

 State of Connecticut Department of Correction ADMINISTRATIVE DIRECTIVE	Directive Number 2.3	Effective Date 09/26/14	Page 1 of 10
Approved By  Interim Commissioner Scott Semple	Supersedes Employee Selection, Transfer and Promotion, Dated 1/1/2008 Title Employee Selection, Transfer and Promotion		

1. **Policy.** The Department of Correction (DOC) shall ensure fair and consistent employment practices for all prospective and current employees of the Department.
2. **Authority and Reference.**
 - A. Public Law 108-79, Prison Rape Elimination Act of 2003.
 - B. 28 C.F.R., 115 Prison Rape Elimination Act National Standards.
 - C. United States Code, 18 USC 921, 18 USC 922, 29 USC 793 (Rehabilitation Act of 1973), and 42 USC 2000e through 42 USC 2000e-17.
 - D. Public Law 101-336, Americans with Disabilities Act of 1990.
 - E. Public Law 103-3, Family and Medical Leave Act of 1993.
 - F. Connecticut General Statutes, Chapter 67 inclusive and Sections
 - G. 18-81, 46a-60, 46a-70, 46a-72, 46a-80(b) and 46b-38aa through 46b-38oo.
 - H. Regulations of Connecticut State Agencies, Sections 5-216-1 through 5-230-1, 5-239-1 and 5-239-2.
 - I. State of Connecticut, Department of Administrative Services, General Letter 226 (revised December 2006).
 - J. Collective Bargaining Contracts:
 1. New England Health Care Employees Union, District 1199 (P-1) Bargaining Unit, July 2009, Articles 8 and 15.
 2. American Federation of State, County and Municipal Employees (P-2) Bargaining Unit, July 2009, Articles 11 and 14.
 3. Connecticut State Employees Association (P-3B) Bargaining Unit, July 2011, Articles 13 and 36.
 4. Connecticut State Employees Association (P-4) Bargaining Unit, July 2009, Articles 11 and 32.
 5. Administrative and Residual Employees Union (P-5) Bargaining Unit, July 2008, Articles 9 and 30.
 6. Connecticut Employees Union Independent (NP-2) Bargaining Unit, July 2009, Articles 11, 14 and 15.
 7. American Federation of State, County and Municipal Employees (NP-3) Bargaining Unit, July 2009, Articles 12, 23 and 34.
 8. American Federation of State, County and Municipal Employees (NP-4) Bargaining Unit, July 2011, Articles 9 and 10.
 9. New England Health Care Employees Union, District 1199 (NP-6) Bargaining Unit, July 2009, Articles 8 and 15.
 10. Connecticut State Employees Association (NP-8) Bargaining Unit. June 2012, Articles 14 and 20.
 - K. American Correctional Association, Standards for the Administration of Correctional Agencies, Second Edition, April 1993, Standards 2-CO-1C-01, 2-CO-1C-09, 2-CO-1C-09-1 and 2-CO-1C-13.

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- L. American Correctional Association, Standards for Adult Correctional Institutions Fourth Edition, January 2003, Standards 4-4007 through 3-4009, 4-4048, 4-4053 through 4-4062.
 - M. American Correctional Association, Performance-Based Standards for Adult Local Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-7B-01 through 4-ALDF-7B-04 and 4-ALDF-7E-01.
 - N. American Correctional Association, Standards for Adult Probation and Parole Field Services, Third Edition, August 1998, Standards 3-3011 through 3-3015, 3-3047, 3-3051 through 3-3059 and 2-3039.
 - O. American Correctional Association, Standards for Correctional Training Academies, First Edition, May 1993, Standards 1-CTA-1A-04 through 1-CTA-1A-06, 1CTA-1A-08, 1-CTA-1C-01, 1-CTA-1C-03, 1-CTA-1C-03-1, 1-CTA-1C-04 through 1-CTA-1C-06, and 1-CTA-1C-14.
 - P. Administrative Directives 2.1, Equal Employment Opportunity and Affirmative Action; 2.5, Performance Appraisals and 6.12 Inmate Sexual Abuse/Sexual Harassment Prevention and Intervention.
3. Definitions. For the purposes stated herein, the following definitions apply:
- A. PREA. Prison Rape Elimination Act.
 - B. Provisional Appointment. A temporary placement of an individual to a permanent position pending state examination or examination results in order to facilitate the carrying on of public business or avoid inconvenience to the public for a period not to exceed six (6) months in any fiscal year.
 - C. Transfer. The voluntary or involuntary movement of an employee from one position to another having the same class or grade, within the agency.
4. Non-Discrimination. The Department shall ensure that no employee or prospective employee is discriminated against in accordance with Administrative Directive 2.1, Equal Employment Opportunity and Affirmative Action.
5. Employee Responsibility. All employees shall be expected to perform the job requirements related to their position, shift and overtime assignments. Temporary physical conditions which limit an employee's ability to perform the essential functions of the job may be accommodated only when such accommodation is consistent with the applicable collective bargaining agreement, the requirements of the Rehabilitation Act of 1973 (29 USC 793), Americans With Disabilities Act of 1990 and the Department's recuperative post program. Any accommodation of this nature shall be expressly limited to those individual cases in which the attending or assigned physician enumerates specific tasks which could cause injury to the employee or a fetus. All such conditions requiring accommodation shall be brought to the attention of the employee's chain-of-command and reviewed by the appropriate human resources representative in consultation with Affirmative Action, Legal Affairs and/or the Department's Workers' Compensation Coordinator.
6. Recruitment and Selection. Recruitment and selection activities for new hires and promotion shall be initiated as early as possible to minimize service gaps and/or the need for non-permanent appointments.

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- A. Recruitment activities shall not begin until the Unit Administrator or higher authority has authorized the refill of a position and the Human Resources Unit has developed a recruitment strategy that is congruent with the Department's Affirmative Action Plan. The refilling of a position shall require the approval of the Commissioner or designee.
- B. A Human Resources representative shall initiate and coordinate all recruitment activities in conjunction with the Affirmative Action Unit. All applications shall be processed by the Human Resources Unit prior to hiring consideration by the approving Unit Administrator or higher authority. Information on recruitment activities shall be logged on the applicant flow sheet for forwarding to the Affirmative Action Unit for review.
- C. Each applicant for new hire shall complete and submit a Connecticut Department of Correction Application for Employment Form.
- D. Each application shall be reviewed by the appropriate Human Resources representative to ensure that the applicant meets the minimum requirements of the position.
- E. At a minimum, when an applicant is an ex-inmate and/or has any criminal history, the selection process shall include the following guidelines:
 - 1. an applicant with an undeclared criminal history shall not be considered;
 - 2. an applicant with a single misdemeanor conviction shall not be considered for two (2) years from the date of the last disposition of the misdemeanor, or complete satisfaction of sanction whichever is later;
 - 3. an applicant with a misdemeanor incarceration shall not be considered for three (3) years from the date of the last disposition or complete satisfaction of sanction whichever is later;
 - 4. an applicant with multiple misdemeanor convictions shall not be considered for five (5) years from the date of the last disposition of the misdemeanor, or complete satisfaction of sanctions whichever is later;
 - 5. an applicant with multiple misdemeanor incarcerations shall not be considered for seven (7) years from the date of the last disposition or complete satisfaction of sanctions whichever is later;
 - 6. an applicant with a felony conviction shall not be considered for hire. Candidates hired with a felony conviction prior to October 18, 1995 may be considered for promotional positions;
 - 7. an applicant who has any criminal history which would have a negative impact on the effective performance of his/hers official duties shall not be considered;
 - 8. an applicant for a hazardous duty position that may require the handling of a weapon, who is disqualified from possessing firearms under any provision of state or federal law including, but not limited to 18 United States Code Sections 921 and 922, shall not be considered. 18 United States Code Sections 921 and 922 lists conditions for firearms restrictions which include but are not limited to, use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former

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spouse/civil union partner, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse/civil union partner, parent, or guardian, or by a person similarly situated to a spouse/civil union partner, parent, or guardian of the victim.

A person shall not be considered to have been convicted of a felony or misdemeanor offense for purposes of this Directive if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

- F. Interviews shall be based on job related criteria. Simulations and hypothetical situations used in the interview shall directly pertain to the job and must be posed to all applicants being interviewed. Job specifications shall be used to ensure the job relatedness of questions. Interviewers shall conduct each interview in an objective, non-discriminatory manner.
- G. No offer of employment shall be made without prior authorization by the Commissioner or designee, in consultation with a human resources representative.
- H. The recruitment and selection procedure, as noted in Section 6(A through G) of this Directive, shall be followed any time a vacancy is being filled, whether by promotion, transfer, or new hire. Any appointed positions shall be at the discretion of the Commissioner.
- I. An applicant who is known by the Connecticut Department of Correction to have previously engaged in sexual harassment in an institutional setting may be considered for hiring on a case-by-case basis
- I. The Department of Correction shall not hire anyone who may have contact with inmates who is known to the Department of Correction to have:
 - 1. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or
 - 2. Been convicted of engaging in or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - 3. Was civilly or administratively adjudicated to have engaged in the activity described in subsection (2) of this section.

Before hiring new employees who may have contact with inmates, the Department of Correction shall:

- 1. Perform a criminal background check; and
- 2. Consistent with Federal, State and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of resident or detainee sexual abuse/harassment or any resignation pending an investigation of such allegations.
- 3. Ask the applicant in a written application or interview directly

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about whether they have been found to have engaged in sexual abuse/ harassment in a prison, jail, lockup, community confinement facility, juvenile facility, institution housing persons who are mentally ill or disabled or retarded or chronically ill or handicapped, or institution providing skilled nursing or intermediate or long-term care or custodial or residential care. Material omissions regarding such misconduct, or the provision of materially false information regarding such misconduct may be grounds for termination.

7. Job Postings. Job postings for each classified position may be posted and advertised in the following manner:
 - A. Bulletin Boards. Each work location shall maintain a bulletin board designated for posting employment vacancies and examination announcements. All examination announcements for positions in the classified service shall be posted. In the event a collective bargaining agreement contains more detailed posting requirements, those requirements shall be followed as applicable.
 - B. Electronic Listings. Job postings may also be located on:
 1. Department of Administrative Services (DAS) website; and,
 2. DOC website and Intranet.
8. Applications. Each applicant for a competitive Department position must take and successfully complete the state examination for the appropriate classification. Upon request, an applicant shall be provided with the standard Application for Examination or Employment (CT-HR12) which may be obtained from a Human Resources representative or from the DAS or DOC websites.
9. Candidates Packets. The candidate's packet shall contain individual information which is maintained by the assigned Human Resources representative. The packet shall be used to gather information essential to the recruitment and selection process. It shall include, if applicable: the Connecticut Department of Correction Application for Employment Form; (CT-HR12); Examination Score; Interview Assessment Sheet; Writing Sample; Background Investigation, including COLLECT Background Report; Employment Verification form; Release of Information form; Physical Examination including drug screening results; and a copy of high school/GED, college degree/transcripts, and/or appropriate certification and licensure, as required.
10. Appointment and Promotion. Appointment and promotion shall be governed by the Connecticut State Merit System and collective bargaining process. It shall be the responsibility of the applicant or staff member to disclose any past criminal conviction(s) or pending criminal charge(s). Failure to fully and accurately detail such criminal background or previous employment history shall be cause to exclude the applicant from further consideration and shall be cause to dismiss a current employee. Each candidate shall receive a complete background investigation prior to appointment or promotion. If the investigator receives a positive response to any of the inquiries contained in the background investigation, the candidate shall be provided an opportunity to respond to (i.e., deny or confirm) the background information. Based on the responses provided and subject to

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verification, a determination shall be made as to whether the candidate shall be allowed to continue with the selection process. Each such case shall be reviewed by the Human Resources Recruitment Manager in consultation with the Director of Human Resources or designee.

In addition to the above, each candidate for a hazardous duty position must successfully pass a pre-employment physical examination which includes a drug screening. Each candidate for a non-hazardous duty classification must successfully pass a pre-employment drug screening. During the working test period, each employee is subject to random drug testing.

- A. Examination Announcements. When examinations are to be given, DAS shall publish announcements describing the duties and responsibilities of the job, qualifications for eligibility, and closing date for filing applications. Completed applications for examinations shall be forwarded to DAS.
 - B. Examinations. The following exam types are primarily utilized for DOC hire and promotional opportunities.
 - 1. Open-Competitive, which are open to all applicants who meet the minimum qualifications for the classification. The open-competitive examination for correction officers may require candidates to pass a physical fitness component.
 - 2. Statewide Promotional, which are open only to state employees who meet the minimum requirements for the classification and have permanent status in any state agency.
 - 3. Agency Promotional, which are open only to qualified DOC employees who meet the minimum qualifications for the classification and have permanent status in the Department.
 - 4. Continuous Recruitment, which may be open to the public, state employees or agency employees. Multiple administrations of these exams are given and new candidates are added to the existing exam lists.
11. Appointment Notification. Once the Commissioner or designee approves an applicant for hire, a letter shall be sent by Human Resources informing the applicant of the date and location to report. Only a candidate selected for a position shall receive an appointment letter. Unless appointed, candidates remain on an employment list for so long as the certified exam list is in effect.
12. Appointments.
- A. Permanent. Permanent appointments may be made from certification lists, the reclassification process or to noncompetitive positions which do not require formal examination. The working test period, if required, shall begin upon appointment of a candidate from the certification list or appointment date.
 - B. Provisional. When a candidate has been determined to be otherwise qualified for a position and no active employment list is available, the candidate may be given a provisional appointment for up to six (6) months or until the promulgation of a certification list for the classification, whichever occurs first.

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C. Promotion to Vacant Position. A promotion may be made to fill an existing vacancy through the examination and selection process. Whether a position is competitive or noncompetitive, employees shall meet the experience and training requirements enumerated in the appropriate job specification to qualify for a promotion. All promotions shall be based on the employee's history of performance and shall be subject to the following criteria, unless otherwise specified in the appropriate collective bargaining agreement:

1. not more than eight (8) occasions of sick leave within a year;
2. discipline free for the preceding 24 months from the date of the incident;
3. service rating of satisfactory or above on performance appraisals for the prior two (2) years of service or for the candidate's entire employment period, whichever is less;
4. must meet general and specific requirements of the classification; and,
5. a review of the employee's work history indicates a consistent pattern of acceptable performance.
6. Applicants who are known by the Connecticut Department of Correction to have engaged in sexual harassment of an inmate, may be considered for promotion on a case-by-case basis
7. an applicant shall not be considered for promotion if;
 1. is known by the Connecticut Department of Correction to have previously engaged in sexual abuse of an inmate, detainee, or person (s) under the authority of the Commissioner, in an institutional setting.
 2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 3. Has been civilly or administratively adjudicated to have engaged in the activity described in subsection 2 of this section.

If a position is competitive, candidates must take and pass the agency promotional examination for that position. Closing dates for filing applications are rigidly enforced. Employees shall be responsible for keeping up to date on all examination information. Any candidate whose application for examination is rejected may appeal in writing to DAS.

Promotion to a noncompetitive position, including managerial positions, shall not require an examination; but shall be based on the employee's meeting the minimum qualifications of the position and the above criteria. When an employee is promoted to a noncompetitive position or from a certification list to a competitive position, the employee shall receive a salary increase equal to at least one (1) full step in the salary group

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of the higher classification. A managerial employee shall normally receive a five (5%) percent increase at the time of promotion or the minimum salary for the classification, whichever is greater.

- D. Promotion by Reclassification. A promotion through reclassification (within position), may be made when the employee meets the minimum qualifications for the reclassified position as detailed by the job specification and the employee has been working in this capacity for at least six (6) months. All promotions by reclassification must be reviewed and approved by the Commissioner of DAS.

13. Working Test Period. Employees must successfully complete a working test period to attain permanent status. Working test periods shall be served upon initial appointment and promotion. The duration of the initial probationary period or promotional working test period shall be determined by the appropriate collective bargaining agreement or applicable state regulation. During the initial working test period, a new employee shall be considered a probationary employee, and work closely with supervisors and other employees to learn job duties. This working test period shall also be used to provide the supervisor with an opportunity to evaluate the employee's response to training and job requirement needs. Evaluations shall be conducted consistent with Administrative Directive 2.5, Performance Appraisals. If, at the end of the working test period, the employee has demonstrated overall acceptable performance to the supervisor, the employee shall be given a service rating of satisfactory or above and attain permanent status as a state employee. Under certain collective bargaining contracts, and state regulations, the working test period may be extended. Any employee who does not meet acceptable performance requirements during the initial working test period shall be separated from state service.

14. Selection Committee.

- A. Composition. A Selection Committee for vacant positions shall be comprised of the following:
1. A human resources representative;
 2. A person(s), at or above the level of the subject classification, who has extensive knowledge about the duties and responsibilities of the position and who has been given authority to make a hiring/promotional determination;
 3. the direct supervisor or designee and the functional supervisor or designee may both be involved in the interviewing and selection process in the event of a vacant position which crosses functional supervisory lines; and,
 4. Other personnel as may be appropriate for the position.

An affirmative action representative may be present to observe the interview process.

- B. Screening. All responses to job postings shall be pre-screened by a human resources representative knowledgeable in job classification to ensure that each candidate meets the minimum requirements of the position. Candidates for consideration shall

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be referred based on specific position criteria. Pre-screening shall normally be conducted by the Human Resources representative responsible for the recruitment.

- C. Question Preparation and Interview. Prior to conducting job interviews, the Selection Committee shall meet to formulate specific questions based on objective job criteria. Interview questions are confidential and shall not be revealed to anyone outside the selection committee and the Affirmative Action Unit in accordance with Administrative Directive 2.1, Equal Employment Opportunity and Affirmative Action. This shall ensure fairness and consistency in conducting interviews. The Committee shall also be accountable for establishing evaluation criteria (e.g., background experience, interpersonal skills, writing skills, and other appropriate factors for the specific position). Each candidate shall be evaluated immediately following the interview. This portion of the process shall be coordinated by the Human Resources representative.
 - D. Selection Committee Recommendation. Upon completion of the interviews, the Selection Committee shall review the interview notes and make a determination to identify who the most qualified candidates are. If a second interview is necessary, the individual responsible for making the final selection shall determine the number of candidates to receive second interviews. Should second interviews not be necessary, final candidate and alternate candidate(s) (if applicable) selections shall be made.
 - E. Outreach Efforts. A summary of recruitment efforts for each position shall be forwarded to the Affirmative Action Unit.
15. Selection. Upon conclusion of the selection process, the selected candidate(s) information shall be forwarded through the proper chain of command for approval. Prior to the final selection of a candidate, affirmative action goals shall be considered. Once all approvals through the chain of command have been received, the selected candidate(s) shall be offered the position.
- The selected candidate shall be sent a confirmation letter outlining the type of appointment, work location, effective date, reporting time and salary information. Offers of employment made to candidates selected for hazardous duty positions shall be contingent on passing a pre-employment physical and drug screening. Offers of employment made to candidates selected for non-hazardous duty positions shall be contingent on passing a drug screening only. Any other contingent requirements may also be included in the appointment letter. All candidates not being offered a position shall be notified in writing.
16. Transfer Eligibility. Eligibility requirements for transfers vary by bargaining unit. Therefore, an employee must consult the applicable collective bargaining unit agreement or state regulations for specific details.
17. Transfer Request. An eligible employee's name may be placed on the respective transfer list by submitting CN 2301, NP-4 Employee Facility Transfer Request or CN 2302, NP-8 Employee Facility Transfer Request, as appropriate. The employee shall complete, sign and submit the appropriate form to their facility human resources representative. The information shall then be verified and signed off on by the facility human resources representative, who shall forward the request to the Recruitment Unit. Requests shall be accepted on an ongoing basis, but must be received in the Recruitment Unit by the last day of the current

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quarter in order to be added to the following quarter's transfer list. Late requests shall be set aside for three months until the beginning of the next quarter. Once added to the list, an employee's name shall remain on the list for one (1) year.

18. Transfer Lists. The transfer lists for each required title shall be maintained in the Human Resources Unit, and updated in accordance with the appropriate bargaining unit contract.
19. Involuntary Transfers. Involuntary transfers shall be made in accordance with applicable contract or state personnel regulations.
20. Forms and Attachments. The following form is applicable to this Administrative Directive and shall be utilized for the intended function:
 - A. CN 2301, NP-4 Employee Facility Transfer Request; and,
 - B. CN 2302, NP-8 Employee Facility Transfer Request.
21. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.