

SHORT TITLE: Correctional officers salary; designating new classification and grade; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 583

By: Hobson

AS INTRODUCED

An Act relating to correctional officers salary;
amending 57 O.S. 1991, Sections 510, 528 and 562,
which relate to Director's powers and duties,
duties and compensation of employees, and
correctional officer cadets; providing exceptions
to certain compensation to be fixed by Director;
requiring the Office of Personnel Management to
implement career ladder for correctional officers;
designating new classification and grade; stating
criteria for certain classification; designating
date for classification to be effective; and
declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 57 O.S. 1991, Section 510, is
amended to read as follows:

Section 510. The Director shall have the following specific
powers and duties relating to the penal institutions:

1. To appoint, subject to the approval of the State Board of
Corrections, a warden or superintendent for each penal institution,
who shall qualify for the position by character, personality,
ability, training, and successful administrative experience in the
correctional field; and if he is not the incumbent warden or
superintendent of a penal institution, he shall have a college
degree with a major in the behavioral sciences. As used in this

section, "major in the behavioral sciences" means a major in psychology, sociology, criminology, education, corrections, human relations, guidance and counseling, administration, criminal justice administration, or penology. The persons holding the positions of warden of the Oklahoma State Penitentiary, warden of the Oklahoma State Reformatory, deputy warden, deputy associate warden, or superintendent on January 1, 1967, shall continue to hold such positions, respectively, subject to the provisions of the Merit System of Personnel Administration, except the retirement age requirements, and ~~said~~ the positions and persons holding ~~said~~ the positions as of January 1, 1967, are hereby placed under the classified service of the Merit System of Personnel Administration;

2. To fix the duties of the wardens and superintendents and to appoint and fix the duties and compensation of ~~such~~ the other personnel for each institution as may be necessary for the proper operation thereof, except as provided in Section 562 of this title for correctional officers. However, correctional officers and guards hired after May 4, 1974, shall be subject to the following qualifications:

- a. the minimum age for service shall be twenty-one (21) years of age and the maximum age for service shall be seventy (70) years of age. However, the Director shall have the authority to establish the maximum age for correctional officers entering service, ~~and~~
- b. possession of a minimum of thirty (30) semester hours from an accredited college or university, or possession of a high school diploma acquired from an accredited high school or GED equivalent testing program and graduation from a training course conducted by the Department and certified by the Council on Law Enforcement Education and Training during the first six (6) months of employment, ~~and~~

- c. be a resident of this state during employment, ~~and~~
- d. be of good moral character, ~~and~~
- e. before going on duty alone, satisfactory completion of an adequate training program for correctional officers and guards, as prescribed and approved by the Board of Corrections, ~~and~~
- f. satisfactory completion of minimum testing or professional evaluation through the Merit System of Personnel Administration to determine the fitness of the individual to serve in the position ~~written.~~
Written evaluations shall be submitted to the Department of Corrections, and
- g. satisfactory completion of a physical in keeping with the conditions of his job description on an annual basis and along the guidelines as established by the Department of Corrections;

3. To designate as peace officers qualified personnel in any Department of Corrections job classifications. The peace officer authority of employees so designated shall be limited to: maintaining custody of prisoners; preventing attempted escapes; pursuing, recapturing and incarcerating escapees and parole or probation violators and arresting such escapees, parole or probation violators, and serving warrants. Such powers and duties of peace officers may be exercised for the purpose of maintaining custody, security, and control of any prisoner being transported outside this state as authorized by the Uniform Criminal Extradition Act, Section 1141.1 et seq. of Title 22 of the Oklahoma Statutes. To become qualified for designation as peace officers, employees shall meet the training and screening requirements conducted by the Department and certified by the Council on Law Enforcement Education and Training and shall not be subject to Section 3311 of Title 70 of the Oklahoma Statutes;

4. To maintain such industries, factories, plants, shops, farms, and other enterprises and operations, hereinafter referred to as prison industries, at each institution as the State Board of Corrections deems necessary or appropriate to employ the prisoners or teach them skills, or to sustain the institution; and as provided for by policies established by the State Board of Corrections, to allow compensation for the work of the prisoners, and to provide for apportionment of their wages, the amounts thus allowed to be kept in accounts by the Board for the prisoners and given to them upon their discharge from the institution, or upon their order paid to their families or dependents or used for the personal needs of the prisoners. Any industry which employs prisoners shall be deemed a "State Prison Industry" if the prisoners are paid from state funds including the proceeds of goods sold as authorized by Section 123f of Title 74 of the Oklahoma Statutes. Any industry in which wages of prisoners are paid by a nongovernmental person, group, or corporation, except those industries employing prisoners in work-release centers under the authority of the Department of Corrections shall be deemed a "Private Prison Industry";

5. To assign residences at each institution to institutional personnel and their families;

6. To provide for the education, training, vocational education, rehabilitation, and recreation of prisoners;

7. To regulate the operation of canteens for prisoners;

8. To prescribe rules for the conduct, management, and operation of each institution, including rules for the demeanor of prisoners and punishment of recalcitrant prisoners or the treatment of incorrigible prisoners;

9. To transfer prisoners from one institution to another;

10. To transfer to a state hospital for the mentally ill for care and treatment, any prisoner who appears to be mentally ill. Said prisoner shall be returned to the institution when the

superintendent of the hospital certifies that the prisoner has been restored to mental health;

11. To maintain courses of training and instruction for employees at each institution;

12. To maintain a program of research and statistics;

13. To provide for the periodic audit, at least once annually, of all funds and accounts of each institution and the funds of each prisoner;

14. To provide, subject to rules and regulations established by the State Board of Corrections, for the utilization of prison labor for any agency of the state, city, town, or subdivision of this state, upon the duly authorized request for such labor by ~~said~~ the agency. ~~Said~~ The labor shall not be used to reduce employees or replace regular maintenance or operations of the agency. The labor shall be used solely for public or state purposes. ~~Any such prison~~ Prison labor shall not be used for private use or purpose. Insofar as it is practicable, all ~~such~~ prison labor shall be of such a nature and designed to assist and aid in the rehabilitation of inmates performing the labor;

15. To provide clerical services for, and keep and preserve the files and records of, the Pardon and Parole Board; make investigations and inquiries as to prisoners at the institutions who are to be, or who might be, considered for parole or other clemency; assist prisoners who are to be, or who might be, considered for parole or discharge in obtaining suitable employment in the event of parole or discharge; report to the Pardon and Parole Board, for recommendation to the Governor, violations of terms and conditions of paroles; upon request of the Governor, make investigations and inquiries as to persons who are to be, or who might be, considered for reprieves or leaves of absence; report to the Pardon and Parole Board, for recommendation to the Governor, whether a parolee is entitled to a pardon, when the terms and conditions of his parole

have been completed; make presentence investigations for, and make reports thereof to, trial judges in criminal cases before sentences are pronounced; supervise persons undergoing suspended sentences, or who are on probation or parole; and develop and operate, subject to the policies and guidelines of the Board, work-release centers, community treatment facilities or prerelease programs at appropriate sites throughout this state;

16. To conduct continual planning and research and periodically evaluate the effectiveness of the various correctional programs instituted by the Department; manage the designing, building, and maintaining of all the capital improvements of the Department; establish and maintain current and efficient business, bookkeeping, and accounting practices and procedures for the operations of all institutions and facilities, and for the Department's fiscal affairs; conduct initial orientation and continuing in-service training for the Department employees; provide public information services; inspect and examine the condition and management of state penal and correctional institutions; investigate complaints concerning the management of prisons or alleged mistreatment of inmates thereof; and hear and investigate complaints as to misfeasance or nonfeasance of employees of the Department; and

17. When an employee of the Department of Corrections has been charged with a violation of the rules of the Department or with a felony pursuant to the provisions of a state or federal statute, the Director may, in his discretion, suspend the charged employee, in accordance with the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes and/or the Merit System of Personnel Administration Rules, pending the hearing and final determination of the charges. Notice of suspension shall be given by the Director, in accordance with the provisions of the Oklahoma Personnel Act. If after completion of the investigation of the charges, it is determined that such charges are without merit or are

not sustained before the Oklahoma Merit Protection Commission or in a court of law, the employee shall be reinstated and shall be entitled to receive all lost pay and benefits.

This provision shall in no way deprive an employee of their right of appeal according to the Oklahoma Personnel Act, Section 841.13 of Title 74 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 528, is amended to read as follows:

Section 528. The Director of the Department of Corrections shall appoint and fix the duties and compensation of employees necessary to carry out the duties imposed upon the Department of Corrections by law, except as provided in Section 562 of this title for correctional officers. The State Board of Corrections shall appoint the Director of the Department of Corrections with the advice and consent of the Senate. The salary of the Director shall be set by the Legislature in the annual appropriation bill.

SECTION 3. AMENDATORY 57 O.S. 1991, Section 562, is amended to read as follows:

Section 562. A. The Department of Corrections is hereby authorized to employ Correctional Officer Cadets that will meet all the qualifications established for correctional officers and guards in Section 510 of Title 57. The Department of Corrections will pay Correctional Officer Cadets at a rate less than the rate of correctional officers established in Section 528 of Title 57 and at an appropriate pay grade established through the Merit System of Personnel Administration. Correctional Officer Cadets will be trainees during their first six (6) months of employment. During this six-month period, they will be on probation and will be subject to termination at any time if they do not meet minimum training requirements or minimum standards of employment with the Department, or for just cause in accordance with Department disciplinary procedures. After successful completion of the six-month

probationary period, Correctional Officer Cadets will be promoted to Correctional Officer I.

B. The Administrator of the Office of Personnel Management shall implement a career ladder for correctional officers within the Department of Corrections. The Office of Personnel Management shall adopt a new classification beginning September 1, 1995 in the correctional officer class to be called Senior Correctional Officer. This classification shall be designated a grade 39 as defined in Section 840-4.5 of Title 74 of the Oklahoma Statutes. All correctional officers who have completed three (3) years of service as a Correctional Officer I and within the preceding twelve-month period have received a satisfactory performance rating score shall be promoted to the classification of Senior Correctional Officer, provided the correctional officer has not received any disciplinary action within the preceding twelve-month period which resulted in any suspension from the Department or demotion in classification. Upon qualifying for a Senior Correctional Officer there shall be at least a five percent (5%) increase in salary.

C. On September 1, 1995, every Correctional Officer I who meets the requirements of subsection A of this section, shall be promoted and assigned the classification and salary of a Senior Correctional Officer as specified in subsection B of this section. Each Correctional Officer I who meets the requirements of subsection B of this section after September 1, 1995, shall be promoted and assigned the classification and salary of a Senior Correctional Officer on the anniversary date of three (3) years' service as a Correctional Officer I for the Department.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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