

POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER 9.22	PAGE NUMBER 1 of 3
	RELATED ACA Standards	
CHAPTER: 9 HUMAN RESOURCES, EMPLOYEE DEVELOPMENT, EMPLOYEE- MANAGEMENT RELATIONS	SUBJECT: REMOVAL OF EMPLOYEES FROM THE WORKPLACE	
APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:		
		
APPROVED FOR PUBLIC RELEASE		

I. AUTHORITY: Merit Rule 12.4, Applicable Collective Bargaining Agreements

II. PURPOSE: To establish Department of Correction guidelines for removal of employees from the workplace when it is determined that their continued presence jeopardizes others' safety or security or the public confidence.

III. APPLICABILITY: This policy is applicable to all Department of Correction employees.

IV. DEFINITIONS: None

V. POLICY: It is the policy of the Department of Correction to minimize the risk to employees and the public by removing employees from the workplace when their continued presence may pose a risk to the safety or security of inmates, other employees, the institution or the public or jeopardizes the public's confidence.

VI. PROCEDURES:

- A. When Wardens or Section Administrators become aware of employee behavior or have other documentation that indicates that an employee poses an immediate safety or security risk or jeopardizes the public confidence; they will immediately remove the employee from the workplace without loss of pay (including premium pays) and confirm that action with a letter to the employee. The Warden or Section Administrator will immediately notify the appropriate Bureau Chief and Director of Human Resources, who will notify the Commissioner. The Bureau Chief, Director of Human Resources and Commissioner will, within 72 hours, confirm that the removal from the workplace is both reasonable and consistent with decisions in prior similar circumstances.

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- B. At the time of removal from the workplace, an Internal Affairs or facility disciplinary investigation must be initiated immediately or already underway.
- C. Within 7 calendar days of the removal from the workplace, the Warden or Section Administrator must submit a recommendation to the Commissioner, with copies to the Bureau Chief and Director of Human Resources, relative to the continued status of the employee, pending completion of the disciplinary investigation. Options include:
1. continuing the employee on removal without loss of pay,
 2. returning the employee to the workplace in their regular assignment,
 3. returning the employee to the workplace in a different assignment in the same facility,
 4. requesting temporary placement in another Department facility or
 5. changing the employee's status to suspension without pay.
- D. If the Commissioner selects Option 1, 2, or 3 from Procedure C, the Warden or Section Administrator can execute the action unilaterally.
- E. If the Commissioner selects Option 4 from Procedure C, the Director of Human Resources will work with the Bureau Chief and other Bureau Chiefs, if necessary, to transfer and reassign the employee.
- F. If the Commissioner is considering Option 5 from Procedure C, the Warden or Section Administrator will send the employee a letter detailing the reasons for the continued removal from the workplace, informing the employee that a change in status to removal without pay is being considered, and giving the employee the opportunity to schedule a status review meeting. The Warden or Section Administrator will inform the Commissioner of the results of the status review meeting. The Commissioner will make the final decision relative to removal from the workplace without pay.

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- G. Under most circumstances, employees should not remain on removal with pay for longer than 14 calendar days.
- H. Employee should not be removed from the work place without pay unless there are facts available indicating the employee is likely to be considered for dismissal. Whenever an employee is removed from the workplace without pay, completion of the disciplinary investigation and determination of administrative charges shall be a high priority. In additional, removal without pay should only be used if temporary reassignment is not practical or safe.
- I. If any part of these procedures is in conflict with the Merit Rules or an applicable collective bargaining agreement, the Merit Rules or collective bargaining agreement shall prevail. The collective bargaining agreement takes precedence over the Merit Rules.

