

Potential Statutory Framework (Working Draft)

The following outline captures the committee's areas of discussion, initial thoughts about which items should be included in statute, and the rationale or issues to consider for each topic. Open questions are highlighted in yellow. The goal is to use this outline to develop potential statutory language.

Timeline

- Notice of intent by May
 - Allows counties to plan their budgets for the transition year
 - Allows DOC to determine what the financial impact may be for the other counties it serves (spreading costs over a smaller pool)
- Transition period
 - Create a window of opportunity for the transition
 - Option 1: Transfer can take place anytime from January to June of the following year
 - Option 2: Transfer must take place no later than June 30th of the following year
 - Timing can negatively impact employees – e.g., if a June transition, employee will have to start paying a new deductible mid-year.
 - Don't want the transition timeline to be too long
 - Notify clients, the chief judge of the district court, and court administrator at least 30 days prior to the transfer.
- Transition study
 - Need for a statutory or formal mechanism requiring DOC to provide specified information upon county request.

Transition team

- Require a transition team that is a mix of current and new delivery system members; mix of community supervision and county administration

Employee Transitions

- Requirement to hire existing employees / employee pay
 - ...the probation officers and other employees displaced by the changeover must be employed by the county/commissioner at no loss of salary
 - Retain this language
 - This is the floor

- Issue of not bringing employees in at the same pay scale as their own employees – potential for cross-reference to the wage law
- Requirement to place employees in a similar position
 - Retain some form of this provision
 - DOC language: The commissioner of management and budget must place employees transferred to state service under subdivision 1b, paragraph (e), in the proper classifications in the classified service.
 - CCA language: ...employment must, to the extent possible and notwithstanding any other law to the contrary, be deemed a transfer in grade with all the benefits enjoyed by the officer or employee while in the service of the state or local correctional service.
- Probationary period
 - Is the employee required to serve a probationary period with the new employer?
 - This may affect long-time employees who have built a career in this position
 - Option 1: Employee must not be required to serve a probationary period
 - Option 2: Employee is required to serve a six-month probationary period
 - Option 3: Require a probationary period unless employee voluntarily discloses discipline record (for what period?)
- Employee benefits
 - Benefits accrual rate
 - “Years of service in the county probation department/state are to be given full credit for future sick leave and vacation accrual purposes.”
 - Retain this provision
 - Adjust language so it is inclusive of PTO
 - Employee bank (vacation, sick, PTO)
 - Goals – ensure there is a minimum bank for employees, but cap financial responsibility for the sending and receiving entities
 - Option 1: Employees come in with at least a bank of 80 hours
 - Option 2: Employees can transfer vacation/sick time/PTO up to the cap for the receiving agency
 - How do we address the format given that some agencies have PTO and others have vacation and sick time?
 - How should we think about the question of who pays?

- In the past, the two employers agreed to a transfer of a certain number of hours. If the employee had additional vacation or sick pay, those were paid out according to their contract or employer policy.
- Should the sending agency also send the money for those transferred banks?
 - A limit (such as 80 hours) is meant to address the concern that employees would transfer over and then quit or retire, resulting financial liability for the receiving agency.
 - Is there another way to think about this? What if the employee doesn't leave for 10 years? E.g., receiving entity takes up to their cap in hours, but if the employee leaves within one year, the sending delivery system is responsible for some or all of the payout.
- Other aspects of the benefit packages must be established locally (e.g., health insurance, retirement).
- Review additional labor-related provisions in the existing statutes (see statutory comparison chart)
 - Which provisions should be retained?
- Timing of offer letters – should this be addressed in statute? Suggestion was “no later than 30 days prior to transfer”

Training

- Does it need to be in statute or the operational guidelines?
- Area for delivery system feedback?

Advisory Board

- Require establishment of an advisory board prior to the transition
- Every agency is required to have an advisory board, so this is more likely to be an exercise in collapsing membership, or ensuring that the membership of the existing board(s) reflects the requirements in the CCA advisory board statute

Comprehensive Plan

- Require submission of a new comprehensive plan
 - Option 1: Submit full comp plan within 6 months after the transition
 - Option 2: Submit full comp plan before the transition with a brief update within 6 months after the transition to capture any changes

- Option 3: Submit a provisional plan at the time of the transition. Valid for x number of months until comp plan submitted or certified
- Seek delivery system feedback.

Operational Guidelines

- Require the development of operational guidelines, and posting on DOC website, that address:
 - How to conduct a transition study
 - Ability of the existing delivery system to present information to the county board
 - Transition tasks
 - Operational things like notifying clients, putting a pause on intrastate transfers, and working with the court on when to begin assigning PSIs and new cases to the new delivery system
 - Technical things like cleaning up old cases, setting up a data transfer, and conducting testing of the transfer before going live with it (recommended to have a committee working on the data piece)
 - Training
 - Etc.