he/she was capable.
- Incompetence: employee does not have the skills and/or qualifications to do the job.
- Lack of Motivation: employee shows an unwillingness to work or does not complete all necessary tasks; the employee's performance is generally inadequate or the employee's attitude, acts and/or omissions interfere with ODOC's mission and goals.
- Bad Acts: employee acts illegally or immorally.
- Other: employee acts in a way that prevents ODOC from furthering its objectives and goals, or questions about the employee's ability to perform the job arise.

Dismissal Procedure

- Supervisors must consult a Human Resource Manager and the Appointing Authority at each step of the dismissal procedure.
- Represented employees may have a Union representative present at any time during the dismissal process or may have a Union represent them at any of these meetings.
- Employees should be disciplined on a progressive basis. Unless the employee's actions were particularly offensive to the ODOC mission and goals, the employee should normally first be subject to the disciplinary procedure. Dismissal should only be used as a final measure.
- AFSCME Parole and Post-Prison Supervision / Security Plus employees who are on trial service may be immediately removed for extreme violations of ODOC policies. Otherwise, they need only be given notice and a chance to correct their behavior before dismissal.

1. Pre-Action Letter

- The Appointing Authority or designee must inform the employee in the Pre-Action Letter that dismissal is being contemplated as a result of the employee's actions. The Letter must specify what, specifically, the employee did or did not do and when the employee may meet with the supervisor to refute or explain the charges. Employees may have Union and/or legal representation at this meeting.
- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers who have been forcibly removed from the job site must receive the Pre-Action Letter within 48 hours.

2. Employee's Status During the Dismissal Procedure

- AFSCME Dentists may continue working in their current position or be suspended with pay during the dismissal procedure.
- All other employees may continue working in their current position; be assigned to a different work or duty station; or be suspended with or without pay.

3. Pre-Dismissal Meeting

- The Appointing Authority or designee must tell the employee why dismissal is being considered. The employee may give evidence and/or show reasons for his/her behavior that would mitigate or excuse the grounds for the dismissal. The Appointing Authority or designee must consider the employee's explanation before making a final decision. The Appointing Authority or designee has the discretion to decide to issue another recognized form of discipline instead of dismissing the employee.

4. Final Decision Regarding the Employee's Dismissal

- The meeting with the employee may require additional investigation; any new evidence that supports the employee's claim or mitigates his/her actions must be considered when making the final decision. Additional evidence that supports the employee's dismissal or brings forward additional causes for discipline/ dismissal may be considered at the supervisor's discretion. If the Appointing Authority or designee decides to bring additional charges against the employee, the employee must be allowed to defend him/herself in another meeting.
 - The Appointing Authority or designee has 21 days after the Pre-Dismissal Meeting to determine whether the employee should be dismissed, disciplined or cleared of the charges.
- #### 5. Notifying the Employee of Dismissal
- The Appointing Authority or designee must send the employee a Letter of Dismissal. This Letter must tell the employee that he/she is being dismissed, the reasons for the dismissal, the effective date of the dismissal and how the employee can appeal the dismissal.
 - Represented employees' union must be notified when the Letter of Dismissal is delivered to the employee.

For Further Information

See ODOC Policy 20.9.2, [Management Service Dismissal](#); [AFSCME Parole and Post-Prison Supervision](#) / [Security Plus](#), Article 50- Discipline and Discharge; [AFSCME Security](#), Article 50- Discipline and Discharge; [AFSCME Parole and Probation Officers](#), Article 45- Discipline and Discharge; [AFSCME Dentists](#), Article 24- Discipline and Discharge; [AOCE](#), Article 43- Discipline and Discharge. ◇

F. ON THE JOB INJURIES

Supervisors' Duties

- Look for temporary, modified duty assignments for on the job injuries, when available and appropriate, based on the physicians restrictions. Supervisors may also consider assigning an off the job injury to modified duty if a vacancy exists, but may be bumped by a staff hurt while on the job if no other vacancy exists;
- Temporary, modified duty assignments are normally limited to 30 days, and may be extended under most circumstances up to 90 days.
- Once the employee has a full release from the attending physician the employee shall return to the original position at the time of injury;
- If after the temporary modified duty the attending physician has not issued a full release to regular duty, the employee shall be placed in the appropriate leave category.

Employees' Rights and Duties

- Report any on-the-job injury or illness
- If the employee seeks medical attention for an on-the-job injury or illness they shall notify the supervisor and complete the required paperwork;
- Work with the supervisor and Safety Manager through the process;
- Employees who have been injured on-the-job once fully released by the attending physician have rights back to the original position at the time of injury;
- Employees who are unable to return to the original position at the time of injury shall work with the assigned Safety Manager and/or the Administrator of Safety and Risk to discuss options under Workers' Compensation.

HR BRIEFINGS INFORMATION: ON THE JOB INJURIES

Assignments for Injured Employees

- If an employee is temporarily disabled because of an injury or illness, the supervisor should try to find a short-term work assignment that complies with the employee's medical needs. This assignment should initially be made for no more than 30 days, though it may be extended up to 90 days, and must follow any medical restrictions placed on the employee. The supervisor must document the employee's early return to work with an Early Return to Work letter. If there is no assignment available at ODOC, the employee may be given one at another State agency.
- Upon recovery, the employee may return to the same position, if it still exists, or will be reemployed in the next available suitable position. If the employee is unable to return to his / her former position, the supervisor should try to find the employee another suitable position within ODOC or place the employee on the state-wide reemployment list.

Health Benefits for Injured Employees

- Employees who have been injured on the job and have filed or are filing a workers' compensation claim will continue to receive their health insurance benefits. In some cases, the benefits may be cancelled and / or the employee will be asked to repay the amount ODOC spent on the employee's health benefits.

Dealing with a Workplace Injury

- If an employee has been injured on the job, he/she must report the incident to the supervisor as soon as possible, and help complete the necessary forms. Employees who must miss work because of their injury must update their supervisor regularly on their progress and anticipated date when they can return to work. They must work with their supervisor to create a modified assignment; failure to follow this policy may result in discipline and / or loss of workers' compensation benefits.

- Supervisors must investigate any incidents of on-the-job injury and complete the necessary forms. They must also help the employee; find an appropriate temporary assignment and, participate in the early-return-to-work (ERTW) program.

Documenting On the Job Injuries

- Employees must report any injury received while on the job to his/her supervisor immediately, or before the end of the shift. The employee must complete the ODOC on the job injury form by the end of the shift and the SAIF Corporation 801 Claim form within 24 hours of deciding to get medical treatment. Both forms must be submitted to the employee's supervisor. The employee must also submit a doctor's report within 24 hours of treatment to his/her supervisor.
- The supervisor is responsible for completing the ODOC and SAIF forms and submitting them to the assigned Safety Manager.

For Further Information

See ODOC Policy 20.5.17- [Management and Injured Workers](#). ◇

G. GRIEVANCE AND ARBITRATION

Regardless of union affiliation or representation, employees who are experiencing work place related issues should attempt to first resolve them by talking with their supervisor. Likewise, supervisors should attempt to resolve these issues by accepting discussion with their employees. If, after this discussion, the problem continues or if the meeting did not resolve the issue, then the employee may file a grievance with ODOC.

Supervising staff cannot make contractual changes nor can they modify contracts. When off the wall subjects come up, don't panic! Refer to the contract and call HR Labor Relations. Supervisors should understand what they can and cannot say. Again, when confronted with unfamiliar questions don't panic or feel you must supply an immediate answer. Refer to the contract and contact HR Labor Relations, and then get back to either the union representative or the employee.

Supervisors' Duties

- Meet with employees to attempt to resolve any problem the employee may be having at work, as required by ODOC policy or the employee's collective bargaining agreement;
- Consult with a Human Resource Manager to determine the best way to resolve a problem in the workplace, so it does not escalate.

Employees' Rights and Duties

- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers* may file a grievance to

- contest a Letter of Reprimand or other discipline imposed, or for any alleged violation of the collective bargaining agreement.
- *AFSCME Dentists* and *AOCE employees* may file a grievance for any alleged violation of the collective bargaining agreement.
 - *Unrepresented employees* may file an appeal if they feel an assignment, transfer, reassignment or removal for non-disciplinary reasons violates any state or federal law.
 - Grievances filed to contest disciplinary actions must follow the procedure outlined in the collective bargaining agreements or the ODOC policy that addresses discipline.

HR BRIEFINGS INFORMATION: GRIEVANCE AND ARBITRATION

Subject Matter

- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AFSCME Parole and Probation Officers* may file a grievance under these procedures to contest a Letter of Reprimand, refusal of a merit step increase and violations of the collective bargaining agreement. Grievances related to other discipline should be filed according to the discipline grievance procedure.
- *AFSCME Dentists* and *AOCE employees* may file a grievance under these procedures for any alleged violation of the collective bargaining agreement.
- *Unrepresented employees* may file a grievance if they feel an assignment, transfer, reassignment or removal for non-disciplinary reasons violate the law or the employee's collective bargaining agreement. Grievances regarding an employee's discipline or dismissal must be filed according to the disciplinary appeal procedure.

AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers

- Employees, with or without union representation, must meet with their supervisor first to try to solve any problem that is occurring on the job.
- If the problem continues after this discussion, the employee may file a grievance with ODOC within 30 days. ODOC must respond within 30 days.
- If ODOC's response is unacceptable, AFSCME may file a grievance with DAS. Within 15 days of filing the grievance with DAS, ODOC and AFSCME representatives must meet to resolve the problem.
- If the meeting does not resolve the issue, either party must submit a request for arbitration within 15 days. DAS will provide a list of five arbitrators. AFSCME and ODOC will take turns crossing names off the list, with the final individual on the list becoming the arbitrator. There are 30 days to select the arbitrator. The arbitrator must decide the case within 30 days of completing the arbitration.

AFSCME Dentists

- Within 30 days of a problematic incident, the dentist must file a written grievance with his/her supervisor and the Labor Relations Manager. The supervisor must respond to both the employee and the Labor Relations Manager within 14 days.
- If the employee is not satisfied with the supervisor's response, the employee may appeal to the Health Services Administrator within 14 days. The Health Services Administrator has 14 days to respond to AFSCME and the Labor Relations Manager.
- If the problem is not resolved, the employee may appeal to the Director within 14 days of receiving the Health Services Administrator's response. The Director must respond within 14 days.
- If the Director's response is not satisfactory, the employee may file a grievance with the DAS Labor Relations Unit within 14 days, who must then respond within 14 days.
- If the parties cannot reach a solution, either party may request arbitration within 14 days of DAS' response. Within 15 days, the parties must choose an arbitrator. DAS will provide a list of names, and each party will take turns crossing names off the list until only one arbitrator remains.

AOCE Employees

- Employees, with or without union representation, must meet with their supervisor first to try to solve any problem that is occurring on the job.
- Within 30 days of meeting with the supervisor, the employee may file a grievance with the Functional Unit Manager. The Functional Unit Manager must meet with a union representative within 30 days of the grievance being filed.
- If the grievance is not resolved at the appropriate Functional Unit Manager level the Association may request review of the grievance by the ODOC-Assistant Administrator for Human Resources within fifteen (15) days after receiving the response from the Functional Unit Manager. A response from the Assistant Administrator or designee shall be given within twenty-one (21) calendar days of the Association's appeal to Step 3, unless otherwise agreed to in writing.
- Prior to selecting an arbitrator for the grievance, the Association, ODOC and DAS will meet to discuss the merits of the case and options for resolution. Such meeting will occur within thirty (30) days of the Section 4.A. appeal.
- Either party may request arbitration within 15 days of the meeting with the ODOC-Assistant Administrator for Human Resources. The parties must obtain a list of seven arbitrators from DAS within 15 days. Each

party will take turns removing one name from the list. The final arbitrator on the list will arbitrate the dispute.

- The arbitrator must have a decision within 30 days of completing the arbitration. The arbitrator's decision is final.

Unrepresented Employees

- Employees must file a written grievance with their supervisor, or, if the grievance involves their supervisor, then at the next highest level of management, within 15 days of the incident. The employee must give a full account of the violation. Employees may not be subject to any form of retaliation for initiating a grievance and must be granted leave with pay to attend any grievance proceedings.
- Employees may appeal their grievance to the Director if the supervisor does not resolve the problem within 7 days. The Director must respond within 15 days; if the Director does not respond, it will be considered a denial.
- If the Director does not resolve the problem to the employee's satisfaction, the employee may take a discrimination-related grievance to any or all of the following: the Governor's Affirmative Action Office; the Civil Rights Division of the Bureau of Labor and Industry or the Equal Employment Opportunity Commission. All other grievances must be appealed to the Employment Relations Board (ERB); the dispute may be resolved through ERB's Conciliation Services Division if both parties agree.

For Further Information

See ODOC Policy 20.9.3- [Management Service Grievance Review](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 51- Grievance and Arbitration; [AFSCME Security](#), Article 52- Grievance and Arbitration; [AFSCME Parole and Probation Officers](#), Article 46- Grievance and Arbitration; [AFSCME Dentists](#), Article 25- Grievance Procedure; [AOCE](#), Article 44- Grievance and Arbitration. ◇

H. WORKPLACE SAFETY

Supervisors' Duties:

Create a safe workplace:

- Role-Model and ensure a drug and alcohol free workplace;
- Role-Model and ensure a violence-free workplace;
- Provide required personal protective equipment and other safety devices;
- Properly store and maintain safety equipment;
- Notify employees of availability of certain vaccinations for communicable diseases;
- Train employees in the proper handling of bodily fluids and biohazard materials;

- Follow approved recommendations from the Safety Committee;
- Report and correct safety hazards;
- Schedule and participate in regularly scheduled Fire Drills and post the fire evacuation plan throughout the facility, office or work area;
- Ensure that hazardous chemicals are properly labeled, Material Safety Data Sheets (MSDS) are available and train employees in the proper handling and disposal of hazardous chemicals;
- Ensure employees have required professional licenses and certification necessary to perform the duties of their position;
- Enforce designated smoking areas, if any.

Employee's Rights and Duties:

- Follow all safety procedures, and wear personal protective equipment, as required;
- Report any potentially unsafe conditions to the immediate supervisor, and if they are not available, report to the Safety Manager;
- Attend safety training, and keep any required professional or other licenses current.

HR BRIEFINGS INFORMATION: WORKPLACE SAFETY

Personal Protective Equipment

- Working with the Safety Committee, Supervisors must identify unsafe areas and tasks and acquire appropriate safety gear. Everyone must wear the appropriate personal protective equipment (PPE) to shield themselves from potential injury.
- Supervisors must ensure that employees' training on all safety equipment is up to date. They must find a safe place for equipment storage and instruct employees on the equipment's proper care and storage. If there is a problem with the equipment, the supervisor must either see that it is repaired or replaced in a timely manner. Finally, the supervisor must complete the necessary paperwork, identifying potential hazards and how they are being prevented.
- Employees must use personal protective equipment as required and ensure they are not wearing unsafe clothing, such as excessive jewelry or baggy clothing. They must regularly inspect their equipment and report any concerns to their supervisor.
- Safety Managers must work with the supervisors to ensure that safety threats are properly identified and the appropriate safety equipment is purchased and maintained. When necessary, Safety Managers should assist with employee safety training.

Ensuring a Safe Workplace

- Supervisors must create an atmosphere that encourages safety by setting a good example and instructing employees in accident prevention. Upon discovering a health or safety threat, the supervisor should take the necessary steps to prevent any injury.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees* may refuse to perform a job function they feel is unsafe. In this case, they employee must immediately notify his/her supervisor. The supervisor must then either find the employee another work assignment or send the employee home. The supervisor must then call an OR-OSHA safety representative to evaluate the situation. An AFSCME or AOCE representative may be present during the OR-OSHA representative's inspection. The employee will only be paid for time not worked because of a safety concern if the OR-OSHA safety representative finds the working conditions unsafe.
- *AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees* may submit a written notice of any problems with equipment safety. The ODOC must attempt to remedy the situation. If the Union is not satisfied with ODOC's solution, a ODOC representative must meet with a Union representative to discuss additional steps that should be taken.

Safety Committee

- Supervisors must ensure that each unit or facility must have a Safety Committee made up of at least four employees, who equally represent the employees and management. Employees may count time spent performing Safety Committee functions as time worked.
- The Safety Committee should encourage the employees to come forward with any suggestions on how to improve safety and report hazards or concerns. The Committee must develop a procedure for investigating work-related accidents, illnesses or near-misses. Every quarter, the Committee must inspect the unit or facility and any satellite locations.
- Supervisors must ensure that Committee members receive any training they might need.

Fire Safety and Evacuation Drills

- Every unit and facility must have a fire safety plan that is communicated to every employee.
- Supervisors must ensure that evacuation diagrams are posted throughout the facility. Supervisors should appoint Emergency Action Monitors, who are responsible for notifying others of an emergency situation and overseeing a calm and orderly evacuation.
- Every month, Fire Safety Inspectors must ensure that the facility is in compliance with fire safety and prevention policies and applicable laws. They must check fire extinguishers every quarter. Fire safety and

- prevention procedures must be carried out in accordance with state law; they should be created in consultation with the local fire department.
- Employees must be trained in fire drills and evacuation procedures every six months. Every 90 days, an unannounced fire drill should be performed each shift.

Communicable Disease

- *Represented employees* who are at risk for exposure to any communicable disease have the option of being immunized at ODOC expense. *Unrepresented employees* may receive Hepatitis B vaccinations at ODOC expense. Any employee who may have been exposed to a communicable disease may receive testing at ODOC expense. Supervisors must give employees leave with pay for this testing and immunization.
- Supervisors must ensure that employees are trained in the universal precautions to prevent HIV and Hepatitis B transmission. The work environment must be kept clean and containers that contain biohazards must be properly labeled. Laundry, used medical equipment and any thing else that might carry communicable disease should be treated as though it is a biohazard.

Hazardous Chemicals

- Supervisors must ensure that employees are trained to identify and safely handle whatever hazardous chemicals they will likely encounter while in the workplace. They must know how to deal with accidents and be able to detect if any chemicals are released in the workplace.
- The supervisor and the safety manager must maintain lists of those hazardous chemicals that are present in the unit and their Material Safety Data Sheets (MSDS.) Chemicals must be stored in a safe, clearly marked container and disposed of according to local, state and federal laws and regulations.

Respiratory Protection

- ODOC will provide employees with respiratory protection and training in its safe use, maintenance and storage. The respirators must meet OR-OSHA requirements and be properly certified. Employees must get a medical evaluation before being trained to use the respirators.

Confined Spaces

- Supervisors must ensure that confined spaces are appropriately marked. Employees must be properly trained in working in confined spaces before entering.

Lockout / Tagout

- Supervisors must ensure that employees are aware of hazardous energy situations and are trained in lockout / tag out procedures.

For Further Information

See ODOC Policies: 20.6.4- [Safe Employment/ Workplace](#), 20.6.5- [Safety Committee](#), 20.6.6- [Fire Safety and Evacuation Drills](#), 20.6.7- [Blood Borne Pathogen](#), 20.6.8- [Hazard Communication Program](#), 20.6.11- [Confined Spaces and Permit Confined Spaces](#), 20.6.12- [Control of Hazardous Energy](#), 20.6.15- [Personal Protective Equipment](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 26- Uniforms and Protective Clothing, Article 29- Safety and Health; [AFSCME Security](#), Article 26- Uniforms and Protective Clothing, Article 29- Safety and Health; [AFSCME Parole and Probation Officers](#), Article 25- Safety and Health; [AFSCME Dentists](#), Article 13- Safety and Health; [AOCE](#), Article 29- Uniforms and Protective Clothing, Article 31- Safety and Health. ◇

I. JOB ROTATION

Supervisors' Duties

- Allow employees the opportunity to engage in a job rotation assignment to develop new skills or apply their current skills in a new environment;

Employees' Rights and Duties

- Employees may seek job rotation opportunities;
- During their rotation, they may either develop new skills (developmental rotation) or practice their existing skills in a new environment (career enrichment rotation);
- Employees will retain their permanent position's classification and will generally return to their former position at the end of the job rotation;

HR BRIEFINGS INFORMATION: JOB ROTATION

Job Rotation

- A job rotation is a change in work duties for a set period that is designed to allow employees to develop and acquire new skills or practice existing skills in a new environment. The job rotation may be within ODOC, another state agency, or at a local, federal or private entity.

Developmental Rotation

- Employees will be given the chance to develop new skills over the course of this rotation, and need not meet the minimum requirements of the position when they start. They will be expected to learn how to perform the duties of the position during the rotation.
- Employees on developmental rotation that do not meet the minimum requirements will be paid their normal salary.

Career Enrichment Rotation

- Employees must use their skills in a different setting in this rotation and must meet the position's minimum qualifications. They will be expected to perform all the duties of the position from the beginning.
- *Represented employees* who meet the position's minimum qualifications, and the position is in a higher classification, must be paid for work out of class, which is usually a one-step pay increase. *Unrepresented employees* will receive a 5% increase.

Effect on Employee's status

- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers* and *AOCE employees* will retain their permanent position classifications, remain on ODOC payroll, have their permanent position retained as Union-represented and will be allowed to return to their former position after completing the job rotation.
- *Unrepresented employees* generally return to their former position after the job rotation. They retain the same position number and classification, and the position's rights, benefits and privileges. Further, they will keep their eligibility for promotions.

Layoff Rights

- Employees on job rotation are subject only to the sending agency's layoff procedures.

For Further Information

See ODOC Policy 20.5.5- [Job Rotation](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 20 section 5- Work out of Classification; [AFSCME Security](#), Article 20- Work out of Classification; [AFSCME Parole and Probation Officers](#)- Article 17, Work out of Classification; [AOCE](#), Article 16- Work out of Classification. ♦

J. SCHEDULING

Supervisors' Duties:

- Ensure employees work no more than 40 hours in one week and are given consecutive days off. Refer to appropriate Collective Bargaining Agreement (CBA) for exceptions;
- All overtime must be approved in writing on the appropriate form;
- Employees who are not given two consecutive days off may be eligible for penalty pay, consult appropriate CBA;
- If changing an employee's work schedule, the change may only take effect on a Sunday. Employees shall be given 7 days notice of scheduled change, unless there is an emergency need or they are receiving a 5% ISD differential (Excluding AFSCME Security);

- Allow employees to take 15 minute breaks once towards the beginning and once towards the end of their shifts. See CBA for exceptions;
- Schedule a maximum one-hour/minimum 30 minute lunch break for each employee in the middle of the shift;
- Allow employees clean up time at the end of their shift, as allowed by the appropriate collective bargaining agreement;
- Evaluate employees' requests for time trades; under certain collective bargaining agreements, time trades may only be denied with cause;
- Contact a Human Resource Manager for questions or concerns regarding the employee's collective bargaining agreement.

Employees' Rights and Duties:

- Employee will be assigned to a set weekly schedule;
- A weekly schedule will typically include no more than 40 hours in a week and typically no more than one shift in a 24 hour period. Refer to the appropriate CBA for exceptions;
- A 7-day advance notice of a schedule change will be made, unless there is an emergency or they are receiving a 5% ISD differential (Excluding AFSCME Security);
- Employees receive scheduled breaks for rests and meals throughout the shift;
- Bid for shifts is based on seniority; the bidding procedure is laid out in each collective bargaining agreement.

HR BRIEFINGS INFORMATION: SCHEDULING

Work Week

- The workweek runs from 12:01 a.m. on Sunday to midnight the following Saturday. ODOC may change the workweek, so long as it provides adequate notice to AFSCME and AOCE.
- Full time employees' schedules are limited to a 40 hour work week. Employees should generally be scheduled for five eight-hour days and two consecutive days off; Saturday and Sunday count as consecutive days. Alternatively, employees may work four 10-hour days with three consecutive days off, or some other alternate schedule that totals 40 hours per week. Represented employees who do not receive a staff relief differential, or are not on a developmental rotation, will receive penalty pay, at the rate of time and a half, if they do not receive the appropriate number of consecutive days off per week.
- Unless assigned to a staff relief position, employees will receive a set weekly schedule. If a supervisor wishes to change an employee's weekly schedule, the new schedule must begin on Sunday.
- *AFSCME Parole and Post-Prison Supervision / Security Plus RNs and Health Technology Workers* may be scheduled to work three 12-hour days and one four-hour day and then have three consecutive days off.

- *AOCE employees* may be eligible to work two weeks with three 12-hour days and four days off, followed by one week with four 12-hour days and three days off.
- *AFSCME Parole and Post-Prison Supervision / Security Plus* and *AOCE employees* must be given seven days' notice of any schedule change unless they are receiving a 5% ISD differential (Excluding AFSCME Security);
- *AFSCME Parole and Probation Officers* must receive their supervisor's approval before carrying flex time from one pay period to another.

Work Day

- Employees should receive two 15-minute breaks during their shift. Supervisors should try to schedule the breaks between the second and third hours and between the fifth and sixth hours.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AOCE employees* must receive a meal period, which may last no longer than one hour, in the middle of their shift. If they are working a double shift, the employees must also receive a paid meal period and a meal provided by the institution. Employees who are not allowed to leave their work stations during their meal period will have their meal period count as time worked.
- *AFSCME Security* who work more than four hours overtime must be given a meal and have that meal break counted as time worked. Employees who return to work with less than a two hour notice must be given a meal.
- *AFSCME Security* who are required to attend a Security Briefing will have that time counted as time worked.
- *AOCE employees* may receive meals at the facilities, depending on their work classification.
- *AFSCME Parole and Post-Prison Supervision / Security Plus* and *AFSCME Security's* meal times begin when the employee is relieved and end when the employee returns to duty.
- *AOCE employees'* meal times begin and end when the employee goes through the Main Control Center.

Clean Up Time

- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AOCE employees* must be given time before the end of their shift and before any breaks to clean up.

Time Trades

- *AFSCME Parole and Post-Prison Supervision / Security Plus* and *AFSCME Security* may trade scheduled work times with other employees, so long as both employees are capable of filling the other's position. Both

employees must consent to the trade in writing. They must submit their written request to the Functional Unit Manager at least seven days before the trade; the trade must take place within 30 days of application. The supervisor may only deny the trade with cause; a short explanation of the denial must be written on the returned form. ODOC will not be liable for any additional overtime or penalty pay that would otherwise result from the new schedule.

- *AOCE employees* may make a time trade with another employee of the same classification. The supervisor may only deny the trade for a valid reason, such as one of the employee's lack of training. ODOC will not be liable for any additional overtime or penalty pay that would otherwise result from the new schedule. All time trade shall be completed within the bid cycle.

Bidding for Shifts

- Employees will bid for their schedules according to seniority. The bidding will occur on a Bi-annual basis, though the time-frame depends on the employee's position and institution.

For Further Information

See [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 25- Working Conditions, Article 15- Overtime; [AFSCME Security](#), Article 25- Working Conditions, Article 15- Overtime; [AFSCME Parole and Probation Officers](#), Article 22- Working Conditions, Article 14- Overtime; [AOCE](#), Article 28- Working Conditions, Article 12- Overtime. ♦

K. EMPLOYMENT REFERENCES

Supervisors' Duties:

- The employee's written consent must be obtained before providing a reference;
- Supervisors must give factual and objective responses regarding an employee's performance and provide all relevant information;
- Supervisors should take careful notes during the conversation and retain the notes and signed release from the subject employee in their confidential file for three years, in case the employee files a complaint;
- Before giving a negative reference, supervisors must contact a Human Resource Manager, who will seek legal advice.

HR BRIEFINGS INFORMATION: EMPLOYMENT REFERENCES

Employee Consent

- Employees must provide a signed and written release before anyone may comment on an employee's work habits.

Content of the Reference

- Supervisors should limit their responses to the questions asked and not volunteer any additional information about the employee. All responses must be based on the supervisor's own observation of the employee's performance and should give a full and accurate description of the employee's actions. Before disclosing any information pertaining to an employee's criminal or dangerous behavior, the supervisor must talk to a Human Resources Manager.
- If an employee left because of a civil rights-related issue, such as a whistle blowing or sexual harassment claim, the supervisor should consult a Human Resource Manager before providing a reference.

Documentation

- While giving an employment reference, the supervisor should take detailed notes of the conversation. These notes should be placed in the supervisor's confidential file for three years.

Requests for Other Information

- Requests for dates of employment should be directed to the Records Section. All other requests should go to a Human Resource Manager.

For Further Information

See ODOC Policy 20.5.13- [Employment References](#). ◇

L. EMERGENCY STAFF SERVICE AND CRITICAL INCIDENT MANAGMENT

Supervisors' Duties:

- Posting and/or providing information, as needed of the availability of Emergency Staff Service and the Peer Support Services;
- As appropriate, participate in the process working with the Emergency Services Coordinator;
- Appoint an Emergency Action Monitor, as per policy;
- In the event of a critical/emergency incident, evaluate the situation to determine the appropriate actions necessary for the safety and health of the employee and the safety and security of the location;
- Complete necessary written documentation, as per policy.
- Ensure employees attend a debriefing and provide an avenue for employees to attend peer support or a critical incident support session;

Employees' Rights and Duties:

- Participate in a debriefing session;
- Provide written documentation, as requested.
- Employees may use the Emergency Staff Service or the Peer Support Services to cope with issues stemming from situations that occurred while on the job;

- Employees have access to the Employee Assistance Program for services.

HR BRIEFINGS INFORMATION: EMERGENCY STAFF SERVICE AND CRITICAL INCIDENT MANAGEMENT

Preparedness

- Supervisors should ensure that employees are aware that Emergency Staff Service (ESS) is available to help them cope with a critical incident or catastrophe.
- A critical incident is a situation that may cause participants or witnesses to experience a strong physical, emotional or psychological response that may impair their ability to function.
- The ESS Coordinator must help develop relevant curriculum for in-service training, maintain a list of staff members who are trained to debrief a critical incident, update supervisors on the level of emergency preparedness. During an emergency, the ESS coordinator must maintain contact with the command center for logistical support.

Responding to a Critical Incident

- As soon as possible following a critical incident, supervisors must remove all involved employees from the area where the event occurred. These supervisors must then notify ESS and initiate the emergency response plan.
- Employees must ensure that anyone who has been involved with a critical incident attends the critical incident stress debriefing or defusing session with the critical incident stress team leader or a peer supporter.

Peer Support Services

- Employees may use the peer support services to help cope with stressful job incidents. The content of these discussions will remain confidential, unless the employee discusses a life-threatening incident or a severe violation of the law.

For Further Information

See ODOC Policy 20.5.2- [Emergency Staff Service and Critical Incident Management](#). ◇

M. PERSONNEL FILES

Supervisors' Duties:

- Ensure the necessary paper work is placed into the employee's official personnel file;
- Provide the employee a copy of any information that may adversely affect the employee's employment status;

- The employee must acknowledge that he/she has seen the document by signing it before the document may be placed in the employee's personnel file;
- If the employee refuses to sign the document before placing the document in the employee's personnel file make note of the employees refusal to sign;
- Allow employees to access their personnel file or any other employee with written permission from the affected employee;

Employees' Rights and Duties:

- Employees must sign a copy of any document that is critical of their performance before it may be placed in the employees file. The signature is considered an acknowledgement of the existence of the document and not an admission or indication of the document's truth;
- Any document that might negatively affect the employee's employment status that is later found to be untrue, or is successfully grieved, must be removed from the file;
- Employees may prepare a document responding to the critical document, which will be included in the file until the critical document is removed;
- Employees may file a grievance on any document that may negatively affect their employment;
- Employees may review their personnel file anytime during normal business hours at the Personnel Records Office, upon showing proper identification;
- Employees have the right to designate an individual(s) to view their files, when given written permission, as per statute, policy and/or CBA, etc.

HR BRIEFINGS INFORMATION: PERSONNEL FILES

Content of Personnel Files

- The official employee personnel file must contain the following documents:
 - Employment application for the employee's first state job;
 - Employment application for the employee's current position;
 - Performance evaluations;
 - Personnel actions;
 - Code of Ethics;
 - Oaths of Office;
 - Summary of employee's service before 1946;
 - Letters of commendation and recommendation;
 - Notices of disciplinary actions;
 - Notices of layoff;
 - Documentation of resignation;
 - Employee emergency information;
 - Report of family relationship CD;
 - Unemployment compensation claim records;

- Miscellaneous correspondence.
- The Personnel Files may also contain documents that relate to the employee's work history, assignments and performance.
- Employees may not have Letters of Instruction or documentation of verbal counseling / warnings entered into their Personnel File.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation* and *AOCE employees* will have any documents that may be used against the employee removed from their file, if the document is over three years old and the employee has had no similar incident in that time. If any documents are proved to be false, they must be immediately removed from the employee's Personnel File.
- *AFSCME Dentists* may submit a written explanation if they feel any information in their file is wrong and/or should be removed. The employee's written complaint must remain in the file until the contested document is removed.

Entering Documents into Personnel File

- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AFSCME Parole and Probation Officers* must receive a copy of any document that may adversely affect them. No document may be used against an employee without the employee having signed and acknowledged it first; signing the document does not indicate that the employee agrees with the document's contents.
- *AFSCME Security* and *AFSCME Parole and Probation Officers* who refuse to sign a document will still have that document entered into their file. There must be a note on the document, signed by a witness, indicating that the employee refused to sign the document.
- *AFSCME Dentists* must have a disclaimer attached to every document the employee signs, which states: "Employee's signature confirms only that the supervisor had discussed and given a copy of the material to the employee, and does not indicate agreement or disagreement." If the employee refuses to sign the document, or is unavailable to sign for an unreasonable amount of time, two management employees may sign the document and place it in the employee's personnel file. The document must then be sent to the employee's last known address and the Union.

Accessing Personnel Files

- Employees' Personnel Files are confidential information and may only be accessed by authorized ODOC employees, the employee and individuals to whom the employee has given written, signed and dated consent. Employees must show proper identification before they will be allowed to access their files.

- Employees may review their Personnel Files anytime during normal business hours at the Personnel Records Office.
- Copying fees of \$.20 may be charged per page plus postage if applicable.

For Further Information

See ODOC Policy 20.5.12- [Maintenance and Access to Employee Records](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 49- Personnel Files; [AFSCME Security](#), Article 49- Personnel Files; [AFSCME Parole and Probation Officers](#), Article 44- Personnel Files; [AFSCME Dentists](#), Article 26- Personnel Files; [AOCE](#) Article 40- Personnel Files. ◇

N. UNION MANAGEMENT

Supervisors' Duties:

- Adjust bargaining team members' work schedules to accommodate the negotiation schedule;
- Inform new employees if their position is covered by the collective bargaining agreement and provide a copy of the contract;
- Allow AFSCME Stewards or AOCE Representatives time to investigate grievances and distribute union material, to the extent that it does not interfere with their regular duties;
- The time allowed for leave, and the persons to whom leave should be granted, is defined in the collective bargaining agreements;
- Provide the unions with bulletin board space, as required in the collective bargaining agreement, and, where possible, allow the union to meet on ODOC property and use the internal mail system;
- Create a contingency plan in case of a strike or lockout.

Employees' Rights and Duties:

- Employees may not conduct union business without their supervisor's consent;
- Employees may choose to have their union dues deducted from their paychecks;
- Employees who are not union members must pay their "fair share" of cost of maintaining the bargaining unit deducted from their paycheck, though if the employee has a religious objection, that money may be donated to a non-religious charity;
- Employees must be notified if their position is covered by a collective bargaining agreement and given a copy of the contract.

HR BRIEFINGS INFORMATION: UNION MANAGEMENT

Conducting Union Business

- Generally, employees may not conduct Union business while on the job.

Bargaining Team

- *AFSCME bargaining team members* receive 80 hours of paid leave to negotiate the collective bargaining agreement. Supervisors must adjust the bargaining team members' work schedules to accommodate negotiations.
- *AFSCME Parole and Post-Prison Supervision / Security Plus* may appoint one representative from each Local Chapter, with a maximum of 11 representatives, to the bargaining team. The 80 hours of paid leave may not be counted towards overtime, nor may the employee earn any premium pay for the 80 hours.
- *AFSCME Security* may have no more than nine representatives, with each chapter represented, to the bargaining team.
- *AFSCME Parole and Probation Officers* may appoint a maximum of five representatives, with at least one representative from each county.
- *AFSCME Dentists* may appoint one representative from the Local Chapter and one from AFSCME Council 75.
- *AOCE employees* may have five representatives, no more than two of whom may come from OSCI. Employees on the bargaining team will be paid for the time spent in negotiations, but will not be eligible for overtime or premium pay as a result of the negotiations. Other employees who wish to attend the negotiations may trade shifts or use vacation time.

Employee Access to the Union

- Supervisors must inform new employees if their position is included in the bargaining unit and provide a copy of the collective bargaining agreement and allow Union representatives access to the workplace during normal business hours, unless there is an emergency.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers* and *AOCE employees* may have a representative give a 30 minute presentation during the new employee orientation. *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AFSCME Parole and Probation Officers'* representatives who are employees of the unit to which they are making the presentation will not lose any pay.

AFSCME Steward / AOCE Representative

- The unions must give ODOC written notice of the employees who are selected to be Union Stewards or Association Representatives.
- Stewards / Representatives may investigate and process grievances while on the clock, with their supervisor's consent. The supervisor may set aside special time for them to deal with grievances if the supervisor feels the unit's function will suffer otherwise. If they do not receive the supervisor's consent to deal with the grievance, any time they spend on the investigation will be counted as leave without pay. Represented

employees may request that a steward / representative be at any meeting that might negatively affect their employment status or salary.

- *AFSCME Dentists* may use vacation, compensatory time or leave without pay to attend steward training.

Union Business Leave

- Employees who take leave to conduct Union business will not have that leave counted as a break in service.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AFSCME Parole and Probation Officers* may be requested, no more than four employees at a time, to take up to seven days for Union business. The Union Executive Director must give the employees' supervisors at least seven days notice before the employees will be allowed to take leave. The Union will reimburse ODOC if the employee takes paid leave. Supervisors make the final determination as to whether the employee may be granted leave, based on whether the unit can function effectively without that employee. AFSCME may also request that an employee be given up to one year of unpaid leave for Union business.
- *AFSCME Parole and Post-Prison Supervision / Security Plus* Local Chapter Presidents get 32 non-cumulative hours of paid leave per month for Union business.
- *AFSCME Dentists* may perform Union duties for three month periods, with the supervisor's approval. The President may also ask for one year unpaid leave.
- *AOCE* may request one year of unpaid leave for the President. The President must be granted leave in at least two week periods or be given a reduced schedule.

Communication

- ODOC will make every effort to accommodate the union's written request for meeting space in ODOC facilities. Supervisors must ensure that a bulletin board is maintained in each facility for Union use. For facilities that employ *AOCE employees*, there must be at least six properly located glass-encased bulletin boards. AFSCME and AOCE will keep the boards clean.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers* and *AOCE employees* may use ODOC's internal mail system.
- *AFSCME Security, AFSCME Parole and Probation* and *AOCE employees* may use ODOC computer system, so long as their use complies with ODOC policy.

Union Dues / Fair Share

- Employees who file a written request may have their Union dues deducted from their monthly paycheck. Non-union employees will have their share of the cost to support the bargaining unit deducted from their paycheck. Those employees, whose religious beliefs prevent them from giving money to a union, shall have their share contributed instead to a non-religious charity.
- The payroll office will keep union application forms.

Union and Management Meetings

- The Unions may request that employees attend certain Union and ODOC meetings. The supervisors must only allow employees to attend these meetings when it will not disrupt the work unit's effectiveness. Employees may also participate in these meetings on their own time. Meetings between the unions and management are for discussions only. Any grievance or contract negotiation must be dealt with through the proper procedures.

Strike / Lockout

- Supervisors must have a plan in case of a worker strike. The plan must identify the work stoppage committee, identify essential services and who, internally and externally, may be called to fill them. The Supervisor should also have a plan to communicate with the Assistant Director, the HR division, DAS and the media.
- *AFSCME Parole and Post-Prison Supervision / Security Plus* and *AFSCME Dentists* will not be counseled by the Union to strike; the Union will insist that any striking employee return to work immediately.

For Further Information

See ODOC Policy 20.5.21- [Strike Contingency Planning](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 2- Term of Agreement, Article 3- Union Security, Article 4- Union/ Management Meetings, Article 8- No Strike or Lockout; [AFSCME Security](#), Article 2- Term of Agreement, Article 3- Union Security, Article 4- Union/ Management Meetings; [AFSCME Parole and Probation Officers](#), Article 2- Term of Agreement, Article 3- Union Security, Article 4- Union/ Management Meetings; [AFSCME Dentists](#), Article 4- Union Security, Article 6- Strikes and Lockouts; [AOCE](#), Article 2- Term of Agreement, Article 4- Association Security, Article 5- Association/ Management Meetings. ◇

O. UNIFORMS, DRESS CODE AND ID CARDS

Supervisors' Duties:

- Provide employees with the appropriate uniforms or other attire required to perform their job, as defined in the ODOC Dress Code Policy;

- When a new employee is hired, complete the ID Card documentation and notify the ID Card Coordinator to obtain an employee ID card.
- When a change in name, work unit, etc. occurs, a new ID Card needs to be issued to the employee.

Employees' Rights and Duties:

- Wear appropriate uniform or work attire;
- Per the collective bargaining agreement, if personal property has been damaged, while on the job, file a written report for reimbursement;
- Safeguard the ID Card and immediately report theft or damage
- If the card is lost and needs to be replaced, the cost is \$5.00.

HR BRIEFINGS INFORMATION: UNIFORMS, DRESS CODES, AND ID CARDS

[No briefing material on the CD]

P. SUPERVISOR'S WORKING FILES

(No Supervisor's Duties/Employee Rights and Duties)

HR BRIEFINGS INFORMATION: SUPERVISORS' WORKING FILES

Content of Supervisors' Files

- Supervisors should note any performance problems or exceptional performance in the working file, and any other information that might be pertinent to the employee's annual performance review. Specifically, supervisors should note dates of problematic performance and date and content of subsequent remedies. Further, supervisors should note the date and content of any conversations addressing performance concerns. Employees' extraordinary performance should also be noted in the file.
- Before placing any information in the file, the supervisor should initiate a conversation with the employee regarding the situation. In other words, nothing in the file should come as a great surprise to the employee, should the employee decide to review the file's contents.

Purpose of the Supervisors' Working Files

- Supervisors may use their working files to keep track of employees' performance. Supervisors should note both problematic and outstanding performance.
- These files may assist the supervisor in coaching employees in better performance.
- The supervisor should use the working file when assembling the employee's annual performance review. Further, the supervisor should reference the file when applying progressive discipline.
- The working file should be purged at the time of the performance evaluation ensuring all relevant information is included in that evaluation.

Accessing Supervisors' Working Files

- Employees must be allowed to see the content of their supervisor's working files which relates to their on-the-job performance.
- Supervisors are not required to show the employee any confidential information, such as documents protected by the doctor-patient or attorney-client privilege. Supervisors generally should not show an employee any document that refers to other employees and not the requesting employee, nor should they show employees former employer reference letters. Further, supervisors should not show an employee; drafts of investigation reports or other related information unless the employee has been disciplined.

For Further Information

Contact a Human Resource Manager. ♦

Q. LAYOFF PROCEDURE

Supervisors' Duties

- Ensure the layoff process is followed according to the appropriate collective bargaining agreements or policy;
- Give employees at least 15 calendar days' notice of the layoff;

Employees' Rights and Duties

- Represented employees may have options instead of layoff under their collective bargaining agreement;
- Employees who have been laid off may be placed on the Layoff List for no longer than two years, so long as they remain eligible;
- With ODOC and other union consent, represented employees may be bumped between the unions.

HR BRIEFINGS INFORMATION: LAYOFF PROCEDURE

Layoff

- A layoff occurs when employees are separated from ODOC service for reasons unrelated to the employee's conduct or ability to perform the job.
- Temporary Interruption of Employment
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers* may have their employment temporarily interrupted for no more than 15 days, without being laid off. These employees may chose to use accrued paid leave instead of being placed on leave without pay. Limited duration work assignments that become available during any of these times should be assigned to the employee who has been in ODOC service the longest and meets the minimum qualifications.

Initiating the Layoff

- The Director must determine what positions or the number of positions within each classification must be removed to deal with budgetary constraints, lack of work or reorganization. The Director should consult with Union representatives to find mutually acceptable alternatives to layoff whenever possible.
- The Director must determine how many full-time, part-time and seasonal employees to layoff. *AOCE employees* who work a part-time schedule should be laid off before full-time employees.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AFSCME Parole and Probation Officers* must also have positions subject to layoff be classified according to full- or part-time status, functional unit and/or geographic location.

Determining Who to Lay Off

- *Unrepresented employees'* quality of performance, special skills or knowledge and length of service are to be considered, in that order, when determining the order of whom to lay off.
- *Management Service employees* may appeal their layoff by following the Grievance Procedure.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AFSCME Parole and Probation Officers* will be laid off in reverse order of length of service with ODOC. The length of service includes time spent on leave, so long as the leave was not longer than 180 days and the employee did not fail to respond to a notice to return to work within five days. If two employees in the same classification have the same length of service, then the employee who has been in State service for the shortest period will be laid off first. If the employees have been in State service the same amount of time, then the manager must determine which employee's skill set and performance is most needed.
- *AFSCME Dentists* will be laid off in reverse order of length of service with ODOC.
- *AOCE employees* will be laid off in reverse order of length of time spent in the employee's current classification. The length of service will include time spent on leave, so long as the leave was not longer than 180 days and the employee did not fail to respond to a notice to return to work within five days. If two employees have the same amount of time in that classification, the decision will be made by a coin toss. If three or more employees have the same length of service, the employees will draw straws.

Layoff Notification

- Laid off employees must be given a 15 day notice. The Human Resource staff is available to help laid off employees find alternative employment and minimize the negative impact on the remaining employees.

Options Instead of Layoff

- *AFSCME employees* must exercise these options within five days of receiving notice of layoff.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security* and *AFSCME Parole and Probation Officers* may choose to displace another employee in the same classification and geographic area, who has fewer service credits. The displacing employee must be able to perform the job within two weeks.
- *AFSCME Parole and Post-Prison Supervision / Security Plus* and *AFSCME Security employees* may demote within their functional unit. That position must not be protected from layoff and they may not displace an employee with more seniority. If no opportunity exists within the functional unit, the employee may displace an undesignated employee in a lower classification, from the same geographic location. If there is no option within the functional unit, they may displace the employee in a lower classification with the least seniority. For employees to demote, they must meet the lower position's minimum requirements and be able to perform the job within two weeks.
- *AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security employees* and *AFSCME Dentists* are responsible for any moving expenses associated with their demotion instead of layoff.
- *AFSCME Parole and Post-Prison Supervision / Security Plus employees* may take a position that is vacant and ODOC intends to fill, so long as they are qualified.
- *AFSCME Parole and Probation Officers* may accept an opening with another functional unit, so long as they are qualified and can perform the duties within two weeks.
- *AOCE employees* must exercise this option within seven days of receiving the layoff notice, or they may demote within their functional unit to a lower classification if the displaced employee has less class seniority.

Layoff Lists

- Laid off employees who have completed their trial service will be placed on a Layoff List for two years, by classification and in reverse chronological order.
- *Represented employees* who chose to be demoted instead of laid off will also be placed on the Layoff List for their former position. They may ask that any accrued compensatory time be paid in cash before they demote.

- *AFSCME Parole and Post-Prison Supervision / Security Plus* employees also have the option of being placed on the Secondary Recall List, in which they specify other geographic areas where they are willing to be recalled.
- *Unrepresented employees* who ask to be placed on the Statewide Reemployment List may be recalled to any vacant position in the state for which they are qualified.

Restoring Employees from Layoff

- As vacancies become available, employees will be restored to their former position, or, if their former position is unavailable, to a similar one. Supervisors may not recruit for additional applicants until all the names from all the Layoff Lists have been removed. After hiring an employee from the Layoff List, the supervisor must also notify the Records Department.
- *Unrepresented employees* may be restored to a represented position for which they are qualified. Their seniority will be based on any previous time spent as a represented employee.

For Further Information

See ODOC Policies: 20.5.7- [Management Service Layoff](#), 20.5.8- [Restoration of Terminated Employees](#), 20.5.9- [Restoration of Terminated Executive Service Employees](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 44- Layoff Procedure; [AFSCME Security](#), Article 44- Layoff Procedure; [AFSCME Parole and Probation Officers](#), Article 44; [AFSCME Dentists](#), Article 27- Layoff; [AOCE](#), Article 39- Seniority and Layoff Procedure. ◇

R. TELECOMMUTING

Supervisors' Duties:

- Evaluate the request to telecommute, and determine if telecommuting is mutually beneficial to the Department and the employee;
- Discuss the actual cost of telecommuting with the employee, including the cost of setting up a home office and advise the employee to consult a tax consultant and insurance broker to determine whether the telecommuting situation is practical;
- Maintain the same expectations of the employee as though he/she is working at the office;
- Telecommuting out of state is not allowed.
- A signed written agreement is required, and it may be canceled at any time by the employer and/or the employee.

Employees' Rights and Duties:

- Employees must show they have a safe designated space to work;
- No meetings may be conducted in the employee's home;

- Meetings may be attended via teleconference, but employee will not be reimbursed for these expenses.
- Employees may be required to spend some time in the office or travel for meetings. Travel time for these obligations will not be compensated;
- A signed written agreement is required, and it may be canceled at any time by the employer and/or the employee.

HR BRIEFINGS INFORMATION: TELECOMMUTING

Evaluating Employee's Request

- Supervisors make the final decision as to whether an employee may telecommute. The supervisor should consult with the Information Systems Division before making a final decision. In making the decision, the supervisor should consider the employee's work habits and motivation. Further, the supervisor and the employee should discuss the actual costs, such as setting up an appropriate work space in the home, in contrast to the proposed savings. If the supervisor decides to deny the employee's request, the employee may appeal to the Assistant Director.
- Supervisors may advise the employee to consult with a tax consultant and insurance broker to determine any additional liabilities telecommuting may create.
- Before telecommuting, the employee must watch a self-instructional video, which may be obtained from a Human Resource Manager.

Terms of Employment

- Employees will have the same duties and responsibilities, and work the same number of hours they would normally have; they will also receive the same benefits and salary. Their working conditions must comply with applicable collective bargaining agreements and ODOC policies. Employees' work products are ODOC property; confidentiality and record keeping requirements apply and ODOC will hold employees liable for damage to any ODOC property.
- Before an employee may begin telecommuting, the employee and the supervisor must ensure that all the appropriate forms are completed. They must also create a written agreement that outlines what is expected of the employee. Because this is a voluntary arrangement, either party may choose to end it with seven days' notice to the other party.
- The employee may not have meetings while at home. The supervisor may require the employee to come into work for meetings or trainings. The employee will not be compensated for time spent traveling to or from the workplace. The employee must be available to the supervisor and other ODOC employees during the employee's normally scheduled work hours, by phone, fax and/or email. The employee is expected to communicate regularly with the supervisor and indicate if assignments are going to be late or cannot be completed.

- Supervisors must approve any overtime an employee works.
- The employee is responsible for creating an office space from which to work and furnishing it accordingly. The employee's computer security must comply with ODOC policies. ODOC is not liable for any damage to the employee's personal property.

Safety

- Employees must maintain a clean workplace and report any illness or injury to their supervisor, according to ODOC policy. The supervisor must then report it to the Safety Manager. If ODOC requires, the employee must allow an investigation team into the work space to examine the surrounding circumstances.

For Further Information

See ODOC Policy 20.5.6- [Telecommuting](#), and [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 54- Telecommuting ◇

CONTACT LIST FOR WORKFORCE MANAGEMENT ISSUES

Contact the *Records Department* for:
Obtaining, replacing and canceling ID cards;
Questions about Personnel Files.

Contact a *Safety Manager* for:
Emergency Staff Service and Critical Incident Management;
Preventing, reporting and dealing with on the job injuries;
Accommodating employees with disabilities.

Contact the *Recruitment Section* for:
Accommodating applicants with disabilities.

Contact the *Professional Development Unit* for:
Questions regarding training and staff development.

Contact a *Human Resource Manager* for:
Creating a positive work environment;
Establishing a telecommuting arrangement;
Union management;
Employee scheduling;

Personnel files;
Before providing employment references;
Emergency Staff Service and Critical Incident Management;
Dealing with suspected on the job drug or alcohol use.

5. Discipline and Discharge

A. DISCIPLINE AND DISCHARGE

It is important for managers to perform annual reviews. This process provides a benefit for both the employee and the employer. An annual review allows for management of an employee's performance and if the manager has done their job correctly, the annual review of the employee's file will contain no surprises. The annual review should also be a time when the employer and the employee set goals for the upcoming year. Goal setting aligns employee growth and progress with department values and department goals. **Annual performance evaluations also support and set the groundwork for any disciplinary actions.** Managers need to be very aware of the importance of this tool.

Supervisor's Duties:

- Be aware of all laws, rules and policies, and monitor employee behavior to ensure that it conforms to established expectations.
- If the supervisor feels that a represented employee's poor performance is because of job-related stress, the supervisor may encourage the employee to seek professional assistance.

- Contact a Human Resource Manager as soon as there are any disciplinary problems with an employee.
- Conduct thorough and fair investigations, as appropriate, upon learning of employee misconduct.
- Ensure that ODOC policies and rules are applied consistently to all employees.
- Discipline employees on a progressive basis, after consulting with a Human Resource Manager:
 - The first time the employee exhibits unprofessional or unacceptable behavior, the supervisor should verbally counsel the employee, informing them of the expectations.
 - If the conduct continues, give that employee a Letter of Expectation. The Letter of Expectation should clearly outline what is expected of the employee and should not reference the employee's conduct or potential discipline.
 - If the employee continues to violate the same or similar ODOC policy, the next step would be to write a Letter of Reprimand, which specifically tells the employee how he/she failed to comply with expectations and what disciplinary measures the employee will face if he/she continues the unprofessional or unacceptable behavior. This letter must be given to the employee and placed in the employee's Personnel File.
 - If the employee fails to correct his/her behavior, the supervisor may suspend the employee without pay, issue a step reduction, demote the employee, or, in severe cases, dismiss the employee.
 - For disciplinary actions that affect an employees' salary and status (suspension, demotion, step reductions and dismissal), supervisors must be sure that the proper procedure is followed before disciplining the employee
- Contact a Human Resource Manager
 - Thoroughly investigate all allegations of employee misconduct;
 - Allow the employee to defend him/herself in a meeting and/or by providing other documentation supporting his/her innocence or showing mitigating factors.
 - Notify the appropriate union in a timely manner, if the employee is represented.
 - Ensure that the level of discipline matches the severity of the infraction.
 - HR Manager notifies the Records Section and the Payroll Section so that the employee's records may be properly updated and his/her salary may be adjusted.

Employee Rights and Duties:

- Employees are expected to follow ODOC policies and rules.

- Represented employees have the right to have a union representative notified of and present at any meeting that may negatively affect their salary or employment status.
- Before any disciplinary action may be taken, employees may offer evidence mitigating or denying the charges. Failure to offer any evidence will not be considered an admission of guilt.
- Employees may appeal any disciplinary actions taken against them by following the procedures outlined in their collective bargaining agreement or in ODOC policy.

HR Briefings Information: Discipline

Cause for Discipline

- Supervisors must have cause before disciplining an employee.
- Inadequate Performance: an employee does not carry out all of his/her job duties.
- Acts or Omissions while on the Job: an employee acts or fails to act in a manner consistent with his/her position's duties or responsibilities, while on the job.
- Acts or Omissions while off the Job: an employee acts or fails to act in a manner consistent with his/her position's duties or responsibilities, while not on duty.

Establishing Cause

To establish cause, the supervisor should gather enough evidence to show:

- The employee knew of the rules and expectations and the consequences of breaking them;
- The rules were reasonable and consistently enforced;
- A thorough investigation was conducted before the discipline was issued, the employee had an opportunity to respond to the charges, and, if applicable, the employee had union representation;
- The investigation was fair and objectively carried out. Assumptions are tested and the result must not be a forgone conclusion.
- The investigation provides substantial evidence that supports the level of discipline. Greater proof is required for more serious allegations.
- The rules, orders and penalties were applied equitably and without discrimination.
- That progressive discipline was used.

Types of Discipline

- Employees should generally be disciplined on a progressive basis for the same or similar acts.
- Verbal Counseling: though not a form of discipline, if an employee acts in a way that is contrary to the expectation of their position and/or ODOC Policy and there is a question as to whether or not the employee knew of

- the expectation and/or policy, the supervisor should verbally counsel the employee and make note of the date and the topic of discussion in the employees working file.
- Letter of Expectation: though not a form of discipline, if an employee continues to act in a way that is contrary to the expectation of their position and/or ODOC policy and there is question as to whether or not the employee knew of the expectation and/or policy, the supervisor should write a Letter of Expectation. This letter outlines what specifically is expected of the employee, with no reference to past unacceptable behavior.
 - Written Reprimand: must be in writing and tell the employee what behavior or conduct was unacceptable and identify which policy the employee violated. The employee must also be warned of what future disciplinary actions may be taken if he/she fails to follow that policy.
 - Reduction in Pay: must be for a specific period that will allow the supervisor to monitor the employee's conduct. This may only be applied to individuals who are non-exempt under the Fair Labor Standard Act (FLSA.)
 - Suspension without Pay: must be for a set period of time. Employees who are exempt under FLSA must have their suspension given in full week increments; employees who are non-exempt under FLSA must have their suspension given in one day increments.
 - Demotion: employee is moved to a lower-classification position, only if such a vacancy exists.
 - Dismissal: employee ceases to be a ODOC employee.

Discipline Procedure

- Supervisors must consult a Human Resource Manager at every step of the discipline procedure.
 - Represented employees have the right of Union representation before and during any meeting which may result in discipline and/or discharge.
1. Identify / Investigate the Cause for Discipline
Supervisor observes or hears of employee misconduct and gathers evidence to support the cause of discipline. When the level of discipline rises above a Letter of Expectation, the supervisor should consult the Appointing Authority and a Human Resource Manager for guidance.
 2. Written Reprimand
Supervisor specifically identifies what ODOC policy the employee violated and how the employee violated that policy. Further, the supervisor must indicate what disciplinary actions will be taken if the employee does not follow the policy. The Written Reprimand must be given to the employee and placed in the employee's personnel file.

3. Notice of Pre-Discipline

If the employee continues to violate ODOC policy, the supervisor must give the employee written notice that the disciplinary procedure has been started. The Notice of Pre-Discipline should include how the employee violated ODOC policy and give the employee a date by which he/she may respond.

4. Employee's Chance to Respond

On or before the effective date, the employee must be given the opportunity to explain or deny his/her behavior. The employee may meet with the Appointing Authority or designee or, write a letter or otherwise defend him/herself. Failure to respond may not be considered an admission of wrongdoing by the employee.

5. Letter of Discipline

Considering the evidence and the employee's explanations, the Appointing Authority or designee must determine what discipline, if any, is appropriate. The Letter of Discipline must explain what disciplinary action is being taken, the reasons for the discipline, the date the discipline becomes effective and how the employee can appeal.

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers who receive a disciplinary letter must have copies of the letter sent to the Union and the Council Representative.
- AFSCME Security and AFSCME Parole and Probation Officers must receive the letter within seven days of the decision to discipline the employee.
- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation and AOCE employees may ask a union representative to meet with the supervisor on their behalf to discuss any aspect of the potential discipline. Employees who are escorted off the premises must receive the applicable disciplinary letter within 48 hours.
- If an AOCE employee is to be demoted or discharged, the Association must be notified before the employee is notified.
- AOCE and Management Service Employees must be sent the Letter of Discipline within 21 days of the Appointing Authority issuing a final decision.

Stress and Career Counseling

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers and AOCE employees who have a record of good work performance but suddenly develop absenteeism problems may be suffering from job related stress. Supervisors must identify these symptoms and work with the employee to improve his/her work habits.

- The employee may attend counseling sessions as part of this program. Nothing the employee says in these sessions may be used against him/her in a disciplinary proceeding without being independently verified.

For Further Information

See ODOC Policy 20.9.1, [Management Service Discipline](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 50- Discipline and Discharge; [AFSCME Security](#), Article 50- Discipline and Discharge; [AFSCME Parole and Probation Officers](#), Article 45- Discipline and Discharge; [AFSCME Dentists](#), Article 24- Discipline and Discharge; [AOCE](#), Article 43- Discipline and Discharge. ◇

HR Briefings Information: Dismissal

Cause for Dismissal

- No employee in a permanent position who has completed trial service may be dismissed without cause.
- Misconduct: employee knows or should know that the conduct would result in discipline or dismissal.
- Inefficiency: employee does not produce the results required for the job, even though he/she was capable.
- Incompetence: employee does not have the skills and/or qualifications to do the job.
- Lack of Motivation: employee shows an unwillingness to work or does not complete all necessary tasks; the employee's performance is generally inadequate or the employee's attitude, acts and/or omissions interfere with ODOC's mission and goals.
- Bad Acts: employee acts illegally or immorally.
- Other: employee acts in a way that prevents ODOC from furthering its objectives and goals, or questions about the employee's ability to perform the job arise.

Dismissal Procedure

- Supervisors must consult a Human Resource Manager and the Appointing Authority at each step of the dismissal procedure.
- Represented employees may have a Union representative present at any time during the dismissal process or may have a Union represent them at any of these meetings.
- Employees should be disciplined on a progressive basis. Unless the employee's actions were particularly offensive to the ODOC mission and goals, the employee should normally first be subject to the disciplinary procedure. Dismissal should only be used as a final measure.
- AFSCME Parole and Post-Prison Supervision / Security Plus employees who are on trial service may be immediately removed for extreme violations of ODOC policies. Otherwise, they need only be given notice and a chance to correct their behavior before dismissal.

1. Pre-Action Letter
 - The Appointing Authority or designee must inform the employee in the Pre-Action Letter that dismissal is being contemplated as a result of the employee's actions. The Letter must specify what, specifically, the employee did or did not do and when the employee may meet with the supervisor to refute or explain the charges. Employees may have Union and/or legal representation at this meeting.
 - AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers who have been forcibly removed from the job site must receive the Pre-Action Letter within 48 hours.

2. Employee's Status During the Dismissal Procedure
 - AFSCME Dentists may continue working in their current position or be suspended with pay during the dismissal procedure.
 - All other employees may continue working in their current position; be assigned to a different work or duty station; or be suspended with or without pay.

3. Pre-Dismissal Meeting
 - The Appointing Authority or designee must tell the employee why dismissal is being considered. The employee may give evidence and/or show reasons for his/her behavior that would mitigate or excuse the grounds for the dismissal. The Appointing Authority or designee must consider the employee's explanation before making a final decision. The Appointing Authority or designee has the discretion to decide to issue another recognized form of discipline instead of dismissing the employee.

4. Final Decision Regarding the Employee's Dismissal
 - The meeting with the employee may require additional investigation; any new evidence that supports the employee's claim or mitigates his/her actions must be considered when making the final decision. Additional evidence that supports the employee's dismissal or brings forward additional causes for discipline/ dismissal may be considered at the supervisor's discretion. If the Appointing Authority or designee decides to bring additional charges against the employee, the employee must be allowed to defend him/herself in another meeting.
 - The Appointing Authority or designee has 21 days after the Pre-Dismissal Meeting to determine whether the employee should be dismissed, disciplined or cleared of the charges.

5. Notifying the Employee of Dismissal

- The Appointing Authority or designee must send the employee a Letter of Dismissal. This Letter must tell the employee that he/she is being dismissed, the reasons for the dismissal, the effective date of the dismissal and how the employee can appeal the dismissal.
- Represented employees' union must be notified when the Letter of Dismissal is delivered to the employee.

For Further Information

See ODOC Policy 20.9.2, [Management Service Dismissal](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 50- Discipline and Discharge; [AFSCME Security](#), Article 50- Discipline and Discharge; [AFSCME Parole and Probation Officers](#), Article 45- Discipline and Discharge; [AFSCME Dentists](#), Article 24- Discipline and Discharge; [AOCE](#), Article 43- Discipline and Discharge.◊

HR Briefings Information: Discipline / Dismissal Appeal Procedures

Discipline Appeal Process

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security, AFSCME Parole and Probation Officers, and Unrepresented employees must follow the steps outlined in AFSCME, Grievance Procedure.
- AFSCME Dentists may appeal their discipline under Step Three of the Dentists' Grievance Procedure, by appealing to the Director, within ten days of the Letter of Discipline's effective date.
- AOCE employees may appeal a written reprimand, salary step withheld based on just cause and disciplinary actions under the AOCE Grievance Procedure Step Two by filing a written grievance with the Functional Unit Manager within 30 days of being disciplined.
- Management Service employees have 30 days to appeal their discipline to the Employment Relations Board and 15 days to appeal to the Director. Employees who choose to file an appeal with both the Director and the Employment Relations Board must be made aware that filing with one does not extend the deadline to file with the other.

Dismissal Appeal Process

- AFSCME Parole and Post-Prison Supervision / Security Plus, AFSCME Security and AFSCME Parole and Probation Officers may have the Union appeal to the Labor Relations Unit within ten (10) calendar days of the employee's dismissal.
- AFSCME Dentists may have the Union appeal to the Labor Relations Board on their behalf within ten (10) calendar days of the effective date of the dismissal. The appeal shall be heard by the Arbitrator as laid out in the collective bargaining agreement.

- AOCE employees may have the Association appeal to the Labor Relations Unit within ten (10) calendar days of the effective date of the dismissal. AOCE may within the same ten (10) days request arbitration.
- Management Service employees have 30 days to appeal their dismissal to the Employment Relations Board and 15 days to appeal to the Director. Employees who choose to file an appeal with both the Director and the Employment Relations Board must be made aware that filing with one does not extend the deadline to file with the other.

For Further Information

See ODOC Policy 20.9.3, [Management Service Grievance Review](#); [AFSCME Parole and Post-Prison Supervision / Security Plus](#), Article 50- Discipline and Discharge; [AFSCME Security](#), Article 50- Discipline and Discharge; [AFSCME Parole and Probation Officers](#), Article 45- Discipline and Discharge; [AFSCME Dentists](#), Article 24- Discipline and Discharge; [AOCE](#), Article 43- Discipline and Discharge. ◇