CHAPTER 3 -PERSONNEL, TRAINING, AND EMPLOYEE RELATIONS

ARTICLE 1 — EQUAL EMPLOYMENT OPPORTUNITY/SEXUAL HARASSMENT POLICY

Revised December 2009

31010.1 Policy

The California Department of Corrections and Rehabilitation (CDCR) is committed to providing a work environment of equal employment opportunity (EEO) to all employees and applicants and creating a work atmosphere in which all individuals are treated with respect and professionalism. Consistent with this commitment, it is the policy of CDCR to provide a workplace free from discrimination, harassment, and retaliation for all employees, contractors, and volunteers. This policy applies to all aspects of employment within CDCR including recruitment, hiring, promotion, transfer, training, corrective and/or disciplinary action, adverse action, and other terms, conditions, and benefits of employment.

All employees are prohibited from discriminating against or harassing anyone on the basis of their protected status. These bases are:

- Age (40 or older)
- Ancestry
- Color
- Disability (physical or mental)
- Marital Status
- Medical Condition (cancer or genetic characteristics)
- National Origin
- Political Affiliation
- Race
- Religion
- Sex (including sexual harassment and pregnancy)
- Sexual Orientation
- Veteran Status/Military Service

Each discrimination basis listed above includes the perception that the individual has any of these characteristics or that the individual is associated with a person who has or is perceived to have any of these characteristics.

All employees are also prohibited from discriminating against or harassing anyone because of:

- Usage of leave rights permissible under the Family Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA),
- Genetic information.

All employees are prohibited from retaliating against any person because the person has opposed any practices forbidden under this policy or because the person has filed a complaint, testified, or assisted in any proceeding related to this policy.

All employees are prohibited from aiding or coercing the doing of any acts forbidden under this policy.

All employees are prohibited from engaging in behavior that rises to the level of discrimination, harassment, or retaliation in violation of:

- Title VII of the Civil Rights Act of 1964 (including amendments)
- California Fair Employment and Housing Act (FEHA) of 1959 (including amendments)
- Other California and federal EEO laws
- California Code of Regulations (Title 15), and
- Departmental policies and procedures.

This policy applies to conduct that occurs in any location operated by CDCR or is considered a workplace by CDCR, as well as any location that can reasonably be regarded as an extension of the workplace, such as an off-site business or social function, or other non-CDCR facility where CDCR business is being conducted. This policy applies to conduct that occurs off-duty and is brought back to the workplace, when such conduct adversely affects the individual in a manner otherwise prohibited by this policy.

Any employee found to have engaged in discrimination, harassment, or retaliation in violation of this policy will be subject to corrective and/or disciplinary action including dismissal from CDCR.

31010.2 Purpose

The purpose of this policy is to define the roles and responsibilities of CDCR management and employees relative to the EEO/Sexual Harassment policy and the discrimination complaint process described below.

31010.3 Conduct Violations

EEO Policy and Violations

The type of prohibited discriminatory or harassing behavior which may be found to constitute a violation of EEO policy includes, but is not limited to:

Making employment decisions on the basis of an individual's protected characteristics.

- Changing the terms, conditions, or privileges of employment of an employee in retaliation for filing an EEO complaint or participating in the discrimination complaint process.
- Denying or failing to provide reasonable accommodation for a disability or a bona fide religious practice.
- Denying a leave request for which an employee is eligible under FMLA or CFRA.
- Using discriminatory terms or telling discriminatory jokes that are based on an individual's protected status.
- Displaying objects, cartoons, pictures, or posters that are derogatory or discriminatory based on an individual's protected status.
- Posting, sending, uploading/downloading messages with discriminatory or retaliatory content in any form via electronic mail, the intranet/internet websites, cell phone, office mail, or personal mail.
- Discriminating against any employee in violation of this policy so as to create a hostile work environment.
- Engaging in any unwanted physical contact or leering.
- Making harassing telephone calls to a coworker, or sending harassing correspondence to an individual by any means including, but not limited to, public or private mail, interoffice mail, facsimile, computer email or text messaging.

Sexual Harassment Violations

Sexual harassment is defined under state and federal laws as unsolicited and unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct of a sexual nature that interferes with work performance by creating an intimidating, hostile, or offensive work environment. Such conduct constitutes sexual harassment when:

(1) Submission to the conduct or communication is made either explicitly or implicitly a term or condition of employment.

(2) Submission to or rejection of the conduct or communication is used as a basis for employment or service decisions affecting the individual.

(3) Such conduct or communication has the potential to negatively affect an individual's work performance and/or create an intimidating, hostile, or offensive work environment.

CDCR has a zero tolerance policy regarding sexual harassment. Zero tolerance means that all violations of the sexual harassment policy will be handled through the progressive discipline process.

The type of prohibited discriminatory or harassing behavior which may be found to constitute a violation of CDCR's zero tolerance sexual harassment policy includes, but is not limited to:

- Demanding sexual favors in exchange for employment benefits, whether explicitly or implicitly.
- Leering, making sexual gestures, impeding or blocking movements, pinching, grabbing, patting, intentionally brushing up against another individual, rape or assault.
- Engaging in retaliation after a negative response to sexual advances.
- Using sexually derogatory terms or telling sexual jokes.
- Displaying objects, cartoons, pictures, or posters of a derogatory or sexual nature.
- Posting, sending, or uploading/downloading sexual or demeaning materials in any form via electronic mail, the intranet/internet websites, or cell phone.
- Engaging in any unwanted physical contact including touching, leering, and assault of a sexual nature.
- Following or stalking an employee.

- Making harassing telephone calls of a sexual nature to a coworker, or sending harassing correspondence to an individual by any means including, but not limited to, the use of public or private mail, interoffice mail, facsimile, computer e-mail or text messaging.

31010.4 Responsibilities

Assistant Secretary

The Assistant Secretary, Office of Civil Rights (OCR), shall:

- Ensure the mission statement of the OCR is effectively implemented throughout the Department.
- Provide statewide direction in the development and implementation of the Department's EEO/Sexual Harassment policy and procedures in compliance with federal and state laws and departmental policies to ensure a work environment free of discrimination, harassment and retaliation.
- Oversee the statewide discrimination complaint process and advise the Hiring Authorities with OCR findings and recommendations.
- Ensure the Department is in compliance with requirements mandated by external state and federal agencies including the California Department of Fair Employment and Housing (DFEH), California State Personnel Board (SPB), and the U.S. Equal Employment Opportunity Commission (EEOC).

Program Manager

Under the direction of the Assistant Secretary, the Program Manager shall:

- Provide technical assistance to the Regional Managers, OCR, relative to state and federal employment laws, relevant case law, and departmental policies.
- Develop and implement EEO/Sexual Harassment related policies and procedures and ensure compliance with state and federal employment laws and departmental policies.
- Oversee the most sensitive and/or complex cases.
- Provide direction to the Training and Program Support Unit, OCR.
- Consult with the Office of Legal Affairs (OLA) when necessary.
- Conduct research and prepare reports.
- Ensure the Disabled Advisory Committee (DAC) and other EEO/Sexual Harassment related workgroups are effectively implemented throughout the Department.

Regional Managers

Under the direction of the Program Manager, the Regional Managers (Northern Regional Office, Central Regional Office, and Southern Regional Office) shall:

- Provide direction to OCR Supervising Investigators and investigators in conducting investigations.
- Maintain tracking of the pending discrimination complaints.
- Assist Hiring Authorities and EEO Coordinators within their respective regions to ensure a work environment free of discrimination, harassment, and retaliation.
- Initiate an investigation when appropriate.

Supervising Investigators

Under the supervision of the respective Regional Manager, the Supervising Investigator shall:

- Oversee investigators in conducting investigations, including providing direction, necessary training, and review of submitted reports and documents for approval. May conduct investigations when necessary based upon caseloads.
- Monitor caseloads assigned to investigators with oversight by Regional Manager.
- Adhere to CDCR's EEO/Sexual Harassment policy and procedures, the discrimination complaint process, applicable state and federal laws, departmental policies, bargaining unit contracts, and Memorandums of Understanding (MOU).
- Immediately report all problems encountered in the investigation that restrict or impede the investigator's ability to complete the investigation to the Regional Manager.
    - Submit required reports and documents to the Regional Manager within the specified time period.

Investigators

Under the supervision of the respective Supervising Investigators, the investigators shall:

- Contact the complainant and verify the nature of the complaint, obtain details, and gather facts.
- Conduct and record investigatory interviews.
- Adhere to CDCR's EEO/Sexual Harassment policy and procedures, the discrimination complaint process, applicable state and federal laws, departmental policies, bargaining unit contracts, and Memorandums of Understanding (MOU).
- Confine the investigation to the evidence relevant to the complaint.
- Immediately report all problems encountered in the investigation that restrict or impede the investigator's ability to complete the investigation to the Supervising Investigator.
- Submit required reports and documents to the Supervising Investigator within the specified time period.

Training and Program Support Unit

Under the supervision of the Program Manager, the Training and Program Support Unit shall:

- Coordinate with the Office of Training and Professional Development (OTPD) in the development and delivery of EEO/Sexual Harassment Prevention training, including monitoring and evaluating the effectiveness of such training.
- Provide program support; ensure the adequacy and accuracy of training materials; identify training needs; and customize training to meet training requirements.
- Assist with the development and implementation of the Department's EEO/Sexual Harassment policy.
- Design and develop EEO/Sexual Harassment Prevention training program and materials; coordinate training with the OTPD to ensure training standards are accomplished.
- Review and analyze training materials provided by outside vendors or other organizations.
- Conduct training for EEO Coordinators and EEO Counselors; serve as a liaison between OCR and EEO Coordinators, EEO Counselors, and field training staff.
- Develop and maintain a tracking system to ensure mandated training is conducted in a timely manner.
- Complete the EEO Plan and annual Workforce Analysis Report including goals for persons with disabilities and upward mobility.
- Provide technical assistance to CDCR staff regarding EEO/Sexual Harassment issues, internal and external complaint processes, and completion of forms.
- Serve as a liaison for the Limited Examination and Appointment Program (LEAP); incorporate LEAP into training programs to encourage hiring of qualified persons with disabilities.

Hiring Authority

The Hiring Authority shall:

- Assign an appropriate employee to the position of EEO Coordinator.
- Ensure discrimination complaints received are recorded by the EEO Coordinator regardless of the nature of the complaint.
- Request an administrative inquiry, via a memorandum, to the Assistant Secretary, OCR, when there is a potential EEO/Sexual Harassment policy violation.
- Review Central Intake determination letters and/or Hiring Authority referral memorandums received from the Central Intake Unit, OCR, and take appropriate action when required.
- Review case closure letters and investigative reports received from the OCR Regional Office and take appropriate action when required.
- Ensure compliance with the EEO/Sexual Harassment policy and procedures and applicable state and federal laws by all employees under their authority and take immediate and appropriate course of action as necessary.

EEO Coordinator

Under the supervision of the Hiring Authority, the EEO Coordinators shall:

- Receive discrimination complaints (whether or not they are documented on a Discrimination Complaint form, CDCR 693) from an employee or applicant

and initiate the discrimination complaint process following the EEO Coordinator's manual provided by OCR.

- Review the CDCR 693 and any other documents submitted by the complainant and/or EEO Counselor for accuracy and completeness.
- Provide respondent with a Notice of Complaint (formerly known as Admonishment Letter and Cease and Desist Letter) to ensure neither the alleged conduct nor retaliation is occurring.
- Notify the complainant regarding disposition of the complaint and provide the appropriate closure letter to the complainant during the Local Intervention Process.
- Forward the discrimination complaint to the OCR, when necessary.
- Serve as a liaison between employees and management to help resolve discrimination complaints by discussing problems with employees and appropriate supervisors, by advising employees on the issues, and by developing appropriate solutions.
- Select EEO Counselors and provide them with technical assistance and direction and maintain their contact information.
- Provide assistance to the OCR investigator in scheduling on-site investigative interviews and obtaining any requested documents.

EEO Counselors

Under the supervision of the EEO Coordinator, the EEO Counselors shall:

- Establish and provide an open channel of communication through which employees may discuss complaints.
- Direct individuals to the appropriate procedure if the issue of the complaint does not involve an allegation of discrimination.
- Advise employees of their rights and responsibilities with regard to the internal and external discrimination complaint procedures.
- Inform employees of the EEO/Sexual Harassment policy and procedures and the discrimination complaint process.
- Receive discrimination complaints (whether or not they are documented on the CDCR 693) and forward them to the EEO Coordinator within 24 hours regardless of the complainant's desire to keep the complaint confidential.
- Conduct the Local Interview Process (LIP) interview with the complainant and submit the completed CDCR 693 and documentation to the EEO Coordinator.

Managers and Supervisors

Under the supervision of the Hiring Authority, all CDCR managers and supervisors shall:

- Maintain and promote a work environment free from discrimination, harassment, retaliation, and unprofessional or disrespectful conduct related to this policy.
- Adhere to the EEO/Sexual Harassment policy and procedures, applicable state and federal law, discrimination complaint process and ensure they are communicated to all employees under their supervision.
- Take pro-active steps to prevent unprofessional or disrespectful behavior.
- Take immediate and appropriate action to stop the conduct that violated this policy, regardless of the employee's desire to keep the issue confidential.
- Ensure that employees under their management or supervision have received EEO/Sexual Harassment training and a copy of the policy.
- Advise their employees of their rights and the process for filing an EEO/Sexual Harassment complaint.
- Notify in writing (e-mail can be used) his or her direct supervisor and the local EEO Coordinator within 24 hours of becoming aware of conduct that may violate CDCR's EEO/Sexual Harassment policy.
- Document the discussion with the employee and submit it in writing to the EEO Coordinator within three working days from the date the employee informed the supervisor of the alleged violation.
- Attend mandated EEO/Sexual Harassment Prevention training.

Failure by a manager and supervisor to adhere to the above responsibilities may result in corrective and/or disciplinary action up to and including dismissal from CDCR. Separate from any action taken by CDCR, managers and supervisors should be aware that his or her conduct may result in personal civil liability.

Employees

All CDCR employees shall:

- Adhere to CDCR's EEO/Sexual Harassment policy and procedures, applicable state and federal laws, and the discrimination complaint process.
- Not engage in, condone, tolerate, or leave uncorrected conduct that violates the EEO/Sexual Harassment policy.
- Report any policy violations by making a discrimination complaint as described below.
- Cooperate with any investigation conducted by OCR.
- Attend mandated EEO/Sexual Harassment Prevention training.

Failure by an employee to adhere to the above responsibilities may result in corrective and/or disciplinary action, up to and including dismissal from the Department, regardless of rank, level or classification. Separate from any action taken by CDCR, employees should be aware that his or her conduct may result in personal civil liability.

31010.5 Discrimination Complaint Process

The CDCR's Discrimination Complaint Process consists of the Local Intervention Process (LIP), Central Intake, and Investigation. The Hiring Authority can also initiate the discrimination complaint process by requesting an administrative inquiry to the Assistant Secretary, OCR.

31010.5.1 The Local Intervention Process

The purpose of the LIP is to resolve a complaint of discrimination, harassment, or retaliation at the lowest level. If an employee believes that an EEO/Sexual Harassment policy violation has occurred, he or she must file a complaint (verbally or in writing). The CDCR 693 can be obtained from OCR, the OCR Intranet/Internet websites, or the local EEO Coordinator. A reasonable amount of State time must be allowed to report a complaint to his or her supervisor, an EEO Counselor, the local EEO Coordinator, or any other CDCR manager or supervisor. The individual to whom the violation has been reported will take necessary and appropriate action to assist the employee in resolving the complaint and prevent further violations.

Any discrimination complaint or any reported issue that may violate the EEO/Sexual Harassment policy received from any employee or an applicant must be forwarded to the EEO Coordinator within 24 hours whenever possible. If the allegations are egregious or include sexual harassment allegations, the complainant should be aware that complete confidentiality cannot be assured because of the legal obligation to take immediate and appropriate action.

The EEO Coordinator may assign an EEO Counselor to conduct a LIP interview with the complainant. After the EEO Coordinator receives the required and supplemental documents from the assigned EEO Counselor, the EEO Coordinator evaluates the complaint and makes a determination. A determination includes, but is not limited to, forwarding the complaint to the OCR, the Hiring Authority, or the appropriate manager/supervisor.

The complaint must be forwarded to OCR when:

- Complaint includes issue(s) that are severe or pervasive and/or involves sexual harassment.
- Executive staff is named as a respondent.
- Witnesses need to be interviewed.
- Complainant wants OCR to investigate the complaint rather than resolving at the local level.

31010.5.2 Filing a Complaint

If an employee is not satisfied with the results of the LIP or decides to bypass the LIP, a discrimination complaint may be filed via a CDCR 693, e-mail, telephone, or memorandum with the CDCR, Office of Civil Rights (OCR). An employee may also file a complaint by calling the OCR hotline at 1-800-272-1408, or by contacting the state or federal compliance agency (i.e., SPB, DFEH, or EEOC).

An employee is not required to confront the person(s) engaged in the conduct believed to be in violation of this policy at any time before or after filing a complaint. No employee is required to contact his or her direct supervisor to report conduct believed to be in violation of this policy. An individual seeking to report a violation of this policy may utilize any of the above listed options.

31010.5.3 Central Intake

The Central Intake Unit within the Northern Regional Office is responsible for evaluating each complaint, by the order of the date received, to determine if the complaint warrants an investigation. The Regional Managers or above may bypass the Central Intake and initiate an investigation.

A Central Intake Analyst reviews and analyzes the discrimination complaint in order to make a recommendation for each allegation. The Central Intake Analyst may contact the complainant to obtain additional information. When a Central Intake Analyst attempts to contact a complainant to complete the intake analysis, and the complainant fails to respond within a reasonable time, the complaint will be closed.

Once the intake analysis is completed, the complaint will be reviewed by the Central Intake Panel. The Central Intake Panel consists of, but is not limited to, the Assistant Secretary, Program Manager, and representatives from the OLA.

Central Intake determination includes:

1. Accepted for OCR Investigation: The allegation(s) may contain an issue(s) which rises to the level of discrimination, harassment, or retaliation in violation of the applicable state and/or federal laws and departmental policies and procedures.

When the Central Intake Panel accepts an allegation(s), the discrimination complaint will be forwarded to the designated Regional Office for investigation.

2. Rejected for OCR Investigation: The allegation(s) does not contain an issue(s) which rises to the level of discrimination, harassment, or retaliation in violation of the applicable state and/or federal laws and the departmental policies and procedures.

When the Central Intake Panel rejects an allegation(s), the Panel may refer the allegation to the Hiring Authority or an appropriate office/entity (e.g., Office of Internal Affairs, Office of Inspector General) for review and appropriate action.

The complainant, Hiring Authority, and EEO Coordinator are notified of the determination by the Central Intake Manager. When a rejected allegation is referred, the Hiring Authority or an appropriate office/entity is notified of the referral by the Northern Regional Manager.

31010.5.4 Administrative Inquiry

A Hiring Authority may request an OCR investigation when a complaint or issue(s) may rise to the level of discrimination, harassment, or retaliation in violation of the applicable state and/or federal laws and departmental policies and procedures. The administrative inquiry shall be submitted to the Assistant Secretary, OCR, via memorandum.

The Assistant Secretary, OCR, shall acknowledge and review all of the administrative inquiries received. After review by the Program Manager, OCR, the administrative inquiry will be forwarded to the assigned Regional Office for investigation. OCR may decline an administrative inquiry if:

- An inquiry contains a duplicate issue(s) that has been addressed in a prior complaint.
- An inquiry does not contain an issue(s) which rises to the level of discrimination, harassment, or retaliation in violation of the applicable state and/or federal laws and the departmental policies and procedures.

31010.5.5 Investigation

The investigative activities conducted by the OCR investigator include, but are not limited to, conducting investigatory interviews with the complainant, respondent, witnesses, obtaining documents and other forms of evidence, and conducting file reviews. After the investigative activities are completed, the OCR investigator prepares an Investigative Report for approval.

The complainant, respondent, Hiring Authority, and EEO Coordinator are notified of the findings of the OCR investigation by a Closure Letter from the respective Regional Manager. When violations of policy are supported by the OCR investigation, the Regional Manager shall forward the Investigative Report, including evidence, to the Hiring Authority for review and appropriate action. When necessary, the Regional Manager may refer the findings of the OCR investigation to an appropriate office/entity for review.

31010.5.6 External Complaint

All employees and applicants may elect to file a discrimination complaint with the following external compliance agencies:

1. State Personnel Board (SPB) – A complainant may file directly with SPB within 365 days of the last incident or notification of discriminatory act(s) when the complaint is against a high ranking official of the Department or is based on retaliation. The SPB is the appeal level for internal complaints.
2. Equal Employment Opportunity Commission (EEOC) - An employee may file a discrimination complaint with EEOC within 300 days from the last incident or notification of the alleged discriminatory act(s).
3. Department of Fair Employment and Housing (DFEH) – A complainant may file with DFEH within 365 days from the last incident, date of notification of alleged discriminatory act(s), or date of actual harm.

When a charge of discrimination is received from external compliance agencies, OCR shall conduct an investigation and when requested, submit a position statement, including requested supplemental information, on behalf of CDCR. The compliance agency will notify the complainant of the determination and/or case closure.

31010.5.7 Withdrawal

Once a complaint is filed, a complainant may request to withdraw the complaint, at any step of the discrimination complaint process upon approval of:

1. Local Intervention Process: EEO Coordinator
2. Central Intake: Central Intake Manager or above.
3. Investigation: Supervising Investigator or above.

   If the allegations are egregious or include sexual harassment, the investigation will continue without the complainant's participation.
4. Administrative Inquiry: Assistant Secretary, OCR.

   A request for withdrawal must be made by the requester of the administrative inquiry.
5. External: External Agency

31010.5.8 Appeal

If a complainant is not satisfied with the Central Intake determination or the findings of the OCR investigation, the complainant may appeal to the SPB Appeals Division within 30 days of receipt of notification from OCR.

31010.6 Definitions of Discrimination Basis

Age

Age refers to the chronological age of any individual who has reached his or her 40th birthday.

Ancestry

The national or cultural origin of a line of familial descent.

Color

The color of skin of an individual, including shades of skin within a racial group.

Disability

A physical or mental impairment affecting one or more body systems which limits a major life activity, including work; a record of such an impairment; or being regarded as having such an impairment. This includes HIV and AIDS.

Genetic Information

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical history).

Marital Status

The legal status in a relationship such as married, never married, single, separated, divorced or widowed.

Medical Condition

A person's genetic characteristics or a person who has or had cancer.

National Origin

An individual's or his or her ancestor's place of origin. An individual's common language, culture, ancestry and other similar social characteristics.

Political Affiliation

Membership or association in a political party or special interest group (Union issues are not included).

Race

An individual's belonging to one of the accepted anthropological racial groups (i.e., Caucasian, African, Aborigine, or Asian) or the perception that a person is a member of a racial group.

Religion

A person's sincerely held religious belief or belonging to an organized religion or sect.

Retaliation

A negative employment action taken against an individual due to his/her protected activity (opposition to a discriminatory practice or participation in the discrimination complaint process).

Sex

A person's gender or gender identity such as male, female, transgender or transsexual. This protected group includes sexual harassment, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.

Sexual Orientation

The direction of a person's sexual attention and/or physical attraction and preference (heterosexuality, homosexuality, bisexuality).

Veteran Status/Military Service

Vietnam Era veterans who served from August 5, 1964, to May 7, 1975, and any person entitled to the rights and benefits under the Uniformed Services Employment and Reemployment Rights Act.

31010.6.1 Definitions of Other Terms

Association

An individual's association with a member of a protected group or membership in an advocacy organization representing a protected group.

Complainant

Any individual or group of individuals who allege the Department has discriminated against them in violation of a state or federal EEO law or regulation or departmental policy.

EEO

The legal right of all individuals to be afforded full and equal consideration for employment, retention, and advancement on the basis of merit.

EEO Counselor

A departmental employee trained to assist in the discrimination complaint process.

EEO Coordinator

A person designated by a Hiring Authority to receive and coordinate internal discrimination complaints.

External Discrimination Complaint

A formal complaint alleging discrimination filed with a state or federal compliance agency against the Department by a charging party.

Family and Medical Leave Acts/California Family Rights Act

Provisions in state and federal statutes that allow for up to 12 weeks of unpaid leave for the birth of a child for purposes of bonding, placement of a child in the employee's family for adoption or foster care, and the qualified serious health condition of the employee or the qualified serious health condition of a parent, spouse or child. California law provides the same protection for registered domestic partners.

Hiring Authority

The Secretary, Undersecretaries, General Counsel, Chief Information Officer or any Assistant Secretary, Executive Officer, Chief Deputy Secretary, Director, Deputy Director, Associate Director, Warden, Parole Administrator, Superintendent, Superintendent of Correctional Education, Associate Superintendent of Education, Regional Health Care Administrator, Health Care Manager, Chief Executive Officer, or any other person authorized by the Secretary, CDCR, to hire, discipline and dismiss employees under his/her authority.

Internal Discrimination Complaint

A formal complaint alleging discrimination filed with the OCR or any local EEO Coordinator.

Investigation

The process by which an investigator gathers evidence that either refutes or supports an employee's allegation of discrimination, harassment, or retaliation.

Investigator

A departmental employee, or designee, who is assigned by the Assistant Secretary, OCR, to conduct discrimination and harassment complaint investigations.

31010.7 Required Training for OCR Investigators

All OCR investigators shall attend EEO Investigator Training, Internal Affairs Investigation Training, and Interrogation/Interviewing Training.

31010.8 Logging Discrimination Complaints

The Hiring Authority, or designee, shall log each discrimination complaint regardless of whether the allegation is referred for investigation on the OCR Complaint Log. The log shall be complaint driven; therefore, more than one employee can be listed under one log entry. Log numbers shall be assigned using a standard logging system utilizing the following format: ABC-001-09

- The first identifier (ABC) indicates the institution (e.g., NKSP) field office or other work site acronym.
- The second identifier (001) indicates the sequential number. The sequence continues throughout the calendar year.
- The third identifier indicates the calendar year in which the complaint was filed.

31010.9 Case Assignment

When a request for administrative inquiry or complaint is accepted for investigation, the case shall be assigned by the Regional Manager (Northern, Central or Southern) to an OCR investigator.

31010.10 Case Management System

All OCR administrative inquiry requests or complaints, whether investigated or not, shall be logged into OCR's case management system and numbered sequentially on an annual basis. The log shall specify, but not be limited to, the following information: the sequential number of the inquiry or complaint, the date of receipt of the inquiry or complaint, the location or facility to which the inquiry or complaint pertains, and the disposition of the inquiry or complaint. The case management system shall be maintained by OCR for efficiency and statistical tracking.

31010.11 Retaliation Investigations

The OCR is responsible for investigating complaints of retaliation as defined in Section 31010.6 of this Article. The OIA is responsible for investigating complaints of retaliation as defined under the California Whistleblower Protection Act. Any whistleblower or other complaint of retaliation, which is not related to a discrimination complaint, shall be forwarded to OIA for review and consideration.

31010.12 Employee Representation Rights

Employees are entitled to representation during investigative interviews consistent with their MOU, the Public Safety Officer Procedural Bill of Rights Act, and other state and federal laws. A personal advisor, attorney, or another state employee designated by the complainant, respondent or witness may attend the interview. Employees who are possible witnesses in an investigation are excluded from serving as employee representatives.

31010.13 Use of State Time

Use of State time for filing a discrimination complaint or participating in investigations shall be approved by the employee's supervisor. Absent an emergency, employees may request and shall be allowed reasonable State time by the supervisor to contact/secure a representative and to discuss the matter with the representative prior to any interview.

31010.14 Statute of Limitations

OCR investigations must be completed in a timely manner so as to allow Hiring Authority ample opportunity to take corrective or disciplinary action. The statutes of limitation contained in Government Code section 3304(d) and (g) and Government Code section 19635 shall be followed.

31010.15 Complainant/Respondent Interviews

All departmental employees who are either the complainant or respondent in an OCR investigation and subject to an interview shall be informed of the following before the interview: (1) Name and classification of the investigator; (2) Name and classification of all other personnel to be present during the interview; and (3) The nature of the investigation in sufficient detail to allow the employee to respond to the investigator's questions.

31010.16 Witness Interviews

If during a witness interview, facts are discovered that the witness may be named as a respondent in the investigation, the OCR investigator shall immediately discontinue the interview. The OCR investigator shall reschedule the interview applying all procedures related to a respondent in an investigation.

31010.17 Employee Duty to Cooperate

Every CDCR employee is required to cooperate during any EEO inquiry or investigation. Employees shall make complete and truthful statements and shall not take any action that might reasonably delay or unduly influence, or interfere with an investigation conducted by the Department. Failure to provide complete and truthful statements may result in disciplinary action.

31010.18 Recording Interviews for OCR Investigation

During an OCR investigation, all noticed employee interviews concerning matters that could lead to disciplinary action, shall be recorded.

Any recording of a noticed investigatory interview shall be as follows: (1) Made openly with the full knowledge of the employee being interviewed; (2) Documented as part of the final report; and (3) Retained for later transcription, if needed.

Any recording made of an interview shall not be released unless it is part of an adverse action or as otherwise required by law or bargaining unit contract. All recordings shall be retained with the case file.

31010.19 Additional Misconduct Discovered During an Investigation

If an investigation/inquiry of alleged discrimination reveals other possible misconduct, unrelated to the current investigation, the OCR investigator shall promptly present the facts to the Regional Manager. The Regional Manager will inform the Hiring Authority and consult with the OLA to determine whether to initiate a new OCR investigation, refer the matter to their Hiring Authority to handle as a supervisory issue, or to refer the case to OIA.

31010.20 Confidentiality of Investigations

All investigative records of the OCR are confidential. The OCR investigators, EEO Coordinators, EEO Counselors, OCR support staff and others involved in an investigation/inquiry shall not discuss with others, with the exception of Department legal counsel, any aspect of any investigation without approval, or as otherwise required by law.

31010.21 Investigative Report

The Assistant Secretary, OCR, shall develop a standard report format to be used in all OCR investigations. The format shall be set forth in the OCR Investigations Manual.

31010.22 Distribution of Investigations

Upon completion of each OCR investigation, the investigator shall forward the investigative report and case file which includes all supporting documents and investigative notes, to the supervisor for review and approval. Upon approval by the supervisor, the investigative report and case file shall be forwarded to the Regional Manager for review and approval.

31010.23 Maintenance of Case Files

All case files shall be processed and stored in a secure location.

31010.24 Purging Investigative Case Files

Investigative case files and records shall be purged and destroyed as provided in the Records Retention Schedule. Purging shall be postponed if litigation or potential litigation is pending or if there are other justifiable reasons. The OCR shall forward a memorandum to the Assistant Chief Counsel, Labor and Human Resources Team, OLA, listing records to be purged and destroyed to determine if there is current litigation. The OLA will review with OCR management before authorizing, in writing, the purging of these records.

31010.25 EEO Advisory Committee

Each institution/parole region shall establish an EEO committee which is to meet on a quarterly basis, to serve in an advisory capacity to the Hiring Authority on EEO matters including complaints and training.

EEO Advisory Committee Membership shall include the following individuals:

- Warden or Regional Parole Administrator (RPA) and Deputy RPA.
- Institution EEO Coordinator.
- EEO Counselors.

31010.26 Disabled Advisory Committee

The Disabled Advisory Committee (DAC) shall provide advice and assistance to the Secretary, CDCR, and Assistant Secretary, OCR, on disability issues, such as:

- Developing and maintaining EEO programs and activities for persons with disabilities.
- Making recommendations to improve the personnel practices and employment opportunities for persons with disabilities.
- Establishing contact with groups and organizations that are concerned with achieving equitable representation and utilization of persons with disabilities in the Department's work force.
- Monitoring of disability issues identified by the committee to ensure that necessary actions occur within reasonable time frames.
- Assisting the Department in complying with the Americans with Disabilities Act and other related statutes.

Membership

The DAC shall consist of volunteers to be selected by OCR with input from current members. Every effort will be made to ensure geographic and program representation.

Resources

Members of the DAC shall be primarily involved with the duties and responsibilities of their specific assignments; local administrators shall make the necessary arrangements to allow members reasonable time to perform committee activities.

Meetings

The DAC shall meet as called by the DAC Chairperson, and at least annually with OCR.

31010.27 Upward Mobility Program

This program provides career opportunities within the Department for permanent, full-time employees in lower paying occupations to entry level technical, professional, and administrative positions within the Department.

Human Resources shall be responsible for:

- Identifying and developing upward mobility opportunities within the Department.
- Developing, assisting and monitoring the implementation of program objectives that will improve present working conditions and upward mobility career development for employees in lower paying occupations within the Department.
- Making recommendations in the development of bridging classifications from clerical to professional, technical, and administrative classifications.
- Providing assistance to interested employees having an approved Upward Mobility Plan, CDCR Form 915, on file with job opportunity information.
- Establishing fair criteria for selecting employees for upward mobility activities.

31010.28 Revision

The Assistant Secretary, OCR, or designee, shall ensure that the content of this Article is accurate and current.

310.10.29 References

Federal

Title VII of the Civil Rights Act of 1964 (including amendments)

Family and Medical Leave Act

Age Discrimination in Employment Act of 1967

Americans with Disabilities Act of 1990

Uniformed Services Employment and Reemployment Rights Act

Title II of the Genetic Information Nondiscrimination Act of 2008

State

California Fair Employment and Housing Act of 1959 (including amendments)

California Family Rights Act

California Department of Corrections Code of Regulations (Title 15)

Government Code §§ 12920 - 12922; 12925 - 12928; 19230 – 19237; 19400 – 19406; 12940 - 12951; 12960 – 12976; 19700 – 19706; 19790 – 19799.

ARTICLE 2 — HEALTH AND SAFETY PROGRAM

Effective February 6, 1990

31020.1 Policy

The Director hereby establishes a health, safety, accident prevention and reporting system to prevent and correct safety and health hazards to its employees, inmates and visitors.

The Department shall strive to provide a healthy environment and safe working conditions, therefore:

- All personnel and inmates of the Department are responsible for the safety of themselves and others.
- Safety considerations shall take precedence over convenience and expediency in the Department's operations.
- Accident prevention and safety are basic management responsibilities:
  - Supervisors shall be evaluated on the effectiveness of their safety efforts.
  - Employees shall also be evaluated on their adherence to safety rules and safe practices.
- Specific annual health sanitation and fire safety inspections shall be performed in accordance with applicable laws and with the assistance of the State Fire Marshal's Office or DHS' sanitation engineer. Follow-up inspections to audit for correction of identified deficiencies shall be performed.

31020.2 Purpose

This section specifies the requirements for establishment, reporting and control of the health and safety management program.

31020.3 Objectives

All systems shall meet or exceed the minimum safety and health standards of the General Industry Safety Orders (GISO), CCR (8); Manual of Standards for Adult Correctional Institutions (ACA); National Fire Protection Association (NFPA) Life Safety Codes; H&SC; and all other applicable federal, state, and local laws, ordinances, and codes regarding occupational safety, environmental health, and fire prevention and control.

Each division head shall maintain a place of employment free from recognized hazards that cause, or are likely to cause, injury/illness or death to employees, inmates and visitors.

All personnel shall be aware of, and have access to, the appropriate manuals and training required to perform assignments in a healthful and safe manner.

31020.4 Definitions

Unless otherwise specifically indicated, the terms used in this section are defined as follows:

Accident

Deviation from planned events which causes an undesirable end result or effect.

Assigned Work or Employment of Inmates

Work performed in any pay or non-pay position in a work program under the direction, and with the approval of a duly authorized supervisory lead person or departmental employee. It does not include skill centers, vocational training, or academic education programs (except for physical fitness training and forestry training which are a prerequisite to fire suppression duties and are authorized by LC 3365) or activities which are clearly not encompassed within the duties and responsibilities of the position to which assigned.

Disabling Injury/ Illness

An injury or illness resulting in either lost workdays beyond the day of injury, loss of consciousness, restriction of motion, termination of employment or transfer to another job.

Employee

Every person in the service of an employer under any appointment or contract of hire or apprenticeship, expressed or implied oral or written, whether lawfully or unlawfully employed.

Employment

The carrying on of any trade, enterprise, project, industry, business, occupation, or work including construction, in which any person is engaged or permitted to work for hire, except household domestic service.

First Aid

Any one-time and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, etc., which do not ordinarily require medical care. Such one-time treatment and follow-up visit for the purpose of observation is considered first-aid even though provided by a physician or registered professional personnel.

- Procedures such as tetanus injections and diagnostic x-rays are not, in and of themselves, considered medical treatment. Where an injured person has received an x-ray but the x-ray indicates no fracture and the employee receives no further treatment (or prescriptions), the x-ray itself is not considered medical treatment.
- Employees who are treated by a private physician rather than an institution doctor shall have an Employer's Report of Occupational Injury or Illness, SCIF Form 3067, completed and submitted even if the treatment is only first-aid.

A term used to identify the number of disabling injuries/illnesses by a specified unit, department, or institution. It is calculated by multiplying the number of injuries, illnesses and deaths by 200,000 divided by the total number of hours worked by all employees in that unit during the calendar year.

Health and Safety

Freedom from danger to the life and well-being of staff, inmates and visitors as the nature of the employment and environment reasonably permits.

Industrial Injury

Any injury or disease which arises out of the assigned work which may be either specific or cumulative.

- A specific injury or illness is one that occurs as the result of one incident or exposure.
- A cumulative injury or illness occurs over a period of time.

Inmate

A person committed to the custody of the Department who:

- Is in a facility, camp, hospital, or institution of the Department for the purpose of confinement, treatment, employment, training, or discipline.
- Has been temporarily released from a facility under jurisdiction of the Department, with or without custody, for the performance of assigned work.
- Is not an escapee or parolee.

Medical Treatment

Treatment administered by a physician or registered professional practitioner under the standing orders of a physician. Medical treatment does not include first-aid treatment even though provided by a physician or registered professional practitioner.

Personnel and Staff

Any non-incarcerated person employed by the Department and/or working under the jurisdiction thereof.

Personal Physician

An employee's regular physician and/or surgeon, licensed pursuant to Chapter 5 (commencing with § 2000, Personal Physician, Division 2, Business and Professionals Code), who has previously directed the medical treatment of the employee, and who retains the employee's medical records and medical history.

Physician

Any physician, surgeon, psychiatrist, optometrist, podiatrist, osteopathic, and chiropractic practitioner licensed by the State of California to practice within the scope of that license as defined by California statutes.

Place of Employment

Any place within the jurisdiction of the State of California and the Department.

Qualified Injured Worker

An employee, whose injury, whether or not combined with the effects of a prior injury or disability, permanently precludes, or is likely to preclude the employee from returning to their usual and customary occupation or position in which they were engaged at the time of injury; and who can reasonably be expected to return to suitable gainful employment through the provision of vocational rehabilitation services.

Qualified Rehabilitation Representative

A person capable of developing and implementing a plan submitted pursuant to 10006 of the Rules and Qualified Regulations of the Administrative Directive, Division Rehabilitation of Industrial Accidents. Such a person may be either a Representative vocational rehabilitation consultant employed by a state, public, or private agency, or an agent of the employer or employee whose experience and regular duties involve the evaluation, counseling and placement of disabled persons.

Recordable Occupational Injuries or Illnesses

Any occupational injuries or illnesses which result in:

- Occupational fatalities, regardless of the time between injury or death, or the length of the illness (No recording is required for fatalities occurring after a termination of employment).
- Occupational Illnesses
- Occupational injuries which involve one or more of the following:
  - Lost workdays (beyond the date of injury).
  - Loss of consciousness.
  - Restriction of work or motion.
  - Termination of employment.
  - Transfer to another job.
  - Medical treatment (other than first-aid).

Serious Injury/ Illness

Any injury or illness occurring in a place of employment or in connection with any employment which requires either inpatient hospitalization for a period in excess of 24 hours for other than observation, or in which an employee suffers loss of any member of the body, or any serious disfigurement. Serious injury or illness shall not include any injury, illness or death caused by the commission of a Penal Code violation, except the violation of PC 385, or an accident on a public street or highway.

Severity Rate

A rate calculated by multiplying the number of days lost times 200,000, divided by the total hours worked by all employees during the calendar year. This indicates the average length of workdays lost due to the injury/illness.

Supervisor

Any individual who has direction or control over another employee.

Vocational Rehabilitation Services

Services reasonably necessary to restore a qualified injured worker to suitable, gainful employment. Such services may include, but not be limited to, vocational evaluation, counseling, retraining (including On-the-job Training [OJT] for alternative employment with the same employer), and job placement assistance.

31020.5 General Responsibility

Departmental Responsibility

Departmental headquarters and each institution/region shall have staff support capability which is well versed in accident prevention, safety techniques, and departmental loss control practices to support and guide management responsibility in accident prevention and safety efforts.

31020.5.1 Hiring Authority's Responsibility

Each hiring authority shall monitor the overall health and safety program within their jurisdiction and shall adopt, furnish and use those means, methods, practices, and operations adequate to foster safe employment and living conditions for employees and inmates. They shall:

- Appoint a local safety coordinator who reports directly to the Warden or RPA in all matters of safety and health, including fire safety.

Paroles

In Paroles, the regional safety coordinator shall be the staff services analyst. However, district administrators, community based correctional center administrators, reentry coordinators, and the deputy RPA for region headquarters, shall administer the health and safety program in their respective areas of assigned responsibility.

Institutions

In institutions, a safety coordinator (e.g., the institutional fire chief) and an RTWC (e.g., the Business Manager II) shall be appointed.

The name and occupational title of the local safety coordinator shall be transmitted to the departmental coordinator each time a change occurs.

Provide the local safety coordinator with training in safety, health and fire safety.

Inspections

- Annual sanitation inspections and environmental health surveys shall be conducted by a DHS' sanitation engineer.
- Annual fire safety inspections shall be conducted by the State Fire Marshal.

Ensure that pertinent information on worker's compensation and rehabilitative programs are provided to injured employees or inmates.

31020.5.1.1 Hiring Authority's Mandatory Notifications Responsibility

Ensure posting of the following mandatory notices at locations in each work place accessible by all employees:

- STD Form 621, Notice to State Employees.
- Safety and Health Protection on the Job provides notice of employee protections and entitlements.
- CAL-OSHA Form S-11, Access to Medical and Exposure Records, shall be posted at a location in each work place, inmate law library, all entrance gates, and other locations accessible for review by all inmates/employees .
- Ensure that all personnel are aware of, and have access to, the manuals and training required to perform their job assignments in a healthful and safe manner.
- Appoint and maintain an active local safety committee represented by the lead supervisor and an alternate from each major interest and/or work area involved in the institution/region.
- Ensure that each division head maintains a place of employment free from recognized hazards that cause, or are likely to cause, injuries/illnesses or death to employees and inmates.

Compliance

- Ensure compliance and cooperation with applicable federal, state, departmental, and institution/region/division laws, codes, policies, standards, and procedures regarding healthful and safe operations.
- Through periodic inspections, the hiring authority shall confirm acceptable health and safety standards, or
  - Implement corrective action.
- CAL-OSHA Form 200, Log and Summary of Occupational Injuries and Illnesses (final summary page only). Post in a conspicuous place from February 1 to March 1 annually .
- Department of Occupational Safety and Health citations issued under LC 6317 shall be posted at, or near, each location where a violation referred to in the notice occurred.
- Minutes from the institution's monthly Safety Meeting.

31020.5.2 Departmental Health and Safety Officer's Responsibility

The Departmental Health and Safety Officer acts under the direction of the Chief, Personnel, Health and Safety, and shall:

- Provide overall coordination and implementation of the Department's safety and health programs, as follows:
  - Act as the chief consultant for all accident prevention loss control and employee safety matters in the Department and with other governmental entities.
  - Represent the Department in all interagency affairs dealing with health and safety matters.
  - Develop, implement, and monitor programs to reduce industrial injuries/illnesses and related compensation costs.
  - Develop, implement, and monitor programs to reduce industrial injuries/illnesses and related compensation costs.
  - Evaluate performance and set goals/guidelines regarding safety issues for the Department.
  - Develop progressive safety, environmental health and fire prevention programs.
- Provide resource information, including training when required or requested, using departmental resources, the Office of Insurance and Risk Management and the State Fire Marshal, for the following areas:

Programs

- Occupational safety and health standards.
- Fire safety/prevention programs.
- Workers' Compensation benefits/Enhanced Industrial Disability Leave (EIDL) and Industrial Disability Leave (IDL).
- Accident prevention programs and accident investigation.
- EAP.
- The Return-to-Work Program.
- Temporary duty assignments for medically restricted staff.
- Non-Industrial Disability Insurance benefits.
- The Safety Award Program.
- The Employee Post-Trauma Program.
- Control of hazardous, flammable, toxic and volatile substances.
- Environmental health.

Enforcement

- Assist with the enforcement of safety laws and departmental policies, if supervision fails to carry out its assigned obligations. This authority includes the ability to order work stopped when any activity or object in that work area represents a potential for serious injury or illness to employees or inmates.
- Report, in writing, to the appropriate management all accident prevention opportunities and safety deficiencies discovered with recommendations for appropriate corrective action.

31020.5.3 Supervisor's Responsibility

All departmental supervisors are responsible and accountable for safety performance in their respective areas of responsibility.

Supervisors shall be evaluated on the effectiveness of their safety efforts and shall:

- Instruct employees on the proper safety equipment and personal protective clothing to be used in their particular work assignment.

- Provide all employees updated health and safety training annually on all changes in laws, ordinances, departmental policies or procedures as related to their specific duty assignments.
  - Conduct discussions of safety issues with employees or inmate/parolee workers under their supervision. The length and frequency of these safety meetings shall be commensurate with the hazards of the particular assignment. These meetings shall be properly documented as to time, date, content, names of participants, etc.
  - Institution supervisors shall meet with employees a minimum of once a month.
  - Supervisors of construction-type assignments shall have weekly safety meetings of at least 10 minutes.
- Provide safety orientation to new employees prior to job assignment, particularly new employees who will be driving a vehicle on State business.

Verifications

- Confirm the validity of the employees' operator's license.
- Confirm the provision of defensive driving instruction at least every four years.
- Brief employees on employee protection plans.
- Evaluate and document on the employee's performance report, the employee's adherence to safety rules and practices.
- Ensure that appropriate disciplinary action is taken when an employee or inmate worker does not abide by the applicable safety regulations and practices.

Inspections

- Conduct thorough, comprehensive inspections:
  - Daily informal safety inspections of work area for any hazard which may pose potential injury or illness to employees or others.
  - Formal weekly safety inspections of all areas using hazard checklist for grounds and for buildings .

All areas shall be inspected weekly by a supervisor trained in fire and life safety precautions. Supervisors shall not inspect their own areas of operation but shall trade areas with another trained supervisor in order to provide unbiased inspections.

- Monthly/quarterly safety and sanitation inspections. Findings shall be documented with deficiencies noted.

Health and sanitation inspections shall be performed by a qualified departmental staff member trained in the application of jurisdictional codes and regulations.

- Enforce rules, laws, and procedures concerning health and safety.
  - Become familiar with departmental policies and operational procedures regarding the specific work area being supervised.
- Report, as quickly as possible, any unsafe or unhealthful condition.

Documentation

Take immediate action to correct deficiencies. If immediate correction is not possible, a statement shall be prepared indicating what is needed and a date of expected completion. Copies shall be forwarded to the next line supervisor, the safety coordinator, and other appropriate personnel who may be involved in the correction. The supervisor preparing the documentation report should maintain a copy for their records.

Injury Report

In case of work-related employee injury or illness, complete the Supervisor's Report of Injury or Illness (STD Form 620) within 24 hours.

If the employee believes the injury/illness was caused or aggravated by the employment, then the Employer's Report of Occupational Injury (SCIF Form 3067) shall also be completed.

- Ensure that each employee, inmate, or parolee is advised of the safety requirements of the job, including the duties to be performed, the procedures to be followed, and the hazards present in performing the job.
- Ensure that the proper equipment and all safety devices are correctly installed, operative, and properly used.

31020.5.4 Employee's Responsibility

All employees shall:

- Follow accident prevention rules and regulations, departmental policies, institutional procedures, ordinances and laws, as required by their job assignment with particular attention to the following:
  - Disturbance control.
  - Emergency preparedness and employee protection.
  - Control of hazardous, toxic, and volatile substances.
  - Fire prevention and suppression.
  - Safety operational procedures.
  - Inspections.
  - Injury reporting.
  - Firearms, chemical agents, ammunition, and related equipment.
- Observe all safety signs, posters, etc.
- Use all safety devices, guards and equipment appropriate to the task assigned.
- Report any safety violation or unsafe condition to the supervisor, the local safety coordinator, or other designated person as quickly as possible.
- Take action to correct safety violations within their authority.
- Take definitive safety precautions.
- Immediately report any unsafe or unhealthy condition that cannot be readily remedied. Reports shall be made to the appropriate supervisor, with a copy of the report sent to the local safety coordinator.

If Injured

In case of injury or illness the employee shall:

- Report all accidents/incidents to the supervisor promptly, but no later than 24 hours after the injury/illness becomes known (SAM Section 2581.1). Failure to report the injury or illness promptly may result in delay and/or denial of benefits.
- Obtain first-aid for minor injuries or illnesses from the institution medical department and return to work as soon as medically feasible.

If unable to return to work following the first-aid treatment, or if further medical treatment is required or requested, the employee shall:

- Notify supervisor immediately.
- Accept examination and treatment by the physician and/or facility arranged by the Department as indicated on the Notice to Employees, STD Form 621 unless the employee has notified the Department in writing prior to the claimed injury or illness that they want to be treated by a personal physician. (See 31020.4 of this section for a definition of personal physician.)
- Keep the Department/supervisor informed of the physician's opinion concerning the employee's ability to work.
- Complete an Employee's Attendance Report, CDC Form 998, each month for time lost because of work injury/illness.

Every employee is responsible for their personal safety and the safety of others. This includes attending the appropriate training required to meet or exceed the departmental goals and objectives.

31020.5.5 Central Office/ Institution/Parole Region Safety Coordinator's Responsibility

The local safety coordinator shall:

- Develop and implement the local safety program.
- Ensure compliance with all safety regulations, codes, directives, and policies.
- In case of serious or imminent hazards to life or safety in any place of work within the institution/parole region/office, exercise the authority to shut down the hazardous job, work site, or area until adequate corrections are made.
- In conjunction with the safety committee, review operations to assure compliance with the departmental safety plan prepared by the Health and Safety Unit.
- Meet at least monthly with the Central Office institution/region Safety Committee and attend all departmental safety coordinator's conferences.
- Make regular, periodic on-site inspections of facilities, equipment, and devices to ensure that:
  - They are in safe operating condition.
  - Safety devices are in place and operative.
  - Safe operating procedures are being used.
  - Living areas are free of hazards.

- Report the inspection findings to the hiring authority.
- Make written recommendations to the hiring authority regarding the prevention/correction of possible, imminent, or present fire or life safety problems.
- Review all accident reports of employees and inmates to evaluate compliance with safety policies and procedures and make recommendations regarding preventive and/or corrective action and training needs.
- Work in cooperation with training staff to develop training programs in the areas of fire and life safety and ensure:
  - Provision of one hour of safety training to all new staff during orientation.
  - Presentation of safety classes through IST at regular intervals throughout the year.

31020.6. Health Management Program

The Health Management Program shall consist of the following sections.

31020.6.1 EAP

The Department shall provide assistance to all employees for the prevention and/or reduction of health and personal problems as they relate to job performance. It is in the best interest of the State to employ a fully productive work force that is in good physical and emotional health. Participation in the program does not jeopardize job security or promotional opportunities. Employees are expected to meet job performance standards, so participation does not supersede the grievance or disciplinary processes. Total confidentiality shall be observed.

Recognizing that personal problems, unique pressures, and stress can lead to inadequate job performance and cause further deterioration of the employee's self-esteem, the Department has established EAP.

EAP does not provide direct treatment to the employee or family member. EAP is contracted out to a private consulting firm for diagnostic and treatment counseling services. The consulting firm:

- Is a source of information and referral to independent assessment counseling.
- Identifies the nature of the problem, and
- Directs the employee or family member(s) to the treatment service best suited.

Services

This service is voluntary, personal, and confidential. All employees and their family members are eligible. The information and referral services include, but are not limited to, problems of alcoholism, drug dependency, marital, financial, social, legal, emotional, or interpersonal relationships.

Treatment

The counseling firm provides one-on-one diagnostic and treatment counseling services. Referrals to other training clinicians are also provided when needed.

Charges/Visits

There are no charges to the employee or dependents for the private assessment evaluation. The number of free visits for counseling of rank and file employees is determined by the bargaining unit to which each belongs. See the appropriate bargaining unit contract or EAP coordinator for details.

31020.6.1.1 Departmental EAP Manager's Responsibility

The departmental EAP manager is the Health and Safety Officer. The EAP manager shall:

- Provide assistance to EAP coordinators in the field and Central Office pertaining to specifications of the EAP contractor.
- Coordinate training when needed by the EAP contractor.
- Act as a liaison with other appropriate agencies.
- Monitor effectiveness of program through collection of statistics and other pertinent data obtained from the EAP contractor.
- Compile reports for dissemination to DPA and other control agencies.

31020.6.1.2 Central Office EAP Coordinator's Responsibility

The Central Office coordinator shall assist the EAP manager with responsibilities as stated in this chapter. The Central Office EAP coordinator has the same duties as a field EAP coordinator.

31020.6.1.3 Field EAP Coordinator's Responsibility

Under the appointment of the hiring authority, the field EAP coordinator shall:

- Coordinate and administer EAP within departmental guidelines and the needs of the EAP contractor. All problems pertaining to the EAP contract shall be referred to the EAP manager.
- Be a referral source for employees to reach the EAP practitioner.
- Make no attempt to diagnose the employee's or family member's problem but refer the employee to a counseling service trained in diagnosing and referral services.
- Make known to all employees the existence and services afforded under this program.
- Provide assistance and training to supervisory personnel in all aspects of the program.
- Ensure complete confidentiality of all information obtained from and about employees and their family members.

31020.6.1.4 Supervisor's Responsibility

Supervisors shall:

- Accomplish the work of a unit efficiently through the efforts and abilities of the employees directed.
  - Provide assessment of job performance and appropriate corrective action when necessary.
  - Corrective action shall include an offer of assistance through EAP when the problem appears to be personal in nature.
  - EAP is designed to relieve the supervisor of direct involvement in the employee's personal problems.
- Ensure employee performance and attendance expectations.

EAP Referral

- Give the name and phone number of the EAP coordinator to the employee in need.
  - Make sure the employee understands that participation in the program is voluntary and confidential.
  - Offer the use of the telephone for the employee to call the EAP coordinator.
- Document the date EAP was offered.

Use of State Time

- Allow State time off for an employee to consult with the EAP practitioner. If the employee accepts an EAP referral, allow the employee the time off required through the use of earned leave credits. This shall be documented on STD Form 998 as ‘therapy” or “personal consultation”.

Adjust the Work Assignment

- Adjust the employee's work assignment in order to facilitate completion of the initial diagnostic interview with the outside consultant, as well as any participation in the appropriate treatment/counseling programs prescribed for the employee.

Do Not Diagnose

- Refrain from attempts to diagnose the employee's personal problem(s).
  - Information received as a result of EAP referral shall not be placed in the employee's personnel record.
- Refrain from inquiry of the EAP coordinator or contracting agency on the status of the employee, e.g., whether or not the employee accepted the program and/or progress.

Reasonable Time for Improvement

Give the employee a reasonable amount of time to improve the deficiencies before taking adverse action, if such action is necessary. The supervisor shall review the employee's performance weekly and document appropriately.

Adverse Action

If an employee fails to respond with acceptable job performance within a reasonable length of time, or the performance continues to deteriorate, initiate adverse action. Participation in EAP does not supersede appropriate disciplinary action.

31020.6.1.5 Employee’s Responsibility

The employee shall maintain satisfactory work performance and conduct on the job. The employee, when recognizing a need for assistance, may contact the EAP coordinator or referral/counseling agency before work performance is adversely affected.

- If these resources are not effective in helping the employee, further discussion and/or referral may be necessary.

- Acceptance of the service is voluntary.
- The employee shall make every attempt to arrange for EAP counseling/treatment outside of working hours.
- If the work performance is not corrected, adverse action may result.

The employee need not identify the exact nature of the problem to the EAP coordinator.

Rank and file employees should refer to their collective bargaining agreement for further details on EAP.

31020.6.1.6 EAP Contractor's Responsibility

EAP contract vendor shall:

- Provide services as required under the current contract.
- Provide the Department with the appropriate credentials of all of the licensed clinicians to whom departmental employees shall be referred.
- Provide quarterly and semi-annual reports on program activity giving pertinent statistical information to the departmental EAP manager.
- Operate a system of records on individuals in accordance with the Privacy Act of 1974, Public Law 93-579.

Confidentiality Limitations

- Maintain complete confidentiality regarding the identity, diagnosis, and treatment of any employee. Disclosure shall occur only under the following circumstances:
  - When authorized by written consent of the employee.
  - When records are subpoenaed.
  - Contractor shall advise the Department concerning any employee whose condition involves clear and imminent danger to the safety of others or of physical violence by the employee.

31020.6.2 Medical Termination/ Disability Retirement (Industrial and Non-Industrial)

Medical termination or disability retirement are proper steps to take in the event that all appropriate vacant positions in the Department have been evaluated and determined inappropriate or there are no vacancies in the Department and all other benefits have been exhausted.

Medical termination and disability retirement are administrative or voluntary actions which separate an employee who has incurred a disability/illness and/or is unable to perform the duties of any position in the Department.

31020.6.2.1 Immediate Supervisor's and/ or Employee's Responsibility

The employee and/or the immediate supervisor shall contact the local or departmental RTWC for assistance in initiating a medical termination or disability retirement.

31020.6.2.2 Local and/or Departmental Return-To-Work Coordinator's Responsibility

If existing documentation is insufficient for the appropriate action, the local or departmental RTWC shall arrange for a medical examination and report, cost to be paid by the Department. The appointing power may require an employee to submit to a medical examination to evaluate the capacity of the employee to perform the work of a position. [The local SCIF Office may be contacted for assistance in the selection of a physician.]

Documentation

Sufficient documentation may include one or more of the following:

- A medical report from the employee's doctor stating that the employee is not physically and/or mentally able to function in the current position or any other position.
- A statement from the employee that they are not physically and/or mentally able to function in the current position or any other position.
- A medical report from SCIF stating that the employee is not physically and/or mentally able to function in the current position or any other position.

PERS-BEN Form 369

For processing disability retirements, initiate the application for retirement, PERS-BEN Form 369, upon request from appointing power and/or employee, if eligible for disability retirement.

Advising the Affected Employee

Advise the employee that the treating physician shall receive a copy of the medical examiner's report.

Assist and counsel the employee as to the appropriate action to be taken if medical reports or the employee's own written statement indicate an inability to perform in the present position or any other position or the employee has declined an appropriate position(s) that was offered.

Advise the employee of appeal and reinstatement rights.

Retirement Eligibility Criteria

Work-Related Disability Retirement. No minimum service required for State safety members, five years of credited service required for industrial members.

Non-Work-Related Disability Retirement. Five years of credited service required by all members of PERS.

Forward the request, if initiated by the employee, to the appointing power for appropriate action with the following documents:

- A written recommendation for the approval of the request.
- All pertinent medical information.
- Employee statement, if one was submitted.
- Evidence that all mandatory options and benefits have been exhausted.

Upon approval of the appointing power, forward the completed PERS-BEN Form 369 to PERS.

For processing medical terminations of appointment, complete the Notice of Medical Termination upon request from appointing power. If the employee is ineligible for disability retirement or eligible but wants to waive the right to disability retirement and elects to withdraw retirement contributions or to allow the contributions to remain in the retirement fund with rights to service retirement in the future, the employee may do so. See Section 33030, Adverse Personnel Action, of this manual for information on service of the notice, and the administrative review process. Notify the local Personnel Transactions Office of proposed action.

31020.6.2.3 Hiring Authority's Responsibility

The hiring authority's responsibility is to approve disability retirement or medical termination, whichever is applicable, after considering the conclusions of the medical information and other pertinent information stating that employee is unable to perform the work of the present position or any other position in the Department.

Return approved action to the RTWC who initiated the action.

31020.6.2.4 Appeal and Reinstatement Rights

If terminated, the employee shall be given at least 15 days written notice prior to the effective date of the termination. If the employee wishes to appeal the termination decision to the SPB, that must be done within 15 days after receipt of the written termination notice.

Appeal Rights

If PERS disapproves an employee's request for disability retirement, the employee may file a written appeal with PERS in Sacramento within 30 days of the mailing of the disapproval notification. An appeal should set forth the factual basis and the legal authorizations for the appeal.

Reinstatement Rights

Reinstatement is considered upon request of an appointing authority or petition of the employee who was terminated. If it is determined by SPB that the employee is no longer incapacitated for duty, the employee shall be reinstated to an appropriate vacant position in:

- The same class, or
- A comparable class, or
- A lower rated class.

Such a reinstatement to a position in a different agency may be made only with the concurrence of that agency. In approving or ordering such reinstatements, the SPB may require the satisfactory completion of a new probationary period.

Re-Employment Lists

When the SPB finds the employee who was terminated, demoted, or transferred is no longer incapacitated for duty but there is no vacant position available, the name of the employee shall be placed upon such re-employment lists as are determined to be appropriate by the SPB.

31020.6.3 Non-Industrial Disability Insurance

State employees who meet eligibility requirements and become disabled because of a covered injury, illness or medical condition, including pregnancy may be eligible to receive Non-Industrial Disability Insurance (NDI) benefits.

NDI is a wage continuation program administered by the Employment Development Department.

Qualification

To qualify, a departmental employee must be a current active member of the PERS. An employee must be in "compensated employment" (in pay status and not separated by a formal leave of absence). All permanent part-time and full-time employees or probationary employees or state officers are covered under the program. Permanent part-time and permanent intermittent employees and state officers who have at least six monthly compensated pay periods of service in the 18 months immediately preceding the pay period in which the disability begins, may also be eligible for NDI benefits on a prorated basis.

Benefits and leave credits may vary according to designation and/or collective bargaining unit. For further details see bargaining unit contracts or DPA Rules 599.770 through 599.779.

31020.6.4 Employee Post Trauma Program (EPTP)

Revised October 4, 1994

Employee involvement in specific violent, work related situations may cause serious physical and/or emotional trauma to the employee.

Immediate intervention and counseling has been shown to alleviate many trauma-related problems and to help the employee remain fully productive.

To minimize the effect of trauma, EPTP shall provide immediate intervention care and counseling by coworkers and nondepartmental professionals.

- Physical assault of a serious nature.
- Sexual assault of a serious nature.
- Hostage incident.
- Causing serious injury/death to person(s).
- Direct involvement in critical incidents.

EPTP shall:

- Provide specific intervention services.
- Designate responsibilities and response times for post incident trauma care.
- Provide professional nondepartmental counseling services in a timely manner that meets the employee's needs.
- Return involved employees to duty as soon as possible.
- Train and inform all staff of the goals, operation and use of the program.

Intervention and Counseling Services

Professional, counseling services to assist employees in post trauma situations are provided by direct contract to the Department or under the provisions of SCIF program.

31020.6.4.1 Immediate Intervention

Revised October 4, 1994

Immediate intervention counseling should be available through SCIF. However, if it is not available through workers compensation, there is 24-hour-a-day immediate intervention counseling available through the departmental EAP. EAP shall only be utilized for immediate care and the employee will be seen thereafter by a workers compensation clinician. The caller shall:

- State they represent the Department and their call is of an emergency or crisis nature.
- Be connected immediately with a licensed clinician.

The clinician shall arrange for a personal visit with a post trauma specialist within four hours if need is indicated.

31020.6.4.2 Post-Incident Counseling

Revised October 4, 1994

Subsequent contact and steps shall be based on the needs of the employee and the professional judgment of the clinician.

A mandatory post incident counseling interview shall be conducted with a licensed clinician specializing in post trauma stress within three days of the incident, physical condition permitting. If not, the time shall be arranged by the EPTP coordinator according to circumstances. The employee shall:

- Be provided information regarding post trauma symptomatology.
- Participate in the assessment of their emotional status.

Recommendations for further assistance may be proposed.

The content of the interview is confidential; however, the clinician shall verify the fact of attendance to the Department and provide an assessment.

31020.6.4.3 Continued Care

Revised October 4, 1994

Continued psychological care is available on a voluntary basis through SCIF.

The employee may continue seeing the original clinician or may elect another mental health worker who meets the criteria as outlined in the program.

The specific program, time frames, cost coverage, etc., shall follow the guidelines established in the DOM 31020.7.5.1.

31020.6.4.4 Contracting for Services

Revised October 4, 1994

In addition to services provided by SCIF primary contractor, local administrators may maintain other immediate medical referral services.

A list of additional referral services shall be provided to the departmental EPTP coordinator including contact persons and telephone numbers. Contractors shall:

- Provide a documented background in employee/victim intervention and trauma care.
- Have the demonstrated capacity to diagnose and treat employee/victim post trauma disorders and, if necessary, refer the employee for additional treatment.
- Hold the appropriate current state license in their mental health specialty as required by the state.
- Meet the standards for response.
- Be familiar with law enforcement procedures, correctional settings and critical incident management.
- Participate in orientation/familiarization program at the institutions they shall be serving.
- Complete the Verification of Interview Attendance Form .

31020.6.4.5 Coordinator Designation

Revised October 4, 1994

The EPTP coordinators shall be designated as follows:

- Department and headquarters - health and safety officer.
- Facilities - Negotiations Management Team (NMT) leader.
- Facilities - Emergency Operations Unit (training only).
- Parole offices - Unit supervisor.

31020.6.4.6 Teams

Revised October 4, 1994

Each facility EPTP team shall be comprised of all NMT member and two or more staff (non-NMT) with appropriate interest and skills.

The headquarters' team shall include a staff member from each division.

Parole regions shall form their teams from unit supervisors (coordinators) or other designated staff members.

At management's discretion, more members can be added consistent with the size of the facility, parole region, division, or office.

The team shall have both male and female members.

31020.6.4.7 Administrative Responsibility

Revised October 4, 1994

Each Warden, RPA, and Deputy Director/Assistant Deputy Director shall:

- Ensure that a local EPTP program is available and used in the employee's and Department's best interests.
- Appoint an EPTP coordinator.
- Appoint an EPTP team.
- Ensure coordination between the EPTP, the RTW, and the EAP coordinators and other program resources.
- Ensure the EPTP coordinator and team receive appropriate training in the goals and procedures of the program.

31020.6.4.8 Departmental Coordinator Responsibility

Revised October 4, 1994

The Health and Safety Officer is the departmental EPTP coordinator and shall:

- Provide assistance to all EPTP coordinators in establishing and administering effective programs.
- Provide training for EPTP coordinators.
- Provide liaison with appropriate agencies.
- Coordinate with counseling agencies to monitor and establish more effective methods of working with employee trauma problems.

- Assist area RTWCs, committees, and management in the solution of trauma-related problems.
- Provide information about RTW options and employment opportunities available to staff involved in critical incidents.
- Provide the services of qualified rehabilitation representatives as requested.
- Ensure the system maintains strict confidentiality of the employee's personal information.
- Collect statistics and other pertinent data to monitor program effectiveness.
- Prepare an annual report summarizing the progress and effectiveness of the program.

31020.6.4.9 Supervisor's Responsibility

Revised October 4, 1994

In the event of a trauma causing incident the supervisor shall:

- Provide relief for the involved employee(s).
- Remove the employee from the incident area.
- Assign another staff member, preferably EPTP trained, to stay with the employee throughout the post trauma activities. At no time shall the employee be left alone.
- Notify the EPTP coordinator of the incident and the employee's apparent physical and emotional status.
- Notify the administration of the incident and that the EPTP coordinator is responding.
- Assist the EPTP coordinator as requested.
- Prepare the documentation required by DOM 31020.7.5 if the employee is injured or believes an injury/illness is the result of the incident.

31020.6.4.10 Local Coordinator's Responsibility

Revised October 4, 1994

The EPTP coordinator shall:

- Assist the WARDEN, RPA, and Deputy Director/Assistant Deputy Director in determining the composition of EPTP team.
- Help determine which members will respond to the location designated.
- Provide team members to conduct the critical debriefing of the employee involved for the purpose of:
  - Assisting the employee to understand the situation.
  - Providing information and assistance to meet the needs.
- Instruct team members to advise the employee that:
  - Information relating to their personal feelings shall be confidential.
  - If information relates to safety and security of the facility and may lead to adverse action they have a right to representation.
- Consult with the administration regarding potential services which may be provided to the employee.
- Ensure the employee is informed regarding medical referral programs, EAP, Workers' Compensation Benefits, and RTW program.
- Notify the administration immediately if professional intervention is requested or deemed appropriate. (Refer to DOM 31020.6.4.2.)
- Notify the RTWC of the incident.
- Schedule the employee for the mandatory counseling interview and ensure that the interview has been conducted.
- Contact the employee at least once after the initial debriefing if the employee is off work, or until contact is no longer needed if the employee is working.

The RTWC will assist the administration in:

- Arrange special work assignments or time off.
- Ensure follow-up care is provided and maintained.
- Evaluate the effectiveness of treatment services.

Debriefing

The debriefing shall be held as soon as possible and prior to the employee going off duty unless physically or medically infeasible.

If the EPTP coordinator is unavailable, a previously designated and trained team member shall assume the responsibilities.

A confirmation of assistance form shall be completed.

Information Packet

The employee shall be given a packet containing detailed information about:

- Psychological referral resources.
- EAP.
- The RTW Program.
- Listing of hospitals.
- Community resources including crisis intervention, rape counseling, hotline numbers, and support groups.

The pertinence of these services shall be explained.

31020.6.4.11 Employee Responsibility

Revised October 4, 1994

The employee shall:

- Leave the area where the incident occurred as directed by the supervisor.
- Participate in the critical incident debriefing with the EPTP coordinator/designee.
- Attend the post incident assessment session with a professional clinician.

If an employee feels that their injury or illness is work related and is preventing the employee from maintaining a satisfactory work performance, the employee shall:

- Notify their supervisor.
- Fill out the appropriate forms and documentation to initiate workers' compensation procedures.

31020.6.4.12 Post-Incident Assignment

Revised October 4, 1994

Assignments of every employee involved in trauma causing incidents shall be reviewed.

Employees in inmate contact positions shall be temporarily reassigned until:

- Completion of the mandatory counseling interview and review of the clinician's assessment.
- The situation is reviewed by the Warden, RPA, or Deputy Director/Assistant Deputy Director.

Other employees may be temporarily reassigned if it is in their or the Department's best interests.

Temporary reassignments shall have:

- Input from both the employee and the immediate supervisor.
- Approval of the Warden, RPA, or Deputy Director/Assistant Deputy Director.

31020.6.4.13 Time Off

Revised October 4, 1994

Time off shall:

- Be granted if the employee requests it or if it is determined to be in the best interests of the employee or the Department.
- Follow sick leave, compensatory-time-off, or vacation procedures.
- May be reimbursed under workers' compensation provisions to include IDL. (Refer to DOM 31020.7.5.1)

31020.6.4.14 Return-to-Work

Revised January 2008

The emphasis of the EPTP shall be upon returning the employee to duty in the shortest time possible.

Notwithstanding, the results of the mandatory counseling interview shall be considered in the reassignment process.

All alternatives provided by GC 19991.4 shall be followed where appropriate. The time frames and provisions of the RTW program shall be followed. (Refer to DOM 31020.7.6.)

31020.6.4.15 Employee Post Trauma Program Training

Revised October 4, 1994

The departmental EPTP coordinator shall ensure that:

- All managers and supervisors receive training in the administration of EPTP.
- EPTP coordinators for all units are designated and trained.

Each new employee shall be instructed regarding EPTP during the orientation at the local level.

The provisions of EPTP shall be included in the basic academy curriculum.

The Training Section shall coordinate with the Department EPTP coordinator to ensure that all employees receive information annually at the local level.

The facility/unit EPTP coordinator shall assist IST staff to:

- Train supervisory and management staff in operation of EPTP.
- Provide information of EPTP provisions and services to all employees.

31020.6.5 Blood Donations

A blood donation, a true "gift of life", is an act of generosity which can in no other way be duplicated. Without the generosity of volunteer donors, blood would not be available for thousands of patients who require blood because of illness, injury, or surgery.

Program

The Department encourages participation in blood donation programs for employees and their immediate family members.

- Each institution/region and headquarters shall establish blood donation programs. A staff person shall be appointed as the blood donation coordinator.

Reserve Account

Where there is an American Association of Blood Banks (AABB) Office, a reserve account shall be established. In all other geographic areas, the American Red Cross is available. While it does not establish reserve accounts, a blood donation program shall be established.

All requests for withdrawals from a reserve account shall be handled on a "first come, first approved" basis.

Time Off

The Department allows up to two hours off for regular donors when back-up coverage is not required. For special donation programs such as Pheresis, actual donation time plus up to 30 minutes travel time may be approved.

Supervisors retain approving authority for granting time off for blood donations. Time off shall not be approved where back-up coverage is required.

31020.6.5.1 Central Office Blood Drive

The Chief of the Health and Safety Unit is the blood donation coordinator for Central Office.

Working with the local AABB Office, Central Office shall sponsor a blood drive three times a year to establish a reserve account for employees of Central Office and their immediate family members.

Withdrawal Requests

The Chief of the Health and Safety Unit or designee shall approve withdrawal requests from the reserve account.

31020.7 Safety Management Program

Each institution's safety plan shall ensure that all work and living areas are safe from life-endangering conditions and comply with departmental guidelines by a general safety plan.

Parole and Central Office facilities shall submit only the Employee Protection Plan which shall be titled "Emergency Preparedness Employee Protection." Two copies shall be submitted to the appropriate deputy director (either for P&CSD or ASD) for review and forwarding to the CHP.

31020.7.1 Central Office/ Institution/Parole Region Safety Committee

The safety committee is the vehicle by which the routine day-to-day health and safety issues (i.e., life safety, procedures, accident reports) are raised, and, where possible, resolved.

31020.7.1.1 Membership

Central Office/ Institutions

Central Office or institution membership may be represented through, but not limited to the following listed areas, by a representative or designee. The committee shall consist of at least fifteen members representing a large cross-section of the work force. When a committee vote is required, a simple majority vote of those present shall be necessary.

- Fire Chief.
- Business Services.
- Custody.
- Food Services.
- PIA.
- Maintenance.
- Medical.
- Education.
- Exclusive bargaining agents.
- IST officer.
- ACA Coordinator.
- Employee Relations Officer (ERO).
- Records.
- Forestry training representative.

Paroles

In Paroles, the members shall consist of the following positions or designees:

- Regional Administrator (chairperson).
- Deputy Regional Administrator (vice chairperson).
- Assistant Regional Administrator.
- Three PAs representing the major functional interest and/or geographic areas.
- A community based correctional center administrator.
- Reentry coordinator.
- Training coordinator.
- Regional safety coordinator.

Each hiring authority shall submit to the Departmental Health and Safety Officer by January 1 of each year, a roster of the organization and membership by occupational title of the committee.

31020.7.1.2 Meetings

The safety committee shall meet at least monthly with the local safety coordinator. Meetings may be held more frequently where circumstances dictate or to deal with specific conditions or situations.

Minutes shall be kept of monthly meetings and copies transmitted to the Departmental Health and Safety Officer and the other institution/parole region safety committees.

31020.7.1.3 Responsibility

Safety committees shall:

- Formulate recommended courses of action to resolve or prevent safety violations.
- In conjunction with the local safety coordinator, develop recommendations for deviations from the standards established in this section as a result of unique local needs.
- Ensure that regular, periodic on-site inspections of the facilities, equipment, and operational procedures are made as required and that the findings are reported to the hiring authority.
- Investigate complaints of a serious or sensitive nature regarding hazardous conditions or unsafe practices upon referral by the local safety coordinator.
- Assist in development of safety plan and review plan annually making recommendations to the local safety coordinator.

31020.7.2 Color Code and Markings for Equipment, Fixtures, and Buildings

The color code shown below shall be used throughout the Department for fire protection and accident prevention.

The painting of institutional buildings and facilities, other than those specifically enumerated in this section, shall not be affected by this code.

Red (Fire Protection)

To mark instruments for combating fire. Storage spaces or cabinets for fire extinguishers, fire hose, fire blankets, standpipes.

- Equipment: Alarm stations, sprinkler systems (except sprinkler heads), stop push buttons on machines, safety sign highlighting.
- No smoking areas: Use red and white alternate stripes.
- Hydrants: Paint in accordance with NFPA recommendations;

Vermillion, Candy- Apple Red, White, Lime Yellow

- Fire apparatus.

White (Traffic)

To mark facilities for good housekeeping. Aisle marking, corners, waste receptacles, floor areas immediately surrounding waste receptacles, etc.

Blue (Precautions)

To mark electrical apparatus. Electrical controls, switch boxes, operating levers, ovens, vats, valves, tanks, compressors, etc.

Green (Safety)

To mark first-aid equipment. Stretchers, stretcher areas, gas masks and respirator containers, surgical wagons, etc.

Orange

To mark hazardous machines or equipment. Interior surfaces of fuse boxes, power boxes, machinery guards, exposed moving parts, rolling stock, hand trucks, pallet trucks, fork-lifts, waste trucks, conveyers, etc.

Note: Paint wheels on rolling stock BLACK.

Yellow (Med.) and Black Alternate Diagonal Stripes

To mark stumbling, falling, or tripping hazards, protruding parts, curbs, dead ends, low obstacles, railings, stairway approaches, floor pan edges, pillars and posts.

Gray (Office Machines)

To mark utility areas and equipment. Packaging tables, steel racks, supplemental equipment, cupboards, storage bins, shelves, work benches, etc.

Green (Hi-Lite)

To mark stationary prime equipment. All prime equipment not mentioned above: presses, roller coaters, slitters, shears, breaks, saws, lathes, mills, planers, grinders, drill presses, welders, safety sign background.

Note: IVORY (Hi-Lite) for all moving parts of above equipment for contrast and better visibility.

Appropriate color coded stripes shall be placed around machinery and electrical apparatus in accordance with General Industry Safety Orders (GISO), CCR (8).

31020.7.3 Safety Awards Program

Local divisions, units, or individuals employed within the Department shall be eligible to receive an award for their significant achievements or contributions to safety and health programs.

Safety committees shall:

- Use wide latitude in the selection of award categories to accommodate local operations.
- Forward recommendations to the hiring authority for approval with a brief description of the safety achievement.

Upon approval, a Certificate of Achievement shall be prepared for signature and presentation by the hiring authority.

See Section 31030 of this manual for further information on awards programs.

31020.7.4 Accident Prevention (Training)

Ongoing training in safety, sanitation and health practices shall be provided to all employees and inmate employees.

Training shall consist of identification of the hazards associated with the particular assignment, including how to perform the task safely, how to prevent injury to self or others, and how to handle emergencies involving toxic, hazardous, volatile substances.

Supervisors shall provide training for all employees under their supervision.

Training shall be provided by the appropriate trained specialist for the particular hazard involved; e.g., fire and safety areas shall be performed by the Fire Chief or their designee. Sanitation shall be performed by the medical officer or their qualified designee, etc. All training should be coordinated through IST when appropriate.

Safety meetings shall be conducted commensurate with the hazards involved in the work assignment.

Safety training aids (movies, slides, handouts) may be provided from appropriate sources (IST, Fire Chief, etc.) to assist with appropriate training.

All supervisors shall receive training needed to perform required inspections appropriate to their work areas. Training for safety and health and fire safety shall be provided by the institution Fire Chief or their qualified designee. "Qualified" for this type of instruction means a person who has attended the Basic Safety Training class through the State Office of Insurance and Risk Management.

31020.7.4.1 Employee Protection Plan Guidelines

Central Office and each institution and parole office shall prepare a written evacuation plan to be used in the event of fire or other emergencies. This plan shall be reviewed annually and updated as necessary.

Proper compliance with applicable laws pertaining to fire and life safety require that all employees be instructed and kept informed of their duties and responsibilities in the event an evacuation is necessary.

Specific instructions relating to evacuation plans are contained in Central Office/Parole Evacuation and Emergency Management Process of this manual and the Fire Prevention and Suppression Operational Procedure of each institution.

Routes for evacuation of each area, safe assembly area, alternative housing, food service for inmates, provision for medical care and transportation for injured staff and/or inmates shall be included.

- An evacuation may be directed during an emergency by the Fire Chief, institution firefighter, unit lieutenant or other personnel in charge of the threatened area.
- Evacuation routes and instructions shall be posted on the walls of work areas.
- Exit signs shall be placed to indicate all exits from each area.

31020.7.4.2 Safety Inspections and Surveys

Periodic health, safety and sanitation inspections shall be conducted throughout all work areas on the following schedule (attach copies of all forms used):

Daily

Supervisors shall perform brief visual inspections of their immediate work areas at the beginning of their shift and identify that:

- All fire extinguishers are in place, operative, and accessible.
- All exits are marked.
- Evacuation signs are posted.
- Proper safeguards are in place as required for all machinery.
- Employees are using appropriate protection for the hazards involved.
- The working environment is safe and healthful for all employees.

Reports of deficiencies shall be made indicating any item which cannot be readily corrected. These reports shall be forwarded to the immediate supervisor.

Weekly

Weekly inspections shall be made of each work area by a supervisor trained in performing more thorough inspections. Supervisors shall not inspect their own work areas, but instead, a supervisor from an adjoining area shall conduct the inspection. A “Hazard Inspection Checklist” shall be used for these inspections.

Copies shall be routed to the department head and the institution/parole region safety coordinator, and a copy maintained by the supervisor of the work area.

Inspection records shall be maintained by the safety coordinator for a period of two years.

Monthly

The institution Fire Chief, or their designee, shall conduct a comprehensive monthly inspection for fire and life safety of all areas. Reports of deficiencies shall be documented and a copy sent to the Warden, and a record maintained by the area supervisor where the deficiency is noted.

The institution medical officer shall conduct monthly health and sanitation inspections for compliance with health and sanitation laws and regulations. Reports of findings shall be maintained and routed as for the fire and life safety inspections indicated above.

Quarterly

Specific fire safety inspections shall be conducted by the Fire Chief or their designee as outlined in the Fire Protection in Section 52090 of this manual.

Annual

Annual fire and life safety inspections shall be conducted by the State Fire Marshal's Office attended by the institution Fire Chief or their designee.

Annual health and sanitation inspections are conducted by a sanitation engineer from DHS. The supervisor of each work area shall accompany and assist the sanitation engineer in the inspection of the area.

Complete cooperation from supervisors and employees shall be given to these inspectors.

Distribution of Inspection Reports

Copies of the above inspection reports shall be forwarded to:

- Warden/RPA.
- Deputy Director, Institutions.
- Deputy Director, ASD.
- Assistant Deputy Director, Health Services.
- Health and Safety Officer.
- All other appropriate personnel responsible for the deficiencies noted.

31020.7.4.3 Environmental Health Survey

Environmental health surveys are objective evaluations of institutions and camps to determine if a healthy and safe environment exists for all departmental employees and inmates.

DHS, Environmental Health Division (EHD), conducts environmental health surveys at each institution semi-annually and at each conservation camp annually. The inspection is followed by a written report identifying observed deficiencies.

31020.7.4.3.1 Environmental Health Survey Process

The following process is designed to facilitate the correction of deficiencies and monitor corrective actions. To further identify the Environmental Health Survey process, a flow chart of the sequence of events has been added for reference.

Notification

At least two weeks prior to the on-site survey, DHS-EHD shall provide written notification to the institution or camp to be surveyed; the Deputy Director, Institutions; the Chief, PFAB; and the Health and Safety Officer, Central Office.

Inspection Team

The following personnel shall accompany the Environmental health sanitarian on the survey:

Institutions

- Local safety coordinator.
- Chief of Plant Operations, Chief Engineer, or Building Trades Supervisor.
- Supervisor of the area being inspected.

Camps

- The camp's lieutenant or sergeant.
- Supervisor of the area being inspected.

The camp's ranger, representing the Department of Forestry and Fire Protection, shall always be invited to participate with the inspection team.

Distribution of Health Survey

DHS-EHD shall provide copies of the completed environmental health survey to:

- Warden.
- Deputy Director, Institutions.
- Deputy Director, Administrative Services.
- Deputy Director, Evaluation and Compliance.
- Deputy Director, P&CD.
- Health and Safety Officer.
- The Chief, PFAB.

31020.7.4.4 Fire and Life Safety Survey

Fire and life safety surveys are objective evaluations of institutions and camps to determine if a safe environment exists for all departmental employees and inmates.

The State Fire Marshal's Office conducts a fire and life safety survey at each institution annually and at conservation camps upon request. The inspection is followed by a written report identifying observed deficiencies.

31020.7.4.4.1 Fire and Life Safety Survey Process

The following process is designed to facilitate the correction of deficiencies and the monitoring of the corrective process. To further identify the fire and life safety process, a flow chart of the sequence of events has been added for reference.

Notification

At least two weeks prior to the survey, the State Fire Marshal's Office shall provide written notification to the institution or camp to be surveyed; the Deputy Director, Institutions; The Chief, PFAB; and the Health and Safety Officer.

Inspection Team

The following personnel shall accompany the Fire Inspector on the survey:

Institutions

- Local Fire Chief.
- Chief of Plant Operations, Chief Engineer, or Building Trades Supervisor.
- Supervisor of the area being inspected.

Camps

- The camp's lieutenant or sergeant.
- Supervisor of the area being inspected.

The camp's ranger, representing the Department of Forestry and Fire Protection, shall always be invited to participate with the inspection team.

Distribution of Fire Inspection

The State Fire Marshal shall provide copies of the completed fire inspection to:

- Warden.
- Deputy Director, Institutions.
- Deputy Director, Administrative Services.
- Deputy Director, Evaluation and Compliance.
- Deputy Director, P&CD.
- Health and Safety Officer.
- Office of Compliance.

31020.7.4.5 Plan of Correction

Within 30 days from the date of receipt of an official written environmental health survey from DHS-EHD or fire inspection, the Warden shall submit one copy of a Plan of Correction to the Health and Safety Officer. The Plan of Correction shall be prepared using the appropriate format and shall include the information requested to correct each deficiency. The Health and Safety Officer shall act as the Central Office coordinator for review and approval of the Plan of Correction.

The Health and Safety Officer shall review the Plan of Correction. If problems pertaining to other divisions arise, the Health and Safety Unit shall take the lead and coordinate with that division and the institution to resolve the problem. This approval process shall be completed within 15 working days after the Plan of Correction is received in the Health and Safety Unit.

Resolution of Problems

If the Plan of Correction is considered inadequate and recommendations are made by individual divisions to change the plan, the Health and Safety Officer shall take the appropriate steps to ensure that the affected deputy directors, which shall always include the Deputy Director for Institutions, and the institution meet or otherwise reach consensus on the appropriate corrective action to be taken. In the event a consensus cannot be reached by the affected deputy directors on the appropriate corrective action, the Director shall resolve the difference(s).

Letter of Approval

If the Plan of Correction is approved by the reviewers as submitted by the institution, the Health and Safety Officer shall prepare a letter of approval to the institution for the signature of the Director.

Filing

All Plans of Correction shall be filed with the appropriate control agency. In some instances, the control agency may be required to approve the Plan of Correction.

31020.7.4.5.1 Follow-Up Inspections

Within 90 days after a corrective action plan is approved by the Director, an inspection shall be conducted by staff from the Health and Safety Unit to determine the level of compliance. Proposed capital outlay solutions not currently under way shall be granted extended time frames for follow-up inspections, allowing time to show substantial progress of corrective action(s). However, sufficient written documentation shall be evident at the time of the follow-up inspection; e.g., capital outlay requests, BCPs, etc.

Advance Notice

Each field operation unit shall be afforded advance notification of the dates that a follow-up review shall be conducted.

Entry/Exit Interviews

An entry interview shall be held with local administrators prior to the review activities to delineate the scope and method of the review and identify local resources required to conduct the review. At this time a staff person shall be identified to serve as review liaison between the field unit and the review team. Reviews shall include the inspection of corrective action undertaken on deficiencies cited in the most recent report by DHS for environmental health surveys, or the State Fire Marshal, for fire and life safety surveys. At the conclusion of the review, an exit interview shall be conducted with local administrators delineating review findings. The results of the follow-up review shall be reported to the Chief, PFAB.

Report of Findings

The Chief, PFAB shall report the findings of all follow-up inspections to the Deputy Director, Evaluation and Compliance, with copies to the other managers. If the follow-up inspections or subsequent environmental health surveys or fire and life safety surveys indicate that corrective action has not been taken or is seriously

behind schedule, the Chief, PFAB shall inform the Deputy Director, Institutions Division, and the Director by the Deputy Director, Evaluation and Compliance, of the problem with appropriate recommendations for action.

31020.7.4.6 Vehicle Safety

The purpose of the Department's Vehicle Safety Program is to:

- Ensure that all employees possess a valid driver's license appropriate to the vehicle being used.
- Provide appropriate training for vehicle being used.
- Establish a standard policy for promptly reporting vehicle accidents.
- Establish guidelines for checking vehicles, maintaining vehicle data, and handling disabled vehicles.
- Reduce accidents and lower vehicle maintenance repair costs.
- Ensure that all employees are aware of and understand the seat belt policy.

Valid Driver's License

Every employee who drives on official State business shall possess a valid driver's license appropriate to the type of vehicle operated. It is each operator's responsibility to ensure that their license is valid in accordance with SAM Section 750.1.

- All drivers who are expected to drive on official State business shall successfully complete an approved defensive driving course at least once every four years.
- All new employees who are expected to operate vehicles on State business, even if occasionally, shall successfully complete the defensive driver's course as per SAM 750. The supervisor shall immediately request the training officer to enroll the new employee in the next available defensive driver training course given by the DGS.
  - Fork lift operators shall not drive a fork lift until they have successfully completed the appropriate training.

Refresher Course

- Employees who are involved in more than two preventable vehicle accidents within a 12-month period shall be required to attend a refresher defensive driver's training course. The course is coordinated by the DGS.

Safety Equipment

- All passengers and drivers shall use available safety equipment in the vehicles being operated. This includes seat belts and/or shoulder harnesses. Medical exceptions may be granted only by the State Insurance Officer. A detailed explanation of medical reasons for the exception shall be submitted to the Health and Safety Unit and transmitted to the State Insurance Officer.
- Privately-owned motorcycles or motor-driven cycles are not authorized for State business.
- State vehicles shall not be driven from office to home without advance approval of the immediate supervisor

Accident Identification Card, STD Form 269

The driver of a State-owned vehicle involved in an accident shall record all pertinent information on the Accident Identification Card, STD Form 269, found in the glove compartment of the vehicle before leaving the scene of the accident.

If another vehicle is involved, the appropriate portion of the form (front panel) shall be completed by the employee and given to the driver of the other vehicle.

All vehicle accidents which result in an injury to any person or which involve serious damage to the property of others, shall be reported immediately by telephone to the nearest adjusting office of the insurance company listed on the STD Form 269.

Additional instructions are shown on the STD Form 269. Authorized drivers involved in a State-owned vehicle accident shall comply with these instructions. The completed card shall be retained for review by the supervisor authorizing the use of the vehicle and serves as an aid in the completion of other accident reporting forms.

31020.7.4.6.1 Seat Belt Policy

Each employee of the Department shall wear seat belts while operating a vehicle on State business. Management shall make prudent exceptions, after consultation with the State Insurance Officer, for disabled employees who are hindered by the use of such restraint equipment.

31020.7.4.6.1.1 Responsibility Regarding Seat Belt Use

All employees shall attest to having read and understood the provision of the SAM pertaining to the safe operation of vehicles while on State business. The certification document, CDC Form 975, shall be signed by all employees acknowledging compliance.

- Arrangements shall be made to make available to all new employees at orientation meetings an informational film on seat belts. Specific scheduling information shall be given to new employees in institutions/parole regions.

Supervisors

Supervisors shall ensure employees are aware of this policy and shall monitor employee compliance.

Safety Coordinators

Safety coordinators shall ensure a seat belt film is shown to all new employees during their orientation and at other times as appropriate to implement this policy. The safety coordinators shall monitor overall compliance.

Employees

It is mandatory that:

- Any employee operating a private vehicle while on State business or a State vehicle use the belt provided.
- All passengers riding in a private vehicle utilized for State business or any State vehicle use the seat belts provided.
- All seat belts and related restraint systems shall be maintained in operational order and available for use in vehicles as required.

Any employee who fails to use the seat belt (and/or related restraint equipment) shall be subject to appropriate disciplinary action.

31020.7.4.7 Medical Assistance to Employees

The following are considered reasonable limited services which may be provided through use of departmental medical services and staff:

- First-aid treatment.
- First medical treatment of work injury.
- Initial diagnosis and prognosis of work-connected conditions.
- Arrangement for further treatment.
- Evaluation of physical ability of injured to return to work.
- Physical examinations, pre-employment and periodic, for fitness and capability of safely performing arduous and hazardous tasks.

Prevention

Preventive medical measures such as chest x-rays, laboratory tests, immunization, and measures that prevent or minimize hazards of work-connected exposure to contagious diseases may also be provided upon approval by SCIF as a service to employees.

First – Aid Limitations

First medical treatment of work injury shall be limited to injuries that usually do not require more than five calls to a first-aid clinic or disability beyond the date of injury. Injury that requires hospitalization may result in payment of temporary disability compensation or permanent disability, and shall be treated by a physician as listed on the STD Form 621 when there has been no pre-designation of physician by the employee.

31020.7.4.8 Medical Assistance to Visitors/Public

For visitors who become ill or are injured, first-aid is the only medical service that may be provided.

Before discharging the visitor, medical personnel shall be certain that:

- Visitor has been transferred to another physician.
- A friend or relative accepts responsibility for further care of the ill or injured visitor or (in case no further medical attention is necessary) until proper care is available.

Financial Responsibility

When necessary to call outside physicians and/or ambulances, it shall be made clear that the visitor is financially responsible for medical care, treatment, and other services provided.

Records

Complete records shall be kept of all such first-aid services rendered. Records shall fully identify the person treated, date of injury, state the full diagnosis, give the cause for treatment (e.g., description of accident, etc.) and detail the services rendered, including drugs and supplies used.

Accident Report

When the visitor alleges injury or was involved in an accident on State property, it is essential that a report be made on Accident Report, STD Form 268, in accordance with the provisions of this manual.

31020.7.5 Occupational Injuries/Illnesses

Every employee shall report an injury/illness immediately (within 24 hours) and inform supervision of the details of the injury/illness. Failure to do so may jeopardize claims for workers' compensation benefits.

The appropriate order of action to be taken in accordance with the Workers' Compensation LC 4600 is outlined in detail in Workers' Compensation Benefits (Employees) and Inmate Injuries of this section.

SCIF is the Department's agent in administering the State workers' compensation benefits. SCIF carries out the details of claims adjustment including medical contracts and evaluations, payment of approved benefits, representing the Department in matters before the Workers' Compensation Appeals Board (WCAB), administering vocational rehabilitation coordination when necessary, and notifying the Department when permanent disability warrants a stipulated award or a compromise and release (C&R) settlement.

All issues of dispute shall be handled and resolved by SCIF and/or WCAB.

The above process shall not inhibit the employee's right of appeal to the WCAB. It is recommended that employees try to resolve any issues with SCIF and/or the appropriate supervisors.

31020.7.5.1 Employee's Workers' Compensation Benefits

Workers' Compensation Temporary Disability (WCTD)

Workers' compensation provides injured employees and their dependents a means of support when they are unable to work because of a job-related injury, workers' illness, or death, and minimizes economic hardship and compensation for physical suffering. Benefits include medical care, the temporary cost of transportation to and from medical appointments, prescription charges, death benefits, and vocational rehabilitation if the employee is a qualified injured worker and not able to return to former employment. For more detailed information, refer to the SPB Transaction Manual and Controller's Payroll Procedure Manual. An employee may receive WCTD plus supplementation of accrued sick leave or vacation benefits, up to the gross regular salary.

- An employee may receive a gross amount (WCTD) plus supplementation up to the gross salary that would have been received for the period of disability had the injury not occurred.
- An employee cannot receive less than the minimum WCTD compensation rate of $112.00 per week.

Industrial Disability Leave (IDL)

A disabled employee, included under Division 4 of the LC, may receive IDL benefits in lieu of WCTD. These benefits are for full normal pay for the first 22 working days and then reduced to two-thirds of the gross monthly salary for the remaining period of time the employee is eligible to receive benefits up to a maximum of 52 weeks, within two years from the first day of disability.

- EIDL is extended to non-represented employees who are in supervisory, management, or confidential positions and who are responsible for the supervision of represented employees who are eligible for EIDL (DPA 599.769). The enhanced benefit shall be equivalent to the insured employee's net take-home salary on the date of occurrence of injury. Eligibility and benefits may continue for no longer than one year after the date of occurrence of the injury. For the purposes of this section, "net salary" means the amount of salary received after federal income tax, state tax, and the employee's retirement contribution has been deducted from the employee's gross salary. To determine eligibility of rank and file employees, refer to the specific bargaining unit contract.

Assault

- A criminal act of violence on the entitled employee who was performing in the line of duty.

Criminal Act of Violence

- An unlawful act which results in injury to the entitled employee.

How to Request EIDL

If the supervisor and reviewing officer believe that the injury resulted from an inmate/parolee assault, then a separate memorandum with a recommendation shall be prepared for the signature of the hiring authority. The memorandum shall include the following:

- Name of employee.
- Date of injury.
- Copy of SCIF Form 3067.
- Copy of all medical information.
- Statement that the employee is receiving IDL.
- Circumstances surrounding the injury; e.g., “Injury occurred at the hands of an inmate as noted on the `Institution Incident Report' dated _____.”
- Any available witness reports.
- Recommendation for EIDL based upon the stated facts.

Appeal

Should the claim for EIDL be denied by the hiring authority, the employee's excusing remedy for redress is the Director. The appeal shall contain all of the pertinent facts surrounding the assault and any available supporting documentation.

31020.7.5.1.1 Supervisor's Responsibility

Revised January 2008

Upon receiving a report of an employee's injury/illness, the supervisor shall:

- Ensure that the employee receives appropriate medical assistance, which involves:
  - First-aid for minor injuries.
  - Inform the doctor of the employee's work duties and the Department’s Limited Term Light Duty Assignment, herein referred to as Light Duty policy (See DOM, Chapter 3, Article 4) which may enable the employee to return to work earlier.
  - Determine whether or not the employee is able to work.
- Prompt medical treatment when necessary.
  - Transportation may include a State vehicle, ambulance or taxi and a designated State representative to accompany the employee for medical treatment.
- The treating physician for the first 30 days shall be selected from the STD Form 621, although in cases of extreme emergencies, the injured shall be transported to any available doctor, hospital, or public medical service.

Serious Injury

- Notify immediately by telephone the departmental Health and Safety Officer of accidents involving death or serious injury/illness. The Health and Safety Officer shall notify the DIR, Division of Occupational Safety and Health.
- Identify safety hazards and either take action to eliminate or minimize the hazards or if corrective measures exceed the supervisor's authority, report the existing hazard to the local safety coordinator.
- Obtain copies of the `Fifteen Questions' pamphlet to give to injured employees reporting an occupational injury. The supervisor's review on SCI Form 3067 shall indicate if and when (by date) the `Fifteen Questions' pamphlet was given to the employee.

Supervisor's Guide

A supervisor's guide `Helping Your Injured Employees' which answers many questions concerning workers' compensation benefits is available from the local personnel office, safety coordinator, or the Department's Health and Safety Unit.

Documentation

- Complete the supervisor's review in detail to indicate all the facts surrounding the injury.
- Include a recommendation for EIDL if the physical injury resulted from inmate/parolee assault.
  - SCIF Form 3067 shall be filed even if the supervisor does not agree with the employee's claim for benefits. The filing of this report is not an admission of liability. However, it does start the Statute of Limitations running when filed and the employee receives a notice of benefits or the employee's `Fifteen Questions' pamphlet.
- In all cases of loss of time from work:
  - Maintain personal contact with the employee who is unable to return to work.

- Arrange for completion of CDC Form 998, Employee's Attendance Report.
- Discuss return to work with the employee, physician, return-to-work coordinator and other appropriate staff.
- State on the supervisor's review (in the "comments" section of the CDC Form 998) that the attending doctor was contacted and advised of the availability of modified work assignments, or
- Explain why contact and light duty discussion did not occur.

- Complete SCIF Form 3067, Employer's Report of Occupational Injury or Illness, within 24 hours after knowledge of the injury or illness. If there is any doubt as to whether the injury was work-related as a result of State employment, the supervisor shall check the appropriate box. Only factual, not subjective, information should be reflected in the supervisor's statements.
- Upon completion, forward the original and six copies to the reviewing officer.
- In those injuries which involve immediate medical assistance from a private physician, complete three copies of SCIF Form 358, Medical Service Order, and distribute this form as follows:
  - Employee - one copy.
  - Supervisor - one copy.
- Workers' Compensation file - one copy.

Physician's Designation

- Unless the injured employee has on file a previously completed Physician's Designation, CDC Form 912, select the treating physician from the Notice to Employees, STD Form 621.
- Complete Medical Service Order SCIF Form 358, and give to the employee prior to receiving medical care, if possible.

Medical Service Order

- If the injured employee is not able to return to full duty within five working days from the date of injury, notify the local RTWC immediately.

31020.7.5.1.2 Employee Responsibility

The employee shall:

- Immediately report injuries (within 24 hours) and inform the supervisor of the details surrounding the incident. Failure to promptly report the injury promptly may result in delay of benefits.
- Obtain necessary first-aid treatment (from the medical department if the injury occurs in an institution) and return to work if medically feasible.
- If the employee is unable to return to work or if further medical treatment is required:
  - Inform their supervisor immediately.
  - Participate in examinations and treatment by a physician or facility prescribed by the Department, or the employees own physician if the Physician Designation, CDC Form 912 was submitted prior to the injury.
  - Complete and submit the Employee's Attendance Report, CDC Form 998, for all time lost because of the injury.
- Return to work as soon as medically feasible.

31020.7.5.1.3 Reviewing Officer's Responsibility

The reviewing officer (second level supervisor) shall:

- Review the content of SCIF Form 3067.
- Make an investigation at the scene of the accident to reconstruct the circumstances.
- Talk to the injured and any witnesses to assure that adequate information regarding the accident has been recorded.
- Assure that the date of the report and the date of injury are within 24 hours of each other. Injuries shall be reported within this time frame to help ensure prompt delivery of benefits.
- Initiate changes to minimize the potential recurrence of a similar accident.
  - Identify and make recommendations for additional OJT, when appropriate.
- Upon completion of review of the accident, send all copies of SCIF Form 3067 to the Personnel Office.

Distribution SCIF Form 3067

An original shall be made and the appropriate number of copies shall be forwarded to the Personnel Office for the following distribution:

- Original and one copy to SCIF who shall forward the copy to the DIR.
- Local safety coordinator (follow-up and recording).
- Personnel/business manager's Workers' Compensation file.
- Reviewing officer.
- Employee's supervisor.

31020.7.5.1.4 General Benefit Delivery – Personnel Transactions

Revised January 2008

Upon receipt of SCIF Form 3067, if time is lost beyond the day of the injury or if the employee is treated by a private physician, Personnel shall forward the form to the SCIF Office.

- This form is considered "confidential" and is not automatically made accessible to the injured employee or their attorney or representative. Upon specific request, the employee or their designee shall be given an opportunity to view the completed form in accordance with the provisions of Section 13030 of this manual.
- A separate file is maintained for workers' compensation claims and related material. Access to this file by other staff shall be limited to those who have a "need to know" in order to perform their duties as they relate to the status and processing of the claims.

Injured employees and their representatives are referred to the SCIF office for information.

The Personnel Assistant II shall prepare and maintain these records.

The unit timekeepers shall notify personnel of time lost.

When an employee goes on temporary disability (TD), the local Personnel Transactions Section shall send the employee the following:

- Industrial Disability Benefits Information, STD Form 619, provides the employee with benefit descriptions; i.e., Industrial Disability Leave (IDL), TD, or TD with supplementation.
- Benefit Option Selection, STD Form 618, used by the employee to notify the Personnel Transactions Section of the benefit selected.

Employee Response

The employee has 15 calendar days from the date typed on the STD 618 to notify the Personnel Transactions Section of the benefits selected. If no notification is made, the Personnel Transactions Section shall provide IDL benefits if IDL benefits are greater than TD benefits. If the injured employee is incapable of making decisions for themselves, a guardian/trustee shall be requested.

The employee shall submit CDC Form 998, Employee's Attendance Report, each pay period while on TD, IDL, or Employee Response EIDL.

The injured/ill employee may, after 30 days from the date an injury/illness is reported, exercise the right to be treated by a personal physician/facility within a reasonable geographic area. The employee may, at any time, request of SCIF a change of treating physician if existing treatment is felt to be unsatisfactory.

The injured employee shall participate or cooperate in a reasonable vocational rehabilitation plan or lose entitlement to EIDL or IDL and shall be placed on TD with supplementation (if otherwise eligible). The employee shall have 15 calendar days to notify the Department to supplement TD payments.

31020.7.5.2 Inmate Injuries

Inmates shall:

- Report an injury/illness immediately (within 24 hours) and;
- Inform supervision of the circumstances of the injury/illness.

Failure to complete the above actions may jeopardize or delay any benefits.

31020.7.5.2.1 Distinguishing Non-Occupational Injuries

Departmental staff and inmates shall report all injuries sustained by inmates. This reporting requirement enables the Department to provide prompt medical care and to provide an accurate, detailed history of the cause of the injury. An accident investigation shall be conducted to determine the cause of the injury and necessary steps to avoid further similar incidents.

Reporting

Because of the high cost of workers' compensation and vocational rehabilitation, it is extremely important that inmate injuries be differentiated from industrial (job-connected) and non-industrial injuries. For example, an injury which occurred in a vocational class may or may not be industrial depending on whether the job

performed is production oriented. An injury which occurs in the welding shop under the supervision of maintenance personnel is an industrial injury if the inmates are in an assigned work position.

Recording Guidelines

To provide a uniform method for reporting and recording non-occupational injuries to inmates, the following guidelines shall be followed:

- When an injury is reported to the supervisor, they shall record the details of the injury on the reverse side of the Employer's Report of Occupational Injury or Illness, SCIF Form 3067. All the same information shall be recorded as though the injury was an occupational injury. Be sure to mark the proper block indicating that the injury is not a work-related injury or illness.
- Forward a copy of the completed SCIF Form 3067, after supervisor's review, to the inmate's C-File and the local safety coordinator for their review and appropriate action.
- The medical department shall provide appropriate treatment or medical referral, then complete a CDC Form 7219, Medical Report of Injury or Unusual Occurrence giving all the details of the injury, diagnosis, and prognosis. Forward copies to the local safety coordinator and the inmate's C-File.

Inmate Injury Recording

In order to provide a convenient, centralized record of inmate injuries, illnesses or deaths which fall within the definition of a recordable occupational injury or illness, the Log 200 shall be maintained by the medical department.

- This shall be a separate log from that maintained for employee cases.
- This log may be used to record all injuries to inmates which require more than first-aid treatment.
  - Work injuries on the log shall be identifiable as such.

The SCIF Office handling the workers' compensation claim for an occupational injury shall be provided with copies of SCIF Form 3067 and CDC Form 7219 and supporting documentation, which is completed for a non-occupational injury/illness suffered by the inmate at any time during their incarceration. This information is used to make a proper determination for workers' compensation benefits.

31020.7.5.2.2 Occupational Injuries

Under the provisions of Chapter 1347 of the Statutes of 1976, inmates are eligible for workers' compensation benefits for injuries which occur during their incarceration while engaged in assigned work as long as the inmates are not injured as the result of an assault in which they were the initial aggressor or as the result of intentional acts of the inmates to injure themselves. These provisions:

- Ensure to injured inmates and those dependent upon them an adequate means of subsistence after their release if they are unable to work.
- Provide any and all reasonable medical treatment to cure or relieve the inmate from the effects of the injury/illness.
- Provide for rehabilitation of injured inmates so that they may engage in suitable and gainful employment upon their release.

The requirements of CAL-OSHA (LC 6300 through 6708) do not apply to inmate injuries or illnesses with the exception of LC 6413 and 6413.2.

The reporting requirements apply to inmates' occupational injuries in the same manner as with employees, except:

- All medical treatment to an inmate worker shall be rendered by, or at the direction of, the institution medical department.
- An inmate worker who is unable to return to work immediately shall be placed in lie-in, temporary medical unassigned, or permanently disabled status by action of the institution medical department. The case shall be presented to the classification committee for confirmation of the action.

The workers' compensation law is more specific and detailed than this section which is general and simplified as much as possible. If there is any conflict, the law takes precedence and shall be used as the basis for all decisions.

31020.7.5.2.2.1 General Responsibility

To prevent or reduce the severity of injuries and to minimize the Department's costs, the following are of special importance:

- For administrative staff:
  - Establish a prompt reporting system for work-related injuries or diseases to inmates.
  - Establish procedures which call for follow-up by a supervisor to ensure that proper treatment is provided to assist the inmate to return to an appropriate work assignment as soon as medically feasible, and to see that rehabilitation services are offered when needed.
- For work crew supervisors or other appropriate employees:
  - Ensure that inmates wear proper clothing on the job, including headgear and footwear, and that all safety devices are used and all safety procedures are followed.
  - Ensure that first-aid is administered for minor injuries and, if necessary, to arrange for medical treatment by a departmentally-employed physician upon discovery of a work injury to an inmate.
  - Report the results of the accident or illness, the actual or probable cause, the action taken, and the known facts about the accident or illness.
  - Arrange transportation with appropriate security precautions for the injured inmate using State vehicle, taxi, ambulance, or other appropriate vehicle.

SCIF reporting shall be done within five calendar days from the time the inmate's injury was known to need medical attention other than first-aid. This includes the following:

- Fatalities attributable to the work assignment.
- Injuries or illnesses which are work-related and result in the loss of a work day.
- Non-fatal injuries or illnesses which do not result in any lost work but do result in a transfer to another assignment, require medical treatment (other than first-aid), or involve loss of consciousness or restriction of work or motion.

If there is any doubt about the need for treatment beyond first-aid, arrangements shall be made for an examination by a physician and the injury or illness shall be reported to SCIF as outlined above. A SCIF Form 3067, Employer's Report of Occupational Injury or Illness, shall be completed whenever there is a disagreement between the inmate and Department staff regarding eligibility of the inmate for workers' compensation benefits.

The institution shall designate a staff person to coordinate the workers' compensation program for inmates. The duties and responsibilities of this assignment include, and are not limited to the following:

- Ensuring that all SCIF forms are completed as appropriate.
- Transmitting the original of SCIF Forms 3067 and 3010 to SCIF within five calendar days from the date the inmate's injury was known to require medical treatment other than first-aid. Copies of the forms shall also be forwarded to the following:
  - The Division of Labor Statistics and Research, P.O. Box 965, San Francisco, CA 94101.
  - The reviewing officer.
  - The institution safety coordinator (for follow-up and record).
  - The records officer for the inmate's C-File.
  - The Health and Safety Office, Central Office.

31020.7.5.2.2.2 Responsibility of the Workers' Compensation Coordinator for Inmates

Each institution's business manager and the assistant RPA of each region shall:

- Oversee and coordinate the Workers' Compensation Program for inmates to ensure prompt, uniform reporting and follow-up.
- Serve as the institutional or regional parole contact person for information and inquiries from Central Office, SCIF, the DIR, other state agencies, and the public for work-related injuries to inmates.
- Recommend to the Warden/RPA and the Departmental Health and Safety Officer any needed changes in the Workers' Compensation Program for inmates.

31020.7.5.2.2.2.1 Notification to Inmates of Workers' Compensation Benefits

All inmates shall be given general information on the availability of workers' compensation benefits for injuries sustained in the performance of assigned work at the time of their commitment or transfer to the Department.

The same information shall be posted at every institution and camp in conspicuous locations where inmates throughout the facilities shall have access to it. It is

especially important that the information be posted at, or reasonably near, inmate work locations.

The Department shall provide to injured inmates individual notice of the vocational rehabilitation services that are available to inmates disabled for 28 days or more.

31020.7.5.2.2.3 Preparation and Use of Required Forms

SCIF Form 3067

Any injury to an inmate which results from the performance of their assigned work as defined in DOM 31020.7.5.2.1 of this chapter, regardless of the seriousness of the injury or the treatment required, shall be reported on SCIF Form 3067. The supervisor of the injured inmate shall complete the form in sufficient detail to give an accurate picture of the circumstances which caused the injury and forward it to their supervisor. Only facts, not opinions based upon speculation, shall be documented.

The inmate's CDC number and the ward "inmate" in red ink shall be included in item 6; date of imprisonment shall be shown in 12A; N/A shall be shown in items 13 and 13A. SCIF Form 3067 is then forwarded to the reviewing officer.

The reviewing officer shall:

- Review SCIF Form 3067 and make an investigation at the scene of the accident to reconstruct the circumstances, question the injured inmate and any witnesses, and generally ensure that adequate information regarding the accident has been recorded.
- Initiate any changes to minimize the potential for another similar accident, including additional OJT if needed.
- Submit a "Supplemental Information Regarding Work Disability", SCIF Form 68a if SCIF Form 3067 is found to contain inaccurate information. Additional information is provided for further clarification of circumstances surrounding the injury. It is important that the questionable facts about the alleged circumstances of injury or death be reported to SCIF so that it may investigate as needed.

Examples of circumstances requiring a supplemental report to SCIF are when:

- The date of the inmate's release from prison becomes known after the injury.
- A parolee receiving temporary or permanent disability benefits is returned to prison.
- A parole violator, who had been receiving temporary or permanent disability benefits, is subsequently released from prison.

- For a work-related injury or illness which required the medical services of a physician, request the preparation of the “Doctor's First Report of Occupational injury or illness”, SCIF Form 3010 from the medical department.

Any forms, reports, or correspondence between the Department/institution/parole region and SCIF become the property of SCIF and shall not be released to any inmate or employee except through the SCIF adjuster in charge of the claims file.

Distribution

SCIF Form 3067 and copies shall be forwarded to Personnel for the following distribution:

- Original and first copy to SCIF which forwards the copy to the DIR.
- Second copy to the institution's file.
- Third copy to the inmate's C-File.
- Fourth copy to the Health and Safety Unit.

31020.7.5.2.2.4 Notice of Inmate Death

Submitting SCIF Form 3067 serves to notify the Division of Industrial Accidents of the death of an inmate from work-related causes. The Division of Labor Statistics and Research shall be immediately notified by telephone or telegraph of the inmate's death and provided the following information:

- Inmate's name.
- Marital status.
- Age.
- Cause of death.
- Date of death.
- Job classification.

31020.7.5.2.2.5 Acceptance or Rejection of Claim

SCIF notifies the injured inmate by form letter of the claim status and benefits. Departmental staff shall ensure that the injured inmate receives this information promptly. If the claim is rejected, the notice includes instructions for appealing SCIF's decision.

31020.7.5.2.2.6 Appeals

If SCIF denies a claim, the inmate may appeal to the Workers' Compensation Appeals Board (WCAB). A WCAB judge is then assigned to the case and the institution or parole office is notified of the time and place of hearing.

If the inmate requests or if the judge determines the issues are sufficiently complex, an attorney shall be assigned. The inmate shall select an attorney from a panel of qualified workers' compensation attorneys proposed by the WCAB judge in the geographic area. The WCAB judge shall set the attorney's fee which must be paid by the Department if the proceedings are held while the inmate is incarcerated. If the proceedings continue after the inmate is released to parole or discharged, the workers' compensation award stipulates what portion, if any, of the attorney's fee shall be paid by the Department. The workers' compensation attorney shall be accorded the same rights and privileges, and subject to the same restrictions, as any other attorney retained by inmates.

Any hearing requiring the inmate's appearance while incarcerated shall be held at the place where the inmate is housed.

31020.7.5.2.2.7 Workers' Compensation Benefits

Injured inmates are not entitled to any temporary disability indemnity benefits while incarcerated in a State prison. Inmates may qualify for full or partial temporary disability indemnity benefits upon release from prison. The inmate's eligibility shall be determined by SCIF. Such benefit payments shall cease for any period of time during which the inmate is re-incarcerated.

Pre-Release Referral

During the pre-release process, an injured inmate's eligibility for temporary or permanent disability indemnity payments shall be determined by institution or parole staff and SCIF. The pre-release referral material shall include the status of any claim for workers' compensation benefits.

31020.7.5.2.2.8 Medical Treatment

SCIF Form 3010

An injured inmate shall be provide necessary and reasonable medical treatment. The Department has control over treatment provided to an injured inmate while incarcerated in a State prison. The medical department shall complete a Doctor's First Report of Occupational Injury or Illness, SCIF Form 3010, for each industrial injury for which an inmate is treated.

Consulting Physician

In serious cases the inmate is entitled, upon request, to have the Department pay for the services of a consulting physician. The Department shall select the consulting physician who shall be accorded the same privileges and courtesy extended to any physician who provides services to the Department. The provision for a consulting physician in serious cases is designed to meet the possibility of disagreement between the injured inmate and departmentally employed medical staff. Departmental staff shall make a reasonable physician effort to select a consulting physician who is acceptable to the inmate. This may be accomplished by offering the injured inmate a choice of three physicians from whom to choose. The provisions of Section 54040 of this manual are applicable if the costs are borne by the inmate or their representative.

Any request from injured inmates to have the services of a physician for consultation shall be approved by the CMO, or by the departmentally employed physician in the parole division, who shall notify the institution business manager, or in the case of a parolee, the Department's Health and Safety Officer, if it appears that there shall be a recurring need for the physician's services. Departmental staff shall provide whatever assistance is reasonably necessary to engage and facilitate the services of a consulting physician when requested by the inmate.

If staff must arrange for medical treatment of injured inmates from persons who are not employees or under contract to the Department, the physician, ambulance service, or hospital shall be selected from those listed on the Notice to State Employees, STD Form 621, when possible. This form is posted at each State office and place of work. All other ambulance service and hospital arrangements shall be made as directed by the physician until departmental medical staff assume responsibility for the case.

An injured inmate who required medical treatment beyond first-aid shall not be permitted to return to any work assignment without approval of the CMO or treating physician.

Treatment Upon Release

If medical treatment is necessary after the inmate's release from State prison, SCIF becomes responsible for the first 30 days following the reporting of the injury. Thereafter, the released inmate may choose any physician or facility until treatment is no longer required subject to SCIF rules. SCIF shall be notified of the name and address of the physician or facility selected.

31020.7.5.2.2.9 Payment of Claims

Special Appropriation

Reimbursement to SCIF for the cost of benefits and related expenses shall be paid from a special appropriation established for that purpose.

Billing Code

The Assistant Deputy Director, Financial Management and Support Services Branch, shall notify both the Institutions and P&CSDs each year of the correct billing code which shall be inserted on SCIF Form 3067 in the space provided for "Payroll Agency Code or SCIF Policy No." SCIF submits its invoices directly to the Department's accounting office in Central Office. The eligibility of each inmate whose name and departmental identification number appears on the invoice shall be checked against the accounting office copy of the SCIF notification of acceptance or of the WCAB's award. If valid, a claim schedule shall be submitted to the SCO.

Expenses in Excess of Normal

Any expenses for departmentally authorized medical services during the inmate's incarceration which are attributable to the workers' compensation claim and in excess of the medical services normally provided to the inmate in these circumstances shall be charged to the special appropriation.

Normal Medical Services

All normal medical services currently provided shall continue to be funded from the Department's support appropriation. Additional costs to the Department may include, but are not limited to, special consultant services required by the inmate, special examinations and treatment necessary to evaluate workers' compensation claims, and the need for medical staff to testify at the appeal hearings.

Attorney Fees

If the inmate is represented during any appeal proceedings by an attorney selected from the panel provided by the WCAB judge, the attorney's fee shall be determined by the WCAB judge and paid by SCIF.

Special Liaison Duties

Any additional costs incurred by the Department, clearly necessary as a result of workers' compensation claims for inmates shall be charged to the special appropriation. An example is special liaison duties requiring additional staff travel and overtime.

Invoices

The institution/parole region shall submit invoices to the accounting office in Central Office, listing additional expenses by inmate name and identification number, with supporting documentation showing the reasons for the expenses attributed to workers' compensation.

31020.7.5.2.2.10 Rehabilitation Services

Vocational rehabilitation services needed to determine an inmate's eligibility as a qualified injured worker and to develop any required vocational rehabilitation plan shall be provided by a qualified rehabilitation representative chosen by the Department and SCIF. Such services shall be provided the inmate as soon as feasible and prior to the inmate's release from custody if possible, to prepare the inmate for suitable gainful employment upon release.

Notices

In cases where a work-related disability continues beyond 28 days, the institution's workers' compensation coordinator for inmates shall notify the injured inmate that rehabilitation services are available. A copy of the notice shall be forwarded to DOR and SCIF.

Rehabilitation Program

The institution's workers' compensation coordinator for inmates shall initiate a rehabilitation program for cases where there is a reasonable expectation that the injured inmate shall benefit from a rehabilitation program. When an eligible injured inmate is released, the institution's workers' compensation coordinator for inmates shall notify SCIF so that SCIF can initiate a rehabilitation program. The plan shall include the following elements:

Inmate Residence Plan

- For those cases in which the rehabilitation program shall not be completed prior to the inmate's release or in which the rehabilitation program does not start until the inmate is released because the injury occurred shortly before release, it is important to ensure continuity between the rehabilitation services provided by the institution and those available in the area where the inmate plans to reside upon release. This means that the inmate's choice of residence may be strongly influenced by the availability of a particular rehabilitation service.
- A written description of the rehabilitation plan shall be presented to the Institution Classification Committee or designated subcommittee (if prepared by parole staff and SCIF) for approval. The written description shall be included in the inmate's C-File, and a copy shall be given to the inmate. The rehabilitation plan shall be forwarded to the rehabilitation bureau consultant of the DIR.

31020.7.6 Return-to-Work Program

Revised January 2008

The Department shall make reasonable accommodation to the known physical or mental limitations of handicapped applicants or employees, including persons who become disabled while employed by the Department.

This requires maintenance of an active Return-to-Work (RTW) Program for industrially injured employees, and to the extent possible, those who are disabled as a result of non-industrial factors. This program shall:

- Facilitate the early return to work of injured employees (see DOM, Chapter 3, Article 4, Limited Term Light Duty Assignments).
- Provide a process for rehabilitation, transfer, or other solutions for long-term disability cases.

The goal of the program is to reduce the average number of lost time days resulting from industrial injuries. Attainment of the reduction goals established requires strong RTW committees and accountability of management. Continued effort in reducing time lost from industrial accidents is essential.

31020.7.6.1 Objectives

Revised January 2008

Return occupationally injured employees to work as soon as medically possible to departmentally identified positions or develop an alternate plan of employment.

Minimize suffering, financial loss, and time loss because of an employee's occupational injury or illness through a planned, systematic program. The program requires that:

- Employees and supervisors report injuries promptly.
- Employees receive prompt medical attention.
- Communication be maintained between the injured employee and the institution/parole region RTWC and/or the employee's supervisor.
- Temporary light duty assignments be provided in accordance with the Department's Light Duty policy (see DOM, Chapter 3, Article 4).

Reduce workers' compensation costs.

Involve the Departmental Health and Safety Officer, the area RTWC, the immediate supervisor of the injured employee, and the SCIF claims representative in a structured planning process for potential RTW problems and follow-up of long-term disability cases.

The program shall be maintained in all institutions, parole regions, and Central Office.

31020.7.6.2 Departmental Health and Safety Officer's Responsibility

The Departmental Health and Safety Officer shall:

- Assist area RTWCs and councils with solving industrial (and non-industrial, as feasible) injury case problems.
- Assist in the establishment of area RTW council and participate in area RTW council meetings at least on a quarterly basis.
- Provide information on RTW options and employment opportunities.
- Arrange for services of a qualified rehabilitation representative as requested.
- Coordinate RTW council meetings for institution and parole region committees.
- Assist in the establishment and coordination of Early Intervention Programs at each institution and parole region.

31020.7.6.3 Area Return-to- Work Program Coordinator's Responsibility

Each institution and parole region shall designate an RTWC who shall:

Revised January 2008

- Serve as a member of the area RTW committee and work with the appropriate offices of SCIF.

- Schedule RTW council meetings.
- Identify and follow up on compensable injury cases and maintain appropriate monthly records.
- Establish reasonable RTW plans and time frames.
- Involve and advise supervisors and employees in working toward an equitable solution.
- Maintain and/or ensure that supervisors maintain communications with injured employees.
- Serve as the local early intervention coordinator.

31020.7.6.4 Area Return-to- Work Councils

Each institution and region shall establish an RTW Council to assist the RTWC in reviewing disability cases.

31020.7.6.4.1 Responsibility

The RTW Council shall:

- Review all cases involving injured employees who may have potential problems returning to their normal job duties.
- Discuss all claims within that institution/parole region's jurisdiction which have an Application for Adjudication pending with the Workers' Compensation Appeals Board (WCAB). This discussion develops current information to resolve disputed issues and encourage settlement.
- Determine appropriate referrals to the Early Intervention Program.

Action Plan

- Develop for each case reviewed, industrial or non-industrial, a plan of action to return the disabled employee to productive employment.

The supervisor of the injured employee, and/or person familiar with the status of the case, shall be included in the council discussions as often as possible.

31020.7.6.4.2 Membership

At minimum, the RTW Council shall consist of a person with authority to settle, a representative from personnel and safety, a SCIF claims representative, and a member from the Health and Safety Unit. The RTWC shall be the chairperson.

31020.7.6.4.3 Meetings

The RTW Council shall meet on a regular basis at least once quarterly.

31020.7.6.4.4 Minutes

Minutes of the RTW Council shall be taken by staff provided by the institution/parole region and sent to the Departmental Health and Safety Officer within ten working days following the meeting. Minutes shall be marked "Confidential" and treated as such.

Minutes shall include the following:

- Name of injured employee.
- Age of injured employee.
- Occupation at time of injury.
- Length of employment with the Department.
- Nature of injury (including brief description of how injury occurred).
- Whether claim is litigated (application filed with the WCAB).
- Whether attempts have been taken to return the employee to work and the results of these attempts.
- Plan of further action to be taken.

31020.7.6.5 Vocational Rehabilitation Training

Revised January 2008

Generally, employees disabled as the result of an industrial accident or illness shall be offered vocational rehabilitation if they cannot return to their normal and regular employment.

- The area RTWC shall meet with the rehabilitation representative to review the proposed rehabilitation program.
- The area RTWC shall provide a recommendation to the hiring authority.

31020.7.6.6 Program Evaluation

Revised January 2008

In evaluating a reduction in time, the severity rate shall be used as the measure.

CAL/OSHA Form 200

The Log and Summary of Occupational Injuries and Illnesses, CAL/OSHA Form 200 ("Log 200"), shall be reviewed by the Departmental Health and Safety Officer. This Log 200 shall be compiled by the departmental safety coordinator from data provided by institutional and regional staff. All copies of the required Log 200s shall be forwarded to the Office of Insurance and Risk Management as requested.

31020.7.7 Early Intervention

The Department is committed to implementing Early Intervention (EI) as a major component of the RTW Program to conserve fiscal and human resources.

EI ensures that all parties involved in workers' compensation cases are fully informed of available options, that decisions are reached expediently, and that action is taken to implement those decisions in a timely manner.

31020.7.7.1 Objectives

Maintain EI as a component of the RTW Program, at all institutions/parole regions and Central Office.

Return industrially injured/ill employees to work as soon as possible. Many injured/ill employees don't need referral to EI because they are receiving benefits and can be expected to return to work.

Assist the employee in locating suitable placement or request ordinary or disability retirement from the PERS if it appears that the employee cannot return to the usual and customary job.

31020.7.7.2 Reports

To ensure that EI functions properly, the following actions are necessary:

Injury Reporting

- Each institution/parole region and Central Office shall develop a system to ensure that employees and supervisors report injuries promptly (within 24 hours). In the institutions, job injuries shall be reported to the institutional personnel officer. In Paroles/Central Office, injury reports shall be submitted to the Personnel Office, Central Office. The reports ultimately shall be forwarded to the Health and Safety Unit.

SCIF Form 3067

- The local RTWC shall develop a system for reviewing accident/injury reports (SCIF Form 3067s) on a routine basis, at least weekly. The original and a copy of the forms shall be sent to SCIF and a copy to the Health and Safety Unit.
- The local RTWC shall maintain frequent communications with the SCIF adjuster and the EI counselor so that appropriate and timely decisions can be made.
- The local RTWC shall keep the Health and Safety Unit informed as to the status of the most sensitive workers' compensation cases.

31020.7.7.3 Early Intervention Counselor Visits

The Early Intervention (EI) Program provides an employee who has suffered an EI industrial injury up to two visits with a professionally trained counselor. The EI counselor provides helpful information to the employee and also assesses the ability of the employee to return to work. This assessment shall be provided to the area RTWC and the SCIF adjuster. Additional visits may be authorized by the RTWC and/or SCIF.

31020.7.7.4 Early Intervention Counselor Qualifications

An EI counselor shall usually be an experienced rehabilitation or employment counselor who has:

- Developed and implemented RTW/vocational plans.
- Evaluated, counseled, and placed vocationally handicapped individuals.

31020.7.7.5 Early Intervention Counselor Selection

The EI counselors are selected geographically for each institution by the Department and SCIF. The Health and Safety Unit shall train the EI counselors regarding specific departmental personnel policies and work rules.

31020.7.7.6 Early Intervention Counselor Role

The EI Counselor shall receive employee referrals:

- From the local RTWC.
- From a medical panel or personal physician. A medical panel is composed of local medical providers for a geographic area. A list of local medical panel members shall be posted in all work areas to assist employees in seeking medical treatment.
- From the Health and Safety Unit.
- From SCIF.

31020.7.7.7 Early Intervention Counselor Responsibility

The EI counselor shall:

- Make contact with the injured employee within two working days of referral.
- Explain all available benefit options, e.g., employment, medical, rehabilitation, retirement, etc.
- Provide reality counseling, which helps the employee adjust to the disabling condition.
- Provide reassurance to the employee that the Department is concerned about their well-being.
- Formulate an initial assessment regarding the injured/ill employee's potential for return to work.
- Provide ongoing feedback to the local RTWC and SCIF adjuster.
  - If the employee is still working, assess the job status to assure satisfactory performance and positive employee attitude.
  - If the employee is not working, assess the potential for return to work.
- Make a final recommendation to the local RTWC concerning potential work status and any work limitations.
- Be available on short notice to the following:
  - Medical panel members.
  - Business managers/local RTWCs/ institutional personnel officers.
  - SCIF adjusters.
  - Health and Safety Unit.
- Attend all local RTW meetings.
- Maintain appropriate record keeping and reporting as necessary.

31020.7.7.8 Area Medical Panel Responsibility

The area medical panel shall:

- Provide first-aid and/or medical treatment to injured employees.
- Identify employees for EI services.
- Act as consultants when employees opt to use their private physician.
- Provide medical, psychological, and psychiatric evaluations requested by SCIF.
- Evaluate the employee's potential for return to work and report to SCIF and the local RTWC.
- Maintain ongoing and frequent communications with the local RTWC and the EI counselor.

31020.7.7.9 Return-to-Work Coordinator Responsibility

Revised January 2008

The local RTWC shall:

- Serve as the local coordinator for EI.
- Ensure that ongoing and frequent communications are maintained with injured/ill employees.
- Develop a system to ensure the reporting by supervisors of all injuries or illnesses within 24 hours of occurrence.
- Review all injury/illness reports (SCIF Form 3067) on a weekly basis.
- Make necessary referrals to the EI counselor.
- Maintain frequent contact with the local SCIF adjuster and EI counselor to ensure that decisions are reached regarding injured/ill employees.
- Maintain a log of referrals to the EI counselor including decisions and conclusions regarding each referral.
- Develop a local medical panel, through use of existing community resources in conjunction with the Department's Health and Safety Office and the SCIF adjuster.
- Identify temporary, light duty assignments for the utilization of temporarily disabled employees in accordance with the Department's Light Duty policy.
- Assist with arranging employee placements of temporarily disabled employees.

31020.7.7.10 Assignment Captain/ Lieutenant Responsibility

This position is key to the EI process and shall:

- Furnish names of industrially injured/ill employees to the local RTWC for possible EI referral.
- Monitor the submission of SCIF Form 3067 to ensure the timeliness of their completion by first line supervisors.
- Participate in RTW meetings to add personal first-hand knowledge to case discussions.

31020.7.7.11 SCIF Adjuster Responsibility

The SCIF adjuster shall:

- Make referrals to appropriate medical practitioner or medical panels, especially in cases where the exact nature of the injury/illness is not readily apparent.
- Maintain medical control of the case.
- Update the claimant's medical progress with the local RTWC.
- Maintain communications with the EI counselor to monitor progress.

31020.7.7.12 Health and Safety Unit Responsibility

The Health and Safety Unit shall:

- Identify and provide specific training needs for all EI counselors and medical panels departmentwide.
- Assist each local RTWC with evaluating and monitoring the performance of all EI counselors and medical panels departmentwide in conjunction with SCIF.
- Provide training and ongoing consultation to each local RTWC for appropriate referrals to EI counselors.
- Coordinate and participate in RTW meetings with institution/regions.
- Promote the expanded use of light duty assignments where appropriate.

31020.7.8 Reports and Record Keeping

The Departmental Health and Safety Unit shall coordinate and monitor the processing of required reports.

Hiring authorities shall ensure that reports covering work-related employee accidents and illnesses are prepared and processed in accordance with all state requirements as outlined in this section.

31020.7.8.1 CAL/OSHA Record Keeping

The DIR has primary responsibility for administering CAL-OSHA. Under the program employers and employees are required to comply with specified job safety and health standards.

Enforcement is carried out by the Division of Occupational Safety and Health.

The departmental Health and Safety Unit shall compile disabling occupational injury and illness data into one report and forward it to the DGS, Office of State Insurance and Risk Management, by the 15th day following the end of each calendar quarter.

Each reporting unit shall compile the necessary information and return the following completed forms to the Department's Health and Safety Unit by the 10th day following the end of each calendar quarter.

A Log and Summary of Occupational Injuries and Illnesses, CAL-OSHA Form 200 or "Log 200," shall be kept daily at the designated place as a basic document for:

- Collection of statistical data on annual occupational injuries and illnesses.
- Review by the Division of Industrial Safety engineer during CAL-OSHA inspections.
- Review of area accidents and occupational injury and illness experiences.

Reporting Requirements

The Log 200 shall include the recordable occupational injuries and illnesses to all paid employees, either full- or part-time. The log shall not include injuries or illnesses sustained by unpaid workers. For further detailed recording requirements refer to the booklet entitled "Record-Keeping and Reporting Requirements Under CAL-OSHA." This booklet is available free upon request to the California Division of Labor Statistics and Research.

USINS Form 66 Retention

The Quarterly Summary of Disabling Occupational Injuries and Illnesses, USINS Form 66 summarizes the entries on the Log and Summary of Occupational Injuries and Illnesses, Log 200.

Retention

The Log 200, the associated SCIF Form 3067s and the USINS Form 66 shall be kept in the Personnel Office for five years following the year to which they relate.

31020.7.8.2 Department of Occupational Safety and Health Citations and Appeals/Variances

If the Division of Occupational Safety and Health believes that an employer has violated a safety and health standard or order, it issues a citation to the employer.

The following process is established to assure that appropriate departmental units receive immediate notification of Division of Occupational Safety and Health (DOSH) Citation Appeals and Requests for variances:

- Any citation or pending citation issued by the DOSH affecting any Department employee, facility, equipment, or operation shall immediately be brought to the attention of the departmental Health and Safety Officer. Notification shall also include:
  - Any intention to appeal a DOSH-issued citation.
  - Any intention to apply for a temporary or permanent variance to an existing safety standard.
- All citations shall be posted for a minimum of three working days and shall not be removed until the conditions cited have been abated.
- All requests for variances and appeals shall be cleared through the Health and Safety Unit. Each hiring authority shall implement a process whereby the Health and Safety Unit is notified by telecopier (within 24 hours) that there has been an inspection by DOSH and a citation is pending. Information provided in the telecopy shall include:
  - Facility or operation inspected.
  - The location.
  - The date of inspection.
  - Description of pending citation(s) including specific safety orders allegedly violated.
  - Classification of pending citation, if known (serious or non-serious).
  - Tentative reason to appeal or not appeal.

Process to Notify Health and Safety

- The Health and Safety Unit shall inform appropriate Central Office units of citations, citation appeals, or variance activity.
- All employees shall be advised of and understand their basic rights and liabilities with respect to serious industrial accidents and the appropriate response to DOSH questions.
  - It is an employee's right to refuse to answer questions, make statements, or otherwise discuss the facts of an industrial accident with the DOSH investigators until the employee has had an opportunity to talk to an attorney. The Department's Legal Affairs Branch has recommended that no employee discuss the facts of any serious or fatal accident unless an attorney representing the employee is present during questioning.
  - This policy is not intended to prevent DOSH from carrying out its responsibility to investigate on-the-job accidents. It is, however, intended to assure employee awareness of their rights and potential liabilities in cases where questioning, as a part of an investigation, can lead to serious criminal charges.

Employee Accident Reporting

- Employees who have participated in activities related to a serious on-the-job accident shall see that the notification of the accident is immediately communicated to the local safety coordinator and the Central Office Health and Safety Unit. Employees may request advice, representation or both from the departmental counsel, or may consult with a private attorney at their own expense.

31020.7.8.3 Accident Reporting

Report of Vehicle Accident, STD Form 270

Whenever a State-owned vehicle or a privately-owned vehicle driven on State business is involved in an accident, the driver of the vehicle shall complete and submit a Report of Vehicle Accident, STD Form 270 within 48 hours to the DGS, Office of Insurance and Risk Management, 926 J Street, Suite 615, Sacramento, CA 95814, (916) 322-8966.

When the accident involves a privately-owned vehicle or a commercial automobile, the STD Form 270 shall be clearly marked "Privately-Owned Vehicle Involved."

When a State vehicle is struck while properly parked, the custodian of the vehicle shall complete and sign only that portion of the STD Form 270 identifying the custodian, vehicle, the location, and probable date and time that damage occurred.

All questions on the form shall be answered. If the question is not applicable, place a dash or "N/A" in the answer area.

The supervisor who authorized the use of the vehicle shall ensure that the STD Form 270 is completed by the driver or, if that person is unable to do so, the supervisor shall complete the form. When a driver is unable to complete the form, the supervisor shall notify the liability insurance company and forward STD Form 270 to the DGS within 48 hours of the accident.

Distribution of the STD Form 270 is dependent upon the type of vehicle involved in the accident as follows:

Department-Owned Vehicles

- White, blue, and pink copies shall be sent to the DGS, Office of Insurance and Risk Management, 926 J Street, Suite 615, Sacramento, CA 95814. Forward the canary and green copies to the supervisor who authorized the use of the vehicle.

State Garage Vehicles, Pool or Monthly Tripper

- White, blue, and pink copies shall be sent to the DGS, Office of Insurance and Risk Management, 926 J Street, Suite 615, Sacramento, CA 95814. Forward the green copy to the State Garage which dispatched the vehicle and the canary and one added copy to the supervisor who authorized the use of the vehicle.

Privately-Owned or Commercial Vehicle

- White and blue copies shall be sent to the DGS, Office of Insurance and Risk Management, 926 J Street, Suite 615, Sacramento, CA 95814. Forward the pink copy to the driver (in case of inmate driver, this shall be retained at the local level) and the canary and green copies to the supervisor who authorized the use of the vehicle.

Claim for Reimbursement

Note: Whenever an employee submits a claim for reimbursement of repair expenses, a copy of the STD Form 270 shall accompany the travel expense claim, STD Form 262. (See SAM 759 and 759.5 for terms of reimbursement.)

Review of State Driver Accident, STD Form 274

Upon receipt of a completed Report of Vehicle Accident, Form 270, the supervisor of the driver involved in the accident shall initiate, in duplicate, the Review of State Driver Accident, STD Form 274.

Police Report

The supervisor shall interview the driver of the vehicle and investigate at the scene of the accident when necessary. A copy of the police accident report shall be obtained and made part of the supervisor's review.

Upon completion, two copies of the STD Forms 270 and 274, and related police reports shall be routed as follows for management review:

- Institutions - institutional safety coordinator.
- Paroles - regional safety coordinator.
- Central Office - Health and Safety Unit.

A copy of the original package shall be retained at the local level.

Management review shall ensure completeness of reporting and initiate follow-up action if it is determined that there is evidence of misuse or negligence considerations on the part of the State driver.

Driver Training and Evaluation

Defensive driver training is coordinated by the DGS and is considered job-required training. Supervisors' requests for training shall be handled as described in the SAM 750.2, and problems with this process or scheduling shall be directed to the Departmental Training Officer.

Corrective Action

Whenever managers or supervisors observe a subordinate employee operating a vehicle in an unsafe manner, even though an accident does not occur, corrective action shall be taken.

Assessment of damages shall be made against an employee for damage or loss because of abuse or negligent use of the vehicle in accordance with the SAM Section 4182.3.

Any preventive, corrective, or formal disciplinary action taken shall be in accordance with the following:

- GC 19574.
- Departmental policy.
- SAM Section 4182.3.

Employee's Responsibility

Employees shall:

- Report any motor vehicle accident or damage within 48 hours.
- Attend defensive driver training classes scheduled by supervision.
- Obey the law and follow the instructions and guidelines described in this and other pertinent departmental policy.

First-Line Supervisor's Responsibility

The first-line supervisors shall:

- Ensure accidents are promptly reported and investigated.
- Initiate counseling and corrective action for those employees who have demonstrated a poor driving record.
- Consider accident records in the annual employee appraisals.
- Notify the training officer when an employee needs to take a defensive driver training class.
- Instruct subordinates regarding driving responsibilities prior to authorizing them to drive on State business.

Second-Line Supervisor's Responsibility

Second-line supervisors shall:

- Review and classify each motor vehicle accident within their span of supervision.
- Verify the vehicle accident classification and preventability designation.
- Ensure first-line supervisors initiate appropriate corrective action in accordance with departmental policy.

Inspecting Car Pool Vehicles

Before removing a State vehicle from the car pool or upon reassignment, the operator shall check the vehicle for any obvious damage. If any damage to a State vehicle is not reported prior to removal from the pool or reassignment, the responsibility shall be placed upon the last operator of that vehicle.

Any damage to State vehicles noted during the inspection, or while in use, shall be reported on a STD Form 270 by the driver at the first opportunity, even if the time and cause of the defect are unknown. The filing of such a report does not imply that damage was caused by the driver who signs the report.

The institution/parole region/division shall not accept any excuse for non-reporting of vehicle damage. All operators of State vehicles are accountable for the care of and reporting of any vehicles assigned to them.

All personnel shall be made aware of this process. It shall be used to clarify any questions concerning the responsibility for reporting and accountability of any State vehicle while in their possession.

Summary Report of State Driver Accidents

A Summary Report of Departmental Vehicle Accidents shall be submitted annually to the DGS, State Driver Accident Prevention Program. The report shall be compiled by the Department's Health and Safety Unit using specific data obtained from each reporting unit.

31020.7.8.4 Non-Vehicular Accidents Involving Inmates

Accident Report (Other Than Motor Vehicles), STD Form 268 shall be used in reporting all accidents involving the public, which either occur on State property or involve State employees or equipment. Only in case of serious injury or death of an inmate where there is a possibility of liability to the State shall inmate accidents be reported on STD Form 268.

In the event of an accident or occurrence other than motor vehicle involving the public which results in death, serious injury, or extensive property damage, immediately telephone the AG's Office in Sacramento and provide the following information:

- The identity of the Department, the particular unit, and employee(s) involved.
- The time, place, and circumstances of the accident or occurrence.
- The names and addresses of the injured.
- The names and addresses of witnesses, if any.

Reporting

To report incidents on Saturdays, Sundays, or holidays, telephone the State Capitol Operator at (916) 445-4711 and provide the required information. The operator shall relay messages to the designated duty officer for the AG's Office. After the telephone report has been made, STD Form 268 shall be submitted:

Distribution of STD Form 268

- Original and first copy within 48 hours to the AG's Office, Tort Section, P.O. Box 944255, Sacramento, CA 94244-2550.
- Second copy to the Office of Insurance and Risk Management, 926 J Street, Suite 615, Sacramento, CA 95814.
- Third copy to the Department's Health and Safety Unit.
- Fourth copy for local use.

31020.8 Health and Safety Grievance Procedure

The Department provides reasonable safeguards for the protection of the health and safety of all employees. However, to ensure a prompt response should employees feel that a situation exists which presents an immediate danger and wish to file a health and safety grievance, they are directed as follows:

- Rank and file employees may review individual guidelines in the applicable bargaining unit contracts.
- Excluded employees (manager, supervisor, confidential) may follow procedures in Section 33010, Personnel Policies, of this manual.

Health and safety issues under this process include the following:

- Unsafe structural conditions;
- Defective or unsafe electrical or mechanical equipment;
- Environmental hazards;
- Deficient vector control; or
- Violations of acknowledged custodial rules or procedures which imminently threaten the safety of any individual or the work site.

All should be aware of rights and obligations under these contracts and personnel policies including the time frames for specific action.

31020.9 Revisions

Updated January 2008

The Deputy Director, ORM, or designee shall ensure that the content of this Article is accurate and current.

31020.10 References

CCR (8) General Industry Safety Orders.

ACA Standards 2-4162 through 2-4175, 2-4047, 2-4134, 2-4244, 2-4255, 2-4305, and 2-4416.

Governor Executive Order R29-71.

SAM §§ 2580 - 2595.1, 190.

Personnel Transaction Manual § 656.

LC §§ 6200 - 6208, 6409 - 6413, 10017.

CCR (2) §§ 555 - 555.4.

CCR (15) §§ 3289 and 3413.

GC §§ 19253.5, 19853; 13959 - 13969.1; 13970 - 13974.

DOM § 52090.

DPA Rules 599.755 - 599.768; 599.769; 599.770 - 599.779; 599.737; 599.738; 599.742; 599.742.1; and 599.752.

ARTICLE 3 — EMPLOYEE AWARDS PROGRAM

Effective February 7, 1990

Revised August 22, 2008

31030.1 Policy

The Department encourages all employees to actively participate in the following awards programs:

- State Merit Award.
- Employee Recognition.
- Safety Awards.

31030.2 Purpose

This Article provides standards and procedures for participation in the State Merit Award Program, the Employee Recognition Program, the Safety Awards Program, and the 25-Year Service and Retirement Recognition Program.

31030.3 State Merit Award Program

The California Legislature established the State Merit Award Program in 1950 to improve the operations and efficiency of State government through honorary and cash awards. The objectives of the program are:

- To encourage all employees to take an active part in improving the effectiveness of State government.

- To provide recognition for those employees whose individual or group efforts contribute to efficiency and economy through elimination or avoidance of State expenditures, or other improvements.
- To reward employees for acts or services of an outstanding nature.
- To reward employees for superior accomplishments.

The following awards are available under the State Merit Award Program:

- Employee Suggestion Program.
- Superior Accomplishment.
- Sustained Superior Accomplishment.

31030.3.1 Employee Suggestion Program

The Employee Suggestion Program (ESP) rewards employees who come up with cost-saving ideas and/or ideas to improve the safety or operations of State government. The rules and regulations governing this program include:

- DPA Rules 599.655 to 599.664, inclusive.
- Government Code Sections 19815.4(d), 19816, and 19823.
- State Administrative Manual (SAM) Chapter 4700.

The Department of Personnel Administration (DPA) oversees the ESP statewide to ensure compliance with the laws and rules governing the program. DPA delegates authority to publicize and administer the ESP to state agencies and departments. Each State agency or department designates a Merit Award Administrator (MAA) as a liaison between its department and DPA. The Department's MAA is in the Division of Support Services, Office of Business Services.

Department Leadership Responsibilities

Each supervisor and manager shall:

- Encourage the submission of suggestions.
- Be thoroughly familiar with the details of the program as specified in the DPA Rules, Government Code, SAM, and this Article.
- Provide assistance to suggesters when requested.

31030.3.1.1 Participation Criteria

Active or retired State employees are eligible to participate in the ESP, with the exception of the following:

- Career Executive Assignments (CEA).
- Exempt classifications with a collective bargaining designation of managerial.

31030.3.1.2 Eligible Suggestions

Eligible suggestions are those that have a cost savings to the State and can document one or more of the following:

- Improvement to State operations.
- Increase in revenue.
- Elimination of safety hazards.
- Improvement in procedures.

Suggestions include topics in engineering, security, information technology, accounting, clerical support, and many more. Suggestions must describe a specific problem as described above, offer a workable solution, and be of benefit to the Department or another State agency or department.

31030.3.1.3 Ineligible Suggestions

Ineligible suggestions include those that:

- Are under evaluation or were evaluated through the Department ESP within the last year.
- Recommend new or increased taxes or fees.
- Recommend additional revenues at the expense of a segment of taxpayers and which can be classified as unjust or inequitable.
- Recommend a change in the pay or classification of a position or class, or the establishment of new positions.
- Recommend a study, survey, or review to determine a course of action.
- Involve a personal grievance.
- Involve terms and conditions of employment which are subject to the collective bargaining process under the Ralph C. Dills Act.
- Recommend corrections in spelling, punctuation, grammar, or mathematical calculations (these changes should be communicated through established channels).

31030.3.1.4 Submission Criteria and Suggester Responsibilities

Suggesters must complete an Employee Suggestion form (STD. 645) describing the suggestion. Each suggestion must describe only one specific problem and offer a workable solution. Suggesters must provide as much detail as possible and include examples or attachments to corroborate the problem and its solution. Suggesters may fully describe the suggestion on one or more attachments; however, the STD. 645 must reference the attachment and the attachment must follow the format of the STD. 645.

Suggesters must complete, sign, and date the STD. 645. The ESP cannot accept an incomplete or unsigned STD. 645. (Note: If your suggestion is a team-developed idea, all members of the team must sign.)

- If the suggestion impacts a Department institution, division, or program, submit the completed form/package to:

  CDCR Merit Award Administrator
  P.O. Box 942883
  Sacramento, CA 94283-0001

- If the suggestion impacts another department or multiple departments, submit your completed form/package to:

  Department of Personnel Administration
  Merit Award Program
  1515 S Street, North Building, Suite 400
  Sacramento, CA 95814

Suggesters may remain anonymous until the Department approves an award.

31030.3.1.5 Department Merit Award Administrator Responsibilities

The MAA receives, logs, refers, and tracks suggestions through the evaluation process. Upon receipt of a suggestion the Department MAA:

- Assigns an identification number and reviews the suggestion for completeness.
- Sends the suggester an acknowledgment letter.
- Assigns the suggestion to the division responsible for the suggestion's program area.
- Receives the completed Suggestion Evaluation Report (STD. 645A) and ensures it is an impartial and thorough evaluation. The MAA verifies recommended award amounts, if any, and notifies the suggester of the Department's decision.
- If the evaluator recommends implementation, the MAA notifies the suggester of the Department's intention and coordinates award payment to the suggester.

Evaluation timeframes vary according to the complexity of the suggestion.

Additional Responsibilities

The Department MAA shall:

- Explain and interpret the program to Departmental employees.
- Supervise the distribution of Merit Award Program promotional material issued by the Governor, the DPA, or the State Merit Award Board.
- Forward a copy of the Suggestion Evaluation Report to suggester.
- Ensure awards for adopted suggestions proceed through Executive staff to the Secretary or designee.
- Ensure the appropriate payroll office requests award payment for suggester.
- Inform Department management of adopted suggestions that increase departmental economy or efficiency or improve operating procedures.
- Represent suggesters in meetings before the Merit Award Board.
- Provide additional information on the program, as requested.
- Answer questions.
- Provide ESP forms and/or Internet links to forms.
- Arrange for speakers to explain the program to employee groups.
- Provide quarterly status updates to suggesters.

31030.3.1.6 Division Evaluator Responsibilities

Evaluators are not expected to know all of the facts personally; however, evaluators should know how and where to obtain the information needed to evaluate the suggestion thoroughly. If an evaluator believes he/she lacks the expertise to evaluate a suggestion, or needs access to resources not available to him/her, immediately inform the MAA.

Evaluators shall:

- Act promptly.
- Get the facts.
- Use the Evaluator's Handbook throughout the evaluation.
- Make a sound recommendation based on his/her detailed analysis.
- Be fair and objective.
- Base the findings, conclusion, and award recommendation on the feasibility of the idea, not on the suggester's eligibility to receive an award.
- Make a definite recommendation for adoption or rejection of the suggestion. If a final decision cannot be reached without a trial implementation and cost-savings analysis, the evaluator shall submit an "Interim Report" to the MAA. In every case, the evaluator shall include appropriate comments and documentation necessary to support his/her recommendation.
- Complete the Suggestion Evaluation Report (STD. 645A) in terms that can be easily understood by persons unfamiliar with the Department.
- Be considerate of the suggester's feelings and encourage further suggestions, regardless of the outcome of the evaluation.
- Keep the MAA informed of the progress of the evaluation.

If the evaluator requires additional information from an anonymous suggester, contact the MAA. The MAA will act as a liaison between an anonymous suggester and the evaluator.

It is very important to process suggestions promptly. The timeframe for completing the evaluation is 25 working days. If the evaluation takes longer, the evaluator must request an extension on the assignment from the MAA and provide the MAA with the projected completion date.

31030.3.1.7 Evaluating the Suggestion

There are six steps in the evaluation process. Detailed information for each step can be found in the Evaluator's Handbook. The six steps are summarized as follows:

1. Review the suggestion in its entirety and define the problem and the proposed solution.
   - What problem does the suggestion address?
   - What is the suggester's solution?
2. Analyze the feasibility of the proposed change.
   - Compare the current method of operation to the method proposed in the suggestion in terms of feasibility, costs, and benefits to the Department.
   - Is the idea timely?
   - Is the idea under independent active consideration? If so, documentation of independent consideration by the Department must be attached to the STD. 645.
   - Is there an alternate solution to the problem?
3. Calculate the cost savings.
4. Determine whether the suggestion should be adopted and the type of award that should be presented.
5. Determine the suggester's ability to receive a cash award.
   - What are the suggester's assigned or expected job responsibilities?
   - Was the suggestion assigned to the suggester for research, development, or solution?
6. Prepare the STD. 645A.

31030.3.1.8 Completing the Suggestion Evaluation Report (STD. 645A)

Detailed information for completing the STD. 645A can be found in the Evaluator's Handbook. If the evaluation is lengthy, the STD. 645A may state "See Attached Evaluation" in the Comments section. Each STD. 645A must be signed and dated by the evaluator and the evaluator's division head or designee who signs as the Reviewing Officer, before it is returned to the MAA. The evaluator shall also provide his/her contact telephone number. Evaluators shall return the completed and signed STD. 645A to the MAA with any attachments and all notes, supporting documentation, and evaluation materials.

31030.3.1.9 Rejected Suggestions

The MAA notifies the suggester if the Department rejects his/her suggestion. Included in the notification is a copy of the STD. 645A, the suggester's appeal rights, and appeal timeframes.

31030.3.1.10 Right to Appeal a Rejected Suggestion

Suggesters have the right to appeal rejected suggestions within one year from the date on the rejection letter. The reasons for an appeal and the action the suggester must take, are the following:

- The suggester disagrees with the evaluation report because pertinent information was not considered. In this case, the suggester shall submit a written request for reconsideration to the MAA that includes additional or supplemental information not covered in the original suggestion, or shall point out an error in the evaluation report. The MAA shall return the suggestion with the additional or supplemental information to the division evaluator for a decision.
- The suggester disagrees with the evaluation report that states the suggester is not eligible to receive an award. The reason may be that the idea was within the scope of his/her duties, or was an assignment given to the suggester. In this case, the suggester shall submit to the MAA a written request for reconsideration. If the MAA determines the appeal is unresolvable at the Department level, the MAA shall submit the appeal to the State Merit Award Program for review and a binding decision.

Suggesters have the right to appeal rejected suggestions within three years from the date on the rejection letter if the suggester believes the Department implemented the suggestion within three years after rejecting the suggestion. In this case, the suggester shall submit to the MAA a written request to reopen the suggestion, with an explanation of when and how the Department adopted the idea. In addition, the suggester shall provide documentation or proof of implementation. If the MAA determines the appeal is unresolvable at the Department level, the MAA shall submit the appeal to the State Merit Award Program for review and a binding decision.

31030.3.1.11 Administrative Reconsideration

The MAA may administratively reopen a suggestion submitted through the ESP upon evidence that the Department implemented it without giving the suggester due recognition.

31030.3.1.12 Adopted Suggestions

The MAA notifies the suggester if the Department intends to adopt the suggestion, coordinates Executive approval of the recommended award, and requests payment to the suggester.

31030.3.1.13 Types of Awards

Awards range from $50 to a maximum $50,000 per adopted suggestion. The Department Secretary or designee approves awards up to $5,000. Awards over $5,000 require approval by the State Merit Award Board, DPA, and concurrent resolution by the Legislature. Below is a summary of the various types of awards available:

Cash Award

Cash awards are based on the net savings or earnings realized by the Department in the first 12 months following the implementation of the suggestion. If the first 12 months are not representative of net savings or revenue, a different period of time may be substituted. The award is 20 percent of the net savings or revenues.

Note: Suggestions requiring substantial refinement or modification for implementation will be calculated at 5 percent of the net savings or increased revenue.

One-Time Award

When an adopted suggestion results in one-time savings or revenue, the award will be calculated at 5 percent of the net savings or revenue.

Preliminary and Supplemental Awards

The adopting institution, division, or program may recommend a preliminary award after a suggestion has been in place for one year. If the institution, division, or program realizes greater net savings or revenue than the preliminary award represents, it may recommend a supplemental award.

Improved Procedures Award

Where an annual net savings or increased revenue cannot be determined or are calculated at less than $500, a cash award may be recommended by the adopting division in accordance with the Improved Procedures Award Scale on Page two of the STD. 645A. Where annual net savings or increased revenue are calculated as at least $500, but not more that $1,000, the recommended cash award shall be $100.

Improved Safety Award

These suggestions propose improvements in practices or facilities to eliminate or reduce injury to State employees or to the public, but the monetary value cannot be

readily determined. Examples are suggestions relating to equipment modification, maintenance that is not routinely expected, and items that are not specified in building codes. To calculate awards for this type of adopted suggestion, the evaluator shall apply the Improved Safety Award Scale on Page two of the STD. 645A.

31030.3.1.14 Award Time Frames

Some types of awards can be paid relatively quickly. Others must wait until the first 12 months of net savings or revenue can be calculated. All occur after the evaluator returns the STD. 645A to the MAA indicating that a suggestion has been adopted and an award recommended. Timeframes do not include MAA processing timeframes. All cash awards are considered income and subject to tax.

Cash Awards

The length of the process depends on the amount of the recommended award:

$50 to $5,000

Up to one year to obtain all required levels of approval within the Department and to request payment through the appropriate personnel office.

$5,001 to $50,000

Up to four years. An award this size requires:

- All required levels of approval within the Department.
- A hearing or multiple hearings by the State Merit Award Board.
- Sponsorship of a concurrent resolution by the Legislature to authorize payment (coordinated by DPA).

If the Legislature approves the concurrent resolution:

- Notification issued by DPA to MAA to request payment.
- MAA requests payment from the appropriate personnel office.

One-Time Awards

The length of the process depends on the amount of the recommended award. See Cash Awards above.

Improved Procedures Awards

Within one year.

Improved Safety Award

Within one year.

31030.3.2 Superior Accomplishment Award

The Superior Accomplishment Award (SAA) recognizes performance by an individual employee or a team of employees that results in an exceptional contribution to improving State government beyond the accomplishments normally expected of the employee's classification.

31030.3.2.1 Eligibility

All employees, except those who are designated supervisory or managerial, are eligible for nomination. Peers or superiors may nominate an employee or team of employees for the SAA. There is no limit on the frequency that employees may be recommended for the SAA; however, an employee who receives an SAA is not eligible to receive another SAA for three years.

31030.3.2.2 Nomination Criteria

As stated above, SAAs are reserved for on-the-job performance beyond that expected of the employee's classification(s). Typical nominations consider:

- Responsibility for major improvements of methods, organization, procedures, services, or products that result in improved State or Departmental operation.
- Important contributions to research, development, and implementation of Departmental goals.
- Actions that demonstrably enhance creativity and productivity of subordinates or co-workers.
- Outstanding and superior achievement that brings recognition to the employee, the team, and/or the Department.
- Successful completion of an assigned task, project, or special event in a superior manner and/or significantly shorter timeframe than was deemed possible.
- All nominations shall be made on a STD. 278, Superior Accomplishment Gift or Cash Award Recommendation. It must be signed and submitted with original signatures to the MAA in the Division of Support Services, Office of Business Services.

31030.3.2.3 Selection Process

The MAA receives, logs, and reviews nomination forms for completeness. The MAA forwards the STD. 278 through all required levels of approval to the Department Secretary or designee. The Secretary or designee shall make the final decision to approve or disapprove the award application and may change the amount of the recommended award. The Office of the Secretary returns the completed STD. 278 to the MAA with the recommendation(s).

31030.3.2.4 Award Process

Upon receipt of an approved nomination form from the Office of the Secretary, the MAA requests payment for the recommended award amount from the employee's payroll office. The State Controller's Office deducts applicable taxes from the award amount.

In lieu of cash payment, the Department may present a gift equal in value to the award amount; however, this practice is discouraged as it puts the burden of claiming the taxable gift on the recipient(s).

In addition to a monetary award, award recipients may receive a framed certificate commemorating their accomplishment. The design, purchase, and printing of the certificate are at the discretion of the Department.

31030.3.3 Sustained Superior Accomplishment Award

The Sustained Superior Accomplishment Award is meant to reward superior performance over a two-year period that results in an exceptional contribution to improving California State Government.

31030.3.3.1 Eligibility

Efforts which may be recognized with this award include sustained performance significantly exceeding normal job requirements resulting in the completion of a major project or task with substantial benefits to the State.

All State employees, except agency heads or elected Constitutional officers, are eligible for this award. Individuals or teams of employees may be nominated for this award.

31030.3.3.2 Nomination Criteria

Nominations for the Sustained Superior Accomplishment Award may be submitted once a year to the MAA, on a date determined by the MAA. Nominations are limited to an amount equal to one nomination per 100 employees of the Department. The Department may nominate fewer employees than this number.

When a manager or supervisor wishes to nominate an employee for the Sustained Superior Accomplishment Award, he/she must first specify the amount of the award, ranging from $25 to $250, for an individual or for each member of a team.

31030.3.3.3 Submission

After selecting the award amount, the supervisor or manager must complete an STD. 278, Superior Accomplishment Gift or Cash Award Recommendation. It must be signed and submitted with original signatures to the MAA in the Division of Support Services, Office of Business Services. The MAA logs and tracks the nomination during the review process by the Office of Personnel Services (OPS).

31030.3.3.4 Selection

OPS reviews the application based on staff recommendations, objectives of the employee's program, and the terms of any previously approved Sustained Superior Accomplishment program. OPS recommends approval or disapproval to the Secretary or designee. The Secretary or designee shall make the final decision to approve or disapprove the award application and may change the amount of the recommended award. The Office of the Secretary returns the STD. 278 to OPS with the recommendation. OPS forwards the recommendation to the MAA for out-processing and to request any approved award payment(s).

31030.3.3.5 Award Process

Upon receipt of an approved nomination form from the Office of the Secretary, the MAA requests payment for the recommended award amount from the employee's payroll office. The State Controller's Office deducts applicable taxes from the award amount.

In lieu of cash payment, the Department may present a gift equal in value to the award amount; however, this practice is discouraged as it puts the burden of claiming the taxable gift on the recipient(s).

Award recipients, in addition to a monetary award, may receive a framed certificate commemorating their accomplishment. The design, purchase, and printing of the certificate are at the discretion of the Department.

31030.4 Employee Recognition Program

The Employee Recognition Program was established to acknowledge those employees and community members who distinguish themselves by acts of heroism, bravery, or service beyond the normal demands of correctional/community service.

31030.4.1 How to Submit Nominations

An employee may be nominated for a departmental award by any supervisory or managerial employee. Supervisors and managers have a duty to recognize heroic acts. A written memorandum shall be submitted to the hiring authority for

approval. The nominee shall have acted while on duty, or if off duty, while in a departmental facility or in the community.

The memorandum with the hiring authority's comments shall be forwarded to the appropriate assistant director for approval. They will then review and forward all nominations to the Assistant Secretary, Office of Public and Employee Communications.

The Employee Recognition Program operates on a calendar year basis. All awards for nominations submitted for which the incident occurred between January 1 and December 31 of each year are presented in May of the following year.

Nominations are due to the Assistant Secretary, Office of Public and Employee Communications, on the second Friday in January following the year in which the incident occurs. All nominations shall include:

- A standardized cover sheet provided by the communications office. A cover sheet for each nominated individual will include name, date of incident, brief description of incident (not to exceed space provided), name and signature of person making nomination, institution/parole region/other work location, and employee position or rank.
- One to three one-sided sheets (8 1/2 x 11) of additional or substantiating material (incident reports, statements of eyewitnesses, etc.) may be used.

The nomination package must be sent by U.S. Mail or delivery service (no telefaxed materials will be accepted unless specific information is requested by the Communications Office) so that arrival is prior to the due date.

The due date will be determined prior to December of each year. All Wardens/ Superintendents/Parole Administrators/RPAs/Assistant Directors will be notified in early December of the deadline which will be 5:00 p.m. on the second Friday in January.

31030.4.2 Departmental Awards Review Board

The Departmental Awards Review Board consists of the following:

- Undersecretary, Operations
- Director, Division of Adult Institutions
- Director, Division of Adult Parole Operations
- Director, Juvenile Operations
- Director, Juvenile Parole Operations
- One Superintendent
- One Division of Adult Parole Operations Regional Administrator
- One Division of Juvenile Justice Parole Administrator
- Two Wardens

The Board shall meet annually no later than the middle of March, or as frequently as deemed necessary by the Undersecretary. The Board shall make its recommendations from the prior calendar year's nominees to the Secretary.

The Assistant Secretary, Office of Public and Employee Communications, or his/her designee shall serve as the chief staff member for the Departmental Awards Review Board and shall ensure that all seats are properly filled, a sufficient number of meetings are scheduled, and appropriate individuals are in attendance.

31030.4.3 Presentation of Awards

Awards shall be presented annually by the Governor, or his representative, and the Secretary, at publicized ceremonies.

31030.4.4 Wearing of Awards

Uniformed employees shall wear awards in accordance with Section 33020 of this manual. Non-uniformed employees are permitted to wear the lapel pin replicas of awards received.

31030.4.5 Awards – Descriptions and Criteria

Medal of Valor

The Medal of Valor is the Department's highest award, earned by employees distinguishing themselves by conspicuous bravery or heroism above and beyond the normal demands of correctional service. The employee shall display great courage in the face of immediate life/threatening peril and with full knowledge of the risk involved. The act should show professional judgment and not jeopardize operations or the lives of others.

- The medal consists of a gold-color medallion on a red, white, and blue ribbon.
- With the medal, the employee receives a red, white, and blue ribbon for wear with the Class A uniform and a lapel pin replica of the medallion for wear with civilian attire.

Corrections Star (Gold)

The Corrections Star (Gold) medal is the Department's second highest award for heroic deeds under extra-ordinary circumstances. The employee shall display courage in the face of immediate peril in acting to save the life of another person.

- The medal consists of a gold-color medallion in the shape of the departmental badge on a blue and white ribbon.
- With the medal, the employee receives a blue and white ribbon for wear with the Class A uniform and a lapel pin replica of the medallion for wear with civilian attire.

Corrections Star (Silver)

The Corrections Star (Silver) medal is the Department's third highest award for acts of bravery under extra-ordinary or unusual circumstances. The employee shall display courage in the face of potential peril while saving or attempting to save the life of another person or distinguish himself/herself by performing in stressful situations with exceptional tactics or judgment.

- The medal consists of a silver-color medallion in the shape of the departmental badge on a red and white ribbon.
- With the medal, the employee receives a red and white ribbon for wear with the Class A uniform and a lapel pin replica of the medallion for wear with civilian attire.

Corrections Star (Bronze)

The Corrections Star (Bronze) medal is the Department's award for saving a life without placing oneself in peril. The employee shall have used proper training and tactics in a professional manner to save, or clearly contribute to saving, the life of another person.

- The medal consists of a bronze-color medallion in the shape of the departmental badge on a yellow and white ribbon.
- With the medal, the employee receives a yellow and white ribbon for wear with the Class A uniform and a lapel pin replica of the medallion for wear with civilian attire.

Distinguished Service Medal

The Distinguished Service Medal is for an employee's exemplary work conduct with the Department for a period of months or years, or involvement in a specific assignment of unusual benefit to the Department.

- The medal consists of a bronze-color medallion presented on a green and white ribbon.
- With the medal, the employee receives a green and white ribbon for wear with the Class A uniform and a lapel pin replica of the medallion for wear with civilian attire.

Unit Citation

The Unit Citation is for great courage displayed by a departmental unit in the course of conducting an operation in the face of immediate life-threatening circumstances.

- Recipients shall also receive a green and gold ribbon for wear with the Class A uniform.

31030.5 Safety Awards Program

The Safety Awards Program was established to promote employee awareness in health and safety through recognition of significant employee contributions and achievements.

31030.5.1 Vehicle Safety Awards

The Department's annual goal for a lower number of accidents involving vehicles driven on State business is expressed as a percentage of reduction in the frequency rate of vehicle accidents. Qualifying adult institutions, adult parole regions, and the Department's Transportation Unit shall receive awards for achieving the goal.

- The Departmental goal shall be obtained from the “Annual Report of the California State Workers' Compensation Program,” published by the Department of General Services (DGS).
- Awards shall be made for each calendar year and shall be presented on or before June 15th of the following year.

31030.5.2 Personnel Safety and Health Awards

Institutions/Parole Regions

Each qualifying adult institution, or adult parole region that achieves the injury frequency and severity rate goals established by the Office of Risk Management, shall receive recognition with the presentation of annual awards no later than June 15th of the following year.

- The goals are based upon the departmental injury frequency and severity rate goals set by the State Safety Advisory Committee.
- The formulas used in computing the frequency and severity rates for the Department and for each institution/parole region are as follows:
  - Frequency rate = total number of injuries x 200,000 work hours: total number of work hours.
  - Severity rate = total number of days lost x 200,000 work hours: total number of work hours.
- The Department's annual goals for the reduction in frequency and severity rates of disabling injuries and illnesses shall be forwarded in a memorandum from the Assistant Secretary, Office of Risk Management to each adult institution, or adult parole region every January.

Departmental Award to Individuals

Departmental Employee Safety Awards shall recognize significant contributions to and/or achievements in the health and safety program.

- Eligibles: Employees from each adult institution, adult parole region, and Headquarters.
- Selection: Each local safety committee shall submit the names of those who were selected to receive the local employee safety awards on the Nomination Form for Safety Award to the Warden/RPA, or Assistant Secretary Office of Risk Management, for approval.
- Submission: The approving authority shall ensure that local award recipient's nomination forms arrive at the Department's Office of Risk Management by January 15th each year. The Assistant Secretary or designee shall arrange for selection and presentation of departmental awards.

Governor's Award to Individuals and Groups

Employees of all state agencies are eligible to receive the Governor's Employee Safety Award. The Department may nominate for the award its quota of individuals and groups as established annually by the Office of Insurance and Risk Management, DGS.

The name(s) of those Department Employee Safety Award recipients who meet the Governor's Employee Safety Award criteria shall be forwarded to the Office of Insurance and Risk Management by the Office of Risk Management, CDCR for consideration by the Safety Awards Committee.

The award ceremony is held annually at a location of the Office of Insurance and Risk Management's choosing, and the awards are presented by members of the Governor's staff. The date of the ceremony is established each year by the Office of Insurance and Risk Management.

31030.6 25-Year Service Recognition

Employees completing 25 years of State service are entitled to receive:

- Employee's choice of a 25-year service memento described in the catalog provided by the contract vendor.
- A framed certificate signed by the Governor, also provided by the contract vendor.
- A 25-year service recognition card signed by the Secretary to be presented to the employee with the framed certificate signed by the Governor.

31030.6.1 Retirement Certificates

Retiring employees are entitled to receive:

- A retirement certificate from the Secretary.
- A congratulatory letter from the Secretary.
- If the employee has at least 25 years of state service, employees choice of any one of the retirement mementos described in the catalog provided by the contract vendor.
- If the employee is retiring at the same time that 25 years of service is achieved, the employee is entitled to two momentos from the catalog provided by the contract vendor, one commemorating retirement and one acknowledging at least 25 years of State service.

31030.6.2 Personnel Services Responsibility

The Local Personnel Officer shall:

- Notify the supervisor/manager of those employees who are within six months of reaching 25 years of State service and/or retirement using the CDCR Form 1785, Service Award Eligibility Notification. The Headquarters Personnel Office shall:
  - Upon receipt of the CDCR 3019, Request for Retirement Letter/Certificate, (via electronic mail or FAX from the supervisor/manager) prepare the retirement letter and certificate and send to the Secretary's Office to obtain signatures.
  - Upon receipt of the signed retirement letter and certificate (from the Secretary's Office), prepare for presentation to the employee and mail to the office or the employee as indicated on the CDCR Form 3019.

31030.6.3 Supervisor's/Manager's Responsibility

Supervisors and/or managers of the employee shall:

- Submit completed CDCR Form 3019, Request for Retirement Letter/Certificate, for a retirement award to the Headquarters Personnel Office via FAX or electronic mail.
- Allow a minimum of 20 working days after the request is submitted via electronic mail or by FAX.
- Make the contract vendor's memento catalog available to the employee. The local institution, facility, or headquarters business office shall provide the name and contact information for the current contract vendor.
- Prepare and submit the CDCR Form 954, IntraOffice Requisition (IOR), to order the 25-Year service certificate signed by the Governor and memento and/or the retirement memento selected by the employee. A copy of the CDCR Form 1785, Service Award Eligibility Notification, shall be attached to the CDCR 954. Refer to vendor's "Ordering Instructions" in the vendor's catalog for instructions on completing the requisition. For retiring employees, submit the order within 60 days of expected retirement date.
- Present the 25-Year service certificate signed by the Governor along with the momento as close to the employee's anniversary date as possible.
- Present the retirement certificate and congratulatory letter from the Secretary to the employee to commemorate the employee's service to the State. Retirement mementos should be presented at this time if available, or mailed to the employee if not available at the time of retirement.

31030.6.4 Secretary's Office Responsibility

The Secretary's office shall:

- Upon receipt of the unsigned retirement certificate and the congratulatory letter (from the Headquarters Personnel Office) obtain the signature of the Secretary on each document and return the signed documents to the Headquarters Personnel Office.

31030.7 Revisions

The Deputy Director, Human Resources, or designee shall ensure that the content of this Article on the 25-Year Service, Retirement Certificate, and Sustained Superior Accomplishment Award programs are current.

The Deputy Director, Office of Business Services, or designee shall ensure that the content of this Article on the State Merit Award Program, Superior Accomplishment Award, and Sustained Superior Accomplishment programs are current.

The Assistant Secretary, Office of Public and Employee Communications, shall ensure that the content of this Article on the Employee Recognition Program is current.

The Assistant Secretary, Office of Risk Management, shall ensure that the content of the Safety Awards Program is current.

31030.8 References

SAM § 4700 et seq.

Government Code § 19815.4(d), 19816, 19823, and 19849.9(a).

California Code of Regulations Title 2, Division 1, Chapter 3, Subchapter 1, Article 4, § 599.655 et seq.

ARTICLE 4- EMPLOYEE WELLNESS PROGRAMS

Effective January 16, 2008

31040.1 Policy

The Office of Employee Wellness (OEW) is responsible for policy development and administration of CDCR Wellness, Return to Work Services, and Staff Substance Abuse Programs in compliance with applicable laws.

31040.2 Purpose

This Article sets forth the policies of the program administered within the OEW.

31040.3 Return to Work Programs

31040.3.1 Limited Term Light Duty Assignments - Policy

It is the policy of California Department of Corrections and Rehabilitation (CDCR), when operational needs allow, to provide Light Duty (LD) assignments to employees who are either represented or non-represented and cannot perform the essential function(s) of their job for a limited duration. The LD assignments are permissive. The use of LD assignments must be within the employee's Bargaining Unit (BU) and in the employee's current budgeted position or a vacant budgeted position. The Hiring Authority shall not create any positions to accommodate a LD assignment for an employee.

31040.3.2 Limited Term Light Duty Assignments - Purpose

The purpose of this policy is to provide CDCR managers and staff with information regarding limited term light duty assignments for the purpose of clarity and uniformity within the State.

31040.3.3 Limited Term Light Duty Assignments

LD assignments enable the Hiring Authority to allow employees with documented temporary medical limitations to continue working, either in their current position while temporarily waiving the essential functions or in a vacant budgeted position within their BU.

LD assignments are for employees with medical restrictions who cannot perform the essential function(s) of their job, for a limited duration. The duration varies by injury or illness. The LD assignment must be necessary to local operations.

Whether the employee performs in a LD capacity in their current assignment or is reassigned to a vacant budgeted position within their BU, essential functions should only be waived if it is operationally feasible. LD assignment shall be individually assessed, with an overall consideration for the safety and security of staff, inmates, and visitors. The Hiring Authority will determine the best use of a LD assignment in the operational needs of the institution.

The Return-To-Work Coordinator (RTWC) and the employee's supervisor shall work together to identify a LD assignment. The RTWC and/or the employee's supervisor will be responsible for monitoring the time frame of the LD assignment.

31040.3.4 Eligibility Criteria

Employees with long-term or chronic medical conditions, or who are not expected to return to full-duty functions, are not eligible for LD (see Reasonable Accommodation program). Probationary employees are eligible if they have worked the required number of days, as specified in California Code of Regulations (CCR), Title 2, Section 321(a).

31040.3.5 Determination

When an employee provides documentation of a medical limitation from their treating physician, indicating they may require a LD assignment, the RTWC will:

- Review the medical documents for details of the medical limitations affecting the essential functions of the employee's position.
- Review the medical documents to determine the expected release date to full-duty without restrictions.
- Review the employee's BU contract to ensure a LD assignment will be consistent with the agreement.
- Initiate the interactive process by discussing the limitations with the employee.
- Discuss with the Supervisor/Hiring Authority the employee's potential for a LD assignment.
- Discuss the prospective LD assignment with the employee and document the agreement or refusal of LD in writing.

If there are no vacant, budgeted positions available to be used for a LD assignment, or the employee cannot be provided a LD assignment in their current position, and/or the employee is not ready, willing, and able to perform the essential function(s) of their job, the employee will be informed in writing that they may use leave credits or may be eligible for other available benefits.

The Hiring Authority or designee shall, on a case-by-case basis, have the final decision in granting LD assignments. The Hiring Authority, at its discretion, may verbally terminate a LD assignment that is no longer necessary to, or negatively impacts, local operations, with written confirmation to the employee.

31040.3.6 Identification of Light Duty Assignments

If the employee's current position does not allow for a LD assignment, the RTWC and/or the employee's supervisor shall discuss with the Hiring Authority the placement of the employee in a currently vacant, budgeted position within the employee's current BU. LD assignments shall remain within the employee's current BU and not cross over into other BUs. Assignments shall not involve the duties of a class that has a promotional relationship to the employee's appointment class.

31040.3.7 Duration

No position will be permanently identified as a "Light Duty" position. LD for any one employee shall not extend beyond 60 days in a 6-month period for any medical condition(s). In addition, LD shall only be offered for the duration of the vacant budgeted position (not to exceed 60 days). For example, if the vacant budgeted position is available for 30 days, pending a new hire, the LD assignment can only be offered for that 30-day period; however if another vacant budgeted position is available, the employee can be reassigned to the position for an additional 30 days. LD may also be provided incrementally depending on the LD needs of the employee and the operational needs of the hiring authority.

31040.3.8 Compensation

While on a LD assignment, the employee shall continue to receive the salary commensurate with their currently appointed civil service classification, adjusted for the time base worked.

31040.3.9 Refusal of Assignment

Refusal to accept a LD assignment by an eligible employee may result in discontinuance of workers' compensation temporary disability benefits such as Industrial Leave, Enhanced Industrial Disability Leave, or Temporary Disability Leave benefits under the provisions of the Labor Code Section 139.48. Refusal may result in the employee using available leave credits and/or reverting to dock pay status. In addition, refusal will result in the discontinuance of the Hiring Authority's offer to provide LD.

31040.4 Substance Abuse Testing Programs

Effective June 8, 2009

31040.4.1 Policy

It is the policy of the California Department of Corrections and Rehabilitation (CDCR) that employees comply with the Departmental substance testing programs. The Department's commitment is to help ensure that the workplace is free from the effects of drug and alcohol abuse.

31040.4.2 Purpose

The purpose of this policy is to provide information regarding the administration of the staff substance testing program for the purpose of clarity and uniformity within the department. The Substance Abuse Program and Testing Section (SAPTS) is responsible for maintaining and coordinating the CDCR's staff substance testing programs and policies. The SAPTS was developed to meet the substance testing requirements of Governor's Executive Order D-58-86, the Federal Department of Transportation (DOT) regulations, Department of Personnel Administration (DPA) rules, collective bargaining agreements and the State's Implemented Terms.

The testing programs include: Federal DOT (for safety sensitive commercial drivers); Bargaining Unit 6 Peace Officers (covered by Memorandum of Understanding (MOU) or the State's Implemented Terms); Excluded and Exempt Peace Officers, and reasonable suspicion.

31040.4.3 Substance Abuse Programs - Defined

Substance collecting and testing is conducted in accordance with standards established by the Substance Abuse and Mental Health Service Administration (SAMHSA), the Federal Motor Carrier Safety Administration and accepted industry standards approved by the DPA. Alcohol testing is conducted using an evidential breath testing device and the method of determining the presence of a drug is by collection and analysis of a urine sample.

- **Federal Department of Transportation (Safety Sensitive Commercial Drivers)**

  Under the Federal DOT regulations, departmental employees who must possess a Commercial Driver's License and are performing safety sensitive duties are subject to drug and alcohol testing requirements. These requirements include random, reasonable suspicion, pre-employment, post accident, pre-duty, return-to-duty and follow-up testing. Employees whose vehicles meet the Federal requirements for testing for a commercial driver include those required to operate a vehicle with a gross vehicle weight rating in excess of 26,000 pounds; those required to drive a vehicle designed to carry 16 or more passengers (including the driver); or those required to operate a vehicle of any size when used in the transportation of a placardable amount of hazardous material.

  CDCR employees in the DOT program are in a consortium pool of commercial drivers stored at the DPA with other State departments. Names are randomly selected by the DPA's computer software program. The SAPTS obtains the testing notices from DPA's Testing Program Coordinator

and forwards them to the Local Substance Abuse Testing Coordinator for distribution.

In addition to random substance testing, a negative substance test result is required prior to assignment to safety sensitive functions as follows:

Pre-Duty

Prior to a current employee being assigned to a position requiring the operation of a commercial motor vehicle, he/she must submit to a controlled substance and alcohol test. The negative test result must be found prior to the first day in the assignment.

Pre-Employment

A pre-employment controlled substance test will be required of any new hire including list appointments, transfers, reinstatements and retired annuitants following a break in service prior to appointment to a safety sensitive position. A negative test result must be found prior to the first day of performing a safety sensitive function.

Other types of safety sensitive driver testing:

Post-Accident

Following an accident involving a commercial motor vehicle, a post-accident test will be administered to the commercial driver if either of the following exists: 1) the driver was performing a safety sensitive function involving the vehicle and the accident involved a loss of human life; or 2) the driver received a citation under state or local law for a moving traffic violation arising from the accident and the accident resulted in bodily injury with immediate medical treatment away from the scene and/or resulted in disabling damage to any vehicle requiring the vehicle to be transported or towed.

Return-to-Duty

Employees who have engaged in prohibited conduct under the federal DOT regulations must submit to and pass a return-to-duty test prior to resuming the performance of safety sensitive duties.

Follow-Up

Following a determination that a driver is in need of assistance, each employer shall ensure that the driver is subject to a minimum of six unannounced follow-up alcohol and/or controlled substance tests during the first twelve months following his/her return to work as directed by a substance abuse professional (SAP) service. DOT regulations require than an employee who tests positive for drugs and/or alcohol must be referred to a SAP for evaluation. If it is determined that education or treatment is needed, the SAP will refer the employee to an appropriate program and follow-up to ensure completion.

- **Bargaining Unit 6 Peace Officers**

  Random drug and alcohol testing conducted per prevailing MOU or the State's Implemented Terms.

- **Excluded and Exempt Peace Officers**

  DPA Rules 599.960 – 599.966 require random drug and alcohol testing of excluded and exempt State employees who are peace officers under Part 2, Title 3, Chapter 4.5, Sections 830.2(d) and 830.5, of the Penal Code.

- **Reasonable Suspicion**

  Departmental employees designated by the CDCR as working in sensitive positions may be tested for reasonable suspicion. Reasonable suspicion is the good faith belief based on specific articulable facts or evidence that an employee may have violated the policy prescribed in DPA Rule 599.960(b) and that substance testing could reveal evidence related to that violation. Reasonable suspicion provisions exist only when an employee is on duty or on standby for duty. A finding of reasonable suspicion is based on direct observation concerning the appearance, behavior, speech and/or body odor of the employee. These findings must be documented using the Reasonable Suspicion Checklist (CDCR Form 1874).

  Sensitive positions include all departmental peace officer positions, as defined beginning with Section 830 of the Penal Code, and all civil service positions located at a state correctional institution, juvenile facility, camp, correctional hospital, parole outpatient clinic, parole office and community correctional facility.

31040.4.4 Substance Abuse Program and Testing Section-Administration

The SAPTS is responsible for establishing and maintaining the CDCR's staff substance abuse testing programs and has the following primary responsibilities:

- Coordinates the implementation, compliance and auditing of the SAPTS' policies and procedures for the substance testing programs.
- Maintains random pool databases and executes random selections. The SAPTS with the Institution Personnel Officers and Office of Personnel Services, properly maintains the pools of eligible employees for the various testing programs; and executes, distributes and coordinates with the field the random draws for the DOT (executed by DPA), BU 6 (database located at DPA) and the Excluded and Exempt Peace Officer testing programs. Names are randomly selected by a computer software program and are forwarded by the SAPTS to the Local Substance Abuse Testing Coordinator for distribution.
- Provides training and education to departmental management and staff in accordance with the requirements cited in Section 31040.4.1. Training includes New Employee Orientation, Basic Supervision, Advanced Supervision, Management Training, and the Parole Academy. On-site training is also provided for Local Substance Abuse Testing Coordinators, Designees and Administrative Officers of the Day as well as managers, supervisors and executive staff.
- Provides timely and appropriate management consultation and technical assistance to departmental management and staff.
- Acts as a liaison with other appropriate state departments and outside contractors.

Local Substance Abuse Testing Coordinator

The Local Substance Abuse Testing Coordinator (LSATC) has the overall responsibility of coordinating the testing program at the local facility and consulting with the SAPTS regarding policies and procedures. The LSATC notifies supervisors of staff scheduled for tests (the SAPTS coordinates the testing when the LSATC is selected for random testing), receives test results from the SAPTS and informs the appointing authority or the Designee of a positive test result. The LSATC is also responsible for maintaining a current list of DOT commercial drivers for their facility.

Designee

An individual at a classification no lower than management. The designee shall act as the management representative who is the final authority in determining whether reasonable suspicion exists. The Designee makes the decision whether substance testing will be conducted. If the Designee is not available, the Administrative Officer of the Day may act in the capacity of the Designee provided he or she has been trained by the SAPTS in this regard. A Designee shall be available every day of the year.

31040.4.5 Substance Abuse Program and Testing Section – Policy Notification

Bargaining Unit 6 Peace Officers, Excluded and Exempt Peace Officers, and Sensitive Positions

Prior to inclusion in a pool, each employee in a random testing pool must be given the testing policy and procedures and the Employee Assistance Program (EAP) pamphlet. In acknowledgment of receipt and understanding of the aforementioned, employees are required to sign a Rank and File (BU 6) Signature Sheet (CDCR Form 1889) or an Excluded and Exempt Peace Officers Signature Sheet (CDCR Form 1889A). Employees who could be tested for reasonable suspicion must sign the Notice of Possible Substance Abuse and Alcohol Testing for Designated Sensitive Positions (CDCR Form 1875). All employees subject to substance testing are required to sign a bulletin that includes advisory information on the use of drugs obtained in a foreign country.

An Employee Substance Testing Education Video is available for viewing in the In-Service Training Office. Division of Adult Parole Operations personnel are directed to contact their designated LSATC to view the video. All other locations should contact the SAPTS to view the video.

Safety Sensitive Commercial Drivers

Prior to appointment to a safety sensitive driving position requiring a Commercial Driver's License, the applicant will be notified of the DOT pre-employment testing requirements at the time of interview. Hiring commitments are contingent on a negative test result. The applicant will be provided the DOT alcohol and drug rules, CDCR policy, substance abuse professional service counseling information and the EAP pamphlet. Upon a negative test result, the applicant is to complete the Federal DOT Employee Signature Sheet (CDCR Form 1888), if hired.

31040.4.6 Revisions

The Chief, Office of Employee Wellness, or their designee shall ensure that the content of this Article is accurate and current.

31040.4.7 References

Government Code § 19170.

Government Code Sections 3527(b), 19261, and 19572

Labor Code § 139.48

CCR, Title 15, § 3436

CCR, Title 2, § 321

DOT, Federal Motor Carrier Safety Regulations, Controlled Substances and Alcohol Use and Testing, Part 382, Title 49, Code of Federal Regulations, Part 40

SAMHSA, Mandatory Guidelines for Federal Workplace Drug Testing Programs, Sub-part B, Section 2.4, Parts, (e) and (f), 59 Federal Register 29916

DPA, Article 29, Substance Abuse, Rules 599.960 – 599.966

Governor's Executive Order D-58-86

State of California Penal Code Part 2, Title 3, Chapter 4.5, Sections 830.2(d) and 830.5

Prevailing MOU

State's Implemented Terms

ARTICLE 5 — PARAPROFESSIONAL

Revised Octber 4, 1994

31050.1 Policy

The Department shall work closely with colleges and universities of the State and participate in federally funded programs to maximize the effectiveness and efficiency of correctional programs and for the betterment of persons received as staff from these resources. Through liaison with colleges and universities, the Department shall:

- Recruit academically qualified employees.
- Provide for the academic and professional development of existing employees.
- Make correctional goals and methods known to the academic community by:
  - Increasing and coordinating departmental employee contact with various college and university departments which have an interest in correctional programs (Social Welfare, Criminology, Sociology, Police Science, etc.).
  - Encouraging cooperative training efforts such as courses offered in correctional facilities and use of departmental employees as guest lecturers or instructors on campus.
  - Providing for the placement of students who are interested in a correctional career.

31050.2 Purpose

This section describes job classifications and federally funded programs for the recruitment and development of paraprofessional employees.

31050.3 Responsibility

Hiring authorities shall develop and implement evaluative techniques and methods for the selection and assignment of paraprofessional employees.

The Department's TSB and the HRS shall assist by providing whatever material, information, etc., is needed to carry out plans regarding college liaison or intern and training programs.

31050.4 Federally Funded Programs

The Work Incentive Program (WIN) is administered jointly by the U.S. Departments of Labor and Health and Human Services. The Department's Selection and Standards Branch coordinates all departmental involvement in the WIN program.

Work Incentive Program

The Department participates in two types of WIN training:

- OJT experience. The Department contracts with WIN to provide a work situation wherein enrollees can prepare for and obtain permanent employment. Under this program, WIN enrollees receive their regular grant from local welfare departments and incentive pay from WIN.
- Focused Recruitment Program (FRP). Under this Career Opportunity Development Program, the Department contracts with the Employment Development Department and the SPB to hire WIN eligibles.

The Department's Selection and Standards Branch recruits, tests, and hires the departmental FRP personnel. This branch advises facilities of the identity of FRP personnel, and provides instructions on billing SPB for their 80 percent contribution to FRP personnel's salaries.

31050.5 Job Classifications

Appointment to these job classifications depends upon the number of positions available through funds acquired from State resources. The positions are nontesting, nonstatus classes and temporary in nature.

Student Intern

This program is designed for the student who desires to extend the learning experience to include actual work assignments in the correctional setting. Applicants shall be enrolled in an accredited college program. The positions are not civil service and are not salaried. However, most colleges allow units of credit for this type of experience. Tenure may be for several weeks or months.

Student Assistant

The student assistant assists regular departmental employees in services such as psychological, sociological, educational or administrative; assists in experimental and research projects by gathering data; observes and reports on departmental methods and procedures. Candidates shall produce proof of application for, or enrollment as a student in an appropriate college or university program. Work assigned to incumbents shall be directly related to their college curriculum and academic goals.

Graduate Student

This temporary authorization class is designed to provide currently enrolled graduate students with an opportunity to familiarize themselves with the State's professional work, consistent with their course of study. The major Department use of the class has been in the law student program.

Professional Intern

There are several ways to qualify for the class of professional intern; the most typical being registration in a recognized college or university. The professional intern functions in much the same capacity as the student assistant; however, as experience and training are acquired, responsibilities are increased. The class is nonsalaried, but maintenance items such as employee quarters may be provided if available. The local business manager and personnel representative act as coordinators for this type of appointment.

31050.6 Revisions

The Deputy Director, ASD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

31050.7 References

None.

ARTICLE 6 — APPOINTMENTS

Revised January 17, 2000

31060.1 Policy

Personnel appointments shall be accomplished in a uniform manner consistent with applicable laws, policies, and sound personnel practices.

31060.2 Purpose

This Section outlines the procedures and requirements that shall be followed for personnel appointments.

31060.3 Power of Appointment

The Director is the appointing authority for all civil service positions in the Department.

Hiring Authority

The following have been delegated authority by the Director to make civil service appointments:

- Deputy directors.
- Assistant directors.
- Wardens.
- RPAs.
- General Manager, PIA.
- Health Care Manager.
- Health Care Regional Administrator.

Hiring authorities shall:

- Implement and enforce departmental EEO policy.
- Maintain the highest standards of personnel selection.

- Ensure that women and ethnic minorities are represented whenever possible on all interview panels, including examination and hiring interviews.

Except for appointments requiring approval of the Agency Secretary or the Director the hiring authority's signature constitutes departmental approval on all appointment documents.

Managers and Supervisors

Managers and supervisors shall work with the headquarters personnel analyst assigned to their program, their Institutional Personnel Officer (IPO) and business manager to ensure:

- Submittal of accurate job descriptions and organization charts, when required, with proposals for personnel actions, i.e., establishing new positions, reclassifying existing positions.
- Clarification of questionable personnel issues, i.e., appropriate classification, use of hiring lists.
- Appropriate action is taken for personnel commitments or changes in new/borderline areas.
- Appointment procedures and practices are consistent with the EEO policy of the Department (see DOM 31010 of this manual).
- Women and ethnic minorities are represented on all hiring interview panels whenever possible.
- Documentation on CDC Forms shall be kept on file and available for review regarding the gender and ethnic composition of all interview panels, including both examination and hiring interviews. Such documentation shall include justification in all instances in which gender or ethnic representation for an interview panel was not possible.
- Submit quarterly progress reports to appropriate division administration noting and justifying all exceptions in which representation of women or ethnic minorities was not possible for a specific interview panel.

31060.4 Appointments Requiring Agency

Exempt appointments require the approval of the Agency Secretary, YACA.

31060.4.1 Exempt Appointments

For exempt appointments, the hiring authority shall forward the following documents to the Personnel Operations Section.

Hiring Authority Responsibility

- Standard (STD) Form 678, Application for Examination, and resume.
- Duty statement and organization chart for the position.
- Governor's Office application form.

31060.4.2 Career Executive Assignment

The procedure for processing Career Executive Assignment (CEA) appointments is the same as for exempt appointments except:

- The following documents are not required:
  - Duty statement and organization chart.
  - Governor's Office application form.
- The memorandum from the Director shall be addressed to the Agency Secretary, YACA.

31060.5 Appointments Requiring Director/ Chief Deputy Director Approval

The Director of CDC retains appointing authority for all appointments designated as "managerial" under the Ralph C. Dills Act.

Each hiring authority shall submit formal requests to appoint individuals to designated managerial positions. The "Approval-to-Appoint" memoranda shall be addressed to the Director/Chief Deputy Director and be routed through all appropriate management levels in the respective program area.

This applies to all methods of appointment including:

- Employment list appointment (Permanent or Limited-Term).
- Temporary authorization.
- Training and Development (T&D) assignments.
- Transfers.
- Permissive reinstatements.

Emergency appointments, retired annuitant appointments, and mandatory reinstatements are exempt from these procedures.

All the necessary appointment requirements such as position justification, appointment eligibility, budgetary approvals, and/or compliance with any freeze requirements (STD Form 607, Change in Established Positions; STD Form 625, Request for Certification; or CDC Form 647, CDC Personnel Action Request, as Appropriate), or the State Restriction of Appointment Procedures must be met prior to submission of the package to the Directorate.

"Approval-to-Appoint" Time Frame

The "Approval-to-Appoint" request must be received by the Chief Deputy Director's Office at Least two weeks prior to the requested date of appointment.

Hiring Commitments

Final hiring commitments cannot be made until receipt of the Director's/Chief Deputy Director's approval.

Approval Process

Upon the Director/Chief Deputy Director's approval, the "Approval-to Appoint" package will be forwarded to the Assistant Deputy Director, OPM who will be responsible for notifying the appropriate Deputy Director and/or Warden so that the applicants and selected candidate can be notified.

The appointment shall be announced in the next issue of Correction News.

Disapproved requests shall be returned by the Director's office through the appropriate management levels to the hiring authority.

31060.5.1 Civil Service Appointment at or Above Staff Services Manager I, Captain, and PA-III

The Director has delegated approval authority to the Deputy Directors for civil service appointments at or above the Staff Services Manager I (SSM-I) and PA-III level.

The hiring authority's "Approval-to-Appoint" package shall include the following:

Contents of Request

- Civil service classification of position to be filled, approved duty statement, and a current organization chart.
- A description of the recruitment efforts made to attract applicants and a statement of the efforts make to fulfill the Department's affirmative action goals.
- A summary breakdown by ethnicity, gender, and disability of all candidates interviewed on CDC Form 973, Affirmative Action Report of Appointment. In compliance with GC 8310 and 18704, this summary shall no include names of the candidates. Instead, this summary should consist of generic characteristics (gender and ethnicity) of the candidates and any apparent disabilities.
- A comparative analysis of the qualifications of at least the top three candidates.
- The name of the individual recommended for appointment and a suggested date of appointment along with a statement of reasons for recommendation.
- A current resume, the most recent performance evaluation (STD Form 636, Report for Probationary Employee, or STD Form 637, Individual Development Plan/Performance Appraisal Summary), and a Completed STD Form 678.

31060.5.2 Peace officer Supervisors -Other Than List Appointments

Individuals appointed to the classification of Sergeant, other than by list appointment, must meet specific appointment criteria stipulated in an agreement with the union. In order to be laterally transferred or placed on a T&D assignment, individuals must meet the following criteria:

Appointment to Sergeant

- Two years of custodial experience performing duties comparable to those of Officer, Group Supervisor, Youth Counselor, or Senior MTA, Correctional Facility and Senior Medial Technical Assistant, and work performed in the P&CSD's Return-to Custody and Work-Furlough facilities, as well as duties performed at city and municipal jails. Additionally, experience in the abolished Correctional Program Supervisor classification qualifies for credit towards the two-year requirement.
- Custody experience approved by the Joint Apprenticeship Committee may also qualify for credit. For example, six months credit toward the two-year custody experience requirement will be given for individuals transferring from Parole Agent, Adult Parole classifications who have completed the two-Year apprenticeship program.
- Proposed appointees who are not currently Department' peace officers must meet all legal requirements to be a peace officer and be cleared for appointment by a background investigation and preemployment medical. Successful completion of the Basic Academy is also required unless previously completed.

Proposed appointments to Sergeant positions, which are not list appointments or mandatory reinstatements **must be approved in advance** by the respective Deputy Director and the appropriate headquarters personnel operations analyst. Only appointments from employment lists, mandatory reinstatements, or of individuals who have clearly served two or more years in an Officer position do not require advance headquarters approval.

Appointment to Lieutenant and Captain

Prior written approval of the respective Deputy Director and the Chief Deputy Director is required for any appointment, other than a list appointment, to the classifications of Lieutenant and Captain. Such appointments must be fully justified in the written request.

Hiring Authority Responsibility

The hiring authority shall carefully review lateral transfers, T&D assignments, reinstatements and other forms (excluding list appointments) to the Lieutenant and Captain classifications to ensure that the applicant:

- Possesses related custody experience, including supervision of custody staff.
- Meets all legal requirements to be a peace officer and can be cleared for appointment by a background investigation and preemployment medical.

Basic Academy

Persons appointed to the Lieutenant and Captain classifications shall attend the Basic Academy if they have not previously served in a correctional peace officer classification.

31060.5.3 C&PR Appointments

A significant portion of the duties of the C&PR consists of providing a service to the BPT and the NAEA (California Rehabilitation Center only).

The Regional Administrators, Institutions Division (ID), are the liaisons for facilities with BPT and the NAEA.

Basic Academy

Persons appointed shall attend the Basic Academy if they have not previously served in a correctional peace officer classification.

Process

Permanent appointments shall not be made to C&PR vacancies until the following steps have been documented:

- A Warden upon notification of an upcoming vacancy for a C&PR shall, through the departmental Board liaison, advise the Board chairperson of such pending vacancy. This applies to C&PR exchanges also.
- The Board chairperson shall make suggestions regarding individuals who might fill the vacancy.
- The Warden shall consider all applicants for the position including those suggested by the Board chairperson.
- The Board chairperson shall be advised of and encouraged to participate in scheduled interviews.
- Recommendations to the Director shall summarize Board contacts and input to the selection process and shall indicate whether agreement was reached with the Board.

31060.5.4 Classification Staff Representative (CSR) Appointments

Process

The process for selection of CSR is as follows:

- The Chief, Classification Services, shall canvass for interested candidates by the departmentwide job opportunity bulletin.
- All candidates shall submit, a STD Form 678, to the Chief, Classification Services, for review.
- The CSU shall pre-screen all applications for qualifying experience.
- Those applicants accepted for consideration as a CSR shall be scheduled for interviews.
- Applicants not selected for an interview shall be so notified by memorandum or telephone call.
- All CSR appointments require the approval of the Director/Chief Deputy Director.

31060.5.5 Ex-Offender Appointments

The Department prohibits discrimination on the basis of ex-offender status. However, all factors which relate to legal requirements and restraints, facility security, commitment history, and experience shall be considered. Hiring commitments shall not be made without written approval of the Director.

Licensing

Applicable certification or licensing for a position shall not be waived for ex-offenders.

Nonpeace Officer Classifications

A CDC Form 1951-B, Supplemental Application for Non Peace Officer Classifications, is required of all non-peace officer applicants seeking employment with the Department. This form is utilized at the time the employment interview is conducted. Completion of the form should prevent the hiring of any ex-offenders to non-peace officer positions without prior approval of the Director.

Restricted Employment Areas

Ex-offenders shall not be hired or assigned work in areas which provide access to:

- Any records pertaining to free staff.
- Sensitive personal or medical information on inmates.

These areas include, but are not limited to, the following:

- Medical.
- Personnel.
- Records.
- Accounting.
- Data processing.

Legal Prohibition For Peace Officer Classifications

Persons convicted of a felony in this or another state may not be employed as a peace officer of this State. CCR 3291(b) lists the classes designated as peace officers in this Department.

Procedural Responsibilities

At least 60 days prior to the requested appointment date, the hiring authority shall:

- Submit an "Approval to Appoint" request to the Director by the Assistant Director, LEIU . This shall include a copy of the ex-offender's CI&I SSCH and the completed CDC Form 1951-B for nonpeace officer classifications.

If the individual is on parole, the request shall identify the name and address of the Parole Agent. If discharged, that date shall be indicated.

The Assistant Director, LEIU, shall:

- Review the original submittal for possible gang affiliations.
- Note the results of this review on the request.
- Forward the request to either the Deputy Director, ID, or Deputy Director, P&CSD, for appropriate data if they are not the hiring authority.

If the request is approved by the affected Deputy Director, it shall be returned to the Assistant Director, LEIU, for final review.

The Assistant Director, LEIU, shall:

- Ensure completion of required materials.
- Forward approved packages to the Director.
- Return denied packages to the hiring authority.
- Return packages with Director's approval/disapproval to the hiring authority.
- Ensure that a copy of all denials/approvals are sent to the Assistant Director, EEO Office.

31060.6 Appointments Requiring Headquarter's Approval

Appointments requiring approval of designated headquarter's staff are described in DOM 31060.6.1 through 31060.6.5.1.

31060.6.1 Chaplain Appointments

All chaplain appointments shall be approved by the appropriate Regional Administrator, ID.

The applicant shall meet the criteria outlined in the SPB specifications before being appointed to the position of full-time or intermittent chaplain.

Muslim Chaplain. The appointee shall be currently in good standing with the American Muslim Community, verified and approved by the local resident Imam where the applicant attends as a member. All candidates shall attach to their application a letter of certification of good standing issued by the local resident Imam.

Jewish Chaplain. The appointee shall be accredited by and in good standing with a recognized California rabbinical body. The two official ecclesiastical endorsing agencies are the Board of Rabbis of Northern California and the Board of Rabbis of Southern California.

Catholic Chaplain. The appointee shall be duly accredited by and in good standing with the Roman Catholic Church and approved by the Bishop of the diocese in which the facility is located.

Protestant Chaplain. The appointee shall be currently ordained, duly accredited by and in good standing with a nationally recognized Protestant denomination.

Native American Spiritual Leader. The appointee shall be currently recognized as a spiritual leader and in good standing with their Native American Tribe, Nation, Band or Rancheria. All candidates shall attach to their application a letter of certification of good standing issued by their Native American Tribe, Nation, Band or Rancheria.

Intermittent Chaplains

The Department may employ, under State civil service, intermittent Catholic, Jewish, Muslim and Protestant chaplains.

Part-Time Chaplains

The Department may contract with clergy of any faith as part-time or intermittent chaplains to provide religious services and chaplaincy activities for a small group.

Substitute Chaplains

When a staff chaplain is on an authorized absence and a substitute chaplain cannot be obtained without cost to the State, a fee can be paid to the substitute for any single day of service.

31060.6.2 Retired Annuitant Appointments

A person who retired from state service may be appointed to a civil service position and paid a salary without being reinstated from retirement.

A person who retired from a CEA may be temporarily employed at any time following retirement in a CEA position.

Class

Retired annuitants shall:

- Be appointed to a position in a class in which the person had permanent or probationary status at the time of retirement or in a class to which the person could have permanently transferred, reinstated, or demoted at the time of retirement.

Duration

- Be appointed for no more than 120 working days or a duration total of 960 hours in any calendar year. Returning annuitants may be re-appointed every calendar year.

Salary

- Be paid at a rate substantially the same as other employees performing comparable duties.

Benefits

- Be compensated only for actual time worked and shall not earn benefits of any kind, e.g., sick leave, vacation, holiday pay, personal holiday, or retirement credits.

Appointment Requirements

Non-peace officer appointments shall complete a STD Form 610, Health Questionnaire.

Individuals being appointed as retired annuitants to perform in a peace officer capacity who were previously employed by CDCR as peace officers, shall be fingerprinted for purposes of a criminal records check (DOM Section 31060), complete an STD Form 610, and a Selection and Standards Branch (SSB) B51, Retired Peace Officer Personal History Update, prior to, or on the first day of reporting to work. Due to the temporary nature of retired annuitant appointments, the annuitant may commence work pending the receipt of DOJ's response.

The STD Form 610 shall be reviewed and approved/disapproved by a personnel office representative in the same manner as those for non-peace officer appointments. The Pre-employment Medical Unit of the SSB may be contacted for guidance concerning any medical conditions reported by a retired annuitant and its relevance to the annuitant's ability to perform peace officer duties. The telephone number is (916) 227-2099.

The SSB-B51 shall be reviewed by the hiring authority. A memorandum stating the reasons for continuing the employment of a retired annuitant shall be attached to any form indicating arrests, convictions, or adverse actions.

The STD Form 610, the SSB-B51 and the response from DOJ shall be maintained in the employee's official personnel file. The STD Form 610 shall be sealed in a confidential envelope.

The hiring authority is required to contact the Office of Civil Rights, the Office of Internal Affairs and the Personnel Operations Section to determine if the individual was the subject of an investigation which resulted in a finding that the individual was at fault and/or suffered adverse action. If so, a summary of the information is to be attached to the SSB-B51 with the reasons for continuing the appointment and included in the OPF.

Nature of Work

Retired annuitants may be appointed:

- On a short-term basis to cover emergency-related work.
- To use their special skills.

Retired annuitants may be appropriate to temporarily fill:

- Behind an employee on sick leave.
- A position which has remained vacant for an extended period of time.

Approval

A commitment to hire a retired annuitant requires prior approval of the appropriate Deputy Director, Associate Director, or Assistant Director.

Hiring Authority Responsibility

The hiring authority shall forward the following to the Personnel Operations Section:

- A CDC Form 1823, Hiring Approval - Retired Annuitant .
- A CDC Form 647, Department - Personnel Action Request (headquarters' and P&CSD).
- A CDC Form 647-A, Request for Personnel Action - Institutions, or a memorandum from the Warden to the Deputy Director, Associate Director, or Assistant Director.
- A STD Form 678, State of California Application for Examination and resume.
- A Duty statement with percentage breakdown.
- A Organization chart.

Personnel Analyst Responsibility

The appropriate personnel analyst shall:

- Review the request.
- Recommend approval/disapproval.
- Forward approved request to the appropriate Deputy Director, Associate Director or Assistant Director.
- Inform the hiring authority of denials by telephone.

Copies

A copy of approved request with comments shall be returned to the hiring authority.

A copy of denied request and the analyst's explanatory comments shall be transmitted to the hiring authority by a memorandum from the Assistant Deputy Director, OPM.

Original

The original request shall be filed in the Personnel Operations Sections Retired Annuitant subject file.

Calendar Year

A new CDC Form 647 or 647-A shall be approved before the beginning of each calendar year.

Fiscal Year

If the CDC Form 647 indicates funding through the fiscal year only, an additional CDC Form 647 shall be submitted for approval for the period July 1 through December 31.

31060.6.3 Emergency Appointments

Emergency appointments shall be justified by significant need.

- Any expanded use of emergency appointments, particularly for emergency acting assignments not supported by a significant need, are in conflict with basic constitutional provisions requiring appointments based on competitive examinations.
- All available civil service alternatives shall be considered before making emergency appointments for short duration work assignments.

Appointments which may be approved by the hiring authority are described in Sections 31060.6.2.1 through 31060.6.2.4.

31060.6.3.1 Extreme Emergency

This type of appointment shall not exceed 60 working days in any 12-month period.

Extreme emergencies include fires, floods, storms, epidemics, riots, earthquakes, and other such serious situations presenting extreme peril to persons or property or seriously interrupting the performance of public business.

When an extreme emergency is declared by the Governor or the Director, appointments may be made without regard to employment lists and, if necessary, without regard to existing classes in order to prevent the stoppage of public business.

31060.6.3.2 Short Duration Work

A short duration work situation is one which:

- Because of its unusual urgency, nature, volume, location(s), duration, or other special characteristics is distinct from the range of work normally performed by regular staff.
- Is not expected to be performed within the department for more that 30 working days within any 12-month period.

Short duration work assignments shall not be extended nor shall they be consecutive. Appointments may be converted to acting assignments when circumstances warrant.

Positions that are readily filled by the regular civil service process or for routine needs (i.e., vacation relief) shall not be filled by short duration appointments.

31060.6.3.3 Out-of-Class Assignments

Out-of-class assignments (also called acting assignments) shall be used only as the last option when filling a position. Limited-term (LT) appointments are the appropriate means to fill critical positions on a short-term basis.

Advance planning and scheduling can reduce an operation's dependency on out-of-class assignments. By using established certification lists, qualified employees can be appointed immediately to vacant critical positions.

Misuse of out-of-class assignments results in grievances (circumventing list procedures), higher costs (lost person hours, working on out-of-class claims), the potential loss of delegated testing authority and the centralization of approval for all out-of-class assignments. However, bonafide emergency out-of-class assignments may be used.

Guidelines

Managers and supervisors shall ensure that all employees are assigned duties and responsibilities that are within the scope of their classification. Employees shall not work out-of-class on a regular, ongoing basis.

Current bargaining unit language, as well as DPA Rule 599.810, states that “an employee may be required to perform work other than that described in the specification for their classification for up to 120-consecutive calendar days during a fiscal year.” This language is intended to provide appointing authorities the flexibility necessary to meet short-term, temporary staffing needs. All viable alternates shall have been exhausted before any out-of-class assignment is approved.

An employee may be assigned out-of-class work for more than 120 days if the additional out-of-class work is required to meet a need that cannot be met through other administrative or civil service alternatives. **Prior approval from DPA is required.** Such assignments shall be subject to termination by the Director of DPA upon determination that other reasonable alternatives do exist.

The “120-consecutive calendar days during a fiscal year” applies to both the assignment and the individual. The same assignment cannot extend beyond July 1 or a new fiscal year resulting in an individual serving in the assignment for more than 120 calendar days. Such situations would require DPA approval to extend beyond 120 calendar days.

Recent interpretation from DPA states that good personnel management practice precludes an indefinite out-of-class assignment by rotating employees in and out of the assignment. The 120 days should be a sufficient period of time to resolve and out-of-class situation. Rotations are inappropriate and circumvent the intent of the out-of-class provisions.

The out-of-class provisions apply to both rank and file and non-represented employees. Managerial employees are not covered under DPA Rule 599.810 and there is no authorization to assign the out-of-class duties.

Criteria

Out-of-class assignments may be made only to established positions and only if it can be demonstrated that:

- The assignment is needed to meet a specific operating need.
- The need cannot be feasibly met through civil service procedures or other administrative alternatives.
- The employee is assigned duties which are clearly outside the scope of their current class and which include the full range of duties of the assigned class. The out of class duties must be performed for more than 50 percent of the employee’s time.
- The supervisor requests the employee, in writing and in advance of the assignment, to perform the duties of a higher class.

No out-of-class assignments shall be considered for approval retroactively. The grievance process is the appropriate method for employees to obtain payment if their out-of-class assignment was not approved accordance with established guidelines.

No out-of-class assignments to "MCR NONE" classes shall be approved retroactively.

Operating Needs

An operating need may exist when leaving a position vacant results in:

- Inadequate management or supervision of a unit or function that cannot be offset from other sources.
- Risk to public health and safety.
- The interruption of public service.
- An economic loss or program delay.

Alternatives

If a need is established, the following alternatives should be considered before an employee is given an out-of-class assignment:

- Delaying or canceling other less critical work.
- Temporarily redirecting the unit's staff, workload, or resources in order to “work around” the vacancy.
- Filling the position with a locally available person on a temporary basis through another civil service procedure such as emergency, LT, temporary authorization (TAU), or intermittent appointment.
- Modifying the duties temporarily until the position can be filled.

Appropriate Assignments

Examples of out-of-class assignments that are viewed by the Department as appropriate consist of the following:

- An immediate assignment involving risk of life, property, or critical operation of the Department.
- Back-up for an employee absent on extended sick leave.
- A vacant position that needs temporary filling until an employment list is available.
- The assignment is temporary in nature, with no definite time period but less that 120 calendar days, and all viable recruitment efforts to fill the position have been exhausted.

Inappropriate Assignments

Examples of inappropriate/out-of-class assignments are as follows:

- An assignment where no budgeted positions exist.
- A certification list is available so that a LT appointment could be made, the desired employee is on the list but is not reachable, or the list was canvassed but the candidate group is undesirable.
- An assignment was made to bypass the Departmental Restrictions of Appointment (DROA), State Restrictions of Appointment (SROA), and/or re-employment list process.
- The assignment can be covered by a T&D assignment, a reinstatement, an emergency appointment, or a TAU appointment.
- An intermittent pool of candidates is available.
- Changes have been made to a class specification and/or allocation standards and the employee claims to have been working in a higher classification prior to the effective date of the change.
- The employee requests some of the higher level duties for career development, personal convenience, or gain.
- In the following situations, unless pre-approved by DPA:
  - To positions or levels requiring classification pre-approval by DPA (MCR NONE).

- To positions or levels not authorized in the appointing power's budget. Before considering pre-approval in these situations, DPA will require specific written notice from the DOF that funding is available.
- Where the employee's class specification provides for the proposed work assignment.

When any of these options are considered, the Personnel Operations Analyst shall be contacted for guidance and interpretation.

Process

The supervisor shall prepare the following documents:

- A request for approval to make an out-of-class assignment.
- A CDC Form 1821, Out-of-Class Checklist .
- A duty statement.
- An organizational chart.
- A CDC Form 1820, Out-of-Class Justification For Assignments Exceeding 120 Days .

The Out-of-Class Checklist shall provide the information necessary for the review and evaluation of the request and for completion of the Out-of-Class Justification.

The checklist will also serve as an audit trail for peer audits, payment of claims, and examination eligibility.

The document shall be forwarded to the appropriate approval levels in accordance with Section IX of the Out-of-Class Checklist.

Approvals

All out-of-class assignments requests require the approval of the IPO or Personnel Operations Analyst to ensure that all viable alternatives have been exhausted before the request is forwarded for final approval.

Prior final approval is required for out-of-class assignments as follows:

Duration of Assignment	Documents Required	Approval Required
Up to 60 Calendar Days	Request for Approval Out-of-Class Checklist	IPO or Personnel Operations Analyst
61 to 120 Calendar Days*	The above	The above and Personnel Operations Analyst
Over 120 Calendar Days**	The Above and Out-of-Class Justification Form (2 Copies)	The Above and the Departmental Personnel Officer, the Chief Deputy Directors, and DPA

* When the hiring authority becomes aware that the assignment may extend beyond 60 days, the Personnel Operations Section shall be notified. The written request shall be received by Personnel Operations Section no later than day 50 of the assignment.

** Requests shall be received by Personnel Operations Section no later than day 100 of the assignment. The Departmental Personnel Officer shall forward approved requests to the DPA for review.

The departmental personnel officer may deny a claim if it does not meet existing criteria.

When a request is inconsistent with departmental policy, the Personnel Operations Section shall return the unapproved request directly to the hiring authority.

Log/Record

For audit purposes each approval authority shall keep a log/record of all out-of-class assignment requests and/or out-of-class compensations claims.

Compensation

See DOM 31150.9 for out-of-class compensation guidelines.

31060.6.3.3.1 Applying Out-of- Class Experience for Admittance To State Examinations

Out-of-Class experience is work experience gained in the performance of duties outside the class concept of the employee's current class of appointment.

A departmental employee, regardless of employee relation designation, may request verification of out-of-class experience once they have performed out-of-class work for 30 consecutive calendar days.

Personnel Operations analysts review these requests and apply the same standards of more than 50 percent used for out-of-class claims.

Employee Requests

An employee who wants verification shall, in writing, request the hiring authority to verify that they have accepted and performed assigned duties that were not consistent with the employee's class.

Time Restraints

Requests shall not be made:

- Prior to performing out-of-class duties 30 consecutive calendar days.
- Later than 180 calendar days after the ending of the out-of-class duties.

Certification

The hiring authority's certification shall include:

- The employee's name and social security number.
- A description of type and level of duties performed.
- A duty statement with percentages.
- A conclusion regarding whether the duties are or are not consistent with the employee's class of appointment at the time; and if not consistent, an identification of the class to which such duties are appropriate.
- A detailed explanation of the situation which necessitated the out-of-class assignment.
- An explanation of the other administrative and/or civil service options considered and why they were not used.
- A copy of the departmental memorandum from the employee's supervisor who assigned the duties to the employee.
- The dates of the out-of-class assignment.
- When the certification is for admission to an examination, the title of the examination to which the employee is applying.

Approval Responsibility

The hiring authority certification shall be forwarded to the Personnel Examining Section who shall:

- Review the verification.
- Provide the employee and the hiring authority with a memorandum advising whether the certification met SPB standards.
- Forward the certification to the Personnel Operations Analyst for analysis and recommendation of the appropriate class.
- If approved, forward the verification to the SPB.

Once approved by the Personnel Examining Section, the certification can be used as additional qualifying experience for current or future examinations by attaching a copy to the application.

Appeal Rights

If the request for verification is denied, the employee has the right to appeal the denial to the SPB.

31060.6.3.4 Reinstatement After Emergency

Permanent or probationary employees who vacate positions to accept emergency appointments shall have mandatory right of return to their former position upon the conclusion of the emergency appointment if:

- The emergency appointment is under the same appointing power as the position the employee is vacating; or,
- The employee is granted paid or unpaid leave to accept the emergency appointment.

31060.6.3.5 Emergency Appointment Documentation

For audit purposes, the hiring authority shall prepare a written justification for all emergency and short duration work appointments.

The justification shall include:

- A detailed explanation of the situation requiring the appointment.
- An explanation of the other administrative and/or civil service alternatives that were considered and why each was not used.
- The name, social security number, and current classification (if applicable) of the appointee.
- A duty statement, position title, and estimate of the number of days the appointment will be necessary.
- When appropriate, a copy of the Declaration of Emergency signed by the Governor or the Director.

The justification shall be retained in the official personnel file.

A copy shall be submitted to the Personnel Operations Section no later than 20 calendar days after the effective date of the appointment.

31060.6.4 Limited-Term Appointments

The Department has authority to make and extend LT appointments. Initial appointments shall be limited to up to one year. The extension shall be limited to up to one additional year and may be considered when a permanent appointment is likely to cause a layoff, demotion, or mandatory transfer requiring a change of residence upon the conclusion of the temporary staffing need.

Requirements

Eligible lists shall not be circumvented by a LT appointment to a permanent position. Positions which are of limited duration shall not be filled on a permanent basis since this removes the appointee from consideration for true permanent positions and bestows unwarranted permanent status.

Permanent rather than LT appointments may be more appropriate when:

- The temporary vacancy is in a classification subject to high turnover.
- New positions are established on a temporary basis pending approval of the State budget, since the positions shall be converted to permanent when the budget is adopted.

Local Approval

In the following situations, the hiring authority may authorize one or more LT appointments, provided the total time of an employee's appointment(s) does not exceed one year.

- Seasonally recurrent positions. Appointments to non-testing or TAU only classes may be made for a period of up to nine months in one transaction.
- Positions established for a specific study or survey. Research projects may require the creation of specific classes for the duration of the project.
- Temporary vacancies. A person being on a leave of absence for one year or less.
- The appointment of a permanent employee to a different position on a LT basis.

Headquarters Approval

The following appointments require advance approval from the Personnel Operations Section:

- Temporary filling of vacancies during or pending a reorganization or possible layoff situation.
- Vacancies filled in anticipation of reorganization or layoff expected to span a period of more than one year may be filled by permanent appointment.

This approval process shall ensure consistency with the Department's restriction of appointment process.

Two-Year Appointments

One-year, limited-term appointments may be extended for up to a total period of two years upon prior approval by the Chief, Personnel Management. All such requests shall be forwarded to the Personnel Operations Section at least 30 days prior to the effective date, and include the following information:

- Name, social security number, and civil service classification of employee.
- Period of time involved.
- Justification for the need to authorize a LT appointment to exceed one year.

The anticipated number of limited-term appointments, the number and location of permanent positions in the classification, turnover rate for the classification, budgetary trends, and issues which impact the Department's ability to absorb permanent employees either locally or departmentwide shall be considered when the justification is prepared.

Justification File

For audit purposes, the Personnel Operations Section shall file and retain for three years the hiring authority's requests and justifications for appointments to exceed one year.

31060.6.5 Training and Development Assignments

Purpose

The Department shall use T&D assignments:

- To provide employees broader experiences and skills, to improve their ability to perform in their current assignments.
- To assist employees in seeking future advancements.
- To facilitate employees' entry into different occupational fields.
- To enhance the Department's affirmative action and upward mobility goals.
- As an effective tool for upward mobility purposes.

Hiring authorities shall consider affirmative action needs and protected group deficiencies prior to the selection of an employee for a T&D assignment.

General Requirements

The hiring authority shall ensure a T&D assignment:

- Is consistent with the career development plan of the employee.
- Duties are significantly different than those the employee has performed in the preceding five years.
- Provides a clear management advantage to the state.
- Shall not result in a layoff or demotion at the termination of the T&D assignment.

No more than one person shall be appointed to a T&D assignment for each available vacancy.

T&D opportunities require a minimum publicity period of seven days to ensure that all interested employees are afforded the opportunity to apply. Posting may be limited to geographic areas where employees could reasonably be expected to accept the opportunity without a change in residence.

If a permanent class has not been identified for the training position, the position must be permanently allocated to an appropriate civil service class prior to considering a T&D assignment.

Class Relationships

As long as the SPB criteria are met, an employee may accept T&D assignments to a class with substantially the same salary to which the employee could voluntarily transfer (within two salary steps) even if they are currently on an employment list for the assigned training class.

Eligibility

Permanent and probationary (with prior permanent status) employees are eligible for T&D assignments. Time on a T&D assignment counts toward completion of probation. Employees on temporary or limited-term appointments shall return to their former position before being appointed to a T&D assignment.

Employees shall not be considered for T&D assignments in classes which have a promotional relationship to their current class. The class specification shall be reviewed to ensure that the individual's permanent class is not listed in the minimum qualifications (MQs) of the training class and there is no promotional relationship.

Higher than Three Salary Steps

T&D assignments to higher level classes (beyond three salary steps) shall only be considered as exceptions and shall meet the following additional criteria:

- The intent is to prepare the employee for a permanent career change.
- The higher salaried class is the nearest class (in salary) that will provide the appropriate training experience.
- The employee may meet the MQs of the training class prior to appointment and shall meet them by the conclusion of the assignment.
- The T&D assignment shall not circumvent the normal competitive promotional process.

Lower than Two Salary Steps

T&D assignments to lower-level classes (beyond two salary steps) shall be considered as exceptions and shall meet the following additional criteria:

- T&D assignments to lower-level classes shall only be used in very broad class series in which employees expect to reach the journey or supervisory level within one specialty, without having had experience in other major specialties covered by the class.

For example, a SSM I whose career had been limited to management analysis, could participate in a T&D assignment as an Associate Budget Analyst position in preparation for assumption of SSM I level duties in the budget area.

- The lower salaried class is the nearest class (in salary) that provides the appropriate training experience.
- The training experience differs from the duties the employee has previously performed, i.e., they cannot have immediate previous experience in the assigned training class.

Duration

T&D assignments for an individual shall not be limited in number or frequency, but shall not exceed 24 months in any consecutive 36-month period.

Peace Officer Training

Employees in positions designated as peace officers shall:

- Successfully participate in the required peace officer training course.
- Obtain a background clearance.
- Pass all required medical examinations and physical abilities test.

Formal Class Requirements

While employees are not generally required to meet the "experience and education" requirements of the training class, employees shall possess any credential, license, certificate, or other formal requirements of the class prior to assumption of the duties of the T&D assignment.

It is required that employees meet the minimum qualifications to be placed on a T&D to Sergeant, Lieutenant, or Captain. Exceptions to this requirement for T&D assignments to Lieutenant and Captain must be approved in advance, in writing, by the Director.

Shift Differentials/ Housing Stipends

Alternate Range 40 shift differential compensation and/or housing stipends shall be terminated when a T&D assignment does not meet established criteria/requirements.

Employees serving in CEAs shall not participate in T&D assignments to ensure that they are assigned only to those positions that have been specifically approved for inclusion in the CEA category.

31060.6.5.1 Documentation and Procedural Requirements

A formal T&D assignment plan shall be prepared and submitted on a CDC Form 1825, Training and Development Plan and CDC Form 1825 A, Training and Development Request and shall include:

- The civil service class of the training position.
- The permanent classification of the employee.
- The basic objectives of the training.
- The duties to be performed.
- The training to be accomplished.
- Return rights of the employee.
- Statement that the assignment may be terminated at any time by either the employee or the Department.
- Certification that:
  - This assignment shall not result in a layoff or demotion upon its termination.
  - SROA procedures were observed.
- The signatures of the employee and the hiring authority of both the receiving and releasing organizations.

The individual's STD Form 678 and resume shall be attached.

To allow adequate processing time, the plan shall be submitted to the Personnel Operations Section at least 30 days before the reporting date.

Starting Date

The Personnel Operations Section may adjust the starting date on any T&D assignment. It shall be clearly understood that any T&D changes required by the Personnel Operations Section may impact such issues as relocation expenses and eligibility to participate in the proposed T&D program.

Approval

The T&D assignment plan shall be approved by the Personnel Operations Analyst prior to the actual reporting date of the employee.

Upon approval, the Personnel Operations Section shall retain the original T&D assignment plan and forward copies to the receiving and releasing hiring authorities and the employee.

Written notification shall be submitted to the Personnel Operations Section if:

- There are subsequent changes/revisions to the original plan.
- The assignment is terminated prior to its expiration date.

Position Reclassification

The reclassification of the position is required before the training is implemented.

The hiring authority shall submit a STD Form 607, to OBM so that the position is reclassified to the permanent class of the employee upon approval of the T&D assignment. The STD Form 607 shall clearly indicate that the reclassification is for T&D purposes and include the employee's name and approved T&D plan.

If the T&D assignment is denied, the STD Form 607 shall be denied at the same time and returned to the originator.

Vacated Position

To ensure employee placement, the position vacated by the employee accepting the training assignment shall be filled on a temporary basis unless it can be clearly demonstrated that an appropriate position in the employee's "home" organization and location shall be available at the completion of the T&D assignment.

31060.6.5.2 Promotion/Transfer While on a T&D Assignment

Promotion/transfer opportunities shall not be jeopardized as a result of a T&D assignment. Provisions for promoting/transferring the individual while on the training assignment are:

- The individual clearly would have been considered for promotion/transfer if not on the training assignment.
- In a promotional situation, the individual must be reachable on the eligible list and receive a bonafide job commitment.

When a firm commitment is made in a promotional or transfer situation, the offering organization shall appoint the individual and transfer the employee back to the training location to complete the training assignment. This ensures the employee mandatory right of return to the offering organization/location.

The new appointment shall not create an inappropriate training assignment. If the promotional/transfer class does not meet the training assignment criteria relative to the training class, the appointment shall not be authorized while on the training assignment; or the T&D assignment shall be terminated upon the appointment of the employee.

31060.6.5.3 Termination of T&D During Staff Reductions

During staff reductions, T&D assignments shall be terminated in affected classifications and/or related positions.

Employees in an affected classification shall be:

- Appropriately included when compiling seniority lists.
- Returned to their former positions.

When the affected classification is one in which surplus employees have been identified and positions are filled with T&Ds:

- The T&D(s) shall be terminated.
- The positions filled with the most senior affected employees.

T&D assignments shall not be used to resolve staff reductions.

31060.7 Restriction of Appointments

Restriction of Appointments lists are established to aid in the placement of employees facing transfer, layoff, or demotion. Both the state and the departmental restriction of appointment processes, described below, shall be followed prior to filling vacant positions.

31060.7.1 State Restriction of Appointments (SROA)

The SROA policies and procedures:

- Are published periodically by the DPA.
- Shall be followed in making all appointments not specifically exempted from SROA. Questions regarding which appointments are exempt from SROA shall be directed to the IPO for the correctional facility or the Personnel Operations Section analyst for headquarter programs.

SROA eligible lists:

- Are maintained by the SPB and are issued to hiring departments.
- Contain classes of employees who, as a result of position reductions, are facing layoff or demotion if placements are not made.

SROA Coordinator's Responsibility

The SROA Coordinator in the Personnel Operations Section is responsible for ensuring that all policy and procedure updates are disseminated throughout the Department.

Institutional Personnel Officer's Responsibility

The IPO is responsible for:

- Providing consultation to institutional program staff regarding DROA requirements.
- Reviewing and approving SROA clearances for all facility appointments. The CDC Form 8022, State Restrictions of Appointment/Departmental Restrictions of Appointment Clearances Worksheet, shall be used for requesting clearances.

- Preparing SROA exemption requests following all criteria requirements listed in the SROA Policy and Procedures Manual and forwarding requests to the Personnel Operations Section analyst for review, consideration, final approval, an submission to the DPA.
- Ensuring that approved SROA clearance forms and approved SROA exemption requests are attached to all appointment documents which are not specifically exempted from SROA.

Personnel Operations Section Analyst's Responsibility

The Personnel Operations Section analyst is responsible for:

- Providing consultation to headquarter program staff and to the IPO regarding SROA requirements.
- Reviewing and approving SROA clearance requests for all headquarter programs.
- Reviewing, preparing, and forwarding SROA exemption requests received from either the facility or headquarter programs to the DPA.
- Ensuring that approved SROA clearance forms and approved SROA exemption requests are attached to all appointment documents that are not specifically exempted from SROA.

Hiring Supervisor's Responsibility

The hiring supervisory is responsible for:

- Following SROA policies and procedures.
- Completing a SROA clearance form or SROA exemption request and ensuring that it is submitted to either the IPO or the Personnel Operations Section analyst for processing.
- Ensuring that SROA clearance or exemption approval is received prior to making a hiring commitment for all appointments not specifically exempted from SROA.

SROA Exemption Requests

All SROA exemption requests shall:

- Provide sufficient information to support the exemption and meet all criteria requirements listed in the SROA Policy and Procedures Manual.
- Be signed by the appropriate hiring authority or any member of the Director's Executive Staff.
- Be forwarded to the Personnel Operations Section analyst for review and submission to the DPA. Requests for facilities shall be submitted to the IPO form submission to the Personnel Operations Section analyst.

31060.7.2 Departmental Restriction of Appointments

The DROA process is intended to assist in the placement of surplus employees resulting from administratively approved program changes or budget-induced position reductions and to avoid a layoff.

This process applies to all appointments except:

- Emergency appointments.
- Mandatory reinstatements.
- Promotions in place that do not result in a true vacancy (e.g., Staff Services Analyst to Associate Governmental Program Analyst).

Departmental Placement Coordinator Responsibilities

The departmental placement coordinator shall:

- Publish and distribute the list of classes for which approval is required prior to appointment.
- Update the list as necessary.
- Upon notification from the IPO that a surplus exists, submit a memorandum to the LRB requesting union notification of the surplus.
- When the union has been notified, send an informational surplus employee memorandum to all employees in the affected classification(s).
- Review requests to fill vacancies on an exceptional basis or when no interest in the vacant position has been expressed by the DROA candidates.
- Take or recommend appropriate appointment actions.
- Actively monitor the voluntary placement of surplus employees to appropriately classified vacant positions.
- If necessary, work with the hiring authority, the Labor Relations Office and the appropriate control agencies to coordinate involuntary transfers and/or an employee layoff.

The informational surplus employee memorandum shall include a current list of vacancies in the affected employee's classification.

The employee will be given the opportunity to voluntarily seek a vacant position.

If voluntary placement options are unsuccessful, the employee shall be reassigned to a different location or a comparable classification in the same location.

Institutional Personnel Officer Responsibilities

The IPO shall submit timely monthly lists of current and anticipated vacant positions for the classes on DROA directly to the departmental Personnel Officer.

Prior to filling a position listed on the restricted hiring list, the IPO shall take the following steps:

- Contact the IPO of the organization where the surplus exists to obtain the names and addresses of the employees on DROA.
- Send out a CDC Form 1486, Departmental Restriction of Appointment (DROA) Clearance and Waiver, to all affected employees. Telephone contacts may be made but shall be followed up with a CDC Form 1486.
- Secure approval to fill the vacancy from the Personnel Operations Analyst if no interest is expressed by the employees on DROA. This approval only applies to the DROA restrictions and is not intended to replace or supersede other hiring requirements. Such requests for approval may be by telephone but shall be confirmed in writing.
- Complete a CDC Form 1162, State of California Departmental Restriction of Appointments Confirmation Letter , for each classification.
- Submit a copy to the Personnel Operations Analyst within ten calendar days after verbal approval is received and to the IPO at the surplus institution for audit purposes.
- Retain a copy for the originator's files.

Special Exceptions

Requests for exceptions (including LT and intermittent appointments) to this process shall:

- Be signed by the appropriate hiring authority or any member of the Director's Executive Staff.
- Be forwarded to the Personnel Operations Analyst for review and approval.
- Provide the following information:
  - The nature of the critical need and why identified DROA eligibles cannot meet the needs of the position.
  - A copy of the position duty statement.
  - The consequence if any exception is not granted.

The projected time frame for any employee to remain on the DROA list is approximately 120 days. Within this 120 days, the following activities take place:

- The classification is placed on DROA and frozen to preclude appointments to the class without obtaining appropriate DROA clearances.
- The Personnel Operations analyst notifies the employees in the affected class of the action while simultaneously notifying the LRB so they can notify the union.
- The Personnel Operations analyst actively monitors the placement of surplus employees to appropriately classified vacant positions. If the employee is not placed, they are given an official involuntary transfer notification 60 days prior to the proposed action.

31060.8 Peace Officer Designations

Certain departmental employees are designated as peace officers (see CCR (15)(3) 3291[b]).

Temporary Peace Officer Designations

Any person summoned to the aid of a uniformed peace officer shall be vested with such powers as are delegated by the summoning officer or as are reasonably necessary to properly assist such an officer.

Therefore, any employee officially assigned to act in the peace officer capacity of classifications listed in CCR (15) 3291(b) is a peace officer.

Employees assigned to perform peace officer duties or summoned to aid during an emergency are designated peace officers for the duration of the emergency or until relieved of peace officer duties.

31060.8.1 Designating Additional

The Director is authorized by PC 830 to designate any non-listed employee as a peace officer. Performance of the following functions as a regular, on-going job

requirement shall be a major determinant in designating non-listed employees as peace officers:

- Regular use of firearms with authorization to use deadly force and less-than-lethal devices for which specialized training is mandated.
- Transportation or supervision requiring arms and/or restraints of inmates outside of facility property.
- Investigation of felonies committed in prison as a major part of the employee's duties.
- Exercise of peace officer powers as applied to the general public as in the case of visitors or demonstrators.
- Regular supervision of a significant number of peace officers in the performance of their duties.

31060.8.2 Minimum Legal Standards for Peace Officer Appointments

Persons appointed to peace officer classifications shall meet all of the following minimum legal qualifications and standards prior to appointment:

- Be a citizen of the U.S. or a permanent resident alien who is eligible for and has applied for citizenship at least one year prior to application for the peace officer position.
- Be 21 years of age or older.
- Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record.
- Be of good moral character, as determined by a thorough background investigation.
- Be a high school graduate or pass the General Education Development test indicating high school graduation level, or have attained a two year of four year degree from a college or university accredited by the Western Association of Colleges and universities. This provision shall not apply to any public officer or employee who was employed, prior to the effective date of the amendment of GC Section 1031, make at the 1971 Regular Session of the Legislature, in any positions declared by law prior to the effective date of such amendment to be peace officer positions.
- Be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer. Physical condition shall be evaluated by a licensed physician/surgeon. Emotional and mental condition shall be evaluated by a licensed physician/surgeon or by a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.

31060.8.2.1 Required For Peace Officer

Revised December 27, 2010

No person shall be appointed to or begin training as a peace officer until a physical abilities test, background investigation, and a medical examination has been completed and written clearance has been received from the Chief, Office of Peace Officer Selection (OPOS), or their designee.

Exceptions

Physical abilities test are required only for Correctional Officer (CO), MTA-P (Medical Technical Assistant-Psychiatric, Department of Mental Health), and Correctional Counselor I (CCI).

A background investigation shall not be required if the applicant is:

- A peace officer currently employed by the Department.
- Being appointed by mandatory reinstatement to a peace officer classification.
- A retired annuitant who will be performing in an administrative capacity only.

31060.9 Peace Officer Recruitment, Evaluation, Testing, and Selection

Updated December 27, 2010

To ensure an effective and diverse peace officer work force, the Department shall:

- Actively recruit entrance-level applicants.
- Carefully evaluate, examine and test applicants prior to appointment, including:
  - List appointment.
  - Reinstatement.
  - Lateral Transfer.
  - T&D Assignment.
  - Other forms of appointment.

31060.9.1 Office of Peace Officer Selection Functions

Revised December 27, 2010

The OPOS shall administer the following functions:

- The examinations for CO, MTA-P, YCO, YCC, and CCI.
- Physical abilities test, background investigations and peace officer employment medical examinations pursuant to the request of a hiring authority wishing to appoint a non-peace officer applicant to a peace officer position (see DOM 31060.9.3.3).
- Appointment of CO from the eligible list.
- Reinstatements to CO for cadets rejected from the Basic Academy.
- Coordination of requests for Criminal Identification and Information (CI&I) State Summary– Criminal History (SSCH) from State DOJ (see DOM 31060.18).

31060.9.2 Peace Officer Recruitment

Revised December 27, 2010

Various federal and state laws, executive orders, and court decisions regulate California civil service employment and provide the basis for recruitment programs.

Recruitment shall be conducted by the Office of Workforce Planning and Selection (OWPS) at the request of OPOS.

Goals and Objectives

The Department is committed to an aggressive EEO Program, recognizing the need to employ all segments of the population.

The Department intends to:

- Use to the maximum all available human resources.
- Provide EEO to all on the basis of merit and fitness, without regard to age, sex, race, national origin, religion, disability, sexual orientation, or political affiliation.
- Achieve and maintain a work force which represents by occupational group, responsibility level, and salary level the diverse ethnic and cultural groups found within the State.
- Attract qualified applicants to compete for appointment in the Department.
- Increase the overall effectiveness of our law enforcement community.
- Increase qualified minority group/affirmative action representation within the Department's law enforcement community.
- Enhance the Department's public image through advertising in all phases of the media, personal contacts with citizens in the community, and enlightening the public with regard to the operations of the Department.

31060.9.2.1 Office of Peace Officer Selection Responsibilities

Revised December 27, 2010

The OPOS shall:

- Report on the ethnic and sex representation of the CO, YCO, YCC, and CCI examination applicant pool.
- Via the OWPS place paid advertisements as needed to publicize the CO, YCO, YCC, and CCI examinations.
- Via the OWPS develop, maintain, and use a mass mailing roster of community based agencies to publicize the CO, YCO, YCC, and CCI examinations.
- Via the OWPS refer announcement and solicitations regarding job fairs and other recruitment related activities to the institution recruitment coordinator nearest the event.
- Serve as a resource to departmental managers, supervisors, and recruitment coordinators.
- Evaluate departmental recruitment efforts for CO, YCO, YCC, and CCI.

31060.9.2.2 Institution/Parole Responsibilities

Updated December 27, 2010

Division of Adult Institutions (DAI) and Division of Adult Parole Operations (DAPO) staff perform specific recruitment activities tailored to meet the needs of their respective communities as well as those with statewide impact.

31060.9.3 Peace Officer Appointment Process

Revised December 27, 2010

OPOS shall appoint YCOs and YCCs to peace officer positions. The hiring authority is to assure that all legal and policy requirements are met prior to the effective date of the appointment.

31060.9.3.1 Office of Peace Officer Selection Clearances

Revised December 27, 2010

The hiring authority is to obtain the necessary OPOS clearances (DOM 31060.8.2.1) prior to appointing to a peace officer position any applicant who is not currently a departmental peace officer employee by submitting the CDC Form 1923, Individual Service Request (ISR), to the appropriate testing center.

31060.9.3.2 Testing Center Service Areas

Revised December 27, 2010

Northern Testing Center:

- PBSP.
- CCC.
- FSP.
- SAC.
- CMF.
- SOL.
- NCWF.
- SQ.
- MCSP.
- NCYCC.
- NACYCF.
- Parole Region I.
- Parole Region II.
- Headquarters.

Central Testing Center:

- SCC.
- DVI.
- CCI.
- COR.
- WSP.
- NKSP.
- ASP.
- PVSP.
- CCWF.
- VSPW.
- CMC.
- CTF.

Southern Testing Center:

- LAC.
- CIM.
- CIW.
- CRC.
- RJD.
- CVSP.
- ISP.
- CEN.
- CAL.
- VYCF.
- SYCRCC.
- Parole Region III.
- Parole Region IV.

31060.9.3.3 Individual Service Request Process

Revised December 27, 2010

The CDC Form 1923 shall be:

- Signed by the IPO; Business Manager; Associate Warden, Business Services; Chief Deputy Warden; Warden; PA; RPA; Assistant Deputy Director; Regional Administrator; Assistant Director; or Deputy Director or designee and mailed to the Regional Testing Center, Attn: Regional Testing Officer.

A bona fide job offer to the applicant.

The following shall be included with the service request:

- Completed Personal History Statement and two notorized "Authorization to Release Information" forms.
- Completed Background Investigation Questionnaire (OPOS 1901).
- State Application (STD 678).
- Certified Birth Certificate or original Naturalization Certificate or approved Citizenship Application by USCIS.
- Copy of Marriage Certificates or Divorce Decrees.
- Sealed/certified high school and college transcripts.
- Copy of Conditional Offer of Employment.
- Current credit report.
- Copy of Proof of Valid Auto Insurance.
- Copy of DD214 Military Discharge form (Member 4 – Long Form).

The Chief, OPOS, will notify the hiring authority if clearance for hire is granted or withheld by memorandum.

If the hiring authority disagrees with the Chief, OPOS, the decision may be appealed to the Deputy Director through the appropriate Associate Director.

The written appeal shall be routed to the Deputy Director, Human Resources (HR), for a recommendation.

The Deputy Director's decision shall be returned by the Associate Director, HR.

The Associate Director, HR, shall forward copies of the decision to:

- The submitting Hiring Authority.
- The Chief, OPOS.

31060.10 Basic Academy

All appointees to the class of officer must attend the Basic Academy. Effective dates of appointments are to coincide with the first date of the Basic Academy they are to attend.

Exceptions

Reinstating officers whose last departmental position was officer and whose break in service was less than one year. The Warden can require attendance if the training is deemed necessary.

Reinstating officers exempted from Basic Academy attendance by the Chief Deputy Director.

Officers reinstated because of a mandatory reinstatement. The Warden can require attendance if the training is deemed necessary.

31060.10.1 Permanent Intermittent Officers

Revised December 27, 2010

Permanent Intermittent (PI) Officers shall be given priority consistent with list eligibility or SPB Rule 277 for permanent full-time vacancies.

Within two weeks of the start of each Basic Academy, the OPOS will issue a notice to the Wardens of the eligibility standing of the PIs for full-time positions.

31060.10.2 Hardship Transfers

Revised December 27, 2010

Officers attending the Basic Academy requesting a hardship transfer shall submit a request to the Chief, OPOS. All other officers requesting a hardship transfer shall submit requests to the Warden of the proposed and the releasing facility. (See DOM 3310.21.1 for process.)

31060.11 Good Faith Civil Service Appointments

Revised December 27, 2010

A valid civil service appointment is made and accepted in "good faith" under the civil service statutes and SPB rules.

To Make a Valid Appointment

In order to make an appointment in "good faith," the Secretary and the designated hiring authorities shall meet the following requirements:

- Intend to observe the spirit and intent of the law.
- Make a reasonable and serious attempt to determine how the law is applied.
- Assure that positions are properly classified.
- Assure that appointees have civil service appointment eligibility.
- Intend to employ the appointee in the class, tenure, and location to which appointed under the conditions reflected by the appointment documents.
- Assure the Personnel Transactions staff have reference materials, training, and supervision necessary to avoid mistakes.

- Respect the rights and privileges of other persons affected by the appointment; avoid any appearance of coercing an eligible to waive rights to an appointment.

In order to accept an appointment in "good faith," an employee shall:

- Intend to serve in the class to which the employee is being appointed under the tenure, location, and other elements of the appointment as reflected by the appointment document.
- Provide the appointing power with complete factual and truthful information necessary for a proper appointment.
- Make a reasonable attempt to seek correction of any aspects of the appointment that the employee knows are illegal.

31060.11.1 Sanctions for Violating Good Faith Requirements

Revised December 27, 2010

Any officer or employee who knowingly violates or directs any officer or employee to violate these provisions shall be subject to any or all of the following:

- Adverse action.
- Civil sanctions.
- Criminal sanctions.

The SPB Executive Officer may cancel an illegal or improper appointment if lack of "good faith" exists on the part of either appointing power or employee.

31060.12 Request to Appoint Into a Different Location

Revised December 27, 2010

When making appointments to positions that are rostered in a different location than the hiring authority, the hiring authority shall use the agency code where the position is rostered on its internal appointment request document.

- This occurs, for example, when an employee of the Education and Inmate Programs Section works at the CIM, and the position is actually rostered in Sacramento County.
- This separate identification is critical for audits and seniority list requests. Seniority lists must accurately reflect all employees in affected classes and their locations.

31060.13 Contacting Eligibles on Certification Lists

Revised December 27, 2010

Eligibles from certification lists shall be contacted by the following methods only (see SPB Rule 258 for applicable time limitations):

- CDC Form 1237, Waiver, shall be mailed to the eligible's home address.
- Telegram and mailgram may only be used when the vacancy requires filling in a short period of time.
- Telephone or verbal contact with results confirmed in writing to the eligible.

The FAX shall not be used.

31060.14 Oath of Allegiance/Declaration of Permission to Work

Revised December 27, 2010

The STD Form 689, Oath of Allegiance and Declaration of Permission to Work for Persons Employed by the State of California, shall be signed by every employee within thirty days of appointment.

Citizen

U.S. citizens shall sign the Oath of Allegiance; which shall be valid until the employee permanently separates from State employment. Validation may be made by the following:

- Executive staff, hiring authorities, personnel assistants, and those in the direct chain of command of the personnel assistants.
- Anyone who by law has the authority to administer oaths (i.e., public notaries; the Attorney General; judicial officers; and county officers like the DA, sheriff, county clerk, or justice of the peace).

No fee shall be charged by any person before whom the Oath is taken and subscribed.

Noncitizen

Non-citizen employees shall complete the Declaration of Permission to Work.

If a legally employed non-citizen becomes a naturalized citizen, the Oath of Allegiance shall be completed.

31060.15 Federal Employment Eligibility Verification

Revised December 27, 2010

All applicants hired after November 6, 1986, shall complete and sign a U.S. Citizenship and Immigration Services (USCIS) Form I-9, Employment Eligibility Form, before being appointed.

Staff shall review and verify in accordance with directions on the back of the form.

The OPOS shall:

- Ensure completion, review and verification for all entry-level peace officer applicants including lateral transfers and reinstatements.
- Forward the completed forms to the appropriate local personnel/payroll office.

Local personnel/payroll officers shall:

- Ensure completion, review and verification of applicants for all other classifications.
- File and retain the forms (see DOM 31060.18).

31060.16 Criminal Records Check

Revised December 27, 2010

A criminal records check is a requirement for employment with the Department and includes:

- Consent to be fingerprinted. (Live scanned.)
- Request for and review of the CI&I SSCH.

Process

Applicants for all employment shall be live scanned at the earliest possible time if an appointment is expected. The live scan shall be processed as follows:

- Personnel staff shall fax the live scan form BCII 8016 to OPOS, Selection Support Section, the day applicant is live scanned.
- **Note**: The facility/office region acronym shall be written in the space titled "Your Number" on the front of the live scan form.
- Live scan transmission will be transmitted directly to State DOJ.
- OPOS forwards DOJ responses to the originator of the request.
- The hiring authority or designee shall complete the DOJ/FBI Employee Responses form provided by OPOS and shred the DOJ responses unless the response is a rap sheet. Rap sheets are to be filed in a secure, confidential location.
- The CCRM shall review DOJ responses for persons appointed to positions which allow access to inmate records or EDP terminals capable of access to electronically stored inmate records.

31060.17 Pre-Employment Documentation

Revised December 27, 2010

The following records shall be on file in the local personnel/payroll office prior to appointment of an applicant:

- CI&I SSCH.
- Live scan.
- USINS Form I-9.
- Physical examination report.

31060.18 Retention of Personnel Records

Revised December 27, 2010

All applications; supplemental applications; personnel, membership, or employment referral records; and files of applicants shall be retained a minimum of two years in a confidential file.

Unsolicited applications are excluded from the retention requirement.

Transferring Employees

The following documents are retained in the separated employee's folder once the employee transfers:

- One copy of the CDC Form 647, Request for Personnel Action,or CDC Form 647-A, Request for Personnel Action-Institutions.
- One copy of the STD Form 612, Transfer Data Sheet.
- CDC Form 648, Report of Separation.
- A copy of the separation checkout list (if used).

Other material in the official Personnel Folder shall be purged according to the SAM 1670 and the remaining contents forwarded to the receiving location.

Employment Eligibility Verification Forms

USCIS Form 1-9 shall be:

- Maintained in a file separate from the Official Personnel Folder.

- Retained for three years after the date of employment or for one year after termination of employment, whichever is later.

No Longer Interested Notification Forms

A DOJ, CI&I Form 8302, No Longer Interested Notification (NLI) Form, shall be submitted to State DOJ by each personnel section on any of the following who were fingerprinted at the time of application or appointment:

- Employees who are terminated or separated from the Department.
- Contracted workers, volunteers, vendors, or other service providers whose services are no longer required by the Department.
- Applicants who were fingerprinted but not hired by the Department.

NLI Forms should not be sent to DOJ on retired employees.

31060.19 Photographs

Revised December 27, 2010

Current photographs shall be taken of all employees.

One photograph shall be used on the employee's personnel identification card (see DOM 31070).

One photograph shall be placed and retained in the employee's Official Personnel Folder.

Responsibility

The Personnel Transactions Section shall photograph headquarters' employees.

Facility personnel/payroll offices shall photograph facility employees.

Parole regions shall photograph their employees and forward one photograph to Personnel Transactions Section.

31060.20 Employee Exit Questionnaire

Revised December 27, 2010

The Employee Exit Questionnaire (CDC 1144) is a tool designed to examine employee movement from and within the Department.

Responsibility

The responsibility for the Employee Exit Questionnaire rests with the Personnel Services Section.

On-site coordinators within each division, facility, and parole region shall be responsible for coordinating the distribution of the questionnaire to all employees transferring, leaving, or changing classifications. If the responsibility for coordinating the distribution of the exit questionnaire is reassigned, the name of the new survey coordinator shall be provided to the Personnel Services Section promptly.

Completion of the questionnaire is voluntary. Names shall not be used and a self-addressed envelope shall be provided for mailing the questionnaire directly to headquarters.

Information from the questionnaire shall be reviewed and evaluated by staff from the Personnel Management Branch. The results and findings of the questionnaire shall then be reported to management on a regular basis.

If an employee wishes, an exit interview may be made by the employee with the Personnel Services Section.

31060.21 Revisions

Revised December 27, 2010

The Deputy Director, HR, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

31060.22 References

Revised December 27, 2010

PC § 830 and 830.6(b).

CCR (2) (1) §§ 8, 212, 258, 277, and 300 - 304, 599.810.

CCR (15) (3) § 3291(b).

GC § 1029, 1029.1, 1031, 7290 - 7299.8, 12946, 12976, 18150, 18157, 18158, 18522, 19080 - 19083, 21153.

SAM § 1670.

ARTICLE 7 — PERSONNEL IDENTIFICATION CARDS

Revised October 4, 1994

31070.1 Policy

In order to maintain security and order within Department facilities and provide proof to other agencies and private citizens of an individual's relationship with the Department, departmental identification cards or memorandums shall be issued to employees, contractors, consultants, volunteers, advisory group members, and Department retirees.

31070.2 Purpose

This section specifies the procedural requirements for issue, retrieval, and control of departmental identification cards or memorandums.

31070.3 Definitions

For this section only the following definitions apply:

- Employee: person who works directly for the CDC.
- Individual: employee, volunteer, CDC retiree, consultant, contractor, or advisory group member.

31070.4 Responsibilities

Local personnel/payroll and regional parole offices shall:

Issuance

- Order, securely store, and issue identification cards.
- Verify completion of preemployment documentation (i.e., criminal records check, medical examination/health questionnaire, etc.). [See DOM 31060.]
- Maintain the hiring authority's record of issuance and retrieval of identification cards.

Individuals or the designated authority shall sign the record book for each identification card issued them. Individuals shall, while on duty and/or while on the grounds of a Department facility, carry their identification cards on their person and produce the card upon request.

Retrieval

Individuals shall surrender the identification card to their supervisors, local personnel/payroll offices, or designated regional parole offices under the following circumstances:

- On or before the expiration date shown on the card.
- Upon separation from the Department.

An employee transferring, promoting, or demoting within the Department shall retain the identification card until a new card is issued.

- The receiving facility, parole region, or headquarters shall collect and void the old identification card by cutting off the signature without removing the card number.
- The voided card shall be returned to the sending location for destruction. The date of destruction is entered in the record maintained by the sending location.

Record Book

Each hiring authority, by the local personnel/payroll office or regional parole office, shall maintain a binder or bound book for a record of information on the issue, return, and disposition of each identification card. Each type of identification card shall be logged in a separate section. This record shall include the following columns:

- Name of individual.
- Class title.
- Date issued to the individual.
- Serial number (on white 5-year and beige volunteer cards only).
- Signature of individual or designated authority.
- Public Employment Representative Board or PERB designation, (i.e., management, supervisory, confidential, or rank and file).
- Expiration date.
- Date card is destroyed because of expiration, separation, or transfer or is replaced because the card was lost, stolen, or mutilated.

31070.5 Features

Photograph

An identification card with photograph shall be provided within 30 days of appointment. A 30-day, white temporary card shall be issued if an identification card with photograph cannot be provided within 24 hours of appointment.

Lamination

All identification cards are laminated except the 30-day, white temporary card.

Titles

Civil service or exempt class titles shall be used on identification cards for all departmental employees with the exception of Career Executive Assignment positions in which case working titles are used.

31070.6 Ordering Blank Cards

With the exception of community volunteer cards, local personnel/payroll office and regional parole office shall request blocks of blank identification cards from the Personnel Operations Section, ASD, headquarters.

The Personnel Operations Section shall maintain a record of the cards issued. Local personnel/payroll and regional parole offices shall record and issue individual cards.

Community Volunteer Identification Cards

Upon request, the OCR Development shall:

- Record and issue blocks of beige, community volunteer cards to each facility and the P&CSD. Local personnel/payroll and regional parole offices shall maintain a record of the individual cards issued.
- Record and issue individual beige, community volunteer cards for headquarters.

31070.7 Distribution

Identification cards shall be distributed consistent with Departmental standards.

31070.8 Lost Cards

Process

Any individual who loses the departmental identification card shall immediately report the loss to the Warden, RPA, or division administrator.

Notice

When an individual reports the loss of an identification card, the facility, parole region, or division shall:

- Send a notice to all other facilities advising of the loss, the individual's name and type of identification card, and any information relevant to possible misuse of the card.
- Forward a copy of the notice to the Business Services Unit in headquarters.

The notice shall specify: "Should anyone attempt to use the lost identification card to gain entrance to your facility, please confiscate the card and notify this facility/region/division at once."

If a card is mutilated, lost, or stolen, a new card shall be issued immediately.

31070.9 Retired Peace Officer Concealed Weapons Endorsement

Effective March 24, 2008

It is the policy of the California Department of Corrections and Rehabilitation (CDCR) to allow honorably retired peace officers, who meet the training requirement in Penal Code (PC) 832, the privilege to carry a concealed weapon unless the privilege is denied or revoked by the agency from which they retired. PC 12027 requires the identification (ID) card of honorably retired peace officers who have applied for and been approved to carry a concealed weapon include a "Carry a Concealed Weapon (CCW) Approved" endorsement.

It is the intent of the CDCR that all retiring peace officers who request a CCW endorsement and have not been excluded receive their retired ID cards with “CCW Approved” on the last day of their employment.

31070.9.1 Purpose

The purpose of this policy is to provide authorization for the issuance of retired peace officer ID cards with the endorsement authorizing permission to carry a concealed weapon, and to provide an evaluation process to preclude or remove that CCW authorization from those retired peace officers who cannot lawfully or responsibly exercise a concealed weapon privilege.

31070.9.2 CCW Endorsement Authority

Approving authority for issuing the initial ID cards and CCW endorsements to peace officers retiring from CDCR is delegated to the retiree’s hiring authority, i.e., Wardens, Regional Parole Administrators (RPA), Deputy Director (DD), or Associate Directors (AD). The aforementioned hiring authorities shall use the direction in this policy and good judgment to make the approval decisions.

The authority to approve the renewal of previously approved CCW endorsements for all retired peace officers whose histories are clear of any disqualifying factors is delegated solely to the Captain, Emergency Operations Unit (EOU). The EOU has authority to disapprove the renewal or revoke a previously approved CCW endorsement for any retired peace officer whose criminal, medical, or mental histories reflect any disqualifying factors.

31070.9.3 Initial Endorsement Procedures

Employees wishing to receive a CCW endorsement on their retired peace officer ID card shall submit the following documents to the Institutional Personnel Officer (IPO), Regional Parole Personnel Liaison (RPPL), or the Chief, Personnel Services Section (PSS) for headquarters employees, 60-180 days prior to their retirement date:

- CDC Form 894-A, Personnel Identification Card Information.
- CDCR Form 1051, Request to Carry a Concealed Firearm and Questionnaire.
- CDCR Form 1052, Endorsement to Carry Concealed or Loaded Firearm.
- CDCR Form 1053, Authorization to Release Medical, Surgical, Psychiatric Care & Treatment Information.
- CDCR Form 1054, Office of Internal Affairs, CCW Clearance Report.
- CDCR Form 2164, Live Scan Response Form.
- OPOS Form 8016, Request for Live Scan Service.
  - Live Scan fingerprints must be taken for all retirees requesting a CCW.
  - The OPOS Form 8016 shall have “Retired Peace Officer” entered on the “Job Title” line.
  - The “Your Number” line shall have the institution’s or unit’s initials and date entered (i.e. PBSP 6-15-07 or Reg. II 6-15-07).
  - The Live Scan operator will select the Option “Retired Peace Officer.”
  - The Live Scan operator will type “Retired Peace Officer” as the classification.
  - The OPOS Form 8016 form must be faxed to the Office of Peace Officer Selection (OPOS).
  - At least the DOJ and FBI responses must be received back prior to approving and issuing the CCW endorsement.
  - When “clear” responses are received, they shall be recorded on the DOJ/FBI Employee Response form and then shredded.
  - Arrest/Criminal History (Rap sheet) responses shall be recorded, kept and included in the application package for review by the Warden.
  - Contact the OPOS to check on delayed (DOJ/FBI/Firearms) responses.

31070.9.3.1 Approval/Denial

When notified that a retiring peace officer employee has requested a CCW endorsement, the IPO, RPPL, or Chief of PSS (for headquarters employees) shall review the employee’s official personnel file (OPF) for institution, parole, and headquarters employees. The IPO or RPPL, using the CDCR Form 1053, shall review the employee’s Return-to-Work Coordinator (RTWC)/Health and Safety for Workers’ Compensation case file for institution and parole employees. The PSS shall ask the Office of Risk Management to review the employee’s RTWC/Health and Safety for Workers’ Compensation case file, and report any factors/considerations to the PSS. The review of the OPF for parole employees will be coordinated by the RPPL with the Office of Personnel Management. Each of these reviews will determine if there are any of the following disqualifying factors/considerations:

- Subsequent arrest notifications indicate the employee has a disqualifying conviction or charge pending litigation.
- The employee is retiring in lieu of termination (PC 12027(a)(1)(A) and, or “DISHONORABLY RETIRED”), whether or not the CDCR chooses to take punitive action.
- For violating any departmental rule, or State, or federal law, that if violated by an officer on active duty, would result in that officer’s arrest, suspension, or removal from the agency. PC 12027.1(a)(1)(B)(2).
- The employee’s privilege to possess a firearm or to carry a concealed weapon pursuant to PC 830.5(c) has been revoked or is currently revoked.
- The employee is under investigation for an offense that, if the charges were sustained, could result in an active employee’s arrest, suspension, or dismissal from the CDCR (PC 12027(a)(2)) (i.e., misdemeanor violations listed in PC 12021 and violent offenses listed in PC 12021.1).
- The employee is retiring because of:
  (1) Employee has a psychological disability (PC 12027.1(e)).
  (2) Employee has been found to have a psychological disability in the adjudication of a worker’s compensation claim.

(3) Employee has a psychological condition indicated in any other document.

[Note: parts 2 and 3 are "factors" to be considered on a case-by-case basis, depending on extent and recentness of the condition.]

The IPO/RPPL/PSS shall complete CDCR Form 1052, Endorsement to Carry Concealed or Loaded Firearm for submission to the hiring authority.

The IPO/RPPL/PSS shall fax the CDCR Form 1054 to the Special Agent-In-Charge (SAIC) at the Office of Internal Affairs (OIA). The OIA shall determine if the employee is currently under investigation for a prohibiting offense. The OIA shall document the information on the CDCR Form 1054 and fax it back to the IPO/RPPL/PSS within two working days of receipt. If the response is "Not Clear", the OIA shall be contacted for information on which to base the approval or denial.

The IPO/RPPL/PSS shall submit the completed CDCR Forms 1051, 1052, 1053, 1054, 2164, 894-A and OPOS Form 8016 to the hiring authority for review. The package must also include all other documents upon which the decision will be made. For example, if it is a disability retirement, the PERS letter describing the medical decision would be necessary. The hiring authority will review the entire package and determine if the CCW endorsement is to be issued. A CCW endorsement is to be issued on the day of retirement unless the employee has any of the listed disqualifying factors, or if two Live Scan responses are still pending and the request was submitted less than 60 days prior to retirement. [If responses have not been received within 60 days, the Live Scan submission process should be investigated for the problem. The EOU or OPOS may be contacted for assistance.] The hiring authority can also show 'good cause' to deny the CCW endorsement for reasons not outlined above, such as acts of violence or conduct which jeopardized the safety of the public, staff, or inmates. The hiring authority shall sign the CDCR Form 1052 and approve or disapprove the application.

If the CCW endorsement is approved, the IPO/RPPL/PSS shall:

- Issue the CDCR Retired ID card with the "CCW Approved" endorsement and the notation "CCW Approved Expires: *date*" (five years from date of issue) to the retiring employee. Write the ID number and expiration date on the CDC Form 894-A.
- Forward the entire application package to the EOU. The EOU shall review the package for quality control and add the retiree's name and information to the departmental CCW database.

If the CCW endorsement is denied, the hiring authority shall notify the employee in writing of the specific reason for denial and advise him/her of the appeal process, including the 15-day response time. The hiring authority will include a copy of the letter of denial, along with any supporting documentation upon which the decision was based, in the complete package and forward it to the EOU.

An employee who has been denied may appeal in writing within 15 days following the receipt of the notice denying/revoking an endorsement to carry a concealed weapon. The appeal shall be directed to the supervisory level above the authority of the level issuing the denial. The appeal shall describe the reason(s) the decision to deny the endorsement should be reversed.

The employee shall be notified in writing of the supervisory decision. If the supervisory decision sustains the CCW endorsement denial, the letter shall state the reason(s) and also outline the process for the retiree to request a Good Cause Hearing (GCH) (unless a GCH is precluded by PC) and shall include the 15-day response time (PC 12027.1 (a)(3)). A copy of the notice shall be provided to the EOU. If requested, the EOU will convene a GCH review board pursuant to PC 12027.1(d). Only "HONORABLY RETIRED" peace officers are entitled to a GCH per PC 12027(a)(1)(A).

31070.9.4 Other Requests for CCW Endorsements

A retiree, who did not request a CCW endorsement at retirement and decides to obtain one later, may submit a request for a new retired ID card to the hiring authority who last supervised them. The retiree shall obtain, complete, and submit the same forms as listed in the previous section, including Live Scan fingerprints. The approval process shall be the same as outlined above; except that, all three responses (DOJ/FBI/Firearms) to the fingerprint check must be received back and reviewed prior to the CCW endorsement being approved or denied by the hiring authority. Upon approval or denial, the policy shall be followed as stated in the previous section.

31070.9.5 Renewal of Endorsement

Retirees requesting renewal of a CCW endorsement are to obtain, complete, and submit the forms listed below to the EOU at 60-180 days prior to the expiration date on their current ID card. A retiree may request renewal forms at any CDCR personnel office (institutions, parole regional headquarters, and CDCR headquarters) regardless of the hiring authority. That personnel office shall be responsible to obtain a current photo, process the CDCR Form 894-A, and send the entire package to EOU for processing and approval. Live Scan fingerprints are only required as described below.

- CDC Form 894-A.
- CDCR Form 1051.
- CDCR Form 1052.
- CDCR Form 1053.
- OPOS Form 8016.
  - Live Scan fingerprints are required only once from each retiree.
  - If they were correctly submitted for the initial CCW, they are no longer required.
  - Call or e-mail the OPOS to verify the retiree's name in their database.
  - If the retiree is not in the database, Live Scan must be submitted for the renewal.
  - Enter "*inst. - date*" on the "Your Number" line.
  - The OPOS Form 8016 must be faxed to the OPOS by the Live Scan operator or retiree.
  - At least the DOJ and FBI responses must be received back prior to forwarding the renewal package to the EOU.
- CDCR Form 2164 is included only if Live Scan is required.

The EOU shall review the documents. The renewal application shall be approved, unless there is good cause to deny/revoke for reasons outlined in Approval/Denial section of this policy. If the application is to be approved, the Captain, EOU, shall sign the CDCR Form 1052, and fax it to the location where the retiree will be issued a new CCW endorsed retired ID card, with an expiration date five years from date of issue to the retiree. That expiration date and the ID number shall be written on the CDCR Form 1052 by Personnel and faxed back to the EOU for entry into the database.

If, for administrative or procedural purposes, an extension of the privilege to carry a concealed firearm is necessary, the Captain, EOU, may authorize an extension of up to 90 days.

31070.9.5.1 Denial of a Request for Renewal or Revocation of Authorization to Carry a Concealed Weapon

If the CCW renewal application is denied, the same procedure as outlined in Approval/Denial section above shall be followed.

If the CDCR receives a subsequent arrest notification from DOJ that reflects that a retiree with a CCW endorsement or a retiree requesting renewal of a CCW endorsement has been arrested or convicted of a prohibiting offense, the report is to be referred to the EOU. The EOU shall determine if the CCW endorsement is to be revoked or the renewal denied.

If the CCW endorsement is to be denied or revoked, the EOU shall notify the retiree in writing of the action and advise him/her of the appeal process. The EOU shall inform the retiree that the card is no longer valid and direct the retiree to immediately surrender their CCW endorsement ID card to a CDCR facility, where they shall have a new retired ID card issued without the CCW endorsement. If the retiree refuses to surrender the ID card, the CDCR will retrieve the revoked ID card.

A retiree who has been denied may appeal in writing following the same procedure and time constraints delineated in this policy for the denial of an initial application. During the appeals process, the CCW endorsement is NOT valid.

31070.9.6 Firearms Qualifications

Every honorably retired correctional peace officer who has been issued a CCW endorsement shall qualify annually with the concealed firearm, beginning in the calendar year of the date of issue. Those correctional peace officers listed in PC 830.2(d)(1) and (2) shall be exempt from this requirement pursuant to PC 12027.

31070.10 Revisions

The Deputy Director, Human Resources, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

31070.11 References

CCR (15) (3) §§ 3291 and 3414.

PC § 12027.

DOM §§ 31040, 31060, 33010, and 55050.

ARTICLE 8 - LEAVE CREDIT AND OVERTIME MANAGEMENT

Revised September 20, 2000

31080.1 Policy

The California Department of Corrections and Rehabilitation (CDCR) shall manage employee leave credits and overtime use in a manner that provides efficient control, accountability, and fiscal responsibility.

31080.2 Purpose

This Article provides standard policy and practices to ensure that CDCR employees understand their roles in the efficient management and use of leave credits and overtime.

Included in this Article are directives to ensure that employee overtime is allowed only when required to provide the safe and efficient operation of the CDCR.

If any provision in this Article is in conflict with collective bargaining agreements, the collective bargaining agreements shall prevail as they relate to the specific represented group.

31080.3 Definitions

Sick Leave

Sick leave is the absence of an employee or qualifying family member due to illness or injury, which is serious enough that the employee is unable to work.

Vacation

Vacation is planned time off work with pay, using accrued vacation or annual leave credits, or other leave credits, excluding sick leave. The limit on the number of hours that may be accumulated during a calendar year is established by:

- The appropriate collective bargaining agreement for represented employees.
- Department of Personnel Administration (DPA) rules for non-represented employees.

Holiday

Official State Holidays are those days declared in accordance with DPA rules or by gubernatorial proclamation. Provisions are applied in accordance with DPA rules and applicable collective bargaining agreements.

Overtime

Overtime is critical and unavoidable work scheduled outside of the normal work hours of an employee, for which payment is at a higher level than usual earnings as defined in the various collective bargaining agreements for represented employees, or by the Fair Labor Standards Act (FLSA) for non-represented employees.

Depending upon their Work Week Group (WWG) designation, managers and employees exempt from FLSA or collective bargaining agreement provisions may not be eligible for overtime compensation regardless of the number of hours worked.

31080.4 Institutional Overtime/Sick Leave Management Review Process

Each Warden shall establish an Overtime/Sick Leave Management Review (OSLMR) Process. In this process, managers and employees from custody and business services shall meet and evaluate the institution's custody overtime management and sick leave use on a daily basis. The Warden or designee shall chair the OSLMR meeting. The managers and employees shall assess the institution's progress toward reducing overtime and sick leave usage reduction goals, in accordance with this Article, and review all overtime expenditures on a monthly basis.

In order to document the OSLMR, managers and employees shall maintain meeting minutes. The minutes shall include the date of the meeting, participants' names and civil service classifications, and the general findings/actions. The minutes shall not include confidential employee information.

Sick Leave Management Duties

The managers and employees shall review absences from the previous day to determine if coverage was appropriate and shall:

- Assign specific supervisors the responsibility for following-up on the welfare of an employee who appears to be developing a recognizable pattern of sick leave use/abuse (e.g., frequent days in conjunction with weekend/regular day off), or for any other reason as determined by the review process.
- Update the Bargaining Unit 6 Extraordinary Use of Sick Leave (EUSL) list to include those employees who have established a pattern of extraordinary sick leave use/abuse pursuant to the collective bargaining agreement. The agreement specifies that a pattern of "Extraordinary Use of Sick Leave" exists if an employee has more than five (5) occasions of sick leave usage which total nine (9) or more days of sick leave use within the prior twelve-consecutive-month period. Or, if an employee has three (3) or more separate occasions of sick leave in the prior twelve-consecutive-month period in conjunction with his/her established regular days off. Or an employee attempts to use sick leave on a date which the employee previously requested a different form of leave covered by the collective bargaining unit agreement, but was denied. Employees who participate in the Annual Leave Program shall not be placed on the EUSL. Sick leave used under the Family Medical Leave Act (FMLA), California Family Rights Act (CFRA), or California Labor Code (LC), Section 233 shall not be considered when determining if a pattern of extraordinary use of sick leave exists.

Overtime Management Duties

The OSLMR shall review the previous days' use of overtime due to unplanned absences to determine if all reasonable alternatives were considered before overtime was authorized, and if overtime was necessary to maintain the safe and efficient operation of the institution/region or affected area.

This review will utilize information from the Watch Office Tracking System, Personnel Post Assignment Schedule System, and any other available information, which would provide relevant data.

31080.5 Non-institutional overtime/sick leave management

In areas other than institutions/facilities (e.g., Parole Regions; Headquarters; Health Care Services operations within institutions) where overtime and sick leave usage are high, a review process similar to that of the OSLMR shall be utilized to monitor these activities on a monthly basis.

31080.6 Institutional Overtime Avoidance Pool

Each institution shall develop an Overtime Avoidance Pool (OTAP) consisting of permanent full-time employees. The number of permanent full-time employees in the OTAP will vary by institution and must be re-evaluated and adjusted regularly (at least quarterly) based on the needs of the institution. The number of OTAP permanent full-time employees needed in a specific classification at an institution is determined by:

- Establishing the average number of permanent full-time employees, by watch and classification, who have been absent during the previous 12-month period due to the following:
  - Long-term sick.
  - Industrial Disability Leave.
  - Non-Industrial Disability Leave.
  - Other extended leave.
- Adding this average to the fewest number of daily sick calls, by watch and classification, in the prior six-month period.
- Subtracting the number of sick leave relief positions already established and filled in those classifications with budgeted sick leave relief.
- Adding the fewest number of overtime positions paid on a daily basis for ongoing assignments, which are in addition to the Post assignment schedule in the previous three months. (Examples might include: transportation, hospital guarding.)

31080.6.1 Appointment Of The Overtime Avoidance Pool

The Personnel Office shall make appointment of OTAP positions in the following order:

- Into vacant positions not identified in the Institutional Vacancy Plan or otherwise identified as "salary savings" as defined in collective bargaining agreements.
- Into Institutional Vacancy Plan or "salary savings" positions.
- Into the 902 Temporary Help Blanket.

OTAP employees shall be assigned to specific watches with varied hours and regular days off and used exclusively for overtime avoidance.

31080.7 Leave Credit/Overtime Appointing Authority Responsibilities

Each appointing authority shall have overall responsibility for the management and control of employee leave credit (holiday, vacation, annual leave, sick leave, and other accrued leave) use and overtime management in his/her assigned area of responsibility, and shall:

- Ensure that all managers and supervisors are informed of leave credit, overtime management, and vacation scheduling procedures as outlined in this Section, collective bargaining agreements, DPA rules, all applicable laws and

rules including, but not limited to, FLSA, FMLA, CRFA, and LC, Section 233.

- Provide managerial oversight of the sick leave, vacation, overtime, and vacancy management process to ensure that it is applied in a fair and consistent manner which conveys to all employees the importance of prudent leave credit use.
- Ensure employees are allowed to use leave credits consistent with their classification, budgeted relief, and operational considerations relative to the efficient operation of the institution and impacted work areas.
- Ensure that vacation/annual leave balances are monitored so that employee leave balances shall not exceed the maximum allowable. When it is determined that an employee's balance has or will exceed the maximum allowable, additional opportunities to take time off during the calendar year shall be allowed.
- Ensure that sufficient OTAP positions are established and filled in order to cover anticipated absences above the budgeted relief.

31080.7.1 Leave Credit/Overtime Managers And Supervisors Responsibilities

Each manager/supervisor shall have direct responsibility for the management and control of employee leave credit use and overtime management in his/her assigned area of responsibility and shall:

- Be knowledgeable of all aspects of the Department's leave credit and overtime management policy, including the vacation scheduling, sick leave, and overtime approval processes.
- Be knowledgeable of all aplicable laws, rules, regulations, California Government Code, and collective bargaining agreements.
- Ensure that employees are aware of the method to request and schedule holiday, vacation, or other leave in accordance with this Article.
- Within two (2) working days from the time the supervisor receives sufficient information to make the determination that the leave is FMLA/CFRA qualifying, notifying the employee that the leave is being tentatively designated FMLA/CFRA leave (pending medical certification of a serious illness) and that the leave is being counted against their FMLA/CFRA entitlement. A verbal notice must be followed up in writing by the next payday or within two (2) calendar weeks (whichever is later). If the employee takes leave for a reason that is FMLA/CFRA qualifying, but the employee does not qualify for FMLA/CFRA leave, the supervisor must notify the employee within two (2) business days after the employee requests the time off. Failure to notify the employee of non-qualification automatically qualifies the employee for FMLA/CFRA leave regardless of length of service or hours physically worked.
- Provide that all budgeted employee positions (not designated for salary savings or included in the Institution Vacancy Plans) are established, filled, and assigned to cover employee absences in such a manner as to avoid unnecessary overtime expenditures.
- Pre-approve all overtime and ensure that every alternative has been considered prior to granting overtime approval.
- Designate the level of approval required for authorizing overtime.
- Determine the maximum number of employees in various classifications that can take vacation and/or holiday leave at the same time within the assigned work areas. (For posted positions, the budgeted relief for those positions determines this number.)

Sick leave management responsibilities include, but are not limited to:

- Monitor the effect of sick leave related absenteeism within the assigned work area in order to mitigate this effect whenever possible.
- Maintain accurate records of employee absences relating to sick leave and evaluating these absences to determine if there is a pattern of use/abuse developing which needs to be discussed with the employee.
- Take calls from employees who call in sick and at that time, when appropriate, notify the employee that verification from a physician or other licensed practitioner must be submitted in accordance with collective bargaining agreements and all other applicable laws, rules, and regulations.
- Redistribute the absent employee's workload, when necessary, to ensure that priority work is completed on deadline.
- Ensure that CDC Form 998-A, Employee's Attendance Record, is received from each employee as required and that, where applicable, substantiation is attached. Approve the employee's CDC Form 998 for use of leave credits only after having ascertained that the absence is for an authorized reason. If disapproved, the reasons for the disapproval will be given to the employee in writing.
- Set a good example for employees by using sick leave only when absolutely required for personal and family medical cares.

Vacation and Holiday leave credit management responsibilities include, but are not limited to:

- Review the monthly list of vacation/annual and holiday leave credit balances sent out by the Personnel Office for employees assigned to their work areas and determine which employees are near or over the maximum allowable number of accrued leave credits.
- In the Institutions, designate whether requests from Correctional Officers, Sergeants, or Lieutenants to use holiday leave credit will be submitted in writing or by telephone.
  - Written requests will be time and date stamped or noted upon receipt.
  - Telephone requests will be recorded electronically using a system which specifies the time the message was received.

A file/log shall be maintained noting the time and date each request was received and whether it was approved or placed on a standby list. Designate the location(s) where employees will turn in requests to use holiday leave credit or the telephone number employees can call to request approval for using leave credit.

- Ensure that approval for an employee to use holiday leave credit does not result in overtime being required (except in an institution when a first watch commander is absent on holiday time off).
- Provide operational oversight for the leave system within his/her assigned area.
- Monitor the leave credit balances and encourage employees to use accrued leave credits throughout the calendar year in such a manner as to keep accrued balances within the established maximum limits without adversely affecting the safe and efficient operation of the work area.
- Approve requests for leave in accordance with departmental policy and procedures and the provisions of applicable collective bargaining agreements, laws, rules, and regulations based on operational need and constraints imposed in the case of licensed employees. A written notice of approval to take leave shall be provided to employees at the time of approval.

Overtime management responsibilities include, but are not limited to:

- Maintain accurate records of employee overtime used, and track the reasons overtime was required.
- Request/authorize overtime only after ascertaining that there is an absolute need affecting the safe and/or efficient operation of the institution/facility/region/department/work area.
- Ensure that work is distributed in such a manner as to avoid the need for overtime except in rare, unforeseen circumstances.

All overtime shall be pre-approved by a designated supervisor who will ensure that every other alternative has been considered prior to granting overtime approval. Within an institution, being ordered to stay on post beyond the normal end of shift or scheduled to work overtime by the Watch Office, Correctional Sergeant, or Lieutenant constitutes pre-approval.

31080.7.2 Leave Credit/Overtime Personnel Office Responsibilities

The Personnel Office is responsible for the following:

- Submitting STD Form 607 to establish all budgeted positions.
- Providing Department Heads, major Work Area Managers, and the Institutional Personnel Assignment Office with a monthly listing of employees who report to them and the accrued leave balances of those employees.
- Mailing the notice required by FMLA to employees who have been off work for several consecutive days and may be eligible under the FMLA. This shall be done by the next payday after the employee has been off for FMLA.
- Verifying that all employees are charged appropriate leave credits for all leave time off used.

Vacation Leave

- In the institutions, forwarding a list to the Personnel Assignment Office by October 1 of each year, of the current accrued vacation leave balances for

Correctional Officers, Sergeants, and Lieutenants. This listing will be used during the annual vacation bidding process.

Overtime Management

- Ensuring that overtime is recorded accurately and appropriate payments are made to employees.

Holiday Leave

- Informing all employees of any additional holidays declared by gubernatorial proclaimation.

31080.7.3 Institutional Leave Credit/Overtime Personnel Assignment Office Responsibilities

The Personnel Assignment Office has the responsibility to establish and fill all Correctional Officer, Sergeant, and Lieutenant posts including relief (with the exception of those in the Institutional Vacancy Plans). The Personnel Assignment Office shall schedule Correctional Officer coverage for long-term sick, long-term vacancies, vacations, or any other vacancy for which there is sufficient advance notice. Such coverage shall be assigned in such a manner as to avoid overtime whenever possible.

The Personnel Assignment Office shall have the additional following responsibilities:

Sick leave

- Provide coverage for pre-scheduled/pre-approved Correctional Officer, Sergeant, and Lieutenant sick leave absences longer than one week in duration.

Vacation leave

- Conduct the vacation bid process and then track the vacations for the Correctional Officer, Sergeant, and Lieutenant classifications.
- Ensure that the coverage provided for posted position vacations is consistant with the budgeted relief for the respective classification.

31080.7.4 Institutional Leave Credit/Overtime Custody Captain Responsibilities

Vacation

The Custody Captain has the overall responsibility for the annual vacation bidding process for Correctional Officers, Sergeants, and Lieutenants as specified in the collective bargaining agreements and this Article of DOM.

Holiday

The Custody Captain will approve holiday time off for Correctional Lieutenants and Sergeants based on the number of holiday relief positions assigned by watch and day and/or the availability for cross coverage. Requests for time off will be submitted to the Custody Captain through the normal chain of command.

31080.7.5 Institutional Leave/Overtime Watch Office Responsibilities

Filling behind leave that has not been pre-scheduled/pre-approved. The Watch Office is responsible for the daily coverage for Correctional Officers, Sergeants, and Lieutenants who call in sick or for any other unplanned absence, using resources in the following priority order:

- Internal coverage (i.e., reassignment of employees when post workload has been temporarily eliminated, such as when there are no inmates on the facility yard due to a lock down).
- Utility days.
- OTAP (including Retired Annuitants).
- Other budgeted reliefs not already assigned to cover a post for that day (e.g., sick leave, vacation, or holiday).
- Permanent Intermittent Employee (PIE).
- Voluntary Overtime.
- Involuntary Overtime.

The Watch Office is responsible for:

Sick

- Taking daily sick calls from Correctional Officers, Sergeants, and Lieutenants.
- Notifying employees when a medical verification is required.

Holiday

- Handle the day-to-day administration and approval of holiday time off for Correctional Officers based on the number of holiday relief positions assigned by watch and day.

Overtime

- Ensure that voluntary and involuntary overtime is administered according to the provisions of the specific collective bargaining agreements and the regulations of the specific WWG regarding FLSA.

31080.7.6 Institutional Leave Credit/Overtime Correctional Officer Responsibilities

The Correctional Officer's responsibilities are as follows:

Holiday

- Making every attempt to use holiday credit within twelve months of accrual.
- Providing written notice at least forty-eight (48) hours prior to canceling approved holiday leave.

31080.7.7 Institutional Leave Credit/Overtime Food Manager Responsibilities

The Correctional Food Manager/Assistant; Food Manager/Supervising Cooks are responsible for the following:

Overtime

- Scheduling daily coverage for Supervising Cooks I who call in sick or for any other unplanned absence.

31080.7.8 Institutional Leave Credit/Overtime Health Care Services Designated Supervisor Responsibilities

The Designated Supervisor at Institutional Health Care is responsible for the following:

Sick

- Taking daily sick calls from health care employees, notifying employees when a medical verification is required, and for providing daily coverage for those vacancies created by the sick call, as necessary.

Overtime

- Scheduling daily coverage for Medical Technical Assistants (MTA) and Nurses who call in sick or for any other unplanned absence. When there is no designated supervisor for Health Care Services on duty, (i.e., first watch) the Watch Office may assist in arranging coverage for MTAs and Nurses.

31080.7.9 Leave Credit/Overtime Employee Responsibilities

The employees' responsibilities are as follows:

- Submitting a completed, signed CDC Form 998-A, Employee's Attendance Record, which accurately reflects all leave taken during the month, to the Personnel Office on or before the third working day after the end of the pay period, in which the leave was taken.
- Ensuring that he/she has sufficient accrued leave credits to cover a planned absence.

Sick

- Ensuring that all sick leave requested is necessary to provide for personal medical needs or that of a qualifying family member.
- Ensuring that all sick leave requested is for an authorized reason based on laws, (including, but not limited to, FMLA, CFRA, LC 233) policy, regulations, or collective bargaining agreements.
- Providing medical verification when instructed to do so in accordance with laws, policy, regulations, or collective bargaining agreements.

Vacation

- Submitting a vacation request each year following the established procedures for their classification and/or assignment.
- Monitoring accrued vacation/annual leave balances and ensuring that sufficient vacation time is requested so that accrued balances do not exceed established maximums.

Overtime

- Working overtime only if this is pre-approved by the designated supervisor.

Employees who have questions about leave usage may contact the Personnel Office for further information.

31080.8 Leave Scheduling

Leave scheduling shall:

- Be consistent with the needs of the work area.
- Ensure an adequate work force to maintain the security and/or operation of the work area.
- Be by seniority as defined in applicable collective bargaining agreements or DPA rules for non-represented employees.

31080.8.1 Vacation

The following process shall be followed for requesting and/or approving vacations:

Correctional Officers

The Personnel Assignment Office will publish a schedule of available vacation periods by October 1 of each year. The length of vacation periods may vary from institution to institution (e.g., one week, two weeks, or three weeks). Each institution will determine the vacation periods based on the number of Correctional Officers and the number of vacation relief positions established in the budget.

Vacation request forms will be made available to Correctional Officers by October 1 of each year, which must be completed and returned to the site designated on the form within thirty (30) days of issuance. It is the responsibility of all employees to complete and submit a vacation request form each year. Correctional Officers will make their selections on the vacation request form by numbering the periods they desire in descending priority order. For example: First choice is numbered "1," second choice is numbered "2," etc.

Each Correctional Officer will be assigned a vacation on a seniority basis as specified in Bargaining Unit 6, Collective Bargaining Agreements. The Personnel Assignment Office will assign any remaining vacation periods, without consideration of seniority, to Correctional Officers who failed to submit a vacation request form or improperly completed the form.

The approved vacation schedule will be posted by December 1 of each year. Once an employee has been given an approved vacation period, he/she may not trade that vacation period with another employee as a mutual swap.

Correctional Officers may notify the Personnel Assignment Office that they wish to cancel approved vacations by submitting a written request no less than 30 calendar days prior to the scheduled vacation. Per the collective bargaining agreements for Bargaining Unit 6, Institutional employees may cancel their vacation, but may not carry over excess vacation time which may accrue as a result of the cancellation.

After the annual vacation bidding process is completed, Correctional Officers may submit requests for additional vacations should additional vacation periods open up due to cancellations, retirements, promotions, separations, employees' transferring out of the institution, or other circumstances.

These unexpected openings are called "standby vacations."

Correctional Sergeants and Correctional Lieutenants

The Custody Captain will publish a schedule of available vacation periods for all Correctional Sergeants and Lieutenants by October 1 of each year.

Vacation request forms will be made available to Correctional Sergeants and Lieutenants by each October 1. These forms must be completed and returned to the site designated on the form within thirty (30) days of issuance. It is the responsibility of all employees to complete and submit a vacation request form each year.

Correctional Sergeants and Lieutenants who are assigned to posts for which there is no budgeted vacation relief will participate in the vacation bidding process along with all other Correctional Sergeants and Lieutenants. No later than thirty (30) days before the time of the approved vacation, if it is determined that they will still be assigned to such posts at the time of their approved vacations, those vacation periods will open up as standby vacations for other Institutional employees.

Correctional Sergeants and Lieutenants will be assigned vacations on a seniority basis. Remaining vacation periods will be assigned without consideration of seniority to Correctional Sergeants and Lieutenants who fail to submit a vacation request form or improperly complete the form. The approved vacation schedule will be posted by December 1 of each year.

Correctional Sergeants and Lieutenants may request to cancel approved vacations by submitting a written request no less than 30 days prior to the Custody Captain through the normal chain of command. Correctional Sergeants and Lieutenants projected to exceed the maximum accrual of vacation/annual leave credits in the scheduled calendar year will not be permitted to cancel vacations unless alternate vacation periods can be accommodated.

After the annual vacation bidding process is completed, Institutional employees may submit requests for additional vacations. Additional vacation periods open up due to cancellations, retirements, promotions, separations, and/or employees' transferring out of the institution or other circumstances. These unexpected openings are called "standby vacations."

Standby Vacations For Correctional Officers, Correctional Sergeants, And Correctional Lieutenants

Standby vacations for which there are no existing bids will be offered to employees in the following priority order:

- Employees whose vacation/annual leave credits are over the established maximum limits or are projected to go over these limits by the end of the calendar year, will be so notified and required to submit a plan to reduce their credits to the designated supervisor. These employees shall have first priority for standby vacation periods with the highest priority being given to employees with the highest leave balances.
- Employees who had not been awarded vacations during the bidding process (transfers-in, employees who had not yet completed six month's of state service, employees who were off on long-term sick leave, NDI, or IDL, etc.).
- Employees who had requested additional vacations during the applicable vacation period, on seniority basis.

All Other Employees

By January 15 of each year, all employees (except Correctional Officers, Sergeants, and Lieutenants) will submit to their supervisors, in writing, their vacation requests for the remainder of that calendar year through February of the following year. On or before February 15 of each year, supervisors/managers will review the vacation requests. Vacations shall be awarded based on: operational need; the safe and/or efficient operation of the work area; and the number of employees by classification that may be on vacation at the same time in the designated work area. When the number of employees requesting vacation for a specific time exceeds the number that can be on vacation at the same time, vacations will be awarded by State service seniority. Employees will be informed of the approved vacation schedule by February 20 of each year.

An employee may submit additional requests for vacation throughout the year. These will be considered on a timely basis by the designated supervisors and granted whenever possible based on operational need and the safe and/or efficient operation of the work area.

Employees who wish to cancel scheduled vacations must notify their designated supervisors in writing no less than 30 days prior to the scheduled vacation.

By June 1 of each calendar year, represented employees whose vacation/annual leave balances exceeds or could exceed by December 31 the vacation/annual leave cap allowed by collective bargaining agreements or DPA rules, shall submit to their supervisor, for approval, a written plan to bring their vacation balance to the amount permitted prior to January 1 of the following year. If an employee fails to submit a written plan or adhere to an approved plan, the employee's supervisor shall order the employee to take sufficient vacation to reduce the actual or potential vacation balance to below the authorized cap.

If it is unavoidable that the employee cannot use the scheduled time due to emergency, sick leave, or unanticipated operational needs, the employee shall be allowed to reschedule the time to be taken off.

Employees whose vacation or annual leave balances exceed their maximum cap on January 1 may not have the excess deducted from their balances.

31080.8.2 Holiday

Refer to the collective bargaining agreement, as it shall be the controlling factor if the provisions of Government Code (GC) 19853 are in conflict.

Holidays falling on an employee's day off shall be credited to an employee pursuant to current administrative practices, collective bargaining agreement provisions, and consistent with GC 19853.

The following process shall be followed for requesting and/or approving holiday time off:

Correctional Officers

A schedule of available holiday time off for Correctional Officers shall be developed for each institution by watch, based on the number of budgeted holiday relief positions at that institution. These should be assigned proportionately among all three watches based on the number of staff assigned to each watch.

All Correctional Officers will submit requests to use holiday time off at the designated time and location, approved by the appointing authority. Generally, requests for holiday time off must be submitted no later than thirty (30) days before the time off unless otherwise specified by the Custody Captain. Correctional Officer requests for holiday time off will be approved by the Watch Office on a first come, first served basis.

A Correctional Officer may notify the Watch Office of a desire to cancel scheduled holiday time off by submitting a written request to the Watch Office no later than 48 hours before the scheduled time off.

Correctional Sergeants/Correctional Lieutenants assigned to posts for which there is budgeted holiday relief:

A schedule of available holiday time off for Correctional Sergeants and Lieutenants assigned to posts with budgeted holiday relief will be developed for each institution/work area based on the number of budgeted relief positions for that institution/work area or the availability of appropriate coverage.

Correctional Sergeants or Lieutenants assigned to posts with budgeted holiday relief will request holiday time off from the Custody Captain through the normal chain of command. Generally, requests for holiday time off must be submitted no later than thirty (30) days before the time off. Requests for holiday time off will be approved on a first come, first served basis, for Correctional Sergeants or Lieutenants.

Correctional Sergeants/Correctional Lieutenants assigned to posts for which there is no budgeted holiday relief:

Correctional Sergeants and Lieutenants assigned to posts for which there is no budgeted holiday relief will request holiday time off from the designated supervisor.

Requests will be approved whenever possible, depending upon operational need, and the safe and efficient operation of the institution/work area.

Requests will be approved on a first come, first served basis based on available coverage and the safe and efficient operation of the institution/work area.

All other Employees

All other employees will request holiday time off from designated supervisors. All employees not in positions for which there is budgeted holiday relief will take the holidays off as they occur.

Requests will be approved whenever possible, depending upon operational need and the safe and efficient operation of the institution/work area. Requests will be approved on a first come, first served basis.

Full time employees who are required to work on a holiday shall be entitled to pay and/or compensating time off in accordance with the assigned WWG and collective bargaining agreement.

Less than full time employees will be entitled to partial holidays, holiday credit and/or compensation in accordance with the assigned WWG and collective bargaining agreement.

31080.9 Family Medical Leave Act (FMLA)/California Family Rights Act (CFRA)

FMLA/CFRA established an entitlement for employees who have a minimum of twelve (12) months of State service and who have physically worked a minimum of 1250 hours in the year immediately preceding the date the leave is to begin, to a job protected leave, for up to twelve (12) workweeks in a twelve month period due to any of the following reasons:

- Reasons relating to pregnancy or childbirth (FMLA only);
- Care of a newborn child (bonding);
- Placement of a child in the employee's home for adoption or foster care;
- Care for the employee's child, parent, or spouse with a serious health condition; and/or
- Employee's own serious health condition.

A serious medical condition under the definition of the FMLA is an absence of more than three days because the employee or employee's family member is incapacitated. The absence involves ongoing or follow-up care by a medical practitioner, or a chronic medical condition so serious that if not treated, could reasonably be expected to result in the employee or the employee's family member being absent from work for more than three days.

An employee may elect to use any accrued leave credits in lieu of taking an unpaid leave with the following exception:

- Where the provisions for the use of sick leave credits are met, the employee shall be required to use any available sick leave credits for his/her own serious health condition prior to substituting other leave credits (vacation/annual leave, personal leave, holiday, etc.) or going on unpaid leave.

The employee will not be required to use sick leave credits when caring for a family member with a serious health condition. The use of other leave credits for such an absence shall be at the employee's discretion.

Time taken for a pregnancy related leave does not count toward the twelve (12) week CFRA entitlement. Approval to use sick leave credits for a birth, adoption, or foster care of a child, or to care for a child, parent, or spouse with a serious health condition is subject to the provisions of collective bargaining agreements, DPA rule, and LC, Section 233.

All leave taken for a non-work related illness or injury, which qualifies under the provisions of FMLA/CFRA (unpaid, covered by leave credits or Non-Industrial Disability Insurance) will be counted against the employee's FMLA/CFRA entitlement.

Leave taken pursuant to an approved work-related illness or injury will not be counted against an employee's twelve (12) work-week FMLA/CFRA entitlement, and the employee will be notified each time this occurs.

If the request for use of FMLA/CFRA appears to meet the criteria and the employee is eligible for FMLA/CFRA leave, the employee is to be provided with the appropriate medical certification form to forward to the treating physician and allowed a minimum of fifteen (15) calendar days to provide the medical certification to his/her designated supervisor. The employer **cannot require** the employee or physician to provide a specific diagnosis of the condition necessitating the leave. The treating physician will determine, based on an evaluation, if the employee (or the employee's family member) has a medical condition that qualifies as "serious" under the definition of the FMLA/CFRA. An employee who has a chronic documented medical condition that necessitates being absent on an intermittent basis can only be required to furnish a medical certification no more frequently than every thirty (30) days, and then only in conjunction with an absence. In all cases, the requirement to furnish medical certification can be no more restrictive than that outlined in the applicable collective bargaining agreements.

No absence which qualifies for leave taken under the provisions of FMLA/CFRA/LC 233 will be counted against any employee for purposes of determining excessive sick leave use/abuse or when considering the employee for promotion, out of class assignment, etc.

When compensating time off is used for FMLA absences, these are not counted toward the twelve (12) week entitlement so other leave credits should be used first for FMLA.

Additional details for processing FMLA is included in the CDCR Family and Medical Leave Handbook. Each Personnel Officer, Employee Relations Officer, and Return to Work Coordinator has copies of this handbook.

An employee who has had no sick leave usage, except under the FMLA/CFRA, in a twelve (12) consecutive month period shall receive a "Letter of Recognition" for excellence in the area of attendance.

31080.10 California Labor Code (LC) Section 233

Under LC 233 an employee shall be permitted to use, in any calendar year, not less than one half of one year's accrual of the employee's accrued and available sick leave to attend to the illness of a child, parent, or spouse of the employee.

The employee is protected from discipline of discrimination for using sick leave for these purposes under this Labor Code.

31080.11 Revisions

The Deputy Director, Human Resources, shall ensure that the content of this Article is accurate and current.

31080.12 References

Department of Personnel Administration Rules.

California Code of Regulations (15)(3).

Collective Bargaining Agreements.

Family Medical Leave Act.

Fair Labor Standards Act.

Labor Code, Section 233.

Government Code, section 19853.

ARTICLE 9 — EMPLOYEE DEATH

October 18, 1999

31090.1 Policy

The Department shall provide for the compassionate and timely response to an employee death, and shall always attempt to adhere to the wishes of the survivors.

31090.2 Purpose

The purpose of this Section is to ensure the efficient, expeditious, and compassionate manner in which an employee death is handled and to clarify the protocol, obligations, and human side of CDCR's policy to the employee's survivors.

31090.3 Disclaimer

If provisions in this Section conflict with any statute or MOU, the statute or MOU shall prevail as it relates to the specific represented group. Any exceptions to this policy will be considered at the Deputy Director level.

31090.4 Definitions

Active Employee

Means an employee of CDCR who is not retired or otherwise transferred or separated from CDCR employment.

CDCR Representative

Means the employee designated by the hiring authority to represent CDCR to the deceased employee's family. The representative will usually be an administrator who will exemplify CDCR's compassion, sympathy and concern for the survivor's situation and who is familiar with the contents of this Section.

Family

Means, solely for the purpose of this Section, the spouse and other immediate family members who are beneficiaries of the deceased employee.

Hiring Authority

Means the warden, regional parole administrator, deputy director or associate director for whom an employee works.

In-The-Line-Of-Duty Death

Means when an employee (peace officer or ancillary staff) carrying out his/her duties dies as a result of an unlawful act of an inmate or parolee (a homicide), or responding to an inmate or parolee incident.

Off-Duty Death

Means when an employee (peace officer or ancillary staff) dies while not on duty. This includes when an off-duty employee is on CDCR grounds, or is traveling on official state business. An exception is when an off-duty peace officer dies while acting in an official law enforcement capacity (as determined by CDCR, after a thorough evaluation of the facts surrounding the death).

When there is a question whether an employee's death is in-the-line-of-duty or on-duty, the Director will make the final determination.

An employee who dies while en route to or from work is an off-duty death.

On-Duty Death

Means when an employee (peace officer or ancillary staff) dies while at work, but not as a result of an unlawful act of an inmate or parolee, or responding to an incident. Typically, these deaths would be of an accidental nature, health-related (the result of an illness or other health condition) or result from natural causes.

Special Circumstances

Means those circumstances surrounding the death of an employee which would reasonably lead one to believe that media attention may be focused on CDCR, or that person's employment with CDCR (e.g., an employee who is murdered while attempting to prevent a robbery in progress).

31090.5 In-The-Line-Of-Duty Death

Notification of Family

Upon notification of an employee's death the hiring authority shall establish a team of staff to deal with the variety of associated tasks. This team may include the deceased employee's immediate supervisor, a personnel transaction representative and other members as determined by the hiring authority or his/her designee.

Whenever possible, a CDCR management representative and/or the employee's supervisor shall, in-person, notify the family of the employee's death. If appropriate, a co-worker close to the deceased and a chaplain may also be present.

The CDCR representative shall:

- Ask to enter the residence and inform the family in a plain and concise manner; express condolences; and provide pertinent information regarding the circumstances surrounding the death. Any questions by the family may be addressed at this time. If this notification is to be made at a family member's place of work, a private area should be arranged in advance by the CDCR representative.
- Discuss with the family CDCR's involvement with funeral arrangements. The family will determine the level of CDCR's participation in the funeral. The CDCR representative will offer the Department's assistance to the family in making funeral arrangements.
- If the deceased was a correctional peace officer, inform the family of funeral arrangement options for peace officers.
- Discuss available resources, services, and benefits.
- Determine with the family if arrangements should be made for someone to remain with the family until relieved by another family member or friends.
- At the family's request, assist in arranging for child care with a provider who is acceptable to the family.
- If the family requests assistance to be isolated from the media and the public, staff may be assigned to screen telephone calls.
- As appropriate and necessary, arrange for police protection for the family.
- Arrange with the family an appropriate time to discuss all other pertinent matters.

Hospital Attendance

If the employee dies in a hospital and the family requests, the CDCR representative shall transport or arrange for transportation of the family to the hospital and provide support. The CDCR representative will coordinate with medical personnel to provide the family with information regarding the death. The hospital's Patient Services Coordinator will be asked to designate a private waiting area for the family. It is important for the family to be given as much information as possible regarding the death to prevent misinformation.

Notification Of Secretary

The employee's death shall be reported to the Chief, Office Personnel Services (OPS). The following information shall be provided:

- Employee's name.
- Civil service classification.
- Work location.
- Total State and CDCR service.
- Date of birth.
- Date of death.
- Cause of death.
- Death category (in-the-line-of-duty; on-duty; or off-duty).
- Next-of-kin.
- Relationship.
- Next-of-kin's address.

The Chief, OPS, shall be responsible for ensuring that the Director is notified when practical.

Notification of Governor

The death of an active employee shall be reported to the Governor's Office by the Chief, OPS.

In addition, for employee deaths occurring under special circumstances, the Secretary may advise the Governor's Office.

Letter of Condolence - Hiring Authority

The hiring authority shall send a letter of condolence to the family.

Letter of Condolence - Secretary

In addition to the letter of condolence from the hiring authority, the Chief, OPS, shall prepare a letter of condolence to the family for the Secretary's signature.

Office of Return to Work Services Responsibilities

The Office of Return to Work Service (ORWS) staff, or the field return-to-work coordinator, shall work with the OPS or the local personnel officer to ensure all pertinent information is provided to the family regarding workers' compensation benefits.

This shall include:

- Coordinating the completion and submission of SCIF Form 3067, Employee's Report of Occupational Injury or Illness, and SCIF Form 3301,

Employee's Claim for Workers' Compensation Benefits, to the appropriate SCIF office.

- Notifying the California Department of Industrial Relations (DIR), Division of Workers' Compensation, of the employee's death and completing DIR Form 510, Notice of Employee Death. The completed form shall be forwarded to DIR, Death Without Dependents, P.O. Box 422400, San Francisco, California 94142.
- Immediately notifying the nearest district office of the Division of Occupational Safety and Health Administration of the employee's death, but no later than 24 hours after the formal notification of death. Notification information shall include:
- Time and date of accident.
- Employer's name, address, and telephone number.
- Name and job title of person reporting the accident.
- Address of the site of the accident or event.
- Name and address of employee.
- Nature of injury.
- Location where injured or deceased employee was moved.
- Identify and list other law enforcement agencies present at site of accident.
- Description of accident and whether the accident scene has been preserved or altered.
- If necessary, at the direction of the hiring authority, the Employee Post Trauma Program shall be activated. Additionally, Critical Incident Stress Debriefing shall be coordinated through the EAP provider, Merit Behavioral Care of California, at the hiring authority's request.
- Information regarding the benefits available from the EAP program shall be provided to the family.

Displaying the Flag

The national flag at headquarters, parole region headquarters, and each facility shall be displayed at half-mast from the time of notification of death until immediately after the employee's funeral.

Draped Badges

Upon notification of the death of an employee and until immediately after the funeral, each hiring authority may authorize his/her peace officer staff to wear their badges draped pursuant to the Department Operations Manual (DOM) Section 33020.

Funeral Arrangements

As determined by the family, CDCR may or may not have some level of participation in an employee's funeral. Each employee's death will be handled on a case-by-case basis.

The CDCR shall inform outside law enforcement agencies of pending funeral services and communicate the wishes of the family. The Office of Public and Employee Communications and or field PIO shall inform the media and communicate the wishes of the family.

The CDCR participation in a funeral may include any one or more of the following:

- Uniformed honor guard.
- Pallbearers.
- Attendance by CDCR employees.

If CDCR is to participate in the funeral, staff shall coordinate as needed with the funeral director.

Funeral Attendance

Department representation at the funeral services of any employee who dies in-the-line-of-duty is desirable.

Staff may attend an employee's funeral on State time with authorization of the hiring authority. The number of employees permitted to attend the funeral shall be governed by CDCR's needs.

When the funeral is beyond the immediate geographic area, the hiring authority may approve attendance on State time, using a State vehicle.

Funeral Uniform

When uniform staff who are not participating as the honor guard attend the funeral of a CDCR or other law enforcement agency employee in an official capacity, the CDCR Class "A" uniform shall be worn including the draped departmental regulation badge. The DOM Section 33020 describes how the departmental regulation badge shall be draped and the Class "A" and honor guard uniforms.

Overtime And Travel Expenses

Claims for overtime and/or travel expenses to attend the funeral of an employee who died in-the-line-of-duty shall be pre-authorized in writing by the requesting employee's hiring authority. The employee may then submit the CDC Form 1082, Request for Travel/Relocation Advance, and/or STD 682, Authorization for Extra Hours.

Family Liaison

The hiring authority shall designate a staff person to act as liaison to the family. This may be the CDCR representative or another staff member who shall discuss with the family benefits, collection of state-issued property, and return of personal effects.

Personnel Office Responsibilities

Personnel staff are responsible for the following:

- Reviewing the employee's official personnel file and other employment records to determine final pay and benefits for which beneficiaries are eligible.
- Meet personally with family to discuss appropriate benefits and final pay.
- Notify the following of the employee's death:
  - Chief, OPS.
  - PERS.
  - SCO.
  - DPA, Savings Plus Program office (if applicable).
  - Appropriate employee union or associations, insurance companies, or credit unions (if applicable).
- Process final pay and other appropriate disbursements or collections (e.g., outstanding accounts receivable, salary or travel advances, or garnishments); and release any warrants in accordance with the provisions of SAM §8477.25.
- Provide the family with a listing of the deceased's payroll deductions and contacts for benefits, which may include the following:
  - Basic benefits.
  - Social security benefits.
  - Savings bonds.
  - Deferred compensation.
  - Tax-sheltered annuities.
  - Life insurance.
  - Health, dental, and vision.
  - Special benefits (depending upon the employee's retirement category and nature of death).
  - Retirement benefits for State Peace Officers/Firefighters, Safety, Industrial, or Miscellaneous members of the PERS including burial expenses.
  - Workers' compensation benefits.
  - United States Department of Justice death benefits.

Additional responsibilities appear in the Personnel Transactions Reference Manual which is available in each personnel office.

31090.6 On-Duty Death

Notification of Family

Upon notification of an employee's death the hiring authority shall establish a team of staff to deal with the variety of associated tasks. This team may include the deceased employee's immediate supervisor, a personnel transaction representative, and other members as determined by the hiring authority or his/her designee.

Whenever possible, a CDCR management representative and/or the employee's supervisor shall, in-person, notify the family of the employee's death. If appropriate, a co-worker close to the deceased and a chaplain may also be present.

The CDCR representative shall:

- Ask to enter the residence and inform the family in a plain and concise manner; express condolences; and provide pertinent information regarding the circumstances surrounding the death. Any questions by the family may be addressed at this time. If this notification is to be made at a family member's place of work, a private area should be arranged in advance by the CDCR representative.
- Discuss with the family CDCR's involvement with funeral arrangements. The family will determine the level of CDCR's participation in the funeral. The CDCR representative will offer the Department's assistance to the family in making funeral arrangements.

- If the deceased was a correctional peace officer, inform the family of funeral arrangement options for peace officers.
- Discuss available resources, services, and benefits.
- Determine with the family if arrangements should be made for someone to remain with the family until relieved by another family member or friends.
- At the family's request, assist in arranging for child care with a provider who is acceptable to the family.
- If the family requests assistance to be isolated from the media and the public, staff may be assigned to screen telephone calls.
- As appropriate and necessary, arrange for police protection for the family.
- Arrange with the family an appropriate time to discuss all other pertinent matters.

Hospital Attendance

If the employee dies in a hospital and the family requests, the CDCR representative shall transport or arrange for transportation of the family to the hospital and provide support. The CDCR representative will coordinate with medical personnel to provide the family with information regarding the death. The hospital's Patient Services Coordinator will be asked to designate a private waiting area for the family. It is important for the family to be given as much information as possible regarding the death to prevent misinformation.

Notification of Secretary

The employee's death shall be reported to the Chief, OPS. The following information shall be provided:

- Employee's name.
- Civil service classification.
- Work location.
- Total State and CDCR service.
- Date of birth.
- Date of death.
- Cause of death.
- Death category (in-the-line-of-duty, on-duty; or off-duty).
- Next-of-kin.
- Relationship.
- Next-of-kin's address.

The Chief, OPS, shall be responsible for ensuring that the Secretary is notified when practical.

Notification of Governor

The death of an active employee shall be reported to the Governor's Office by the Chief, OPS.

In addition, for employee deaths occurring under special circumstances, the Secretary may advise the Governor's Office.

Letter of Condolence - Hiring Authority

The hiring authority shall send a letter of condolence to the family.

Letter of Condolence - Secretary

In addition to the letter of condolence from the hiring authority, the Chief, OPS, shall prepare a letter of condolence to the family for the Secretary's signature.

Office of Return to Work Services Responsibilities

The ORWS staff, or the field return-to-work coordinator, shall work with the OPS or the local personnel officer to ensure all pertinent information is provided to the family regarding workers' compensation benefits. This shall include:

- Coordinating the completion and submission of SCIF Form 3067, and SCIF Form 3301, to the appropriate SCIF office.
- Notifying the DIR, Division of Workers' Compensation, of the employee's death and completing DIR Form 510. The completed form shall be forwarded to DIR, Death Without Dependents, P.O. Box 422400, San Francisco, California 94142.
- Immediately notifying the nearest district office of the Division of Occupational Safety and Health Administration of the employee's death, but no later than 24 hours after the formal notification of death. Notification information shall include:
  - Time and date of accident.
  - Employer's name, address, and telephone number.
  - Name and job title of person reporting the accident.
  - Address of the site of the accident or event.
  - Name and address of employee.
  - Nature of injury.
  - Location where injured or deceased employee was moved.
  - Identify and list other law enforcement agencies present at site of accident.
  - Description of accident and whether the accident scene has been preserved or altered.
- If necessary, at the direction of the hiring authority, the Employee Post Trauma Program shall be activated. Additionally, Critical Incident Stress Debriefing shall be coordinated through the EAP provider, Merit Behavioral Care of California, at the hiring authority's request.

Information regarding the benefits available from the EAP program shall be provided to the family.

Displaying the Flag

For institution employees who die while on duty, the warden shall determine if it is appropriate to have the facility flag flown at half-mast on the day of the funeral.

Draped Badges

Upon notification of the death of an employee and until immediately after the funeral, each hiring authority may authorize his/her peace officer staff to wear their badges draped pursuant to DOM §33020.

Funeral Arrangements

If requested by the family, CDCR may provide assistance in making funeral arrangements.

Funeral Attendance

Department representation at the funeral services of any employee who dies on duty is desirable.

Staff may attend an employee's funeral on state time with authorization of the hiring authority. The number of employees permitted to attend the funeral shall be governed by CDCR's needs.

When the funeral is beyond the immediate geographic area, the hiring authority may approve attendance on state time, using a state vehicle.

Funeral Uniform

When uniform staff who are not participating as the honor guard attend the funeral of a CDCR or other law enforcement agency employee in an official capacity, the CDCR Class "A" uniform shall be worn, including the draped departmental regulation badge. The DOM §33020 describes how the departmental regulation badge shall be draped and the Class "A" uniform.

Overtime And Travel Expenses

Claims for overtime and/or travel expenses to attend the funeral of an employee who died on duty shall be pre-authorized in writing by the requesting employee's hiring authority. The employee may then submit a CDC 1082 and/or a STD 682.

Family Liaison

The hiring authority shall designate a staff person to act as liaison to the family. This may be the CDCR representative or another staff member who shall discuss with the family benefits, collection of state-issued property, and return of personal effects.

Personnel Office Responsibilities

Personnel staff are responsible for the following:

- Reviewing the employee's official personnel file and other employment records to determine final pay and benefits for which beneficiaries are eligible.
- Meet personally with family to discuss appropriate benefits and final pay.
- Notify the following of the employee's death:
  - Chief, OPS.
  - PERS.
  - SCO.
  - DPA, Savings Plus Program office (if applicable).
  - Appropriate employee union or associations, insurance companies, or credit unions (if applicable).
- Process final pay and other appropriate disbursements or collections (e.g., outstanding accounts receivable, salary or travel advances, or garnishments); and release any warrants in accordance with the provisions of SAM §8477.25.
- Provide the family with a listing of the deceased's payroll deductions and contacts for benefits, which may include the following:

- Basic benefits.
- Social security benefits.
- Savings bonds.
- Deferred compensation.
- Tax-sheltered annuities.
- Life insurance.
- Health, dental, and vision.
- Special benefits (depending upon the employee's retirement category and nature of death).
- Retirement benefits for State Peace Officers/Firefighters, Safety, Industrial, or Miscellaneous members of the PERS including burial expenses.
- Workers' compensation benefits.
- United States Department of Justice death benefits.

Additional responsibilities appear in the Personnel Transactions Reference Manual, which is available in each personnel office.

31090.7 Off-Duty Death

The CDCR may assist the family in obtaining appropriate state benefits and may offer assistance to family members in making funeral arrangements, if requested.

Notification of Family

Upon notification of an employee's death the hiring authority shall establish a team of staff to deal with the variety of associated tasks. This team may include the deceased employee's immediate supervisor, a personnel transaction representative, and other members as determined by the hiring authority or his/her designee.

If CDCR is the first to have confirmed knowledge of an employee's off-duty death, whenever possible, a CDCR management representative and/or the employee's supervisor shall, in-person, notify the family of the employee's death. If appropriate, a co-worker close to the deceased and a chaplain may also be present. The CDCR representative shall:

- Ask to enter the residence and inform the family in a plain and concise manner; express condolences; and provide pertinent information regarding the circumstances surrounding the death. Any questions by the family may be addressed at this time. If this notification is to be made at a family member's place of work, a private area should be arranged in advance by the CDCR representative.
- Discuss with the family CDCR's involvement with funeral arrangements. The family will determine the level of CDCR's participation in the funeral. The CDCR representative will offer the Department's assistance to the family in making funeral arrangements.
- If the deceased was a correctional peace officer, inform the family of funeral arrangement options for peace officers.
- Discuss available resources, services, and benefits.
- Determine with the family if arrangements should be made for someone to remain with the family until relieved by another family member or friends.
- At the family's request, assist in arranging for child care with a provider who is acceptable to the family.
- If the family requests assistance to be isolated from the media and the public, staff may be assigned to screen telephone calls.
- As appropriate and necessary, arrange for police protection for the family.
- Arrange with the family an appropriate time to discuss all other pertinent matters.

Notification of Secretary

The employee's death shall be reported to the Chief, OPS. The following information shall be provided:

- Employee's name.
- Civil service classification.
- Work location.
- Total State and CDCR service.
- Date of birth.
- Date of death.
- Cause of death.
- Death category (in-the-line-of-duty; on-duty; or off-duty).
- Next-of-kin.
- Relationship.
- Next-of-kin's address.

The Chief, OPS, shall be responsible for ensuring that the Secretary is notified when practical.

Notification of Governor

If an active employee's off-duty death occurs under special circumstances, the Secretary may advise the Governor's Office.

Letter of Condolence - Hiring Authority

The hiring authority shall send a letter of condolence to the family.

Letter of Condolence - Secretary

In addition to the letter of condolence from the hiring authority, the Chief, OPS, shall prepare a letter of condolence to the family for the Secretary's signature.

Funeral Arrangements

If requested by the family, CDCR may provide assistance in making funeral arrangements.

Funeral Attendance

Department representation at the funeral services of any employee who dies off-duty is desirable.

Staff may attend an employee's funeral on state time with authorization of the hiring authority. The number of employees permitted to attend the funeral shall be governed by CDCR's needs.

When the funeral is beyond the immediate geographic area, the hiring authority may approve attendance on state time, using a state vehicle.

Funeral Uniform

When uniform staff who are not participating as the honor guard attend the funeral of a CDCR or other law enforcement agency employee in an official capacity, the CDCR Class "A" uniform shall be worn, including the draped departmental regulation badge. The DOM §33020 describes how the departmental regulation badge shall be draped and the Class "A" uniform.

Overtime And Travel Expenses

Claims for overtime and/or travel expenses to attend the funeral of an employee who died off-duty are not authorized.

Family Liaison

The hiring authority shall designate a staff person to act as liaison to the family. This may be the CDCR representative or another staff member who shall discuss with the family benefits, collection of state-issued property, and return of personal effects.

Personnel Office Responsibilities

Personnel staff are responsible for the following:

- Reviewing the employee's official personnel file and other employment records to determine final pay and benefits for which beneficiaries are eligible.
- Meet personally with family to discuss appropriate benefits and final pay.
- Notify the following of the employee's death:
  - Chief, OPS.
  - PERS.
  - SCO.
  - DPA, Savings Plus Program office (if applicable).
  - Appropriate employee union or associations, insurance companies, or credit unions (if applicable).
- Process final pay and other appropriate disbursements or collections (e.g., outstanding accounts receivable, salary or travel advances, or garnishments); and release any warrants in accordance with the provisions of SAM §8477.25.
- Provide the family with a listing of the deceased's payroll deductions and contacts for benefits, which may include the following:
  - Basic benefits.
  - Social security benefits.
  - Savings bonds.
  - Deferred compensation.
  - Tax-sheltered annuities.
  - Life insurance.
  - Health, dental and vision.

- Special benefits (depending upon the employee's retirement category and nature of death).
- Retirement benefits for State Peace Officers/Firefighters, Safety, Industrial, or Miscellaneous members of the PERS including burial expenses.
- Workers' compensation benefits.
- United States Department of Justice death benefits.

Additional responsibilities appear in the Personnel Transactions Reference Manual, which is available in each personnel office.

31090.8 Death While Traveling On Official State Business

If an employee dies while traveling on official state business, reimbursement may be claimed for actual and reasonable expenses incurred in returning the deceased to his/her place of burial or his/her assigned office/institution, whichever is less. Reimbursement shall be in accordance with the provisions of §599.636 (for represented employees) or 599.636.1 (for excluded employees) of the DPA regulations.

31090.9 Attendance at Funeral Of Retired Department Of Corrections Employee

Staff may attend a retired employee's funeral on State time with the prior authorization of the hiring authority. The number of employees permitted to attend the funeral shall be governed by CDCR's needs. Claims for overtime and/or travel expenses are not authorized.

31090.10 Attendance at Funeral Of Outside Law Enforcement Or Public Official:

Staff may attend on State time, and with the use of a State vehicle, the funeral of a public official or law enforcement official from an outside agency with the advance authorization of the hiring authority. Prior approval of the hiring authority is also required for any claims of overtime and/or travel expenses.

31090.11 Attendance at Funeral of a Co-Worker's Family Member

Staff who wishes to attend the funeral of a co-worker's relative may do so with the prior approval of their supervisor, on a case-by-case basis. Claims for overtime and/or any expenses are not authorized.

31090.12 When an Employee's Death Is Imminent

If any active employee has five or more years of state service or qualifies for retirement and his/her death is imminent, personnel staff shall contact PERS Benefits Services Division, Ombudsman, immediately. The PERS staff will expedite the retirement processing and explain the best options to the family.

31090.13 Return of Personal Property

The CDCR representative shall be responsible for ensuring the return of all personal property to the survivors. The deceased employee's desk, locker, bulletin boards, office space, and other appropriate areas should be inspected for any personal items. The CDCR representative shall discuss with the hiring authority the appropriate disposition of any material that may be embarrassing or painful to the family.

31090.14 Return of State-Issued Property

The CDCR representative shall be responsible for the collection and inventory of the deceased employee's state-issued property. Permission shall be obtained from the family to remove State-issued property from the deceased's residence. If the deceased lived alone, the person identified on the Emergency Notification Form shall be contacted to obtain permission to remove state property from the deceased employee's residence.

If the family refuses to relinquish state property, the hiring authority shall determine appropriate recovery efforts.

31090.15 Long Term Family Support

The responsibility of CDCR to the family does not end at the funeral. CDCR staff shall remain sensitive to the needs of the family and provide necessary follow-up and long term support.

31090.16 Revisions

The Deputy Director, HR, or designee shall ensure that the content of this Section is accurate and current.

31090.17 References

GC §§ 11030.1; 12479; 13959-13974.1; 19859.3; and 21490-21635.

LC, Article 4, §§ 4700-4702, Death Benefits.

Public Safety Officers Benefit Program Act of 1976, and as amended.

Law Enforcement Officers' Information Guide for Federal Benefits (under 5 USC 8101, et seq., as extended by 5 USC 8191, et seq.).

SAM §§ 0772, 2580.2, 8477.1-8477.26, 8477.3-8477.32.

DPA, §§ 599.636, 599.636.1 and 599.506.

DOM §§ 33010 and 33020.

U.S. Department of Justice, 1996 Pamphlet 564/49109 (CA721 & CA722).

Personnel Action Manual Section 6.9, Personnel Action.

PERS Benefits Booklets: Benefits for State Industrial Members; Benefits for State Safety Members; and Benefits for State Peace Officers/Firefighters.

PERS Retirement System Booklet: Beneficiary Designations and Election and Survivor Benefits.

PERS Circular Letters regarding the death of an employee are available through PERS, Letters No. 400-533, dated: 06/20/93 and 400-021, dated: 07/26/93.

SPB, Personnel Transactions Manual, Sections 590-594, Death, provides information regarding lump sum payment.

DPA Compensation Plus booklet provides a summary of primary benefits for managerial, supervisory and confidential employees and provides some information on employee death.

ARTICLE 10 — CONFLICT OF INTEREST

Effective February 13, 1990

31100.1 Policy

Employees and appointed officials of the Department, PIA, PIB, and NAEA shall neither make nor participate in making governmental decisions which may affect their own economic interests.

31100.2 Purpose

This section specifies the requirements and categories for disclosure of economic interests and identifies those positions within the Department, PIA, PIB, and NAEA which are subject to the disclosure requirements.

31100.4 Responsibility

Incumbents of designated positions, based on the assigned category, shall complete and file with their local personnel office a Statement of Economic Interest, STD Form 730.

The local personnel office shall forward these forms to the Filing Officer - the Deputy Director, ASD, Central Office.

The Filing Officer or designee shall:

- After retaining a copy, forward the original statements of the following persons to the Fair Political Practices Commission:
  - Director of Corrections.
  - Members of boards and commissions.
  - Members and Administrative Officer of NAEA.
  - PIB members.
- Retain the original statements of all other employees for public inspection.

31100.5 Submittal of Statement of Economic Interest

All incumbents of current designated positions shall file annual statements no later than April 1 each year for the preceding calendar year.

Incumbents of positions which become designated by an amendment of the conflict of Interest Code shall file initial statements within 30 days after the effective date of the amendment.

Persons who are appointed (from an open or promotional employment list or by transfer, reinstatement, demotion, or any other means) to designated positions shall file assuming office statements as follows:

- Within 30 days of the date of nomination or effective date of appointment if subject to State Senate confirmation; or
- Within 30 days of the effective date of appointment to any other designated position.

Leaving Office Statement

Each person who leaves a designated position shall file a leaving office statement within 30 days after leaving.

311000.6 Disqualification

Self- Disqualification

Persons in designated positions shall disqualify themselves from making, participating in, or influencing any decisions which foreseeably have material financial effect on any of the following:

- A business entity in which an investment of more than $1,000 is held or in which the person is a director, partner, officer, trustee, employee, supervisor, or manager.
- An interest of more than $1,000 in real property.
- A source of income of $250 or more in value received by or provided or promised to the person within 12 months prior to the decision.

Exception

No person in a designated position shall be prevented from making or participating in any decision if the participation is legally required for the decision to be made.

The fact that the vote of a person who is on a voting body is needed to break a tie does not make the participation legally required for purposes of this section.

31100.7 Manner of Disqualification

In the case of a person who is the head of an agency, this determination and disclosure shall be made in writing to the appointing authority.

When a person in a designated position determines that he or she should not make a governmental decision because of an economic interest, the determination not to act shall be accompanied by disclosure of the economic interest.

Head of Agency Board/Commission Members

If the person is a board or commission member, the determination and disclosure shall be entered into the official record at the meeting during which consideration of the decision takes place.

Other Persons

In the case of other persons, this determination and disclosure shall be made in writing to the person's supervisor.

- Upon receipt of the determination and disclosure, the supervisor shall immediately reassign the matter to another person.
- After reassignment of the matter, the supervisor shall forward the determination and disclosure with a notation of the reassignment to the local personnel office for forwarding to the Filing Officer.

31100.8 Revisions

The Deputy Director, ASD or designee shall ensure that the content of this section is accurate and current.

31100.9 References

CCR (2) § 18730.

GC § 81000 et. seq.

CCR (15) (3) § 3416.

ARTICLE 11— SMOKING – NONSMOKING AND TOBACCO

Revised August 22, 2005

31110.1 Policy

To provide a healthful, comfortable, and productive work environment for employees, the Governor of the State of California has prohibited cigarette, cigar, and pipe smoking in all State-owned, leased, or occupied buildings. In addition, the Secretary, under the authority of Penal Code § 5030 and 5058, has prohibited the use and possession of all tobacco products at all institutions and facilities that house or detain inmates, with the exception of residential staff housing when inmates are not present. Employees shall not use or possess tobacco products in the presence of inmates. Tobacco products for personal use off institution/facility grounds shall be secured in a locked private vehicle. Smoking is also prohibited in all State passenger vehicles and any other mobile-enclosed equipment. Tobacco product advertising is not allowed inside any State-owned or occupied building unless it is contained in a program, leaflet, newspaper, magazine, or other written material lawfully sold, brought, or distributed within a State building. Posting of any tobacco product or smoking advertisement is prohibited (posters, signs, written, or visual material). Smoking is not allowed within 20 feet of a main entrance, exit, or operative window of a public building.

31110.2 Purpose

This Article designates the Department's responsibilities in providing a smoke-free environment for all employees.

Collective Bargaining Disclaimer

If any non-statutory provision of this Article conflicts with collective bargaining agreements, the collective bargaining agreement shall prevail as it relates to the specific represented group unless legal exceptions or required legislative action apply.

31110.3 Responsibility

All employees shall:

- Adhere to and enforce this Policy.
- Attempt to resolve disagreements informally.
- Bring to the attention of the appropriate supervisor any conflicts which cannot be resolved informally.

All supervisors shall ensure that:

- No smoking occurs in a State-owned, leased, or occupied building.
- No smoking is allowed within 20 feet of a main entrance or exit or operative window of a building.
- No smoking occures in any State-owned passenger vehicle. Smoking is also prohibited in all other State-owned mobile equipment including light and heavy trucks, cargo and passenger vans, buses, and any other mobile equipment with an enclosed drive/passenger compartment.
- No smoking or tobacco possession occurs at any institution/facility that houses or detains inmates except for residential staff housing when inmates are not present. Employees shall not use or possess tobacco products in the presence of inmates.

Staff possession or use of smoking or tobacco products, as defined in this Policy, shall be subject to the progressive disciplinary process. Any staff involved with the distribution of smoking or tobacco related products, as defined in this Policy, for an inmate and/or for personal gain, shall be subject to adverse action as defined in Department Operations Manual, Chapter 3, Article 22, Adverse Personnel Actions.

Hiring authorities shall establish local smoking and tobacco policies, which are consistent with the provisions of this Section and the Governor's Executive Order W-42-93, Government Code (GC) sections 7596 through 7598, 19994.30 through 19994.35, and Section 5030.1 of the Penal Code.

31110.4 Definition

Smoke or smoking means inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, or smoking paraphernalia used for consuming the smoke of tobacco or any other burning product.

Tobacco product means any product that contains tobacco, the prepared leaves of any plant belonging to the nicotiana family, which shall include, but not be limited to, cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco, tobacco substitutes, smoking paraphernalia, and all other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco related products as well as packaging material. Packaging material includes, but is not limited to, snuff or cigarette containers.

31110.5 Smoke Breaks

Time taken away from an employee's work station shall not exceed the total time an employee is otherwise authorized to take for rest periods. Smoke breaks are in lieu of regular breaks or rest periods and shall be permitted at the discretion of the supervisor.

31110.6 Smoking and Tobacco Areas

Smoking areas shall be designated for the purpose of departmentally approved inmate religious ceremonies by the respective facility head. Smoking and tobacco use are permitted in state-owned housing serving as the primary residence for State employees when inmates are not present. Smoking and tobacco use in temporary residential space at correctional training academies and in Bachelor Officer Quarter's at conservation camps will be permitted only in designated areas with designated times to be determined by local operational procedures.

31110.7 Nonsmoking and Non-Tobacco Areas

Signs shall be posted at entrances of all areas designated "no smoking" or "no tobacco products use or possession," along with a citation of the authority requiring such prohibition.

No person shall smoke in any building, areas of any building, or group of buildings owned, leased, or utilized by the Department, with the exception of state-owned housing serving as the primary residence for State employees, when inmates are not present. This shall include, but is not limited to, institutions, facilities, conservation camps, community correctional, reentry, furlough and restitution centers, and family visiting units.

Smoking or tobacco possession is prohibited at any institution/facility that houses or detains inmates except for residential staff housing when inmates are not present.

31110.8 Smoking/Tobacco Cessation Assistance

The Department urges smokers to contact the local chapter of any not-for-profit smoking cessation organization such as the American Lung Association for more

information about smoking and tobacco cessation programs. These programs provide for a supportive environment in which employees can quit smoking and tobacco use through education.

The Department's Office of Risk Management shall periodically distribute helpful literature for those interested in such programs. Additional information can be obtained from the local and/or departmental Employee Assistance Program Coordinator, Headquarters.

311108.1 Training

The Department may offer smoking and tobacco cessation programs using existing employee training funds for presentation during normal working hours.

Upon initial employment, all hiring authorities shall inform employees about the smoking and tobacco use prohibition, the areas where smoking or tobacco use is permitted, and the availability of smoking and tobacco cessation programs. Enrollment in a smoking or tobacco cessation program is voluntary.

31110.9 Smoking Complaints

Resolution of any smoking or tobacco product disagreement on behalf of an employee may be pursued through the Department's complaint process. Refer to the applicable bargaining unit contract or excluded employee complaint form for the process to file a complaint.

Disputes relating to this Policy are subject to the provisions of Department of Personnel Administration Rule 599.859 for non-represented employees and the various bargaining unit contracts for represented employees.

31110.10 Revisions

The Chief Deputy Secretary, Adult Operations, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

31110.11 References

GC §§ 7596 through 7598, 19994.30, 19994.33, and 19994.35.

Penal Code § 5030.1.

Governor's Executive Order W-42-93.

CCR (15), §3187, 3188, and 3189.

Management Memorandum 93-30.

DPA Rule 599.859.

ARTICLE 12 — STAFF MEETINGS

Effective January 21, 1989

31120.1 Policy

Staff meetings shall be held to bring about better communication.

31120.2 Purpose

This section establishes format and distribution of staff meeting minutes.

31120.3 Schedule

Staff meetings shall be scheduled as follows:

- Major divisions As deemed necessary in an institution by division head.
- Other units As deemed necessary by supervisor.

31120.4 Minutes

Brief minutes of the meeting of divisions within institutions shall be prepared as soon as possible but no later than seven days from the meeting date.

31120.4.1 Format

The format shall be:

(NAME OF INSTITUTION)
Minutes of _____ Staff Meeting
(Date)
Present_____
Dr._____
(position titles unnecessary)
Absent _____
Chairperson _____
Time Commenced _____
Time Adjourned: _____
1 (Short title of item underlined)
Summarize discussion of item to include salient points; show disposition; as assignment is made, specify to whom: report policy decisions.
2. _____
3. _____
Use both sides of paper if minutes are more than one page in length.

_____
Approval of Chairperson
Signature of Reporter

31120.5 Distribution

Institution: to staff and bulletin boards as appropriate.

Central Office: see Section 12050.8 of this manual.

31120.6 Revisions

The Deputy Director, Institutions Division, shall ensure that the content of this section is accurate and current.

31120.7 References

ACA Standard 2-4014.

ARTICLE 13 — SALARY AND COMPENSATION

Effective February 14, 1990

31130.1 Policy

All employees of the Department shall be compensated fairly and impartially.

31130.2 Purpose

This section provides for the following:

- Extra compensation for employees using bilingual skills ten percent or more of the time.
- Salary-related BOC claims from employees.
- Special hiring rates for persons with extraordinary qualifications.
- Determination of salary rates for permissively reinstated employees and merit salary adjustment dates upon reinstatement after a permanent separation.
- Compensation for out-of-class assignments.
- Physical fitness incentive pay.
- Housing stipends.

31130.3 Disclaimer

If any provision in this section is in conflict with a Memorandum of Understanding (MOU), the MOU shall prevail as it relates to the specific represented group.

31130.4 Bilingual Certification/Pay

The Department shall provide bilingual services when a substantial portion of its clientele is non-English speaking or hearing impaired.

31130.4.1 Annual Language Survey

An annual language survey is conducted to determine:

- The number of public contact positions in each local office or facility.
- The number of bilingual employees in public contact positions and the language they speak other than English.
- The number and percent of non-English speaking persons served by incumbents in public contact positions in each local office or facility broken down by native languages.
- The number of anticipated vacancies in public contact positions over the following year.

31130.4.2 Departmental Plan

The Affirmative Action Office evaluates survey results and submits a plan annually to the SPB which includes the following:

- The current departmental policy pertaining to bilingual services, pay and certification.
- An analysis of the survey results, identifying deficiencies and steps the Department is taking to provide bilingual services at those locations where the need is demonstrated.
- A listing of available and proposed translations of departmental forms and publications.
- A listing of additional bilingual services provided; e.g., toll free information numbers, interpreter services, visual displays, and plans to provide additional bilingual services.

- The process used to inform employees that bilingual pay is available for those who qualify, and plans to inform those not aware of the program.

31130.4.3 Requirements

The Bilingual Pay Program provides a monthly pay differential for State employees who use bilingual skills on a continuing basis averaging ten percent of the time. The ten percent includes the actual time spent conversing or interpreting in a second language and related activities performed with the specific bilingual transaction.

To receive the pay differential, an individual must first successfully complete a bilingual fluency examination to become certified bilingual.

Upon successful certification, employees with their supervisor's concurrence shall submit a Bilingual Pay Authorization, STD Form 897, justifying ten percent use of their bilingual skills in their position.

31130.4.4 Responsibility

The Affirmative Action Office conducts the annual language survey and ensures implementation of policy governing the Bilingual Services Program.

The Personnel Operations Section administers the Bilingual Pay Program.

Local testing offices administer the language fluency examination.

31130.4.5 Process

Employees interested in taking a language fluency examination shall:

- Obtain an Application for Examination, STD Form 678, from the local or Central Office personnel office.
- Complete the application with the following:
  - The competitor's name, address, and social security number.
  - The language in which the competitor is to be tested.
  - The competitor's work location e.g., institution, parole region, etc.
- Submit the application to the local or Central Office personnel office.

31130.4.6 Establishment or Change of a Bilingual Position

Bilingual Pay Authorization, STD Form 897, and an organization chart which identifies the position shall be forwarded by local personnel staff to the Bilingual Pay Coordinator, Personnel Operations Section, when any of the following conditions apply:

- Changes in Position Number. Any change in Unit Code, Classification Code, and Serial Number Code.
- Reassignments. Promotions, transfers from one class to another or change in post assignment which no longer requires use of ten percent bilingual skills.
- New (Bilingual) Positions. Bilingual pay for a position has never been requested.
- Refilling a Vacant (Bilingual) Position. A position is approved and the previous incumbent received bilingual pay.
- Termination of Bilingual Pay. A bilingual position ceases to qualify based on criteria given in this section.
- Change in Incumbent's Work Address. If an incumbent was receiving bilingual pay based on the need for such skill in one location and is transferred to another location, bilingual pay must be justified again for the new location.

31130.5 Salary-Related Board Of Control Claims

BOC Rules Sections 624, 630, 631, and 632 provide the general standards for filing claims against the state.

31130.5.1 Approval of Claims

Each claim shall be submitted to the Deputy Director, ASD, for approval.

31130.5.2 Presentation of Claims

All claims for money or damages against the State shall be presented to the BOC under the following conditions:

- An appropriation or a state fund is available but has been rejected by the State Controller.
- The appropriation made or fund designated is exhausted.
- The settlement is provided for by statute or constitutional provision but no appropriation or fund is available.
- Settlement is not otherwise provided for by statute or constitutional provision.
- On express contract.
- The taking or damaging of private property for public use within the meaning of Section 19 of Article I of the Constitution.
- Based upon the negligent act or omission by a state officer, servant or employee or for the dangerous condition of state property.
- Any other injury for which the State is liable.

31130.5.3 Contents of Claims

All claims or amendments shall be signed by the claimant or representative. Facts shall be stated in simple, concise language without legal phraseology.

31130.5.4 Who May File

Hiring authorities shall initiate and submit BOC claims on an Equity Claim, BC Form 1-B, in quadruplicate, to the Chief, Accounting Services, Attention: BOC Claims Coordinator, for situations where improper pay or no pay has been issued because of administrative error or other factor.

Employees and former employees also have the right to file an Equity Claim, BC Form 1-B, in triplicate, directly with the BOC. However, such claims are referred by the BOC to the Department for a recommendation.

31130.5.5 Claim Format

Each claim shall include:

- A claim form with:
  - A brief statement describing the reason for the claim.
  - Specific description of how the claim amount was computed.
- A brief cover memo with:
  - The recommendation requested.
  - A brief explanation of the circumstances, problems or errors that led to the need for the BOC claim.
  - What specific steps have been taken to prevent a recurrence.
  - The party to whom payment is to be made; e.g., either the claimant or the Department.
  - A statement on revision of funds if the claim includes payment for a prior fiscal year and the funds have reverted. The funds revert two years following the last day an appropriation is available for encumbrance unless the Director of Finance reverts the funds during that two-year period (see GC Section16304.1).
- All supporting documentation; e.g., Bilingual Pay Authorization Form, Disability Pay Request Form, Payroll Adjustment Form, or other documents as appropriate.

When more than one claim of the same type is being submitted, the hiring authority or designee shall submit all like claims as a package using one cover memo.

31130.5.6 Review

Upon receipt of the claim, Central Office staff shall make any necessary salary verifications and prepare a letter for the signature of the Deputy Director, ASD, or his/her designee, recommending approval or disapproval of the claim.

If approval is recommended by the Department, the letter and original claim shall be forwarded to the BOC for review and processing. A copy of the letter shall be sent to:

- Originating hiring authority.
- Employee (claimant).
- Department's BOC Claims Coordinator.

If disapproval is recommended by the Department, the letter shall be sent to the employee (claimant). A copy of the letter shall be sent to:

- Originating hiring authority.
- Department's BOC Claims Coordinator.

Disapproved claims shall not be forwarded to the State BOC, unless submitted directly by an individual.

31130.5.7 BOC Process

Upon approval and complete processing of the claim, the BOC issues payment or authorization for payment, according to the specific payment instructions recommended by the Department.

If the recommendation instructs that payment be made directly to the Department, the BOC directs its communication (pay warrant or authorization for pay) to the Department.

If the recommendation requests payment directly to the employee, the BOC upon approval of the claim, addresses its communication (pay warrant or authorization for pay) directly to the employee, and sends a copy to the Department.

If the claim is disapproved, the BOC notifies the Department and/or the claimant, as appropriate, indicating the basis for the disapproval and the claimant's legal rights/options for appeal.

31130.5.8 Appeal of BOC Decision

Within six months from receipt of the rejection notice, the claimant may:

- Request a rehearing. A rehearing is granted only with the stipulation and agreement that the claimant provides new information not previously considered by the BOC.
- File suit in small claims court, if the dollar amount is within the limits allowable by law.
- File suit in a superior court, if the dollar amount exceeds the limits for small claims court.

31130.6 Hiring-Above-Minimum (HAM) Salary Rates for Extraordinary Qualifications

Deleted September 11, 2009

Section Reserved

31130.6.1 Delegated Classifications

Deleted September 11, 2009

Section Reserved

31130.6.2 Approval

Deleted September 11, 2009

Section Reserved

31130.6.3 Standards

Deleted September 11, 2009

Section Reserved

31130.6.4 Determining the Amount of Adjustment

Established Rate

Once the hiring authority determines that a special hiring rate is necessary to attract an outstanding individual, the hiring authority shall decide which hiring rate to request.

In order to be competitive with other employers, yet offer no more than is necessary, the actual rate granted is an established rate between the minimum and maximum for the class nearest (above or below) to the individual's present salary or other valid job offers. This is any established rate between the existing steps for the class if it will more closely approximate a realistic appraisal of the individual's background and salary history.

Limitations

Special hiring rates are usually limited to two steps above the minimum of the salary range, i.e., the third salary step. When the position has limited promotional opportunity, use of hiring rates above that rate limits the Department's ability to use merit salary adjustments to recognize employee growth and encourage initiative.

Adjustments above the third step shall be processed only when the factors of extraordinary qualifications, present salary, or prospective job offers make a strong case for the particular individual.

Determining the Above-Minimum Rate

The individual's monthly salary (or highest bona fide job offer) is compared to the state's pay ranges in determining the maximum amount to authorize. Money earned through part-time employment is counted in determining the above-minimum rate only when the individual would lose this income by coming to work for the Department.

When an individual's total income covers periods substantially less than twelve months and that individual does not work for the remainder of the year, the income is considered as the function of the number of months worked; e.g., $10,000 per year for a ten month work year is considered as $1,000 per month. When there is additional income from a second job from which the individual must resign, that should be added to the total and the full year considered.

Consideration of Other Offers

Other competitive salary offers from state agencies shall not be used as justification for exceeding these other offers for above minimum rates. When the provisions outlined here are applied correctly, above minimum rates authorized for outstanding qualifications for a given individual shall be identical for all state agencies using the class.

Moving Expense

The salary shall not include a bonus to the candidate to come to the State; however, when relocation involves an unusual moving expense, an above minimum rate may be justified where use of the candidate's qualifications is particularly critical to the Department's program. Advance approval by DPA is required in these cases.

Applicable Authorizations

Under delegation, an individual ordinarily cannot receive above minimum steps under more than one special salary authorization. Regarding entrance into college recruitment classes, it may be found that an individual possesses superior scholastic achievement. Also, there may be a general hiring "plus" rate authorized on the basis of recruitment difficulty. The Department decides which of the applicable authorizations is needed to acquire the individual.

Required Explanation

If the rate approved for the individual does not fall at one of the normal steps within the salary range for that class, the hiring authority shall provide the appointee with an explanation of the possible effect on movement through the salary range under DPA rules.

Corrective Salary Action

Special adjustments for outstanding qualifications are not a substitute for corrective salary action for a class. If there are a number of vacancies in a given class and recruitment is difficult, recruitment "plus" differential or special corrective salary action for the class may be necessary.

31130.6.5 Exceptions to Standards

Requests for rates higher than those authorized under these provisions shall outline the reasons why the request for exception should be approved. Final salary commitments shall not be made prior to DPA's approval of exceptions to these provisions.

31130.7 Permissive Reinstatement Salary Rates

The following guidelines and standards shall be used in determining salary rates for employees who have resigned or retired from state service and who are being permissively reinstated back into state service.

31130.7.1 Maximum Salary Rate

The hiring authority shall first determine the highest potential salary rate provided for by the DPA Rule 599.677. Upon the hiring authority's determination that it is in the best interest of the State, a former employee who permissively re-enters state service may receive a salary above the minimum rate, provided that the reinstatement or appointment is:

Same Class

- To the same class. The salary rate shall not exceed the rate in the salary range received at the time of separation adjusted for the salary range changes for the class since separation.

Different Class/Same

- To a different class with substantially the same salary range as that of the class from which separated. The salary rate shall not exceed the rate the employee could receive if reinstated or reappointed to the same class from which separated.

Different Class/Lower Salary Range

- To a different class with a lower salary range than the class from which separated. The employee may receive any rate in the salary range not to exceed the salary rate last received in the class from which separated adjusted for salary range changes of the later class since the separation.

31130.7.2 Actual Salary Rate

The rate in the salary range an employee receives on reappointment or reinstatement shall be related to the employee's value to the State. The hiring authority shall determine the former employee's value to the State as follows:

- Expertise in a particular area in relation to the vacancy. Talent, ability or skill as demonstrated by previous job experience. The scope, depth and recency of such experience are more significant than length.
- The degree to which an employee exceeds minimum qualifications shall be a guiding factor rather than a determining one. When a large number of prospective employees possess considerably more experience than the minimum, it may not be necessary to appoint above the minimum to acquire unusually well-qualified people.
- The qualifications of state employees already in the same or closely related classes shall be carefully considered since questions of salary equity may arise.
- Recruitment difficulty for the classification and for the geographic area of the vacancy shall be a major determining factor.

31130.8 Merit Salary Adjustment Dates

Merit salary adjustment dates for persons who reinstate following a separation from state service shall be established in accordance with DPA Rule 559.687.

31130.9 Out-of-Class Compensation

Employees designated managerial or exempt are not covered by specific provisions governing out-of-class assignment and are not entitled to out-of-class compensation.

Represented Employees

A number of negotiated MOUs provide for compensating represented employees for temporary out-of-class acting assignments. Refer to the specific MOU and DPA Rule 599.810.

Supervisory/Confidential

Supervisory and confidential employees who are assigned out-of-class acting assignments may be compensated for performing duties of a higher classification if:

- The assignment is made in writing prior to performing the duties, and the employee is given a copy of the assignment.
- The Director certifies that funds are available within the Department's current budget.
- The employee assumes the full range and scope of duties of the higher class.
- The employee performs such duties for more than 15 consecutive working days but no more than 120 calendar days in a fiscal year. (Paid time off shall not break the continuity of work in the higher class.)

An employee may be assigned out-of-class work for more than 120 days during a fiscal year only if the Department files a written statement with DPA.

Assignment Process

See Section 31060 of this manual for temporary out-of-class acting assignment and approval process.

Pay Differential

Supervisory or confidential employees performing in a higher class for more than 15 consecutive working days shall receive a five percent pay differential or the differential the employee would receive if promoted to the higher class, whichever is greater, for the duration of the assignment.

These pay differentials are not part of an employee's base pay for the purpose of other salary transactions related to subsequent appointments.

Payment

The supervisor of an employee working an out-of-class assignment submits a memorandum to the local personnel office at the end of each pay period. The memorandum shall contain the following information:

- Name of unit or division.
- Name of employee.
- A statement clarifying the reason(s) for the out-of-class assignment.
- Signed copy of approved out-of-class assignment.
- Dates employee worked and number of hours, if less than full-time.
- Signature of supervisor.

A denial of an out-of-class compensation claim by the departmental personnel officer may be appealed directly to the Chief Deputy Director.

31130.10 Physical Fitness Incentive Pay Program (PFIPP)

Employees may voluntarily participate in the Physical Fitness Incentive Pay Program in accordance with the following:

Eligibility

- Employees who have five years or more in Bargaining Unit 6 as of December 31 of the prior calendar year.
- Managerial and supervisory employees with peace officer status who have five years or more in a peace officer classification as of December 31 of the prior calendar year.

Compensation

Eligible employees who successfully complete the physical fitness tests shall receive a flat rate of $65.00 per pay period.

The physical fitness incentive pay shall be by separate check and shall not be included for purposes of computing benefits and/or additional compensation.

Eligibility Period

Eligibility period shall be from May 1 through April 30. In order to continue the incentive pay from one period to the next without interruption, an employee must pass the physical fitness tests prior to May 1.

Physical Fitness Tests

To receive the physical fitness incentive pay, an eligible employee shall successfully complete the following fitness tests annually:

Test	Fitness Component Measured
Three-Minute Step Test. This -test will be performed using a bench 12 inches high and a recording of a metronome of 96 beats per minute.	Cardio Vascular
Vertical Jump Test. The individual must reach upward as high as possible and must jump vertically as high as possible as measure of power.	Leg Power
Sit and Reach Test. The individual must sit and reach in order to measure the amount of trunk flexion and ability to stretch the back muscles and hamstring group; or	Flexibility
Sit-ups Test. Lie flat on back with knees bent; must do 14 to 38 sit-ups in one minute, depending on age and sex.	Abdominal Strength
Illinois Agility Run Test. The individual must start the test in a flat prone position, sprint for 30 feet in one direction, and back, run in a figure-eight pattern around a line of chairs and sprint 30 feet up and back to the starting line. This attempts to measure the ability to move with quickness, speed and balance. The participant may start from a standing position if the prone posture would exacerbate a physical injury or disability.	Balance and Agility

Note: Participant chooses either the Sit and Reach Test or the Sit-ups Test.

Each employee shall be allowed two attempts. Employees unsuccessful on their first attempt have 60 days during which they may retest.

PFIPP Coordinator

Each Warden and RPA shall designate a PFIPP coordinator for their institution or region.

The PFIPP coordinator shall:

- Locate an indoor testing space measuring at least 40 feet x 50 feet x 12 feet.
- Identify eligible employees.
- Schedule test dates.
- Prepare and distribute a memorandum to all employees currently receiving the incentive pay.
- Instruct the employees to sign and date the memorandum and return it to the PFIPP coordinator.
- Distribute the following to each eligible employee.
  - Letter to participant.
  - Physical Fitness Incentive Pay Testing Medical History Questionnaire, CYA Form 5.511.
  - CYA/CDC Physical Fitness Incentive Pay Testing Medical Release Form, CYA Form 5.513.

Employee Responsibility

Employees who choose to participate shall:

- Obtain a medical release prior to testing.
- Train and test on their own time and at their expense.

31130.11 Housing Stipend

Specified employees may be eligible for a housing stipend if employed at certain specified institutions as follows:

- Employees in Bargaining Unit 6 shall receive compensation in accordance with the provisions of the Bargaining Unit 6 Memorandum of Understanding.
- Supervisors and managers of employees in Bargaining Unit 6 shall receive compensation in accordance with the provisions of a pay letter issued by the DPA.

31130.12 Revision

The Deputy Director, Human Resources, shall ensure that the content of this Article is accurate and current.

31130.13 References

GC §§ 7290 - 7299.8, 13921, 16304.1, 19780, 19836, 19991.4, and 19991.7.

BOC Rules 624, 630, 631, and 632.

CCR (2) §§ 599.677, 599.687(d) and 599.810.

ARTICLE 14 - INTERNAL AFFAIRS INVESTIGATIONS

Effective January 2007

31140.1 Policy

Every allegation of employee misconduct within the California Department of Corrections and Rehabilitation (CDCR or Department) shall be promptly reported, objectively reviewed, and investigated when appropriate.

31140.2 Purpose

To ensure allegations of employee misconduct are addressed and investigations are conducted in a fair and consistent manner.

31140.3 Definitions

Allegation Inquiry - The collection of preliminary information concerning an allegation of employee misconduct necessary to evaluate whether a matter shall be referred to the Central Intake Unit.

Appointing Power - The Secretary of the Department.

Assistant General Counsel (AGC) – An individual responsible for managing the Employment Advocacy and Prosecution Team (EAPT) in the Department's Office of Legal Affairs (OLA).

Assistant Secretary, Office of Internal Affairs (OIA) - An individual responsible for the operation and functions of the OIA.

Bureau of Independent Review (BIR) – A unit within the Office of the Inspector General (OIG) responsible for contemporaneous public oversight of the Department's investigative and disciplinary processes.

Case Management System (CMS) – An electronic system that allows real-time documentation on investigative case activity and allows various participants within the employee disciplinary process to monitor cases and record key decisions and due dates. The CMS tracks all investigative requests, case acceptance and rejections, and case activity on all Internal Affairs investigations, as well as direct adverse actions that impose penalties without an investigation.

Central Intake Panel (CIP) – A collection of stakeholders led by the OIA that ensures all referred allegations of employee misconduct are evaluated consistently and assigned appropriately throughout the Department. Individuals who participate regularly in the CIP include, but are not limited to, the following: Assistant Secretary, OIA, or designee; Chief Assistant Inspector General (CAIG), BIR, or designee; AGC, EAPT, or designee; assigned Special Agents; and other pertinent Department representatives. The Assistant Secretary, OIA, has the authority to initiate Internal Affairs investigations and is ultimately responsible for the acceptance and rejection of all cases that come before the CIP.

Central Intake Unit (CIU) – A team of Special Agents, supervisors, and support staff within the OIA responsible for receiving, screening, and analyzing allegation inquiries for presentation to the CIP.

Chief Assistant Inspector General (CAIG) – An individual responsible for the operation and functions of the BIR, OIG.

Deputy Inspector General – An investigator employed by the OIG.

Designated Cases - Those cases assigned to the Vertical Advocates, including matters involving staff integrity and/or dishonesty, abuse of authority, sexual misconduct, use of force in which an inmate suffers death or serious injury, use of deadly force, serious allegations made against supervisors, and high profile or dismissal cases assigned to the Vertical Advocate by the AGC.

Employee Relations Officer (ERO)/Disciplinary Officer – An employee designated by the Hiring Authority to coordinate adverse actions.

Employment Advocacy and Prosecution Team (EAPT) - The team in the Department's OIA responsible for operation of the Vertical Advocacy Program.

Hiring Authority – The Undersecretary, General Counsel, Chief Information Officer, or any Assistant Secretary, Executive Officer, Chief Deputy Secretary, Director, Deputy Director, Associate Director, Warden, Parole Administrator, Superintendent, Superintendent of Education, Assistant Superintendent of Education, Health Care Manager, Regional Health Care Administrator, or any other person authorized by the appointing power to hire, discipline, and dismiss staff under his/her signature authority. The Administrator at the Richard A. McGee Correctional Training Center shall serve as the Hiring Authority for Correctional Officer Cadets. The appointing power includes a Hiring Authority for purposes of this Article.

Investigation - The collection of evidence that supports or refutes an allegation of misconduct, including criminal investigations, administrative investigations, retaliation investigations, or allegation inquiries.

Locally Designated Investigator(s) - A local investigator or a team of local investigators who meet the requirements to conduct Internal Affairs investigations and who perform allegation inquiries and conduct local Internal Affairs investigations as delegated and assigned by OIA regional offices.

Office of Civil Rights (OCR) – The entity with authority to investigate complaints related to Equal Employment Opportunity (EEO) issues.

Office of Internal Affairs - The entity with authority to investigate allegations of employee misconduct.

Senior and Special Assistant Inspectors General (SAIG) – Attorneys employed by the BIR who report to the CAIG.

Vertical Advocacy Model – A system that ensures legal representation for the Department during the investigative and employee disciplinary process in order to hold staff accountable for misconduct by way of thorough and complete internal investigations, principled decision-making, assessment of the investigations, and consistent and appropriate discipline.

Vertical Advocate – An EAPT attorney assigned to one or more specific Hiring Authority locations to consult with investigators and Hiring Authorities concerning investigative findings, disciplinary decisions, and to prosecute designated cases.

31140.4 Responsibility

31140.4.1 Appointing Power

The appointing power shall ensure compliance with the Department's Internal Affairs investigatory policy and procedures.

31140.4.2 Chief Deputy Secretary

Each Chief Deputy Secretary shall be responsible for ensuring compliance with the Department's Internal Affairs investigatory policy and procedures within his/her respective area.

31140.4.3 Office of Internal Affairs

The OIA is responsible for determining which allegations of staff misconduct warrant an Internal Affairs investigation and for completing all investigations in a timely and thorough manner.

31140.4.4 Assistant Secretary, OIA

The Assistant Secretary shall be responsible for the following:

- Overseeing the Department's investigative program and ensuring systemwide implementation of the Internal Affairs investigatory policy and procedures;
- Establishing guidelines, priorities, training, and management systems to ensure an efficient and effective Internal Affairs operation;
- Participating in the development, implementation, and evaluation of strategic and operational plans;
- Coordinating with the CAIG, or designee for cases monitored by the BIR and the AGC, EAPT, for designated cases;
- Coordinating with and informing the appropriate Chief Deputy Secretary, the Undersecretary, and the Secretary regarding high-profile investigations being monitored by the BIR.

31140.4.5 Chief, OIA

Each Chief shall be responsible for the following:

- Overseeing the Department's Internal Affairs investigative program and ensuring systemwide application of the Internal Affairs investigatory policy and procedures;
- Participating in the strategic and operational plans;
- Coordinating with the CAIG or designee on cases monitored by the BIR and the AGC or designee for designated cases;
- Elevating cases to the Assistant Secretary, OIA, as necessary.

31140.4.6 Special Agent-In-Charge (SAC)

Each Special Agent-In-Change shall be responsible for the following:

- Overseeing operations of the OIA Headquarters or regional office as well as the local Internal Affairs investigations in the respective region;

- Cooperating with and providing continual real-time consultation among OIA, the Vertical Advocate for designated cases, and the BIR for cases the BIR is monitoring;
- Ensuring OIA staff assigned to conduct investigations are properly trained and qualified;
- Monitoring all cases under his/her control to ensure cases are being investigated in a timely manner;
- Serving as a liaison between the OIA and Hiring Authorities regarding personnel investigations.

31140.4.7 Senior Special Agent

Each Senior Special Agent shall be responsible for the following:

- Assigning and supervising Internal Affairs investigations conducted by Special Agents or locally designated investigators;
- Cooperating with and providing continual real-time consultation among OIA, the Vertical Advocate for designated cases, and the BIR for cases the BIR is monitoring.

31140.4.8 Special Agent

Special Agents shall be responsible for the following:

- Conducting investigations in a manner that provides a complete and thorough presentation of all facts regarding the allegation or complaint;
- Cooperating with and providing continual real-time consultation with OIA, the Vertical Advocate for designated cases, and the BIR for cases the BIR is monitoring;
- Providing the Hiring Authority with consultation on investigative reports and providing a complete recitation of the facts, while refraining from conjecture or opinion;
- Updating case activity in the CMS.

31140.4.9 Central Intake Unit

The CIU, consisting of OIA personnel, shall ensure all referred acts of employee misconduct are analyzed and presented to the CIP, and the CIP shall ensure that all referred acts of misconduct are evaluated consistently and assigned appropriately throughout the Department.

31140.4.10 Hiring Authority

Each Hiring Authority shall be responsible for the following:

- Ensuring each allegation of employee misconduct is logged (regardless of whether the allegation is referred for investigation), receives prompt attention, and is addressed appropriately;
- Requesting investigations and direct adverse action by completing and forwarding to OIA CDC Forms 989, Confidential Request, for Internal Affairs Investigation/Notification of Direct Adverse Action;
- Reviewing investigative reports, determining investigative findings, and making determinations of appropriate discipline;
- Notifying each subject in writing following the Hiring Authority's determination of investigative findings. Refer to DOM Chapter 3, Article 22, Section 33030.13.2, "Investigative Closure Memorandum," for direction regarding notification to the subject of an investigation;
- Notifying each complainant, including citizen, inmate, or employee complainants, in writing, of the finding on the original complaint within thirty (30) days of the determination of the disposition of the investigation regarding the original complaint. The Hiring Authority shall not notify the complainant of specific investigative findings, but shall make a separate finding on the original complaint. At no time should the specifics related to any personnel action be discussed with the complainant in the matter. The notification of the finding on the complaint shall be limited to whether the original complaint is sustained, not sustained, exonerated, or unfounded;
- Coordinating and consulting with the Vertical Advocate for designated cases and the SAIG for cases monitored by the BIR before making investigative findings or disciplinary determinations and prior to approving any settlement agreements.

31140.4.11 Supervisors and Managers

Each supervisor and manager shall be responsible for referring alleged misconduct and requests for investigation or adverse action to the Hiring Authority immediately following discovery of facts which may constitute misconduct.

31140.4.12 Locally Designated Investigators

Locally designated investigators shall be responsible for the following:

- Conducting investigations, as assigned by OIA regional offices, in a manner that provides a complete and thorough presentation of all facts regarding the allegation or complaint;
- Maintaining integrity and the confidentiality of the investigative process, unless prior approval to discuss a case with the Hiring Authority is obtained through the SAC;
- Cooperating with and providing continual real-time consultation among OIA, the Vertical Advocate for designated cases, and the BIR for cases the BIR is monitoring;
- Identifying issues related to allegations of employee misconduct and assisting the Hiring Authority, Vertical Advocate for designated cases, and the SAIG for cases monitored by the BIR;
- Updating case activity in CMS.

31140.4.13 Vertical Advocate

The Vertical Advocate shall be responsible for the following:

- Coordinating with the assigned investigator for designated cases for the duration of an investigation and evaluating completed investigations for legal sufficiency to prosecute an adminstrative action;
- Monitoring and coordinating with the ERO/Disciplinary Officer the adverse action process for all designated cases, from the onset of an investigation, including calculation of statute of limitations expiration dates;
- Providing legal consultation for all designated cases to the assigned investigator, including developing the investigative plan, assisting with preparation of investigative interviews, and attending investigative interviews, as appropriate, to assess witness demeanor and credibility;
- Providing legal consultation to the Hiring Authority on all designated cases and coordinating with the SAIG for cases monitored by the BIR.

31140.4.14 Office of Civil Rights

The OCR may initiate investigations when an employee files a complaint with the OCR regarding discrimination, harassment, or EEO related retaliation. Following completion of OCR's evaluation, and if the OCR determines that an OIA investigation may be necessary, the OCR shall forward a copy of the intake document and all related information to the OIA for investigation consideration.

31140.5 Employee Expectations & Reporting

Each employee, regardless of classification or rank, shall adhere to the Department's Employee Performance Standards as defined in DOM, Section 3, Article 22, Subsection 33030.3. Each employee shall report misconduct or any unethical or illegal activity in a timely manner. Failure to report employee misconduct or any unethical or illegal activity in an investigation or allegation inquiry shall be grounds for corrective action, disciplinary action, or both. Employees shall not make false statements when questioned, interviewed, or in reports submitted.

31140.5.1 Employee Duty to Cooperate

Each employee of the CDCR is required to comply and cooperate as follows:

- If requested to make a statement in any official internal investigation conducted by the Department, employees shall make full, complete, and truthful statements. Failure or refusal to make statements or making false statements during Department Internal Affairs investigations may result in disciplinary action.
- Employees shall not take any action which would interfere with, delay, distort, or unduly influence any official investigation conducted by the Department or any other government agency. Any employee who knowingly gives false evidence, withholds evidence, or interferes in any way during such an investigation, or requests or encourages another to do so, may be subject to disciplinary action.
- Employees have a duty to cooperate with investigators of the Department and with officials from other law enforcement agencies who are conducting a criminal investigation. Employees shall make full, complete, and truthful statements. Failure to cooperate may result in disciplinary action.

31140.6 Authority to Conduct Investigations

Pursuant to Government Code Section 11182, the Secretary of the Department delegates the authority to initiate and conduct investigations to the Assistant Secretary, OIA.

31140.7 Requirements for Hiring Internal Affairs Investigators

Investigators shall be hired in accordance with Penal Code Sections 6065 (b)(1) and 6126.1(c).

31140.8 Required Training

All Internal Affairs investigators shall complete investigation training and be certified as mandated by Penal Code Section 6126.1 and the OIA Investigation Training Requirements. In addition, Internal Affairs investigators shall complete

advanced investigative training as outlined in the OIA Investigation Training Requirements.

31140.9 Filing an Allegation of Employee Misconduct with a Hiring Authority

Information regarding alleged employee misconduct shall be reported promptly by staff to a supervisor or other appropriate departmental, governmental, or law enforcement entity. If information is reported verbally to a supervisor, the staff person shall also submit a written report to the supervisor. The supervisor shall prepare a separate written report regarding the allegation(s) and shall submit his/her report and the staff person's report to the Hiring Authority or to the Hiring Authority's supervisor if the allegation(s) are against the Hiring Authority. Such reports shall include all pertinent information concerning the allegation(s), the timeline, and the source(s) of the information.

Any allegation of misconduct which is believed by staff to constitute an emergency shall be reported immediately to a supervisor, locally designated investigators, or the OIA. In the event of such an emergency, staff shall follow-up with the written report within one (1) day of learning of the information. Some instances that constitute an emergency are as follows:

- Possible loss of life or serious bodily injury;
- Serious breach of facility security;
- Further aggravation of a potentially dangerous situation;
- Activities which seriously compromise or jeopardize an investigation;
- An illegal activity which may occur imminently.

31140.10 Reporting Misconduct and Protecting Employees from Retaliation

To encourage and protect employees that confront and report serious misconduct, the Department has strengthened its policies and procedures to provide additional protections beyond those included in the California Whistleblower Protection Act (Government Code section 8547 et seq.) and other California protective statutes. This reporting of misconduct process and the protection offered by the Department are detailed in the Department's "Policy and Procedure for Reporting Serious Misconduct and Protecting Employees from Retaliation." The procedures may be obtained by contacting the OIA.

31140.11 Inmate, Ward, or Parolee Complaints Against Staff

All inmate, ward, or parolee complaints against staff shall be processed in accordance with DOM, Section 54100**.**

31140.12 Complaints by Members of the Public Against Department Employees

Pursuant to Penal Code Section 832.5, it is the policy of the Department, as an employer of peace officers, to have a procedure for investigating a complaint by a member of the public against its peace officers.

Any person, other than an inmate, ward, parolee, or departmental employee, who wishes to file a complaint of misconduct by a departmental peace officer as defined in the California Code of Regulations (CCR), Title 15, Section 3291(b), shall be advised to submit a complaint. Complaints of misconduct will normally be recorded on a CDCR Form 2142, Citizen's Complaint Against Employee of the California Department of Corrections.

A complaint may be made at any time, day or night, to any on-duty departmental supervisor. The complainant may also choose to mail or deliver his/her complaint directly to the Hiring Authority or any Department Head. Whenever possible, the complainant shall be requested to personally meet with or talk to the Hiring Authority or designee at the time of the original complaint.

Upon initial receipt of a complaint by a member of the public, the supervisor accepting the complaint shall confirm the complaint involves a Department employee(s). Complaints determined to involve personnel from other agencies shall be forwarded to the appropriate authority through the appropriate chain of command. The supervisor accepting the complaint shall prepare a Citizen's Complaint Receipt Acknowledgment and forward it to the complainant within five (5) working days.

Upon receipt of a written complaint or CDCR Form 2142 from a member of the public, the departmental supervisor accepting the complaint shall forward the complaint to the Hiring Authority for review. The Hiring Authority shall evaluate the complaint and determine whether the issue is supervisory in nature, if a CDC Form 989 is required, or if a written response to the member of the public will suffice. If the complaint is regarding sexual harassment or discrimination based on race, gender, national origin, religion, sexual orientation, or disability, the complaint shall be referred to the OCR for investigation and appropriate disposition.

Complaints and reports and findings relating to the complaints made by members of the public shall be retained for a period of at least five (5) years pursuant to Penal Code Section 832.5 (b).

31140.13 Logging Allegations of Employee Misconduct

The Hiring Authority or designee shall log each allegation of employee misconduct, regardless of whether the allegation is referred for investigation, on the CDCR Form 2140, Internal Affairs Allegation Log. The log shall be incident-driven; therefore, more that one employee can be listed under one log entry. Log numbers shall be assigned using a standard logging system, utilizing the following format: **ABC-001-06.**

- The first identifier "ABC" indicates the institution (i.e. CMF), field office, or other work site by the acronym.
- The second identifier "001" indicates the sequential number. The sequence continues throughout the year.
- The third identifier indicates the calendar year in which the allegation of misconducted was initiated for action.

To ensure department-wide standardization and compliance with departmental audit tools, the CDCR Form 2140 shall be utilized by each Hiring Authority for tracking.

31140.14 Allegation Inquiry

Allegation inquiries shall be conducted at the direction of the Hiring Authority when there is an allegation of misconduct, which if true could lead to adverse action, and the subject(s), allegation(s), or both are not clearly defined or more information is necessary to determine if misconduct may have occurred. Each allegation inquiry shall be promptly performed by locally designated investigators approved by the OIA or OIA investigators. A written allegation inquiry report shall be provided to the Hiring Authority and shall document the collection of preliminary information that supports or refutes alleged misconduct. All applicable sections of Memoranda of Understanding (MOU) related to personnel investigations shall be followed.

The Hiring Authority, or designee, shall indicate on the CDCR Form 2140, in the designated area, if an allegation inquiry is being conducted and the resulting action from the allegation inquiry (e.g., referred to CIU for investigation, processed as a CDC Form 602, Inmate/Parolee Appeal Form, or found to not have merit).

If, during the course of the allegation inquiry, sufficient information is obtained to warrant an Internal Affairs investigation, the locally designated investigators approved by the OIA or the OIA investigator shall notify the Hiring Authority. The Hiring Authority shall forward a CDC Form 989 to the OIA CIU requesting an Internal Affairs investigation. If the allegation inquiry reveals sufficient evidence for the Hiring Authority to impose direct adverse action, the Hiring Authority shall forward a CDC Form 989 to the OIA CIU requesting to impose direct adverse action.

31140.15 Requests for Internal Affairs Investigation

The CDC Form 989 and the corresponding Documents and Materials checklist shall be promptly completed and forwarded to the OIA CIU, by the Hiring Authority for processing as soon as is reasonably practical. The Hiring Authority shall complete the CDC Form 989 and shall submit copies of all documents and materials pertinent to the request. Original documents and evidence shall be maintained by the requesting Hiring Authority unless otherwise agreed to and ordered by the SAC.

The Hiring Authority or designee shall note the complainants name and contact information, the supervisor/manager who discovered the misconduct, and the discovery date as follows:

- Complainant: Individual (inmate, ward, parolee, citizen, staff, or other) who brought the misconduct allegation to the attention of CDCR staff.
- Discovery: Date that an uninvolved manager or supervisor observed, was advised of, or otherwise discovered the misconduct.

The Hiring Authority or designee shall note any special information on the CDC Form 989 such as the employee being placed on administrative time off, temporarily reassigned pending the investigation, issued a firearm restriction, or other pertinent information. The CDC Form 989, with supporting documentation, shall be forwarded to the OIA CIU by special mail processing (express/receipts) or

personal delivery. The transmittal envelope shall be sealed and clearly marked "CONFIDENTIAL" with appropriate return address information.

A limited exception to the Central Intake requirements exists for urgent matters involving potential employee misconduct requiring immediate investigative action. If immediate investigative action is believed to be necessary, the Hiring Authority shall request assistance from the OIA Regional Office. If OIA is unable to respond, the Hiring Authority may take independent action but is required to report such action to the OIA Regional Office no later than the next business day.

31140.16 Review, Evaluation, and Disposition

The CIU shall review each CDC Form 989 and all supporting documentation and shall evaluate and make a determination regarding each matter within thirty (30) calendar days.

Requests for investigation shall receive a case number and be evaluated using a priority approach. Outcomes of the evaluation are as follows:

1. **Accepted for Investigation**

   Allegations of misconduct accepted by the CIU for investigation shall be forwarded to one of the OIA regional offices for assignment. Once received, the OIA regional will assign the investigation as follows:

   - Assign the investigation to a Special Agent from the OIA regional office within ten (10) calendar days;
   - Assign the investigation to a locally designated investigator within ten (10) calendar days. The investigation shall be supervised and monitored by a Senior Special Agent from the respective OIA Regional Office.

   The SAC, CIU, shall provide written acceptance of the case by memorandum to the Hiring Authority. The memorandum shall include the OIA regional office with case responsibility and the CMS case number. This acceptance memorandum shall remain a permanent record in the Internal Affairs investigator's case file.

2. **Referred for Investigation**

   These cases contain allegations that are more appropriately investigated by other entities (i.e., outside law enforcement, the OIG, or OCR).

3. **Returned to the Hiring Authority Without Investigation**

   Investigation requests may be returned to the Hiring Authority for failing to provide all necessary information, for failing to meet the criteria for an Internal Affairs investigation, or when the CIU determines no investigation is warranted. These requests are returned to the Hiring Authority with a recommendation for the following:

   - **Direct Discipline/Supervisory Action:**

     If misconduct is sufficiently well-documented, the case may be referred back to the Hiring Authority for direct adverse action with consultation from an assigned Vertical Advocate for designated cases or in consultation with the Vertical Advocate for all other cases. If the Vertical Advocate or ERO/Disciplinary Officer determines that a subject interview or other interview(s) is necessary, the Vertical Advocate or ERO/Disciplinary Officer shall notify the CIU and request an interview(s). Locally designated investigators are not authorized to initiate investigations or conduct interviews without approval of OIA.

     Some misconduct should be addressed by taking corrective action, such as training, policy or procedure change, or other progressive discipline measures.

   - **Further Investigation or Inquiry Required:**

     Some requests for investigation may require the Hiring Authority to provide additional information or investigation. When the CIU determines insufficient information or documentation was submitted with the CDC Form 989, CIU staff shall contact the Hiring Authority or designee and request additional information. The requested information and/or documentation shall be provided to the CIU within ten (10) calendar days, if the information is available.

   - **No action:**

     Some requests may not warrant any corrective or adverse action.

For requests returned without investigation, a memorandum shall be completed by the SAC and forwarded to the Hiring Authority. The memorandum shall include a detailed explanation for the action taken and shall direct the Hiring Authority, as appropriate, to determine the appropriate disciplinary action while taking into account any prior misconduct by the employee or corrective action imposed. A copy of the memorandum shall be retained in the CIU file. In addition to responding in writing, the SAC shall be available to the Hiring Authority to discuss the decision for the return of the investigation. The Hiring Authority may appeal the decision in writing to the Chief, OIA, Headquarters Operations, promptly following issuance of a returned case memorandum.

31140.17 Case Assignment

When a request for investigation is accepted, the case shall be assigned to an OIA regional office (Headquarters, Northern, Central, or Southern). If the case is assigned by the OIA region to a locally designated investigator, the case shall receive a case number and be supervised by a Senior Special Agent from the OIA regional office. The locally designated investigator shall complete the case and return it to the Senior Special Agent for final review before it is noted as complete in the CMS.

31140.18 Logging Allegations

In accordance with Penal Code Section 6065(b)(2), all Internal Affairs allegations or complaints, whether investigated or not, shall be logged into CMS and numbered sequentially on an annual basis. The log shall specify, but not be limited to, the following information: The sequential number of the allegation or complaint, the date of receipt of the allegation or complaint, the location or facility to which the allegation or complaint pertains, and the disposition of all actions taken, including any final action taken. The log shall be made available to the Inspector General.

31140.19 Case Management System

The OIA Information Technology personnel shall maintain, control, and secure an electronic CMS for purposes of security and efficiency and to allow real-time documentation of case activity by investigators, Vertical Advocates, and ERO/Disciplinary Officers. In addition to capturing information during the course of an investigation, the CMS will capture post-investigation information, such as case findings, disciplinary action, and legal action.

Users include OIA Central Intake staff; OIA staff, Vertical Advocates, BIR, Hiring Authorities, ERO/Disciplinary Officers, and designated local Internal Affairs investigators. The OIA may, at its discretion, grant CMS access to other Department staff having significant roles in the employee disciplinary process. For purposes of security and investigative integrity, the OIA shall also have the sole authority to grant or remove access to the CMS for any CDCR employee.

The OIA shall create and maintain a user manual for the CMS that shall provide detailed operating procedures for OIA employees and other authorized CMS users.

- **New Cases**

  As investigative requests are evaluated by the CIU, the request/case shall be opened in CMS and key information, such as allegation, case type, and initial case decisions shall be recorded in CMS. If an investigation is opened, case assignment information shall be entered in CMS.

- **Ongoing Cases**

  Investigators and authorized users shall use CMS to record case activity, monitor case progress, and provide a real-time record of decisions. Other authorized users may use CMS to monitor case activity or record pertinent actions, activities, and decisions.

- **Closing Cases**

  Investigators, Vertical Advocates, and Hiring Authorities shall refer to and comply with DOM, Section 3, Article 22 regarding investigative review and case closure.

31140.20 Criminal Investigations

A criminal investigation should be conducted for an allegation of employee misconduct when there is reason to believe the employee has committed a violation of criminal law and an outside law enforcement agency is not conducting an investigation. The CIU shall identify and document the potential criminal violation and the facts and evidence represented in support of the complaint. The CIU shall refer the case to a SAC for the respective region who will assign the criminal investigation to a Senior Special Agent for supervision.

Upon case initiation, the Senior Special Agent or the Special Agent shall confer with the Vertical Advocate, for designated cases, and the SAIG for cases monitored by the BIR. Upon completion of the investigation, if probable cause exists to believe that a crime has been committed, the investigation shall be referred to the appropriate agency for prosecution.

Criminal investigations shall be conducted in compliance with all laws, regulations, and departmental policies.

31140.21 Administrative Investigations

An administrative investigation shall be conducted into allegations of staff misconduct that are violations of policy, procedure, or law. Administrative investigations may be conducted concurrently or subsequent to a criminal investigation. The determination of whether to conduct the administrative investigation concurrently with the criminal investigation shall be made by the Senior Special Agent in consultation with the Vertical Advocate and BIR in conjunction with the prosecuting agency. In addition, the prosecuting agency shall be consulted prior to any compelled subject interview when criminal charges or court proceedings are pending. If the prosecuting agency requests the Internal Affairs investigation be delayed pending criminal prosecution, that request shall be documented in the case file and in CMS. An administrative investigation, adverse action, or both, shall not be delayed unless it clearly would jeopardize the criminal prosecution.

In an administrative investigation, an employee does not have a right to refuse to answer questions likely to lead to the discovery of relevant evidence as determined by the investigating entity. When the employee is compelled to answer these questions, the answers cannot be used against the employee in a criminal or state court civil proceeding subject to certain exceptions. In an administrative investigation of a peace officer involving possible criminal conduct, the peace officer shall be advised of his/her constitutional rights before questioning, followed by the "Lybarger warning" if he/she refuses to answer the questions on the grounds the answer may be self-incriminating. [Refer to Government Code Section 3303 (f) and (h).]

31140.22 Retaliation Investigations

OIA is responsible for investigating retaliation as defined under the California Whistleblower Protection Act and other California retaliation protective statutes, except for retaliation associated with EEO complaints and processes which fall under the responsibility of the OCR. EEO related retaliation complaints that are received by OIA shall normally be forwarded to OCR for review and consideration.

Upon receipt, the OIA CIU shall conduct a review and analysis of all non-EEO related retaliation complaints. Each complaint shall be evaluated on its merits to determine if a prima facie case of retaliation can be established.

In order for a complaint or referral for investigation to establish a prima facie case of retaliation and be accepted by OIA, the following must be established:

- That an employee directly or indirectly used or attempted to use official authority or influence for the purposes of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command for the purpose of interfering with the reporting of an improper governmental activity or making a protected disclosure; **or**
- That the employee: a) made a disclosure to a manager or supervisor of what is believed to be an improper governmental activity; b) was or is cooperating in an investigation of improper governmental activity; or c) refused to obey an illegal order or directive; **and**
- The alleged retaliator was aware of the protected activity, protected disclosures, or failure to obey an illegal order; **and**
- The employee subsequently suffered reprisal, retaliation, threats, coercion, intimidation, or similar acts; **and**
- There was a causal connection between the protected disclosure, protected activity, or refusal to obey an illegal order and the adverse acts.

31140.23 Workers Compensation Fraud Investigations

The OIA is responsible for investigating Workers' Compensation fraud. Penal Code Section 550 and Insurance Code Section 1871.4 define the law relating to Workers' Compensation insurance fraud.

It is a felony to present a false or fraudulent claim to receive Workers' Compensation benefits. Fraud can occur at any time during the life of a Workers' Compensation claim; from the initial filing of the claim, to false statements to the employer, doctor, medical care personnel, physical therapist, claim representative, or anyone else involved in the administration of the claim and the determination of available benefits. Fraud can occur even if the initial injury was legitimate and the filing of the claim was warranted if the employee later makes a material false statement or misrepresentation.

31140.24 Deadly Force Investigations

The OIA investigates all reported use of deadly force incidents resulting in injury and all reported uses of nondeadly force resulting in death or fatal injury. These deadly force incidents do not generally include inmate assault/battery on staff or warning shots in an institution/facility setting. The OIA shall deploy separate Deadly Force Investigation Teams (DFIT) to conduct criminal and administrative investigations as soon as is reasonably practical after receiving a report of such an incident.

- **DFIT–Criminal Team**

  The DFIT-Criminal Team conducts deadly force criminal investigations either independently or in conjunction with appropriate local law enforcement agencies or district attorney's office. In some cases and locations, the criminal investigation will be conducted by the local law enforcement agency in accordance with MOU's between the Department and the local law enforcement agency. In these cases, the DFIT–Criminal Team will monitor the progress of local law enforcement and assist when appropriate.
- **DFIT–Administrative Team**

  The DFIT-Administrative Team conducts deadly force administrative investigations as required to determine whether the use of force complied with department policies and procedures and to identify any need for policy, procedure, training and/or equipment modifications. The DFIT-Administrative Team refers and presents the completed investigation to the Deadly Force Review Board for disposition.

The OIA shall also refer to CCR Section 3268.1 for additional guidance and requirements governing deadly force investigations.

31140.25 Employee Representation Rights

Employees are entitled to representation during investigative interviews consistent with MOU's, Public Safety Officers Procedural Bill of Rights Act, and other State and federal laws. A personal advisor, attorney, or another state employee designated by the subject or witness may attend any interview that may lead to adverse action. Employees who are possible subjects or witnesses in the investigation are excluded as employee representatives.

31140.26 Temporary Authorization (TAU) Appointments

Employees with a temporary authorization (TAU) appointment status are not entitled to have a representative present during an interview which is preparatory to a separation from the TAU appointment. However, if a proposed action against an employee in this status is attributable to a specific incident that would have resulted in an adverse action, investigatory interviews shall be handled like adverse action cases and employee representation shall be allowed as prescribed by law.

31140.27 State Time

Use of State time for investigative matters shall be approved by the employee's supervisor. Absent an emergency, employees may request and shall be allowed reasonable State time by the supervisor to contact/secure a representative and to discuss the matter prior to any meeting/interview that may lead to adverse action. The employee shall also be allowed reasonable State time to prepare for the interview/meeting with the representative.

31140.28 Statute of Limitations

Government Code Section 3304(d) and (g) for public safety officers and Government Code Section 19635 for nonpublic safety employees shall be adhered to regarding statute of limitations for administrative investigations.

31140.29 Memoranda of Understanding

In addition to complying with the provisions of law and regulation, OIA staff shall also adhere to conditions detailed in the various bargaining unit MOU's. All investigators shall be familiar with the employee investigation requirements of these agreements and their application to the investigation process.

31140.30 Investigator's Field Guide

Internal Affairs investigations shall be conducted with due diligence and completed in a timely manner in accordance with the law, applicable MOU's, and the OIA's Investigator's Field Guide.

31140.31 Subject Interviews

All departmental employees under investigation and subject to interview by an investigator shall be informed of the following before such interview: (1) Name and classification of the investigator; (2) Name and classification of all other persons to be present during the interview; and (3) The nature of the investigation in sufficient detail to allow the employee to respond to the allegations.

31140.32 Witness Interviews

If during a witness interview, facts are discovered that indicate the witness may have committed misconduct, the OIA investigator shall immediately discontinue the interview, even if the facts/admissions are not related to the incident being

investigated. The OIA investigator shall reschedule the interview applying all employee procedural safeguards related to a subject of investigation/inquiry.

31140.33 Recording Interviews During an Investigation

During OIA investigations, all noticed employee interviews concerning matters that could lead to an adverse action shall be audiotape-recorded.

Any audiotape recording of a noticed investigatory interview shall be as follows:

1. Made openly and with the full knowledge of the employee being interviewed;
2. Completely documented as part of the final report; and
3. Retained for later transcription, if needed.

An employee being interviewed as the subject of an investigation may audiotape-record any portion of the interview and have access to the Department's audiotape recordings if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. If a subject audiotape-records the interview, he/she may retain possession of his/her audiotape upon the conclusion of the interview.

An employee being interviewed as a witness of an investigation may audiotape-record the interview, but may not retain the original or a copy of the audiotape recording. Digital recorders shall not be allowed in witness interviews, unless the employee agrees to relinquish possession of the recorder at the end of the interview. The employee shall have access to the audiotape recordings made by the Department and the employee before any subsequent interview.

All audiotape recordings shall be retained with the original investigative/inquiry report. Audio recordings are part of the investigative/inquiry report and are confidential.

This Section does not apply to surreptitious recordings conducted during a criminal investigation.

31140.34 Criminal Investigations - Witness Assertion of Fifth Amendment Privilege Against Self-Incrimination

A witness in a criminal investigation has the right to assert his/her Fifth Amendment privilege against self-incrimination when: (1) He/she has reasonable grounds to believe that his/her testimony may be used against him/her in the criminal matter under investigation or in a future criminal proceeding; or (2) That his/her testimony might uncover other evidence against him/her in a criminal matter.

Witnesses cannot assert the Fifth Amendment privilege against self-incrimination solely to protect others from possible criminal prosecution or solely to avoid providing information to investigators.

31140.35 Administrative Immunity from Disciplinary Action

Requests to confer administrative immunity during an investigation must be processed in accordance with the CDCR's Policy on Immunity during Internal Affairs Investigations. The policy may be obtained by contacting the OIA.

31140.36 Criminal Misconduct Discovered During an Investigation/Inquiry

If an investigation or allegation inquiry reveals a possible violation of criminal law, the OIA investigator shall present the facts of the case to the Regional SAC.

- The SAC shall coordinate with the CIU so that the additional allegation can be presented to the CIP. If urgent circumstances exist that require immediate investigative response, the SAC should initiate such action and advise the CIU subsequently.
- If approved by the CIP, a criminal investigation by OIA shall be conducted, and the case presented to the local prosecuting agency for possible prosecution if there is probable cause to believe a crime has been committed.
- When criminal prosecution is possible, the designated Special Agent should consult with the prosecuting authorities before interviewing the involved employees.
- If, in a criminal case, the prosecuting agency declines to prosecute, this fact and the reason for the decision not to prosecute shall be documented in the CMS by the assigned investigator.

31140.37 Administrative Misconduct Discovered During an Investigation/Inquiry

If an investigation/inquiry of alleged employee misconduct reveals possible additional misconduct, the OIA investigator shall present the facts of the case to the SAC. The SAC shall promptly notify the Hiring Authority and consult with the Vertical Advocate to determine if the additional allegations should be included with the existing investigation/inquiry or presented to the CIP. After consultation with the SAC, additional allegations shall be added if appropriate and the investigation of the additional allegations shall be conducted by OIA.

31140.38 Confidentiality of Investigations

All investigative records of the OIA are confidential. OIA investigators, locally designated investigators, OIA support staff, and others involved in an investigation/inquiry shall not discuss with others, except Department legal counsel and the OIG, any aspect of any investigation/inquiry record without approval of OIA.

All other Department staff not mentioned above involved in an investigation/inquiry, including witnesses and administrators, shall not discuss any aspect of any investigation without approval of OIA excepting discussions with their employee representative and legal counsel.

31140.39 Correspondence Relating to Any Internal Affairs Investigation

All correspondence related to any Internal Affairs investigation shall be clearly marked "CONFIDENTIAL." Correspondence includes, but is not limited to, reports, evidence, recordings, photographs, documents, or investigative material concerning any Internal Affairs investigation. When sending correspondence through the United States Postal Service, departmental mail, United Parcel Service, or other courier service, such material shall be sealed in a manner designed to prevent or reduce unauthorized access.

31140.40 Investigative Report

All reports shall be submitted in the standard format provided by the OIA beginning with a statement of the allegation or complaint, shall provide all relevant facts, and shall include the investigator's signature. The report shall address material contradictions, but shall not include any conclusions regarding disposition of the investigation.

31140.41 Distribution of Investigations

Upon completion of each Internal Affairs investigation, the investigator shall forward the investigative report, all supporting documents, investigative notes, and case file documents to the SAC; the Vertical Advocate for designated cases; and the SAIG for cases monitored by the BIR. For designated cases and cases monitored by the BIR, the forwarding and distribution of copies shall be undertaken consistent with DOM, Section 3, Article 22. The investigator shall store his/her investigative report in CMS.

For all other cases, upon approval of the completed investigation, the Regional SAC shall forward a complete copy, including a copy of all exhibits, investigative notes, and case file documents to the Hiring Authority who requested the investigation. In the event that the requesting Hiring Authority became a witness or a subject of the completed investigation, the investigative report and supporting documentation shall be forwarded to the Hiring Authority's immediate supervisor.

Upon completion of any additional investigation that may be requested by the Hiring Authority, Vertical Advocate for designated cases, or the SAIG for cases monitored by the BIR, the Regional SAC should forward a letter to the subject of the investigation advising the subject that the investigation has been referred to the Hiring Authority. The Hiring Authority shall review the investigation package, determine the investigative findings, and initiate disciplinary action, if necessary, consistent with DOM, Section 3, Article 22.

A complete copy of the investigation and case file shall be maintained by the OIA.

31140.42 Maintenance of Investigation/Inquiry Records, Files, and Complaints

All reports, documents, evidence, and other materials or information relative to any investigation shall be processed and stored in a manner precluding unauthorized access or disclosure (refer to Penal Code Sections 832.7 and 832.8, and Evidence Code Sections 1043 and 1046).

The Hiring Authority shall ensure the proper maintenance and security of investigation/inquiry records and files pursuant to Penal Code Sections 832.5 and 832.7.

31140.43 Purging Investigation/Inquiry Records

Investigation records shall be purged and destroyed as provided in the Records Retention Schedule. Purging may be postponed if litigation or potential litigation is pending, or if there are other justifiable reasons. The OIA shall forward a request, by memorandum, regarding approval/disapproval to purge investigative records to the Hiring Authority of each employee investigation and to the OLA. The Hiring Authority and OLA shall review current litigation with appropriate staff before authorizing, in writing, the purging of these records.

31140.44 Revisions

The Assistant Secretary, OIA, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

31140.45 References

GC §§ 3303(f) and (h), 3304(d) and (g), 8547, 11182, 19635.
PC §§ 550, 832.5, 832.5(b), 832.7 and 832.8, 6065(b)(1), 6065(b)(2), 6126.1, 6126.1(c).
EC §§ 1043 and 1046.
IC § 1871.4.
CCR (15) § 3268.1and 3291(b).
Madrid v. Tilton, (USDC. No C90-3094 TEH) December 2006.
Fifth Amendment.
Public Safety Officers Procedural Bill of Rights Act.
California Whistleblower Protection Act.

ARTICLE 15 — RELEASE OF PAYROLL WARRANTS

Revised January 3, 2000

31155.1 Policy

It is the policy of the Department that all employees receive a payroll warrant each payday. For all full-time and fractional timebase employees, payday is the last working day of each pay period (Master Payroll). For intermittent/hourly employees, payday is no later than the 15th day of the following month. These dates may be affected by any late payroll adjustments (e.g., late dock).

SAM 8580.2 states that when a pay period ends on a normal workday (Monday through Friday), departments may release salary warrants anytime on that day after the employee has completed the work for the pay period. When the pay period ends on a Saturday, Sunday, or a holiday, departments may release salary warrants anytime on the last preceding normal workday (Monday through Friday) provided the employee has completed the work for the pay period. If employees are going to deposit or cash their warrants prior to the issue date, they should be cautioned to do so just before bank closing time, or 4:00 p.m., on those days when the banks are open until 6:00 p.m.

Generally, Master Payroll warrants are not to be released until the completion of work on payday or before 3:00 p.m. on payday, whichever is earlier. Payroll warrants released earlier, or at 3:00 p.m., shall not be deposited or cashed before 4:00 p.m.

In the event of staff use of informal administrative time off as granted by the Governor, payroll warrants shall not be released earlier than 12:00 noon of the last working day in December.

SAM provides for salary advances only when errors or delays in submitting or processing documents make it impossible for the SCO to prepare and deliver proper payroll warrants within a reasonable amount of time. The MOUs limit the number of annual salary advances, and identify the time frame in which late dock salary advances shall be issued.

31155.2 Purpose

This section sets forth the procedures for the early release of payroll warrants and the release of payroll warrants after normal work hours, and addresses late dock salary advances.

31155.3 Direct Deposit

Employees may avoid this process by signing up for direct deposit of their payroll warrants. It is strongly urged that employees make arrangements for Direct Deposit of their payroll warrants. STD Form 699, Direct Deposit Enrollment Authorization, may be obtained from the Personnel Office. The bank routing number from the financial institution will be necessary. It will take approximately 30 to 45 days from the time the SCO receives the STD Form 699 to credit the employee's payroll warrant to the designated bank account.

31155.4 Early Release of Payroll Warrant

Payroll warrants may be approved for early release, but no earlier than one day prior to the normal payday. Early release of the Master Payroll warrants may be allowed for the following reasons:

- Employees are required to travel on State business on payday.
- Employees are called away on personal emergencies or for unforeseen urgent matters on payday.

Acceptable Reasons

Examples of personal emergencies or unforeseen urgent matters include, but are not limited to, the following:

- Death in the immediate family.
- Medical emergency or sudden illness in the family.
- Acts of vandalism which have caused significant damage to a vehicle which requires immediate repair.
- Emergency home repairs due to unforeseen events such as fire, flooding, storm damage, theft, or vandalism.

Good judgment should be used in requesting and approving early release of payroll warrants.

31155.4.1 Responsibilities of an Employee Requesting an Early Release of a Payroll Warrant

To request an early release of a payroll warrant, an employee shall complete a CDC Form 1816, Request for Early Release of Payroll Warrant, and include:

- The need for an early release of a payroll warrant with sufficient explanation of the circumstances, i.e., away from the work place on payday due to State business travel, personal emergency, or unforeseen urgent matter and not on leave status.
- Employee's signature stating the payroll warrant will not be deposited or cashed before 4:00 p.m. on the official payday.

Early release of payroll warrants shall not be approved if the employee is:

- Utilizing leave credits for other than personal emergency or unforeseen urgent matters on payday.
- On extended sick leave.

Employees in these situations have the following options:

- Provide a self-addressed, stamped envelope in which to have their payroll warrant mailed.
- Initiate Direct Deposit with their bank or credit union.
- Designate, in writing, another person (including the designated person's social security number) to pick up the employees' payroll warrant(s) for them.
- Obtain their payroll warrant upon returning to the workplace.

Employees with flexible work schedules may not request early release of their payroll warrant because payday falls on one of their regular days off (RDO). If employees are on a mandatory 4/10 timebase, the accounting office will release their payroll warrants upon completion of their work shift, at the end of the pay period, but not more than one day before payday, and only if payday falls on one of their RDOs.

Note: Violations of the early warrant release policy may result in suspension of all early releases of payroll warrants at the facility, parole region, or headquarters. If control agencies note widespread violations, CDCR may be suspended from releasing any payroll warrants early.

31155.4.2 Designation of an Early Release Request Reviewer

Wardens shall designate a staff member, at a level of Business Manager II or above, to review all CDC Form 1816s for their respective facilities.

Since payroll warrants of parole region staff are normally mailed to the parole region offices prior to payday, each Regional Parole Administrator shall be responsible for the approval of any early release of payroll warrant requests for their respective regions. Regional Parole Administrators may designate their Deputy Regional Parole Administrator or their Assistant Regional Parole Administrator to review all CDC Forms 1816 for their respective parole regions.

The Chief of Accounting Management Branch, headquarters, is the designated reviewer for headquarters' units and for P&CSD.

31155.4.3 Responsibilities of the Supervisor of the Requestor

Prior to signing and forwarding the CDC Form 1816, it is the responsibility of the supervisor of the requestor to:

- Review the request.
- Verify the personal emergency or unforeseen state of urgency for appropriateness.
- Verify the employee will be away from his or her work site on State business on payday.
- Verify the employee has sufficient leave credits available to cover the completion of work in the pay period.
- If approved, sign the CDC Form 1816 and forward it to the designated reviewer with all the appropriate supporting documentation.
- If denied, return the CDC Form 1816 to the employee.

31155.4.4 Responsibilities of the Designated Reviewer

Prior to signing and forwarding the CDC Form 1816, the designated reviewer shall:

- Review the request for appropriateness.
- Request further verification, if necessary.

- If approved, sign the CDC Form 1816 and forward it to the accounting office or to the parole unit office with all of the appropriate supporting documentation.
- If denied, return the CDC Form 1816 to the employee.
- Maintain a copy of each CDC Form 1816 (approved or denied).

31155.4.5 Responsibilities of the Accounting Office/ Parole Unit Supervisor

The accounting office or parole unit supervisor for the parole region shall:

- Notify the employee when the payroll warrant may be picked up.
- Maintain a warrant log of the payroll warrant number, employee name and signature of employee when he or she picks up the payroll warrant. Substitutions for a warrant log must receive prior approval from the Chief of Accounting Management Branch in headquarters.

31155.5 Late Dock Salary Advance

When an employee does not receive a payroll warrant on payday, the Department agrees to issue a salary advance, consistent with the MOU and Department policy and under the following conditions:

- When errors or delays occur in processing the payroll documents through no fault of the employee, a salary advance shall be issued on payday for an amount close to the actual net pay.
- For represented employees in Bargaining Units 2, 7, 9, 10, 13, 15, and 16, there shall be no more than two salary advances in a calendar year. A salary advance for employees with late dock shall be issued within five workdays after payday.
- For represented employees in Bargaining Units 4, 11, and 14, there shall be no more than four salary advances in a calendar year. A salary advance for employees with late dock shall be issued within five workdays after payday.
- An employee with late dock who has exceeded the maximum number of salary advances allowed by his/her respective MOU shall receive his/her corrected SCO payroll warrant when it has been reissued by SCO.

31155.6 Release of a Payroll Warrant After Hours, Weekends or Holidays

This section only pertains to 24-hour facilities. There shall be no provisions for release of payroll warrants after-hours, weekends, or holidays for headquarters staff.

Wardens should establish procedures for releasing payroll warrants other than on normal workdays (Monday through Friday) and normal work hours (8:00 a.m. to 5:00 p.m.) and ensure that:

- Staff (e.g., control room or assignment staff) are not designated to handle payroll warrants if their duties are incompatible with the requirements regarding the handling of payroll warrants. (See DOM 31155.6.1.)
- A warrant issuance log is maintained by the above-designated staff. The warrant issuance log shall include the warrant number, printed employee name, and the signature of the employee whose payroll warrant is being released.
- In lieu of the above warrant issuance log, a printed alpha roster with the names and social security numbers of all employees may be used. Warrant numbers must be printed on the roster.
- The facility designates a secured area where the payroll warrants shall be locked safely when unattended and available only to the designated staff.
- The facility establishes procedures to transfer custody of the payroll warrants and the warrant issuance log:
  - Between designated staff at each change of shift.
  - When the payroll warrants and warrant issuance log are picked up from and returned to the accounting office.

This procedure shall require the designated staff to be fully accountable for payroll warrants at all times; and that the undistributed payroll warrants and the completed warrant issuance log will be returned by the designated staff to the accounting office on the first normal workday after the weekend and/or holiday when the accounting office opens.

Unless a facility is unable to meet all of the above requirements or has other extenuating circumstances that would prohibit implementation, all Wardens are strongly urged to implement a process for releasing payroll warrants after-hours, on weekends, and holidays. Implementation of such procedures shall not result in additional cost to the State, nor affect institutional security.

If a facility cannot meet any one of the above requirements, the Warden may seek an exemption from the requirement if an alternative means is established to compensate for that requirement. Exemption from any of the above requirements shall be made in writing to:

California Department of Corrections
Chief - Accounting Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

It is strongly recommended that all accounting offices extend their hours each payday to accommodate as many of the different shifts/work schedules as possible and minimize the need to establish procedures for releasing payroll warrants during weekends or holidays. Payroll warrants released shall not be deposited or cashed prior to 4:00 p.m. on payday.

31155.6.1 Designation of Staff to Distribute and/or Handle Payroll Warrants

SAM 8580.1 states persons designated by agencies to distribute salary warrants to employees, or to handle salary warrants for any other purpose, shall not be authorized to process or sign any of the following personnel documents:

- CDC Form 113-A, Proof of Lost or Destroyed Payroll Warrant.
- CDC Form 113-B, Request for Issuance of Duplicate Warrant.
- STD Form 456-A, Personnel/Payroll Transaction.
- STD Form 603, Report of Absences Without Pay.
- STD Form 666, Report of Exceptions to Payroll.
- STD Form 672, Attendance Report.
- STD Form 673, Report of Extra Hours to be Paid.
- STD Form 674, Payroll Adjustment Notice.
- STD Form 680, Personnel Action Request.

Additional forms that shall not be processed or signed by persons designated to distribute or handle payroll warrants are:

- CDC Form 998-A, Employee Attendance Record.
- STD Form 671, Miscellaneous Payroll/Leave Action Form.

As outlined in ASB 1991-6, and in SAM 8080, for the purposes of separation of duties and adequate internal control, payroll warrants shall not be disbursed by the person who authorized the disbursement, nor by the person who prepared the warrant.

31155.6.2 Responsibilities of the Accounting Office

The accounting office shall prepare a warrant issuance log that identifies the total number of payroll warrants turned over to the designated staff. The warrant issuance log shall be released to the staff member(s) designated by the Warden. The designated staff will sign for the payroll warrants.

On the first normal workday after the weekend or the holiday, the accounting office will receive the warrant issuance log and the undistributed payroll warrants from the designated staff. The accounting office will be responsible for verifying the warrant issuance log against the remaining payroll warrants.

Leaving the payroll warrants for an extended period of time outside the accounting office with another unit is not recommended.

31155. 7 Revisions

The Deputy Director, ASD, or designee is responsible for ensuring that the contents of this section are kept current and accurate.

31155.8 References

SAM §§ 8080, 8580.1, 8580.2 and 8595.

ASB 1991-6.

ARTICLE 16 — MANAGERIAL PERFORMANCE APPRAISAL SYSTEM

Effective April 22, 1991

31160.1 Policy

Public concern regarding the cost of government has motivated legislators and public administrators to increase the efficiency and effectiveness of government. One point of focus has been in the area of employee performance appraisals.

Recent advancements in the development of appraisal methods have renewed efforts to make better utilization of this powerful management tool, especially as it applies to mangers. Performance appraisal properly carried out enhances clarification of job duties and responsibilities.

31160.2 Purpose

The Managerial Performance Appraisal System (MPAS) provides more effective management by recognizing superior performers (through bonuses), and serving as an incentive for managers to strive toward efficiency and prepare them for promotion. The program is designed to communicate and clarify work objectives; provide a standardized method of reporting work performance; distinguish between superior, good, and poor performers; and help deal with below standard managerial performance.

31160.3 Participants

Participation in MPAS is mandated by GC 19992.8 through 19992.14. Exceptions to non-participation shall be approved by the Chief Deputy Director. The MPAS Coordinator shall be provided with written notification of such action.

Classification of Participants

Permanent or limited-term employees in a designated managerial classification. A managerial classification is defined as an employee having significant responsibilities formulating of administering Department programs and policies as mandated in GC 3513 (e). Exempt employees, except those designated as higher level reviewers, are also included.

Ineligible Participants

Non-managerial employees who are serving on training and development assignments to designated managerial classes are ineligible to participate, as are managerial employees who are on training and development assignments to non-managerial classes. Similarly, employees on acting assignments to designated managerial classes are not eligible to participate.

Separated Employee Participants

Managers who retire, leave State service or voluntarily demote to a non-managerial position are also covered if they participate in the minimum appraisal period as defined below. Additionally, managers assigned temporarily outside their parent organization or those who transfer between departments are covered if they meet the minimum appraisal period requirements.

Immediate Supervisor

The supervisor who is responsible for rating the manager quarterly and annually.

Designated Higher Level Reviewer

The appointing authority, or the Chief Deputy Director/Director, who makes final evaluation and bonus decisions.

The designated higher level reviewer (Warden, RPA, Deputy Director, Chief Deputy Director or Director) reviews the quarterly and final rating and nominates bonus recipients. These individuals are exempt from MPAS as their role presents a potential conflict of interest.

31160.4 Appraisal Period

The MPAS appraisal period begins July 1 and concludes June 30 each year. Evaluations are due at the end of every third month (September, December, March and June) with the final or annual evaluation also due by June 30.

Minimum Appraisal Period

The minimum appraisal period is 90 days. Managers employed for less than 90 days during an appraisal year will not be included in the program.

Minimum Bonus Appraisal Period

The minimum participation period for bonus eligibility is 180 days. Appraisal quarters may be added together to meet the 180-day minimum. Routine vacation and sick leave are not subtracted from the 180 days; however, extended leave of 60 days or more is subtracted.

31160.5 Appraisal Process

Appraisals shall be based on organizational goals. Each manager will be assessed on their contribution toward the accomplishment of those goals. Organizational goals shall be translated into annual work plans consisting of critical elements for each manager.

31160.5.1 Work Plans

Each manager shall have a work plan prepared and approved prior to the beginning of the appraisal year. A narrative or memorandum style is acceptable. This plan is developed by the manger and their supervisor, signed as acceptable by both and shall contain the performance elements to be accomplished by the manager during the year.

When MBO goals relate to the manager's scope of responsibility, MPAS work plan elements should incorporate the departmental Management by Objective (MBO) goals.

Any revision to the work plan should be entered within the quarter in which they are effective and initialed by both the supervisor and manager.

Managers appointed after submission of annual work plans will assume the work plan previously developed for the position of a pertinent one exists or will prepare/revise within 90 days of their appointment.

31160.5.2 Critical Elements

The critical element of a work plan is one of such importance that accomplishment of it is essential to the work unit's mission.

Criteria

Each manager's work plan shall contain at least three critical elements. The DPA recommends that no more than seven critical elements be developed.

Critical elements should represent the main thrust of the manager's position and meet the following criteria:

- Give a precise definition of the expected accomplishment.
- Be Challenging, attainable and within the manager's control
- Be clearly stated in terms of needs, specific results, and time periods for each critical element.
- Be subject to reliable periodic measurement that the projected effort is on course and on time.

Critical elements must have "milestones" that can be measured each quarter. This will enhance the review and rating process as well as point out needed modifications to the work plan. Example,"...complete an on site audit of each institution's appeal procedure for compliance with policies, procedures, at the rate of three institutions per quarter, with a report on the first three institutions due September 30, 1991."

Managers are encouraged to develop critical elements that will span the entire 12-month period to provide a better basis for evaluation. Each work plan should include a minimum of one critical element, that expires in June. Work plans whose critical elements are all scheduled for completion prior to June do not allow for complete quarterly evaluations and ratings.

31160.5.3 Noncritical Elements

MPAS replaces the use of individual development plans for designated managers. Plans for self-development and/or training to be accomplished during the appraisal year shall also be included in the work plan as "non-critical elements". These elements shall not be a determining factor for bonus nomination, as the final ratings shall be based on accomplishment of the critical elements only.

Supervisors may continue to provide performance evaluation summaries for subordinate managers to document their performance in areas beyond the scope of MPAS.

31160.5.4 Evaluation Standards

Evaluations are based on each manager's self-assessment that are prepared quarterly. These self-assessments should provide specific information on the manager's progress toward meeting the critical elements of the work plan. The self-assessments are submitted to the rater for review and form the basis for the manager's quarterly and final summary ratings.

The Managers' General Standard (MGS) provides the yardstick by which managers are measured regarding accomplishment of their critical elements. The yardstick provides fair, equitable and consistent expectations for basic types of activities that are relevant to all state managers. Use of the MGS critical elements does not preclude adding standards for specific accomplishments of a manager's job.

While these standards can be used to hold managers accountable for performance in these areas, the decision to grant a bonus must be supported by "Fully Successful" or above performance on critical elements.

Managers who believe that any element is the MGS does not apply to their duties may submit written justification as to why they should not be appraised on that element. Exceptions however, should be infrequent.

Rating Levels

Five rating levels are used:

- Outstanding.
- Exceeds Fully Successful.
- Fully Successful.
- Minimally Successful.
- Unsatisfactory.

Most ratings for valued, competent managers will be "Fully Successful," which is the level of performance expected of a manager. Relatively few managers should fall into the remaining categories.

31160.6 Rating and Review Process

Progress reviews shall be discussed with each manager quarterly and any time their performance falls below the "Fully Successful" level.

Responsibility of Participants

At the end of each quarter, the participating manager shall prepare and submit a self-evaluation and any supporting documentation to their supervisor for review. The supervisor should address the self-assessment in the progress discussion and consider the documentation when assigning the rating. If, due to intervening priorities, a quarterly objective cannot be met, the work plan due dates should be revised, objectives should be deleted, or new objectives should be included.

Responsibility of Supervisor

Ratings will be assigned at all formal reviews. These ratings shall be recorded on the Managerial Performance Appraisal Summary and signed by the supervisor and managerial employee. The recommended rating and any employee comments shall be submitted to the designated higher level reviewer at each institution, parole region or headquarters unit, and ultimately to the respective deputy director.

Responsibility of Higher Level Reviewer

The higher level reviewer shall:

- Determine if the ratings are factually accurate, properly documented, and consistent with their own impression of how the employee's performance meets the MGS.
- Consider any employee comments/appeals and determine what impact, if any they should have on the ratings.
- Consider all submitted ratings collectively to ensure that the managerial rating standards are being consistently applied and that the overall group of ratings effectively and accurately distinguish the various levels of performance that are present within the rating group.

Any changes in the ratings shall be supported by written comments and must be communicated back to the employee and supervisor. Employees shall also be provided an opportunity to submit comments/appeals on ratings that are lowered.

Each division shall establish a system or location for retention and retrieval of substantiating documents for audit purposes, (e.g., having division coordinators retain the documentation; having the rater retain the actual documentation and submit a summary of the employee's progress with the quarterly review; or submitting the documentation with the quarterly review an returning it to the rater after review by the deputy director.) EC&ISD coordinates the appraisal/bonus process for managers reporting to the Directorate.

Semi-Annual Review

A semi-annual summary report of work plans, reviews and ratings will be submitted by each division to the Department Coordinator at the end of the second quarter. The Department Coordinator will consolidate these reports and advise the Chief Deputy Director of the status to the program.

Final Review

Overall ratings for the entire appraisal ear are assigned at the end of the fourth quarter and are included as part of the fourth quarter progress review discussion.

Appraisals shall be given to all managers transferring to anther department, upon departure, if the period worked exceeds 90 days in the current appraisal year. This report will be included in the year-end appraisal.

The organization that a manager is permanently assigned at the end of the appraisal year shall prepare the final appraisal unless otherwise requested by the manager. A manager at their discretion may receive consideration from another department or organizational unit where they served during the year by submitting a written request to that department or organizational unit on or before June 30. The manager shall also at their desecration submit a copy of this request to the department where they are currently assigned.

31160.7 Responsibilities

The following are the specific responsibilities for all participants in the MPAS.

Participants' Responsibilities

Work Plans:

- Prior to the beginning of the appraisal year, each manager shall prepare and submit a designated manager Work Plan and Managerial Performance Appraisal Summary, STD Form 750, for the fiscal year. Managers appointed after the beginning of the appraisal year must either assume the existing work plan for their position or prepare/revise on within 90 days of appointment.
- Work plans shall include critical an noncritical elements.
- Each manager and their supervisor shall discuss the work plan. Both must signify acceptance of the plan by signing the STD Form 750, Part A.
- Work plans are subject to deputy director concurrence.

Quarterly Review/Final Appraisal Summary:

- Each manager prepares a self-evaluation of progress in meeting established objectives. The evaluation and any supporting documentation is submitted to their supervisor prior to the review discussion.
- A formal discussion between the manager and supervisor shall be held each quarter to review progress in meeting, or not meeting, the established objectives. Ratings shall be assigned at each formal review Both the manager and supervisor shall initial and date the assigned rating on the STD Form 750.
- Work plans may be revised at the time of the quarterly review. Revised plans shall be signed by both the employee and supervisor and are subject to deputy director concurrence.
- An exit review shall be conducted and a rating assigned when an employee vacates a managerial position if the appraisal period exceeds 90 days.

Supervisors' Responsibilities

Work Plans:

- Supervisors must ensure that a work plan and STD Form 750 are completed before the beginning of the appraisal year for each manager under their supervision, or within 90 days of appointment is after the beginning of the appraisal year.
- A discussion of the work plan takes place. Both the manager and supervisor must signify acceptance of the plan by signing Part A of the Form 750.
- Work plans are subject to the deputy director' concurrence, and copies must be submitted to the deputy director, by the Division, Institution and Parole Region MPAS Coordinators.

Quarterly Reviews:

- At the conclusion of each quarter a discussion of the employee's progress in meeting his or her established objectives shall be held and a rating assigned.
- Changes to the work plan may be made at this time and are subject to the procedure outlined under "Work Plans".
- Prior to the discussion, the supervisor reviews the self-evaluation and any substantiating documentation submitted by the employee. This information should be considered when assigning the quarterly rating.
- An exit review must be conducted and a rating assigned when an employee vacates a managerial position if the appraisal period exceeds 90 days.

31160.7.1 Division, Institution MPAS Coordinators' Responsibility

Deputy Directors and Institution Wardens shall appoint an MPAS coordinator.

The Division/Institution MPAS Coordinators shall act as the liaison for managers and raters; monitor the completion and submission of work plans, quarterly reviews, semi-annual rating summaries, final appraisals, substantiating documentation and bonus awards and recommendations; and disseminate information to managers, raters and deputy directors, as appropriate.

Work Plans:

- Verify that each eligible managerial employee prepares a work plan and STD Form 750 for the fiscal year prior to the beginning of appraisal year.
- Verify that a work plan is completed or revised within 90 days when a managerial employee is newly appointed or a previously vacant managerial position is filled. Work plans may be transferred to an employee filling a position where a work plan was previously completed.

- Verify that the work plan is signed by both the employee and the rater signifying acceptance of the terms of the plan (the signature blocks are found in Part A of the STD Form 750).
- Maintain a log of work plans received.

Quarterly Reviews:

- Quarterly reviews of performance are mandatory. Coordinators ensure completion and submission of these reviews within 15 days after the end of the quarter.
- Log the rating.
- Ensure that reviews are done for employees who terminate employment, transfer, promote or demote (to a nonmanagerial position) within the division, institution and parole region or to another division or agency.

Semi-Annual Report:

- A semi-annual summary report of reviews and ratings is forwarded to the Department MPAS Coordinator following the end of the second quarter.

Final Appraisal Summary:

- Ensures completion and submission of the final appraisal summary for all participants.
- Submits final appraisal summaries (for those employees being recommended for bonus awards) and all supporting documentation to the Department MPAS Coordinator.

31160.7.2 Deputy Director's Responsibility

The work plans for each designated manager within the division, institution and parole region are reviewed by the deputy director or designee for compliance with the criteria described in Section 31160.5.1. Exceptions to participation shall be reviewed and approved by the deputy director prior to submittal to the Chief Deputy Director. When necessary, the work plan is returned to the manager for additional information, clarification or milestones. When changes are necessary, a new plan is prepared and signed, or the employee and rater may initial changes made to the original work plan.

Final appraisal summaries and supporting documentation are submitted to the deputy director at the end of the appraisal year.

Each deputy director may recommend up to 20% of the managers within the division for bonus award consideration.

Bonus nominations are submitted to the Chief Deputy Director. An executive summary of each manager's accomplishment and an explanation of the significance to Department is prepared and submitted in lieu of actual supporting documentation. This summary, the STD Form 750, a copy of the original work plan and any revisions to the work plan must be sent to the Department MPAS Coordinator.

31160.8 Department MPAS Coordinator

The Department MPAS Coordinator (Personnel Office staff member) shall act as liaison for the Division MPAS Coordinators and disseminate information regarding DPA and the Department's policies and procedures relative to MPAS. Additionally, the Department MPAS Coordinator shall:

- Monitor completion of work plans, semi-annual reviews and ratings, final appraisal summaries, supporting documentation, bonus award recommendations and bonus awards.
- Analyze the above for consistency and adequacy and work with the Division MPAS Coordinators and/or deputy director when changes are necessary. This shall include reviewing bonus nomination packages, and returning for further clarification or forwarding for the Director's approval.
- Prepare participating manager listings semi-annually and distribute to Division Coordinators.
- Prepare semi-annual status report for the Chief Deputy Director.
- Prepare year-end summaries for the Chief Deputy Director regarding bonus recommendations, funding and award allocations.
- Gather work plans and supporting documentation of bonus recipients from divisions, institutions and parole regions for DPA audit purposes. Respond to DPA inquiries and prepare reports as necessary.
- Prepare congratulatory letters for Director's signature. Advise the headquarters personnel transactions office of bonus payment procedures.
- Monitor the payment procedure to assure checks and congratulatory letters are delivered in timely manner.

31160.9 Documentation Required for Rating Levels

When performance is reported as "Unsatisfactory," it shall be accompanied by documentation that includes a recommendation for adverse action such as salary reduction, demotion, separations, etc.

Ratings of "Minimally Successful" require an explanation of the deficiencies and what steps are being taken to resolve the deficiencies.

If the "Unsatisfactory" or "Minimally Successful" rating is due to mitigation circumstances, adverse action is not necessary; however, an explanation of the circumstances shall accompany the appraisal.

"Exceeds Fully Successful" ratings require an explanation as to how the performance is notably better than "Fully Successful," e.g., what high quality work was completed ahead of scheduled deadlines with less than normal supervision.

"Outstanding" ratings require documentation demonstrating that an exceptionally high quantity and quality of work was performed with little or no supervision.

31160.10 Bonus Nomination/ Selection Process

Bonus determinations are made on a case-by-case basis in comparison with the accomplishments of other managers in the organization. Managers who receive ratings of "Exceeds Fully Successful" or "Outstanding" throughout the year are eligible for bonus awards.

In exceptional cases, an employee may be rated "Fully Successful" on quarterly reports and nominated to receive a bonus. In these rare situation where the critical elements of the work plan, in and of themselves, are so significant that fully successful performance far surpasses outstanding performance on objectives of a more routine or common nature, the employee may be recommended for a bonus. In such cases, the deputy director must provide supporting documentation that clearly justifies why the bonus is warranted.

Typically, managers receiving less than fully successful on any quarterly report will not be recommended for a bonus.

The Department has established bonus awards for 20 percent of its qualifying participants. To equitably distribute the awards, the bonuses shall be allocated each year on a pro rata basis to each division, institution, and parole region calculated on the number of participants with 180 days or more in the program. This means that the total number of bonus awards allocated to each division, institution, and parole region shall be based on 20 percent of their participants.

Bonus awards may range from $1,250 to $5,000; however, the Department typically limits the maximum amount to $2,500. Awards over $2,500 may be granted in extremely rare cases and must be supported by exceptional justification.

Bonus award amount guidelines:

Outstanding	$2,000 to $2,500
Exceeds Fully Successful	$1,500 to $2,000
Fully Successful	$1,250 to $1,500

Bonus award decisions shall consider all qualifying performance during the appraisal year, including those occurring in other departments or organizational units. Managers who retire, leave state service or voluntarily demote to a non-managerial position may be considered for a bonus if the period worked exceeds 180 days.

The final appraisal, with all required substantiation attached, shall be submitted to the deputy director. The deputy director will review each appraisal and select managers for bonus nominations.

Bonus Nomination Package

The bonus award nomination package shall include:

- An executive summary of the manager's accomplishments and the significance to the Department. This summary should specify how the manager met or exceeded the critical elements in their work plan and how the accomplishment of the critical elements benefited the Department. The summary should also include the recommended bonus amount and a brief explanation if the amount exceeds the guidelines. This will assist in post-audit reviews by DPA .
- The completed appraisal summary form that contains all the quarterly rating as well as the final rating and participant's signatures.
- The original work plan with any revisions.
- Any actual documentation such as self-evaluations, legal documents, graphs, charts or other records should be retained by the division.

Nomination packages are submitted to the Chief Deputy Director, by the Department MPAS Coordinator, for final approval by September 20. The Director and Chief Deputy Director retain final authority for all bonus award decisions.

Awards shall be determined by November 1 and payments shall be made by December 15.

Bonus checks are issued by the SCO. The Department MPAS Coordinator will work with Personnel and Payroll Services to request the bonus warrants, prepare a letter of congratulations for the Director's signature, and distribute the checks and letters for presentation to the nominees. The awards may either be sent by mail or made in person, at the discretion of the Warden or deputy director.

31160.11 Appraisal Appeal Process

The appraisal appeal process provides managers an opportunity to appeal their appraisal. The basis for an appeal is that the performance appraisal report was used to abuse, harass or discriminate against the managerial employee.

31160.12 Revisions

The Deputy Director, Administrative Services is responsible for ensuring that this section is current and accurate.

31160.13 References

GC §§ 19992.8 - 19992.14.

CCR (2) (1) §§ 599.796 and 599.796.1.

ARTICLE 17 — PERSONNEL EXAMINING

Revised January 5, 1993

31170.1 Policy

Examinations for the establishment of eligible lists shall be competitive and administered in a uniform manner consistent with applicable laws, policies, and sound personnel practices.

31170.2 Purpose

This section outlines the procedures and requirements that shall be followed for examinations and identifies sections/units involved in examining for The Department.

31170.3 Definitions of Testing Options

Testing options available to administer state examinations are as follows:

Decentralized Testing

SPB grants civil service testing authority to departments for promotional and service-wide open examinations for classifications unique or primary to a specific department.

Delegated Testing

A department under the SPB's decentralized testing program is granted authority to delegate civil service testing for classifications specific to one location to enable timelier, more cost effective eligible lists when candidate numbers are typically small.

Open Examination

Utilized when examining for entry-level, specialized or technical classes and the qualified candidate group is outside of state service working in private industry. Career Credits do not apply. Veterans Preference Credits are applied to the open list only if the examination is an entry-level examination (requiring less than a Bachelor's Degree and two years' experience).

Open & Promotional

Utilized when there is an identified, qualified promotional group which is not of adequate size to meet the needs of the department. In this examination, two eligible lists are established (a promotional list and an open list). The promotional list shall be used before the open list. Career Credits do not apply. Veterans Preference Credits are applied to the open list only if the examination is an entry-level examination (requiring less than a Bachelor's Degree and two years' experience).

Open Non-Promotional

Utilized to open competition to both State and private industry employees to produce eligible lists with more highly qualified candidates. Career Credits are applied to the final score of state employees with permanent status. Veterans Preference Credits may apply.

Promotional

Utilized when a qualified candidate group of adequate size is within state service. Career Credits and Veterans Preference Credits do not apply.

Subdivisional

Limits competition to those employed in a specified division or organizational unit within a department that has its own appointing authority.

Statewide

Administered throughout the State in locations where examining facilities are available. This applies to open exams that have positions throughout the State, such as the Telecommunications Technician classification. In this instance, a CDC Form 631, Conditions of Employment, shall be used to determine the location preference of the candidates.

Spot or Local

Administered in a county or a specific geographic location such as Los Angeles County for the purpose of establishing an employment list to fill vacancies in the particular location. Spot or local examinations can be administered either on an open or promotional basis.

Area

An area examination is restricted to a certain geographic location such as San Francisco Bay Area, Northern or Southern California, Sacramento/Yolo Counties. The counties are to be adjoining and candidates shall take the examination for that area only. This applies mainly to open examinations.

Departmental

Limits competition to qualified competitors employed in a specific department.

Multi-Departmental

Limits competition to those employed within agency, such as Department of Water Resources, State Water Resources Control Board, and the Air Resources Board or specific departments, such as the Franchise Tax Board and the Department of Finance.

Servicewide

Allows all qualified state employees to compete without regard to the department in which they work. This type of examination would be administered by SPB and departments with decentralized testing authority.

31170.4 Common Examination Procedures

Laws and rules that govern the administration of examinations within the State's civil service merit system are complied with through the testing entities within the Department.

31170.4.1 Examination Application Acceptance Policy

Examination bulletins publicize final filing dates designed to allow a reasonable time for interested persons to file an application on or before the final filing date.

Strict adherence to filing dates is required by the SPB.

Applicants should be encouraged to file early to ensure timely receipt of their applications.

31170.4.2 Timeliness Determination

If a mailed application is received after the final filing date, the cancellation date stamped on the envelope by the USPS is used to determine whether the application was mailed on or before the final filing date. To avoid dispute, applicants who mail at a USPS Office should obtain a certificate of mailing receipt. This is acceptable proof that the application was submitted in a timely manner. The applicant shall ensure the application is postmarked on or before the final filing date.

Applications placed in interdepartmental mail and not received on or before the final filing date shall be considered LATE applications and will be rejected from the examination.

Following are the conditions under which late applications typically shall **not** be accepted:

- The applicant claims they did not see the bulletin because of distribution problems within the reporting unit.
- The applicant gave an application to another person to turn in to the office that is administering the examination, but it is not received on or before the final filing date.
- The applicant claims the application was mailed, placed in interdepartmental mail, or hand-delivered to the Personnel Examining Section (PES) or other CDC testing offices on or before the final filing date.

A late application shall be accepted under these conditions only:

- If the applicant has a written statement from a USPS official or other witness who verifies the application was mailed on time.
- If the application is postmarked after the final filing, and the USPS verifies in writing this was caused by USPS error.

Following are the conditions under which late applications **may** be accepted:

- The hiring authority verifies in writing that the examination bulletin was not received by the local testing office because of bulletin distribution problems - prevented the employee from being properly notified.
- The unit manager verifies the employee was away from their work during the entire publicity period.
- The application delay was caused by the PES or field office staff error (for instance, an application was returned to an applicant in error).
- Though submitted in error to SPB, the personnel office of another State agency, or another local testing office, the application was either postmarked or date stamped by the State agency or local testing office on or before the final filing date.

31170.4.3 Examination Bulletin Distribution

Examination bulletins are sent to all reporting units in CDC's headquarters (including off-site units), facilities and parole offices.

The local manager shall ensure that all examination bulletins are posted in a place visible to all employees and the public.

Employees shall be responsible to keep themselves informed of testing for classifications currently being administered.

31170.4.4 Testing Information

Examinations scheduled for testing are listed and recorded for easy public access by various state agencies. Recorded message lines are provided by state agencies, including CDC and SPB, and in the California State Telephone Directory. When telephone numbers become obsolete, individuals can contact the State of California Operator on a state telephone line for current information by dialing "0" or on a public telephone by dialing the following:

Sacramento	(916) 322-9900 (916) 657-9900
Los Angeles	(213) 620-3030

(California Integrated Telecommunications Network (CALNET) replaces ATSS system.)

Current testing information for CDC and SPB is available from the following sources:

- CDC's Examination Line: (916) 322-2694.
  - Announces examinations being administered by CDC's PES and promotional examinations that SPB is currently administering which includes CDC.
  - TDD* Line (California Relay Service) 1-800-735-2922
  - (TDD is a Telecommunications Device for the Deaf. The California Relay Service relays calls between a person using a TDD and any other telephone user within the State).

CDC examination and other job opportunity bulletins may be accessed through the Department's Intranet Website: http://intranet/index.html.

SPB's Information Center:

General Information:

The SPB maintains a 24-hour recorded telephone information System that allows callers to access a variety of employment and examination information regarding State civil service. In order to utilize this automated system, you must call from a touch tone telephone. If you do not have a touch-tone telephone, you may request information through the mail. All requests for information must include a self-addressed, stamped, No. 10 envelope and should be sent to:

State Personnel Board
P.O. Box 944201
Sacramento, CA 94244-2010
The SPB has information lines in the following areas:

Los Angeles:	(213) 620-6450
San Diego:	(619) 237-6163
San Francisco:	(415) 557-7871
Sacramento:	(916) 445-2689

Examination information for all departments may also be accessed through the Internet at the following Website: http://www.spb.ca.gov.

31170.4.5 Examination Data Inspection

Test questions, books, scoring keys, and written test answer sheets used to test competitors when administering examinations cannot be reviewed under SPB Rules 187 and 190. These items are standardized for use in other examinations.

31170.4.6 Prohibition of Individuals from Influencing the Examination Process

Employees shall not use their personal influence to aid or hinder any applicants with whom they have a family or close personal relationship (i.e., an association with an individual by blood, adoption, marriage, cohabitation, etc.) or a working relationship. This policy is consistent with the Department's existing policy on nepotism.

Note: The April 30, 1992 memorandum, "Preparing for Civil Service Examinations" issued by the Department's PES, outlines the departmental policy regarding preparation for examination process if any competitors are disadvantaged by not having the same access to tutoring, help, and/or aids. The best preparation is the day-to-day guidance and direction received on the job.

Employees shall not:

- Aid or hinder any Applicant in any phase of a civil service examination or hiring process because of such relationship.
- Furnish any person with information intended to improve or injure that person's chances during the application or examination phases.
- Defeat, deceive, or obstruct any other person's right of examination, application, or employment.
- Willfully and falsely mark, grade, estimate, or report upon the examination standing of any person examined or certified.
- Participate in the examination or hiring interview of any person with whom they have such relationships.
- Practice deception or fraud with regard to any person's identity in connection with any examination, application, or request to be examined.
- Obtain examination questions/materials before, during, or after an examination for purpose of preparing candidates for examinations.
- Use unfair means to cause or attempt to cause any eligible candidate to waive any rights under these regulations.

31170.4.7 Conduct of Employees with Family or Personal Relationships with Competitors.

To avoid the appearance of improper influence, employees with a family or personal relationship to any competitor shall not participate in any phase of the examination process, including but not limited to:

- Planning.
- Application review of minimum qualifications.
- Question development.
- Written examination proctor.
- Organizational review committee (ORC).
- Qualifications Appraisal (QAP)
- Serve as a rating or reviewing supervisor of the competitor.
- Participate in discussions or ratings of the competitor.

If an employee serving on an ORC, QAP, or participating in the discussion or rating of competitors finds one of the competitors is one with whom they have a family or close relationship, the employee shall not participate in the interview, observation, discussion, or rating of the competitor by leaving the room.

If serving in any capacity in the examination or hiring process an employee discovers a competitor with whom they have a family or close relationship, the employee shall contact PES for direction.

Employees selected to participate in the State civil service examination process shall maintain the competitive and confidential nature of the examination process. Any appearance of improper influence could jeopardize the integrity of the examination resulting in examination appeals from the candidate group and, ultimately, grounds to void an examination.

Violation of the provisions of this section:

- May result in criminal prosecution.
- Shall be cause for adverse action.

31170.5 CDC Examination Services Sections/Units

CDC Examining Sections/Units are:

- Personnel Examining Section (PES).
  - Personnel Examining - Headquarters.

- RTLU.
- Facility Regional/Local Testing Offices (LTO).
- Selection and Standards Branch (See DOM 31060).
  - Officer Recruitment and Selection Section.
  - Testing Centers.
  - Background Investigation Unit (known as BIU).

31170.6 Personnel Examining Section (PES) Examining Role

This section administers CDC's civil service testing programs, exclusive of entry-level peace officer (Officer, CC-I, PA-I and MTA) testing and recruitment. This section conducts major promotional and service-wide open examinations for classifications unique or primary to CDC under the decentralized selection program. Examinations are administered out of the Sacramento PES Headquarters.

31170.6.1 PES Location and Telephone Numbers

Personnel Examining Section
1050 - 20th Street
Sacramento, CA 95814
(916) 322-2694
TDD Relay Service for the Deaf or Hearing-Impaired:
1-800-735-2922

Should these telephone numbers become obsolete, refer to the California State Telephone Directory or contact the State of California Telephone Operator as indicated in DOM 31170.4.4.

31170.6.2 PES Objective

PES is the central point for CDC promotional and service-wide open examination administration. PES' objective is to ensure examinations are held to provide qualified candidates to fill CDC vacancies statewide.

31170.6.3 PES Oversight

PES oversees the examining for Department and provides, by the RTLU, oversight and assistance to the local testing offices.

31170.6.3.1 PES Headquarters' Responsibilities

- Provide promotional and service-wide open examinations for CDC; identify annual examination needs; develop bulletins and advertise to inform public and CDC employees of upcoming examinations; review applications for minimum qualifications; administer written tests; coordinate and orient qualification appraisal interview panels; provide evaluations of education and experience (E&E); develop eligible lists; and develop necessary test materials with the aid of subject-matter expert consultants including written tests, interview questions, E&E criteria, etc.
- Address SPB concerns on all appeals from applicants/competitors participating in CDC headquarters' examinations. Review, analyze, and recommend either support or denial of appellant claims.
- Process withholds of eligibles from employment lists when examination problems are identified, such as falsification of applications, clerical error resulting in failure of examination, or dismissal from State service.
- Participate in internal audits of regional/local testing offices to identify facilities' or divisions' compliance with the State's civil service merit system laws and rules.

31170.6.3.2 RTLU Examining Role

Provides technical assistance, guidance and training for delegated examinations administered by the facility regional/local testing offices statewide.

31170.6.3.2.1 RTLU Location and Telephone Number

Regional Testing Liaison Unit
1050 - 20th Street
Sacramento, CA 95814
(916) 322-2545

If telephone numbers become obsolete, refer to DOM 31170.4.4.

31170.6.3.2.2 RTLU Objective

RTLU is the central point for all facility local/regional testing office requests for technical assistance and training, development of statewide policies and procedures to enhance the regional/local testing concept, and administer examinations primarily for entry-level classifications that are locally recruited, such as instructors, medical personnel, supervising cooks, and trade workers.

31170.6.3.2.3 RTLU Responsibilities

Provide functional oversight and training to Institutional Personnel Officers (IPO) and regional/local testing office staff in examining procedures which include:

- Identifying annual examination needs; developing and distributing examination bulletins; establishing application review standards; administration of written tests, qualification appraisal interview panels and multiple panels (when appropriate); scoring of evaluations of E&E; development of eligible lists; securing confidential test materials; and ensuring the integrity of examinations administered.

The RTLU also performs the following functions:

- Develops guidelines and procedures to enhance the ability of the regional/local testing offices to perform their functions efficiently and in compliance with established standards which govern the State's civil service selection process.
- Participate in internal audits of regional/local testing offices to:
  - Identify a facility's compliance with the State's civil service merit system and areas where additional training is required
  - Provide guidance in the correction of identified problems.
- Address SPB concerns on all appeals from applicants/competitors participating in regional/local testing office examinations. RTLU shall review, analyze, and recommend either support or denial of appellant claims on the part of the regional/local testing offices.
- Process withholds of eligibles from employment lists when examination problems are identified, such as falsification of application, clerical error which erroneously resulted in granting a passing score when in fact the competitor failed the written test; or dismissal from State service which was overlooked during application review or which occurred after completion of the examination.
- Serve as a resource to IPOs and regional/local testing office staff on any delegated testing related issues.
- Provide test guidelines, questions, written test books, E&E criteria, etc., upon request from regional/local testing offices to administer their delegated examinations and meet hiring needs.
- Develop necessary test materials with the aid of subject-matter expert consultants when materials are not available for use by regional/local testing offices.
- Evaluate critical statewide program needs and assist in the development of recommendations for resolution and implementation.
- Assist in the staffing process within regional/local testing offices when requested by IPO.
- Participates in the transition of the delegated testing program responsibility and examination history files from P&CD's NPAU to the local testing offices.

31170.8.1 Facility Regional/LTO Locations and Telephone Numbers

The facilities in **Bold** type indicate regional testing offices.

Avenal State Prison
1 Kings Way
P.O Box 8
Avenal, CA 93204
(559) 386-0587

California Correctional Institution
24900 Highway 202
P.O. Box 1031
Tehachapi, CA 93581
(661) 822-4402

California Institution for Women
16756 Chino-Corona Road
Frontera, CA 91720
P.O. Box 6000
Corona, CA 91718
(909) 597-1771

California Correctional Center
711-045 Center Road
Susanville, CA 96130
P.O. Box 832
Litchfield, CA 96117
(530) 257-2181

California Institution for Men
14901 Central Avenue
P.O. Box 128
Chino, CA 91710
(909) 597-1821

California Medical Facility
1600 California Drive
P.O. Box 2000
Vacaville, CA 95696-2000
(707) 448-6841

California Men's Colony
Highway 1
P.O. Box 8101
San Luis Obispo, CA 93409-8101
(805) 547-7889

California Rehabilitation Center
5th Street and Western
P.O. Box 1841
Norco, CA 91760
(909) 737-2683

California State Prison, Corcoran
4001 King Avenue
P.O. Box 8800
Corcoran, CA 93212-8800
(559) 992-8800

California State Prison, Sacramento
Prison Road
P.O. Box 290010
Represa, CA 95671-0010
(916) 985-8610

California State Prison, San Quentin
San Quentin, CA 94964
(415) 454-1460

Calipatria State Prison
7018 Blair Road
P.O. Box 5001
Calipatria, CA 92233-5001
(760) 348-7000

Central California Women's Facility
23370 Road 22
P.O. Box 1501
Chowchilla, CA 93610-1501
(559) 466-8055

Chuckawalla Valley State Prison
19025 Wiley's Well Road
P.O. Box 2289
Blythe, CA 92226
(760) 922-5300

Correctional Training Facility
Highway 101-N
P.O. Box 686
Soledad, CA 93960-0686
(831) 675-2411

Deuel Vocational Institution
23500 Kasson Road
P.O. Box 400
Tracy, CA 95378-0400
(209) 835-4141

Mule Creek State Prison
4001 Highway 104
P.O. Box 409099
Ione, CA 95640
(209) 247-4911

Northern California Women's Facility
7150 Arch Road
P.O. Box 213006
Stockton, CA 95213-9006
(209) 943-1600

Pelican Bay State Prison
5905 Lake Earl Drive
P.O. Box 7200
Crescent City, CA 95532-7200
(707) 465-1000

Academy
9850 Twin Cities Road
Galt, CA 95632
(209) 744-5000

R. J. Donovan Correctional Facility
480 Alta Road
San Diego, CA 92073-9200
(619) 661-7819

Sierra Conservation Center
5100 O'Byrnes Ferry Road
P.O. Box 497
Jamestown, CA 95327
(209) 984-5291

Parole & Community Services Division
1515 "S" Street – Room 212N
P.O. Box 942883
Sacramento, CA 94283-0001
(916) 323-0283

California State Prison, Los Angeles
44750 60th Street West
Lancaster, CA 93536-7620
(661) 729-2000

California State Prison, Solano
2100 Peabody Road
P.O. Box 4000
Vacaville, CA 95696-4000
(707) 451-0182

California Substance Abuse Treatment Facility-State Prison
900 Quebec Ave.
P.O. Box 7100
Corcoran, CA 93212-7100
(559) 992-7102

Ceninela State Prison
2302 Brown Road
P.O. Box 731
Imperial, CA 92251-0731
(760) 337-7900

Folsom State Prison
Prison Road
P.O. Box 71
Represa, CA 95671
(916) 985-2561

High Desert State Prison
475-750 Rice Canyon Road
Susanville, CA 96127-0750
P.O. Box 400
Standish, CA 96128
(530) 251-5100

Ironwood State Prison
19005 Wiley's Well Road
P.O. Box 2229
Blythe, CA 92226
(760) 921-3000

North Kern State Prison
2737 West Cecil Ave.
P.O. Box 5007
Delano, CA 93216-5007
(805) 721-2345

Pleaseant Valley State Prison
24863 West Jayne Ave.
P.O. Box 8506
Coalinga, CA 93210
(559) 935-4966

Salinas Valley State Prison
31625 Highway 101
P.O. Box 1020
Soledad, CA 93960-1020
(831) 678-5500

Valley State Prison for Women
21633 Avenue 24
P.O. Box 99
Chowchilla, CA 93610-0099
(559) 665-6100

Wasco State Prison-Reception Center
701 Scofield Ave.
P.O. Box 8800
Wasco, CA 93280-8800
(661) 758-8400

31170.8.2 LTO Objective

The LTO's objective is to ensure that examinations are held to provide eligible lists to fill vacancies in the facilities for specific spots and/or regions.

31170.8.3 LTO Responsibilities

Among the LTO's responsibilities are administering delegated examinations for facilities/regions to include distribution of examination bulletin, application review, administration of written tests, coordination and monitoring of qualification appraisal interview panels, scoring of E&Es, and development of eligible lists and examination history files.

31170.9 Personnel Examining Revisions

The Deputy Director, ASD, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

31170.10 Personnel Examining References

SPB Laws & Rules

SPB Selection Manual

SPB Technical Selection Memoranda

Delegated Testing Manual

DOM §§ 31010 and 31060.

ARTICLE 18 — GENERAL TRAINING

Revised June 9, 2010

32010.1 Policy

The Department shall establish and maintain a program of employee training in which all employees shall participate to accomplish the mission, goals, and objectives of the Department. Employee training shall be accomplished according to stated policy and within budgetary restraints. Training shall be on State time when possible. Compensation for overtime worked for training purposes shall comply with the FLSA.

32010.2 Purpose

This section provides a convenient source of departmentally approved training methods, standards, applications, and establishes policy for the planning, implementation, and evaluation of all planned training activities.

32010.3 Disclaimer

When provisions of this Section are in conflict with the provisions of a Memorandum of Understanding (MOU), the MOU shall be controlling.

32010.4 Goals and Objectives

The goal of departmental training is to ensure a well-trained, quality workforce.

The objectives are to:

- Use best practices to provide training for departmental personnel that shall enable them to function at their optimum performance level.
- Work with primary stakeholders to meet all legal and legislative training mandates in a timely and comprehensive manner.
- Provide and maintain quality control through coordination and standardization of basic training programs.
- Monitor and evaluate all training programs.
- To ensure:
  - Quality of presentation.
  - Applicability to the work place.
  - Improvement of performance/increased productivity.
  - Impact on safety awareness.
  - Overall impact on organization.

- Respond to the expanding, changing needs of the Department by coordinating and conferring with primary stakeholders on new training programs and modifying existing programs to meet these needs.
  - Improve training practices and procedures through internal management control systems.

32010.5 California State Training Program

The State Training Policy was developed in 1978 by the State Personnel Board and departmental training officers. Laws relating to training can be found in the Government Code, Sections 19995-19995.5.

Definitions:

Training

The process whereby Department employees, either individually or in groups, participate in a formalized, structured course of instruction to acquire knowledge, skills, and abilities for their current or future job performance. These organized activities shall contain measurable learning objectives that can be evaluated in a classroom setting or in structured On-the-Job Training.

Job-Required Training

Job-required training is designed to assure adequate performance in a current assignment. This includes orientation training made necessary by new assignments or new technology, refresher training, and training mandated by law or other State authority.

Job-Related Training

Job-related training is designed to increase job proficiency or improve performance above the acceptable level of competency established for a specific job assignment. It prepares the employee to assume increased responsibilities in their current assignment.

Upward Mobility Training

Designed to provide career movement opportunity for employees within classifications or job categories designated by the Department as upward mobility classifications. Includes training to facilitate movement of employees from designated classifications into other classifications with increased career opportunities.

Career-Related Training

Designed to assist in the development of career potential and is intended to help provide an opportunity for self-development and achievement of the Department's or State's mission and may be unrelated to a current job assignment.

In-Service Training (IST)

Any formal training sponsored and conducted by any State agency for the training and development of State employees.

Centralized Training

The scope of the course content covers Department policies, procedures, and State and federal legal issues.

Local or Field Training

Training designed specifically to meet the needs of a particular group, facility, or office and presented directly to local employees.

On-the-Job Training (OJT)

Formal training conducted by a supervisor (or a designated employee with the required expertise under the direction of a supervisor) at the job site while the employee is working.

Out-Service Training

Any formal training sponsored and conducted by a non-state agency, the University of California or California State University, and colleges that may be open to the public, as well as State employees. Sponsoring agencies maintain control over the course content for out-service training.

32010.6 Internal Administrative Responsibility

Secretary

The Secretary shall:

- Establish the general policy governing departmental training.
- Establish and maintain a Departmental Training Advisory Committee (DTAC) which shall meet on a quarterly and/or ad hoc basis to review the Department's current training programs and make appropriate policy and practice recommendations to support the Department's training efforts.
- Determine the membership of the DTAC. The committee chairperson shall ensure minutes of each meeting are prepared.
- The DTAC will review and make recommendations on departmental training issues. The DTAC will be responsible for ensuring that all appropriate training issues and documentation affecting officers are referred to the Department of Corrections and Rehabilitation/Department of Mental Health Apprenticeship Committee (CDCR/DMHAC) for review.

Directors

Directors are responsible for the implementation of all training programs and activities of good quality within their jurisdictions. They shall regularly review the accomplishments and needs of the training programs.

Human Resources Division (HR)

The Deputy Director, HR, is responsible for the development, implementation, and funding of departmental training programs and shall provide for and monitor departmental training.

Division of Adult Parole Operations (DAPO)

The Director, DAPO, in concert with the Regional Parole Administrators (RPA) and OTPD, will establish the objectives, policies, and general content for DAPO training. The overall training objectives (DOM 32010.4) shall focus on employee knowledge, skills, and abilities that will maximize the carrying out of the parole mission in a safe, efficient, and effective manner.

Wardens

Each Warden shall establish a Training Advisory Committee (TAC) for their facility. The TAC shall meet on a quarterly basis and/or as often as the Warden shall designate and shall advise the Warden in matters relating to training for each respective facility. The Warden shall determine the membership of the TAC. The committee chairperson shall ensure minutes of each meeting are prepared.

RPAs

The RPA is responsible for identifying regional training needs based on an assessment of individual employee needs, operational audits, and supervisor/administrator input and for seeing that such training is provided in a timely and cost-effective manner.

Chief, Office of Training and Professional Development (OTPD)

The Chief, OTPD, shall be responsible for:

- The overall management of departmental training programs and ensuring that the Department's training goals and objectives are met. Any departmentally required or mandated training not included in this chapter shall be coordinated through the Chief, OTPD, prior to any decision or agreement to provide the training.
- Determining Basic Peace Officer Institute (BPOI) and Advanced Learning Institute (ALI) training needs, auditing courses currently being presented at BPOI Academies (adult, juvenile, and parole) and training programs (basic/advanced supervision, Sergeants, Lieutenants, and Captains Academies), and functions as an administrative liaison between the Corrections Standards Authority (CSA), BPOI, Administrators, and institutional training managers. These functions may be delegated to the appropriate Administrators.

The Chief, OTPD, and staff shall:

- Coordinate and confer with primary stakeholders to determine departmental training needs, evaluate and assist in the development and implementation of training programs and development of standardized course content.
- Ensure CDCR meets the training standards required by the CSA.
- Liaison for IST Managers and Assistant Managers.
- Assist the Directors, Wardens, and RPAs in accomplishing their training goals and objectives.
- Schedule audits of each facility, parole region, and headquarters' training unit to ensure compliance with policy, procedures, and training plans.
- Ensure timely implementation and overall quality of training programs for headquarters' personnel.
- Prepare and distribute to each Warden, RPA, and IST Manager listings of legally or legislatively mandated training.
- Provide direct supervision to the Administrators of the BPOI and ALI.
- Provide supervision to staff assigned to OTPD who carry out specific training analysis; plan, design, and implement training, to ensure that scheduled training programs are delivered as planned.

Correctional Business Manager, OTPD

Under the supervision of the Chief, OTPD, the Correctional Business Manager (CBM) shall establish the overall direction of the business services functions for OTPD. The CBM shall prepare reports, manuals, and documents required by CDCR administration, control agencies, and divisional administration. Other functions include, but are not limited to, reviewing and evaluating existing policies and procedures, and the development of Budget Change Proposals.

IST Managers and Assistant Managers

IST Managers and their assistants shall:

- Report directly to the Warden or to the Chief Deputy Warden as designated by the Warden.
- Implement the Annual Off-Post Training Schedule.
- Develop and implement formalized classroom instruction or OJT to meet local operational needs, legal requirements, and individual employee job performance needs.
- Provide the resources and services necessary to ensure planned training is implemented in a professional, effective, and cost-efficient manner.
- Maintain required training records and files.
- Submit required reports within established deadlines.
- Ensure that part-time instructors receive required training.
- Monitor the quality of instruction.
- Ensure that training resources are used only for authorized purposes.
- Serve as vice chairperson of the local TAC.
- Maintain apprenticeship agreements for all apprentices currently enrolled.
- Enroll newly appointed Peace Officers as required by the local level into the Correctional Peace Officer Apprenticeship Program (CPOAP).
- Provide training as needed to new apprentices, supervisors, and managers in the operation/administration of the CPOAP.
- Review progress of the Local Apprenticeship Program.

IST managers ensure that all employees scheduled for attendance at training off-site meet all of the prerequisite criteria for the specific courses scheduled, and shall assist each scheduled employee with necessary and advanced payment for:

- Meals.
- Lodging.
- Transportation.
- Other appropriate expenses.

IST managers will also ensure that information is distributed within the institution regarding scheduled training courses.

DAPO/Divisional Training Coordinator

The Division Training Coordinator (DTC) shall:

- Ensure that all training mandated by law, departmental, or division policy is provided to appropriate staff in the division.
- Ensure necessary resources and technical assistance are provided to the regions to carry out such mandated training programs.
- Be a conduit to the Chief, OTPD, for the submission of annual training plans, audits, necessary reports, and to request technical and fiscal assistance when required.

Parole Regional Training Coordinator

The Regional Training Coordinator shall:

- Carry out regional training programs mandated by the RPA or divisional training mandated by the Director.
- Provide technical assistance to the unit supervisor in conducting unit training.
- Ensure that approved out-service training is provided to individual employees.
- Be at the PA-II level.
- Work under the direction of the RPA or designee.

Parole Unit Supervisor

The unit supervisor shall:

- Assess the training needs of both the unit as a whole and for individual employees assigned to the unit.
- See that these training needs are communicated to the RTC and are met through regularly scheduled unit training.

Headquarters' IST Manager

Under the supervision of the Chief, OTPD, the manager shall be the liaison for all divisional training coordinators. The term "headquarters" includes all other satellite offices and field offices administered centrally from Sacramento.

The headquarters' IST Manager shall:

- Process Employee Training Requests (CDCR Form 854).
- Register employees for courses.
- Ensure payments to vendors.
- Track division, branch, unit, or office allotments and expenditures.
- Act as a source of training information for headquarters-based supervisors and employees.
- Maintain the training program database and track all completed training for their unit.
- Assist with ensuring employee compliance with all mandated training.
- Maintain employee training records (according to CDCR's Records Retention Schedule).
- Develop and present orientation materials and classes for new headquarters' employees.
- Coordinate both the in-service and out-service training activities of headquarters' employees.
- Maintain training records on employees within the scope of their responsibility.
- Assess headquarters training needs with assistance of a TAC. The composition of this committee shall be approved by the Deputy Director, HR, and the Chief, OTPD.
- Develop an annual training plan that is approved by the Deputy Director, HR, and the Chief, OTPD.

Department Managers/Supervisors

All managers/supervisors shall:

- Assess training needs and requirements of their subordinates and provide them with training that is structured for improvement in areas where job performance deficiencies exist and/or to provide the acquisition of new knowledge or skills.
- Prepare probationary and annual performance evaluations that include a report of the employee's completed training hours, achievements, efforts, and needs. These reports are to be requested through the division's training coordinator.

Employees

Individual employees shall:

- Attend all training identified and required by their immediate supervisor, RTC, or IST Manager.

32010.6.1 External Administrative Responsibility

The Robert Presley Institute of Corrections Research and Training was created by legislation that was signed by the Governor in 1986 (Chapter 3.5 of the California Penal Code).

Presley Institute

In the legislation (PC Section 5085), a specific task was given to the Institute. The Institute is to develop a detailed program for implementation by the Legislature and CDCR. The purpose of the program is to establish a career path to be integrated with the educational process for all juvenile and adult State corrections' personnel in California. The overall goal is to improve the job and career competence of State juvenile and adult corrections' personnel. One method of achieving this goal is to encourage the attainment of post secondary educational degrees. Another method is to establish minimum selection, training, and educational standards for entry or promotion into CDCR positions including entry-level through management and specialized positions.

California Department of Corrections and Rehabilitation/Department of Mental Health Apprenticeship Committee (CDCR/DMH/AC)

The CDCR/DMH/AC, in consultation with the Corrections Standards Authority (CSA), shall research, establish, and monitor standards for the training of Officer Apprentices. The committee is comprised of members representing CDCR management. Nonvoting membership includes representatives from the California Department of Industrial Relations (DIR), Division of Apprenticeship Standards (DAS), community colleges, CSA's legal advisor, and staff from the Department's training programs.

32010.7 Use of Training Resources

The departmental training resources shall be allocated in the following priority order:

- Job-required training.
- Job-related training.
- Upward-mobility training.
- Career-related training.

32010.7.1 Types of Training Resources

Available training types are:

In-Service Training

In-service training (IST) course or activities sponsored and administered by the Department or other State departments individually or in joint agreement for the purpose of developing the skill, knowledge, and/or abilities of State employees. Such training includes courses or activities:

- Sponsored or conducted by CDCR.
- Sponsored or conducted by any other State agency or department.

IST may be designed specifically to meet the needs of a particular group, facility, or office and presented directly to local employee. When close control of course content, learning processes, instructor standards, evaluation methods, and adherence to legal or other mandates is required, IST is used to ensure accountability. By setting and monitoring training standards, OTPD can make certain departmental training needs are met effectively, consistently, and in a timely manner.

Out-Service Training

Out-service training (OST) is any formal training sponsored by a non-State agency and is open to the private sector, as well as State civil service employees. Such training includes courses and activities:

- Offered through accredited colleges or universities.
- Conducted by private consultants, firms, or other non-state agencies, such as federal and/or local governments and special interest groups (i.e., associations, professional groups, etc.).

Employees participating in out-service training may have credit for such training applied toward their annual training requirements on an hour-for-hour basis. In order to receive credit, the following requirements must be adhered to:

- Requests shall be accompanied by a document verifying satisfactory completion of the training.
- The training shall be clearly labeled out-service training on the employee's training history file.
- As specified in DOM 32010.14, participation in out-service training may be substituted for participation in mandated training as specified in DOM 32010.14, with the written approval of the employee's supervisor. The supervisor's signature on the OST request shall be considered written approval for the purposes of this Section.

OST training for the purpose of meeting departmental needs for scientific, technical, professional, and management skills shall be evaluated/processed as follows:

- Training shall be necessary and of direct value to the Department and relevant to the employee's general field of work.
- Training shall provide knowledge, skills, and/or abilities that cannot be cost-effectively acquired through available IST as defined in this chapter (exclusive of specialized training).
- Training with the purpose of covering subject matter not sufficiently or recently encompassed in the employee's previous education/experience or of which the employee would not normally be expected to know prior to their present position.
- Does not include institutes, conferences, and conventions except for those recognized as legitimate training programs by DPA and the Chief, OTPD.

Reimbursement

The employee, or their estate, may be reimbursed for all expenses for related travel, tuition, supplies or other fees if an assignment is completed or terminated prior to completion, either:

- At the convenience of the State, provided the training facility reports satisfactory performance by the employee in the prescribed course of study during the assignment.
- Because of death, prolonged illness, disability, or similar event determined by the Warden/Superintendent or Chief, OTPD, to be beyond the control of the employee.

Authorization

Requests for out-service training shall be forwarded in a timely manner as follows:

- Facilities, to the Warden/Superintendent.
- Headquarters, to the Chief, OTPD, who, if authorizing the assignment, shall establish conditions governing the reimbursement of related expenses.
- DAPO, to the RPA.
- Division of Correctional Health Care Services, to the Director.

Training Categories

Job-required training is provided to ensure adequate performance in an employee's current job assignment. Job-required training includes:

- New Employee Orientation.
- Training necessary for new assignments or new technology (i.e., Basic Supervision and computer training).
- Continuing and refresher training to maintain effective operation of departmental programs (i.e., budget and contract training).
- Safety training.
- Training mandated by law, bargaining unit agreements, CDCR, or other State authority (i.e., Defensive Driver training).

Job-related training increases an employee's job proficiency. Job-related training:

- Improves job performance above the acceptable level of competency established for a specific job assignment.
- Prepares employees for assuming increased responsibilities in their current job assignment.

Upward Mobility training enables employees in designated classifications to compete for positions in targeted classifications with increased career opportunities. Participants in Upward Mobility training must meet the following criteria:

- Must be a permanent employee performing satisfactorily in their current job assignment.
- Must be in a designated upward mobility classification (see Appendix C, Page 21, for listing of classifications).
- Must select one of the targeted upward mobility classifications as a career goal.
- Must have an approved Career Development Plan (99T-13) on file with OPS/OCR/OTPD.
- Must not have completed the minimum requirements for the targeted classification chosen as a career goal.

Career related training is designed to assist in the development of career potential and is intended to help provide an opportunity for self-development while assisting in the achievement of the department or the State's mission. Career-related training may be unrelated to the employee's current job assignment or classification.

32010.7.2 Reimbursement/Prepayment Standards

IST reimbursements are generally attended on State time and funded by the State to at least 100 percent of any related expenses (registration fees, books and materials, travel, per diem, overtime, back-up, etc.).

OST reimbursements are as follows:

Job-Required Training

- 100 percent of tuition, fees, book, and materials.
- 100 percent of travel, per diem, and miscellaneous expenses.
- 100 percent of State time.
- Back-fill, overtime.

Job-Related Training

- 100 percent of tuition, fees, book, and materials.
- 100 percent of travel, per diem, and miscellaneous expenses.
- 100 percent of State time.
- Back-fill, overtime.

Upward Mobility Training

- 100 percent of tuition and fees (limited to a maximum per fiscal year of $500, per person, per year), books, and materials.
- 100 percent of State time.
- Back-fill, overtime, travel, and per diem are not reimbursable.

Career-Related Training

- 50 percent of tuition and fees (limited to a maximum per fiscal year of 50 percent of the resident registration fees [6.1 or more units] charged by the California State University and college system), books, and materials.
- Employees must pay any costs at the time of registration and may be reimbursed with proof of completion.
- State time is not allowed.
- Back-fill, overtime, travel, and per diem are not reimbursable.

All categories of OST, except Career-Related training, are eligible for direct prepayment of registration/tuition fees. In order to qualify for funding, OST must be of direct value to the State, be relevant to the employee's career in State service, and be limited to providing knowledge and skills that cannot be economically provided through available departmental IST.

Proof of completion is required for all OST, otherwise no credit can be given. Employees may be required to reimburse the State for IST or OST costs, if the course is not completed. Exceptions may be considered where injury, illness, or problems beyond the employee's control prevents completion of the course.

32010.7.3 College Attendance

It is the general policy of the State of California and the CDCR to consider college courses as primarily career-related training subject to the reimbursement and other rules governing all career-related training. However, it is permissible for employees to attend individual college courses on a job-required, job-related, or upward mobility basis subject to the reimbursement and other rules governing each of those training categories, including advance payment to the college for individual course fees. Reimbursement of costs paid by the employee to the college may be subject to the requirement of a minimum grade of "C" or better for the course. When the course is graded on a "Pass/Fail" basis, a grade of "Pass" must be received in order to qualify for and receive reimbursement.

Alternate work schedules or flexible schedules are allowed in order to facilitate attending college courses where operational needs, as determined by the hiring authority, permit.

32010.7.4 Cancellation Policy

Cancellation of enrollments in CDCR training classes instructed by consultants or other paid instructors will be accepted without charge up to fourteen days before the first day of class. Late cancellations (except those due to personal illness or family emergency) may be charged to the employee or unit.

Unless the training includes individualized pre-work (completing surveys, written assignment, etc.) substitutions may be made at any time before the training begins.

32010.8 Training Personnel

All facility IST Manager positions shall be filled on a permanent basis by a staff member at a second-line supervisory classification such as a Lieutenant, unless otherwise approved by the Deputy Director, HR. The Chief, OTPD, shall be available to assist Wardens in the selection of new IST Managers.

Assistant IST Managers, where authorized, shall be appointed from the rank of Sergeant. Training manager positions within the DAPO shall be appointed from the rank of PA-II.

Advanced training instructors based at the Academy and at the ALI shall be appointed from the rank of Training Officer I or comparable rank.

IST instructors may be selected from staff at any job classification or level.

IST instructors shall have either:

- A teaching credential from a public school district or a regionally accredited college or university.
- Completed a specialized training course for part-time trainers (e.g., Training-For-Trainers [T-4-T]) approved by the Chief, OTPD. Courses or training completed outside of the Department shall be equivalent to or meet learning objectives defined in the T-4-T course of instruction.

Instructors may also be "subject matter experts" and be used as an instructor or assist in the presentation of training under the direction of the training manager, coordinator, or training program administrator.

Personnel who attend a specialized course of instruction provided by a vendor external to CDCR with the intent to provide instruction to departmental staff must submit a copy of their certificate of completion that identifies the area of expertise and/or duration of certification. Obtaining an external certification does not automatically waive departmental certification.

An advanced T-4-T instructor must have successfully completed an Advanced T-4-T course. In order to be admitted into an Advanced T-4-T class, a candidate must submit to his/her prospective Advanced T-4-T instructor his/her resume with references that show the candidate has served successfully as a trainer in a governmental or corporate organization for two or more years or a teaching credential from a public school district or a regionally accredited college or university.

32010.8.1 Annual Peace Officer Training

All peace officer employees shall be provided a minimum of 52 hours of annual training. 40 hours shall be structured classroom training and 12 hours shall be OJT. All training shall be either individual or group formalized, structured courses of instruction to acquire skills and knowledge for an employee's current or future job performance.

Annual training will be the primary delivery system for peace officers to maintain compliance with Penal Code (PC) Section 832 and other mandated training or applicable contract language.

32010.8.2 In-Service Training (IST) Course Content

A course outline or lesson plan is required for all classes. When departmentally approved lesson plans exist, they shall be used.

Training managers are allowed the flexibility to diversify or consolidate training subjects and programs within established departmental requirements to meet facility/parole region needs and/or budget limitations. A copy of all locally developed lesson plans shall be maintained on file at the local training office. Lesson plans shall be forwarded to the OTPD for review upon request.

All training classes shall include a valid, measurable method of evaluating the proficiency gained through the training. This instrument shall demonstrate the scope of the material presented and job applicability.

32010.8.3 Record Keeping Forms

The following forms shall be used to record training activities, data, and budgetary items:

- CDC Form 843, Training Record and Instruction Sheet. Use of this form or the departmentally offered computer program for IST is mandatory; completed and maintained locally.
- CDC Form 844, In/Out-Service Training Participation Sign-In Sheet.
- CDCR Form 854, Employee Training Request. Use is mandatory for all headquarters' staff requesting training. This form shall be completed and forwarded to the training coordinator for each division.
- CDC Form 907, OJT Documentation. The CDCR Form 907, or other locally approved format for recording OJT, shall be used if credit is given for the training.

32010.8.4 Class Records

For each training activity conducted, the following records shall be maintained:

- CDC Form 844.
- An approved lesson plan.
- A record of score achieved through a written test or performance demonstration of the learned skill (with the exception of OJT).
- DAS Form 103-A, Apprentice Daily Record. Use is mandatory for all Peace Officer Apprentices.
- The IST Manager reviews apprenticeship files monthly, or more often as deemed necessary. Review and action report shall be completed and submitted with all action forms to the JAC by the Apprenticeship Program Compliance Officers in OTPD by the fifteenth (15th) of the following month.

32010.9 Fiscal Management

Annually, the Chief, OTPD, shall submit a departmental training plan to the Deputy Director, HR, for approval.

Allocation of Funds

The Chief, OTPD shall:

- Allocate training funds to the facilities based on identified needs and approved local training plans.

32010.9.1 Use of IST Funds

Local IST funds may be used only for training as defined in DOM 32010.5. Routine staff meetings and recruitment activities are not considered training activities. A staff meeting that meets the conditions and mandates of this Section may be considered training. Attendance at lectures, meetings, training programs, and similar activities need not be counted as working time if the following four criteria are met:

- Attendance is outside the employee's regular working hours.
- Attendance is, in fact, voluntary.
- The activity is not directly related to the employee's job.
- The employee does not perform any productive work during such attendance (reference FLSA, Section 785.27[d]).

32010.9.2 Reporting Responsibilities

Each facility shall complete a CDC Form 845 and forward it to the Chief, OTPD, by the tenth day of the month for the preceding month. Parole regions shall complete and forward reports quarterly to the DTC.

32010.9.3 Audits

The Chief, OTPD, or designee shall order and/or conduct periodic audits of all training operations within the scope of their responsibility.

Wardens, RPAs, IST Managers, and the Headquarters' IST Manager shall be provided with a list of the dates when regular audits are to be conducted.

Copies of the audit format shall accompany each auditing schedule.

32010.10 Training Requirements

Training of employees shall be done during regular work hours, when possible, or on the employees' off-duty hours when necessary. Compensation for training shall comply with existing policies, law, and MOUs. Within budgetary constraints, the required training shall be provided by the Department and accomplished by the employee.

It is a condition of employment that all employees complete the training required for their job classification/position. Employees who fail to meet these training requirements may have their merit salary award denied or be subject to other administrative sanctions.

Employees shall receive a minimum of eight hours of formal classroom instruction annually. The remaining hours of training required by the employee's job classification may be formal IST, out-service training or OJT, or any combination thereof. (See DOM 32010.13.)

32010.10.1 Orientation of Departmental Employees

All employees new to the Department, regardless of job classification, shall receive orientation training. It is intended the orientation training be provided within 90 days of appointment. Orientation is required in addition to other training requirements.

Orientation shall include an introduction to:

- The California Code of Regulations (CCR).
- Departmental policies.
- Organizational structure.
- Informational Practices.
- Employee's training requirements and responsibilities.
- Equal Employment Opportunity (EEO)/Sexual Harassment.
- Use of force.
- Human Resources Overview/General Personnel Information.
- Employee workers compensation benefits.
- Employee Assistance Program (EAP).
- Communicable Disease Prevention.
- Inmate staff/relations.
- Occupational Health and Safety.
- Prison Rape Elimination Act (PREA).
- Ethics.
- Other subjects as deemed appropriate by the local administrators.

32010.11 Methods of Training and Documentation

OJT

OJT is provided to employees in either a classroom or work setting to ensure acceptable levels of performance and knowledge, and to correct problems.

Upon completion, the supervisor is to record the training on a CDC Form 907 or other locally approved recording format. The employee and supervisor retain a copy and forward the original to the training manager to credit the employee's training record. The CDC Form 907 need not be retained by the training manager after the training has been properly posted to the employee's training record.

When appropriate, IST managers are encouraged to fully utilize this type of training as opposed to off-site training or on-site training that does not fall within the trainee's regular work hours. Full utilization of this method will assist the manager in the reduction of FLSA expenditures and allow more productive use of limited budgetary resources.

On-Site Formal Training

Any locally presented training activity, on-site formal instruction, seminars, and workshops for which training credit is to be given shall be recorded on a CDC Form 844.

Employees shall complete the required information and the instructor shall ensure that the completed forms are received by the training manager.

Training managers shall credit each attending employee's training record and retain CDC Form 844 for one year.

Off-Site Training

Employees shall arrange with the training manager appropriate certification of any instruction, seminar, or workshop presented away from the employee's place of work for which training credit is to be allowed.

Upon receipt of the arranged certification, the training manager shall credit the employee's training record. A copy of the Certificate of Completion shall be placed in the employee's training file.

32010.12 Probationary Employees

Entry-level, probationary employees of the Department shall complete the training requirements of their job classification before the end of their probationary period, or earlier, as specified. An employee who provides acceptable certification of having previously completed a requirement shall receive credit and not be required to repeat the training. Employees who fail to complete any portion of required training may be rejected on probation. Probationary employees are required to receive orientation training in addition to the requirements for certain job classifications listed below.

Correctional Counselors

Correctional Counselor staff shall complete:

- The requirements of PC 832 and chemical agents training as provided at the Academy within 90 days of appointment and prior to performing peace officer duties.
- The Casework Training Component Program within six months.
- The CC-I Apprenticeship Program (3600 hours within two years).

Fire Captains

Fire Captains shall be trained in accordance with DOM 52090.6. Training shall include:

- The requirements of PC 832 and chemical agents training as provided at the Academy within 90 days of appointment and prior to performing peace officer duties.
- The Fire Captain Apprenticeship Program (3600 hours within two years).

Officers

Officers shall complete:

- The Basic Academy prior to assignment as an Officer.
- The CDCR/DMH/AP (3600 hours within two years).

Non-entry-level, probationary employees shall complete one-half of their annually required training to successfully complete probation.

32010.13 All Employees

All employees shall receive 40 hours training annually, at least eight hours of which shall be formal classroom training. The balance can be any combination of OJT, formal IST, or out-service training.

32010.14 Required Training Subjects

All departmental employees shall attend training as follows:

- Emergency plan training shall include fire, earthquake, bomb threat, evacuation, and other emergencies. Initial instruction required during orientation.
- Fire safety training shall include use of fire extinguishers, recognizing fire hazards, proper reporting methods, and evacuation procedures (DOM 52090.6.1). Initial training during orientation, annual refresher may be through OJT.
- General training regarding the policies and procedures to be followed to ensure compliance with the IPA per DOM 13030. Initial instruction is required during orientation.
- EEO/Sexual harassment prevention-initial instruction during orientation. Taught only by departmentally approved instructors with an approved departmental lesson plan.
- Accident prevention--initial training required during orientation per CCR (8) 3203, General Industry Safety Order (GISO).
- Communicable Disease Prevention.

32010.14.1 Employees Supervising/Contact with Inmates

All employees who supervise or have frequent contact with inmates shall receive the following training:

- Work incentive program/inmate time cards--initial training during orientation.
- Inmate/staff relations: Initial training during orientation.
- Escape prevention/pursuit-annually.
- Disturbance control: Annually per DOM 55010.

32010.14.2 Peace Officer Classifications

All peace officer classifications shall receive training as follows:

- Firearms re-qualification: Check reference for specific information (PC 830.5d and DOM Section 32010.19.3 through 32010.19.9.).
- Chemical agents: shall complete a course in the use of chemical agents per PC 12403. This course is provided in PC 832 class at the Academy.
- Use of force required annually.
- Stress reduction: Provided during orientation for peace officers in handling of stress associated with their duties per PC 13601.

Officers, Sergeants, Lieutenants, and Captains

Officer, Sergeant, Lieutenant, and Captain training shall include:

- Basic Correctional Officer Academy: Sixteen weeks of training as provided by the Basic Peace Officer Institute. This course of study complies with requirements contained in PC 832 and PC 12403. Employees shall successfully complete this training only once unless they experience a break in service more than 36 months. Each case involving a break in service shall

be reviewed individually by the hiring authority in consultation with the Chief, Office of Peace Officer Selection.

- Less lethal weapons. Initial training and annual recertification shall be given for the expandable baton. Initial training and annual qualification shall be given for the 40-mm impact munition. Training is only for those employees designated to use or authorize the use of these weapons (DOM 32010.19.10). Instruction will be given by departmentally approved instructors only utilizing a departmentally approved lesson plan.
- Sergeant, Lieutenant, and Captain Academies each consist of 40 hours of training provided by the Advanced Learning Institute. All Sergeants and Lieutenants are required to complete their appropriate Academy as required through PC 13601 prior to successful completion of probation.
- Correctional and Facility Captains, uniformed and nonuniformed, shall not be required to annually qualify with batons and firearms, unless the specific duties of their assignment require the use of a baton or firearm. Captains shall be included in Group II, as defined by DOM Section 32010.19.3, and shall receive the required group training, as defined in DOM Section 32010.19.4. Nothing shall prevent a Captain from qualifying with batons and/or firearms, if they choose to do so. If the specific duties of their assignment require a baton or firearm, they shall qualify according to Administrative Bulletin (AB) 02/05.

Transportation Officers/Extradition Agents

In addition to the training requirements for peace officers classifications, transportation officers/extradition agents also receive training in:

- Para-transit vehicle operations.
- Application of vehicle chains.
- Transportation Security Administration Training.
- Semi Automatic Handgun Transitional Range.
- CLETS Training.
- Driving in inclement weather.
- Defensive driving.
- Department of Motor Vehicles/California Drivers License sanctions.
- CPR/First aid.

DAPO

Parole Agents shall successfully complete a ten-week Parole Agent Academy that includes PC 832 and PC 12403 requirements prior to permanent assignment to a parole unit.

Parole Agents shall complete the Parole Agent Apprenticeship Program (3600 hours within two years).

All Parole Agents assigned to the DAPO shall comply with weapons re-qualification as stated in DOM 32010.18 through 32010.18.10. In addition, those who are armed shall fire a night (diminished light) course annually for familiarization and training (not qualification).

All Parole Agents assigned to the DAPO shall receive quarterly refresher training in Parole Agent Safety and Tactics (PAST).

All Parole Agents assigned to the DAPO shall receive annual refresher training in the use of the expandable baton.

32010.14.3 Supervisors

Supervisor training shall include:

- All first-line supervisors shall complete Basic Supervision. Peace officer classifications shall complete this course of training as a prerequisite to successful passage of probation. All other classifications shall complete this course within their probation period. This training complies with requirements contained in GC 19995.4, PC 13601, PC 13602, and PC 13603.
- All first-line supervisors shall complete 40 hours of OJT or classroom instruction in supervisory training, in addition to the Basic Supervision course.
- All CDCR second-line supervisors shall complete Advanced Supervision, an approved 40 hour course, within the first year following appointment. This course is a prerequisite to successful passage of probation for peace officer classifications. (PC 13602)
- Labor relations annual updates as provided by the Department's Office of Labor Relations and/or facility Employee Relations Officers (ERO).

32010.14.4 Managers

Training may include:

- Training in methods and techniques of management and leadership as deemed appropriate and necessary by the Department.
- Non-peace officer classifications shall successfully complete the requirement of PC 832 and chemical agents training, prior to assuming Administrative Officer-of-the-Day (AOD) duties.
- Labor relations annual updates as provided by the Department's Office of Labor Relations and/or facility EROs.

32010.14.5 Special Unit Staff

All peace officer employees regularly assigned to work with inmates in Disciplinary Detention (DD), Administrative Segregation (AD-SEG), SHU, Protective Housing Units (PHU), or with "special needs inmates" shall receive additional training in the below-listed subjects with initial training following assignment to the unit and follow-up training as required approved by the Chief, OTPD. OJT in these subjects should be utilized whenever possible:

- Classification levels and process.
- Cell and body searches.
- Application of restraint gear.
- Drug identification and control.
- Crime scene preservation.
- Prison gangs.
- CPR/First-aid.
- Identification of special problem inmates.
- Less than lethal weapons certification and annual refresher training for the baton for those employees designated to use or authorize the use of these weapons.
- Use and care of protective vests.
- Use of other specialized equipment or devices as applicable.

32010.14.6 Senior Hearing Officer

Senior hearing officers shall receive training prior to assuming responsibilities of conducting hearings for CDC Form 115-A, Serious Rules Violation Report, certified by the local Chief Disciplinary Officer. (See DOM 52080.)

32010.14.7 Hearing Officer

Hearing officers shall receive training prior to assuming responsibilities of conducting hearings for CDC Form 115, Rules Violation Report, and shall be certified by the local Chief Disciplinary Officer. (See DOM 52080.)

32010.14.8 Investigating Employee/Staff Assistant

Employees assigned as an investigating employee/staff assistant shall receive training and be certified by the local Chief Disciplinary Officer prior to assignment. (See DOM 52080.)

32010.14.9 Miscellaneous Required Training

Other required training includes but is not limited to:

- Crisis Response Team (CRT) members shall receive special emergency response and negotiation management training.
- Employees who drive on State business shall receive defensive driver training at least every four (4) years in accordance with the State Administrative Manual Section 0751.
- Safety coordinators shall receive a 120-hour course on basic safety training provided by DGS, SAM 2580.2, within 12 months of appointment.
- Staff assigned to areas where there is possible exposure to hazardous substances shall receive material safety training prior to assignment (SAM 2590.2 and GISO Section 5194).

Additional training may be required for various job classifications as a result of court order, federal requirements, and/or changes in state laws and regulations.

Records Management Personnel

Records management personnel shall receive training in records management (SAM Section 1610 and GC Sections 14740 through and 14770-14774).

California Law Enforcement Telecommunication System (CLETS)

All employees assigned to operate CLETS terminals and/or interpret printouts shall receive CLETS training as required by State DOJ as follows:

- Initial training when assigned.
- Follow-up training required by the Department of Justice.

32010.15 Job Related Subjects

Employees shall refer to various MOUs for additional training requirements and a list of courses to be given "high priority" consideration.

32010.16 Individual Training Plan

The Standard Form Std. 637, Individual Development Plan (IDP), is part of the annual employee appraisal process and identifies the employee's goals for further improvements in job performance during the next year, in order to meet or exceed standards for the employee's present job, or to develop employee skills. The IDP also identifies specific methods by which the employee can work toward

accomplishing his or her performance objectives. The supervisor's acceptance of these goals acknowledges the employee's intent but does not constitute a mandate.

32010.16.1 Training Referral

Employees requiring additional specialized training may be referred to the training manager by the employee's immediate supervisor.

Referrals shall be used to designate specific subject matter needed to correct performance deficiencies.

The immediate supervisor shall initiate the referral upon identifying a training need of the employee that cannot be met by OJT.

The referral shall be reviewed by the second-line supervisor and forwarded to the training manager for approval.

When approved, the training then becomes required of the employee and the referral shall be retained in the employee's training file until their next performance evaluation.

32010.16.2 Special Training

Other special training may be required to meet Department needs as determined by the hiring authority.

32010.17 Supervisor Development

Programs for development of supervisors shall contain, at a minimum, the following:

- Supervision theories and practices.
- Problem solving and the decision-making process.
- Labor/employee relations.
- Staff development/training and performance standards and evaluations.
- Leadership and motivation.
- Employee disciplinary process.
- Rights and responsibilities of employees.
- Sexual harassment/orientation and discrimination prevention.
- Grievance procedures.
- Civil liabilities of supervisors.
- Planning, organizing, staffing, and controlling.
- Organization and mission of the Department and its facilities.

32010.17.1 Second-Line Supervisor Development

The Advanced Supervision course for second-line supervisors shall include, at a minimum the following:

- Administrative and management theories and practices.
- Team Building.
- Ethical Decision-Making.
- Effective Writing.
- Communication skills.
- Managing Fiscal Resources.
- Progressive discipline.
- Labor relations (FLSA/FMLA).
- Supervisory styles.
- Effective Communication Skills.
- Employee Wellness.
- Substance Abuse Testing.

32010.17.2 Compensation

Any training activity that is directly related to the employee's job or is designed to make the employee perform job duties in a more efficient and effective manner is compensable under FLSA rulings. If the training is instituted for the bona fide purpose of upgrading the employee to a higher skill or preparing them for advancement, compensation is not required even though the training may incidentally improve the employee's skills in doing their regular work (FLSA Section 785.29).

If an employee on their own initiative attends an independent school or college after regular work hours, the time need not be compensated even if the courses are related to the employee's job (FLSA Section 785.30).

32010.18 Training Consultation Services

Consultation Services

OTPD provides consultation services throughout the Department to assist with training needs. OTPD shall provide guidance, feedback, and quality assurance to units/divisions within CDCR that are developing training for targeted audiences.

Lesson Plan Development

Assistance in developing lesson plans shall be given, within acceptable time frames, upon the written request of the employee. The request shall be cosigned by the IST Manager or the Assistant Manager. Avoid duplication of effort and ensure the timeliness of the request. Each request shall state:

- The title of the lesson plan.
- The objectives of the training.
- A brief description of the material to be covered.
- The target audience who will receive the training.
- The length of time allotted for the training.

32010.19 Weapons Training

The importance of training in the safe and proper use of weapons authorized in DOM 55050 cannot be over emphasized. The IST Manager must ensure that all custody staff are properly certified in firearms and less lethal weapons, prior to assignment. It is essential that each individual who may issue, use, or supervise the use of departmental weaponry be fully trained in procedures, policy, and safety matters relating to the weapons. All persons designated as peace officers under Penal Code (PC) Section 830.2 or 830.5 and those so designated by the Secretary prior to assuming peace officer duties shall at the minimum successfully complete the Department's qualification requirements.

32010.19.1 Weapons Qualification.

All personnel subject to PC 832 training and other designated officials requiring such training shall successfully complete the weapons qualifications course mandated at the specific academy attended.

Standards for academy weapons training and qualifications shall be the responsibility of the Chief, OTPD. Standards shall meet PC, Department policy, and job-related requirements.

32010.19.2 Compliance With Qualification Requirements

Failure to successfully complete the mandatory weapons qualifications, in addition to remediation, each 90 days shall result in loss of peace officer status.

Basic Correctional Officer Academy and Adult Parole Agent Academy

Cadets and students attending these Academies who fail to complete mandatory weapons qualifications shall be rejected on probation. Students attending the Adult Parole Agent Academy are required to successfully complete the Parole Agent Safety and Tactics (PAST).

PC 832 Training

Every peace officer appointment shall:

- Complete training required by PC 832 prior to exercising peace officer powers.
- Trainees shall complete the required Firearms qualification course with a minimum score of 80 percent on the handgun, and the P.O.S.T. Arrest course with a minimum score of 75 percent. One retest is authorized. Failure on the retest will result in the employee being returned to the sending facility without PC 832 certification. The employee may attempt to again qualify in one of two ways:
  - Return to PC 832 training and repeat the course that was failed.
  - Enroll in a local P.O.S.T.-certified course (i.e., community college). Payment of all costs and fees will be the responsibility of the sending facility. Cost and course length may vary for each course presenter.
- Failure to successfully complete the course shall result in the termination of that appointment within the peace officer classification.

PC 832(e) requires individuals who previously completed a PC 832 course to re-qualify prior to exercising peace officer powers, if they have a 36 months or more break in service as a peace officer within the state of California.

32010.19.3 Weapons Requalification Requirements

All employees subject to PC 832 training shall periodically demonstrate satisfactory knowledge of weapons policy and usage. Requalification shall be accomplished through written examination and/or actual performance.

Requalification requirements are based upon level of responsibility, duties performed, and weaponry appropriate to the function. These requirements are as follows:

ANNUAL REQUALIFICATION REQUIREMENTS

	Policies	Mini 14 Rifle	Handgun	Shotgun	Baton
Group I					
Headquarters	X				
Group II					
Warden	X				
Associate Wardens and Captains	X				
CC-III	X				
Administrative Officer-of-the-Day	X				
Group III					
Lieutenant	X	X	X		X
Sergeant	X	X	X		X
Officer	X	X	X		X
Group IV					
Senior Special Agent	X	X	X		
Special Agent	X	X	X		
Transportation Officers	X	X	X		
Group V					
CC-II	X	X			
CC-I	X	X			
Group VI					
Facility Fire Chief	X		X		
Facility Firefighters	X		X		
Group VII					
PA—I	X		X *		X

X * Denotes armed agents only

32010.19.4 Re-qualification Standards

Headquarters Administrators and Managers

The standards for re-qualification are as follows:

- Group I. Headquarters staff who are designated peace officers shall receive training in the use of departmental weaponry annually. The training course topics shall include, but not be limited to, the following:
  - State law and departmental policy.
  - Discussion and demonstration of all standards and specialized departmental weaponry and chemical agents used by the division.
  - Written pass/fail examination.

Correctional and Facility Captains and Non-uniform Facility Managers

- Group II. Correctional and Facility Captains (uniformed or non-uniformed) and non-uniform facility managers shall not be required to annually qualify with batons and firearms, unless the specific duties of their assignment requires the use of a baton or firearm. Captains shall be included in Group II, as defined in DOM Section 32010.19.3 and shall receive the Group II training as defined in DOM Section 32010.19.4, per AB 02/05. The training course topics shall include, but not be limited to the following:
  - State law, departmental policy, and facility procedures.
  - Discussion and, where appropriate, demonstration of all standard and specialized facility weaponry and chemical agents.
  - Emergency situation tactics.
  - Written pass/fail examination.

Correctional Lieutenants, Sergeants, and Officers

- Group III. Lieutenants, Sergeants, and Officers (regardless of current assignment) shall receive training in the use of departmental weaponry annually which shall include:
  - Weapons' policy.
  - Use and effects of force.
  - Discretionary decision-making.
  - Emergency situation tactics.
  - Baton recertification.
  - Live fire requalification with rifle and handgun. (See Course of Fire, DOM Section 32010.19.6 through 32010.19.6.4.)

Senior Special Agents/Special Agents/Transportation

- Group IV. Senior Special Agents, Special Agents, and Transportation Unit staff shall receive annual training in the use of departmental weaponry which shall include:
  - Weapons' policy.
  - Use and effects of force.
  - Discretionary decision-making.
  - Emergency situation tactics.
  - Live fire requalification with rifle and handgun. (See Course of Fire, DOM Section 32010.19.6 through 32010.19.6.4.)

Correctional Counselor I and IIs

- Group V. CC-Is and CC-IIs shall receive training annually in the use of designated departmental weaponry which shall include:
  - Weapons' policy.
  - Use and effects of force.
  - Discretionary decision-making.
  - Live fire requalification with the Mini-14 rifle. (See Course of Fire, DOM Section 32010.19.6.1.)

Facility Fire Chiefs and Fire Captains

- Group VI. Facility fire chiefs, and facility fire captains shall receive training in the use of designated departmental weaponry annually which shall include:
  - Weapons' policy.
  - Use and effects of force.
  - Discretionary decision-making.

- Live fire requalification with the handgun. (See Course of Fire, DOM Section 32010.19.6.1.)

Parole Agents and Field Administrators

- Group VII. PA-Is through the Director, all peace officer classifications inclusive, shall receive training in the use of weapons annually which shall include:
  - State law, departmental, and divisional policy.
  - Use and effects of force.
  - DAPO Firearms Policy review.
  - Review of DAPO arrest procedure. Armed agents will receive quarterly Parole Agent Safety and Tactical (PAST) training (PA I through Parole Administrator I inclusive).
  - Quarterly requalification with the handgun for agents who are armed.
  - All new agents shall requalify with the handgun prior to the completion of probation. The Course of Fire as listed in DOM 32010.19.6 through 32010.19.6.4 shall be used.
  - All facility, parole, and field unit staff subject to PC 832 shall complete a chemical agent course. This training shall include departmental policy regarding use, safety, handling, and effects of exposure to chemical agents.

Instructor requirements

Candidates for the Rangemaster/Chemical Agents instructor course shall meet eligibility requirements outlined by the Academy prior to enrollment. Candidates shall be Peace Officers with current first aid and CPR and use of force certifications prior to enrollment. The entire approved course shall be successfully completed at the Academy prior to issuance of a certificate of completion.

32010.19.5 Compliance Requalification Requirements

The facility training manager shall review the minimum firearm qualification/requalification requirements of all personnel covered by this Section on a quarterly basis. The training manager shall notify the employee's direct supervisor in writing of impending requalification dates at least 30 days in advance. Utilization of the monthly training calendar to satisfy advance written notice of requirements is acceptable. First-line supervisors shall work with the training manager to ensure that their subordinates meet these minimum qualification/requalification requirements. Each peace officer shall maintain current weapons' certification as outlined in this Section.

Range Remediation Policy

Peace officers, other than Parole Agents, who fail the first attempt, but have otherwise demonstrated an adequate level of operational knowledge with the firearm, may be given another opportunity. This determination will be made by the Rangemaster.

Notification of Failure to Meet Range Requalification

Those who fail to requalify after this additional opportunity and those whom the Rangemaster determines do not appear to have sufficient proficiency after the initial attempt, will be required to complete remediation training prior to being scheduled for further requalification attempts. These employees shall receive a memorandum of failure to meet range requalification. A copy will be sent to IST and the Captain only. The notification shall advise the employee that:

- The employee appears deficient in the necessary skills to requalify and will be assigned to two hours of firearm familiarization and training. This remediation shall be weapon specific and based on the standardized rangemaster lesson plan.
- Failure to meet the requirements within a 60-day period shall result in termination of the employee's appointment as a peace officer, unless exempted by a temporary waiver.

If, after two hours of remediation training, the employee again fails to requalify, they will be scheduled for up to two additional remediation sessions. All remediation and requalification must be completed within the allocated 60 days.

Arrangements may be made to conduct the training during the employee's regular duty hours. In those situations where the training must be conducted on the employee's off-duty hours, this time will be considered time worked and compensable under the FLSA requirements.

The employee shall not be permitted to work in an armed post or any other assignment that requires the employee to be armed until minimum requalification requirements are completed.

Parole Agent

Parole agents who are armed as a condition of employment and who do not qualify within 30 calendar days of the quarter in which they failed shall be placed on leave without pay for no longer than two months. Failure to qualify within this period shall result in the Parole Agent being separated from State service per the MOU.

Temporary Waiver

Special circumstances may warrant a temporary waiver of weapons requalification requirements. Upon approval of the Warden or RPA and subject to concurrence by the appropriate Director, a temporary waiver may be considered for the following reasons:

- Physical injury.
- Illness.
- Authorized leave of absence.
- Psychological trauma affecting the employee's ability to comply with requalification requirements.
- Detached duty.
- Pregnancy.

The waiver shall be reviewed at intervals of no more than one year. Upon expiration of the waiver, the employee shall complete requalification requirements within 60 days as described in DOM 32010.19.3.

32010.19.6 Course of Fire

The following courses of fire shall be utilized as the standard to demonstrate annual basic weapon competency. Silhouette targets shall be used for rifles and handguns.

Scoring Policy

If participants have fewer hits on their target than the course allows but still achieve a qualifying score, they will not be required to re-shoot.

If participants have more hits on their target than the course allows and also have a qualifying score, they will be required to re-shoot without penalty. The original shoot will not count as one of the allowed qualifying attempts.

32010.19.6.1 Ruger Mini-14

Ruger Mini-14 .223 Caliber Rifle

Distance	Time	Position	Rounds
50 Yards	30 Seconds	Point Shoulder	5
	45 Seconds	Kneeling	5
100 Yards	45 Seconds	Point Shoulder	5
	60 Seconds	Barricade or Kneeling	5
	60 Seconds	Kneeling	5
		Total	25

Note: A 70 percent score is required for requalification. Training records shall document raw score and percentage.

32010.19.6.2 Smith & Wesson .38 Caliber/Semi Automatic Handgun

Smith & Wesson .38 Caliber Revolver or Semi Automatic Handgun

Distance	Time	Position	Rounds
3 Yards	30 Seconds	Hip Level	12
7 Yards	30 Seconds	Instinctive Shooting Position	12
15 Yards	45 Seconds	Sight	12
		Total	36

Note: The P.O.S.T. course of fire requires the single B-27 range target. A passing score is 26 “hits” (72 percent) within the seven-ring portion of the target.

32010.19.6.3 Less Lethal Weapons

40 mm Impact Munitions

Distance	Time	Position	Rounds
25 Yards	None	Point Shoulder	3
		Total	3

Note: Six practice rounds of either XM 1006/CTS 4557 Exact Impact Round. Three rounds, either XM 1006/CTS 4557 Exact Impact Round (for qualification).

Shooter must impact two out of three rounds in the Zone 1 area of the target for qualification. Although there are other impact rounds that are fired for familiarization only, this is the only impact round Officers must qualify on.

32010.19.7 Quarterly Proficiency Requirements

All departmental peace officers who are issued a departmental weapon as part of their regular or special assignment such as armed posts, transportation, CRT, Special Housing Unit, Special Agents, etc., or any other previously designated officials considered to require such training shall complete a proficiency course on a quarterly basis prior to assuming the post. This course shall be with the weapon/weapons issued, or maintained in the armed post, assignment, or position.

Each facility, special unit, and DAPO shall determine the quarterly proficiency course of fire and techniques that meet their specific need. The quarterly standards and courses of fire shall be reviewed annually by the appropriate Director for consistency with departmental policy.

32010.19.8 Off-Duty Weapons

Personnel required by the Department to retain departmental firearms while off duty shall be provided training in the proper and safe storage of these firearms.

32010.19.9 Use of Department Firearm Ranges by Off-Duty Personnel

The Department shall allow access to its ranges for the qualification of off-duty weapons to those peace officers designated by PC 830.5(c). The conditions stipulated in these rules shall apply to them when utilizing a CDCR firing range.

Persons designated above continue to retain the option of qualifying with off-duty weapons on private ranges.

These qualification requirements are voluntary and shall occur only during a person's off-duty hours. It is the responsibility of the individual, not the facility, to maintain their eligibility.

Range Availability

Each facility with an authorized and State-certified Rangemaster shall establish a minimum of two days per month range sessions at predetermined times during which persons designated above may qualify with their personal weapon(s) which they intend to carry off-duty.

Cancellation of scheduled sessions may occur because of inclement weather conditions or lack of participants. In the event a session is cancelled, the facility does not have to schedule a make-up session and all fees paid by the participants for that cancelled session shall be returned to them.

Cost to Participant

Participants are required to pay a fee of $9.00 for each qualification attempt to the facility cashier prior to attending range qualification.

Access to the Range

Each facility shall prepare a "Guide To Off-Duty Weapons Qualification" which shall be made available to persons desiring utilization of the range. This guide shall include, but is not limited to, the following:

- Contact person/position and telephone number for information concerning the program.
- Types and/or color of clothing prohibited if the range is on prison property.
- To whom fees shall be paid and when.
- Procedures for transporting weapon and ammunition to the range if the range is on prison property.
- The specific procedures as to how an eligible person shall participate in and, if necessary, schedule an off-duty weapon qualification session.
- Participants shall have in their possession at the time of entry to a facility/range of CDCR a valid employee identification card from their Department which indicates the employee peace officer status or a written designation by the employee's Director or Chairperson which authorizes that employee to carry a concealed off-duty weapon.

Rangemasters

Rangemasters shall be current participants in the CDCR range training program. Rangemasters shall be employed at the same facility as the range unless authorized by the Warden or designee. All Rangemasters shall be trained and qualified in the safe operations of double action revolvers, rifles, and semiautomatic pistols.

Rangemasters shall maintain full authority for range activities and may exclude/expel any participant from the range for good cause.

Weapons and Ammunition

Only concealable handguns consisting of .22 to .45 caliber shall be used on CDCR ranges. No blackpowder guns, shotguns, or rifles shall be permitted. Only double action weapons shall be permitted.

All ammunition shall be supplied by the participant. Only factory loaded/reloaded ammunition shall be accepted. Snake loads and loads that exceed industry standard are not acceptable rounds and shall not be permitted.

Prior to use, all weapons and ammunition shall be inspected by the Rangemaster. Any weapon or ammunition deemed unacceptable or unsafe shall be removed from the range and not used. Each participant shall provide his or her own off-duty weapon with a strong side hip holster.

Qualification Requirements

The approved handgun course of fire, as specified in DOM 32010.19.6.3, shall be used. There shall be no classroom session. Participants shall receive from the IST office:

- CDC Form 1799, Range Safety Rules.
- A pamphlet on California firearms laws.

Participants shall sign a CDC Form 1798, Annual Acknowledgement of Receipt of Range and Firearm Safety Rules and PC Sections Related to the Possession and Use of Off-duty Firearms, acknowledging that they have read and understood all applicable PC relating to possession or use of off-duty firearms by off-duty staff. In addition, participants shall acknowledge in writing that the handgun they are using has not been modified and that it meets manufacturer's specifications (exception: handgrips and sights).

Recordkeeping

The facility shall maintain a copy of the participant's official score sheet for six months. It is the participant's responsibility to maintain current qualification.

The participant upon attaining a passing score shall be provided a CDC Form 1803, Off-duty Firearm Qualification Certification, that documents the quarterly qualification.

Off-Duty Disqualifying Factors

The employee-appointing Director or Chairperson may deny, suspend, or revoke for good cause a person's right to carry an off-duty concealable firearm.

Persons permitted to carry firearms pursuant to PC 830.5(c) shall meet the training requirements of PC 832 and shall qualify with the firearm at least quarterly. It is the responsibility of the individual to maintain their eligibility to carry an off-duty firearm. Carrying a firearm off-duty without maintaining the quarterly qualification shall constitute good cause to suspend or revoke that person's right to carry firearms off-duty.

Appeal of Revocation of Authorization to Carry Off-Duty Firearms

Within 15 working days of receipt of a notification that an individual's authorization to carry an off-duty concealable firearm has been suspended, revoked, or denied, the individual may appeal the decision, in writing, to the appropriate Director or Chairperson who issued the decision. Persons are prohibited from carrying a concealable firearm off-duty during the appeal period.

Adverse Personnel Action

Pursuant to PC 830.5 and 12031, carrying a concealed loaded firearm without maintaining the quarterly qualification is prosecutable and the employee may be subject to adverse personnel action.

32010.19.10 Weapons Qualification Card

All persons designated as peace officers under PC 830.5 and those so designated by the Director who are required to requalify with weapons at least annually shall carry upon their person at all times while on duty a CDC Form 861, Weapons Qualification Card. This card shall be issued by the individual facility or parole region and shall provide verification of successful completion of required firearms requalification training. Each employee shall notify the supervisor at the time of assignment to an armed position if the requalification or quarterly proficiency requirement has not been met within the preceding 90 days.

32010.19.11 Less Lethal Weapons

Training in the use of less lethal weaponry is required for personnel authorized to use or supervise the use of these weapons per DOM 55050.

Baton Certification Requirements

Personnel authorized to use departmental batons shall successfully complete the standard course of training prior to issuance or use of any baton. Training shall include policy, procedure, use, safety, and effects of use.

Recertification Requirements

Annually, each person qualified to use departmental batons shall successfully complete the standard course of recertification (two hours).

Individuals whose baton certification has lapsed shall take the recertification course and demonstrate competency to be issued a certificate. If competency is not demonstrated after completion of the recertification course, then the individual will have to complete the 12-hour certification course.

Instructor Requirements

Candidates for the baton instructor course shall meet eligibility requirements outlined by the Academy prior to enrollment. Candidates shall be peace officers with current first aid and CPR cards, and use of force certifications, prior to enrollment. The entire approved course shall be successfully completed at the Academy prior to issuance of a certificate of completion.

Baton instructors shall teach a minimum of eight hours training per year to remain current in their certification. Anyone failing the recertification course shall be required to repeat the initial instructor certification course before being utilized as an instructor.

32010.19.12 Munitions

Personnel designated to use munitions as stated in DOM 55050 shall be trained in the use, employment, safety, and effects of this resource prior to usage.

32010.20 Curriculum

The OTPD's Curriculum Design Unit (CDU) oversees the development, revision, and maintenance of curriculum for the BPOI (adult, juvenile, and parole basic Academies) and ALI (basic and advanced supervision and Sergeants and Lieutenants Academies). CDU staff shall update curriculum to reflect current policies, procedures, laws, and regulations.

Lesson Plan Standards and Certification

The Corrections Standards Authority (CSA) will establish and update minimum training standards for CDCR lesson plans. The CLO will receive a copy of CDU lesson plans for review and certification, prior to final distribution.

Subject Matter Expert (SME)

A SME is a person who is recognized as an authority in the field of the lesson's content. Expertise may be gained by experience, education, and/or through teaching the subject matter. Recognition is achieved by publication of articles, presentations at conferences, or by recommendations of others working in this field with knowledge of the individual's mastery of the subject. For purposes of serving on a panel for determining minimal acceptance level for passing an examination, the SME should have direct knowledge of the requirement for employees expected to perform the tasks in the lesson plan.

Storage of Lesson Plan Information

Lesson plans and copies of all handout materials shall be maintained on file with the CDU. Lesson plans may be provided to the institutions, parole regions, IST offices, and agencies upon request. The CDU lesson plan server houses an electronic version of the most current CDU lesson plans in PDF format. Designated staff are authorized access to the curriculum for their area. Confidential lesson plans are not placed on the server.

Evaluation of Academy Curriculum and Instruction

The CDU's Evaluations Unit collects, analyzes, and distributes data used to evaluate the curriculum and instruction of BPOI Academies. The information collected is a critical part of the training process. It provides statistical data and allows for continuous quality feedback to OTPD management to assess the effectiveness of the Academies and to keep the curriculum current and useful.

Instructor Evaluation Forms will be completed by Academy instructors and used to revise and improve lesson plans.

Instructor/Designer Evaluation Forms – Pilot class evaluations will be completed by Academy instructors and the CDU to evaluate new lesson plans to determine whether or not the lesson plans are effective or need to be improved.

Participant Evaluation Forms will be completed by Academy participants after each class to evaluate curriculum and instruction.

BPOI Exit Evaluation Forms will be completed by Academy participants at the end of each Academy, and used to evaluate the overall Academy experience.

Six-Month and First-Line Supervisor Questionnaires will be completed by graduates and their first-line supervisors six months after completion of the Academy to evaluate how well the Academy prepared them to perform their duties.

Evaluation Results and Recommendation Committee (ERRC) will meet after the six-month evaluation data from each Academy has been calculated and analyzed to discuss issues and recommend and/or implement changes to improve the Academy curriculum and instruction.

Quarterly Report will be compiled quarterly based on the data received from the six-month evaluation questionnaires. It provides statistical and analytical data for upper management, and lists recommendations and action plans for tracking recommendations from ERRC.

Issues/Implementation Data Tracking Report is used to track data to ensure that changes implements have had a positive impact on Academy training.

Performance Measure Report is compiled by Evaluations Unit staff and will provide the percentage of overall preparedness and instruction data collected from the Six-Month Questionnaire and Exit Evaluation. The information is entered on a quarterly basis with a target goal of 90 percent.

Corrections Standards Authority

Training developed by headquarters for field staff requires review by CSA. If the planned training impacts rank and file peace officers or probationary peace officer supervisors, a review may also be required by the CDCR/DMH/AC. The OTPD coordinates both reviews and should be contacted as soon as a need for training is identified. These additional reviews may extend the necessary review time beyond the normal 60 days.

32010.21 National Institute of Corrections

The number of training slots available for California participation is very limited. It is essential that staff clearly understand and follow the application process. Upon receipt of the National Institute of Corrections' (NIC) annual schedule, OTPD shall notify all Directors. Requests to attend NIC training sessions shall be submitted to the Chief, OTPD, through the appropriate Directors. Institutions shall submit their requests to the Director, Division, of Adult Institutions, for initial review and approval. Parole regions shall submit their requests to the Director, DAPO.

This application package shall include:

- A completed NIC application form.
- A copy of the course description.
- A cover memorandum signed by the Warden, RPA, or Director, justifying the attendance and specifying that no cost shall be incurred by the Department.

The Wardens RPA, or Directors shall send the Chief, OTPD, application packages and a list, in priority order, of those individuals to be considered for NIC attendance. The Wardens RPA, or Directors shall indicate their approval only on the cover memorandum included in the package.

Once the application packages have been received, the OTPD shall:

- Submit the packages to the Secretary or designee for final approval and signature.
- Obtain the necessary authorization for out-of-state travel.
- Submit to NIC the names of staff with departmental approval to attend.

Attendance at NIC is very competitive and departmental approval does not guarantee acceptance. NIC notifies the employees directly regarding acceptance or rejection. Copies of this notice shall be sent by the employee to the Chief, OTPD, and to the Accounting Services Section.

32010.22 Revisions

The Deputy Director, HR, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

32010.23 References

MOU for Bargaining Unit 6.

CCR (8) § 3203.

GISO 5194 Card.

GC §§ 14740, 14770 – 14774, 19400 – 19406, 19995.4.

FLSA Sections 785.27 - 785.31.

PC §§ 830.2, 830.5, 832, 5085, 12031, 12403, and 13601.

SAM §§ 0751, 1610, 2580.2, 2590.2.

AB 02/05.

PC 13601, PC 13602, PC 13603.

ARTICLE 19 - BASIC ACADEMY TRAINING

Revised April 23, 2010

32020.1 Policy

The California Department of Corrections and Rehabilitation (CDCR), Office of Training and Professional Development (OTPD) maintains the Basic Peace Officer Institute (BPOI) at the Richard A. McGee Correctional Training Center (CTC) and

the Stockton Training Center (STC) as training sites. BPOI staff provides effective entry-level custody training in compliance with statutes, laws, regulations, policy, and collective bargaining agreements.

32020.2 Purpose

This Article specifies CDCR approved training methods, standards, and applications specific to BPOI.

32020.3 Objectives

The objectives of BPOI are:

- To carry out the mandates of statutes, laws, regulations, policies, and collective bargaining agreements.
- To assist in the evaluation and selection of youth and adult correctional peace officer candidates.
- To refine and expand the professional knowledge and skills of the attending training participants.
- To meet standards of accreditation as defined by the Corrections Standards Authority (CSA) and the Commission on Peace Officer Standards and Training (POST).

32020.4 Definitions

Basic Correctional Officer Academy (BCOA) – Courses structured for employees hired for adult Correctional Officer classifications.

Basic Correctional Juvenile Academy (BCJA) – Courses structured for employees hired for Youth Correctional Officer, Youth Correctional Counselor, Casework Specialist, and Institutional Parole Agent classifications.

Adult Parole Academy (APA) – Courses structured for employees hired for Adult Parole Agent classifications – Parole Agent means a peace officer and his or her supervisors in the Department who are assigned to supervise those who are released from incarceration to the supervision.

Juvenile Parole and Orientation Training – Courses structured for employees hired for Juvenile Parole Agent classifications.

Cadet – Newly appointed correctional peace officer cadets attending the BCOA or BCJA.

Student – Newly appointed Parole Agent attending the basic adult Parole Agent Academy.

32020.5 Responsibilities

The Deputy Director, Human Resources (HR), shall have administrative oversight of the training programs.

The overall program direction is delegated to the Chief, OTPD.

OTPD

The Chief, OTPD, is responsible for policy development, management oversight, and evaluation of employee development programs based on competencies associated with successful job performance and alignment of such programs with strategic business goals and objectives. The Chief directs the BPOI Administrator and functions as an administrative liaison between the CSA, BPOI Administrator, and institutional training managers, and approves the selection of OTPD personnel. These functions may be delegated to the appropriate Administrators.

BPOI Administrator

Under the direction of the Chief, OTPD, the BPOI Administrator oversees the day-to-day operation of all BPOI programs, acts as administrator over all entry-level Academy programs, and ensures compliance with CDCR policies and procedures.

Academy Commander, BCOA

Under the direct supervision of the BPOI Administrator, the Academy Commander (Correctional Captain) directs the daily operation and overall supervision of the BCOA.

BCOA Instructors

The BCOA instructors are under the general supervision of a Correctional Lieutenant and are the day-to-day instructors in the BCOA. They prepare a written evaluation of cadets attending the BCOA, including both the appraisal of academic achievement and the general performance of the cadet as a new Correctional Officer.

BCOA Cadets

Newly appointed adult Correctional Officer cadets attending the BCOA are formally assigned to the CTC for the period of their training. During this period, the cadets comply with the expectations and practices established by the BCOA. These expectations and practices shall be written and included in the Cadet Handbook, which shall be given to each cadet prior to the first day of orientation.

Academy Commander, BCJA

Under the direct supervision of the BPOI Administrator, the Academy Commander directs the daily operation and overall supervision of the BCJA.

BCJA Instructors

The BCJA instructors are under the general supervision of a Lieutenant and are the day-to-day instructors in the BCJA. They prepare a written evaluation of cadets attending the BCJA, including both the appraisal of academic achievement and the general performance of the cadet as an entry-level youth peace officer.

BCJA Cadets

Newly appointed entry-level youth peace officer cadets attending the BCJA are formally assigned to the BPOI for the period of their training. During this period, the cadets comply with the expectations and practices established by the BCJA. These expectations and practices shall be written and included in the Cadet Handbook, which shall be given to each cadet prior to the first day of orientation.

APA Administrator

Under the direct supervision of the BPOI Administrator, the APA Administrator directs the daily operation and overall supervision of the APA.

APA Students

Newly appointed Parole Agents attending the APA are formally assigned to BPOI for the period of their training. During this period, the APA students comply with the expectations and practices established by the APA. These expectations and practices shall be written and included in the Parole Agent Student Handbook, which shall be given to each student prior to the first day of orientation.

Juvenile Parole and Orientation Training Coordinator

Under the direct supervision of the BPOI Administrator, the Juvenile Parole and Orientation Training Coordinator directs the operations of this training program.

32020.6 Uniforms and Grooming Standards

The CDCR uniform and grooming standards are defined in the Department Operations Manual (DOM) Chapter 3, Article 21, Uniforms. BPOI Academy instructors may have specialized tactical and range uniforms, as approved by the BPOI Administrator.

32020.7 BPOI Curriculum

The courses at the BPOI will be developed by OTPD's Curriculum and Program Development Unit, and will be in compliance with the standards prescribed by Penal Code (PC) 830-832, 13601, and the CSA.

32020.7.1 Testing

All candidates attending BPOI shall attain at least the minimum scores established by the CDCR and POST.

32020.7.2 Re-Testing

Cadets/students not achieving a passing score on any written examination shall be provided with an opportunity to retake the same, or similar, written examination one time only. Additional instruction and supervision may be provided prior to re-testing.

Any cadet/student not achieving a passing score during the firing portion of the firearms training shall be given an opportunity to retest with the weapon(s). Additional instruction and supervision may be provided prior to re-testing.

Cadets/students not achieving a passing score on a performance-based evaluation shall be provided with an opportunity to retake the same, or similar, performance-based evaluation one time only. Additional instruction and supervision may be provided prior to re-testing.

32020.7.3 Evaluation

Each cadet/student shall be continually evaluated during the course of instruction. The evaluation shall give specific attention to the following areas of interest:

- General academic performance.
- Professional appearance and behavior.
- Relationships with people.
- Punctuality.
- Quality of the final product of assigned tasks.
- Response to directions and constructive criticism.

The BCOA/BCJA cadet's assigned Company Commander (BCOA/BCJA Instructor) shall prepare the first written performance evaluation report, upon successful completion of the Academy.

APA supervisory staff will complete the first probationary report of each Parole Agent Academy student during the final week of the Academy.

32020.8 Rejection/Dismissal

Cadets and students may be rejected on probation for the following:

- Failing an examination and the subsequent re-test.
- Unacceptable performance, behavior, or conduct, as delineated by Academy and/or departmental policies and procedures.
- Missing mandatory instruction, as defined by Academy and and/or POST requirements.

BPOI staff will initiate rejection on probation actions for BCOA cadets. The hiring authority for BCJA cadets and APA students will initiate rejection on probation actions.

32020.9 Institutional Resource Sites

Firearms exercises shall be conducted at a qualified range approved by the BPOI Administrator.

Local institutions will be used by the BPOI to familiarize cadets at the BCOA and BCJA with various institutional settings. The Cadet On-Site Institutional Training (COSIT) field_practicum visits in the institutions are subject to the approval of the warden, superintendent, or designee of the hosting institution and the availability of employees.

32020.10 Revisions

The Deputy Director, HR, or designee shall ensure that the contents of this Article are accurate and current.

32020.11 References

PC §§ 830-832, and 13601

DPA Rules

CSA Guidelines

ARTICLE 20 — PERSONNEL POLICIES

Revised July 15, 1999

Updated January 10, 2010

33010.1 Policy

The Department shall, through the provisions of this Article:

- Assure a uniform and equitable basis for employer/employee relations.
- Maintain open channels of communications that permit the exchange of information and ideas in a cooperative manner to ensure increased departmental efficiency and the well-being of employees.
- Further the understanding of rights, and obligations of the Department and employee organizations.

33010.2 Purpose

This Article specifies requirements for employer/employee relationships.

33010.2.1 Employee Notification

Each institution, parole region, and community correctional facility shall establish a policy for the purpose of employee notification. It is the responsibility of each Warden, Regional Parole Administrator, and Community Correctional Center Administrator to establish procedures to notify employees at work of personal emergency situations. Personal emergencies that require employee notification shall be routed to the area manager/supervisor who will determine if the situation warrants immediate employee notification.

33010.3 Disclaimer

If any provision in this Article is in conflict with a Memorandum of Understanding (MOU), the MOU shall prevail as it relates to the specific represented group.

33010.4 Management Team

Employees designated as manager, supervisor, or confidential shall be members of the management team.

"Supervisors" and "supervisory employees" refer to persons designated as supervisors pursuant to the State Employer Employee Relations Act (SEERA). Persons not so designated are not supervisors within the meaning of SEERA, even if their working or class title includes the term "supervisor," and shall not be considered part of the management team for the purpose of this Article.

The management team shall:

- Relate with all employee organizations and their official representatives, regardless of title or classification, as equals on all matters within the scope of representation.
- In good faith, abide by all terms, conditions, or provisions of all MOUs in effect.
- Meet and confer in good faith with exclusive employee representatives promptly upon request.
- Upon request, shall meet and confer with all employee organizations representing supervisory employees. "Meet and confer" means that they shall consider as fully as the employer deems reasonable representations made on behalf of supervisory members prior to arriving at a determination of policy or course of action.
- Give consideration to the viewpoints submitted by individual employees and organized employee groups in connection with the development of policy and in determining courses of action relating to employer/employee relations.

33010.5 Employees Right to Organize

The State recognizes the right of State employees to join and participate in organizations of their own choosing and be represented by such organizations in their employment relations with the State.

In order to guarantee this right, the management team shall not:

- Impose, threaten to impose, cause, or allow any type of reprisals on employees because of their exercise of rights guaranteed them by SEERA, departmental policy, MOU, or any other applicable law or rule.
- Conduct any type of business relating to wages, hours, or working conditions of unit employees with any organization except the exclusive representative.
- Participate in handling grievances on behalf of employees.
- Participate in meet-and-confer sessions on behalf of nonsupervisory employees.
- Influence, cause to be influenced, interfere with, or in any way condone the influence of internal affairs of a rank and file employee representative organization.
- Influence, cause to influence, interfere with, or in any way allow the influencing of the unit election process.
- Contribute to any organization financial or any other type of support that is used for representation of rank-and-file employees.

Represented employees shall not:

- Participate in handling grievances on behalf of supervisory employees.
- Participate in meet-and-confer sessions on behalf of supervisory employees.

33010.5.1 Rights of Employees

Rank and file employees shall have the right to:

- Form, join, and participate in the activities of employee organizations of their own choice for the purpose of representation on all matters of employer/employee relations.
- Refuse to join or participate in activities of organizations.
- Withdraw from organizations.
- Represent themselves individually in their employment relations.

Supervisory employees have the right to:

- Form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of supervisory employer/employee relations.
- Refuse to join or participate in the activities of employee organizations.
- Represent themselves individually in their employment relations.

Employees shall not be granted preferential treatment or have equitable treatment withheld because of either membership or non-membership in employee organizations.

33010.5.2 Exclusive Representatives

The Department recognizes and agrees to meet with designated stewards and staff of the exclusive representatives on the following:

- Administration of the contract.
- Employee discipline cases.
- Informal settlement conferences or formal hearings conducted by the Public Employment Relations Board.
- Matters scheduled for hearing by the Victim Compensation and Government Claims Board.
- Terms and conditions of employment.

Employee organizations requesting to meet and confer shall be expected to provide, in advance, an agenda or other detail of the items to be discussed to enable the representatives of the Department to prepare.

33010.5.3 Bona Fide Associations

The Department shall recognize other employee organizations providing they are registered and approved by DPA as bona fide associations.

A bona fide association is an organization that is comprised primarily of employees and former employees of agencies of the State and which:

- Does not represent State employees on matters within the scope of representation.
- Is not affiliated with an employee organization.
- Remains neutral in representational elections among State employees on the selection of an employee organization as an exclusive bargaining agent.

If an employee organization wishes to represent employees and there is some question regarding its status, the hiring authority shall contact the Office of Labor Relations for clarification.

33010.6 Access to Work Locations

Reasonable access to employee work locations during working hours shall be granted:

- To employee organization officers and representatives on employment relations matters.
- Where specific problems exist which necessitate the officer/representative seeing the work location to understand the situation.
- Access to work locations shall not include visits for the purpose of solicitation of membership or routine contact.
- The restrictions or limitations shall be for legitimate State purposes, such as safety, security, potential work disruption, undue State costs, etc.
- No restrictions or limitations shall be applied, or not applied, on the basis of any antipathy or sympathy for or against employee organizations in general or particular.

Approval

Representatives shall obtain the approval of the appropriate official or their designee before entering an employee work location. Requests shall be made through the employee relations office. The appropriate officials are:

- An institution - Warden.
- DAPO regional office - Regional Parole Administrator.
- DAPO Headquarters - Director, Division of Adult Parole Operations.
- Headquarters - Assistant Secretary, Office of Labor Relations.
- DAPO Field Office - Unit Supervisor.
- DAPO CCF - CCFA.
- DAPO Parole Outpatient Clinic - Chief Psychiatrist.
- PIA Central Office - General Manager.

33010.6.1 Barred Access

Each Warden shall prepare a list of work locations to which access for the purpose of contact with an employee shall be barred because of security reasons. The list shall be:

- Kept to a minimum consistent with institution security.
- Available at the office of the Warden for inspection by representatives.

Armed posts shall generally be excluded from visits by representatives.

A disagreement between an employee organization and a Warden as to reasonableness of denying access to any given location shall be referred to the Assistant Secretary, Office of Labor Relations for review and determination.

If a representative wishes to contact an employee assigned to a prohibited area, the meeting shall be arranged on the employee's own time unless the organization will furnish qualified relief acceptable to the institution. Overtime funds are not available to permit an employee to be relieved for consultation.

33010.6.2 Escorted Access

It is anticipated that employee organization representatives will be permitted access to most areas of the institution with the appropriate escort.

If escort is deemed necessary, the escort shall be the employee relations officer or a member of the management team.

Escort resources are limited and escorted visits shall be scheduled at institution convenience.

33010.6.3 Other Access

Contact with an employee on the job shall be in a manner that eliminates the possibility of incidents or breaches of security.

Representatives shall receive equal access treatment whether or not they are the Department employees.

Representatives, employees of the Department or not, are subject to all laws, rules, and regulations governing entrance to and behavior within a correctional institution/facility.

Employees may be allowed to engage in employee or organization business during working hours without loss of pay only when the business is specifically authorized by the appropriate MOU or DOM.

Employees' "own time" or "non-working hours" are lunch periods, regularly scheduled rest periods, and time before and after work.

Access to a work location may be denied or delayed for reasons including safety, security, work load requirements, or other legitimate circumstances.

When access is denied, reasonable alternatives should be provided to allow representatives to communicate with employees (e.g., providing space in a cafeteria or elsewhere in the institution/facility).

If an employee representative requests meeting room space, an effort shall be made to comply with the request as long as space is available and the granting of the request will not violate any established rules, regulations, or policy.

33010.6.4 Trespass

See CCR (15)(3) 3289.

33010.7 Posting and Distribution of Information

Representatives may post, distribute, or place organization material in institution/appropriate parole office (district, unit, etc.) mail boxes when:

- Prior approval of the appropriate administrator or employee relations officer as listed in DOM 33010 has been received.
- The material does not advocate:
  - Unlawful or illegal activity.
  - Violation of departmental rules or regulations.
- Material is not obscene, defamatory, lewd, vulgar, libelous, or slanderous.
- Such activities do not adversely affect institutional security or operation.

Approval to post or circulate material shall not in any way constitute endorsement by the Department of any of the statements contained in the material.

33010.8 U.S. Mail

The Department shall allow employee organizations to send U.S. mail to employees at work addresses and shall make every effort to deliver mail to employee mail boxes if:

- The mail is sent to the specific institution/parole office address.
- The volume of mail does not increase to the point that additional resources are necessary to process it.

33010.9 Use of State Facilities and Time

Uniform standards of treatment shall be applied to all employee organizations concerning the use of State facilities, equipment, and work time.

Employee organizations may be granted the use of State facilities for organization meetings composed of the State employees, provided such meetings are outside regularly scheduled working hours and space is available.

State time shall not be used for conducting or participating in employee organization business affairs including dues collection, organization meetings, and membership campaigns.

All services provided employees through any employee organization involving use of institution facilities, grounds, equipment, or inmates shall be approved in writing by the Warden.

Employees may, during assigned working hours, use a reasonable amount of State time to prepare and present grievances and to meet with management on issues and problems.

Time spent by representatives on representation activities shall not qualify for, or result in, overtime compensation.

33010.10 Release of Information

Non-confidential information pertaining to employer/employee relations shall be made available to representatives.

Each employee shall have the right to review the contents of his or her personnel file.

Review of any portion of an employee's personnel file by a representative requires written authorization of the employee.

The DOM, Administrative Bulletins, and other statement of policy, as well as copies of staff committee reports, are not confidential and shall be made available for review upon request.

In case of disagreement between an employee or employee organization and a representative of the Department as to the confidentiality of a given piece of information, the matter shall be referred to the Secretary through the Assistant Secretary, Office of Labor Relations.

33010.11 Grievance Procedure

Employees shall attempt to reach acceptable solutions to problems or complaints through informal discussion with their supervisor and if necessary the supervisor's supervisor.

Equal Employment Opportunity representatives are available to assist in resolution of issues on an informal basis.

If informal discussions fail to resolve the issue, a formal grievance may be filed as follows:

33010.11.1 Process

- Represented employees shall use STD. Form 630, Employee Contract Grievance, in accordance with the provisions of the appropriate MOU.
- Excluded employees shall use STD. Form 631, Excluded Employee Grievance, in accordance with procedures on the back of the form.

33010.11.2 Health and Safety Grievance

A health and safety grievance may be filed as follows:

- Represented employees shall file in accordance with the provisions of the appropriate MOU.
- Excluded employees shall use STD Form 631, in accordance with the procedures outlined on the back of the form.

33010.12 Incompatible Activities and Outside Employment

See CCR (15)(3) 3413.

33010.13 Confidentiality of Employee Personnel Files

Information from employee personnel files shall be disclosed in accordance with the provisions of DOM 13040 and 13050 of this manual.

33010.14 Employee Housing

Employee quarters shall primarily be used to:

- Provide temporary housing for new employees while they seek permanent housing.
- House interns and trainees.

If necessary to vacate rooms for these purposes, the person(s) with the longest occupancy shall be asked to vacate.

DPA defines housing accommodations.

Monthly rental rates are determined by the DPA or by negotiation with the bargaining units.

Only those articles of household furnishings included in the "Maximum List of Basic Furnishings for Housekeeping Quarters to be Provided by the State," prepared by DOF, may be supplied to housekeeping apartments and homes.

33010.15 Vacation Credits

The limit on the number of hours that may be accumulated during a calendar year is established by:

- The appropriate MOU for represented employees.
- DPA rules for nonrepresented employees.

33010.15.1 Vacation Credit Carry-Over

Represented Employees

By June 1 of each calendar year, represented employees whose vacation balance exceeds, or could exceed by December 31, the vacation cap allowed by their MOU shall submit to their supervisor for approval a written plan to bring their vacation balance below the cap.

If an employee fails to submit a written plan or adhere to an approved plan, the employee's supervisor shall order the employee to take sufficient vacation to reduce the actual or potential vacation balance to below the authorized cap.

If it is unavoidable that the employee cannot use the scheduled time due to emergency, sick leave, or unanticipated operational needs, the employee shall be allowed to reschedule the time to be taken.

Non-Represented Employees

By June 1 of each calendar year, non-represented employees whose vacation or annual leave balances exceed, or could exceed by December 31, the vacation or annual leave cap permitted by DPA rules shall submit to their supervisor for approval a written plan to bring their vacation or annual leave balance to the amount permitted prior to January 1 of the following year.

If the employee fails to take off the required number of days/hours by January 1, the appointing power shall require the employee to take off the excess hours at the convenience of the Department during the following calendar year.

If it is unavoidable that the employee cannot use the scheduled time due to emergency, sick leave, or unanticipated operational needs, the employee shall be allowed to reschedule the time to be taken.

Non-represented employees whose vacation or annual leave balances exceed their maximum cap on January 1 shall not have the excess deducted from their balances.

33010.15.2 Catastrophic Leave Program

The Catastrophic Leave program was established in 1985 for excluded (non-represented) employees by DPA Rules 599.925 and 599.925.1 and in 1988 for represented employees by their respective bargaining unit contracts. Under this program, employees may receive paid leave donations if:

- They are suffering from an incapacitating illness/injury (nonwork related) and are financially burdened because they have depleted all of their accrued leave credits.
- They need to take an extended period of time off from work to care for an incapacitated family member and they are financially burdened because they have depleted all of their accrued leave credits.
- They are unable to work because of the effect of a natural disaster on their principal residence (in a county declared as a State of Emergency by the Governor) and they are financially burdened because they have depleted all of their accrued leave credits (excluding sick leave).
- They are taking extended time off after childbirth and are financially burdened, because they have depleted all of their accrued leave credits (excluding sick leave).

The following are general Catastrophic Time Bank (CTB) provisions; detailed procedures are outlined in the Personnel/Payroll Services Guidelines, Section D-100, located in the personnel office:

The Secretary has delegated authority to approve/deny CTB request and to review appeals as follows:

Division	Initial Request	Appeals
Executive Office	Chief Deputy Secretary	Secretary
Institutions	Warden	Director
DAPO	Regional Adm	Director
Legal Affairs	General Counsel	Assistant Secretary
Planning & Construction	Director	Chief Deputy Secretary
Support Services	Deputy Director	Director
Correctional Health Care Services	Director	Chief Deputy Secretary

- To establish a CTB, a CDC Form 868, Catastrophic Time Bank (CTB) Request, shall be completed and submitted to the employee's local personnel office by the employee or the employee's representative if the employee is incapacitated. All requests to establish a CTB are subject to DPA laws and rules/contract provisions. Note: CTB requests shall not be processed without the consent of the employee or the employee's representative; this is to protect the employee's right to privacy.

- Upon receipt of the CTB request, the approval authority has five working days in which to review the request, approve/deny the CTB, and forward the form to the appropriate local personnel office.
- The approval authority shall name the person(s) designated to advertise for donations at the time the CTB request is approved. The responsibility may be delegated to a single individual or several persons.
- To make CTB donations, employees shall complete and submit a CDC Form 869, Catastrophic Time Bank Donation Authorization, to the CTB recipient's personnel office. All CTB donations from nonrepresented employees are subject to their contract provisions. Exceptions to the DPA laws and rules/various contract provisions must be requested and approved in accordance with the Personnel/Payroll Services Guidelines, Section D-100.
- If there is an indication of a substantial change in the nature of the illness/injury, the local Return-to-Work Coordinator or Medical Officer (on a case-by-case-basis), may be contacted by personnel office staff. The Return-to-Work Coordinator/Medical Officer shall then contact the recipient/representative within three working days to obtain the medical status of the ill/injured person, verify the continued need for CTB leave, and notify the local personnel office when a decision is reached.
- CTB donations shall not be used to augment any benefits received due to a work-related injury or illness.
- Personnel office staff shall direct all questions regarding appeals to the headquarters Office of Labor Relations.
- In all cases where the CTB recipient dies, donations shall not be accepted unless dated and signed on or before the date of death of the recipient. All unused donations received through the date of death of the recipient shall become part of the recipient's estate.
- Upon expiration of the CTB for a reason other than death, all unused donations shall be returned to donors on a last received first returned basis, 60 days after the employee returns to work.

33010.16 Employee Holidays

Holidays to which all employees are entitled are as follows:

- First day of January.
- Third Monday in January.
- Third Monday in February.
- Last Monday in May.
- Fourth day of July.
- First Monday in September.
- Eleventh day of November.
- Last Thursday in November.
- Day after Thanksgiving.
- Twenty-fifth day of December.
- Day chosen by an employee Day chosen by an employee (Personal Holiday).
- Every day appointed by the Governor of this State for a public fast, Thanksgiving, or holiday.
- When a holiday falls on a Sunday, the following Monday shall become the holiday.
- If November 11 falls upon a Saturday, the preceding Friday shall be the holiday.

Refer to the MOU as it shall be the controlling factor if the provisions of GC 19853 are in conflict with the bargaining agreement.

The legal holidays may be observed or celebrated in the institutions, in accordance with approved practices. This does not imply that all legal holidays shall be observed by work stoppage or special programs for the inmate population.

33010.16.1 Holiday Time Credit

Holidays falling on an employee's day off shall be credited to an employee pursuant to current administrative practices, contract MOU provisions, and consistent with GC 19853.

Special holiday pay provisions for employees working shifts other than Monday through Friday, who work on holidays, are specified in the Personnel Transactions Manual Section 656 and the MOUs.

33010.17 Exchange of Duty Assignments

Employees in custody and medical technical assistant classifications, assigned to watches and/or by post assignment, may be permitted to exchange hours and/or days of work with other employees of the same classification (SWAPS).

Process

Employees in other classifications may be permitted to exchange hours and/or days of work if allowed by their bargaining unit MOU.

SWAP requests shall be:

- Submitted 24 hours in advance.
- Signed by both employees.
- Approved by immediate supervisor(s).
- Completed within three months.

Employees exchanging SWAPS shall not be entitled to any additional compensation that they would not otherwise receive.

For example:

- Overtime.
- Overtime meals.
- Holiday pay/credit.
- Shift differential.

33010.17.1 Employee Responsibility

Employees shall be responsible for work assignments they accept.

Failure to report for SWAPS shall:

- Result in administrative action.
- Result in ineligibility for SWAPS for 90 days.
- Require a physician statement of illness and/or treatment if absence was for medical reasons.

33010.18 Watch Assignment Preference by Seniority

Watch assignment preference by seniority shall:

- Apply to Lieutenants, Sergeants, and Officers.
- Apply to 60 percent of the positions on each watch.
- Not apply to camps and Community Correctional facilities.
- Post assignments by each watch shall be at management's discretion.

The following Lieutenant positions shall be exempt from watch preference:

- Personnel Assignment.
- In-Service Training.
- Public Information Officer/Administrative Assistant.
- Investigations.

Assignment of probationary employees shall be based on their training needs. The Public Information Officer position requires the participation of the Assistant Secretary, Office of Public and Employee Communications, in the selection/interview process.

Watch preference shall be based on the lieutenant's seniority within the classification at the time of the request. Participation is voluntary and those who elect to participate must submit their request to the Custody Captain by November 30 of each year. Lieutenants shall be placed into the designated available assignments by watch in February of each year. All assignments shall be published on the Custody Personnel Movement Sheet.

Relief position determination shall be based on the watch in which the majority of work shifts occur. For example, two Second Watch shifts and three Third Watch shifts is considered a Third Watch assignment.

Lieutenants removed from an administratively assigned position shall be assigned at the discretion of the Warden. However, the assignment may not result in the displacement of a Lieutenant who was assigned to the watch by seniority bid.

Lieutenant assignment rotations shall occur in two year intervals. Exceptions to the two year rotation may be made by the Warden for operational necessity. Retention of a Lieutenant in a specific assignment beyond four years shall be approved in writing by the respective Regional Administrator.

Lieutenant positions outside the institutions, such as Camp Commanders, Background Investigations, etc., shall be filled by an impartial and competitive hiring process.

33010.18.1 Rosters by Seniority

Each institution shall maintain a seniority roster of:

- Lieutenants.
- Sergeants.
- Officers.

- Probationary Lieutenants.
- Probationary Officers.
- Probationary Sergeants.
- Permanent Intermittent (PI) Officers.
- Watch assignments.

33010.18.2 Seniority Status

The Officers' (including intermittent employees) seniority shall be in accordance with MOU, Bargaining Unit 6.

Seniority for employees (including intermittent employees) in all other bargaining units shall be in accordance with their respective MOU.

Sergeant and Lieutenant seniority shall be based on:

- Total continuous service in class (employees who accept a transfer to a non-custody classification, but do not leave the Department, will receive credit for the previous seniority earned upon return to their former classification) or, in the event of tie;
- Total continuous service in class combined with continuous total State service or, in the event of tie;
- The highest figure as determined by the last four digits of the employee's social security number.

A break in State service of 12 months or more shall result in loss of all seniority credits.

33010.19 Permanent Intermittent Requirements

Each institution shall maintain a roster of PI Officers.

The number of hours a PI may work may be increased to ensure that the institutions have sufficient PIs to cover their needs. To exceed 1,500 hours in any calendar year, requires written departmental approval.

33010.20 Seniority for Vacation Scheduling

Vacation scheduling for rank and file employees shall be in accordance with their respective MOU for the bargaining unit.

Vacation scheduling for excluded employees and rank and file employees, when not specifically addressed in their MOU, shall:

- Be by seniority in grade (i.e., total service in classification at any institution/facility or office).
- Be consistent with the needs of the institution/facility.
- Ensure an adequate work force to maintain the security and operation of the institution/facility or parole region.

33010.21 Employee Opportunity Transfer

The Department recognizes the benefit of allowing represented employees the opportunity to make voluntary lateral job transfers.

The needs of the State shall be given first priority when a vacant position is filled. The needs include, but are not limited to:

- Special skills.
- Abilities.
- Aptitudes.

The Department shall have the right to fill vacant positions using the existing eligible or promotional lists, voluntary or involuntary transfers, reassignments, or other selection methods.

Process

Employees desiring interdepartmental transfer shall submit a CDC Form 923, Employee Opportunity Transfer Application, with a STD Form 678, State Application Form, attached. Request shall be in compliance with the appropriate MOU.

When a hiring authority elects to fill a vacancy through a transfer, the selection shall be as specified in the appropriate MOU.

The effective date of transfer shall be agreed upon by the sending and receiving hiring authority, but no later than 30 days following approval.

Time Credits

When transferring employees have an accumulation of compensating time off, holiday credits, or other administrative time, the employee should be allowed to use this time prior to transfer. If it is not possible, the employee shall be allowed to transfer credits.

Use and/or transfer of credits shall be agreed upon by the sending and receiving hiring authority.

Incidents affecting the employees' performance occurring between the time of transfer approval and the transfer date shall immediately be brought to the attention of the receiving hiring authority.

Adverse Action Pending

The Assistant Secretary of the Office of Labor Relations shall review and approve any request for transfer of an employee who has an adverse action pending.

33010.21.1 Probationary Officer Hardship Transfer

The Officer shall complete probation at the institution/facility to which they were first assigned except those Officers who demonstrate a hardship may be considered for transfer to another institution/facility.

Wardens at the sending and receiving institution may refuse to approve a hardship transfer request.

A hardship transfer shall only be allowed when the following criteria have been met:

- Circumstances creating the hardship developed after the Officer reported to the Academy.
- Circumstances are related to the employee's immediate family (including spouse, children, step-children, parents, parents-in-law) residing in the employee's immediate household.
- Circumstances involve health or personal problems expected to continue for at least 90 days.
- Circumstances have been documented by physician's statement or other official records.
- Alternatives to the hardship transfer have been explored and determined to be not feasible.
- The Warden at the receiving institution reviewed the employee's personnel file and is willing to accept transfer, subject to the availability of a suitable job opening.

Hardship transfers occurring within the probationary period require the approval of the Director, Division of Adult Institutions.

33010.21.2 Other Probationary Employees

Generally, transfer requests shall only be considered if the employees have permanent status in their present classification. This allows:

- The employee to demonstrate he/she can satisfactorily perform the duties of the class in which he/she is are erving probation prior to being moved to different surroundings and new supervisors.
- Opportunity to consistently evaluate the employee's work performance and his/her ability to perform the work of the class.

Requests shall be reviewed to determine if it is preferable to delay transfer until completion of probation.

Wardens at either the sending or receiving institution may refuse such transfer.

For employees transferred in current probationary class, the length of probation remains unchanged.

- If the requested transfer is to another class, the employee shall meet the standards governing transfers between civil service classes.
- Serve a new probationary period unless waived by the hiring authority under provisions of the GC.

33010.22 Involuntary Transfer

An appointing power may involuntarily transfer employees to vacant positions (under the jurisdiction of the Department to deal with Budget reductions and the impact of resulting layoffs, changes in office function or location, reorganization, or the activation of new work sites (e.g., parole offices, facilities). There may be additional causes, however the decision to implement involuntary transfers as a solution are management-initiated and may be in the same or a different geographical location. When such a transfer reasonably requires an employee to change residence, the appointing power shall give the employee written notice of transfer 60 days prior to the effective date of the transfer. Departmental policy prescribes that an employee subject to an involuntary transfer which does not require a change in residence shall be given 30 days advance notification.

33010.22.1 Authority

GC:

- GC 19841 provides the right to moving and relocation expenses when all criteria are met.
- GC 19050.5 states that involuntary transfer of an employee may be made to a different classification under the jurisdiction of the appointing power, however, advance approval of the SPB is required.
- GC 19994.1 states that 60 days written advance notice of involuntary transfer is required, unless the employee waives this right, when a change in the employee's residence is reasonably required.
- GC 19994.2 states that the DPA may determine the method by which employees are selected for involuntary transfer when two or more employees are involved.

State Personnel Board:

- SPB Rule 434 describes involuntary transfer between classification: When the transfer between classifications is not voluntary on the part of the employee, the classification to which the employee is transferred shall have prior executive officer (SPB) approval.

DPA:

- Rule 599.714 defines "reasonably required to relocate" as stated in GC 19994.1. The employee is reasonably required to change residence, and therefore, receives 60 days advance written notice of involuntary transfer, when the following criteria are met:
  - At least 35 miles between the old headquarters and the new headquarters.
  - At least 35 miles between the old residence and the new headquarters.

Regardless of whether the employee chooses to change residence, a 60-day written advance notice must be given when the above criteria are met.

Additionally, an employee is entitled to moving and relocation expenses when all of the following criteria are met:

- At least 35 miles between the old headquarters and the new headquarters.
- At least 35 miles between the old residence and the new residence.
- At least 35 miles between the old residence and the new headquarters.
- The new residence shall not be farther from the new headquarters than the old residence is from the new headquarters.

For further information on moving and relocation expenses, contact the Department Travel Coordinator in the Accounting Services (AS) Section.

MOU:

If this policy is in conflict with a MOU reached pursuant to GC 3517.5, the MOU shall be controlling without further legislative action, except if the MOU requires the expenditure of funds, it shall not become effective unless approved by the Legislature in the annual Budget Act.

- Unless addressed in existing MOUs for represented employees, an involuntary transfer is a change in the conditions of employment and therefore is subject to negotiation.

33010.22.2 Policy, Standards, and Guidelines

General Policy

It is the policy of the Department to minimize employee hardship resulting from management-initiated organizational changes by attempting to accommodate such employees via voluntary means prior to involuntary means.

A "Notice of Involuntary Transfer" will be issued only after the Department has attempted to place the employee through the Departmental Restriction of Appointments (DROA) process (when practical*). The DROA process is administered by the Office of Personnel Services (OPS)/Personnel Operations Section (POS) headquarters. The employee(s) is informed in writing of his/her surplus status in the Department and the available options are explained. For further information on the DROA process, contact POS.

A department may place its employees on the State Restriction of Appointments (SROA) list and designate them as surplus only when DPA has recognized that the department is in a layoff mode. Placement on the SROA list is limited by DPA Rule 599.854.1 to those employees who are actually subject to layoff or demotion in lieu of layoff. Employees facing involuntary transfer do not meet the aforementioned criteria and therefore are not eligible for SROA.

- *In the event of an office closure (e.g., Parole Office, Facilities), program abolishment, or downsizing, the time involved to offer the DROA process to the affected employees may not be practical. The impending closure of an office, program abolishment, or downsizing may necessitate that the involuntary transfer process be initiated immediately. However, this type of urgent need should be rare. Office closure, program abolishment, or downsizing should be a well-planned management decision which includes the appropriate amount of lead time to effectuate employee placement and give optimum advantage and opportunity to the affected employee(s). A minimum of 90 days advance written notice to POS will ensure sufficient time for preparation.

33010.22.3 Responsibilities

Organization

The organization (e.g., parole region, facility) experiencing the budget reduction, closure of an office, deactivation, etc. provides OPS/POS with a written notice describing the cause of the surplus and need for involuntary transfer and sends a copy to the Office of Labor Relations (OLR) and the AS. The classifications and the names of all employees holding appointments in those classifications shall be listed. Any special circumstances surrounding the need for involuntary transfer should be explained. A contact person from the organization shall be identified to act as liaison between the organization and POS on the process. CDC Form 1822, Involuntary Transfer Worksheet, and Request to Implement Involuntary Transfer Process are to be completed and attached to the memorandum to OPS/POS. It is imperative that OPS/POS be notified as soon as the anticipated involuntary transfer of employees is realized. Ninety days advance written notice will ensure sufficient time for POS to effect the involuntary transfer of surplus staff. This advance notice will relieve the organization of their surplus situation in a timely manner.

Personnel Operations Section

Upon receipt of written notice of an anticipated need to involuntarily transfer employees, POS staff will review the request, outline the process, and meet with organization staff to discuss the process.

There may be specific Bargaining Unit (BU) requirements, seniority calculations, or other considerations to be made prior to the movement of employees. It is essential to carefully review the current MOU for the method of seniority calculation to be used for involuntary transfer.

The need to involuntarily transfer employees often varies in that a "surplus" of employees may or may not require that the seniority of all employees in the classification is calculated to ensure that the least senior employees are transferred.

Following are conditions under which involuntary transfer may be necessary:

- There are 50 employees in the classification of Office Assistant (OA) (Typing) (T) and the program has 50 authorized budgeted OA (T) positions. The program is required to reduce their OA (T) positions by 10 percent which equates to five positions. In order to identify the five least senior employees who will be subject to involuntary transfer to vacant OA (T) positions elsewhere in the Department, seniority must be calculated for all 50 employees. POS will order seniority from DPA and effectuate the involuntary transfer of the five least senior employees.
- The closure and movement of an office.
- A field office is being closed due to the conclusion and nonrenewal of the lease. Another office in another location has been obtained and leased for a lesser cost. Transferring the employees to the new office location would not necessitate seniority calculations, as long as all the employees are being transferred to the same location (new office). However, the employees and affected unions must be given notice consistent with policy, applicable laws, and MOUs. POS would initiate the notices.
- Abolishment of a program.
- A vocational program is abolished. There are two positions and both are filled. This classification is used elsewhere in the Department. The classification is frozen through the DROA process.
  - POS staff and the Institutional Personnel Officer explore options available to the affected employees such as voluntary transfer to other classifications.
- If there are other vacant positions in this classification in the Department, POS will order seniority scores from DPA and implement the involuntary transfer of staff. If the vacant positions exist in separate locations, the most senior employee is offered first choice.
- POS prepares and assures the delivery of CDC Form 1822, in accordance with this policy, applicable laws, MOUs, or other negotiated agreements between the State and the unions.

Office of Labor Relations

The OLR receives a copy of the initial notice sent to OPS/POS of the possible involuntary transfer of employees. The OLR staff reviews any MOU restrictions or requirements with regard to those represented employees affected by an involuntary transfer. Notification of the union(s) is made by OLR staff. If requested by the union, a meet-and-confer on impact will be scheduled. A coordinated effort between POS and OLR is essential to effectuate a smooth transition of affected employees.

Accounting Services

The Accounting Services (AS) receives a copy of the initial notice sent to OPS/POS of the possible involuntary transfer of employees. The AS will address

any concerns of the employee(s) regarding claiming relocation and moving reimbursement after CDC Form 1822 has been delivered. Upon authorization for the move, the AS will send a moving and relocation package to the employee. The STD Form 255, Moving Service Authorization, is included in the package to the employee.

The employee may receive relocation payment or reimbursement of actual and necessary moving, traveling, lodging, and meal expenses when the employee is required to change residences, as a result of an involuntary transfer for the advantage of the State or a transfer in lieu of layoff.

The actual and necessary relocation expenses incurred by a relocating employee, both before and after the change of residence, are defined and controlled pursuant to the SAM 0721 through 0774, 3800 through 3885, 8572.1 and DPA Rules 599.714 through 599.724.

Actual and necessary moving expenses include the following (the amounts are subject to change; consult with the AS for current per diem rates, etc.):

- Meals, lodging, and incidental expenses while locating a permanent residence at the new headquarters within the limits of DPA Rules 599.721 and 599.722. Relocation per diem is allowed up to a maximum of 60 days and shall terminate immediately upon establishment of a permanent residence.
  - The BU contract should always be referenced to obtain per diem and other expense allowances at the time the transfer is to be made.
- Although some expenses do not require receipts in order to receive reimbursement, the employee should retain sufficient documentation as proof that the amounts claimed do not exceed actual expenses in the event they are audited by the Internal Revenue Service.
- Movement of household goods are allowed within the limitations of DPA Rules 599.718 and 599.719.
- Expenses incurred for dissolution of the household and/or establishment of the new household are allowed in accordance with DPA Rule 599.715.
- Expenses incurred for the actual and necessary cost to sell a residence will be reimbursed as determined by prevailing practices within the area of the sale and within the limitations of DPA Rule 599.716.
- The settlement of an unexpired lease agreement up to the maximum of one year will be reimbursed within the limitations of DPA Rule 599.717.

When involuntary transfer is utilized in lieu of employee layoff and/or due to budget reductions, the Department may negotiate a lesser relocation package than the procedures listed above. The above procedures and rules are governed by DPA, SAM, and the employee's BU contract; however, the Department has the discretion to modify or eliminate certain portions of the relocation expense reimbursement with the agreement of DPA and the appropriate BU. An example of a modified package may include 30 days of per diem expense, 30 days of storage, movement of household goods, and the elimination of the sale of residence reimbursement.

Upon receipt of a Std. Form 262, Travel Expense Claim, the AS will process the claim within 30 days.

Employee

The employee may waive the 30-day or 60-day notice and choose to report to the new headquarters at an earlier date; however, no employee shall be coerced or forced to waive his/her right to such notice. Employees shall be assured that they will not be subject to reprisal, if they do not waive this right. An employee has the right to file an appeal with DPA, if he/she believes the involuntary transfer is being made for the purpose of harassment or discipline.

An employee faced with involuntary transfer cannot elect to voluntarily demote and displace a lower senior employee in order to remain at the "old headquarters."

An employee who refuses an involuntary transfer may seek a permissive transfer to another agency; seek a permissive transfer to a vacant position in the Department; resign in lieu of the transfer; or retire, if eligible. If the employee fails to report to the new headquarters as instructed, he/she may be separated (Absent Without Leave {AWOL}) five working days after the effective date of the involuntary transfer (in accordance with the California Supreme Court decision Coleman vs. DPA and General Services), or be subject to other types of adverse action.

For BU 6 employees, the MOU recognizes additional procedural steps when processing an AWOL separation. Therefore, the Department may elect to use the Adverse Personnel Action procedures to process an AWOL separation for BU 6 employees. When making a determination as to which process to use, program staff should consult with OLR and POS for guidance.

33010.23 Examination Application Acceptance Policy

Examination bulletins publicize final filing dates designed to allow a reasonable time for interested persons to file an application on or before the final filing date.

Strict adherence to filing dates is required by the SPB.

Applicants are encouraged to file early to ensure timely receipt of their applications.

33010.23.1 Timeliness Determination

If a mailed application is received after the final filing date, the cancellation date stamped on the envelope by the post office is used to determine whether the application was mailed on or before the final filing date. The applicant shall ensure the application is postmarked on or before the final filing date.

Applications placed in interdepartmental mail and not received on or before the final filing date shall be considered to be LATE applications. To avoid this, mail at a post office and obtain a certificate of mailing receipt. This is acceptable proof that the application was submitted timely.

Following are the conditions under which late applications typically shall not be accepted:

- The applicant claims he/she did not see the bulletin because of distribution problems within the reporting unit.
- The applicant gave an application to another person to turn in to the office that is administering the examination, but it is not received on or before the final filing date.
- The applicant claims the application was mailed, placed in interdepartmental mail, or hand-delivered to the Personnel Examining Unit or the local testing office on or before the final filing date.
  - A late application may be accepted under this condition only if the applicant has a written statement from a post office official or other witness who verifies the application was mailed on time.
- Application is postmarked after the final filing:
  - If the post office verifies, in writing, this was caused by post office error, the application shall be accepted.

Following are the conditions under which late applications may be considered:

- The hiring authority verifies in writing that the examination bulletin was not received by the local testing unit because of bulletin distribution problems and prevented the employee from being properly notified.
- The unit manager verifies the employee was away from his/her work during the entire publicity period.
- The application delay was caused by Personnel Examining Unit or field office staff error (for instance, an application was returned to an applicant in error).
- The application was submitted in error to the SPB or to another state department's Personnel Office and was either postmarked on or before the final filing date or date stamped by that department's personnel office.

33010.23.2 Examination Bulletin Distribution

Examination bulletins are sent to all reporting units in the Department's Central Office (including off-site units), institutions, and parole offices.

The local manager shall ensure all examination bulletins are posted in a place visible to all employees.

Employees shall be responsible to keep themselves informed of testing for classes currently being administered.

33010.23.3 Testing Information

Current testing information is available from the following sources:

The Department's Examination Line (916) 322-2694.

Telecommunications Device for the Deaf (TDD) relay service for the deaf or hearing impaired, TDD 1-800-342-5966.

Voice TDD 1-800-342-5833, TDD (916) 324-6317.

Entry level peace officer classifications; Officer, PA-I, MTA, and CC-I are administered by Selection and Standards Branch (916) 227-2110.

PIA Testing information (916) 358-1773.

SPB's examination recordings, limited examinations, and other general employment information:

- Los Angeles (213) 620-6450.
- Sacramento (916) 445-0538.
- San Diego (619) 237-6163.
- San Francisco (415) 557-7871.

33010.24 Reduced Worktime Policy

The Department shall make available, to the extent feasible, reduced worktime to requesting employees.

Employees shall submit a request to the appropriate hiring authority.

The hiring authority shall make a written response within 30 days either granting approval or explaining why reduced worktime is not feasible.

33010.24.1 Impact Consideration

Reduced worktime schedules may impact:

- Costs.
- Service to public/clients.
- Health and safety.
- Administrative considerations.
- Supervision.
- Span of control.
- Workload.
- Other factors.

Planning and scheduling may minimize or eliminate the impact, and the request may be feasible.

When impact is of significant extent, and planning and scheduling does not alleviate the impact, the requests may not be feasible.

33010.24.2 Peace Officer Exclusion

Employees in peace officer classifications shall be precluded from reduced worktime provisions.

33010.25 Nepotism/Fraternization

Staff shall not use their personal relationships to aid or hinder others in the employment setting.

For purposes of this Section, relationships include, but are not limited to, an association with another individual by blood, adoption, foster arrangement, cohabitation, current or previous marriages (including in-laws), or any other relationships which create a conflict between the private interests of the employer and his/her public obligations.

Appointments/Assignments

An employee in a relationship, as defined above, with another department employee shall not be appointed or assigned where such a relationship would adversely affect or influence:

- Safety, security, or morale of employees of a program, section, or unit.
- Fair and impartial supervision and evaluation of employees.

Employees involved in such relationships may work in the same program, section, or unit. However, appointments or assignments shall not be made where the employee would:

- Work for the same supervisor.
- Have a direct (first line supervisor), or indirect supervisory relationship (second line supervisor).
- Audit the work of, or exercise fiscal control over that person with whom they have a relationship, regardless of organizational separation.
- Participate in the development and/or administration of an examination or hiring interview of that person.
- Work in a program, section, or unit within close proximity of each other.

Responsibilities

Employees shall immediately notify the hiring authority or their respective supervisor when working arrangements and/or assignments are in conflict with the nepotism/fraternization policy.

The hiring authority or supervisor must inform candidates of the nepotism/fraternization policy at the time of the interview. Exceptions to this policy may be granted under limited circumstances. The hiring authority or supervisor is responsible for requesting an exception to the policy (refer to Exception Procedure Guidelines). Recruitment, hiring and/or promotional decisions will not be based upon marital status.

The hiring authority, managers, and supervisors must ensure their employees are aware of the departmental nepotism/fraternization policy. Additionally, the hiring authority, managers, and supervisors must take appropriate action to correct violations of this policy. This may require reassigning one of the employees, or requesting an exception to the policy.

Exception Procedures Guidelines

When the appointment of a candidate would violate the departmental nepotism/fraternization policy, the hiring authority, manager, or supervisor must submit a request for exception, and receive approval prior to extending a job commitment.

The exception procedure guidelines are as follows:

- A written request that clearly defines the relationship, and the benefit(s) to the State such an exception would provide (e.g., overcoming a recruitment difficulty or obtaining a uniquely skilled person). This request shall be submitted through the immediate supervisor to the appropriate supervisory level (Chief, Manager, Associate Warden, etc.) of the affected area, section, unit, or division(s) for first level review. Should the exception involve a person(s) reporting directly to the first level reviewer, the next highest ranking official shall review the request for exception and render a decision. All requests for exception shall be submitted to the highest ranking administrator of the affected area, section, unit, or division (e.g. Warden, Regional Administrator, Deputy Director, etc.) for final approval.
- Each exception request shall be reviewed to assess the potential for, and degree of impact upon the following:
  - Safety, security, and morale of the employees;
  - Fair and impartial supervision and evaluation of employees by the supervisors in the program, section, or unit.
- A written response to the exception request will be completed within ten (10) working days. A copy of the response shall be forwarded to the appropriate level personnel officer and Employee Relations Officer.
  - If the exception request is approved, the personnel officer shall place a copy of the approval in the respective employee personnel file.
- If the exception request is denied, a written explanation of the basis for the denial, including notification to the employee of his/her appeal rights per established procedure, shall be provided to the employee. A copy of the denial document(s) shall be forwarded to the appropriate personnel officer and placed in the respective employee personnel file.

Current Employees

Managers and supervisors shall ensure their employees are aware of the departmental nepotism/fraternization policy, and shall take appropriate action to correct violations. When management becomes aware of employment that violates this policy, the supervisor(s) of the involved employee(s) shall either reassign one of the employees, or request an exception to the policy following the exception procedure guidelines.

For current employees, the exception procedure guidelines shall be used with the following modifications:

- If the exception request is denied, the denial shall include a written explanation of the basis for the denial. The denial explanation shall additionally notify the employee of his/her right to file a complaint in accordance with the established procedure. The personnel officer shall place a copy in the respective employee personnel file.

If the exception request is denied and reassignment of an employee is necessary, every effort shall be made to avoid relocation expenses. If an employee must relocate his/her household to meet the department's nepotism/fraternization policy, the Department shall pay any associated relocation expenses. (refer to the DPA Rules and Regulations.)

33010.25.1 Incarcerated Relatives/Associates

Effective January 10, 2010

When an employee becomes aware that any relative, or person with whom the employee has or has had either a personal or business relationship, has been committed to or transferred to the jurisdiction of the Department, the employee shall immediately notify in writing the employee's institution head, Superintendent, or Deputy/Assistant Director.

The employee shall provide written notification by filling out CDCR Form 2189 (Rev. 06/09). This form can be obtained in the Personnel Office or institutional Watch Office. The employee will provide completed CDCR Form 2189 to the institution head, Superintendent, or Deputy/Assistant Director.

One copy of the completed CDCR Form 2189 will be kept in the employee's Official Personnel File (OPF), and one copy shall be kept in the affected inmate's Central File.

The copy of CDCR Form 2189 that is placed in the employee's OPF shall be confidential and maintained in a sealed envelope at the back of the file. Access to this form within the employee's OPF will be limited to authorized personnel only.

33010.26 Prohibition of Personal Influence

Employees shall not use their personal influence to aid or hinder any individual in any phase of a civil service examination or hiring process because of a family or close personal relationship.

Employees shall not:

- Participate in the hiring or promoting of any person with whom they have a close personal relationship.
- Aid or hinder any individual in any phase of a civil service examination or hiring process because of such relationship.
- Defeat, deceive, or obstruct any other person's right of examination, application, or employment.
- Willfully and falsely mark, grade, estimate, or report upon the examination standing of any person examined or certified.
- Furnish any person with information improving or injuring chances of that person's examination or application.
- Practice deception or fraud with regard to any person's identity in connection with any examination, application, or request to be examined.
- Obtain examination questions/materials before, during, or after an examination for purpose of preparing candidates for examinations.
- Use unfair means to cause or attempt to cause any eligible to waive any rights under these regulations.

33010.26.1 Appearance of Improper Influence

To avoid the appearance of improper influence, employees with such a relationship to any competitor shall not participate in any phase of the examination process including but not limited to:

- Planning.
- Question development.
- Preliminary Review Committee (PRC).
- Oral interview panel.
- Serve as a rating or reviewing supervisor of the competitor.
- Participate in discussions or ratings of the competitor.

If an employee serving on a PRC, oral interview panel, or participating in the discussion or rating of competitors finds one of the competitors is one with whom he/she has a family or close relationship, the employee shall leave the room and not participate in the interview, observation, discussion, or rating of that competitor.

If an employee serving in any capacity discovers a competitor is one with whom he/she has a family or close relationship, the employee shall contact Selections and Standards Section for direction.

Employees selected to participate in the State Civil Service examination process shall maintain the competitive and confidential nature of the examination process. Disregard for examination integrity can result in examination appeals from the candidate group and may ultimately be grounds to void an examination.

Violation of the provisions of this Section:

- May be a misdemeanor.
- Shall be cause for adverse action.

33010.27 Service Awards

Pursuant to GC 19849.9, employees completing 25 or more years of State service and retiring employees who have at least 25 years of State service as of the effective date of their retirement qualify for a service award consisting of a framed certificate and their choice of any one of the items offered by and described in the catalog provided by the contracting vendor.

Employees who are being awarded under this program shall be presented a memento within one year of completion of 25 years of State service or within 60 days of their retirement date. (see DOM Chapter 3, Article 3, Employee Awards.)

33010.27.1 Personnel's Responsibility

The local personnel office shall:

- Notify the unit timekeeper/supervisor via a CDC Form 1785, Service Award Eligibility Notification, of employees who are within at least 2 months of attaining 25 years of State service or who have 25 years of State service as of the effective date of retirement and are qualified to receive a retirement memento.

33010.27.2 Supervisor's Responsibility

The employee's supervisor shall:

- Make the contracting vendor's catalog available to the employee.
- Arrange for the ordering of a selected award/memento from the contracting vendor as follows:

Headquarters and Division of Adult Parole Operations

Submit a CDC Form 954, Intraoffice Requisition (IOR), to the Business Services Section. A copy of CDC Form 1785 shall be attached to CDC Form 954. All orders shall include the information outlined under "Ordering Instructions" in the vendor's catalog.

Institution/Facilities

Supervisors are responsible for ensuring the award is ordered according to the institution/facility's established procedure.

- Prepare a 25-year service anniversary/retirement letter for the Secretary's signature.
- Submit the letter through the chain of command to the appropriate Warden, Regional Parole Administrator, Health Care Manager, or Deputy Director for signature.

33010.27.3 Manager's Responsibility

The appropriate Deputy Director, Warden, Regional Parole Administrator, Health Care Manager, or his/her designee shall:

- Check with the following offices to ensure the proposed 25-year anniversary or retirement letter accurately reflects the employee's employment record with the Department, including prior positions:
  - OPS (for prior or pending adverse actions against the employee).
  - OLA (for prior or pending legal actions in which the employee is a plaintiff or defendant).
  - OIA (for pending or prior internal affairs investigations where the charges against the employee were sustained).
  - Office of Legal Affairs (for prior or pending workers' compensation litigation).
- Every employee who completes 25 years of State service or retires from the Department shall receive the appropriate letter (an employee who is retiring will also receive a goldenrod identification card). However, the letter shall be personalized, meaningful, and relevant. For example, the letter for an employee who retires because of a disability should contain this information and should be consistent with the employee's length of State service and the circumstances of the retirement (without specifically stating the nature of the employee's disability). If an employee recently has been formally disciplined (i.e., with a formal reprimand, suspension, demotion, or reduction in pay) for misconduct, the letter should simply acknowledge the retirement or completion of 25 years of service. An employee who has made significant contributions to the Department and/or who has an exemplary employment record should be recognized in the letter.
- Prepare an appropriate transmittal memorandum and forward the memorandum with the letter for the Secretary's signature (and retirement identification card if applicable) to the Deputy Director, OPS. The transmittal memorandum shall include a certificate signed by the Institutional Personnel Officer or another management employee.

33010.27.4 Standards

A retirement and service anniversary letter shall receive careful consideration to ensure it is a personalized, meaningful, and relevant document that demonstrates appreciation and respect for the employee's years of service.

Letters shall be prepared for the Secretary's signature and be consistent with procedures outlined in the Secretarial Handbook Section 2-3000.

Letters shall contain information on the employee's:

- Service history.
- Pertinent work history.
- Appropriate biographical information.

33010.27.5 Retirement Resolution

Upon request from the employee or the employee's unit, the local personnel office shall order a retirement resolution from the Secretary of State's Office and shall forward the resolution to the employee's unit or home address.

The following information is needed to complete the resolution:

- Name of retiree.
- Total State service (number of months).
- Year State service began.
- Initial title or position with the State.

- Initial department.
- Title and department at time of retirement.
- Indicate luncheon or dinner if applicable.
- Date of event if applicable.
- Date of presentation.

33010.28 Presentation

The hiring authority shall provide for appropriate presentation of letters, certificates, resolutions, and service awards.

33010.28.1 Employee Retirement and Death Benefits

PERS provides retirement or death benefits that could be applicable to an employee. For more specific information, the following pamphlets are available from your local personnel office or PERS:

- PERS Benefits for State Miscellaneous Members.
- PERS Benefits for State Industrial Members.
- PERS Benefits for State Safety Members.
- PERS Benefits for State Peace Officers/Fire Fighters.

Retirement information includes:

- Service credit.
- Eligibility.
- Allowance formula and calculation.
- Final compensation.
- Optional settlement with survivor continuance.
- Estimates.
- Health insurance.

33010.28.2 Disability Retirement

State Miscellaneous members with five years of service are eligible to apply for disability retirement if they cannot work because of illness or injury.

State Industrial, Safety, Peace Officer, and Firefighter members may apply for:

- Disability retirement if illness or injury is nonjob related. (Member needs a minimum of five years of service.)
- Industrial disability retirement if illness or injury is job related.

33010.28.3 Social Security

Employees/survivors shall contact the local social security office to determine what benefits may be available under that program.

33010.28.4 Public Safety Officers' Benefit Act Of 1976

Law Enforcement Assistance Administration (LEAA) is authorized to pay a $50,000 death benefit to the eligible survivor of a public safety officer who died as a "direct and proximate result of personal injury sustained in the line of duty."

Claims are filed by the Department on behalf of the survivor, but the survivor may elect to file directly to LEAA.

33010.28.5 Term Life Insurance

A State sponsored term life insurance policy is available to certain excluded employees below the age of 70.

Enrollment is automatic for eligible employees.

Additional information is available through the local personnel offices and DPA.

33010.28.6 Other Benefits

GC 13959 through 13969.1 provides benefits and assistance to victims who sustain injuries or death as a result of a crime or violence.

GC 13970 through 13974 provides benefits to private citizens who incur injury, death, or property damage under the following circumstances:

- In the course of preventing the commission of a crime against another person or property.
- In apprehending a criminal.
- In assisting a peace officer in his/her duties.
- In rescuing a person in immediate danger.

Further information relative to these indemnities may be obtained from the State Board of Control.

33010.29 Hardship Salary Advances

In accordance with provisions of the SAM 8595, a hardship salary advance may be issued to an employee before the employee's regular monthly, bimonthly, or intermittent payday. The hardship salary advance shall be based on the net amount of the employee's regular base salary and shall only be for serious, unforeseeable hardship.

It is the policy of the Department that all employees receive a paycheck each payday. For all permanent employees, except intermittent or hourly employees, this is the last working day of each pay period. For intermittent, hourly, or temporary employees, this is no later than the fifteenth calendar day of the month providing the attendance documents are received in the Personnel Office timely.

A request for hardship salary advance is not an automatic option nor is it intended to be a simple loan made available to the employee. The Department cannot legally loan employees' money to cope with the economic difficulties or temporary inconveniences that occasionally fall upon every individual. A hardship salary advance cannot be a substitute for adequate personal financial management.

The circumstances during which a request for a hardship salary advance is made shall have the following characteristics:

- The situation or event was such that it caused an immediate emergency or economic hardship on the employee or those economically dependent upon the employee.
- The situation or event was such that the employee could not have reasonably planned or prepared for it in advance.
- The employee has exhausted all conventional means of obtaining necessary funds elsewhere (savings, credit union, bank, etc.). A hardship salary advance shall only be the last resort.
- A description of the situation or event that warranted the request for a hardship salary advance is clearly provided with adequate supporting documentation.
- The amount of the request is clearly documented and does not exceed the net salary earned to date by the employee. The amount allowable for a hardship salary advance shall be based on the employee's net regular base salary, excluding overtime, physical fitness, bilingual, recruitment, and retention pay, etc. The maximum amount available shall be the regular wages earned to date during the calendar month of request. (See Department Personnel/Payroll Services Guidelines for further details and for information regarding direct deposit.)
- A hardship salary advance has not been requested for the prior 12-month period. Hardship salary advances shall be limited to one for any 12-month period.

Acceptable Reasons

The following is a listing of some of the acceptable reasons for applying for a hardship salary advance:

- Acts of vandalism that have caused significant damage to vehicle or residence that require immediate repair.
- Emergency home repairs due to unforeseeable events such as fire, flooding, storm damage, theft, or vandalism.
- Emergency medical expenses due to serious injury or prolonged illness.
- Death in the immediate family.

Unacceptable Reasons

The following is a listing of examples of unacceptable reasons for hardship salary advances:

- Moving expenses.
- School expenses.
- Vacation expenses.
- Being away from the office on payday.
- Routine vehicle maintenance or vehicle repair as a result of normal usage.
- Automobile loan or lease payments.
- Monthly rent or mortgage payment.
- Other items that the employee should have planned and/or budgeted for since they are recurring, predictable expenses.

The above lists are not meant to be exhaustive, but rather examples. Good judgment shall be used in requesting and in approving hardship salary advances.

33010.29.1 Process

Wardens shall designate a staff member (minimum level is the Business Manager) to review all hardship salary advance requests for their respective facilities.

The Chief of the Office of Accounting Services shall be the reviewer for headquarters and for the DAPO (headquarters and field offices).

The employee shall submit a written request to his or her supervisor for a specific amount with sufficient explanation of the circumstances to indicate that it is an unforeseeable emergency and some supporting documentation that all other means of obtaining the necessary funds have been exhausted. In addition, the employee

shall sign a CDC Form 1161, Authorization for Repayment of Payroll Revolving Fund/Hardship Salary Advance. (See Department Personnel/Payroll Services Guidelines for additional information regarding direct deposit limits.)

33010.29.2 Responsibilities

Supervisor of Requestor

Prior to signing and forwarding the hardship salary advance request, the supervisor of the requestor shall:

- Review the request.
- Verify the unforeseeable emergency if appropriate.
- Verify that all other means of obtaining necessary funds have been exhausted.
- Verify that CDC Form 1161 was filled out and attached.
- Verify the actual emergency expense or the net salary earned to date, whichever is less.
- If approved, sign the request and forward it to the designated reviewer with all appropriate supporting documentation.
- If denied, return the request to the employee.

Designated Reviewer

Prior to signing and forwarding the hardship salary advance request, the designated reviewer shall:

- Review the request for appropriateness.
- Request further verification if necessary.
- If approved, sign the request and forward it to the personnel office (with all appropriate supporting documentation).
- If denied, return the request to the employee.
- Maintain a copy of each request (approved or denied).

Personnel Office

The personnel office shall:

- Determine the vacation leave, sick leave, dock, etc., that the employee has used in that particular month.
- Determine that the amount requested does not exceed the net salary earned to date. Determination may be based on payroll records of prior pay period or other appropriate method.
- Determine the employee's normal mandatory and voluntary payroll deductions. A participant of the Direct Deposit Program shall cancel their participation in the Direct Deposit Program prior to the hardship salary advance being issued.
- May reduce the request so that the amount does not exceed the salary earned and/or net pay of the prior pay period.
- Notify the accounting office in writing to issue a revolving fund check.
- Recover the amount of the hardship salary advance from the employee's next payroll warrant or, if necessary, from subsequent payroll warrants (i.e., overtime, physical fitness pay, uniform allowance, future pay warrants, etc.).

If necessary, Department Personnel/Payroll Services Guidelines shall be referenced for further clarifications on hardship salary advances.

Accounting Office

In addition to the normal revolving fund requirements, the Accounting Office shall:

- Issue the revolving fund check as approved by the Personnel Office.
- Notify the employee when the check can be picked up.
- Follow normal collection procedures to clear the salary advance in a timely manner.

33010.30 High Stress Assignments

High stress assignments are those in controlled housing units requiring direct and continuous contact with inmates confined therein because they present too great a management problem for housing in general population settings. Such housing unit assignments include, but are not limited to, the following:

- Security Housing Units.
- Administrative Segregation Units.
- Psychiatric Services Units.
- Protective Housing Units.

33010.30.1 Selection

Employees shall:

- Be carefully evaluated before such assignment.
- Have demonstrated a high degree of maturity, tolerance, and ability to cope with stressful situations.

33010.30.2 Duration

High stress assignments shall be limited to no longer than two years.

Exceptions may be made by the Warden when:

- The employee indicates a desire to remain.
- The employee's performance is completely satisfactory and does not reflect the effect of undue stress.

33010.30.3 Supervision

Supervisors shall:

- Evaluate the performance of employees on a continuous basis.
- Act promptly to remedy stress-related problems that appear to adversely affect the employee's physical and mental health and effectiveness.
- Take remedial action including placement in a less stressful assignment in or outside of the unit.

33010.31 Personnel Records

Only those personnel records which are necessary, relevant, timely, or required by law shall be collected and maintained.

Personnel records shall be maintained no longer than the period of time required by law or in accordance with the approved Department retention period established for the record.

33010.31.1 Definition

Any record maintained under an individual's name by their employing agency and containing records relating to the following:

- Personnel data, including marital status, family members, educational and employment history, or similar information.
- Medical history.
- Election of employee benefits.
- Employee advancement, appraisal, or discipline.
- Complaints or investigations of complaints pertaining to the manner in which the employee participated or was perceived to have participated.
- Summary criminal history information.
- Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

33010.31.2 Public Information

Pursuant to CC 1798 et seq., and the Information Practices Act, the following employee information is considered "public" and may be released upon request:

- Name.
- Employing agency and name of unit.
- Work location and office phone number.
- Civil service classification.
- Job description, duties, and responsibilities.
- Salary range and gross salary rate.
- Time base.
- Tenure.
- Date appointed and/or separated.
- Cost to the State for training, travel, and/or attendance at conferences.

33010.31.3 Adverse Comments

GC 3305 provides that no comment adverse to a public safety officer's interest shall be entered in any file used for personnel purposes without the employee's having first read, signed, and dated the document. The Director has extended the application to all Department employees. If the employee refuses to sign, the fact is noted on the document and it is then signed by a witness (usually the supervisor presenting the memorandum) prior to it being placed in the file.

The employee has 30 calendar days in which to file a response to any adverse comment. If a response is made, it shall be attached to the document that contains the adverse comment.

33010.31.4 Disclosure

PC 832.7, GC 6254, and CC 1798 protect the confidentiality of personnel records and strictly limit their disclosure. Information from employee personnel records (other than public information) shall be disclosed only as follows:

- To individuals whose official duties require they process or review such records including, but not limited to:
  - Personnel staff.
  - Hiring supervisors/managers including Wardens, Regional Parole Administrators, and Executive Staff or their designees.
  - Employee Relations Officers.
  - Return-to-Work-Coordinators.
  - Department investigators.
  - Attorneys representing the Department.
- In accordance with PC 832.5, 832.7, and 832.8; EC 1043; and GC 6254, the employee shall be immediately informed of the service of a subpoena or court order requesting the release of personnel records. Advice of legal counsel will be sought where legality of disclosure is in question.
- With a release signed by the employee to whom the record pertains. The employee's signature shall be verified with that on file.

33010.31.4.1 Medical Records

Medical records are confidential and are maintained in such a manner so as to protect that confidentiality. These records are generally exempt from inspection other than by personnel staff.

33010.31.4.2 Internal Investigations

If a review of the personnel records is required during an internal investigation, the reviewer shall obtain authorization from the Secretary, or designee before the review can be granted.

TYPE OF OFFICIAL INVESTIGATION	DESIGNEE
Third Level Complaints/ Grievances	Chief, Office of Labor Relations
Discrimination or Sexual Harassment complaint	Assistant Secretary, Office of Civil Rights
Background Investigations	Chief, Office of Peace Officer Selection
Criminal and/or Administrative Investigations	Assistant Secretary, Office of Internal Affairs

Additionally, attorneys from the Office of Legal Affairs are authorized to review personnel records.

33010.31.4.3 Supervisory Files

To maintain a system of comprehensive and effective record keeping, supervisors may keep an informal personnel file on their premises in addition to the OPF maintained by the personnel unit. This informal file shall be subject to the same provisions as the OPF.

33010.31.4.4 Work Performance Inquiries

Supervisors may comment on the work performance of subordinates or former subordinates and respond to inquiries from third parties about a subordinate's or former subordinate's qualifications, as long as such comments are founded in documentation. A supervisor may indicate whether a subordinate or former subordinate would be considered for rehire. Personal or confidential information shall not be disclosed unless authorized by the individual to whom it pertains (CC 1798.50).

33010.31.4.5 Employee Access to Personnel Records

GC 18573 permits an employee to examine employment records relating to their State service. All of the material, except for the following, may be reviewed:

- Any medical information determined to be confidential under CC 1798.3 (c) (i.e., information containing custodian of the record reasonably determines that disclosure of the information would be medically or psychologically detrimental to the individual) or medical file material which is protected by the attorney/client privilege. An employee may authorize disclosure of medical information to their physician. In turn, the physician may disclose to the employee any information they deem appropriate.
- Any confidential information contained in an applicant's background investigation file.

33010.31.4.6 Employee Representative Access

Personnel records may be reviewed by an employee's representative with the written permission of the employee and proper identification of the representative. Any and all information available to the employee shall also be available to the representative.

33010.31.5 Review Process

An appointment should be made with the personnel office staff or other office holding the file.

The reviewer shall present identification to the personnel office staff prior to reviewing any personnel record.

Original OPF's shall not be removed from the personnel office area designated as the review area and may be reviewed only in the presence of an authorized personnel office employee.

Travel to the employee's personnel office and time required for travel and review of the employee's records shall be at the expense and on the time of the employee. An employee may request a copy of the record to which they have a right to access, be mailed to their office. The copy will be mailed in a sealed envelope marked "Personal and Confidential."

33010.31.6 Inspection Log

Each employee's OPF shall contain an inspection log. Any person reviewing the file shall sign and date the log, indicating the reason for review (in accordance with the law).

33010.32 Release of Regular Pay for Permanent Intermittent Employees

All positive pay employees shall receive their regular pay for the appropriate number of hours worked in the pay period (including paid leave and holiday pay) no later than the 15th day of the following month. If the 15th day falls on a Saturday, the release date will be adjusted to the preceding workday. If the 15th day falls on a Sunday or holiday, the release date shall be adjusted to the following workday.

If an SCO warrant is not issued by the deadline, a request to issue a revolving fund check (salary advance) will be sent by the personnel office to the respective accounting office on that date.

33010.32.1 Exceptions

Release of checks for positive attendance regular pay may be delayed beyond the 15th day of the month for the following reasons:

- Late receipt of CDC Form 998-A, Employee's Attendance - Record and PALS Worksheet.
- Late receipt of proper appointment documentation.
- Delay in mail delivery (outside the control of the Department).

Note: Employees separating from State service shall receive their final compensation only after all required documents (including CDC Form 648/648-A, Report of Separation) have been received by the personnel office. All outstanding salary advances, travel advances, and accounts receivable have been recovered and all Department equipment has been turned in.

33010.33 Revisions

The Director, Division of Support Services, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

33010.34 References

GC §§ 3305, 6254, 13959 through 13969.1, 13970 through 13974, 18573, 19853, and 19991.4.

Governor's Executive Order R29–71.

SAM §§ 0721 through 0774, 3800 through 3885, 8572.1 and 8595.

Personnel Transaction Manual § 656.

CCR (15) (3) §§ 3289, 3406, and 3413.

Secretarial Handbook 2–7000.

DPA Rules 599.737, 599.738, 599.742, 599.742.1, and 599.752.

CC §§ 1798 - 1798.50, 1798.3 (c).

Information Practices Act of 1977.

PC §§ 832.5, 832.7, and 832.8.

EC §§ 1043.

GC §§ 3305, 6254, 13959 - 13969.1, 13970 - 13974, 19849.9, and 19853.

ARTICLE 21 – UNIFORMS/EMPLOYEE GROOMING STANDARDS

Effective December 12, 2002

33020.1 Policy

All designated personnel shall wear regulation uniforms or work clothing and adhere to grooming standards as prescribed by the Director of the California Department of Corrections and Rehabilitation (CDCR), Adult Operations or his/her designee, while on-duty and/or on official State business. Items not specifically addressed in Department Operations Manual (DOM), Chapter 3, Article 21, are considered unauthorized.

33020.2 Purpose

This Article establishes uniform, and/or dress requirements, and grooming standards for specified employees.

33020.3 CDCR Uniform Specification Handbook

Consistent design specifications for individual uniform, garments, and accessories shall be incorporated and distributed as a standardized statewide document, and shall henceforth be referred to as the "CDCR Uniform Specification Handbook." Refer to this handbook and DOM, Chapter 3, Article 21, for all uniform, garment, and accessory specifications.

33020.3.1 Disclaimer

If any provision in DOM, Chapter 3, Article 21 or the CDCR Uniform Specification Handbook conflicts with a Memorandum of Understanding (MOU), the MOU shall prevail as it relates to the specific represented group.

33020.4 Responsibility

Wardens/Regional Parole Administrators

Each hiring authority shall designate specific assignments where custodial personnel have been exempted from wearing a uniform, or are not required to wear a uniform full-time.

Any exception to the standardized approved uniforms and/or equipment shall be requested in writing and forwarded to the appropriate Deputy Director for review and approval.

Note: The Deputy Directors' approval shall be obtained prior to implementation.

Inspections

Each hiring authority shall:

- Establish an annual Class "A" uniform inspection, which shall be conducted on three consecutive working days. This shall not prohibit the Warden/Regional Parole Administrator from designating additional formal inspections.
- An official Class "A" hat is not required to be worn during inspection; however, the hat shall be shown during the actual inspection and be immediately available upon supervisory request during the entire inspection period.
- Enforce dress codes and personal grooming standards for all employees per DOM, Chapter 3, Article 21, Uniforms/Employee Grooming Standards.

Supervisors and Managers

Supervisors and managers are expected to set a positive example for all staff regardless of classification. They are responsible for monitoring compliance of the departmental dress code and grooming standards.

Supervisors and Managers shall:

- Conduct daily uniform and grooming inspections of all immediate subordinate staff.
- Instruct employees to correct violations of uniform and grooming standards.
- Report, in writing, to their immediate supervisor, any violation an employee fails to correct in a reasonable amount of time.

Uniformed Employees

All uniform personnel shall:

- Purchase and maintain all required uniforms, accessories, and equipment except items specifically exempted by this DOM Article and/or the appropriateMOU.
- Furnish their own collar insignia, shoulder insignia, sleeve chevrons, shoulder patches, hat shield, and other required uniform equipment.
- Maintain their uniform and approved equipment in clean, neat, and serviceable condition.
- Wear the uniform in a manner that displays a professional approach to their assignment and is representative of the prestige of the CDCR.
- Keep in mind that individual actions reflect on the entire Department as they represent the CDCR in the public view.

Nonpeace Officer Employees

Clothing and Jewelry:

Non-peace officer employees shall wear clothing that is clean, neat, in good repair, and fits properly. All clothing and jewelry should project a professional and positive image.

In an institutional setting:

- Blue denim clothing or clothing similar to that worn by inmates shall not be worn.
- Jewelry should be kept to a minimum and should enhance a professional image. There will be no jewels, ornaments, or rings/studs worn on the visible facial areas other than the ear.

Unauthorized Use of Departmental Uniforms

Employees shall not wear CDCR uniforms in any situation that would bring discredit to the CDCR including, but not limited to:

- Purchasing or drinking alcoholic beverages in public.
- Entering a tavern, gambling hall, or nightclub (except if necessary in the performance of assigned duties).
- Participating in political activities.
- Participating in demonstrations or pickets.
- Engaging in selling or soliciting activities.
- Engaging in any other action or behavior which reasonable persons would deem inappropriate for a uniformed peace officer, e.g., conducting nondepartmental business.

33020.5 Uniform Allowance

The regulations of the California Victim Compensation and Government Claims Board and current MOUs provide for uniform replacement allowances for various classes. The allowance amounts and other regulations vary depending on whether the uniform is worn on a full-time or less-than-full-time basis. In order to qualify for uniform replacement allowances, employees shall:

- Be employed in one of the following classifications:
- Correctional Officer.
- Correctional Sergeant.
- Correctional Lieutenant.
- Correctional Captain.
- Facility Captain.
- Correctional Institution Firefighter.
- Correctional Institution Fire Chief.
- Registered Nurse, Correctional Facility.
- Medical Technical Assistant.
- Senior Medical Technical Assistant.
- Dental Assistant, Correctional Facility.
- Baker I, Correctional Facility.
- Baker II, Correctional Facility.
- Butcher/Meatcutter II, Correctional Facility.
- Cooks, Correctional Facility.
- Supervising Cook I, Correctional Facility.
- Supervising Cook II, Correctional Facility.
- Vocational Instructors (I and baking).
- Be enrolled in a formalized training and development assignment at an institution performing the duties of one of the above named classes and requiring a uniform be maintained.
- Complete one calendar year of service in a class and assignment as described above. Qualifying periods before and after nonqualifying periods shall be added together to compute a calendar year of service and to establish a new qualifying anniversary date. Nonqualifying periods include long-term temporary absences (one or more full pay periods), such as leave of absences, temporary disability, or nonindustrial disability leave.

- Rank and file uniformed probationary custodial employees shall receive a uniform allowance in accordance with the provisions contained in the collective bargaining agreement.

33020.6 Personal Grooming Standards

All employees, regardless of their assignment, shall be clean and well groomed.

33020.6.1 Correctional Peace Officer Grooming Standards

The following minimum guidelines are adopted for all Correctional Peace Officers:

Note: Some classifications have an exemption; refer to DOM 33020.6.2, Exemptions for Peace Officer Classifications.

Hair

- Hair shall not be styled or combed forward any lower on the forehead than the eyebrow, measured from the high point of the eyebrow, and shall not be visible on the forehead when the uniform hat is worn.
- Hair style and length shall not impede, restrict, or detract from the proper wearing of the uniform hat.
- Hair style and color shall not distract from the uniform.
- Male employee's hair shall be cut so as to not extend below the top of the shirt collar while sitting or standing in an erect position and shall not cover any part of the outside portion of the ear.
- Female employee's hair shall not extend below the bottom of the collar. If the hair is long, it shall be worn up in a neat, nonflamboyant style. No decorations in the hair are permitted and hair clips and/or pins shall closely match the color of the hair.

Facial Hair

Neatly trimmed sideburns and/or mustaches are permitted as follows:

- Sideburns shall not extend below the bottom of the ear and shall end with a clean-shaven horizontal line. The maximum width at the bottom of the sideburns shall not exceed 1½ inches.
- Mustaches shall not extend more than ½ inch below the corners of the mouth, nor below the vermilion border of the upper lip, or extend more than ¾ inch above the corner of the mouth. Waxed ends or points shall not be allowed.
- Upon the employee's personal physician verification of a skin irritation or disorder, a beard, not to exceed one inch in length, may be permitted. Goatees are not authorized.

Fingernails

Fingernails shall not extend more than ¼ inch beyond the tips of the fingers. Nails shall be neat and clean. Fingernail polish, if worn, shall be clear. Colored fingernail polish is not permitted.

Cosmetics

Female employees may wear cosmetics that blend with or match the natural nonruddy skin tone of the employee. False eyelashes are not permitted.

Upon medical verification by the employee's personal physician, any employee may wear cosmetics to conceal facial disfigurement. The cosmetics shall blend or match their natural skin tone.

Jewelry

A total of two nonflamboyant rings may be worn on the fingers. A set of wedding and engagement rings shall be considered one ring. Reimbursement value to be per Department of Personnel Administration (DPA) rules, but shall not exceed $100.

Only medical alert bracelets may be worn.

Neck chains/necklaces shall not be permitted while on duty except for religious medals that may be worn if covered by the uniform shirt. Medical alert medals may also be worn on a chain. However, no more than one chain shall be worn.

Employees shall not wear ring/stud earrings or other jewelry decoration/ornament on or in the nose or tongue while in uniform. Additionally, there will be no jewels, ornaments, or rings/studs worn on the visible facial areas other than the earlobe.

Female employees may wear simple stud-type earrings only. Only one matching earring shall be worn in each earlobe.

Male employees shall not wear earrings while in uniform and/or on-duty.

Wristwatches may be worn. Watches worn on chains or pinned to the uniform are not permitted. Pocket watches are allowed without a chain or lanyard. Reimbursement values to be per DPA rules, but shall not exceed $100.

33020.6.2 Exemptions for Peace Officer Classifications

Revised July 27, 2010

The CDCR has several peace officer classifications that are excluded from the departmental professional dress and grooming standards. Professional dress and personal grooming standards specifically addressing hair length and facial hair contained in this section shall not apply to:

- Any peace officer in the Parole Agent series.
- Any peace officer in the Special Agent series.
- Any peace officer assigned to the Office of Correctional Safety.

Employees shall keep hair, beards, and mustaches clean and neatly groomed.

33020.6.3 Non-peace Officer Employees Grooming Standard Guidelines

In an institutional setting, the following grooming standard guidelines shall apply.

Hair

Hair shall be styled in a fashion which shall not impair vision or create a safety hazard in the work area. Employees shall keep hair, beards, and mustaches clean and neatly groomed.

Fingernails

Fingernails shall be neat, well trimmed, and enhance a professional image. Fingernail length and polish shall be appropriate for the specific assignment and/or task being performed.

33020.7 Regulation Uniform-Custody

The following regulation custody uniforms, garments, and accessories are approved for use:

Male

- Class "A" battle jacket.
- Facility Captain coat (optional Class "A" coat for captains).
- Class "A" and "B" trouser.
- Class "A" and "B" long and short sleeve shirt.
- Class "A" hat (refer to DOM 33020.7.3).
- Class "B" cap (refer to DOM 33020.7.3).
- Class "B" sweater (optional).
- Black leather belt.
- Black clip-on or velcro fastened tie (solid color).
- It is mandatory for all uniformed staff to wear a regulation tie with the Class "A" uniform, or when wearing a long or short sleeve shirt with Class "A" trousers.
- It is optional, and at the employee's discretion, to wear a regulation black tie when wearing the Class "B" Uniform, a long sleeve shirt with Class "B" trousers, or when wearing a nonclass "A" outer jacket or sweater.
- Class "B" Cargo Pants: may be utilized as an alternate Class "B" uniform pant. At the discretion of the employee, cargo pant legs may be worn straight or bloused.
- Load Bearing Suspenders (LBS): Black nylon or leather. LBS may be worn with the Class "B" uniform at the employee's discretion/option. LBS may be worn with the Class "A" uniform in emergency situations.
- Black socks (solid color).
- Undershirt, if worn, shall be T-shirt style, solid white in color, and of a smooth finish.
- Black plain-toe shoes or boots conservatively designed without buckles (solid color).
- Regulation departmental badge.
- Departmental nameplate (white letters on black plate).
- Tie bar or tie tack (gold in color).
- Whistle, gold in color, metal only.
- CDCR identification card.
- Rain gear (for Class "A" or Class "B" uniforms) shall be a one or two piece raincoat or rainsuit, California green in color,or equivalent as follows:
  - The one-piece raincoat is most applicable for uniform staff not assigned to long periods out-of-doors.
  - The two-piece rainsuit is most applicable for uniform staff assigned to work assignments mainly out-of-doors.
- Foul Weather Jackets (3 types).
  - Class "B" waterproof.
  - Class "B" nonwaterproof.

- Class “B” ¾ length nonwaterproof.
- Lightweight jacket (with or without optional lining).
- Trooper cap (refer to DOM 33020.7.3).
- Campaign hat (refer to DOM 33020.7.3).
- Jumpsuit (refer to DOM 33020.9.3).
- Departmental Transportation Unit uniform (refer to DOM 33020.9.4).
- Crisis Response Team (CRT) uniform (refer to DOM 33020.9.8).

Note: Departmental rank insignia shall be attached to regulation jumpsuits, shirts, and jackets.

Female

- Class “A” blazer style dress jacket.
- Class “A” battle jacket.
- Facility Captain coat (optional Class “A” coat for captains).
- Class “A” and “B” long and short sleeve shirt.
- Class “A” line skirt.
- Class “A” and “B” trouser.
- Class “A” hat (refer to DOM 33020.7.3).
- Class “B” cap (refer to DOM 33020.7.3).
- Class “B” sweater (optional).
- Black leather belt.
- Black clip-on or velcro fastened tie, or criss-cross tie (solid color).
  - It is mandatory for all uniformed staff to wear a regulation tie with the Class “A” uniform, or when wearing a long or short sleeve shirt with Class “A” trousers.
  - It is optional, and at the employee’s discretion, to wear a regulation black tie when wearing the Class “B” Uniform, a long sleeve shirt with Class “B” trousers, or when wearing a nonclass “A” outer jacket or sweater.
- Class “B” Cargo Pants: may be utilized as an alternate Class “B” uniform pant. At the discretion of the employee, cargo pant legs may be worn straight or bloused.
- Load Bearing Suspenders (LBS): Black nylon or leather. LBS may be worn with the Class “B” uniform at the employee’s discretion/option. LBS may be worn with the Class “A” uniform in emergency situations.
- Seamless hose (flesh color) with skirt only.
- Black socks (solid color) with trouser only.
- Undershirt, if worn, shall be T-shirt style, solid white in color, and of a smooth finish.
- Black plain-toe shoes or boots conservatively designed without buckles (solid color).
- Regulation departmental badge.
- Departmental nameplate (white letters on black plate).
- Tie bar or tie tack (gold in color).
- Whistle, gold in color, metal only.
- CDCR identification card.
- Rain gear (for Class “A” or Class “B” uniforms) shall be a one or two piece raincoat or rainsuit, California green in color, or equivalent as follows:
  - The one-piece raincoat is most applicable for uniform staff not assigned to long periods out-of-doors.
  - The two-piece rainsuit is most applicable for uniform staff assigned to work assignments mainly out-of-doors.
- Foul weather jackets (refer to the 3 types below).
  - Class “B” waterproof.
  - Class “B” nonwaterproof.
  - Class “B” ¾ length nonwaterproof.
- Lightweight jacket (with or without optional lining).
- Trooper cap (refer to DOM 33020.7.3).
- Campaign hat (refer to DOM 33020.7.3).
- Jumpsuit (refer to DOM 33020.9.3).
- Departmental Transportation Unit uniform (refer to DOM 33020.9.4).
- CRT uniform (refer to DOM 33020.9.8).

Note: Departmental rank insignia shall be attached to regulation jumpsuits, shirts, and jackets.

33020.7.1 Official Class "A" Uniform - Male

The below-specified uniform shall be worn by male Correctional Captains, Facility Captains, Correctional Lieutenants, Correctional Sergeants, and Correctional Officers when identified as the appropriate uniform for the post/work assignment:

- Class “A” battle jacket with insignia.
- Class “A” trouser.
- Black leather belt.
- Black clip-on or velcro fastened tie (solid color).
- Black socks (solid color).
- Class “A” hat.
- Class “A” short or long sleeve shirt.
- Black plain-toe shoes or boots.
- Regulation departmental badge.
- Departmental nameplate (white letters on black plate).
- Tie bar or tie tack (gold color).
- Whistle, gold in color, metal only.
- CDCR identification card.
- Raincoat (when applicable).

33020.7.2 Official Class "A" Uniform - Female

The below-specified uniform shall be worn by female Correctional Captains, Facility Captains, Correctional Lieutenants, Correctional Sergeants, and Correctional Officers when identified as the appropriate uniform for the post/work assignment:

- Class “A” blazer style dress jacket or the Class “A” battle jacket.
- Class “A” line skirt or trouser.
- Class “A” short or long sleeve shirt.
- Black leather belt.
- Black clip-on or velcro fastened tie, or criss-cross tie (solid color).
- Seamless hose (flesh color) with skirt only.
- Black socks (solid color) with trousers.
- Class “A” hat.
- Black plain-toe shoes or boots.
- Regulation departmental badge.
- Departmental nameplate (white letters on black plate).
- Tie bar or tie tack (gold in color).
- Whistle, gold in color, metal only.
- CDCR identification card.
- Raincoat (when applicable).

33020.7.3 Uniform Hat/Cap

Class “A” Hat

All on-duty uniformed custody personnel shall be required to wear the Class "A" hat on any official business where a Class "A" uniform is required for off-ground duty.

For staff that are required to wear a Class "A" uniform for duties on-grounds, or who voluntarily choose to wear a Class "A" uniform, the Class "A" hat is optional. However, the Class "A" hat shall be available to the on-duty staff member.

Class “B” Cap

The Class “B” cap may be worn with the Class "B" uniform, jumpsuits, or with an appropriate optional uniform as approved by the hiring authority. The cap shall be worn in a bill-forward position. The Class “B” cap shall not be worn with the Class "A" uniform jacket, and shall be worn/maintained in a manner that shall not bring discredit to the uniform or the CDCR.

Campaign Hat

The Campaign hat may be worn with the Class “B” uniform, jumpsuit, or with an appropriate optional uniform as approved by the hiring authority. The Campaign hat is designed mainly for outside assignments as protection from the sun.

Trooper Cap

The Trooper cap may be worn with the Class "B" uniform, jumpsuits, or an approved optional uniform and shall only be worn with approval of the Warden.

33020.7.4 Cadet Uniforms

The daily cadet uniform shall be determined by the Academy Administration. The cadet uniform will be an approved Departmental Uniform as outlined in DOM 33020.7. For graduation from the Basic Correctional Officer Academy, the Class "B" uniform shall be purchased and worn by all cadets (refer to DOM 33020.7).

33020.8 Optional Uniforms - Custody

Regulation custody uniforms and optional uniforms shall be as specified in this Section.

Note: Employees authorized to wear an optional uniform shall not wear/utilize a Class "A" hat.

33020.8.1 Class "B" Uniform

Refer to DOM 33020.7 for individual Class "B" uniform garments. For individual Class "B" garment specifications refer to the CDCR Uniform Specification Handbook.

33020.8.2 Maternity Uniforms

Uniformed female personnel may wear the special maternity uniform after the employee receives her physician's written confirmation of pregnancy. The peace officer may continue to wear this special uniform for 90-days following childbirth.

Pregnant uniformed personnel are authorized to wear a pullover maternity jumper and to alter the waist of their uniform slacks for maternity purposes. Each employee shall bear the expense of clothing construction and alteration.

The uniform blouse or shirt and slacks shall be worn under the maternity jumper. The regulation tie shall be worn in accordance with DOM, Chapter 3, Article 21.

A regulation dome badge shall be worn on the maternity jumper above the left breast.

Refer to the CDCR Uniform Specification Handbook for the maternity uniform specifications.

33020.9 Special Custody Uniforms/Equipment

Special uniforms and equipment for the custody series shall be as specified in this Article. Individual garment specifications may be referred to in the CDCR Uniform Specification Handbook. Items not specifically addressed in DOM, Chapter 3, Article 21 are considered unauthorized.

33020.9.1 Security Squad and Escape Detail Uniforms

Institutions having special security squads and/or escape pursuit teams whose duties take them into various crawl spaces, tunnels, attics, etc., shall purchase and maintain a maximum of three coveralls per employee assigned to this function.

33020.9.2 Safety Helmets/Hardhats

Safety Helmets

Safety helmets shall be purchased as armory equipment. The helmets shall be utilized as needed during emergency situations. The Emergency Operations Unit (EOU) shall approve helmets authorized for departmental use.

Hardhats

When full hardhat protection is required, round green fiberglass or plastic hats with small visor in front may be used. Aluminum hats are not authorized. One plastic hat per employee assigned to the security squad shall be purchased and provided by the hiring facility. The EOU shall approve hardhats authorized for departmental use.

33020.9.3 Jumpsuits

Jumpsuits may be purchased at staff expense and worn in all nonpublic contact post or assignments.

Note: Wardens shall apply discretion and apply the nonpublic contact standards in assessing whether a Class "A"/Class "B" uniform requirement applies to a particular post/position, whereby declaring it a public contact post.

Refer to the CDCR Uniform Specification Handbook for the jumpsuit specifications.

33020.9.4 Departmental Transportation Unit Uniform

The approved departmental Transportation Unit uniform consists of:

- Black jumpsuit (long sleeves only and always worn in bloused fashion).
- Boots.
- Black leather belt.
- Departmental metal badge (no cloth badges).
- Class "B" cap (optional).

Refer to the CDCR Uniform Specification Handbook for the departmental Transportation Unit uniform specifications.

33020.9.5 Funeral Uniform

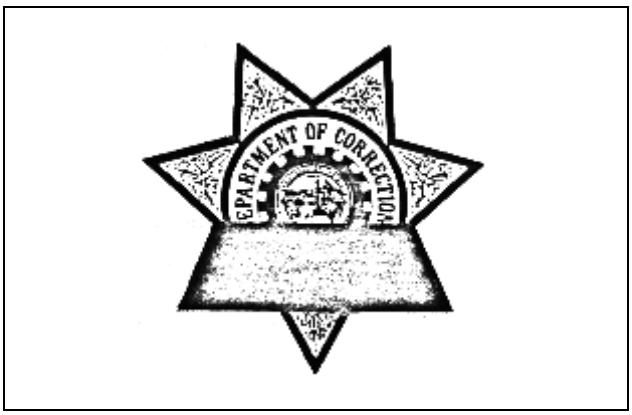
The official departmental uniform authorized for wearing at the funeral of another Correctional Peace Officer, or any other law enforcement official when attending in an official capacity, shall be the full Class "A" uniform. This shall, in all cases, include the draped departmental regulation dome badge.

33020.9.6 Draped Badges Funeral/Mourning Period

The departmental regulation dome badge shall be draped in the approved manner at all correctional institutions immediately upon the determination that a Correctional Peace Officer has been killed in the line of duty. Such draping shall continue through the day of the funeral or as deemed appropriate by the Director.

No draping of the departmental regulation dome badge shall occur for other than Correctional Peace Officers killed in the line of duty except as authorized by the institution head.

The draping of the Badge shall be a ¾ inch wide band of black elastic cloth placed over the bottom portion of the badge covering the number on the badge. This is the tradition of peace officers showing their unity after the tragic loss of a fellow peace officer. Example:



33020.9.7 Honor Guard Uniform

Each institution, at the Warden's discretion, may establish a uniformed Honor Guard for ceremonial functions. Such Honor Guard shall be attired, when performing in the Honor Guard's official capacity, as stated in this Section. Honor Guard members are responsible for maintaining their own uniform, accessories, and accouterments.

The Class "A" uniform shall be worn when serving in the Honor Guard at approved Honor Guard functions. Each institution shall provide/purchase the items listed as "Honor Guard Accouterments."

Due to the high visibility of personnel assigned to an Honor Guard Unit, the Honor Guard uniform, accessories, and accouterments shall be maintained and worn in excellent condition.

Prior to any use of the Honor Guard, an inspection of the unit shall be conducted by the Honor Guard Commander or his/her designee to establish that each member is attired uniformly, and will hold the CDCR and themselves in the highest esteem. If weapons and/or duty belts, for example, are deemed appropriate, care must be taken to assure uniformity.

Refer to the CDCR Uniform Specification Handbook for the Honor Guard uniform designations and for all garment, accessory, and accouterment specifications.

Team Members

- One Honor Guard Commander.
- One Assistant Honor Guard Commander.
- One Rifle Team Instructor.
- Seven Rifle Team Members.
- One Color Guard Instructor.
- Three Color Guard Team Members.
- One Institutional flag barer.
- One Guidon.
- One Communications Officer.
- One Quartermaster.
- Two Team Members.

The number of members may increase should the institution elect to establish a "Drum and Bugle Corps" for taps, proper cadence, and to compliment a paramilitary marching unit.

Drum and Bugle Corps

If a Drum and Bugle Corps is established, the following musical instruments may be utilized:

- One bass drum and sticks.
- One tritom drum unit and sticks.
- Three snare drums and sticks.
- Two bugles or trumpets.

Authorized Flags and Flag Equipment

- One Ceremonial Flag of the United States (3' x 5') with staff, American Eagle top mount, harness (flag carrying device), and stand.
- One California State Flag with staff, spear top mount, harness, and stand.
- One Institutional Flag with staff, harness, and stand.
- One Guidon (flag/pennant signifying specific Honor Guard Unit).

When carried in procession with another flag or flags, the Flag of the United States shall have the place of honor at the right; or when there is a line of other flags; our national flag may be *in front* of the center of that line. At all times every precaution shall be taken to prevent the flag from becoming soiled. It shall not be allowed to touch the ground or floor, or to brush against objects.

When the flag is displayed from a staff projecting horizontally, the union (blue field) of the flag shall go clear to the peak of the staff.

At no time shall the Flag of the United States be dipped in salute. Other flags such as the State of California Flag, Institutional Flag, and Guidon shall be dipped "To the Color" (Flag of the United States) during the playing of the national anthem and during the "Pass in Review."

Flags of the United States used to cover caskets shall measure 5' x 9 1/2'. Each institution shall be responsible for providing this flag to the family of the deceased.

When the flag is used to cover a casket at funerals or ceremonies honoring a person deceased, it shall be placed so that the union is at the head and over the left shoulder. The flag shall not be lowered into the grave or allowed to touch the ground.

Weapons and Ammunition

Departmental weapons and ammunition, as authorized in DOM Section 55050, are approved for use by the Honor guard.

Events

- Each institution may elect four public events in their local community in which the Honor Guard will participate.
- The Honor Guard may be used for any National or State event, CDCR event, or other agency events as authorized by the Warden and approved by the Regional Administrator.
- The Honor Guard, with the authorization of the Warden, may perform burial ceremonies for any staff member or public figure when asked by the families or community.
- The Honor Guard members will be relieved of duty and their posts covered according to the institution's policy and, when appropriate, may utilize State vehicles for transportation.

33020.9.8 Crisis Response Team Uniform

The official uniform and insignia for CRT shall be that which is approved and authorized by the EOU. The CRT uniform shall be worn by CRT members only, and only when activated for deployment or training.

The CRT uniform designations, insignia, accessory items, and specifications shall be maintained by the Chief, EOU, Office of Correctional Safety.

33020.10 Regulation Uniform Fire Chief and Firefighter

Regulation Fire Chief and Firefighter uniforms shall be addressed in this DOM Article. For individual garment and/or accessory specifications, refer to this DOM Article and CDCR Uniform Specification Handbook. Items not specifically addressed within DOM, Chapter 3, Article 21 are considered unauthorized.

Note: Departmental Fire Department shoulder patches shall be attached to regulation shirts and jackets.

The following regulation Fire Chief and Firefighter uniforms, garments, and accessories are approved for use:

- Fire Chief Class “A” coat.
- Fire Chief battle jacket (optional).
- Fire Chief blazer (optional).
- Fire Chief Class “A” trouser.
- Fire Chief Class “A” dress shirt.
- Fire Chief Class “A” and “B” hat.
- Fire Chief and Firefighter trousers (optional).
- Fire Chief and Firefighter work uniform trousers (optional).
- Fire Chief and Firefighter Class “B” light weight jacket with or without lining (optional).
- Fire Chief and Firefighter foul weather jacket (optional).
- Fire Chief nameplate (blue lettering on gold plate).
- Fire Services jacket and raincoat (optional).
- Firefighter Class “A” battle jacket.
- Firefighter dress and work shirt (Class “A” and Class “B”).
- Firefighter Class “A” trouser (Pacer).
- Firefighter Class “A” and “B” hat.
- Black leather belt.
- Black plain-toe shoes or boots (without buckles).
- Black socks (solid color).
- Regulation badge and collar insignia.
- Black clip-on or velcro fastened tie (solid color).
- Firefighter nameplate (blue lettering on silver plate).

33020.10.1 Official Uniform Fire Chief Class "A"

The below noted uniform shall be worn by all institution Fire Chiefs.

- Regulation double-breasted coat.
- Regulation trousers.
- Black leather belt.
- Black clip-on or velcro fastened tie.
- Round top, white vinyl, fireman's hat with insignia.
- Regulation long sleeve shirt (white).
- Black plain-toe shoes or boots (without buckles); black socks (solid color).
- Regulation Fire Chief badge; hat and collar insignia.
- Fire Service shoulder patch attached to regulation shirt and coat.
- Nameplate (blue lettering on gold plate).

33020.10.2 Official Uniform Firefighter Class "A"

The below noted uniform shall be worn by all institution firefighters.

- Regulation battle jacket, navy blue with insignia.
- Regulation trousers, navy blue color.
- Regulation shirt, white.
- Black leather belt.
- Regulation firefighter hat, (blue) with insignia.
- Black plain-toe shoes or boots (without buckles); black socks (solid color).
- Regulation firefighter badge and collar insignia.
- Black clip-on or velcro fastened tie.
- Departmental Fire Department shoulder patch attached to regulation shirt and jacket.
- Departmental nameplate (blue lettering on silver plate).
- A Firefighter who has been designated as Firefighter Training Specialist/Officer shall wear the same uniform as the Fire Chief. The only difference shall be that the designee shall wear the Firefighter Training Specialist/Officer badge and display only one braid around the dress coat or battle jacket.

33020.11 Optional Uniform - Fire Chief and Firefighter

Specifications for the optional uniform, which may be worn by the Fire Chief and Firefighters may be referred to in the CDCR Uniform Specification Handbook and include the following garments:

- Battle jacket (Fire Chief).
- Blazer (Fire Chief).
- Trousers (Fire Chief and Firefighter).

- Light weight jacket (Fire Chief and Firefighter).
- Lining (Optional).
- Foul weather jacket (Fire Chief and Firefighter).
- Work uniform trousers (Fire Chief and Firefighter).
- Jacket and raincoat (Fire Services).

33020.12 Uniform Accessories

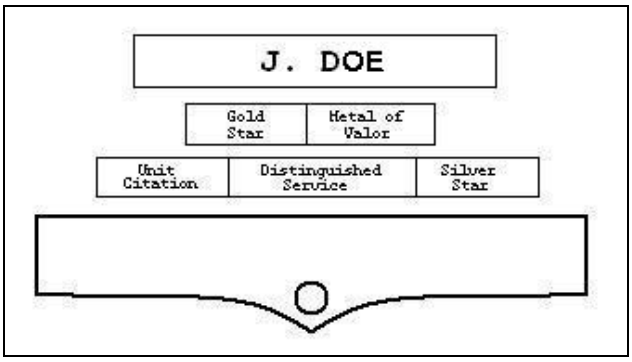
Only approved accessories and equipment as described in DOM, Chapter 3, Article 21 shall be worn on or with the uniform. Items not specifically addressed within this DOM Article are considered unauthorized. For item specification, refer to the CDCR Uniform Specification Handbook.

33020.12.1 Departmental Awards

The CDCR has authorized the awarding and wearing of medals and ribbons to Correctional Peace Officers for both individual and unit awards (refer to DOM, Chapter 3, Article 3). These awards, in the order of their seniority, are: The Medal of Valor; The Corrections Star (Gold); The Corrections Star (Silver); The Corrections Star (Bronze), The Distinguished Service Medal, and the Unit Citation. Nondepartmental awards and citations may be worn upon approval of the Warden. Awards shall be worn on the Class "A" jacket as follows:

- ¼ inch above the right breast pocket. The regulation nameplate shall be placed ¼ inch above the award(s).
- If one award ribbon is worn, it shall be centered on the pocket between the regulation nameplate and the pocket.
- If two award ribbons are worn, they shall be placed end-to-end with the senior ribbon to the inside and centered on the pocket between the regulation nameplate and the pocket.
- If three award ribbons are worn, they shall be placed end-to-end with the senior ribbon to the inside and centered on the pocket between the regulation nameplate and the pocket.
- If four award ribbons are worn, there shall be one row of three ribbons on the bottom as above. The fourth ribbon, most senior, shall be placed singularly and centered above the row of three ribbons with the regulation nameplate ¼ inch above it. The two rows of ribbons shall be ⅛ inch apart.
- If five award ribbons are worn, there shall be one row of three ribbons on the bottom and one row of two ribbons centered on the top. They shall be ⅛ inch apart with the regulation nameplate¼ inch above them.
- If six medals are worn, there shall be one row of three medals on the bottom and one row of three medals on the top. They shall be ⅛ inch apart with the regulation nameplate ¼ inch above them.

The complete set of ribbons and the order of their placement on the Class "A" jacket is as illustrated.



State Medal of Valor Pin, 25-Year Service Pin, and other State service/award pins shall be worn only on the Class "A" jacket and shall be centered ¼ inch above the nameplate. If two pins are worn, they shall be centered ¼ inch apart and ¼ inch above the nameplate.

The service emblem, employee organization pin, and the Safety Award Pin may be worn as a tiepin. Other tiepins or tie clasps may be worn but shall be small and plain without stones or other decorations. They also shall be gold in color in keeping with the gold color of all other metal accessories. Tiepins depicting handcuffs, pigs, guns, etc., shall not be worn.

33020.12.2 Hat Shields

Departmental hat shields shall be worn by uniformed Correctional Officers, Correctional Sergeants, Correctional Lieutenants, Correctional Captains, Facility Captains, Fire Fighters, and Fire Chiefs. Refer to the CDCR Uniform Specification Handbook for hat shield specifications.

33020.12.3 Departmental Shoulder Emblems

The CDCR has approved two styles of shoulder emblems (patches), one for uniformed Correctional Peace Officers and one for designated fire service employees.

The shoulder patch shall be attached on the left and right sleeves of all uniform coats, jackets, shirts, jumpsuits, and coveralls (with the exception of raingear).

Shoulder patches shall be kept in good condition. When no longer in good condition, they shall be replaced.

Employees shall be responsible for purchasing their own shoulder patches.

Refer to the CDCR Uniform Specification Handbook for shoulder emblem placement and specifications.

33020.12.4 Nameplate

Revised October 19, 2009

All uniform personnel and other personnel who have direct contact with inmates, e.g., teachers, counselors, cooks, nurses, etc., shall wear and clearly display a nameplate.

Nameplates shall be phenolic engraving stock, 3 inches long, by ¾ inch wide, by 3/32 inch thick, with white letters on black stock. The corners may be slightly rounded to protect the wearer's clothing. The name letter size shall be ¼ inch high and shall be composed of the first initial of the first name, followed by a space, followed by the entire last name, centered both top to bottom and side to side. Regulation nameplate shall be worn on the outer garment unless an exception is made by the Warden.

A cloth name label sewn onto the garment is an acceptable substitute for the plastic nameplate for those peace officers wearing jumpsuits, battle jackets, and rain gear. Cloth name labels shall adhere to the following specifications:

- The name label shall have the initial of the staff members first name, followed by a space, followed by the entire last name;
- The name label shall be secured (sewn) above the right breast pocket;
- The name label shall have yellow lettering;
- The background of the name label shall be green/olive;
- The name label shall have ½ inch letters and one-inch tape.

Exceptions

Fire service employees may be allowed to have a Maltese or EMT insignia on the left side of their nameplate, if they qualify for them.

A job steward/board member may add that title to the nameplate as has been the practice (illustrated below). The cost shall be incurred by the employee. The lettering size of such title shall be ⅛ inch high. When placed on the nameplate, the grouping of name and title shall be centered both top to bottom and side to side.

Example:

33020.12.5 Service Stripes

Service stripes shall be worn on the left sleeve of the Class "A" jacket and on the left sleeve of the long sleeve shirt. One service stripe shall be worn for each three years of service as a Correctional Peace Officer.

Refer to the CDCR Uniform Specification Handbook for service stripes placement and specifications.

Maltese Cross

For each five years of service with the CDCR, uniformed fire service employees shall wear a Maltese cross on the left sleeve of the Class "A" jacket and on the left sleeve of the long sleeve shirt. The crosses shall be affixed ¾ inch above the departmental stripe of the jacket and ¾ inch above the cuff of the shirt in horizontal row(s).

33020.12.6 Rank Insignia

Collar rank insignia shall be worn by Correctional Captains, Facility Captains, Correctional Lieutenants, Correctional Sergeants, Fire Chiefs, and institution Firefighters. Acting sergeants shall wear collar rank insignia only.

Correctional Captains, Facility Captains, and Correctional Lieutenants shall wear rank insignia on the epaulets of regulation jackets and coats.

Refer to the CDCR Uniform Specification Handbook for rank insignia placement and specifications.

33020.12.7 Sleeve Chevrons, Correctional Sergeant

Correctional Sergeant Chevrons shall be worn on each sleeve of the uniform jacket and short and long sleeve shirt. Chevrons shall be three gold stripes on a black background of cotton twill.

Refer to the CDCR Uniform Specification Handbook for sleeve chevron placement and specifications.

33020.12.8 Regulation Tie

The regulation tie specifications shall be as follows:

- Solid black only, no design or decorative texture.
- Smooth surfaced, dry clean only fabric.
- Not to exceed 18 inches in length or to fall below the belt line.
- Clip-on fastener or velcro fastener types only. Tie shall not be square cut on bottom.
- References: Broome 455-BO-3, or equivalent.

33020.12.9 Official CDCR Belt buckle

The Director has approved an official CDCR belt buckle. This buckle is the only buckle that may be worn in place of the standard belt buckle other than the Warden approved institutional belt buckle.

Refer to the CDCR Uniform Specification Handbook for the official CDCR belt buckle specifications.

33020.12.10 Regulation Shoes

Male

Male employees may wear shoes or boots that meet the following general specifications as items of the regulation uniform:

- Black leather, plain toe, conservatively designed. No buckles. No design in the leather, shall be smooth texture.
- In addition to the plain toe, the toe design shall be round without a bead encircling the toes.
- Shall approximate dress military styling. Shoes shall be shined at all times.
- Heel not to exceed 1½ inches in height.
- No tennis shoes, cowboy, engineer, or logger-style boots.

References

- Boots: Acme 9080 or Rocky 5066.
- Shoes: Rock 2025; Thorogood 1267, 1253, or equivalent.

Female

Female employees may wear shoes or boots that meet the above general specifications.

Note: Pump heels are allowed, but shall not exceed 1½ inches in height, and are to be worn with the skirt only.

References

- Boots: Acme 610.
- Shoes: Rocky 115 or equivalent.

33020.12.11 Miscellaneous Accessories for Uniform Staff

The below-specified accessories may be worn with the regulation uniform as appropriate:

- Sam Browne belt, black with basket-weave design. Metal shall be gold in color.
- Key pouches/clips, gold in color. Chains or lanyards are not permitted.
- Enclosed snapping handcuff case. Black with basket-weave design.
- Flashlight holder shall be ring type on black leather. Metal shall be gold or black in color.
- Side handle baton holder shall be ring type on black leather. Metal shall be gold or black in color.
- Flashlight shall be black in color, either mini-mag, or 3 "C" or 3 "D" cell batteries only.
- Gloves shall be smooth black leather only with no "cut-outs." Both the body of the gloves and the fingers shall remain intact. No alteration of the gloves shall be permitted. Wrist high to 2 inches above the wrist in length. May be lined for warmth. Shall approximate the reference in appearance. References: Damascus #302, or equivalent.

No other accessories shall be worn while in uniform without the approval of the Warden.

There shall be no glass cases or other holders worn on or carried on the belt or affixed to the uniform except as approved by the hiring authority.

33020.13 Departmental Badges

In accordance with the requirements of Penal Code (PC) Section 830.10, the Director has ordered the wearing and possession of the approved departmental regulation dome badge by all uniformed peace officer staff, with the exception of fire department peace officer staff. Uniformed staff includes all part or full-time Medical Technical Assistant (MTA) and custody classification employees where the CDCR considers the uniform as part of their job description. All uniformed staff shall wear the regulation dome badge on the outer garment at all times while on-duty unless exception is made by the Warden. Uniformed fire department peace officer staff shall wear the regulation fire shield in lieu of the regulation dome badge. Nonuniformed staff designated as peace officers shall possess the approved departmental flat badge.

Training Requirements

In accordance with PC 832, all staff designated as peace officers must meet the PC 832 Peace Officer Standards and Training (POST) requirements prior to being assigned a number and issued a departmental badge. The PC 832 training requirement is met by successfully completing the CDCR's pre-service academy training (i.e., Basic Correctional Officer Academy (BCOA), PC 832 Course, or Division of Adult Parole Operations (DAPO) Academy).

Staff, who are not assigned a number and issued a departmental badge at the completion of their pre-service academy training, shall provide verification of POST certification prior to being assigned a number and issued a departmental badge. Additionally, staff shall provide proof that there has been no break in service since the time POST certification was obtained.

33020.13.1 Procedure for Issuing Badges

The administrator of the Richard A. McGee Correctional Training Center (CTC) shall establish and maintain an accurate and automated record of all departmental badges issued to peace officer employees, excluding the DAPO. The CTC shall issue a badge number to each qualified employee in the peace officer classification in ascending sequential order.

Once a peace officer employee is assigned a badge number, they shall retain their assigned number throughout their entire departmental career.

Badge numbers and badges (State-issued and optional) are assigned and issued solely by the CTC.

Under no circumstance shall badge numbers be assigned, issued, or transferred at the CDCR facility level.

Regulation Dome Badge

The CDCR shall purchase and provide to each uniformed peace officer employee, through the CTC, a numbered regulation domed badge upon the employee's successful completion of the CDCR's pre-service academy training.

Regulation Fire Shield

The CDCR shall purchase and provide to each uniformed fire department peace officer employee, through the CTC, a numbered regulation fire shield upon the employee's successful completion of the CDCR's pre-service academy training.

Flat Pocket Badge

The CDCR shall purchase and provide each nonuniformed peace officer employee, through the CTC, a numbered flat pocket badge upon the employee's successful completion of the CDCR's pre-service academy training.

Optional Badge

All permanent employees, who meet the requirements of PC 830.10 and 832, may purchase an optional dome and/or flat pocket badge(s) that meet departmental specifications if they so desire, but shall bear the cost of the optional badge(s). The optional badge shall bear the same number as the assigned State-issued badge. The total number of badges that can be possessed by any departmental peace officer shall not exceed two dome badges and one flat badge.

All orders for optional badges purchased at the employee's expense shall be placed through the departmental badge coordinator located at the CTC, via the institutional badge coordinator.

DAPO

The DAPO shall provide special badges to all Parole Agents and Parole Administrators. All badges shall be purchased through the current contracted vendor. The Director, DAPO shall establish and maintain an accurate and automated record system for accountability of the DAPO badge number assignments.

Autonomous Branches/Units

Peace officers (with the exception of Parole Agents) assigned to any of the autonomous units/branches within the CDCR shall retain their assigned departmental badge number, and submit to the CTC for the appropriate classification ribbon. Peace officers not in possession of a departmental badge number shall be assigned a number by the CTC with the appropriate classification ribbon, provided all training requirements have been met.

Autonomous units/branches include, but are not limited to, Background Investigations Unit, Classification Services Unit, Inmate Appeals Branch, Office of Correctional Safety Unit, Office of Internal Affairs, Regulation and Policy Management Branch, and Selection and Standards Branch.

Note: Refer to the previous entry "DAPO" for Parole Agent badge request.

Loaner Badges

All loaner badges are issued by the CTC to CDCR facilities for the sole purpose of assigning to employees on a temporary basis while they are awaiting their assigned badge from the current vendor (i.e., addition/removal of ribbons or badge replacement). The CDCR facility is responsible for the temporary assignment, tracking, retrieval, and accountability of all loaner badges assigned to their facility.

Loaner badges shall contain an "L" in the badge number. Any badge not containing an "L" in the number is not considered a loaner badge and should be returned to the CTC immediately for disposition.

33020.13.2 Control of Badges

Due to the inherent threat to departmental security and the possible unlawful uses of peace officer badges, strict controls shall be maintained regarding departmental accountability and employee responsibility in the issue, use, and maintenance of departmental badges.

It is unlawful for any person, including employees of the CDCR not employed in a peace officer classification, unless temporarily assigned to perform peace officer duties and having met the POST requirements, to wear, exhibit, use, or otherwise possess a departmental badge or a facsimile thereof without specific authority to do so.

Employees shall not sell or otherwise transfer their badge to any other person.

Responsibility

Departmental employees possessing State-issued or personal optional badges shall be held specifically responsible for the proper use and control of these badges. Loss or damage of departmentally issued or optional badges resulting from employee negligence, or willful failure to report loss of State-issued or optional badge, shall be cause for adverse action.

Automated Badge Record System

The CDCR has developed an Automated Badge Record System (ABRS) that is located at the CTC. The CTC will be responsible for conducting all business pertaining to the assignment of badge numbers for all peace officer employees (with the exception of peace officers in the Parole Agent series). In the event of a discrepancy in badge number assignments, the number identified as the employee's, as documented in the ABRS, shall supersede any number carried by an employee or institution.

Uniform Inspections

In conjunction with the DOM 33020.4, Inspections, all institutions shall conduct an annual audit of their assigned peace officers' badges. The audit shall provide employee's name, last four digits of their social security number, badge number, and total number of badges possessed. Badge numbers shall be obtained through visual verification. All audits shall be forwarded to the Departmental Badge Coordinator at the CTC upon completion. Current rosters can be obtained from the CTC prior to conducting the audit.

Lost or Stolen

In the event that a State-issued or optional badge is lost, stolen, or damaged, the employee responsible for the badge shall submit a detailed written report of the circumstances within 24 hours of the discovery. The report shall be submitted to the senior administrator of the CDCR facility where the employee is assigned. DAPO staff shall submit the report to the appropriate Regional Administrator. Headquarter staff shall submit the report to the Chief, Office of Investigative Services.

The senior facility administrator, upon knowledge that a badge has been lost or stolen, shall:

- Cause a notice to be placed at the entrance gates of all institutions and copies of the notice to be mailed to local law enforcement agencies, facility's badge coordinator, and the CTC. The notice shall contain the badge number, type of badge (dome or flat pocket), and the specific circumstances surrounding the loss or theft of the badge.
- After investigation and considering the facts submitted, determine whether the loss or damage was due to negligence of the responsible employee and party responsible for replacement.
- Take appropriate action as indicated by the circumstances revealed during the inquiry.
- The facility's badge coordinator shall order a replacement badge from the CTC.

Replacement badges (State or employee's expense) shall not be ordered prior to 30-days from discovery to insure that every attempt is made to recover any lost or stolen badge.

Note: These procedures for replacement in no way restrict the CDCR facility from issuing a loaner badge to the responsible employee until the replacement badge is delivered to the facility.

Lost or stolen optional badges shall not be replaced by the CDCR. The employee, however, retains the right to submit a claim through the established Victim Compensation and Government Claims Board procedures if circumstances warrant. Authorization to replace a lost or stolen optional badge may be withheld by the Warden if such loss was as a result of negligence in exercising proper control over the badge. Replacement may be permitted, at the expense of the employee, after a 30-day waiting period.

Damaged

The damaged badge shall be replaced with a badge bearing the same number as the original State-issued badge. After investigation and considering the facts submitted, the senior facility administrator shall make a determination whether the damaged badge will be replaced by the CDCR or the employee. The facility badge coordinator shall forward the damaged badge and report to the CTC for destruction and order the replacement through the CTC.

Promotions or Transfers

All peace officer employees receiving promotions or transfers to another CDCR facility shall retain their State-issued and optional badge(s). The receiving CDCR facility shall have the ribbon of the employee's promotional rank or classification, if appropriate, affixed at the bottom of one existing badge. The institution or other CDCR facility shall issue the employee a loaner badge until the original badge is received from the vendor with the appropriate ribbon of rank or classification affixed. The original badge shall then be returned to the employee and if the employee was assigned a loaner badge, it shall then be returned by the employee.

Termination of State Service

All Correctional Peace Officer employees terminating State service, transferring to a non-peace officer classification within the CDCR, or transferring to another State agency shall surrender all badge(s)(State-issued and optional) to the CDCR facility badge coordinator processing the personnel action. Information regarding the total number of badges the separating employee has in possession can be obtained from the Departmental Badge Coordinator located at the CTC. All badges, including employee's name, type of separation, and effective date shall be returned to the CTC for disposition. Reimbursement for optional badges can be obtained by completing a STD. 262-A, Travel Explain Claim, through the separating institution's Accounting Office.

Retirement from State Service

Correctional Peace Officer employees retiring from State service shall surrender their State-issued badge to the facility's badge coordinator, and may request a retired flat badge with holder upon arrival of their retirement. The retired badge procedure is not automatic and should be initiated by the CDCR facility's badge coordinator.

Retiring employees possessing any optional badge(s) may surrender them to the facility's badge coordinator for reimbursement at the current, fair market value. Current, fair market value is defined as the prices charged by the contracted vendor at the time of retirement. Reimbursement of any optional badge(s) is not automatic; it is the responsibility of the retiree to submit a Travel Expense Claim to their Accounting Office for reimbursement.

All badges, including name, type of retirement, and effective date shall be forwarded to the CTC by the facility's badge coordinator for disposition.

Irresponsible or unethical conduct or conduct which brings discredit upon yourself and/or the CDCR shall result in forfeiture of all rights and privileges associated with the issuance of the badge and will require immediate surrender of the badge.

Under no circumstances are badges assigned to retired peace officers to be retained by the CDCR facility and utilized as loaner badges.

Deceased Employee

In the event of a Correctional Peace Officer employee's death, all State-issued and optional badge(s) shall be relinquished to the processing CDCR facility.

Upon written request by the Warden or designee, the State-issued badge may be retained by the processing CDCR facility for the sole purpose of affixing it to a plaque or other symbol of remembrance. With the written approval of the Director, the badge number of a deceased Correctional Peace Officer can be assigned or reassigned to a family member.

All badges, including name, type of separation, and effective date shall be forwarded to the CTC for disposition.

Under no circumstances are badges assigned to deceased Correctional Peace Officers to be retained by the CDCR facility and utilized as loaner badges.

33020.13.3 Specifications

All uniformed personnel and nonuniformed employees designated as peace officers pursuant to California Code of Regulations (CCR), Title 15, Division 3, shall receive a departmental badge. For badge specifications, refer to this DOM Article and the CDCR Uniform Specification Handbook.

33020.14 Regulation Uniform – MTA Series

MTAs and Senior (Sr.) MTAs shall wear the uniform specified in this Section. For uniform specifications refer to this DOM Article and the CDCR Uniform Specification Handbook. In cases of specialty areas, such as surgery or administration, the individual institution may specify other dress codes. All MTAs and Sr. MTAs shall wear the below specified uniform:

- Regulation trousers – the CDCR approved olive green Class "B" Cargo Pant.
- Black belt, solid in color.
- Black socks, solid in color.
- Regulation Class "B" long/short sleeve shirt; silver-tan tropical, to be worn closed and tucked into trousers.
- Black plain toe shoe or boots conservatively designed without buckle.
- Regulation departmental badge.
- Departmental shoulder patch attached to the sleeves of regulation shirt.
- Departmental nameplate (white letters on black plate).
- Whistle (gold in color).
- Medical caduceus insignia (patch/pin).

Service Stripes [Optional]

If service stripes are worn, service stripes shall be worn on the left sleeve of the long sleeve regulation shirt. Service stripes shall be affixed ¾ inches above the cuff of the shirt. One service stripe shall be worn for each three years of service as a MTA. Service stripes shall be gold thread sewn to a black felt material background with a heat-seal treatment on the back. The overall size of each service stripe is approximately ⅜ inch by 2 inches. Service stripes shall be sewn on the garment with black thread sewn along the border of the stripe.

MTA Cap

MTA Cap may be worn with the MTA uniform. The MTA Cap shall be worn in the bill forward position and be worn/maintained in a manner so as not to bring discredit to the uniform or CDCR.

Medical Caduceus Insignia

MTAs shall affix the medical caduceus insignia patch or medical caduceus pin above the nameplate. The medical caduceus pin shall be gold colored and ¾ inch (not to exceed one inch).

Sr. MTAs shall affix a medical caduceus pin ½ inch and parallel from the inner edge of the left collar. The chevrons, as specified in DOM 33020.12.6, shall be worn ½ inch and parallel from the inner edge of the right collar. The bottom edge of the insignia shall be 1 inch from the collar point.

Regulation Shoes

MTA employees may wear shoes or boots that meet the following general specifications as items of the regulation uniform:

- Black, plain toe, conservatively designed. No buckles.

Undergarments

The undergarment specifications shall be as follows:

- Undershirts may be worn by both men and women in uniform. If worn, the shirt must be T-shirt style, solid white in color, and of a smooth finish. No designs or other colors are permitted. No fish net or other ventilated styles are permitted.
- Socks, for both men and women, shall be solid black in color. No designs are permitted.

Departmental Shoulder Patch

Refer to DOM 33020.12.3.

Personal Grooming Standards

Refer to DOM 33020.6.

Nameplate

Refer to DOM 33020.12.4.

MTA Jacket

MTA jacket shall be conservative in style and color. The MTAs may also use the departmental approved jacket and departmental approved sweater.

Foul Weather Jacket

MTA foul weather jacket shall be conservative in style and color. The MTAs may also use the departmental approved foul weather jacket.

MTA Maternity Uniform

Refer to DOM 33020.8.2.

33020.15 Regulation Uniform – Food Services Employees

All supervising cooks, bakers, butcher/meat cutters, and food services workers shall wear the departmentally approved uniform to distinguish them from inmates assigned to food services duties.

Regulation food service uniforms shall consist of:

- Trouser.
- Shirt.
- Cap.
- Jacket.
- Jumpsuit (brown).
- Shoes.
- Smock.

The following items are mandatory accessories:

- Belt, brown/black in color.
- Key ring holder.
- Whistle.
- Departmental nameplate.

The following items are non-mandatory accessories:

- Alarm holder.
- Flashlight.

Individual garment specifications may be referred to in the CDCR Uniform Specification Handbook. Items not specifically addressed within this DOM Article are considered unauthorized.

Food service employees shall report to their assignment in clean uniforms that are in good condition.

33020.16 Protective Vests

May 27, 2008

Protective Vests are California Department of Corrections and Rehabilitation (CDCR) approved items of safety equipment designed and manufactured to resist penetration of bullets, inmate/ward manufactured knives, ice picks, and other sharp objects. Protective vest types include Ballistic Vests, Combination Vests, and Stab Resistant Vests. The individual level and type of protection offered by these protective vests is dependent upon the individual vest characteristics.

For CDCR peace officer employees, the ability to wear a protective vest is an essential function of the job regardless of the regular wear expectations of their individual post or duty assignment. Each CDCR peace officer might at any time be assigned to a post or be required to participate in a specific operation wherein vest wear is mandatory.

33020.16.1 Definitions

Ballistic Vest: A Ballistic Vest is designed to cover specific portions of the wearer's body to resist penetration by a bullet.

Combination Vest: A Combination Vest is designed to cover specific portions of the wearer's body to resist penetration by inmate manufactured knives, ice picks, other sharp objects and bullets.

Cover: A vest cover is the holder for the vest panel. The cover shall be appropriately sized to maintain the position of the panel upon the wearer's body as designed by the manufacturer.

CDCR owned vest and/or cover: A CDCR owned vest and/or cover is purchased by the CDCR and is State property. Each CDCR owned vest and/or cover shall be maintained by the employee to whom they are issued in accordance with CDCR mandates. The vest and/or cover shall stay under the control of the issued employee until the vest and/or cover is replaced with another CDCR owned vest and/or cover, or the employee purchases a personally owned vest and/or cover, or the employee separates from the CDCR, or the employee transfers to another CDCR division/unit that requires a different type of vest and/or cover than the employee was issued, or where vest wear is not mandatory as described in this section.

Personally owned vests and/or covers: A personally owned vest and/or cover is a vest and/or cover that an authorized employee (as noted in this section) chooses to purchase and maintain at his/her own expense. A personally owned vest and/or cover must meet or exceed the requirements of the specific vest type. Personally owned vest covers that are used with CDCR owned vest panels must be specifically designed to fit the specific CDCR owned vest panel.

It is the responsibility of each employee that purchases a personally owned vest/cover to notify the Vest Control Person (VCP) prior to wearing the vest/cover to work so that inventory control measures can be initiated. The employee shall also provide that vest/cover to the VCP annually for inspection at the time and date established by the VCP.

Stab Resistant Vest: A Stab Resistant Vest is designed to cover specific portions of the wearer's body to resist penetration by inmate manufactured knives, ice picks, and other sharp objects.

Standby Vest Pool: Each institution/division/facility/unit shall maintain a Standby Vest Pool. The Standby Vest Pool shall contain sufficient vest and cover types, amounts and sizes, at the discretion of each Warden/Superintendent/Division Head, to supply to personnel who are temporarily required to wear a vest as described in this section. Standby Vest Pool vests will be issued to:

- Employees who are required to wear a vest but have not been permanently issued a vest. If such an employee works full time in a unit wherein vest wear is mandatory (as defined in this policy), the Warden/Superintendent/Division Head may elect to issue a vest from the Standby Pool to that employee for the duration of their assignment in the unit.
- Employees who do not have their permanently issued vest with them when they report for duty.
- Employees/official visitors that enter Special Housing Units, as described in this policy.

Correctional Training Center or Juvenile Justice Training Center employees and cadets that use Standby Pool Vests shall wear these vests under the outer uniform shirt/jumpsuit.

Vest Control Person: The institutional/facility/division/unit VCP shall manage and maintain, under the responsibility of the respective Warden/Superintendent/Division Head, the institution/division/unit inventory of CDCR and personally owned vests and/or covers. It will be the responsibility of each institutional/facility/division/unit VCP to coordinate their needs with the CDCR VCP. The CDCR VCP shall have overall responsibility for managing the departmental vest inventory.

Vest panel: A vest panel is the protective material held by the vest cover.

33020.16.2 Wear Authorizations and Requirements

Revised January 2010

Ballistic Vest:

Wear Authorizations:

The Ballistic Vest is authorized for wear by the following employees:

- Office of Correctional Safety.
- Office of Internal Affairs.
- Division of Adult Parole Operations and Division of Youth Parole Operations agents.
- Basic Correctional Officer Academy Firearms Instructors.

Wear Requirements:

- The Ballistic Vest shall be worn only in the manner prescribed by the manufacturer and the CDCR.
- For normal wear, the Ballistic Vest shall be worn concealed under the outer uniform shirt, blouse/shirt, or jumpsuit for the duration of the shift unless otherwise provided for in this section.
- Once a CDCR owned Ballistic Vest has been issued to an employee, wear of the vest is mandatory while that employee is on duty unless otherwise approved for by the appropriate Chief Deputy Secretary/Assistant Secretary.
- Outer wear of the Ballistic Vest is authorized only with the use of a CDCR approved outerwear cover (e.g. tactical, firearms instructor, or raid vest) and when there is an identified operational need to do so.
- If an employee chooses to purchase a personally owned Ballistic Vest and/or cover, the wear requirements are the same as those pertaining to a CDCR owned vest.

Combination Vest

Wear authorizations:

The Combination Vest is authorized for wear by the following employees:

- Community Correctional Facility (CCF)/Modified Community Correctional Facility (MCCF) peace officers who have transportation responsibilities.
- Juvenile Justice Conservation Camp peace officers who have transportation responsibilities.
- Crisis Response Team (CRT) members or Juvenile Justice Tactical Team members.
- Adult Operations Transportation Unit and Juvenile Justice Transportation Unit Correctional Officers, Youth Correctional Officers, Sergeants, Lieutenants, and Captain.
- Adult Operations or Juvenile Justice institutional/facility transportation team Correctional Officers, Youth Correctional Officers, Sergeants, Lieutenants, or other CDCR peace officers.
- Adult Operations, Institutional Investigative Services Unit Correctional Officers, Sergeants, and Lieutenants, and Juvenile Justice, Disciplinary Decision Making System Lieutenants.
- Medical Guarding Unit/hospital coverage Correctional Officers, Youth Correctional Officers, Sergeants, and Lieutenants.
- Office of Substance Abuse Programs agents.
- Basic Correctional Officer Academy Firearms Instructors.

Wear Requirements:

- The Combination Vest shall be worn only in the manner prescribed by the manufacturer and the CDCR.
- For normal wear, the Combination Vest shall be worn concealed under the outer uniform shirt, blouse/shirt, or jumpsuit for the duration of the shift unless otherwise provided for in this section.
- Outer wear of the Combination Vest is authorized only with the use of a CDCR approved outer wear cover (e.g. tactical, firearms instructor, or raid vest) and when there is an identified operational need to do so.
- Once a CDCR owned Combination Vest has been issued to an employee, wear of the vest is mandatory while that employee is on duty unless otherwise approved for by the appropriate Chief Deputy Secretary/Assistant Secretary.
- If an employee chooses to purchase a personally owned Combination Vest and/or Cover, the wear requirements are the same as those pertaining to a CDCR owned vest.

Stab Resistant Vest

Wear authorizations:

The Stab Resistant Vest is authorized for wear by the following employees:

- All institutional/facility Correctional Officers, Youth Correctional Officers, Correctional Counselors, Youth Correctional Counselors, Senior Youth Correctional Counselors, Medical Technical Assistants, Sergeants, and Lieutenants.
- Other employees as mandated in the Stab Resistant Vest Wear Requirements section.
- Any employee who chooses to purchase a personally owned Stab Resistant Vest/Cover.

Wear Requirements:

- The Stab Resistant Vest shall be worn only in the manner prescribed by the manufacturer and the CDCR.

- For normal wear, the Stab Resistant Vest shall be worn concealed under the outer uniform shirt, blouse/shirt, or jumpsuit for the duration of the shift unless otherwise provided for in this section.
- Once a CDCR owned Stab Resistant Vest has been issued wear of the vest is mandatory while that employee is on duty unless provided for in this section.
- If an employee chooses to purchase a personally owned Stab Resistant Vest and/or Cover, the wear requirements are the same as those pertaining to a CDCR owned Stab Resistant Vest.
- Correctional Training Center or Juvenile Justice Training Center Stab Resistant Vests shall be worn concealed under the outer uniform shirt, shirt/blouse, or jumpsuit.

Special Units

The following requirements for wear of a Stab Resistant Vest in designated special units shall be complied with:

All CDCR employees, regardless of personnel classification, entering a Security Housing Unit (SHU), Special Management Program (SMP), Administrative Segregation Unit (ASU), Temporary Detention Unit (TDU), Condemned Housing Unit, Psychiatric Services Unit (PSU), Special Behavioral Treatment Program (SBTP), shall wear a Stab Resistant Vest when the employee is:

- In direct contact of inmates/wards/patients within the aforementioned units (unrestrained or restrained).
- Escorting inmates/wards/patients housed within the aforementioned units anywhere on institution grounds.
- On the aforementioned unit tiers.

Stab Resistant Vest wear requirements shall extend to all official visitors (including but not limited to contractors, religious advisors, outside law enforcement personnel, legal representatives, etc.) of each unit as described in this section.

Stab Resistant Vests temporarily issued from a unit/institution/facility/division Special Unit Standby Vest Pool are approved for outer wear.

Correctional Officers, Youth Correctional Officers, Correctional Counselors, Youth Correctional Counselors, Senior Youth Correctional Counselors, Sergeants, Lieutenants, Medical Technical Assistants, Senior Medical Technical Assistants, or Supervising Medical Technical Assistants entering a unit such as a Correctional Treatment Center (CTC), Outpatient Housing Unit (OHU) General Acute Care Hospital (GACH), Intermediate Care Facility (ICF), or any Department of Mental Health (DMH) Unit/Facility, shall wear a Stab Resistant Vest when the employee is:

- In direct contact with inmates/wards/patients within the aforementioned units (unrestrained or restrained).
- Escorting inmates/wards/patients housed within the aforementioned units anywhere on institution grounds.
- On the aforementioned unit tiers.

All other staff entering a unit such as a CTC, OHU, GACH, ICF, or any DMH Unit/Facility, shall have the option to wear a Stab Resistant Vest (obtained from the Standby Pool or from the respective VCP) when the employee is:

- In direct contact with inmates/wards/patients within the aforementioned units (unrestrained or restrained).
- Escorting inmates/wards/patients housed within the aforementioned units anywhere on institution grounds.
- On the aforementioned unit tiers.

General Information

Correctional Officers, Youth Correctional Officers, Youth Correctional Counselors, Senior Youth Correctional Counselors, Sergeants, and Lieutenants assigned to Juvenile Justice facilities in areas other than described in the above Stab Resistant Vest, Wear Requirements section, and Adult or Juvenile Justice Conservation Camps shall wear Stab Resistant Vests while on duty, unless otherwise authorized by the Chief Deputy Secretary, Adult Operations/Chief Deputy Secretary, Juvenile Justice. Stab Resistant Vests shall be worn if the aforementioned Correctional Officer, Youth Correctional Officer, Youth Correctional Counselor, Senior Youth Correctional Counselor, Sergeant, or Lieutenant enters an Adult Operations male institution secure perimeter during the course of the performance of their duties, unless otherwise authorized by the Chief Deputy Secretary, Adult Operations/Chief Deputy Secretary, Juvenile Justice.

Correctional Officers, Youth Correctional Officers, Youth Correctional Counselors, Senior Youth Correctional Counselors, Sergeants, and Lieutenants who work in Adult Operations or Juvenile Justice female institutions/facilities in areas other than described in the above Stab Resistant Vest, Wear Requirements section, shall be issued a vest unless otherwise authorized by the Chief Deputy Secretary, Adult Operations/Chief Deputy Secretary, Juvenile Justice and as specified in the respective DOM Supplement as described in DOM Section 33020.16.6.

Committee members in any SHU, SMP, ASU, TDU, PSU, SBTP, Inter Disciplinary Treatment Team, Youth Authority Administrative Committee (YACC), CTC or OHU shall wear a Stab Resistant Vest unless otherwise authorized by the Chief Deputy Secretary, Adult Operations/Chief Deputy Secretary, Juvenile Justice and as specified in the respective DOM Supplement as described in DOM Section 33020.16.6.

It is the intent of the CDCR, based upon available funding, to provide the appropriate vest to designated peace officer employees upon, or as soon as possible, after their graduation from their academy. Supervisors have the authority to verify that an employee is wearing his/her vest in accordance with the mandates of this policy.

Refusal to wear a vest: As vest wear is an essential function of the job for CDCR peace officer personnel and mandated for all employees in specific units as identified in this policy, any employee, who has been issued, either permanently or temporarily, a protective vest and then refuses to wear the vest in accordance with CDCR mandates, shall be subject to progressive disciplinary action.

Non-possession of issued vest: In the event that an employee who has been issued a vest, or is mandated to wear a vest, is not in possession of his/her vest when reporting for duty, the following shall occur:

- If a Standby Pool Vest is available, a vest may be temporarily issued to the employee for the duration of that employee's shift. In the event the employee's vest has been lost or stolen, this might require the assignment of a Pool Vest to that employee.
- If the employee does not report to work with his/her vest, the employee may be sent home to retrieve the vest on his/her own time prior to being allowed to report for work. This decision shall be made at the discretion of the Warden/Superintendent/Division Head, or their designee.
- Progressive disciplinary action shall be initiated.

When a protective vest has been issued to an employee but is not being worn (e.g. off duty or on-duty periods wherein wear is not mandated), the vest shall be stored in locations that prevent inmate/ward/parolee access. The storage area should be climate controlled, not be subject to extreme high or low temperatures or excessive humidity, and should allow for vest storage in accordance with the manufacturer's wear and care recommendations. Care must be taken to prevent the vest from being stolen while off duty.

33020.16.3 Procurement

The CDCR VCP shall be responsible for coordinating the purchasing and scheduling for sizing dates of CDCR protective vests from vendors identified by approved contracts.

Institutions/divisions/facilities/units shall ensure that an appropriate quantity and size selection is available for their Standby Pool. The CDCR VCP shall adhere to policy and procedure governing the purchase/procurement of equipment.

As protective vests are received by the institution/division/facility/unit from the manufacturer, the required inventory processes will be accomplished as quickly as possible to facilitate expedient availability of the protective vest to the end user.

33020.16.4 Accountability and Replacement

The procedures for accountability and replacement of CDCR and personally owned protective vests are as follows:

Accountability

Each Warden/Superintendent/Division Head shall appoint a VCP who shall receive, inventory, and manage the institution's/division's/facility's/unit's protective vests program. The VCP shall provide monthly CDCR vest inventory reports (including specific information related to inventory discrepancies) directly to the Chief Deputy Warden/Division Head/Chief of Security, who is responsible for the accountability of the institution's/division's/facility's/unit's protective vests.

The VCP shall maintain an ongoing inventory of all CDCR and personally owned vests in his/her area of responsibility via the CDCR approved vest inventory tracking program. The institution/division/facility/unit VCP shall submit a quarterly inventory report to the CDCR VCP. The institution/division/facility/unit head shall ensure the accuracy of this report.

The CDCR Form 2155, CDCR Personal Protective Vest Issuance Acknowledgement Form, shall be used to facilitate protective vest inspection. The

institution/division/facility/unit VCP shall maintain the CDCR 2155 for the duration of use of each vest.

Each CDCR owned vest/cover shall be documented on the CDCR 2155.

Personally owned vests and/or covers must be presented by the employee to the VCP prior to use and then annually thereafter for review. The VCP shall inspect the personally owned vest and/or cover to ensure that it complies with CDCR requirements. The VCP shall then input the personally owned vest and/or cover into their inventory. Any employee who chooses to wear a personally owned vest and/or cover must surrender any CDCR owned vest and/or cover in their possession to the VCP.

The institution/division/facility/unit VCP shall annually verify the inventory and wearability of each CDCR or personally owned vests and/or covers in their area of responsibility. This will require a physical inspection of each protective vest/cover. The CDCR Form 2154, CDCR Protective Vest Inspection Form, shall be used to facilitate protective vest inspection. The institution/division/facility/unit VCP shall maintain the CDCR 2154 for the duration of use of each vest.

If the VCP determines a CDCR owned vest and/or cover used by an employee is not serviceable, the VCP shall inform the employee he/she is no longer authorized to wear the non-serviceable vest/cover. The VCP shall issue the employee a CDCR owned pool vest and/or cover(s). The VCP shall note this fact on the CDCR 2155 and provide the employee with a signed copy of the CDCR 2154.

If the VCP determines a personally owned vest and/or cover used by an employee (who would normally be issued for regular use a CDCR owned vest) is not serviceable, the VCP shall inform the employee he/she is no longer authorized to wear the non-serviceable vest/cover. The VCP shall issue the employee a replacement CDCR owned vest and/or cover(s). The VCP shall note this fact on the CDCR 2155 and provide the employee with a signed copy of the CDCR 2154. The employee may acquire another personally owned vest and/or cover at his/her expense to replace the disapproved vest and/or cover.

If the VCP determines that a personally owned vest and/or cover used by an employee not mandated to wear a vest and/or cover is no longer serviceable, the employee shall be informed that he/she is no longer authorized to wear that personally owned vest and/or cover. The VCP shall note this fact on the CDCR 2154 and provide the employee with a signed copy of this form. The employee may acquire another personally owned vest and/or cover at his/her expense to replace the disapproved vest and/or cover.

In the event an employee who has been issued a CDCR owned vest/cover or who has purchased a personally owned vest/cover transfers to or is placed at a different CDCR institution/division/facility/unit, he/she shall be allowed to take his/her CDCR owned vest and/or cover(s) or personally owned vest and/or cover(s) with him/her. The affected VCP shall ensure all CDCR procedures regarding property transfer are used to track the transfer of such vests and/or covers. The sending VCP shall ensure the receiving VCP receives a copy of the CDCR 2155 and/or CDCR 2154 related to that employee's vest.

In the event an employee who has been issued a CDCR owned vest/cover transfers to or is placed at a CDCR institution/division/facility/unit where vest wear is not regularly required (i.e. Headquarters) or if a different type of vest (combination vest or ballistic vest) will be issued to the transferring employee by the receiving unit, the VCP shall ensure the transferring employee's CDCR owned vest and/or cover is confiscated and, if the vest and/or covers are serviceable, that they are placed into the sending institution's/division's/facility's/unit's Standby Vest Pool or are appropriately used as deemed necessary by the VCP or CDCR VCP.

The VCP, under the guidance of the institution/division/facility head, shall issue a vest from the Standby Vest Pool to an employee who undergoes any significant body shape change or weight change that would render his/her issued vest ineffective. If the employee's originally issued vest is serviceable, it will be placed into the Standby Vest Pool or be used appropriately as deemed necessary by the VCP or CDCR VCP.

In the event an employee that has been issued a CDCR owned protective vest retires, resigns, or otherwise separates from the CDCR, the CDCR owned vest and/or covers shall be surrendered to the VCP during the check out process. If the employee's vest is serviceable, it will be placed into the Standby Vest Pool or be used appropriately as deemed necessary by the VCP or CDCR VCP.

Vest inventories shall be facilitated via the use of the CDCR 2154 and 2155. The VCP shall maintain the CDCR 2154 and 2155 for the duration of use of each vest and for three years after the disposal of each vest.

The CDCR VCP shall work in coordination with the institution/division/facility/unit VCPs to maintain an accurate CDCR protective vest inventory. The CDCR VCP shall ensure that excess protective vest inventories at any CDCR site are identified and, if required, transferred to another site that might need these protective vest resources before any supplemental protective vest purchase is initiated.

Replacement

Replacement of the CDCR protective vest panels and covers shall be accomplished as follows:

Vest covers shall be replaced by the institution/division/facility/unit when the covers are no longer serviceable. The VCP shall ensure that worn CDCR owned vest covers are replaced before the cover becomes unable to maintain the position of the vest panels upon the body of the wearer as designed by the manufacturer.

CDCR owned vest panels shall be replaced prior to the expiration of manufacturer's warranty period.

Personally owned vest panels shall be replaced at the employee's expense prior to the expiration of the manufacturer's warranty period. If the employee mandated to wear a vest chooses to not purchase another personally owned vest and/or cover, the VCP shall ensure this employee is issued a CDCR owned vest and/or cover.

CDCR owned or personally owned vests, panels and/or covers determined to be unserviceable due to normal wear shall be documented in the institution's/division's/facility's/unit's vest inventory program with the following information:

- Manufacturer.
- Vest model number.
- Type and threat level (Spike III, Ballistic II, etc.).
- Serial number of vest panels. If there are different serial numbers on the front and back panel of the same vests, these shall be separately noted with a designation of "F" for the front panel and "B" for the back panel.
- Lot number.
- Manufacture date.
- Male/Female vest.
- Name of assigned staff.
- Job classification.
- Date placed into service.
- Current unit in which used.
- Type of damage sustained.
- Remedial action (disposed, etc.).

CDCR owned or personally owned vests, panels and/or covers determined to be unserviceable due to damage beyond normal wear (such as being collected for evidenciary reasons), but not due to negligence shall be documented in the institution's/division's/facility's/unit's monthly VCP inventory report with the following information:

- Manufacturer.
- Vest model number.
- Type and threat level (Spike III, Ballistic II, etc.).
- Serial number of vest panels. If there are different serial numbers on the front and back panel of the same vests, these shall be separately noted with a designation of "F" for the front panel and "B" for the back panel.
- Lot number.
- Male/Female vest.
- Name of assigned staff.
- Job classification.
- Date placed into service.
- Current unit in which used.
- Type of damage sustained.
- Brief description of circumstance and corrective action, if any.
- Remedial action (disposed, placed into evidence, etc).

CDCR owned vests, panels, and/or covers determined to be unserviceable due to negligence, intentional destruction, lost, stolen or damaged will be reported verbally and in writing by the affected employee to the VCP by the next business day and the VCP shall issue the employee another CDCR vest/panel/cover if

person is required to be personally issued a vest. The written report from the employee must include a complete statement of circumstances surrounding the incident that led to the negligence, destruction, or loss. This information shall be contained in the institution's/division's/facility's/unit's monthly VCP inventory report with the following information:

- Manufacturer.
- Vest model number.
- Type and threat level (Spike III, Ballistic II, etc.).
- Serial number of vest panels. If there are different serial numbers on the front and back panel of the same vests, these shall be separately noted with a designation of "F" for the front panel and "B" for the back panel.
- Lot number.
- Male/Female vest.
- Name of assigned staff.
- Job classification.
- Date placed into service.
- Current unit in which used.
- Type of damage sustained.
- Brief description of circumstance and corrective action, if any.
- Remedial action (disciplinary action, etc.).

Lost, stolen or damaged CDCR protective vests shall be replaced in accordance with the State Administrative Manual, Section 8643; Lost, Stolen, or Destroyed Property.

Disposal of protective vests/covers must be coordinated through the CDCR VCP and be accomplished in accordance with CDCR policy and other applicable regulations.

33020.16.5 Training

The CDCR VCP shall provide training to persons assigned as a VCP. A VCP cannot conduct annual vest inspections unless they have received VCP training.

Upon issuance of a CDCR owned vest and/or cover(s), the VCP shall provide On the Job training (OJT) on the wear and care of the vest. Each In-Service Training Manager/Officer or Unit Training Coordinator/Officer or Regional Training Coordinator shall establish and maintain appropriate documentation reflecting this OJT. The proof of training record shall be maintained in the employee's training file.

If an employee chooses to purchase a personally owned vest and/or cover, the VCP shall coordinate with the IST Manager/Officer or Unit Training Coordinator/Officer the appropriate training for that employee when the VCP becomes aware of this vest.

33020.16.6 DOM Supplements

Each department/institution/division/facility/unit that has protective vests in its inventory shall establish and review annually a DOM Supplement entitled "Protective Vests" that shall include the specific Department/institution/division/facility/unit procedures for vest program management.

These might include, but are not be limited to:

- The resources required to provide protective vests for off-institution/facility duties (Medical Guarding Units, hospital coverage, transportation teams, etc.) and the procedures for issuance of these vests from the Standby Vest Pool.
- Identification of a vest storage location(s): Each institution/division/facility/unit shall designate a location for their Standby Vest Pool. Each location:
  - Shall prevent inmate, ward, or parolee access to vest panels.
  - Should be climate controlled, not be subject to extreme high or low temperatures or excessive humidity, and should allow for vest storage in accordance with the manufacturer's wear and care recommendations.
- Designation of a VCP by position title and number.
- Procedures for conducting inventories.
- Procedures for procurement and replacement of vests and/or covers, as required. Replacement must occur before the manufacturer's warranty expiration date.
- The procedures and requirements for using the CDCR 2154.
- The procedures and requirements for using the CDCR 2155.
- Mandatory wear provisions that exceed the requirements of DOM Section 33020.16.2.
- Standby Vest Pool management, issuance, and return procedures. These shall include the specific procedures for cleaning and care, including:
  - The designation of an employee, by duty assignment, to be responsible for the cleaning and maintenance of the Standby Vest Pool vest panels and covers.
  - Provisions to ensure that the Standby Vest Pool vest panels are cleaned in accordance with the manufacturer's specifications and without inmate/ward/parolee contact. Vest covers can be laundred by inmates/ward/parolees with appropriate supervision.
- A detailed schedule for cleaning Standby Vest Pool components (cover and panels). In Standby Vest Pool situations, protective vests that have been worn shall be cleaned at least weekly. Protective vests shall be cleaned before they are reissued if they are contaminated. This may require the acquisition of extra covers to facilitate the required cleaning.
- Specific identification of a contracted cleaner if there are not resources available at the respective site to facilitate protective vest cleaning in accordance with this section. This should also include the required inventory process (including transport to and from the cleaner) to ensure accountability. Cleaning requirements might require the purchase of additional covers.

33020.16.7 Revisions

Revised July 27, 2010

The Assistant Secretary, Office of Correctional Safety or his/her designee shall ensure that the content of this DOM Article is accurate and current.

33020.16.8 References

Revised July 27, 2010

PC 830.10 and 832, CCR, Title 15, Division 3, Section 3291(b), California State Administrative Manual, Section 8643.

ARTICLE 22 –EMPLOYEE DISCIPLINE

Effective January 2006

33030.1 Policy

All disciplinary action shall be imposed in a fair, objective, and impartial manner, and the California Department of Corrections and Rehabilitation (Department) shall consistently apply accepted principles of due process and progressive discipline when corrective or adverse action is imposed.

33030.2 Purpose

To ensure effective and efficient departmental operations and employee adherence to reasonable and acceptable rules of conduct and performance.

33030.3 Employee Performance Standards

33030.3.1 Code of Conduct

As employees and appointees of the Department, we are expected to perform our duties, at all times, as follows:

- Demonstrate professionalism, honesty, and integrity;
- Accept responsibility for our actions and their consequences;
- Appreciate differences in people, their ideas, and opinions;
- Treat fellow employees, inmates, wards, parolees, victims, their families, and the public with dignity and respect;
- Respect the rights of others and treat them fairly regardless of race, color, national origin, ancestry, gender, religion, marital status, age, disability, medical condition, pregnancy, sexual orientation, veteran status, or political affiliation;
- Comply with all applicable laws and regulations;
- Report misconduct or any unethical or illegal activity and cooperate fully with any investigation.

33030.3.2 General Qualifications

All employees are subject to the requirements as specified in the California Code of Regulations (CCR), Title 2, Section 172, General Qualifications, which states, in pertinent part, the following:

> *All candidates for, appointees to, and employees in the state civil service shall possess the general qualifications of integrity, honesty, sobriety, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume the responsibilities and to conform to the conditions of work characteristic of the employment, and a state of health, consistent with the ability to perform the assigned duties of the class.*

33030.3.3 Law Enforcement Code of Ethics

Peace officers employed by the Department are held to a higher standard of conduct on and off duty, as specified in the Law Enforcement Code of Ethics and the peace officer oath. The Law Enforcement Code of Ethics is as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty, equality and justice.

I will keep my public and private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my Department. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the law and the regulations of my department.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, organizational associations or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

Confidential information received in my official capacity shall remain undisclosed unless disclosure is necessary in the performance of my duty. I will never engage in acts of corruption, bribery, insubordination or the obstruction of justice, nor will I condone such acts by other peace officers. I will immediately report acts of misconduct by staff of my department and cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am serving as a law enforcement officer. I will constantly strive to achieve these objectives and ideals, dedicating myself before all present to my chosen profession... law enforcement.

33030.4 Definitions

Adverse Action - A documented action, which is punitive in nature and is intended to correct misconduct or poor performance or which terminates employment.

Affected Employee - An individual who is the subject of adverse action.

Appointing Power - The Secretary of the Department.

Assistant General Counsel (AGC) - An individual responsible for managing the Employment Advocacy and Prosecution Team (EAPT) in the Department's Office of Legal Affairs.

Bureau of Independent Review (BIR) – A unit within the Office of the Inspector General responsible for contemporaneous public oversight of the Department's investigative and disciplinary processes.

Charging Package (Also known as the "*Skelly* package") – All documentation used to substantiate the charges in the action and which is presented to the employee with the Preliminary or Final Notice of Adverse Action. This material may include but is not limited to the following: the investigative report; applicable policies, procedures, and Government Code sections; records of training the employee has attended; job descriptions; and duty statements and/or post orders that are related to the charges. This package does not include the CDCR Form 402, Hiring Authority Review of Investigation, and CDCR Form 403, Justification of Penalty.

Chief Assistant Inspector General (CAIG) – An individual responsible for the operation and functions of the BIR.

Corrective Action - A documented non-adverse action (verbal counseling, in-service training, on-the-job training, written counseling, or a letter of instruction) taken by a supervisor to assist an employee in improving his/her work performance, behavior, or conduct.

Designated Cases – Those cases assigned to the Vertical Advocates, including matters involving staff integrity and/or dishonesty, abuse of authority, sexual misconduct, use of force in which an inmate suffers death or serious injury, use of deadly force, serious allegations made against supervisors, and high profile or dismissal cases assigned to the Vertical Advocate by the AGC.

Employee Counseling Record - A written record of counseling, documented on a CDC Form 1123, between a supervisor and subordinate which provides formal instruction about laws, rules, policies and employer expectations.

Employee Relations Officer (ERO)/Disciplinary Officer – An employee designated by the Hiring Authority to coordinate adverse actions.

Employment Advocacy and Prosecution Team (EAPT) –The team, formerly known as the Employment Law Unit, responsible for operation of the Vertical Advocacy Model in the Department's Office of Legal Affairs.

Executive Review – A secondary, management-level review conducted to resolve a significant disagreement(s) regarding an investigative finding, proposed disciplinary penalty, or settlement agreement.

Hiring Authority – The Undersecretary or General Counsel or any Chief Deputy Secretary, Executive Officer, Chief Information Officer, Assistant Secretary, Director, Deputy Director, Associate Director, Warden, Superintendent, Health Care Manager, Regional Health Care Administrator, or Regional Parole Administrator authorized by the appointing power to hire, discipline, and dismiss staff under his/her signature authority. The Administrator at the Richard A. McGee Correctional Training Center shall serve as the Hiring Authority for Correctional Officer Cadets. The appointing power is a hiring Authority, for purposes of this Article.

In-Service Training (IST) –Formal training conducted departmentally and/or at the direction of the Hiring Authority and usually conducted away from the employee's work site.

Letter of Instruction (LOI) –A written document, which outlines requirements for an employee to advance his/her job performance or conduct to an acceptable level.

Notice of Adverse Action –Notification to the affected employee of the charges against him/her, the adverse action penalty, and the effective date.

Office of Internal Affairs (OIA) –The entity within the Department with authority to investigate allegations of employee misconduct.

On the Job Training (OJT) –Training conducted by a supervisor (or a designated employee with the required expertise under the direction of a supervisor) at the job site while the employee is working.

Preliminary Notice of Adverse Action – Notification required of some Hiring Authorities in accordance with the Bodiford Settlement Agreement, to an affected employee regarding charges against him/her and the intent to impose adverse action. This notification summarizes the specific subsections of the Government Code that have been violated, as well as the actions that constituted the violation. For Hiring Authorities mandated to serve a Preliminary Notice of Adverse Action, the charging package shall also be served with this notice.

Senior and Special Assistant Inspectors General (SAIG) – Attorneys employed by the BIR who report to the CAIG.

***Skelly* Hearing** –An informal proceeding in which the employee, together with his or her representative, is provided a predeprivation opportunity to respond to management regarding the charges in the Notice of Adverse Action. The employee may present any arguments for amending a pending adverse action before the action becomes effective. *Skelly* Hearings are required at the request of the affected employee for the following: adverse actions; rejections during probation; non-punitive actions resulting in the employee's dismissal or demotion; and transfers for purposes of punishment and/or in conjunction with an adverse action.

***Skelly* Letter** – A document transmitted to an affected employee, following the *Skelly* Hearing, stating the Hiring Authority's final decision regarding the imposition of a disciplinary penalty.

***Skelly* Officer** –A noninvolved manager, usually at the level of a Correctional Administrator, who will make a recommendation to the Hiring Authority after a *Skelly* Hearing to amend, modify, withdraw, or sustain the pending adverse action. The *Skelly* Officer must be a management employee above the organizational level of the disciplined employee's supervisor unless that person is the employee's appointing power in which case the appointing power may respond to the employee or designate another person to respond. Unless the affected employee waives his/her right to have a noninvolved manager serve as the *Skelly* Officer, the *Skelly* Officer shall not be the person who completed the CDC Form 989, Internal Affairs Investigation Request; who signed the employee's Notice of Adverse Action; or who participated in the decision to take adverse action.

Summary of Adverse Action – A summary compiled by the ERO/Disciplinary Officer of allegations of misconduct, from the evidence contained in an investigative report and other documents.

Vertical Advocacy Model – A system that ensures legal representation for the Department during the entire investigative and employee disciplinary process in order to hold staff accountable for misconduct by way of thorough and complete internal investigations, principled decision-making and assessment of the investigations, and consistent and appropriate discipline.

Vertical Advocate – An EAPT attorney assigned to one or more specific Hiring Authority locations to consult with the investigators and Hiring Authorities concerning investigative findings, disciplinary decisions, and to prosecute designated cases.

33030.5 Responsibility

33030.5.1 Appointing Power

The appointing power shall ensure implementation and compliance with the Department's employee discipline policy and programs.

33030.5.2 Hiring Authority

Each Hiring Authority shall be responsible for the following:

- Taking adverse action whenever warranted by an employee's behavior/conduct;
- Ensuring adverse actions are imposed in a fair, objective, and impartial manner and are consistent with this policy, the principles of just cause, and due process;
- Submitting CDC Forms 989 to the OIA including those cases in which direct adverse action is taken without an investigation;
- Reviewing investigative reports, determining investigative findings, and completing CDCR Form 402;
- Determining and justifying appropriate penalty level for employee misconduct by utilizing the Employee Disciplinary Matrix and completing the CDCR Form 403;
- Executing and causing the Notice of Adverse Action to be served on employees;
- Consulting with the Vertical Advocate, for designated cases, and the SAIG for cases the BIR is monitoring, regarding sufficiency of investigations and appropriateness of penalty;
- Consulting with the Vertical Advocate, for designated cases, and the SAIG for cases the BIR is monitoring, before agreeing to any modification, stipulation, or withdrawal affecting the proposed action and before approving any settlement agreement;
- Participating in Executive Review, as necessary, and forwarding material, as appropriate, for Executive Review;
- Informing the Vertical Advocate, for designated cases, and the SAIG, for cases the BIR is monitoring, of any new case developments.

Each Chief Deputy Secretary shall be responsible for the following:

- Participating in Executive Review, as necessary;
- Coordinating with the CAIG and the AGC on matters referred for Executive Review;
- Elevating high-profile cases to the Secretary and Undersecretary, as necessary.

The Chief Information Officer and General Counsel and each Assistant Secretary, Executive Officer, Director, Deputy Director, and Associate Director shall be responsible for the following:

- Facilitating and participating in Executive Review, as necessary;
- Coordinating with the CAIG and the AGC on matters referred for Executive Review;
- Coordinating with and informing the appropriate Chief Deputy Secretary, Undersecretary, or Secretary regarding high-profile cases being monitored by the BIR and especially for cases where there is significant disagreement regarding a penalty level and/or settlement agreement;
- Approving requests for Administrative Time Off (ATO);
- Elevating cases to the appropriate Chief Deputy Secretary, Undersecretary, and Secretary, as necessary.

33030.5.3 Supervisors and Managers

Each supervisor and manager shall be responsible for the following:

- Supervising the performance, behavior, and conduct of subordinate staff and imposing corrective action as necessary;
- Filing documentation related to corrective action in the employee's supervisory file;
- Reviewing the employee's supervisory file for documentation of any corrective actions for similar misconduct occurring within one (1) year, prior to the imposition of corrective or adverse action;
- Referring alleged misconduct and requests for investigation or adverse action to the Hiring Authority immediately following discovery of facts which may constitute misconduct;
- Serving as a *Skelly* Officer, as necessary.

33030.5.4 ERO/Disciplinary Officer

The ERO/Disciplinary Officer shall be responsible for the following:

- Monitoring and coordinating the adverse action processes;
- Drafting Notices of Adverse Action, in consultation with the Vertical Advocate for all non-designated cases;
- Arranging for proper service and review of adverse action documentation;
- Providing a copy of the declaration of service and serving all adverse actions to affected employees;
- Assisting the Vertical Advocates in hearing preparation for designated cases, including service of subpoenas on witnesses;
- Scheduling and attending *Skelly* Hearings and assisting the *Skelly* Officer with administrative duties as requested;
- Representing the Hiring Authority in all non-designated cases and supporting the Vertical Advocate in all designated cases before the State Personnel Board (SPB);
- Coordinating with the Hiring Authority, Vertical Advocate, SPB representatives, affected employees and employee representatives, and other individuals and entities as appropriate;
- Maintaining an accurate log of all formal discipline served and providing copies of the log and all documents relevant to pending actions quarterly to the Office of Personnel Services Employee Discipline Unit;
- Maintaining an accurate log of all contacts by employees at the worksites (for which the ERO/Disciplinary Officer is responsible) regarding contacts about potential testimony and subpoenas the employee has received;
- Retaining adverse action documentation, including CDCR Forms 403, in the Adverse Action File.

33030.5.5 Vertical Advocate

The Vertical Advocate shall be responsible for the following:

- Monitoring and coordinating the adverse action process for all designated cases, from the onset of an investigation;
- Calculating statute of limitations expiration dates;
- Consulting with and advising the Hiring Authority and ERO/Disciplinary Officer on all cases, as requested by the Hiring Authority;
- Providing legal consultation for all designated cases to the assigned investigator, including developing the investigative plan, preparation of investigative interviews, and attending investigative interviews as appropriate to assess witness demeanor and credibility;
- Providing legal consultation to the Hiring Authority on all designated cases and coordinating with the SAIG, for cases the BIR is monitoring, regarding application of the Disciplinary Matrix to determine the appropriate penalty;
- Drafting Notices of Adverse Action (in consultation with the ERO/Disciplinary Officer and the SAIG) for all designated cases;
- Participating in Executive Review, as necessary;
- Attending *Skelly* Hearings for all designated cases;
- Representing the Department for designated cases in disciplinary matters before the SPB;
- Drafting settlement agreements for all designated cases;
- Assisting the Hiring Authority and ERO/Disciplinary Officer in drafting settlement agreements and reviewing the form and substance of each proposed settlement agreement drafted by the Hiring Authority and/or the ERO/Disciplinary Officer, prior to the Hiring Authority entering into any settlement;
- Coordinating with the SAIG, for cases the BIR is monitoring, at each step of the investigative and disciplinary process;
- Coordinating with the Hiring Authority, SPB representatives, and other individuals and entities as appropriate;
- Maintaining accurate records of assignments and documenting in the legal database all communications with the Hiring Authority and SAIG regarding disciplinary penalties; the *Skelly* Hearing; the *Skelly* Officer's recommendation; the outcome of Executive Review; settlement agreements; SPB Hearings; and any appellate proceedings;

- Documenting in the legal page of the CMS all communications with the investigator, Hiring Authority, and SAIG regarding investigative reports and investigative findings.

33030.5.6 Office of Personnel Services, Human Resources

Personnel Services staff and/or local personnel staff shall be responsible for the following:

- Processing adverse actions as indicated by the Hiring Authority on the Notice of Adverse Action;
- Filing and retaining Final Notices of Adverse Action in employee official personnel files for three (3) years unless the retention period is reduced by the Hiring Authority after the *Skelly* Hearing or otherwise agreed to by stipulated settlement.

Office of Personnel Services, Employee Discipline Unit, staff shall be responsible for the following:

- Collecting and maintaining the official departmental copies of all adverse action documents separate and apart from those held in the Official Personnel files;
- Maintaining statistical information and generating reports on adverse actions using the Case Management System;
- Drafting adverse actions and representing the Department before the SPB for non-designated cases emanating from the Headquarters Offices and Divisions, Juvenile Justice Divisions, and all Parole Regional Offices.

33030.6 Managerial Employees

Supervisors or managers appointed after January 1, 1984, as a designated managerial employee, but who are not in a career executive category, are subject

to the provisions in Government Code section 3513 et seq. (Ralph C. Dills Act). The managerial employee may be disciplined for any cause except for a cause constituting prohibited discrimination as found in Government Code sections 19700 through 19703.

33030.7 Peace Officer Procedural Bill of Rights

All employees designated by the Penal Code as peace officers, both probationary and permanent, are fully guaranteed their Peace Officer Procedural Bill of Rights (Government Code sections 3300 through 3311) during any adverse action procedure, including related interviews and investigations.

33030.8 Causes for Corrective Action

Not all inappropriate behavior will require the imposition of disciplinary action. In some cases, corrective action and documentation may be more appropriate and must generally be issued within thirty (30) calendar days of discovering inappropriate behavior or poor performance. [For use of force incidents, Letters of Instruction must generally be issued within thirty (30) days from when the Institution Executive Review Committee concludes its review of the incident.] The purpose of corrective action is to help an employee change problem behavior or performance before discipline is necessary and may be imposed for any employee conduct or performance that is correctable by means of counseling and/or training (up to and including a Letter of Instruction). Corrective action may precede adverse action or an adverse action penalty may include corrective action. For peace officers covered by the Bargaining Unit 6 Agreement, behaviors that resulted in corrective action may not be used as cause for adverse action but may be cited in an adverse action for subsequent violations to prove the employee knew about a statute, regulation, or procedure or to prove that the employee has engaged in a pattern of violating a statute, regulation, or procedure within the past year. Corrective actions may also be used to rebut the employee's claim that he/she did not know about a statute, regulation, or procedure and/or expectation.

33030.8.1 Types of Corrective Action

33030.8.1.1 In-Service Training (IST)

When IST is ordered, the supervisor or manager shall complete section one of the memorandum form "Order for Formal IST or Documentation of OJT." Orders for IST shall direct the employee to report to the IST Training Manager, Assistant IST Training Manager, or other departmental training officer for completion of specific IST by a specified date. When formal training is ordered, the employee is responsible to report to the appropriate Training Manager and complete the training prior to the due date set for the completion of the training. Orders for formal IST and completed IST documentation shall be filed in the employee's supervisory file.

33030.8.1.2 On the Job Training (OJT)

When OJT is ordered, the supervisor shall complete section two of the memorandum form "Order for Formal IST or Documentation of OJT" and shall complete the CDC Form 844, In-Service Training Sign-In Sheet. The employee shall be given the opportunity to sign the CDC Form 844 to indicate his or her participation in discussion and acknowledge receiving and understanding the training provided. Orders for OJT and completed OJT documentation shall be filed in the employee's supervisory file.

33030.8.1.3 Employee Counseling Record

The supervisor or manager shall meet with the employee and discuss his or her conduct or performance level and complete a CDC Form 1123, Employee Counseling Record. In the Action Plan section of the CDC Form 1123, the supervisor or manager shall indicate any training the supervisor or manager has provided to the employee or indicate training directed to the employee to attend, specifying the training the employee is required to complete and the length of time the employee is allowed to complete the training. The employee shall be given the opportunity to sign for a copy of the CDC Form 1123. Follow-up discussions with employees who receive a CDC Form 1123 shall occur and shall be documented and placed in the employee's supervisory file. The CDC Form 1123 shall be filed in the employee's supervisory file.

33030.8.1.4 Letters of Instruction

An LOI may not deprive employees of pay or benefits (e.g., removal from a position, loss of differential pay). The LOI shall be prepared on a memorandum and shall (1) state the expected performance standards to be met; (2) provide a plan to meet expected performance; and (3) indicate time frames to meet the expectation. The memorandum shall be as follows:

- Entitled "Letter of Instruction;"
- Clearly addressed to employee;
- Clearly state the nature and circumstances of the problem;
- Cite previous discussions with employee;
- Include an explanation of why the employee's conduct is considered inappropriate, and what conduct would have been appropriate;
- Clearly state exactly what standards of performance are expected from the employee;
- Include results of face-to-face discussion;
- Develop a plan and set a date, not to exceed one year, by which the employee is to meet the expected performance.

The LOI shall be signed by the supervisor and presented to the employee for his/her signature. A copy of the signed LOI shall be provided to the employee. The Hiring Authority shall sign the space "Approved for Placement in Personnel File." A copy of the LOI shall be forwarded to the ERO/Disciplinary Officer and to the local personnel office for placement in the employee's official personnel file and the employee's supervisory file.

Follow-up discussions with employees who receive an LOI shall occur and be documented and filed in the employee's supervisory file. [See *Otto v. Los Angeles Unified School District* (2001) 89 Cal. App. 4th 985]

33030.8.2 Initiating Corrective Action

The responsible supervisor/manager shall review the employee's supervisory file for documentation of any prior corrective actions for similar misconduct occurring within the past one (1) year. The one-year period runs from the date of issuance of the corrective action (e.g., LOI). Corrective actions that are beyond the one-year period shall not be considered in this review. If prior corrective actions exist, supervisors/managers shall review each corrective action to determine if referral for adverse action is more appropriate than issuance of another corrective action.

33030.8.3 Documentation Retention

- Orders for and documentation regarding completion of OJT and IST and CDC Forms 1123 shall be retained in the employee supervisory file for one (1) year from date of issuance.
- LOIs shall be retained in the employee's personnel and supervisory files for one (1) year from the time management should reasonably have known of the incident resulting in the LOI or once all of the requirements in the LOI have been met, whichever is earlier.
- The Hiring Authority may set forth certain conditions of performance to be completed by the employee for a specified period of time prior to consideration of the early removal of the document.
- If an employee submits a rebuttal to an LOI, the rebuttal shall be retained with the LOI in the employee's personnel file or the supervisory file.

33030.9 Causes for Adverse Action

Pursuant to Government Code section 19572, each of the following constitutes cause for discipline of an employee, or of a person whose name appears on any employment list:

(a) Fraud in securing appointment.
(b) Incompetency.
(c) Inefficiency.
(d) Inexcusable neglect of duty.
(e) Insubordination.
(f) Dishonesty.
(g) Drunkenness on duty.
(h) Intemperance.
(i) Addiction to the use of controlled substances.
(j) Inexcusable absence without leave.
(k) Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.
(l) Immorality.
(m) Discourteous treatment of the public or other employees.
(n) Improper political activity.
(o) Willful disobedience.
(p) Misuse of state property.
(q) Violation of this part or of a board rule.
(r) Violation of the prohibitions set forth in accordance with section 19990.
(s) Refusal to take and subscribe any oath or affirmation that is required by law in connection with the employment.
(t) Other failure of good behavior either during or outside of duty hours, which is of such a nature that it causes discredit to the appointing authority or the person's employment.
(u) Any negligence, recklessness, or intentional act that results in the death of a patient of a state hospital serving the mentally disabled or the developmentally disabled.
(v) The use during duty hours, for training or target practice, of any material that is not authorized for that use by the appointing power.
(w) Unlawful discrimination, including harassment, on any basis listed in subdivision (a) of section 12940, as those bases are defined in sections 12926 and 12926.1, except as otherwise provided in section 12940, against the public or other employees while acting in the capacity of a state employee.
(x) Unlawful retaliation against any other state officer or employee or member of the public who in good faith reports, discloses, divulges, or otherwise brings to the attention of, the Attorney General or any other appropriate authority, any facts or information relative to actual or suspected violation of any law of this state or the United States occurring on the job or directly related to the job.

33030.10 Employee Representation Rights

Employees with permanent or probationary status (regardless of time base) are entitled to representation at all stages of the adverse action process. This representation may be provided by the exclusive representative (union) for rank-and-file employees. For all non-represented employees, a personal advisor, attorney, or another state employee may attend the interview that may lead to adverse action. This is appropriate during *Skelly* or appeal hearings related to the adverse action. Employees who are possible subjects or witnesses in the investigation are excluded as employee representatives.

33030.10.1 Temporary Authorization (TAU) Appointments

Employees with TAU appointment status are not necessarily entitled to have a representative present during an interview which is preparatory to a separation from the TAU appointment. However, if a proposed action against an employee in this status is attributable to a specific incident that would have resulted in an adverse action, investigatory interviews shall be handled like adverse action cases and employee representation shall be allowed.

33030.10.2 State Time

Use of state time is restricted and shall be approved by the affected employee's supervisor.

- Absent an emergency, employees may request and shall be allowed reasonable state time by the supervisor to contact/secure a representative and to discuss the matter prior to any meeting/interview regarding an adverse action.
- The employee shall also be allowed reasonable state time to prepare for the interview/meeting with the representative.
- Job stewards shall be allowed reasonable time for the purpose of representing employees during working hours without loss of compensation. No other employee representative shall be allowed to confer with employees on state time.

33030.11 EAPT Processing of Cases

The AGC, or designee, shall assign designated cases to a Vertical Advocate immediately following the case being accepted for investigation by Central Intake. The AGC shall document the case assignment in the Case Management System (CMS) and the ProLaw Database (legal database). Following assignment by the AGC, the Vertical Advocate shall be responsible for the continual update of the CMS legal page until transfer of the investigation to the Hiring Authority. Upon transfer of the investigation to the Hiring Authority, the Vertical Advocate shall ensure that the case is entered into the legal database and shall be responsible for continual update in that database until closure of the case. The legal database shall cross-reference the investigation number in order to track the case through the CMS and the legal database.

As soon as operationally feasible, but no later than twenty-one (21) calendar days after the assignment of a case, the Vertical Advocate shall contact the assigned investigator for designated cases and the assigned SAIG, for cases the BIR is monitoring, to discuss the elements of a thorough investigation of the alleged misconduct. All contacts with the assigned investigator and the SAIG shall be documented by the Vertical Advocate on the CMS legal page or in the legal database.

33030.12 Statute of Limitations

As soon as operationally possible, but no later than twenty-one (21) calendar days following assignment of a case, the Vertical Advocate shall confirm in the CMS the date of the reported incident, the date of discovery, the statute of limitations expiration date, and any exceptions to the statute of limitations known at that time. The Vertical Advocate shall consult with the assigned investigator and the SAIG, for cases being monitored by the BIR, if the deadline for filing the adverse action should be modified. The factors to consider in making an assessment of timeliness are as follows:

33030.12.1 Peace Officers

According to Government Code section 3304 (d), the following applies:

> *Except as provided in this subdivision and subdivision (g), no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct. This one-year limitation period shall apply only if the act, omission, or other misconduct occurred on or after January 1, 1998. In the event that the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that year, except in any of the following circumstances:*

(1) If the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.

(2) If the public safety officer waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.

(3) If the investigation is a multijurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.

(4) If the investigation involves more than one employee and requires a reasonable extension.

(5) If the investigation involves an employee who is incapacitated or otherwise unavailable.

(6) If the investigation involves a matter in civil litigation where the public safety officer is named as a party defendant, the one-year time period shall be tolled while that civil action is pending.

(7) If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.

(8) If the investigation involves an allegation of workers' compensation fraud on the part of the public safety officer.

Government Code section 3304 (g) states the following:

(g) Notwithstanding the one-year time period specified in subdivision (d), an investigation may be reopened against a public safety officer if both of the following circumstances exist:

(1) Significant new evidence has been discovered that is likely to affect the outcome of the investigation.

(2) One of the following conditions exist:

(A) The evidence could not reasonably have been discovered in the normal course of investigation without resorting to extraordinary measures by the agency.

(B) The evidence resulted from the public safety officer's predisciplinary response or procedure.

33030.12.2 Non-Peace Officer Employees

According to Government Code section 19635, the following applies:

No adverse action shall be valid against any state employee for any cause for discipline based on any civil service law of this state, unless notice of the adverse action is served within three years after the cause for discipline, upon which the notice is based, first arose. Adverse action based on fraud, embezzlement, or the falsification of records shall be valid, if notice of the adverse action is served within three years after the discovery of the fraud, embezzlement, or falsification.

33030.13 Investigation Review

Upon completion of the investigative report for designated cases, the investigator shall provide a copy of the investigative report and all supporting documentation to the Vertical Advocate, for designated cases, and the SAIG, for cases monitored by the BIR, for review. As soon as operationally possible, but no more than twenty-one (21) calendar days following receipt of the investigative report, the Vertical Advocate shall review the investigative report and supporting documentation and provide feedback to the assigned investigator. This feedback shall address the thoroughness and clarity of the report, shall provide recommendations regarding any Peace Officer Bill of Rights or union contract issues, and shall recommend additional investigation that may be necessary to complete the investigative report. The Vertical Advocate shall provide a written confirmation of these discussions (i.e. memorandum or e-mail) to the investigator, with a copy to the Hiring Authority and SAIG. The investigator shall forward a copy of the written confirmation of these discussions to his/her OIA case supervisor. The Vertical Advocate shall document all related communications in the legal page of the CMS.

Following completion of the review process above, the investigator shall provide the investigative report to the Hiring Authority. As soon as operationally possible, but no more than fourteen (14) calendar days following receipt of the final investigative report, the Hiring Authority shall review the investigative report and supporting documentation. The Hiring Authority shall consult with the Vertical Advocate, for all designated cases, and the SAIG, for all cases monitored by the BIR when reviewing the investigation and making investigative findings. The following shall be considered:

- Whether the investigation is sufficient;
- Whether the allegation(s) in the investigation are founded or not;
- Whether corrective or disciplinary action is supported by the facts;
- If disciplinary action is supported by the facts, what penalty is appropriate within the parameters of the Disciplinary Matrix;
- What causes for discipline under Government Code section 19572 are supported by the factual findings;
- What recommendations are made by the SAIG, for cases the BIR is monitoring.

The Vertical Advocate shall document all related communications in the legal page of the CMS including, specifically, his/her recommendations to the Hiring Authority regarding the investigative findings.

For investigations that are sufficient, the Hiring Authority shall indicate the findings on CDCR Form 402 for each allegation and shall indicate whether corrective or disciplinary action shall follow. The CDCR Form 402 shall be forwarded to the ERO/Disciplinary Officer. The ERO/Disciplinary Officer shall (1) record the findings in the CMS database, and either (2) initiate corrective or disciplinary action as directed by the Hiring Authority, for non-designated cases or (3) forward a copy of the CDCR Form 402 to the Vertical Advocate, for designated cases, to initiate disciplinary action. If there is significant disagreement regarding investigative findings on a designated case or a case monitored by the BIR, the CDCR Form 402 shall not be completed until Executive Review has concluded (Refer to section 33030.14 "Executive Review.")

For investigations that are insufficient, the Hiring Authority shall document requests for additional investigation on the CDCR Form 402 and shall forward the CDCR Form 402 to the ERO/Disciplinary Officer. The ERO/Disciplinary Officer shall retain the original CDCR Form 402 in the Adverse Action file and shall forward a copy of the CDCR Form 402 to the assigned investigator; the Central Intake Unit; the appropriate OIA regional office; the Vertical Advocate for designated cases; and SAIG for cases monitored by the BIR. The investigator shall provide to the Hiring Authority the requested information or complete additional investigations as soon as operationally possible.

33030.13.1 Investigative Findings

The findings of each allegation shall be determined by the Hiring Authority in consultation with the Vertical Advocate for designated cases and the SAIG for cases the BIR is monitoring. The findings and their explanations are as follows:

- NO FINDING: The complainant failed to disclose promised information to further the investigation; the investigation revealed that another agency was involved and the complainant has been referred to that agency; the complainant wishes to withdraw the complaint; the complainant refuses to cooperate with the investigation; or the complainant is no longer available for clarification of facts/issues.
- NOT SUSTAINED: The investigation failed to disclose a preponderance of evidence to prove or disprove the allegation made in the complaint.
- UNFOUNDED: The investigation conclusively proved that the act(s) alleged did not occur, or the act(s) may have, or in fact, occurred but the individual employee(s) named in the complaint(s) was not involved.
- EXONERATED: The facts, which provided the basis for the complaint or allegation, did in fact occur; however, the investigation revealed that the actions were justified, lawful, and proper.
- SUSTAINED: The investigation disclosed a preponderance of evidence to prove the allegation(s) made in the complaint.

33030.13.2 Investigative Closure Memorandum

Upon conclusion of each internal affairs investigation, the ERO/Disciplinary Officer shall transmit an "Internal Affairs Investigation Closure" memorandum to each subject of an investigation. The closure memorandum shall be signed by the Hiring Authority, shall outline the findings for each specific allegation, and shall be transmitted after the Hiring Authority completes CDCR Form 402 and prior to the imposition of disciplinary action.

The ERO/Disciplinary Officer shall forward the original closure memorandum to the subject of the investigation, forward copies to the Vertical Advocate for designated cases and the SAIG for cases monitored by the BIR, and shall retain a copy of the closure memorandum in the Adverse Action file.

33030.14 Executive Review

The purpose of Executive Review is to resolve significant disagreements between stakeholders about investigative findings, imposition of a penalty, or settlement agreements. Executive Review may be requested by the Hiring Authority, Vertical Advocate, AGC, SAIG, or CAIG and may be in person or via teleconference. Participants shall include, but are not limited to the following: the Hiring Authority; the Hiring Authority's supervisor, or designee; the AGC, or designee; and the CAIG, or designee.

In all cases, Executive Review shall be concluded prior to the statute of limitations expiration date. When Executive Review is initiated, completion of the CDCR Forms 402 or 403, service of the Final Notice of Adverse Action or *Skelly* Letter, and/or approval of the settlement agreement shall be delayed until the Executive Review is concluded and a determination has been made regarding investigative findings, imposition of a penalty, or details of the settlement agreement. If Executive Review is requested, the Hiring Authority shall immediately forward the CDCR Forms 402 and 403 (as applicable), the investigative report (if an investigation was conducted), and the proposed settlement agreement (if applicable) to his/her supervisor; the AGC; and the CAIG. The Hiring Authority's supervisor, or designee, shall schedule the Executive Review and shall notify the appropriate Chief Deputy Secretary, as necessary, following each Executive Review and provide all requested information. If a decision cannot be reached through Executive Review, the Hiring Authority's supervisor shall immediately elevate the matter to the appropriate Chief Deputy Secretary or higher for resolution.

33030.15 Types of Adverse Action Penalties

The five types of penalties for adverse actions are as follows:

33030.15.1 Letter of Reprimand

A letter of reprimand is the lowest level of penalty in the adverse action process and may be used when an action greater than corrective action is necessary. A letter of reprimand shall be retained as an official part of the employee's personnel record.

33030.15.2 Salary Reduction within the Salary Range of the Class

A salary reduction may be one (1) or more salary steps down to the minimum salary of the employee's class and is usually utilized in place of a suspension of an employee whose continued service on the job is necessary.

33030.15.3 Suspension without Pay

Suspension shall be specified in working days and may incur a penalty level from one (1) work day to several pay periods. The suspension is considered a temporary separation during which the employee does not work and salary is docked for the specified period of time. Any holiday falling within the time period is not counted as a working day. An employee's service credits and health benefits may be affected, depending upon the length of the suspension.

If Work Week Group E or SE employee receives a suspension penalty, it shall not be for a period of less than five (5) working days, unless the union contract provides otherwise.

33030.15.4 Demotion to a Lower Class

Demotions shall occur when continued service is of value, but the employee is not working at the expected level of the classification. A demotion shall be imposed only when the employee qualifies for and can be expected to do a satisfactory job at the lower level. Demotion may be to any salary in the next lower class that does not exceed the salary the employee last received; however, it is possible to demote to any lower class, within the promotional chain, at a lower than maximum salary. The Notice of Adverse Action must contain the exact salary for each class. A demotion may be permanent or temporary. If temporary, the employee automatically returns to the higher class on the date specified and at the salary step determined by the Hiring Authority. If permanent, the employee can compete for a promotion at a later date.

33030.15.5 Dismissal from State Service

Dismissal is appropriate for exceptionally serious misconduct, misconduct that is not correctible through discipline, or misconduct which immediately renders the individual unsuitable for continued employment. Dismissal may or may not be preceded by other forms of adverse action (i.e. progressive discipline). (See CCR, title 2, section 211 for additional information.)

33030.16 Employee Disciplinary Matrix Penalty Levels

1 Official Reprimand	**4** Salary Reduction 10% for 3-12 months ***or*** Suspension w/o pay for 6-24 work days	**7** Suspension w/o pay for 49-60 work days
2 Suspension w/o pay for 1-2 work days	**5** Salary Reduction 5% for 13-36 months ***or*** Suspension w/o pay for 13-36 work days	**8** Demotion to a lower class
3 Salary Reduction 5% for 3-12 months ***or*** Suspension w/o pay for 3-12 work days	**6** Salary Reduction 10% for 13-24 months ***or*** Suspension w/o pay for 26-48 work days	**9** Dismissal

Work Week Group E and SE employees shall not receive a suspension of less than five (5) work days, unless the union contract provides otherwise.

33030.17 Applying the Employee Disciplinary Matrix

Sufficient evidence establishing a preponderance is necessary before any disciplinary action can be taken. The Employee Disciplinary Matrix shall be the foundation for all disciplinary action considered and imposed by the Department and shall be utilized by the Hiring Authority to determine the penalty to impose for misconduct. No favor shall be afforded simply because of an employee's rank, and managers, supervisors, and sworn staff may be held to a higher standard of conduct. Off duty misconduct for non-sworn staff requires a nexus between the employee's behavior and the employment.

The Employee Disciplinary Matrix is based on the assumption that there is a single misdeed at issue and that the misdeed is the employee's first adverse action. The Matrix provides a base penalty within a penalty range. The base penalty (represented with bold and underlined text) shall represent the starting point for an action. The Hiring Authority shall impose the base penalty unless aggravating or mitigating factors are found. The Hiring Authority or designee is not required to impose an identical penalty in each case because there are a variety of factors which may influence the Hiring Authority to take stronger action in one case than it does in another. The appropriate level of penalty within the specified range shall be based on the extent to which the employee's conduct resulted in or, if repeated, is likely to result in harm to public service; the circumstances surrounding the misconduct; and the likelihood of recurrence.

A single misdeed may result in several different violations of the Government Code. It is the nature of the misconduct and aggravating or mitigating factors, as discussed below, which determine the final penalty included in the Notice of Adverse Action and not the number of Government Code sections cited in the Notice of Adverse Action.

Multiple acts of misconduct may occur during a continuing event, contiguous or related vents, or may be entirely independent of each other. When multiple acts of misconduct occur, the Employee Disciplinary Matrix shall be used to determine which single act warrants the highest penalty. The penalty range for the most severe charge shall be utilized, and other acts of misconduct are considered as aggravating circumstances that may increase the penalty up to and including dismissal.

33030.18 Mitigating and Aggravating Factors

Aggravating and mitigating factors shall be considered and may increase or decrease the penalty within the penalty range. Aggravating or mitigating factors may not pertain directly to the circumstances of the misconduct but shall be relevant. Rarely will mitigating circumstances exonerate employees; however, mitigating circumstances may be used to reduce the penalty that might otherwise be imposed. Aggravating circumstances may increase a penalty to dismissal, for misconduct where dismissal is not included in the penalty range. Mitigating circumstances may decrease a penalty to corrective action for misconduct only when penalty level number 1 (Letter of Reprimand) is the expected penalty within the penalty range.

The following mitigating factors shall be considered when determining a penalty:

- The misconduct was unintentional and not willful;
- The misconduct was not premeditated;
- The employee had a secondary and/or minor role in the misconduct;
- Based upon length of service, experience, policy directives, and the inherent nature of the act, the employee may not have reasonably understood the consequences of his/her actions;
- Commendations received by the employee;
- The employee was forthright and truthful during the investigation;
- The employee accepts responsibility for his/her actions;
- The employee is remorseful;
- The employee reported the harm caused and/or independently initiated steps to mitigate the harm caused in a timely manner.

The following aggravating factors shall be considered when determining a penalty:

- The misconduct was intentional and willful;
- The misconduct was premeditated;
- The employee had a primary and/or leadership role in the misconduct;
- Based upon length of service, experience, policy directives, inherent nature of the act, the employee knew or should have known that his/her actions were inappropriate;
- Serious consequences occurred or may have occurred from the misconduct;
- The misconduct was committed with malicious intent or for personal gain;
- The misconduct resulted in serious injury;
- More than one act of misconduct forms the basis for the disciplinary action being taken;
- The employee was evasive, dishonest, or intentionally misleading during the investigation;
- The employee does not accept responsibility for his/her actions;
- The employee did not report the harm caused and/or attempted to conceal the harm through action or inaction;
- The employee has sustained other related adverse action(s).

33030.19 Employee Disciplinary Matrix

The following list of charges and causes for disciplinary action is representative only and is not all inclusive.

The base penalty is bolded and underlined.

A. ATTENDANCE	**PENALTY**
1) Excessive tardiness. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty)	**1** 2 3
2) Unauthorized absence. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 j, Inexcusable Absence without Leave)	**1** 2 3
3) Abuse of sick leave. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 f, Dishonesty)	**1** 2 3

B. CODE OF SILENCE or RETALIATION	**PENALTY**
1) Intentional failure to report misconduct by another employee. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 o, Willful disobedience) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 **5** 6 7 8 9
2) Intimidation, threats, or coercion that could interfere with an employee's right to report misconduct or an act of retaliation for reporting misconduct. (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior) (Gov. Code § 19572 x, Retaliation)	4 5 **6** 7 8 9
3) Making false or intentionally misleading statements during a criminal or administrative investigation or inquiry by any agency. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 o, Willful disobedience) (Gov. Code § 19572 t, Other Failure of Good Behavior)	7 8 **9**
4) Any independent act(s) which prevents or interferes with the reporting of misconduct. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 o, Willful disobedience) (Gov. Code § 19572 t, Other Failure of Good Behavior)	7 8 **9**
5) Any involvement in a coordinated effort with other employees to prohibit the reporting of misconduct. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 o, Willful disobedience) (Gov. Code § 19572 t, Other Failure of Good Behavior)	7 8 **9**

C. CONTROLLED SUBSTANCES	**PENALTY**
1) Use or possession of controlled substances on or off duty, unless medically prescribed. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 i, Addiction to the Use of a Controlled Substance) (Gov. Code § 19572 r, Violation of Gov. Code § 19990) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 5 6 7 8 **9**
2) Sale of illegal drugs or narcotics. (Gov. Code § 19572 i, Addiction to the Use of a Controlled Substance) (Gov. Code § 19572 r, Violation of Gov. Code § 19990) (Gov. Code § 19572 t, Other Failure of Good Behavior)	**9**

D. CONDUCT or INEFFICIENCY	**PENALTY**
1) Discourtesy toward inmates, other employees, or the public. (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior)	**1** 2 3
2) Endangering self, fellow employees, inmates, or the public by violation of Departmental training, laws, or ordinances. (Gov. Code § 19572 b, Incompetency) (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	1 **2** 3
3) Leaving assigned post without supervisor approval. (Gov. Code § 19572 b, Incompetency) (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 t, Other Failure of Good Behavior) (Gov. Code § 19572 u, Negligence)	1 **2** 3
4) Distraction from duty. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 o, Willful disobedience) (Gov. Code § 19572 t, Other Failure of Good Behavior)	**1** 2 3
5) Participating in illegal gambling on duty. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	1 **2** 3
6) Unauthorized use of position in the Department, uniform, or equipment on behalf of a political candidate or issue. (Gov. Code § 19572 n, Improper Political Activity) (Gov. Code § 19572 r, Violation of Gov. Code § 19990) (Gov. Code § 19572 t, Other Failure of Good Behavior)	1 **2** 3
7) Inappropriate involvement in a law enforcement matter. (Gov. Code § 19572 t, Other Failure of Good Behavior)	1 **2** 3
8) Improper access to confidential information. (Gov. Code § 19572 r, Violation of Gov. Code § 19990) (Gov. Code § 19572 t, Other Failure of Good Behavior)	1 **2** 3 4
9) Improper transmittal of confidential information with malicious intent or for personal gain. (Gov. Code § 19572 p, Misuse of State Property) (Gov. Code § 19572 r, Violation of Gov. Code § 19990) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 5 6 **7** 8 9
10) Disruptive, offensive, or vulgar conduct which causes embarrassment to the Department. (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior)	2 **3** 4
11) Asleep while on duty. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 t, Other Failure of Good Behavior) (Gov. Code § 19572 u, Negligence)	2 **3** 4
12) Use or abuse of over-the-counter or prescription drugs while on duty which impairs an employee's ability to discharge his/her duties. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	**3** 4 5 6
13) Intimidation, threats, or assault (without the intent to inflict serious injury) toward a member of the Department. (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior) (Gov. Code § 19572 w, Discrimination) (Gov. Code § 19572 x, Retaliation)	3 **4** 5 6
14) Battery against a member of the Department with the intent to inflict injury. (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior) (Gov. Code § 19572 w, Discrimination) (Gov. Code § 19572 x, Retaliation)	7 8 **9**

15) Making insults to anyone pertaining to race, color, national origin, ancestry, sex (i.e., gender), religion, marital status, age, disability, medical condition, pregnancy, sexual orientation, veteran status, or political affiliation. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior) (Gov. Code § 19572 w, Discrimination)	3 **4** 5 6
16) Harassing anyone based upon race, color, national origin, ancestry, sex (i.e., gender), religion, marital status, age, disability, medical condition, pregnancy, sexual orientation, veteran status, or political affiliation. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior) (Gov. Code § 19572 w, Discrimination)	4 5 **6** 7 8 9
17) Sexual misconduct involving staff, up to and including harassment. (Gov. Code § 19572 k, Conviction of a Felony or a Misdemeanor Involving Moral Turpitude) (Gov. Code § 19572 l, Immorality) (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 5 **6** 7 8 9
18) Over-familiarity with an inmate(s)/parolee(s). (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 l, Immorality) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 **5** 6 7 8 9
19) Sexual misconduct with an inmate(s)/parolee(s). (Gov. Code § 19572 k, Conviction of a Felony or a Misdemeanor Involving Moral Turpitude) (Gov. Code § 19572 l, Immorality) (Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees) (Gov. Code § 19572 t, Other Failure of Good Behavior)	**9**
20) Solicitation of prostitution. (Gov. Code § 19572 l, Immorality) (Gov. Code § 19572 t, Other Failure of Good Behavior)	6 **7** 8 9
21) Drunkenness on duty. (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 g, Drunkenness on Duty) (Gov. Code § 19572 h, Intemperance) (Gov. Code § 19572 t, Other Failure of Good Behavior) CCR, title 15, §3410	4 5 **6** 7 8 9
22) Use of identification or position in the Department to solicit a gratuity or privilege. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 r, Violation of Gov. Code § 19990) (Gov. Code § 19572 t, Other Failure of Good Behavior)	3 4 **5** 6 7
23) Operating the employee's personal vehicle, state vehicle, or state equipment for state business while under the influence of alcohol or illegal prescription drugs. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 g, Drunkenness on Duty) (Gov. Code § 19572 p, Misuse of State Property) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 5 6 7 8 **9**
24) Bringing contraband into a security area for personal use. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	3 **4** 5 6
25) Bringing contraband into a security area for an inmate and/or for personal gain. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	7 8 **9**
D. CONDUCT OR INEFFICIENCY (CONTINUED)	**PENALTY**
26) Failure to observe and perform within the scope of training. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 t, Other Failure of Good Behavior)	1 2 **3** 4 5 6

27) Intentional failure to intervene or attempt to stop misconduct by another employee. (Gov. Code § 19572 c, Inefficiency) (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 o, Willful disobedience) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 **5** 6 7 8 9
28) Felony criminal conviction. (Gov. Code § 19572 k, Conviction of a Felony or a Misdemeanor Involving Moral Turpitude) (Gov. Code § 19572 t, Other Failure of Good Behavior)	**9**
E. INTEGRITY	**PENALTY**
1) Petty theft. (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 k, Conviction of a Felony or a Misdemeanor Involving Moral Turpitude) (Gov. Code § 19572 p, Misuse of State Property) (Gov. Code § 19572 t, Other Failure of Good Behavior)	3 - 6 Penalty shall be relative to value and circumstances.
2) Grand theft. (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 k, Conviction of a Felony or a Misdemeanor Involving Moral Turpitude) (Gov. Code § 19572 p, Misuse of State Property) (Gov. Code § 19572 t, Other Failure of Good Behavior)	7 - 9 Penalty shall be relative to value and circumstances.
3) Making false or intentionally misleading statements to a supervisor. (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 5 **6** 7 8 9
4) Making false or intentionally misleading statements to a public safety officer on or off duty. (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	4 5 6 7 8 **9**
5) Any form of cheating on a civil service examination, including but not limited to unauthorized possession, use, or distribution of examination material or participating in an examination for another person. (Gov. Code § 19572 a, Fraud in Securing Appointment) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 l, Immorality) (Gov. Code § 19572 t, Other Failure of Good Behavior)	6 7 8 **9**
6) Falsification of time records or financial record for fraudulent purposes. (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	6 7 8 **9**
7) Falsification or making intentionally misleading statements in official reports or records. (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	6 7 8 **9**
8) Falsification of application or omission of information for employment or promotion when it materially affects acceptance or rejection for employment or promotion. (Gov. Code § 19572 a, Fraud in Securing Appointment) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	6 7 8 **9**
9) Falsification, alteration, or planting of evidence. (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	6 7 8 **9**
10) False testimony under oath. (Gov. Code § 19572 d, Inexcusable Neglect of Duty) (Gov. Code § 19572 f, Dishonesty) (Gov. Code § 19572 t, Other Failure of Good Behavior)	**9**
F. FAILURE TO COMPLY	**PENALTY**
1) Failure to report employment outside the Department. (Gov. Code § 19572 r, Violation of Gov. Code § 19990)	**1** 2 3
2) Failure to attend required training. (Gov. Code § 19572 e, Insubordination) (Gov. Code § 19572 o, Willful disobedience)	**1** 2 3
3) Accepting employment outside the Department which imposes a conflict of interest or having financial interest in any contract made by an employee in their official capacity or by any body or board of which the employee is a member.	3 **4** 5 6

(Gov. Code § 1090)
(Gov. Code § 19572 r, Violation of Gov. Code § 19990)

4) Failure to follow lawful instructions or refusal to act as lawfully directed by a supervisor or higher ranking official. 3 **4** 5 6
(Gov. Code § 19572 b, Incompetency)
(Gov. Code § 19572 c, Inefficiency)
(Gov. Code § 19572 e, Insubordination)
(Gov. Code § 19572 o, Willful disobedience)

5) Refusal to submit to or take any oath or affirmation required by law or ordinances. **9**
(Gov. Code § 19572 s, Refusal to Take an Oath)

6) Refusal to take a medical examination or to submit to chemical testing, as required by civil service rules, ordinances, or lawful order. **9**
(Gov. Code § 19572 e, Insubordination)
(Gov. Code § 19572 o, Willful disobedience)

G. MISUSE OF STATE EQUIPMENT or PROPERTY **PENALTY**

1) Unauthorized use of state telephones or photocopy equipment for personal use. **1** 2 3
(Gov. Code § 19572 c, Inefficiency)
(Gov. Code § 19572 f, Dishonesty)
(Gov. Code § 19572 p, Misuse of State Property)
(Gov. Code § 19572 r, Violation of Gov. Code § 19990)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

2) Failure to carry required equipment. **1** 2 3
(Gov. Code § 19572 c, Inefficiency)
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

3) Misuse or non-use of issued equipment. **1** 2 3
(Gov. Code § 19572 p, Misuse of State Property)

4) Misappropriation of state equipment, property, supplies, or funds. 1 – 9
(Gov. Code § 19572 c, Inefficiency)
(Gov. Code § 19572 f, Dishonesty)
(Gov. Code § 19572 p, Misuse of State Property)
(Gov. Code § 19572 t, Other Failure of Good Behavior)
Penalty shall be relative to value of misappropriation and circumstances..

H. OFF DUTY INCIDENTS **PENALTY**

1) Failure to report off duty arrest to the Hiring Authority. 1 **2** 3
(Gov. Code § 19572 t, Other Failure of Good Behavior)

2) Drunk or disorderly conduct in public. 1 **2** 3
(Gov. Code § 19572 t, Other Failure of Good Behavior)

3) Off duty drunk driving. 1 **2** 3
(Gov. Code § 19572 t, Other Failure of Good Behavior)

4) Off duty drunk driving with collision. 4 **5** 6
(Gov. Code § 19572 h, Intemperance)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

5) Carrying an unauthorized weapon off duty. 3 4 **5** 6
(Gov. Code § 19572 t, Other Failure of Good Behavior)

6) Domestic violence. 4 5 **6** 7 8 9
(Gov. Code § 19572 k, Conviction of a Felony or a Misdemeanor Involving Moral Turpitude)
(Gov. Code § 19572 l, Immorality)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

7) Intimidation, threats, or assault of a private citizen without intent to inflict serious injury. 3 **4** 5 6
(Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

H. OFF DUTY INCIDENTS (CONTINUED) **PENALTY**

8) Battery of a private citizen with intent to commit injury. 4 5 **6** 7 8 9
(Gov. Code § 19572 m, Discourteous Treatment of Public/Other Employees)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

I. TRAFFIC RELATED INCIDENTS WHILE ON DUTY **PENALTY**

1) Dangerous or negligent driving. 1 **2** 3
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 p, Misuse of State Property)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

2) Dangerous or negligent driving with collision. 3 4 **5** 6

(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 p, Misuse of State Property)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

3) Dangerous or negligent driving with collision and injuries. 4 5 6 **7** 8
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 p, Misuse of State Property)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

J. USE of FORCE **PENALTY**

1) Unreasonable use of force. **1** 2 3
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

2) Significant unreasonable use of force likely to cause injury. 4 **5** 6
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

3) Significant unreasonable use of force likely to cause serious injury. 6 7 8 **9**
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

4) Employee's failure to report his/her own use of force. 2 3 **4** 5 6
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 f, Dishonesty)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

5) Employee's failure to report his/her own unreasonable use of force. 4 5 6 7 8 **9**
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 f, Dishonesty)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

6) Employee's failure to report use of force witnessed. 2 3 **4** 5 6
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 f, Dishonesty)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

7) Employee's failure to report unreasonable use of force witnessed. 4 5 6 7 8 **9**
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 f, Dishonesty)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

K. WEAPONS – LETHAL & LESS-LETHAL WHILE ON DUTY **PENALTY**

1) Misuse or non-use of available weapon(s). 1 **2** 3
(Gov. Code § 19572 b, Incompetency)
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 v, Inappropriate Target Practice)

2) Careless handling of duty weapon(s) resulting in discharge of weapon(s). 1 **2** 3
(Gov. Code § 19572 c, Inefficiency)
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 p, Misuse of State Property)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

3) Inappropriate display of weapon(s). 4 **5** 6
(Gov. Code § 19572 t, Other Failure of Good Behavior)

4) Gross negligence in handling of duty weapon(s). 4 5 6 **7** 8 9
(Gov. Code § 19572 c, Inefficiency)
(Gov. Code § 19572 d, Inexcusable Neglect of Duty)
(Gov. Code § 19572 p, Misuse of State Property)
(Gov. Code § 19572 t, Other Failure of Good Behavior)

33030.20 Imposition of Penalty and Consultation

After determining the investigative findings, or in cases where direct adverse action is taken without an investigation, the Hiring Authority shall consult with the Vertical Advocate, for all designated cases, and the SAIG, for all cases monitored by the BIR when determining a penalty. The following shall be considered:

- The seriousness of the misconduct;
- Harm or potential harm to the public service;
- The circumstances surrounding the misconduct;
- The likelihood of recurrence;
- Whether or not progressive discipline has been taken in the past;
- Other mitigating or aggravating circumstances.

The Hiring Authority shall justify and document each penalty on the CDCR Form 403. The completed CDCR Form 403 shall be signed by the Hiring Authority at least fourteen (14) calendar days before service of the Notice of Adverse Action and shall be forwarded to the ERO/Disciplinary Officer. The ERO/Disciplinary Officer shall retain the original CDCR Form 403 in the Adverse Action file and shall forward a copy to the Vertical Advocate for designated cases and to the SAIG for cases monitored by the BIR. For designated cases, the Vertical Advocate shall provide to the Hiring Authority, SAIG, and AGC a written confirmation (i.e. memorandum or e-mail) of penalty discussions with the SAIG. The Vertical Advocate shall also document all communications related to penalty imposition in the legal database.

For all cases for which the penalty is dismissal, the ERO/Disciplinary Officer or Vertical Advocate shall provide to the AGC and the Hiring Authority shall provide

to his/her immediate supervisor the following: written notification (i.e. memorandum or e-mail) regarding the proposed penalty; a copy of the CDCR Form 403; and any other requested documentation. The Hiring Authority shall delay service of the Final Notice of Adverse Action for three (3) business days following transmittal of the written notification, so there is time for Executive Review to be requested. At this time, the AGC, or designee, shall make a determination whether the non-designated dismissal case will be assigned to a Vertical Advocate for prosecution before the SPB. This determination shall be based upon factors including the complexity of the case and whether the actual behavior prior to the investigation warrants a dismissal. The AGC shall notify the Vertical Advocate and the Hiring Authority of the case assignment and the reasons for the determination.

33030.21 Setting the Effective Date of the Action

After consulting with the employee's personnel/payroll office, the Hiring Authority shall determine the effective date(s) of the adverse action after allowance for the *Skelly* period [minimum of five (5) working days or twenty (20) calendar days for managers]. For cases the BIR is monitoring, the effective date shall be at least twenty-one (21) calendar days following the date of service of the Notice of Adverse Action. Consideration shall be given to the following:

- Suspensions shall be computed on a 24-hour work day basis, excluding legal holidays and regular days off. Holidays are not considered working days for suspension. There is no pay for a holiday occurring during a period of suspension. Holidays occurring during a period of suspension in effect increase the penalty by one day and such scheduling shall be avoided whenever possible. (Example: Four working days suspension for the period of July 1,___, 0800 hours, through July 6, ___, 0759 hours; employee loses five (5) days pay).
- Time absent on suspension may delay the employee's next merit salary adjustment and may affect the earnings of vacation and sick leave credits (refer to DOM or a personnel specialist).
- In computing reductions in salary, the effective date of reduction shall coincide with the beginning of a pay period and amounts shall coincide with the existing salary range.
- Effective dates for all actions involving pay issues shall be coordinated with the employee's personnel/payroll office to avoid overpayment situations.
- The effective date of the adverse action may only be modified if the Hiring Authority serves to the affected employee a written amendment to the Notice of Adverse Action.

33030.22 Adverse Action Documentation

Adverse action documentation shall be completed, in all cases, prior to the statute of limitations expiration date. The Vertical Advocate shall monitor due dates and provide legal advice to the Hiring Authority and the ERO/Disciplinary Officer for all cases. The Vertical Advocate shall draft the Notice of Adverse Action for all designated cases and shall forward a draft Notice of Adverse Action to the SAIG for cases monitored by the BIR. For all other cases, the Vertical Advocate shall consult with the ERO/Disciplinary Officer upon request regarding other Notices of Adverse Action drafted by the ERO/Disciplinary Officer.

When drafting a Notice of Adverse Action the ERO/Disciplinary Officer, in consultation with the Vertical Advocate, shall ensure the following:

1. Each cause(s) for discipline supported by the facts is included.
2. At least one Government Code section is cited as a cause for each act of misconduct.
3. All the facts in support of the causes for discipline are included.
4. All facts fall within the statute of limitations.
5. All facts are alleged with sufficient specificity to meet the requirements of SPB Precedential Decision No. 91-04, In re: Korman.
6. When required under the Bodiford Settlement, the employee was served with a Preliminary Notice of Adverse Action and all supporting documentation, at least 24- hours prior to service of the Notice of Adverse Action.
7. If the subject employee is a peace officer, he or she is being served with the Notice of Adverse Action within thirty (30) calendar days of the decision to take disciplinary action.
8. The employee's rights and entitlements are included, as follows:
   a. *Skelly* Rights:
      i. Notice of the proposed action.
      ii. Notice of the reasons for the proposed action in writing at least five (5) working days before the adverse action becomes effective [twenty (20) calendar days for managers].
      iii. A copy of the charges on which the action is based in sufficient detail for the employee to prepare a defense.
      iv. A copy of all materials upon which the action is based, including any documents, photographs, tape recordings, video tapes, complete investigative reports (e.g., reports and other materials that the Hiring Authority relied upon in forming the decision to take the action).
      v. The right to respond to a manager who was not involved in the investigation of the action currently being taken against the employee.
      vi. The right to be represented when responding to the Hiring Authority imposing the discipline.
   b. Right to appeal to the SPB.
9. The notice includes other appropriate considerations, such as:
   a. Training received;
   b. Prior counseling received;
   c. Prior discipline;
   d. A statement that peace officers are held to a higher standard with regard to honesty and integrity and that his or her actions have not met this standard.

33030.23 Adverse Action Documentation - Summary of Adverse Action

The Summary of Adverse Action shall be completed for non-designated cases by the ERO/Disciplinary Officer as follows:

1. Work History: A biographical summary of the employee's employment history:
   a. Location and dates of assignment.
   b. Prior adverse actions with causes and dates listed.
   c. Special commendations (restricted to departmental commendations or commendations from other agencies). Do not include routine letters of thanks or routine training certificates of accomplishment.
   d. Incident reports-commendable and censurable. (Include any current Letters of Instruction.)
2. Chronological Summary of the Investigation: Write the summary as briefly and concisely as possible. Supporting reports, documents, and complete statements should be included as exhibits and referenced in the chronological summary.
   a. The summary shall be in chronological sequence based on the steps taken by the investigator beginning with receipt of the information that precipitated the investigation.
   b. Briefly describe each act of misconduct that supports the allegation.
   c. Obtain dates, times, and the names of supervisors conducting corrective interviews. Copies or corrective memorandums, incident reports, etc., shall be included as exhibits.
3. Summary of Witnesses Statements: Prepare a list of witnesses as follows:
   a. Include the witness' full name and, if the witness is a State employee, his/her civil service classification title.
   b. Below each name, identify the facts of the case for which the witness shall testify.
   c. Briefly summarize witness' statements in the sequence they were developed. The summary should contain all pertinent points contained in the statement.
4. Attachments: All documents gathered during the investigation including signed statements, transcripts, vouchers, receipts, performance reports, incident reports, photographs, and CDC Form 602 (Inmate/Parolee Appeal Form).

33030.23.1 Documentation Format

Clerical support staff, under the supervision of the ERO/Disciplinary Officer, shall compile adverse action documentation as follows:

1. Type the Preliminary Notice of Action on the departmental form memorandum.
2. Type Notice of Adverse Action on Department letterhead as follows:
   a. The type of notice shall appear in capital letters and shall be centered four spaces below the letterhead.

b. The employee's name, civil service classification, worksite name and location (including institution or parole region, if applicable) are typed in block style at the left-hand margin, four spaces below the title. A Confidential Department Employee Information Sheet shall be attached and contain current home address and social security number.

c. Divide the body of the formal notice into sections indicated by Roman numerals as identified below:

I. Statement of the Nature of the Adverse Action.

II. Effective Date of This Adverse Action.

III. Statement of Causes.

IV. Statement of Facts.

V. Notice and Progressive Discipline.

VI. Statement as to Right to Answer and Appeal.

VII. Statement as to Right to Respond to Your Appointing Power.

3. Include notations explaining the meaning of abbreviations used in supporting documentation and, in the signature block of the notice, the typed name, work location, business address and telephone number of the Hiring Authority.

33030.23.2 Declaration of Service

The ERO/Disciplinary Officer, or his/her assistant, shall be responsible for completion of Declaration of Service for the following documents provided to an employee either by mail or in person:

- Preliminary Notice of Adverse Action;
- Notice of Adverse Action;
- Notice of Automatic Resignation (AWOL separation);
- Response to resignation;
- Stipulation for resignation in lieu of adverse action;
- "Notice of Leave of Absence Pending Investigation (ATO)";
- Notice of Rejection During Probationary Period.

Notices of Adverse Action and Preliminary Notices of Adverse Action shall be sent via United States Postal Service (USPS) as registered mail with return receipt requested. Clerical support staff shall coordinate the adverse action documentation as follows:

1. Address an envelope to the employee's current home address and type in capital letters in the lower left corner of the envelope the words, "Return Receipt Requested."
2. Attach to each notice a bar-coded red Label 200 (available for registered mail from an USPS office). The label shall be placed above the delivery address and to the right of the return address (or to the left of the delivery address on parcels).
3. Type the information required on the PS Form 3811, Domestic Return Receipt, and affix the PS Form 3811 to the back of the sealed envelope/parcel. The name and address of the Hiring Authority is typed on the front in the space under "Return to."
4. When returned, the PS Form 3811 shall be filed with the copy of the Notice of Adverse Action or Preliminary Notice of Adverse Action.

33030.24 *Skelly* Hearing Process

All department employees shall be offered a *Skelly* Hearing prior to imposition of any adverse action, including disciplinary transfers, so the affected employee may respond to the charges contained in the Notice of Adverse Action. Employees waive his/her right to a *Skelly* Hearing by not formally requesting a *Skelly* Hearing.

33030.24.1 Notice and Request for *Skelly* Hearing

Notice of the right to a *Skelly* Hearing prior to the effective date of the action shall be provided at least five (5) working days prior to the effective date of the action and twenty (20) calendar days for managers that are being disciplined (pursuant to Government Code section 19590). This period of time is known as the "*Skelly* Period." If any provision of the policy is inconsistent with a bargaining unit Memorandum of Understanding (MOU), the MOU prevails.

33030.24.2 *Skelly* Hearing

The *Skelly* Hearing is attended by the following: *Skelly* Officer; affected employee; employee's representative if the employee requests a representative; the ERO/Disciplinary Officer, or other designee representing the Hiring Authority; the ERO/Disciplinary Officer's assistant or other person designated to take notes; the Vertical Advocate for all designated cases; and the SAIG for cases the BIR is monitoring.

The ERO/Disciplinary Officer shall coordinate all *Skelly* Hearings and shall ensure the comprehensive taking of minutes. The minutes from each *Skelly* Hearing shall remain in the ERO/Disciplinary Officer's file. Tape recordings of the *Skelly* Hearing shall not be permitted.

Affected employees who request a *Skelly* Hearing shall be notified of the identity of the *Skelly* Officer. The *Skelly* Officer shall review the Notice of Adverse Action or other charging document and all supporting materials prior to the *Skelly* Hearing. The *Skelly* Officer shall listen to and review the affected employee's side of the story and shall allow the affected employee the opportunity to present arguments that the adverse action should not be sustained or should be reduced in some way.

If an affected employee chooses to waive the right to a noninvolved manager acting as the *Skelly* Officer and requests that the Hiring Authority that took the action act as the *Skelly* Officer, the employee may do so within the *Skelly* period by signing a CDCR Form 3028, Waiver of Non-Involved *Skelly* Officer.

When reviewing the imposition of discipline, the *Skelly* Officer shall consider whether the action is as follows:

- Timely;
- Based on the proper statutory cause;
- Supported by the facts.

The affected employee shall be allowed representation during the *Skelly* Hearing. The affected employee and/or the employee's representative may present to the *Skelly* Officer either in writing or orally or both. The employee also may submit affidavits. However, the *Skelly* Officer has the right to restrict any oral presentation that is argumentative or repetitive.

The *Skelly* Hearing is not an evidentiary proceeding; therefore, the affected employee does not have the right to confront the Department's witnesses or call witnesses on the employee's behalf. The *Skelly* Officer may ask clarifying questions, as are appropriate. The *Skelly* Officer is not subject to examination by either the affected employee or the employee's representative, and is not required to provide any response to the information submitted by the affected employee or the employee's representative except to acknowledge receipt.

The Vertical Advocate, unless precluded by a scheduling conflict, shall attend the *Skelly* Hearing for all designated cases. During the *Skelly* Hearing, the Vertical Advocate shall observe the proceedings but not give legal advice to the *Skelly* Officer. The ERO/Disciplinary Officer shall be available to provide technical assistance to the *Skelly* Officer, if needed. The SAIG may also attend the *Skelly* Hearing for cases that the BIR is monitoring. The *Skelly* Officer shall remain objective and make an independent recommendation to the Hiring Authority. The Vertical Advocate shall remain available to participate in any settlement discussions as the department's representative. The Vertical Advocate shall consult with the SAIG present at the *Skelly* Hearing, and provide legal advice to the Hiring Authority regarding any new information and legal arguments that emanated from the *Skelly* process.

33030.24.3 *Skelly* Officer's Recommendations

The affected employee shall not be informed of the *Skelly* Officer's recommendation to the Hiring Authority. The affected employee shall be advised at the *Skelly* Hearing that the final recommendation will not be announced at the *Skelly* Hearing but shall be conveyed to the Hiring Authority. The *Skelly* Officer's recommendation shall be conveyed to the Hiring Authority as soon as possible but no more than two (2) business days following the *Skelly* Hearing.

The *Skelly* Officer may make one of the following recommendations to the Hiring Authority:

- The action should proceed without modification;
- The action should be amended, modified, or reduced;
- The action should be withdrawn in its entirety.

After the initial *Skelly* Hearing and before making one of the above recommendations, the *Skelly* Officer may also request one/both of the following from the Hiring Authority:

- A response from the Hiring Authority with regard to any issue raised by the employee;
- That additional investigation be conducted.

If the *Skelly* Officer makes a recommendation other than that the action proceed without modification, the *Skelly* Officer must clearly state in writing each mitigating or aggravating fact or factor that the *Skelly* Officer considered relevant to his/her decision. The *Skelly* Officer's recommendation should be based on the employee's/representative's presentation and response to the charges, and the Hiring Authority's response, if any.

The affected employee will be advised if the Hiring Authority undertakes further investigation at the request of the *Skelly* Officer. If the *Skelly* Officer requests a

response from the Hiring Authority and/or additional investigation, the Hiring Authority shall make every effort to complete any further investigation and to respond to the *Skelly* Officer within five (5) business days. The *Skelly* Hearing will not be considered concluded until the response from the Hiring Authority and/or additional investigation is provided to the *Skelly* Officer. The effective date of the adverse action originally served shall not change unless the Hiring Authority serves a written amendment to the Notice of Adverse Action.

33030.24.4 Settlement Discussions at the *Skelly* Hearing

During the *Skelly* Hearing, the affected employee may discuss his/her willingness to accept some discipline or other action at a level different than that imposed by the Hiring Authority or may communicate his/her willingness to resolve the adverse action directly with the Hiring Authority. The *Skelly* Officer shall not discuss these matters with the affected employee. Instead, the *Skelly* Officer shall excuse him/herself or shall suggest that the affected employee, the employee's representative, and the Department's representative(s) privately discuss the possibility of settlement. These discussions shall not be used as evidence by either side if the matter does not end in settlement.

When a *Skelly* Hearing is suspended pending settlement negotiations, the parties should complete and sign the CDCR Form 3029, Suspension of *Skelly* Hearing. If discussions result in a settlement and the affected employee waives any right to appeal the matter further (including to the SPB and Superior Court), no further *Skelly* Hearing is required and the *Skelly* Officer's obligations are concluded. If the discussions do not result in settlement, the *Skelly* Officer shall return and complete the *Skelly* Hearing.

33030.25 Hiring Authority's Final Decision Regarding Imposition of Penalty

If the Hiring Authority proposes any post-*Skelly* penalty modification for a designated case, the Hiring Authority shall provide to the Vertical Advocate, SAIG, and AGC the following: (1) a written confirmation of penalty discussions (i.e. memorandum or e-mail) with the SAIG, including the Hiring Authority's proposed penalty modification and (2) a copy of the Skelly Officer's written recommendation. The Hiring Authority shall delay service of the *Skelly* Letter for three (3) business days following transmittal of the written notification, so there is time for Executive Review to be requested. The Vertical Advocate shall document all communications related to penalty imposition in the legal database.

For a post-Skelly action to completely withdraw any penalty or to modify any dismissal penalty, the Vertical Advocate shall provide to the AGC and the Hiring Authority shall provide to his/her immediate supervisor the following: written notification (i.e. memorandum or e-mail) regarding the proposed penalty; a copy of the CDCR Form 403; and any other requested documentation.

Unless further investigation is needed or Executive Review is requested, the *Skelly* Letter indicating the final decision of the Hiring Authority regarding disciplinary penalty shall be served to the affected employee within five (5) working days of the Hiring Authority's receipt of the *Skelly* Officer's recommendation.

33030.26 Settlement Agreements

The Hiring Authority or designee has the authority to settle all cases. However, prior to approving a settlement of a designated case the Hiring Authority shall consult with the assigned Vertical Advocate and the SAIG, for cases the BIR is monitoring, regarding both the form and substance of settlement agreements. If a settlement agreement is proposed during a hearing, the terms of the settlement shall be approved by the Hiring Authority, following consultation with the Vertical Advocate for designated cases and the SAIG for cases the BIR is monitoring. The Vertical Advocate also shall consult with and obtain approval from his/her EAPT supervisor to settle any case. If the Vertical Advocate has obtained pre-hearing approval of settlement parameters, and the proposed settlement is within those parameters, the Vertical Advocate does not need to contact a supervisor for settlement authority at the time of the hearing.

The Vertical Advocate shall draft settlement agreements for all designated cases and cases assigned by the AGC and shall assist the Hiring Authority and ERO/Disciplinary Officer with drafting settlement agreements when requested. Settlement agreements may also be prepared by the employee's representative, with the approval and assistance of the Vertical Advocate in designated cases. All settlement agreements signed by CDCR representatives shall include the relevant clauses set forth in section 33030.26.2 below and require signature approval of all parties concerned.

The Vertical Advocate shall have a proactive role during settlement negotiations, shall review each term of a proposed settlement, and shall be available to advise the Hiring Authority on the appropriateness of all settlement agreements. Terms that are contrary to accepted Department policies and procedures shall not be incorporated into any settlement agreement. The Vertical Advocate shall research the existence of any other pending cases that involve the appellant (e.g., workers' compensation claims, civil lawsuits, whistleblower protection actions) and shall recommend global settlement of any or all cases as appropriate. The Vertical Advocate shall document all communications related to settlement agreements/penalty imposition in the legal database.

If the Hiring Authority proposes a settlement agreement for a designated case, or a case the BIR is monitoring, that includes withdrawal of any penalty or modification of any dismissal, the Hiring Authority shall provide to the Vertical Advocate, his/her immediate supervisor, the AGC, and the SAIG the following: written notification (i.e. memorandum or e-mail) regarding the proposed settlement; a copy of the CDCR Form 403; a copy of the proposed settlement; and any other requested documentation. Approval of the settlement agreement by the Hiring Authority shall be delayed for three (3) business days following transmittal of the notification, so that there is time for Executive Review to occur.

33030.26.1 Factors to Consider Prior to Agreeing to Settle

When a Hiring Authority considers whether or not settlement is warranted, the following factors shall be considered:

- The gravity of the conduct that brought about disciplinary action;
- The risk of harm to the public service if such misconduct recurs;
- Whether any court orders or corrective action plans have an impact on the decision to settle the disciplinary action;
- Whether, in accordance with the principle of progressive discipline, the settlement continues to have the effect of preventing future misconduct;
- Whether mitigating factors or other evidence, including evidence of remorse, were already considered at the *Skelly* Hearing, or as part of the underlying investigation;
- The length of the State service of the employee;
- Whether or not the employee has a record of prior discipline;
- Whether conditions can be obtained through settlement (i.e., drug and alcohol testing and counseling, anger management counseling, etc.) that cannot be obtained solely through continued prosecution of the adverse action;
- Flaws and risks in the case (including evidentiary problems, problems with witness availability, questions of law, etc.) not considered or known at the time of the preparation of the adverse action, or which have been exacerbated since the filing of the Notice of Adverse Action;
- The finality that settlement brings to a case.

33030.26.2 Essential Settlement Language

In addition to a recitation of the unique terms for any particular agreement, the settlement agreement documentation shall include the following key clauses:

Standard clauses:

APPELLANT, by his/her signature on this document, agrees to withdraw his/her Appeal to the NOTICE OF ADVERSE ACTION effective [insert date] and to waive any right he/she may have to appeal the NOTICE OF ADVERSE ACTION either before the State Personnel Board or any court of law which might have jurisdiction over the matter. Specifically, APPELLANT waives any rights he/she may have as set forth in sections "[insert number]" and "[insert number]" of the NOTICE OF ADVERSE ACTION; and, Code of Civil Procedure, Part 3, title 1, section 1067 through 1110 b, inclusive.

APPELLANT, by his/her signature on this document, and in exchange for such consideration as is set forth in this STIPULATION AND RELEASE, releases, acquits and forever discharges the State of California, the California Department of Corrections and Rehabilitation, and its agents, representatives, employees, successors and assigns, of and from any and all demands, actions, causes of action, claims of any kind or nature whatsoever, known and unknown, anticipated or unanticipated, past or present, and any claim under state or federal law including, but not limited to, claims under the Fair Employment and Housing Act, Title VII of the 1964 Civil Rights Act, and/or the Age Discrimination in Employment Act, which may exist as of the date hereof in connection with or arising out of the actions taken by the Department regarding this NOTICE OF ADVERSE ACTION.

APPELLANT is familiar with and has read the provisions of California Civil Code section 1542, and expressly waives to the fullest extent of the law any

and all rights he/she may otherwise have under the terms of that Code section which reads as follows:

"A general release does not extend to claims which the creditor does not know of or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

APPELLANT executes this release without reliance upon any statement or representation by the DEPARTMENT, or its representatives except as set forth in this document. APPELLANT is of legal age and is legally competent to execute this release. APPELLANT accepts fully the responsibility therefore, and executes this release after having read the STIPULATION AND RELEASE. After having been advised and having the opportunity to discuss it thoroughly with APPELLANT'S representative, [insert name], APPELLANT understands its provisions and enters into this STIPULATION AND RELEASE voluntarily.

This STIPULATION AND RELEASE is freely and voluntarily entered into, and APPELLANT hereby authorizes and orders his/her representatives of record to withdraw his/her appeal of the NOTICE OF ADVERSE ACTION, effective [insert date], currently pending before the State Personnel Board (Case No. [insert number].), as agreed in paragraph "(insert paragraph number)" of STIPULATION AND RELEASE.

If the Appellant is age forty years or older:

APPELLANT represents that he/she has been notified that he/she has the right to consider this STIPULATION AND RELEASE for at least twenty-one (21) calendar days before its execution. APPELLANT expressly waives this right.

APPELLANT shall have the right to revoke this STIPULATION AND RELEASE for seven (7) calendar days after its execution, and understands that this STIPULATION AND RELEASE does not become effective or enforceable until that revocation period has expired.

If an agreement includes a removal of an action at a specified time in the future:

Even though RESPONDENT agrees to remove the adverse personnel action from APPELLANT'S personnel file in accordance with the terms and conditions set forth in paragraph [insert number] of this agreement, APPELLANT is aware and understands that RESPONDENT can, at its option, use this adverse action for purposes of progressive discipline if APPELLANT receives an adverse action in the future.

If the Appellant has agreed to resign:

On [insert date], APPELLANT agrees that he/she will be deemed to have resigned. This resignation is irrevocable and is not contingent on the action of any other State agency, or in the future. Appellant further agrees, as part of the consideration and inducement for execution of the STIPULATION AND RELEASE, to never apply for or accept employment with the California Department of Corrections and Rehabilitation (CDCR), or any entity providing services to inmates or wards within the CDCR. If the Department inadvertently offers appellant a position, appellant breaches this agreement by accepting a position with the Department. APPELLANT shall be terminated at such time as is convenient to the Department and excluded from all institutions, and APPELLANT hereby waives any right APPELLANT may have to appeal that termination and/or exclusion in any forum.

33030.26.3 Documenting the Settlement Process

When a settlement is read into the record at a hearing, the above required language shall be read into the record accurately and shall include appropriate modifications as specified in the settlement agreement. The Vertical Advocate or ERO/Disciplinary Officer shall indicate on the record the names of the representatives who have agreed to this settlement.

Anytime a settlement agreement is reached, the Vertical Advocate or the ERO/Disciplinary Officer shall complete a CDC Form 3021, SPB Case Settlement Report, and shall forward the CDC Form 3021 to the AGC and to the SAIG for all cases monitored by the BIR. The CDC Form 3021 shall be utilized for audit purposes. The name of the manager providing settlement authority shall be reported under the "Name of Final Decision Maker" heading of the CDC Form 3021.

33030.27 Use of ATO

An employee shall only be placed on ATO as follows:

- He/she has been charged with a felony;
- He/she is suspected of smuggling contraband;
- He/she has shown unacceptable familiarity with inmates or parolees;
- He/she has seriously jeopardized the security of the institution;
- He/she has committed any other serious infraction of the CCR;
- The proposed discipline is dismissal.

Use of ATO should be considered when the employee's continued presence at the work site will adversely affect the security or management of the facility. However, when possible, an alternative assignment should be considered rather than placement on ATO.

33030.27.1 Request for ATO

The Hiring Authority shall request to place an employee on ATO as follows:

- All requests for placing an employee on ATO shall be approved through the Hiring Authority's supervisor, by telephone or in person.
- Initial approval for ATO by the Hiring Authority's supervisor shall be granted for a period not to exceed five (5) working days.
- The requesting unit shall notify the Office of Personnel Services Employee Discipline Unit immediately and the ERO/Disciplinary Officer shall initiate a written request.

In order to place an employee on ATO, the Hiring Authority shall provide a "Notice of Leave of Absence Pending Investigation (ATO)" to the affected employee.

The Hiring Authority shall contact his/her supervisor prior to the employee's fifth (5th) working day on ATO to request to continue an employee on ATO beyond five (5) working days. For requests to continue an employee on ATO beyond ten (10) working days, the Hiring Authority shall contact his/her supervisor prior to the employee's tenth (10th) working day on ATO. If the Hiring Authority's supervisor approved the request to continue an employee on ATO beyond ten (10) working days, the Hiring Authority's supervisor shall notify the appropriate Deputy Director/Director that an employee is to be continued on ATO beyond ten (10) working days.

If it is determined that an employee should be continued on ATO beyond fifteen (15th) working days, the Deputy Director/Director shall notify the appropriate Chief Deputy Secretary prior to the employee's fifteenth (15th) business day on ATO. The Deputy Director/Director shall instruct the Office of Personnel Services Employee Discipline Unit to request approval from the Department of Personnel Administration (DPA), in writing, prior to the fifteenth (15th) working day.

33030.27.2 Calculation of ATO Period

The ATO period shall commence when the Hiring Authority has obtained approval from his/her supervisor, and the employee has been effectively notified of his/her placement on ATO status. If an employee on ATO is to return to work, he/she shall be contacted and ordered to do so. There should be no confusion regarding either the expectation that the employee return to work or the reporting date and time. The Hiring Authority shall confirm the order in writing.

33030.27.3 ATO Notices and Employee Responsibilities

When placed on ATO, an employee shall be given a written notice that contains the following:

- The employee is still an employee of the Department and shall be available during the normal business hours of the Department (i.e., Monday through Friday, 8:00 a.m. 12:00 p.m. and 1:00 p.m. to 5:00 p.m.). The employee's lunch hour shall be from 12:00 p.m. to 1:00 p.m. Any state holidays observed during the work week shall be exempt.
- The employee shall be available by telephone.
- The employee may leave the immediate area to complete necessary errands (i.e., medical appointments or other necessary business that normally can only be completed during the business day). However, the employee must respond to the Department's attempt to contact him/her within a reasonable period of time. The reasonableness of the employee's response shall be determined by the type of errand, distance traveled and any other factors peculiar to the area which might affect the employee's ability to return the telephone call.
- The expectation is that, generally, the response time of the employee shall be less than two (2) hours.
- Emergency situations may affect this timeframe and are subject to Hiring Authority approval.
-

33030.27.4 State Property

When an employee is placed on ATO, the Hiring Authority shall require that the employee surrender all state-issued property including weapons, state identification, badge(s), keys, vests, and any other items related to employment.

33030.27.5 Peace Officer Authorization

If a peace officer is placed on ATO, the Hiring Authority may, based on the circumstances, rescind the peace officer authorization to carry a concealed weapon off duty. The rescission notice shall be in writing and given to the employee.

33030.28 Vertical Advocate's Preparation for the SPB Hearing

Upon notification from the SPB that an appeal has been filed, the ERO/Disciplinary Officer and/or the Vertical Advocate shall notify the Hiring Authority and shall prepare for the SPB Hearing. The Vertical Advocate shall represent the Department at SPB Hearings for all designated cases. In all cases presented by the Vertical Advocate, the ERO/Disciplinary Officer shall provide administrative support to the Vertical Advocate including, but not limited to, service of witness subpoenas.

The Vertical Advocate shall prepare for the SPB Hearing, including the following, as appropriate:

1. Prepare the defense by confirming:
   a. Due process compliance, including notice, documentation, *Skelly* Hearing (if requested) and proper service.
   b. Deadlines, statutes of limitations, and other critical time requirements.
2. Contact the appellant's representative to discuss relevant issues, including defenses, potential for settlement, etc.
3. Make discovery requests.
4. Respond to discovery requests.
5. Draft pre-hearing motions (e.g., motion to dismiss for failure to file a timely appeal).
6. Respond to pre-hearing motions.
7. Identify witnesses, including experts, and assess what testimony they can provide.
8. Request that the witnesses review any transcripts of their interviews to ensure their accuracy.
9. Contact the ERO/Disciplinary Officer for the issuance of subpoenas to witnesses and experts.
10. Interview witnesses, as necessary (i.e., if the Vertical Advocate has not participated in the investigative interview).
11. Select witnesses to testify.
12. Prepare witnesses in person, including the assigned investigator, for testimony at the SPB Hearing.
13. Visit the location of the incident leading to the disciplinary action.
14. Identify exhibits to be introduced at the SPB Hearing and request reproduction of the exhibits by the ERO/Disciplinary Officer.
15. Assess the current strengths and weaknesses of the Department's case, whether and how the weaknesses can be overcome, and develop a strategy for the case.
16. Assess the current strengths and weaknesses of the appellant's case, including what his or her defenses are likely to be and how to counter them. For example, consider the following:
    a. What were the appellant's defenses during the *Skelly* Hearing?
    b. Who did the appellant subpoena?
    c. To what can the appellant's witnesses testify?
    d. Other possible defenses, including:
       i. Statute of limitations violations.
       ii. No nexus between wrongful act and employment with the Department.
       iii. No progressive discipline.
       iv. The appellant is the subject of disparate treatment, retaliation, or discrimination.
       v. The appellant previously has been disciplined for the same incident(s).
17. Prepare a hearing binder, including the following:
    a. Exhibit list and a copy of each exhibit.
    b. Witness list in the order in which they will testify.
    c. List of witness contact numbers.
    d. Opening Statement Outline.
    e. Direct and cross-examination questions and, when appropriate, the anticipated answers.
    f. Closing Argument Outline.
    g. Applicable precedential decisions, statutes, regulations, etc.
18. Research potential legal issues.
19. Draft briefs, when necessary, utilizing and augmenting where appropriate the EAPT brief bank.
20. Communicate with the SAIG, for cases the BIR is monitoring, including whether the SAIG will attend the SPB Hearing.
21. Consult with the assigned SAIG regarding SPB Hearing strategy.

33030.28.1 Role of the Vertical Advocate at the SPB Hearing

At the SPB Hearing, the Vertical Advocate shall prosecute the adverse actions as follows:

1. Present the evidence through witness testimony, stipulating only when the facts are not in dispute and there is no possibility of weakening the case to be presented.
2. Within ethical limits, present evidence in the best light possible for the Department.
3. Challenge testimony presented by the appellant, including challenges to "expert" testimony by assessing the following:
   a. If the witness is an "expert" as defined by statute and case law.
   b. If the "expert's" testimony is incompatible with his or her employment.
   c. Whether the "expert's" testimony should be challenged on the basis that it is irrelevant, calls for speculation, or calls for an opinion on the truth or falsity of certain statements.

If required by the SPB or the circumstances, the Vertical Advocate shall do the following:

1. Prepare a written closing argument;
2. Brief legal issues that arose during the SPB Hearing and require a decision. To ensure consistency in briefing, the Vertical Advocate shall review and update any briefs available in the EAPT brief bank;
3. Present briefing and oral argument to the members of the SPB.

Following the SPB Hearing, the Vertical Advocate shall do the following:

1. Maintain contact with the Hiring Authority until the case is closed;
2. Confer with the SAIG for cases the BIR is monitoring;
3. File a petition for rehearing, as appropriate;
4. When the SPB sustains the action or the merit appeal is denied, prepare the file for archiving as follows:
   a. Organize the file so that information is readily available should the appellant petition for a rehearing or petition for a writ of mandate;
   b. Close the file only after the petition for rehearing has been resolved or the 30-day filing period for the petition for rehearing has expired.
5. Consult with the Hiring Authority's Personnel Office regarding all back pay issues, including the following:
   a. Obtaining calculations of back pay due to the employee.
   b. Challenging overpayments.
   c. Defending the Department's position at SPB back pay hearings.
6. Refer the case to the EAPT Appeals Committee when appropriate under the EAPT Post SPB Hearing Writs and Appeals Policy.

33030.28.2 Review of the SPB Decision

A committee comprised of the AGC, an EAPT Supervisor, and an attorney specializing in writs and appeals shall convene to review all SPB decisions that modified or revoked the adverse action. The assigned Vertical Advocate shall present the case to the EAPT Appeals Committee for discussion, and the BIR shall be invited to all committee meetings. In cases presented to the SPB by contract counsel, a Vertical Advocate shall be assigned to present the case to the EAPT Appeals Committee.

The EAPT Appeals Committee shall do the following:

1. Meet monthly, unless there are no cases to consider. Additional meetings will be scheduled, as needed.
2. Notify the BIR regarding all committee meetings.
3. Determine whether to seek review of the SPB decision.
4. In making its decision to seek review of the SPB decisions, the committee will consider:

a. The recommendation of the Vertical Advocate assigned to the case and the SAIG, for cases the BIR is monitoring.
b. The likelihood of prevailing on appeal.
c. The egregiousness of the SPB's decision on legal or factual issues.
d. Whether the case has a potential collateral estoppel impact on other litigation.
e. Whether other departmental concerns are implicated.
f. The fiscal risks implicated in the pursuit of an appeal.
g. The potential precedential impact of the decision to appeal or not to appeal.
h. Unit workload and the availability of external resources.
i. Such other facts as may be present in the particular case under consideration.

4. Solicit and discuss strategies to shape the decisional law governing the SPB.
5. Identify legal and procedural issues encountered at administrative hearings (i.e., SPB, DPA, Unemployment Insurance Appeals Board, Workers' Compensation Appeals Board, etc.) that are in need of resolution.
6. The committee's decision to seek or not to seek permission to file a writ petition shall be communicated to the Hiring Authority and the CAIG for cases the BIR is monitoring. A decision to seek permission to file a writ petition requires that the communication include advice that the SPB decision being appealed is not final until the appeal has been resolved. Also, in appropriate cases, a stay shall be sought from the appellate court.

The assigned writs and appeals attorney is responsible for preparation of any Governor's Office Action Request (GOAR) and the writ petition. Workload considerations may require the Vertical Advocate to accept this responsibility, under the direction of the writs and appeals attorney.

1. The GOAR shall be prepared, and its circulation for approval commenced, within five (5) business days of the assignment.
2. When the GOAR is approved, the writs and appeals attorney (or assigned Vertical Advocate) shall, within fifteen (15) business days:
   a. Order the SPB Hearing transcript.
   b. Prepare and serve the petition for a writ.
3. As appropriate, at the time of the filing of the writ petition, the writs and appeals attorney (or assigned Vertical Advocate) will file an *ex parte* application for a stay of the SPB decision.
4. The writs and appeals attorney (or assigned Vertical Advocate), in consultation with the BIR attorney for cases the BIR is monitoring, shall prepare a memorandum to the Hiring Authority, as soon as the matter is final (either by acquiescence to the decision, settlement, or completion of any appeal). The memorandum shall include specific guidance of what steps must be taken, if any, to satisfy the final decision or settlement.

33030.29 Testimony by Department Employees

Any employee of the Department who is contacted by any person regarding his/her potential testimony or who is subpoenaed as a witness in any matter shall notify, in writing and within one (1) business day of being contacted, the Litigation Coordinator and the ERO/Disciplinary Officer at his/her worksite. The employee also shall provide a copy of the subpoena to the Litigation Coordinator and the ERO/Disciplinary Officer immediately upon receipt.

The ERO/Disciplinary Officer shall maintain a log of these contacts and shall determine immediately whether there is a pending disciplinary matter for which this subpoena was issued. The ERO/Disciplinary Officer shall notify the employee of the requirements of California Code of Regulations, Title 15, Section 3413. If a disciplinary matter is pending, the ERO/Disciplinary Officer shall immediately send, via facsimile, a copy of the subpoena to the appropriate Vertical Advocate. The Litigation Coordinator shall determine immediately whether there is a civil or criminal action pending and shall notify and forward a copy of the subpoena to the assigned Deputy Attorney General or contract counsel and to the Office of Legal Affairs attorney monitoring the matter.

33030.30 Duress or Undue Influence

No one shall exert undue influence or subject employees to duress in order to obtain a resignation. Care must be taken to avoid making statements that could be the basis for an appeal by the employee to have a resignation set aside on grounds it was obtained by duress, undue influence, or excessive persuasion.

The following elements are characterized as excessive persuasion:

- Discussion of the resignation at an unusual or inappropriate time.
- Consummation of the resignation in an unusual place.
- Insistent demand that the transaction be completed at once.
- Extreme emphasis on unfavorable consequences of a delay.
- The use of multiple persuaders by the Department against the employee standing alone.
- Denial of the time or the opportunity for the employee to consult an advisor.

33030.31 EAPT Reporting

On a quarterly basis and commencing March 1, 2006, the EAPT shall prepare and submit to the appointing power a report that includes the following information:

- Number of adverse actions by type of discipline;
- Number of direct (without an investigation) adverse action by type;
- Number of adverse actions with an investigation by type;
- Number of actions where the discipline was sustained by the *Skelly* Officer;
- Number of actions where the *Skelly* Officer recommended modification of the discipline;
  - Number that the Hiring Authority accepted the recommendation.
  - Number that the Hiring Authority rejected the recommendation.
- Number of settlements reached prior to the SPB decision;
- SPB decisions;
  - Number of cases where SPB upheld the original discipline.
  - Number of cases where SPB modified the original discipline.
  - Number of cases where SPB revoked the discipline.

33030.32 Disciplinary Audits

The effectiveness of the Department's disciplinary process shall be reviewed in an annual audit prepared by the Office of Legal Affairs, in conjunction with the OIA. The audit shall assess the adequacy of the monitoring of the statute of limitations and shall assess training needs by evaluating the following: the effectiveness of each Vertical Advocate; the appropriateness and thoroughness of the investigation, report, penalty, Notice of Adverse Action, and settlement; and the policy issues involved and/or at stake.

33030.33 Revisions

Updated October 25, 2010

The General Counsel, OLA, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

33030.34 References

SPC Rules.

DPA Rules.

ACA.

CCR (15).

Madrid v. Woodford, (USDC. No CV90-03094 TEH) December 2005.