

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB 1391

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Marsden

3. Committee: Senate Courts of Justice

4. Title: Correctional Officer Procedural Guarantee Act

5. Summary:

Current law includes a Law-Enforcement Officers Procedural Guarantee Act, which provides a procedure, separate from the state or any local grievance procedure, that law-enforcement officers employed by state agencies, local police departments, and institutions of higher education may use in cases that could lead to dismissal, demotion, suspension, or transfer for punitive reasons. Under the law, the officers may use either the process established in the Procedural Guarantee Act or the state or local grievance process.

The proposed legislation would establish similar procedures, to which the Department of Corrections would be required to adhere in order to dismiss, demote, suspend, or transfer for punitive reasons a correctional officer, if the correctional officer chose such procedures instead of the state grievance process.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2016	\$190,668	General
2017	\$190,668	General
2018	\$190,668	General
2019	\$190,668	General
2020	\$190,668	General
2021	\$190,668	General

8. Fiscal Implications:

The proposed legislation could have a fiscal impact because of its potential to lengthen disciplinary proceedings against correctional officers. There are several provisions of the proposed legislation that could result in additional administrative actions that would have to be taken by the agency. The fiscal impact of most of these provisions would be indeterminate or indirect.

However, there is one quantifiable provision that could increase the length of the investigation and the overall disciplinary process: the amount of time to be provided an officer to respond to charges against him or her. The current state grievance procedure requires that an employee be given a minimum of 24 hours to respond to charges. The proposed legislation would require DOC to provide a correctional officer a minimum of five calendar days to respond to any charges at the conclusion of an investigation. According to DOC officials, the agency provides three days for an officer to respond in the most serious cases. By increasing the amount of response time by at least two days (16 hours), the proposed legislation could increase costs for DOC.

When a correctional officer is being investigated for possible disciplinary action, the agency may place him or her on paid pre-disciplinary leave. Whether an officer is actually placed on such leave is dependent on the possible infractions and the circumstances surrounding the case. When an officer is on such unscheduled leave, his or her assigned duty post will have to be staffed by another officer working overtime.

In 2014, there were approximately 300 formal disciplinary actions taken against correctional officers. For this analysis, it is assumed that each of the correctional officers subject to those actions was placed on paid pre-disciplinary leave and provided three days to respond to the charges against him or her. Because the legislation would require a minimum of five days (an extra two days) to respond, those 300 cases would have resulted in 4,800 additional overtime hours under the provisions of the proposed legislation. The annual total cost of a correctional officer is approximately \$55,082, counting salary and fringe benefits, or \$26.48 per hour. The overtime hourly cost would be \$39.72. In summary, the proposed legislation is projected to result in 4,800 hours of additional annual overtime costing \$190,668.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/8/2015

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