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BILL ANALYSIS



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House Bill 6085 (Substitute S-1 as reported)
Sponsor: Representative Gary A. Newell
House Committee: Government Operations
Senate Committee: Local, Urban and State Affairs

Date Completed: 11-1-04

RATIONALE

The Department of Corrections (DOC) is in the process of converting the Huron Valley Center from a psychiatric facility operated by the Department of Community Health (DCH) for mentally ill felons, to a prison operated by the DOC. The DOC is encouraging the Center's forensic security aides to seek positions as correctional officers at the prison. Additionally, the DOC is encouraging forensic security aides from the Center for Forensic Psychiatry, a DCH facility adjacent to the Huron Valley Center, to seek jobs as correctional officers. Some people believe that, because forensic security aides have already received training similar to that of correctional officers and are experienced in working with inmates, those transferring employees should be allowed to fulfill the educational requirements necessary for certification as a correctional officer, after their transfer.

CONTENT

The bill would amend the Correctional Officers Training Act to specify that some forensic security aides employed by the Department of Community Health who were transferred to positions as State correctional officers would have to be automatically certified by the Department of Corrections if they satisfied certain requirements.

Specifically, an individual employed by the DCH as a forensic security aide at either the Huron Valley Center or the Center for Forensic Psychiatry who was transferred to a position as a State correctional officer employed by the DOC, would have to be automatically certified and recertified by the

Department for three years after the date he or she became employed as a correctional officer, if the person met all of the requirements established by law or the DOC for employment as a State correctional officer and did all of the following:

- Within 30 days after the bill's effective date, declared his or her intent to accept the transfer to a position as a State correctional officer.
- Within one year of the date he or she became employed as a State correctional officer, obtained a high school diploma or attained a passing score on the general education development (GED) test indicating a high school graduation level.
- Within one year of the date he or she became employed as a State correctional officer, completed successfully 320 hours of new employee training with a credit of up to 160 hours of previously acquired training, as approved by the Correctional Officers' Training Council.
- Fulfilled other minimum standards and requirements, except for physical fitness requirements, developed by the Council pursuant to Section 13 of the Act (which sets minimum standards for officer training) and approved by the Department for certification and, subsequently, for recertification.

Within three years of the date he or she became employed as a State correctional officer, the transferee also would have to complete one of the following:

- A vocational certificate program, as determined by the Council, earned from an accredited postsecondary educational

- institution; the program would have to require a minimum of 15 semester credit hours or 23 term credit hours.
- Equivalent course work to a vocational certificate program, as determined by the Council, earned from an accredited postsecondary educational institution; the course work would have to require a minimum of 15 semester credit hours or 23 term credit hours. The required credit hours could have been earned at any time.
- A degree granted by an accredited postsecondary educational institution in a major discipline of study that was relevant to the position of State correctional officer, as determined by the Council. The required degree could have been earned at any time.

Under the Act, a person generally may not be certified as a State correctional officer unless he or she already has obtained a high school diploma or passed the GED test; successfully completed a vocational certificate program or equivalent course work, with a minimum number of credit hours, or a postsecondary degree in a related discipline; and satisfied internship and new employee training requirements. The bill would create an exception to these criteria, as described above.

MCL 791.512

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The DCH's Huron Valley Center is being transferred to the DOC, which will operate the facility as the Huron Valley Complex. The correctional facility will house both male prisoners currently at the Center and female inmates from the former Western Wayne Correctional Facility, and will offer expanded mental health care options to prisoners. To help facilitate the changeover, DCH employees working as forensic security aides at the Huron Valley Center and the Center for Forensic Psychiatry have been offered positions as correctional officers in the DOC facility. Apparently, the DOC is concerned that, if the forensic security aides are required to undergo all of the training required of correctional officers, they will not

accept the transfers because much of the training duplicates what they already have had. Most of the approximately 250 forensic security aides at the Huron Valley Center are experienced in working in correctional institutions, with the employees' averaging seven to 10 years of experience. Under current law, however, the DOC may not certify the forensic security aides to begin work as correctional officers until they have earned their vocational certificates or completed equivalent course work. According to testimony of DOC officials, the Department is allowing the transfers as part of an agreement with the Michigan Corrections Organization, the union that represents correctional officers and forensic security aides. The bill would incorporate parts of the agreement into the Act by allowing the transferred employees to satisfy the requirements for certification by the DOC after they became correctional officers.

Opposing Argument

The DOC and the union representing the forensic security aides and correctional officers already have negotiated an agreement that includes waiving the postsecondary educational requirement for certification as correctional officers. The union and the Department evidently agreed that the training required for certification should be dropped from 640 to 320 hours to reflect the fact that nearly all of the forensic security aides are experienced in working with inmates and have already received corrections-related training. Officials from the DOC testified that including the requirement that a transferred employee earn a vocational certificate or its equivalent would jeopardize the agreement negotiated with the union.

Response: Dropping the vocational certificate requirement could leave the State open to future lawsuits for failing to train the employees properly. Since the transferred employees would have three years to fulfill the requirement, it would not endanger their livelihood while they earned their certificates.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

According to the Department of Corrections, up to 250 forensic security aides would be eligible to become corrections officers under the bill. Because the pay ranges for the

positions are the same and because the employees simply would be transferred from one department to the other, there should be no fiscal impact on the State.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.