



OFFICE OF THE SECRETARY

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DOC.ARKANSAS.GOV

SECRETARIAL DIRECTIVE

SUBJECT: Employment

NUMBER: 2021-16

SUPERSEDES: 2019-05

APPLICABILITY: All Department of Corrections Employees, except Members of the Parole Board, Correctional School Employees, Director, and members of the Arkansas Sentencing Commission, and the Criminal Detentions Facilities Review Members

REFERENCE: A.C.A. §§ 12-26-105, 16-90-802, 16-93-201, 21-3-302, 21-5-208, 25-43-105, 25-43-108, 25-43-403, and OPM Policy # 8

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ISSUED BY: Original Signature on File

EFFECTIVE DATE: 9/10/2021

I. POLICY:

As the executive head of the Arkansas Department of Corrections (DOC), it is the responsibility of the Secretary of Corrections (Secretary) to administer the various rules, orders, or directives issued by the Department. The purpose of this directive is to establish procedures to ensure all applicants are given a fair and equal opportunity for employment in accordance with all state and federal guidelines. This directive is intended to ensure that the DOC will, as an Equal Opportunity Employer, implement fair and consistent employment policies.

II. DEFINITIONS:

- A. At Will Employment. All Employees are “at will” under Arkansas Law. The employer or the Employee may terminate the employment relationship at any time. Termination may be for any reason or no reason. Advance notice is not required to terminate the employment relationship.
- B. Class or Classification. A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, skills, experience, and of skill that the same title, scale of compensation, and same test of fitness (if applicable) have been or may be applied.
- C. Conditional Offer of Employment. An offer of employment based upon an applicant meeting certain job-related requirements prior to hire and/or during the Probationary Period.
- D. Conviction. A Conviction may include, but is not limited to a guilty plea, plea of nolo contendere, negotiated plea, or finding of guilt by a judge or jury. For the purposes of this policy, an adverse ruling in a civil case is not considered a Conviction.
- E. Demotion. A change in duty assignment of an Employee from a position in one classification to a position of a lower salary and grade requiring fewer qualifications, such as lower skill requirements, less job-related experience, and a lower level of responsibility.

- F. Employee. A person appointed or employed in a position with the DOC for which he or she is compensated on a full time basis and which has a class title and pay grade in A.C.A. § 21-5-208.
- G. Essential Job Functions. The fundamental duties of a job or position. The responsibilities or tasks a person holding the job absolutely must be able to do.
- H. Hiring Official. Administrators/Heads of Sections, Area Managers, Center Supervisors, Wardens, Superintendents or higher who are authorized to make a final selection of applicants for positions available within the DOC.
- I. Law Enforcement Officer (LEO). Any Employee designated by a Division Director, or the Secretary who has met, or is in the process of meeting Commission of Law Enforcement Standards and Training certification.
- J. New Hire. Employees entering state service for the first time.
- K. Probationary Period. A time during which the DOC may evaluate Employee suitability in terms of knowledge, skill, ability, character, interest, and conduct, to determine whether employment should be continued. Initial employment includes a (1) one-year Probationary Period upon initial hire with the DOC. An Employee that promotes or Transfers to another job classification will have a six (6) month Probationary Period in the new position.
- L. Promotion. A change in duty assignment of an Employee from a position in one classification to another position with a higher salary or grade requiring higher qualifications, such as greater skill, more experience, or involving a higher level of responsibility.
- M. Rehire. Employee returning to state service after a break in employment of two (2) or more pay periods.
- N. Transfers. Employees transferring between state agencies, institutions, or laterally within the divisions of the DOC without a break in service.
- O. Veteran. For purposes of this policy, Veteran means a person honorably discharged from a tour of active duty, other than active duty for training only, with the US Armed Forces; or any person who has served honorably in the National Guard or a reserve component of the US Armed Forces for a period of at least six (6) years, whether the person has retired or been discharged or not.
- P. Waiver. A request to have Promotion limitations waived for a current Employee who is applying for a lateral or promotional position within the DOC.

III. PROCEDURES

A. Exclusions

1. The provisions of this Directive do not govern the selection or removal of members of the Parole Board. The selection or removal of Parole Board Members is governed by A.C.A. § 16-93-201.
2. The Employees of the Correctional School are governed by the personnel policies set by the Board of Corrections (when convened as the Board of Education for the Arkansas Correctional School District).
3. The provisions of this Directive do not govern the selection or removal of the Director or members of the Arkansas Sentencing Commission (ASC). The selection or removal of the Director or members of the ASC is governed by A.C.A. § 16-90-802.

B. Position Vacancies

1. The Hiring Official must create a Job Requestion in Success Factors/My ARCareers before beginning the process of filling any vacant position.
2. Except as provided below, positions must be advertised according to procedures established by the Office of Personnel Management (OPM).

- a. Positions graded at or above GS13, IT08, MP03, or SE01 are not required to be advertised. The Secretary or his/her designee has the authority and discretion to appoint or transfer individuals into these classifications.
 - b. Emergency Hires. A position designated as an emergency hire must have OPM approval before the position can be filled. An emergency hire is only permitted when the delay of advertising a vacancy would have an immediate effect on the public welfare, health, and safety.
 - c. Any other position authorized by the Governor.
3. A request for advertisement of a position that requires additional actions (newspapers or websites) must be submitted to and coordinated by the Central Human Resources Office.

C. Applications, Minimum Qualifications, and Pre-Interview Scoring

1. **Applications.** Applications will be submitted/reviewed by the Central Human Resources Office.
 - a. Applications must be submitted via the ARCareers website at arcareers.arkansas.gov.
 - b. In the case of positions advertised on social media or other platforms in addition to the ARCareers website, no application information may be solicited or accepted via the external platform. The platform is only to be used as a mechanism to direct potential applicants to the ARCareers job listing.
2. **Minimum Qualifications.** After the job posting closes, Central Human Resources will review applications and create a list of applicants who meet minimum qualifications. Applicants who meet minimum qualifications will move on to Pre-Interview Scoring. Those applicants who do not meet minimum qualifications will be notified by Central Human Resources that they did not meet minimum qualifications for the position, and the reason(s) why.
3. **Pre-Interview Scoring.** After notifying those applicants who do not meet minimum qualifications, Central Human Resources will examine applications and provide a Pre-Interview Score for each applicant. The Pre-Interview analysis will be scored as follows.
 - a. **Education.** The applicant must meet minimum requirements for the job classification or must be approved as a qualified applicant per state requirements. All degrees, diplomas, or transcripts received must be from an institution accredited by the applicable state Department of Education or an accrediting body recognized by the U.S. Department of Education. The chart below details the appropriate number of based on the minimum requirements and the applicant's educational level.
 - i. A maximum of ten (10) points may be awarded for an applicant for completion of related education above and beyond the minimum educational requirements for the position.
 - ii. Applicants may be awarded Pre-Interview Score points based on their application without submitting a copy of the diploma or degree showing the award of the educational level, but a copy is required to be submitted prior to hiring.

Minimum Required Education	HS Diploma/ GED	Associates Degree	Bachelors Degree	Masters Degree	JD, PhD, MD, or Terminal Degree
High School Diploma/GED	0 pts	2.5 pts	5 pts	7.5 pts	10 pts
Associates Degree	N/A	0 pts	2.5 pts	5 pts	7.5 pts
Bachelors Degree	N/A	N/A	0 pts	2.5 pts	5 pts
Masters Degree	N/A	N/A	N/A	0 pts	2.5 pts
JD, PhD, MD, or Terminal Degree	N/A	N/A	N/A	N/A	0 pts

- b. **Experience.** An applicant's experience for the job is awarded one-quarter (0.25) points for each month of related experience exceeding the minimum requirements, up to a maximum of ten (10) points. Work credit will only be given for paid positions, or internship under a higher education program relative to the experience or educational qualifications for the position.
- c. **Veteran's Preference.** Pursuant to A.C.A. § 21-3-302, an applicant may qualify for Veteran's Preference points.
 - i. The DOC provides Veteran's Preference to an individual who:
 - a) Indicates on the employment application that he or she is:
 - 1. A Veteran;
 - 2. A disabled Veteran;
 - 3. Spouse of a Disabled Veteran; or
 - 4. The surviving spouse of a deceased Veteran who is unmarried at the time of application for employment and remains unmarried until the decision to hire is made.
 - b) Is a citizen and resident of this state; and
 - c) Meets minimum qualifications for the position to which the individual applied.
 - ii. Veteran's Preference will be scored as either five (5) or ten (10) points.
 - a) Ten (10) will be awarded if:
 - 1. The Veteran establishes the existence of a service-connected disability;
 - 2. The Veteran is over fifty-five (55) years of age, disabled, and entitled to a pension or compensation under existing laws; or
 - 3. The applicant is the spouse of a Veteran with a service-connected disability whose disability disqualifies him or her for selection.
 - b) Five (5) points will be awarded if the applicant establishes qualifications for Veteran's preference but does not meet the criteria for being awarded ten (10) points.
 - iii. An applicant must voluntarily submit official proof of his or her status as a Veteran, disabled Veteran, spouse, or a surviving spouse of a deceased Veteran to receive Veteran's preference points.

D. Total Pre-Interview Score

Central Human Resources will add Veteran's Preference Points to Education points (total max points allowed) and Experience points to get a Pre-Interview Score.

E. Selecting Applicants for Interview

1. After creating a list of applicants who meet minimum qualifications and evaluating those applicants using the Pre-Interview Scoring qualification, Central Human Resources will provide the Hiring Official with a list of qualified applicants and their Pre-Interview Score.
2. All applicants who indicate Veteran's status shall be interviewed if they meet minimum qualifications for the position.
3. The Hiring Official will select which applicants to interview.
 - a. The Hiring Official may decline to interview an applicant with a documented history of two (2) or more "no show", no cancellation, and no follow up contact for previous interview appointments.
 - b. An applicant may not be selected for an interview (excluding veterans) unless each applicant with the same or higher Pre-Interview Score is selected for interview. For example, in order

to interview an applicant with a Pre-Interview Score of seven (7), the Hiring Official must offer an interview to all applicants with a Pre-Interview Score of seven through ten (7-10).

- c. Incumbent rehire applicants previously not recommended for rehire shall not be eligible for promotion until one-year probation has ended from latest hire date.

F. Interviews

1. Interview Committee

- a. The Hiring Official selects the interview committee.
- b. The interview committee must consist of two (2) or more current Employees from the DOC.
- c. The interview committee should be representative of the racial and gender composition of the applicant pool.
- d. Employees serving on the interview committee must be the same or higher grade as the advertised grade and familiar with the knowledge, skills, and abilities of the position being filled.
- e. The Hiring Official may elect to bypass the committee for Non-exempt positions, except for entry level Parole/Probation Officer.
- f. The Hiring Official may serve on the interview committee but is not required to do so.

2. Interview Questions.

- a. The Hiring Official will create interview questions based on the knowledge, skills, and abilities (KSAs) of the job, as designated by the official job duties and specifications.
 - i. There must be at least one question for each KSA.
 - ii. The Hiring Official should also rank each question in order of importance.
- b. The interview committee will use the interview questions to interview each applicant.
 - i. All applicants should be asked the same questions, and all applicants should be asked every interview question.
 - ii. Each member of the interview committee will score each question for each applicant.

3. Interview Score

- a. Total interview scores will be calculated by either Unit Human Resources, Local Human Resources, or Central Human Resources based upon the assigned Hiring Official.
 - i. Unit/Local Human Resources/Central Human Resources will average the scores of interview committee members for each interview question.
 - ii. Each averaged score will be weighted based on the priority assigned by the Hiring Official, resulting in a weighted interview score.
- b. An applicant will not be considered for the position without a weighted interview score of at least seventy percent (70%).

G. Selecting an Applicant

1. The Education Pre-Interview Score, Experience Pre-Interview Score, and Veteran's Preference Pre-Interview Score will be added to the Interview Score to determine the highest scoring applicants.
2. A Hiring Official may elect to grant a second interview to the three (3) highest scoring applicants if the Hiring Official did not participate in the initial interviews.
3. The Hiring Official will select which applicant to offer the position to. If the Hiring Official does not select the highest scoring applicant, he or she must submit written justification for selecting an

applicant other than the highest scoring applicant. This justification must state in clear and unambiguous terms why the selected applicant was chosen over the highest scoring applicant.

4. If the selected applicant is an incumbent employee within their New Hire Probationary Period, the appropriate Division Director must review and approve the hire packet.
5. Employees who are on disciplinary probation are not eligible to be considered for another position for the duration of their disciplinary probation.
6. Once the Hiring Official has selected an applicant to offer the position to, he or she will instruct Central Human Resources to move forward with Pre-Employment Screening for that candidate.

H. Pre-Employment Screening and Offer of Employment

1. Upon notification that an applicant has been selected, Human Resources will contact the selected applicant with a Conditional Offer of Employment and begin pre-employment screening.
2. Pre-employment screening shall include, but is not limited to the following components:
 - a. Comprehensive criminal background checks run against law enforcement indices, including but not limited to:
 - i. National Crime Information Center record review;
 - ii. Arkansas Crime Information Center record review;
 - iii. JusticeXchange review; and
 - iv. Court Connect review.
 - b. Maltreatment Registry Checks;
 - c. Arkansas Department of Finance and Administration, Division of Driver Services Traffic Violation Report;
 - i. If the NCIC/ACIC report reveals ten (10) or more points assessed against an applicant's driver's license or reveals that a license is suspended or not valid, the applicant is not eligible for hire if the position applied for requires a driver's license or requires driving on state business.
 - ii. An applicant is not eligible for hire into a position that requires driving on state business if they have had a DWI within the last three (3) years that appears on their Traffic Violation Record (TVR) which is maintained by DFA Office of Driver Services.
 - d. At least two (2) employment reference checks, unless waived by the Central Human Resources Administrator or Designee;
 - e. Drug test screening;
 - f. A physical assessment (for law enforcement and correctional officers only);
 - g. A tuberculosis skin test. Any Employee in contact with residents/inmates, regardless of location,(i.e. administrative offices); and
 - h. An assessment of the ability to perform Essential Job Functions.
3. If results from the Pre-Employment Screening are satisfactory, Central Human Resources will make a final offer of employment to the selected applicant.
4. If the final offer of employment is accepted by the selected applicant, all other applicants will be notified of the decision by Central Human Resources.

I. Special Considerations for Current or Former Employees of the DOC

1. **Promotion.** Employees of the DOC may apply for a Promotion from their current position provided a vacancy has been advertised. A completed state application must be received during the advertisement period. The applicant will be considered with all other qualified applicants in the interview process. Approved Promotions should occur within two (2) weeks following the

Employee's acceptance of the final offer of employment and notice to his/her supervisor unless alternative arrangements are authorized by the Hiring Official and the Employee's current supervisor.

2. **Transfer.**

- a. **Administrative Transfer.** The Secretary or appropriate Division Director may transfer an Employee to another location or another classification (at the same grade) when the transfer is in the best interest of the DOC.
- b. **Voluntary transfer.** An Employee of the DOC may request a voluntary transfer from a position classification at one location to the same position classification at another location provided there is an open advertisement for that position at the desired location.
 - i. It is the applicant's responsibility to apply for the open position via the ARCareers website.
 - ii. It is the applicant's responsibility to attach a completed Transfer Form (attachment) to the application in ARCareers signed by releasing and receiving official.
 - iii. The Hiring Official has the option of selecting a transfer applicant in lieu of interviewing for the vacant position.
 - iv. Employees who are currently on disciplinary probation are not eligible to transfer.
 - v. Approved Transfers should occur within two (2) weeks following the Employee's acceptance of the final offer of employment and notice to his or her supervisor unless alternative arrangements are authorized by the Hiring Official and the Employee's current supervisor.

3. **Demotion.**

- a. **Administrative Demotion.** Employees may be demoted to a lower-graded position classification in accordance with provisions of the DOC Employee Conduct Standards and Discipline Secretarial Directive. All Demotions must be approved by the Secretary, Division Director, or their designee. The Employee will not be eligible to be promoted for twelve (12) months from the effective date of the Demotion.
- b. **Voluntary Demotion.** Employees of the DOC may request a voluntary Demotion from their current position classification at one location to a lower graded position classification at the same or at another location, provided a vacancy has been advertised. The Employee will not be eligible to be promoted for twelve (12) months from the effective date of the Demotion.
 - i. A completed state application via the ARCareers website must be received during the advertisement period.
 - ii. The applicant will be considered with all other qualified applicants during the hiring process.
 - iii. Approved Demotions should occur within two (2) weeks following the Employee's acceptance of the final offer of employment and notice to his or her supervisor unless alternative arrangements are authorized by the Hiring Official and the Employee's current supervisor.
- c. **Change in Pay.** When an Employee is voluntarily or administratively demoted to a classification one or more grades below the classification within their current pay grid, a base salary decrease of 10% will be required.

4. **Rehire.**

- a. The Central Human Resources Office will review Rehire applications and related previous work history to determine the reason(s) the Employee terminated employment with the DOC.
- b. Applications from persons not recommended for Rehire will not be considered for at least twelve (12) months from their date of termination; however, the Human Resource

Administrator may approve Rehire after six (6) months upon request of the Hiring Official if termination was unrelated to either lying or making false statements, contraband or inappropriate relationships with offenders, unless the Employee left pending an investigation.

- c. A Rehired Employee that was not recommended for Rehire will not be eligible to apply for a Promotion for one (1) year from the Rehired date.
 - d. Potential Rehire Applicants for security positions will not be considered for employment until ninety (90) days after their last date of employment.
 - e. Any deviation from Rehire restrictions must be approved by the Secretary or Chief of Staff.
5. **Fiscal and IT Positions.** Incumbent Employees who promote or demote to a position in areas that involve fiscal, or IT duties must have a background check completed and submitted prior to transfer, Promotion, or Demotion. These background checks will be updated at least every five (5) years. Although a criminal Conviction does not automatically disqualify an applicant, approval may not be granted based on the nature of the offense and job duties.

IV. Procedures Manual/Required Forms

Central Human Resources shall develop standard operating procedures and required forms to guide the employment process. The forms will be placed on the DOC intranet site and are also available upon request from Central Human Resources.

V. Attachment

Employee Request for Transfer Form



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Employee Request for Transfer

Complete the following information and forward to your Administrator, Warden or Area Manager.

Name: _____ Date: _____

Current Job Title: _____ Location: _____ Grade: _____

Requesting Transfer to: Job Title: _____ Location: _____ Grade: _____

If this position is currently being advertised give the position number: _____.

Reason for Transfer: _____

Are you requesting transfer from one facility to another? If yes, is there anyone you know serving a sentence at the facility you are requesting transfer to?

Yes: ___ No: ___ N/A: ___ Name: _____ Relationship: _____

Employee Signature

Date

Approved () Denied () Reason: _____

Current Administrator/Warden/Area Manager

Date

Approved () Denied () Reason: _____

Requested Administrator/Warden/Area Manager

Date

Release Date: _____

Division Director or Designee Signature

Date

Human Resource Administrator

Date