

POLICY 3.39 – EX-OFFENDER EMPLOYMENT PROGRAM

<p style="text-align: center;"><b>POLICY OF</b></p> <p style="text-align: center;"><b>STATE OF DELAWARE</b></p> <p style="text-align: center;"><b>DEPARTMENT OF CORRECTION</b></p>	<p style="text-align: center;"><b>POLICY NUMBER</b></p> <p style="text-align: center;">3.39</p>	<p style="text-align: center;"><b>TOTAL PAGES: 2</b></p>
	<p style="text-align: center;"><b>RELATED ACA Standards</b></p> <p style="text-align: center;">2-CO-1C-10, 4-4055</p>	
<p><b>CHAPTER: 3 Programs &amp; Services</b></p>	<p><b>SUBJECT: Ex-Offender Employment Program</b></p>	
<p><b>APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:</b></p>		
		
<p><b>APPROVED FOR PUBLIC RELEASE</b></p>		

**I. AUTHORITY:** 11 *Del. C.* §§ 6517, 6506, 6534B(b); 29 *Del. C.* §§ 8903, 8914.

**II. PURPOSE:** To establish guidelines for the Department of Correction (DOC) to hire eligible ex-offenders for certain qualified positions on a casual/seasonal basis upon or within 90 days after release from a Level 5 (LV5) or Level 4 (LV4) facility.

**III. APPLICABILITY:** All DOC employees, volunteers, persons and organizations conducting business with the DOC and all offenders under the custody and supervision of the DOC.

**IV. DEFINITIONS:**

**Casual/Seasonal Employee** – An employee that is hired on a temporary basis, not to exceed 6 months, working less than 30-hours weekly and paid exclusively with funding from the Delaware Correctional Industries Special Fund. Casual/seasonal employment does not guarantee continued employment or the right, promise or offer of a Merit position. Casual/seasonal employees are not eligible for paid vacation/sick leave, holiday pay, health benefits or pension benefits.

**Eligible Ex-Offender (LV5 & LV4)** - Any individual released from a DOC LV5 or LV4 vocational program within the past 90 days who has demonstrated exceptional job skills, as determined by the DOC in its sole and absolute discretion, while participating in a designated vocational program.

**Exceptional Job Skills** – Technical, problem solving, interpersonal, decision making and other job skills demonstrated by an offender participating in a vocational program and supported by a reference letter from a DOC vocational program supervisor.

**Designated Vocational Program** – Those vocational programs that are eligible under this policy offered at DOC LV5 or LV4 facilities that prepare offenders for a specific trade by providing practical experience in a particular occupational field, including food service, automotive, agriculture, maintenance, metal fabrication, printing, furniture manufacturing, silk screen and embroidery.

**Qualified Positions** – Those job positions identified from time to time by the DOC as being available to eligible ex-offenders.

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**V. POLICY:** It is the policy of the DOC that eligible ex-offenders should have the opportunity to be hired as casual/seasonal employees for qualified positions in accordance with 11 *Del. C.* § 6506. The longer-term goals of this policy are to provide qualified ex-offenders with relevant work experience and to assist them in obtaining permanent positions in their chosen fields and shall be implemented in a manner consistent with such policies, the rehabilitative and special needs of qualified ex-offenders, the security and safety concerns of the DOC and the safety of the public.

- A. The Bureau Chiefs of Prisons and Community Corrections will be responsible for identifying and periodically evaluating and, if appropriate, changing the specific facilities and vocational programs that shall be eligible under this policy and shall monitor, evaluate and report on the effectiveness of the policy in achieving its short- and longer-term goals.
- B. The Human Resource Office will maintain a list of and solicit applicants for qualified positions. The job postings for such positions shall be made available to ex-offenders at qualified DOC LV5 or LV4 vocational programs and shall set forth the terms and conditions of employment, the selection criteria and job qualifications and requirements for each qualified position. Applicants will be required to complete a State of Delaware casual/seasonal employee application prior to hire.
- C. The terms and conditions of employment, selection criteria and job qualifications and requirements will be established by the Human Resource Office in accordance with State of Delaware hiring practices and in accordance with 11 *Del. C.* § 6506 and other applicable law. Applicants must address all established job requirements for the casual/seasonal position.
- D. Rates of hourly pay will be established by the Human Resource Office and shall be based on the Merit equivalent, if applicable, of the job functions of, and the training and skill sets needed to perform, each qualified position.
- E. Eligible ex-offenders hired under this policy shall not be covered by any union contract or Chapter 59 of Title 29 of the Delaware Code. Nothing in this policy, any job posting or application, or any other document shall create any right, privilege or entitlement to employment of any kind to any individual.