

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number: SB 93**

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

**2. Patron: Marsden**

**3. Committee: Appropriations**

**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: Indeterminate. See Item 8 below.**

**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 provision that is most likely to increase the length of the investigation and the overall disciplinary process is the one that would require DOC to provide a correctional officer a minimum of three calendar days to respond to any charges at the conclusion of an investigation. The current state grievance procedure requires that an employee be given a minimum of 24 hours to respond to charges. Currently, according to DOC officials, the agency provides three days for officers to respond in the most serious cases.

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. To the extent that the proposed legislation would result in a total of more hours of paid pre-disciplinary leave provided to correctional officers facing disciplinary action, there would be additional overtime costs for the agency. However, the data on the number of officers now provided fewer than three days administrative leave and the average amount of leave granted them is not available and the fiscal impact cannot be determined.

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

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 2/24/2016

**Document:** G:\LEGIS\fis-16\sb93e.docx Dick Hall-Sizemore