MINNESOTA DEPARTMENT OF CORRECTIONS

OFFICE OF THE COMMISSIONER
Contributing to a Safer Minnesota

February 1, 2008

Honorable James Metzen, Chair
Senate Committee on Business, Industry, and Jobs

Honorable Joe Atkins, Chair
House Commerce and Labor Committee

Honorable Tom Rukavina, Chair
House Higher Education and Work Force Development Policy & Finance Division

Dear Chairs:

Minnesota Laws 2007, Chapter 46, §6, directed the Minnesota Department of Corrections to develop a budget and plan by February 1, 2008, to bring the department into compliance with §181.275 by July 1, 2008. The legislation further directed the department to submit a report by February 1, 2008, to the standing committees of the House of Representatives and Senate with jurisdiction over employment issues on the following:

1) department procedures for hiring nurses. If hiring procedures vary by facility, the report must address procedures at each facility;
2) procedures used at each facility for scheduling nurses;
3) daily staffing levels at each facility including the ratio of supervisors to nurses at each facility;
4) how the department determines the supervisor to nurse ratio at each facility;
5) the department's average annual expenditures at each facility on pool nurses and nurse overtime; and
6) the number of pool nurses employed each year at each facility.

The department spent considerable time analyzing the effect of this legislation on providing care to the offender population.

The department spent a total of just over $600,000 in FY07 in both pool nursing expenditures and RN and LPN overtime expenditures. The following chart indicates the specific breakdown between expenditures.

	Staff Overtime	*Pool*	*Total*	*FTEs*
Average Hourly Rate (for staff only, with benefits)				
RN	$57.48	$58.46		
LPN	$36.49	$48.07		
Annual Overtime Cost				
RN	$277,288	$203,662	$480,950	
	58%	42%	100%	
LPN	$96,235	$25,429	$121,664	
	79%	21%	100%	
Total	$373,523	$229,091	$602,614	
	62%	38%	100%	
Annual Overtime Hours				
RN	4,824.10	3,482.75	8,306.85	3.99
	58%	42%	100%	
LPN	2,637.00	529.00	3,166.00	1.52
	83%	17%	100%	
Total	7,461.10	4,011.75	11,472.85	5.52
	65%	35%	100%	
Annual Number of Shifts				
RN	1,565	436	2,001	
	78%	22%	100%	
LPN	831	69	900	
	92%	8%	100%	
Total	2,396	505	2,901	
	83%	17%	100%	

During FY07, the department required 505 shifts of pool nurses and 2,396 shifts of overtime. Of those overtime shifts, 50 were mandated but only 18 were full overtime shifts. In order for the department to comply with the new statute, it will need additional RNs and LPNs to compensate for the inability to assign overtime.

Following are the proposed locations and numbers of additional nursing staff needed:

Correctional Facility	*Additional Staff Needed*
St. Cloud	1 FTE RN, 1 FTE LPN
Faribault	1 FTE RN
Shakopee	1 FTE LPN
Rush City	1 FTE LPN
Oak Park Heights	1 FTE RN

The anticipated cost of these additional staff is $582,000 annually. With this additional staff, the department will be able to fully comply with §181.275.

Following are the specific responses to the information requested by the 2007 Legislature.

1) **Department procedures for hiring nurses. If hiring procedures vary by facility, the report must address procedures at each facility.**

   Department hiring procedures for nurses are the same at all facilities. We adhere to the "Steps in Hiring Checklist" (Attachment A) established by our Human Resource Management Unit in accordance with Minnesota Department of Administration requirements.

2) **Procedures used at each facility for scheduling nurses.**

   All department health services nurses are scheduled in accordance with the current MNA and AFSCME contract agreements with the State of Minnesota. The nursing supervisor, under the direction of the health services administrator, prepares a 14-day schedule at each facility, which is posted a minimum of 14 days in advance of the first day of the schedule. There is always a total of four weeks of scheduling posted at any given time.

   Factors impacting nursing schedules include the health services role at each facility, the scope of nursing practice required for various functions, holidays, vacations, leaves, position vacancies and the availability of intermittent and pool staff. Voluntary overtime is offered if there are unplanned resource needs after the schedule is posted.

3) Daily staffing levels at each facility including the ratio of supervisors to nurses at each facility.

Scheduling and staffing levels are impacted by a variety of factors. These include the specific functions of each facility, such as intake into the system, processing of release violators, facility size, and security levels. Other factors include the acuity level of the offenders, what and when health care services are provided, scheduled staff training, and other planned events.

Staffing levels are reviewed by the department's health services administration, which includes the health services director, director of nursing, and the associate director of nursing. Reviews occur at least annually, when facility missions are changed, and as needed using a multitude of indicators and input from facility administrators, supervisors and line staff.

The supervisor-to-nurse staffing ratio does not exceed 1 to 19 at any facility. Management resources are reviewed in conjunction with staffing levels as described above.

4) How the department determines the supervisor-to-nurse ratio at each facility.

The department cannot rely on a set formula to determine the number of nursing supervisors assigned to each facility. Decisions are made based on several criterion, including the number and expertise of staff requiring supervision, the types of clinical services provided, the overall health care needs of the population being served, and a variety of other clinical indicators. The security level of the facility also impacts the provision of health services and must be taken into consideration. Input from facility administrative, managerial, and line staff is solicited and plays a key role in the department's decision-making.

Staffing facilities, both with supervisory and line staff, is a dynamic process. Health services administration monitors the above indicators and makes modifications if required.

5) The department's average annual expenditures at each facility on pool nurses and nurse overtime.

Annual Overtime Cost

	Staff Overtime	*Pool*	*Total*
RN	$277,288	$203,662	$480,950
	58%	42%	100%
LPN	$96,235	$25,429	$121,664
	79%	21%	100%
TOTAL	$373,523	$229,091	$602,614
	62%	38%	100%

6) The number of pool nurses employed each year at each facility.

The department has a Master Services Contract with six pool agencies. As a result, the department does not employ pool nurses. When staffing needs arise, pool agencies are utilized. Nurses are provided depending on availability, willingness to work in a correctional facility, security training, and necessary clearances. During FY07, the department required 505 shifts of pool nurses and 2,396 shifts of overtime. Of those overtime shifts, 50 were mandated but only 18 were full overtime shifts.

The department values the work of nurses and takes the safety of its employees very seriously. I look forward to future discussions on the importance that nurse staffing has to the effective, safe management of correctional institutions.

Sincerely,

Joan Fabian
Commissioner

JF:sb

C: Legislative Reference Library (six copies)
Minnesota State Law Library (two copies)
Chief Clerk of the House
Secretary of the Senate

ATTACHMENT A

Steps in the Hiring Process – Checklist (feel free to fill in the dates as each step is completed)

☐ **Transaction Request Form (TRF) - Date Completed ___________**

In order to begin the vacancy filling process, you will need to complete a Transaction Request form (TRF) and attach a justification memo, current position description, and organizational chart. ***Please note*** that the current TRF asks you to indicate whether or not the vacant position is currently included in the Correctional Employees' Retirement Plan (CERP). In order to be accepted by HR Central Office, the TRF must be checked either "Yes" or "No". If yes, the position description must be in the CERP format (see DOC Policy 103.245). For more information regarding the Correctional Employee Retirement Plan (CERP), see the next bullet.

This form needs to be routed up the chain of command in order to obtain the required approvals. Once your TRF has all the required approvals, HR Central Office will send you an e-mail indicating receipt of your request.

☐ **Eligibility for the Correctional Employees' Retirement Plan (CERP) – Date Completed___________**

If the vacant position is in a job classification that may be eligible for the CERP, the position will be reviewed to ensure statutory compliance. In order for the position to be considered for coverage under the CERP, the position description must be in the CERP format, document at a minimum 75% time offender contact, and contain the appropriate signatures. The HR Staffing Representative will verify the TRF and CERP format position description have all required signatures and the position description documents at a minimum 75% time offender contact pursuant to Minn. Stat. § 352.91.

☐ **Internal Posting and Bidding Process - Date Completed ___________**

All bargaining agreements require a posting and bidding process for non-temporary, classified vacancies (see the applicable contract/plan for detailed information). All non-Corrections Officer 1, 2, and 3 vacancies will be posted on the HR Intranet site as required by the applicable bargaining contract/plan.

☐ **Posting the Vacancy on the State Employment Website - Date Completed ___________**

Vacancies, which are not filled via the internal posting/bidding process if applicable, must be posted on the State Employment (DOER) Website. Your HR Staffing Representative will contact you to discuss the minimum and preferred qualifications for your vacancy, the resume-based selection process, specific wording for the posting, the length of the posting period, and advertising needs. Your HR Staffing Representative will also discuss with you the use of workers' compensation and layoff lists and the claiming process.

☐ **Gain Access to the Applicant Resumes - Date Completed ___________**

You will need access to the web-based Manager's Referral program to access the resumes referred to you. If you do not have access to this program, please contact your HR Staffing Representative to gain access to Manager's Referral and receive training on the use of this program. It will take approximately 15 to 20 minutes to provide you with an overview of the Manager's Referral program, which you can then access from your computer.

<u>Applicant Roster</u>: Your vacancy is being filled through the Multi-Source Recruitment and Selection Process, which is resume-based. The roster may include the names of applicants who applied directly for your vacancy, as well as applicants found through a search of the Resumix applicant-tracking database. The qualifications of the applicants whose names appear on the roster are compared with the minimum qualifications of your vacancy and referred to you for further consideration. <u>It is our joint responsibility</u>

to determine whether or not the applicants meet all of the minimum qualifications that are posted for your vacancy

Data Practices Reminder: According to Minnesota Statutes 13.43, Subd. 3, the name of an applicant for employment is private, unless and until the applicant is considered as a finalist for a position. A finalist is an applicant selected to be interviewed by the appointing authority prior to selection. Once this occurs, the following information about applicants (with the exception of undercover law enforcement applicants) for employment is public:

- **Veteran status**
- **Relevant test scores**
- **Job history**
- **Education and training**
- **Work availability**

Private data is defined as data on individuals that is available only to the individual, his/her authorized representative, authorized state agencies, and those other individuals or entities authorized to see the data. Therefore, while the names of all applicants for a particular position may be shared with persons in the agency involved with that position's selection process, they may not be shared with other employees, or with members of the general public until they become public information.

❑ **Ensure Referred Candidates Are Minimally Qualified - Date Completed ____________**

You are responsible for ensuring that the applicants who are referred to you are minimally qualified for your vacancy. The review of qualifications must be based on the minimum qualifications that are posted for the vacancy, and the same standard must be applied to each candidate. If your HR Staffing Representative is uncertain about an applicant's qualifications, they may have been referred to you for a second review with a note about their qualifications. Your HR Staffing Representative is available to discuss with you the qualifications of the applicants in order to make a determination on who is/is not minimally qualified. In some instances, additional information may need to be collected from some or all of the applicants to make a final determination (e.g. through a brief phone screening or another assessment method).

If the position requires certification or licensure, you and your Staffing Representative must discuss how and when the applicants' certification or licensure will be validated. HR recommends that applicants' certification/licensure be validated prior to interview.

❑ **Review AFSCME Seniority Provision and other Bargaining Unit Provisions – Date Completed ____________**

If you are filling an AFSCME position, your HR Staffing Representative will advise you on any applicants that have seniority rights to the vacancy. While you are required to consider the employees in the seniority unit with seniority rights, you are not required to hire the most senior employee, if you can demonstrate and document that another applicant is "head and shoulders" more qualified than more senior applicant(s). The specific language in the contract states, "If a promotion is to be made…selection shall be made from among employees within the same seniority unit in which the vacancy exists, whose names are in the applicant pool in the order of State Seniority, provided the senior employee's ability and capacity to perform the job are relatively equal to that of other applicants in the applicant pool."

❑ **Determine Interview Pool - Date Completed ____________**

Once a determination has been made of who is/is not minimally qualified for your vacancy, the next step is to decide whom to invite to interview. You may apply the preferred qualifications as documented on the job posting in order to reduce the pool of applicants to a reasonable number to invite to interview.

Please keep in mind that you must apply the preferred qualifications consistently to all of the minimally qualified applicants. In other words, all applicants in the interview (finalist) pool must have the same preferred qualifications.

You may also apply additional screening criteria, which was not documented on the job posting, if it is necessary to further reduce the pool of applicants to a reasonable number. You must consult with your HR Staffing Representative prior to applying additional screening criteria and scheduling interviews so that you can discuss the job-relatedness of the additional screening criteria. The additional criteria will then be documented in the vacancy file and the Resumix applicant database by your HR Staffing Representative. This is in accordance with DOC Policy 103.009, Monitoring the Hiring Process.

Prior to scheduling interviews, you must review the interview (finalist) pool with your HR Staffing Representative so that you are advised of any affirmative action disparities that exist for the EEO4 job category and work location of the vacancy and/or if there are seniority or other issues that exist.

Data Practices Reminder: Supervisors and managers are not to disclose information to anyone regarding the protected group status of the selected applicant. The protected group status of an individual is identified as private data in accordance with the Minnesota Government Data Practices Act (M.S. 13.43, Subdivision 21) governing the collection and disclosure of all government data, including personnel data. The Minnesota Human Rights Act and Title VII of the Civil Rights Act of 1964 also prohibits indirect inquiries and considerations related to protected group information.

❑ **Completion/Collection of Background Forms - Date Completed ___________**

You must also determine how and when to give the interviewees the background forms to complete. You may decide to mail the forms to their home address and ask the candidates to bring the completed forms with them to their interview, or you may have the candidates complete the forms at the work location prior to or immediately following their interview. The background forms include the Background Release Form, Criminal Record Form, Employment Reference Form, Offender Association Disclosure Form, Predatory Offender Registration Form, Release of Information Form, and for certain positions, the Psychotherapy Forms (see DOC Policy 103.070). These forms are located in the Background Forms folder of the HR Updates, Hiring folder.

❑ **Develop Interview Questions/Rankings and Choose Interview Panel – Date Completed ___________**

The next step is to draft job-related interview questions and rankings to review with your HR Staffing Representative. Your Staffing Representative is available to help develop the interview questions and may have sample questions for you to review. At the same time, you should discuss whom to include on the interview panel. It is important to have the same interview panel throughout the interview process so that the interviewees are consistently assessed. Also, please review Commissioner Fabian's memo dated October 12, 2006 regarding diverse interview panel members in the Hiring folder of HR Updates.

❑ **Schedule Interviews - Date Completed ___________**

Then, the interviews should be scheduled. If you or another person on your staff will be scheduling the interviews, please keep track of how and when applicants are contacted to interview and the results of the invitation to interview. This way, the Manager's Referral program can be updated to track who is scheduled to interview, who declined to interview, etc. **NOTE:** Applicants who have been referred to you from a resume search process may be unaware that they are being considered for your vacancy. So, you should be prepared to explain the job duties and requirements of the position when you contact them to interview. On the applicant roster, you will see a 01 Tracked/Manual code by those applicants who are referred from the resume search process. Also, applicants may ask for a position description, so please be prepared to send the current position description upon request.

You do not have to hold up the interview process for applicants who are not available to interview on the set date. However, you may want to provide the applicant with the opportunity on a subsequent date if the request is reasonable.

❑ **Conduct/Document Interviews - Date Completed ___________**
The next step is to conduct the interviews and document the responses and ratings to the interview questions. To the best of your ability, please document what the interviewees actually say (e.g. key phrases) in response to the interview questions.

❑ **Review Interview Results and Discuss Affirmative Action/Seniority Provisions – Date Completed ___________**
Once the interviews have been completed, the next step is to review the interview results with your HR Staffing Representative prior to scheduling another round of interviews and/or making a job offer. Your Staffing Representative will advise you on any affirmative action or seniority issues that still exist.

If an affirmative action disparity exists and you are proposing to select a non-disparate group member, you must discuss with your manager the reasons for not selecting the disparate group member. If your manager supports your decision to select a non-disparate group member, the next step is to complete a Missed Opportunity Request form and submit the form and supporting documentation to the Office of Diversity for review. Your HR Staffing Representative will send you information on the Pre-Hire Review Process and the Missed Opportunity Request form along with a sample (the write-up MUST follow the same format as the sample). This information is also located in the HR Updates, Affirmative Action folder. **REMINDER: Do NOT extend a job offer until the Office of Diversity approves the request.** If you have questions regarding the missed opportunity process, please contact Affirmative Action Manager Pamela Kelly at (651) 361-7256.

Data Practices Reminder: Supervisors and managers are not to disclose information to anyone regarding the protected group status of the selected applicant. The protected group status of an individual is identified as private data in accordance with the Minnesota Government Data Practices Act (M.S. 13.43, Subdivision 21) governing the collection and disclosure of all government data, including personnel data. The Minnesota Human Rights Act and Title VII of the Civil Rights Act of 1964 also prohibits indirect inquiries and considerations related to protected group information.

❑ **Conduct Employment Checks - Date Completed ___________**
Employment reference checks must be conducted by the hiring supervisor or designee on the top candidate(s) for the job. **NOTE:** This may include a psychotherapy/sexual exploitation background check (see Policy 103.070 for more information), which HR administers. The department uses set questions for employment reference checks. The Employment Reference Form, with the questions listed, is available in the Background Forms folder of the HR Updates, Hiring folder. Please contact your HR Staffing Representative if you have questions about conducting employment reference checks. (NOTE: If the candidate is a current state employee, the applicant roster/certification list will include the state agency, title, status and pay rate of the candidate. However, the SEMA4 system will also be checked to determine if the candidate is a current or former state employee.)

❑ **Criminal History Check - Date Completed ___________**
HR will complete the criminal history check on the top candidate(s) for the job. In order to do so, your HR Staffing Representative will need the completed Background Release Form and Criminal Record Form.

❑ **Offender Association Form - Date Completed ___________**
You must send the completed Offender Association Disclosure Form to your HR Staffing Representative so that they can review the visiting information in COMS to ensure the candidate is allowed in an institution and check if the candidate is or has been on an offender's visiting list. Also, if the candidate lists an association, the disclosed information will be shared with OSI in order to perform a more comprehensive review. The findings will then be shared with the appointing authority/warden(s).

❑ **Predatory Offender Registration Form – Date Completed ___________**
You must send the completed Predatory Offender Registration Form to your HR Staffing Representative so that they can forward it to OSI to conduct the review.

❑ **Psychotherapy Forms (if applicable for the position) – Date Completed ___________**
If applicable per DOC Policy 103.070, you must send the completed Psychotherapy Forms to your HR Staffing Representative so that they can administer a review on the top candidate(s) for the job.

❑ **Determine Appropriate Salary to Offer - Date Completed ___________**
The next step is to discuss compensation with your HR Staffing Representative in order to determine the most appropriate salary level to offer to the selected candidate. You may need to complete a formal compensation request depending upon the amount of the increase and/or starting salary you would like to offer. The Salary Approval Request form is located in the Compensation folder of the HR Updates, Hiring folder. Your Staffing Representative will work with you on obtaining approval from the Regional HR Director. **No offer is to be made until you receive salary approval from HR.**

❑ **Making the Job Offer - Date Completed ___________**
You will then make the conditional job offer to the selected candidate at the approved salary level.
NOTE: The offer will be conditional if the criminal history check has not been completed and/or the candidate has not completed the physical examination, if applicable, as well as contingent upon the results from fingerprint data. If the candidate accepts the job offer, please discuss the details of the conditional job offer, if applicable, determine a start date* with the candidate, and immediately relay this information to your HR Staffing Representative.

> **If the applicant will be a new DOC employee he/she can start on any day within the pay period. If the applicant is a current DOC employee please ask him/her to start at the beginning of a pay period (if possible).* ***Please consult with Employee Development before finalizing the start date.***

HR will write and send the official job offer letter, if the selected candidate accepts the offer of employment. You may also send a "welcome" letter to the new employee if you so choose (however, please indicate in that letter that a letter will be coming from HR with detailed information about their employment). The DOC requires new employees to complete new hire paperwork using NewHire On-Line. This system is used to collect standard information from new hires (via the Internet), populate data into common new hire forms, and upload the information into the SEMA4 system. With this system, new employees will not need to complete as many forms on their first day of employment AND they will receive an Employee ID on their first day of employment.

❑ **Schedule Physical Exam(s) upon Acceptance of Job Offer - Date Completed ___________**
HR will schedule the pre-employment physical exam, drug test and/or mantoux. Once the results are received from the clinic, HR will contact you so that you can either confirm the appointment or withdraw the job offer (if the job offer is withdrawn, a letter will need to be sent to the candidate).

❑ **Update Hiring Actions in Resumix/Manager's Referral Program - Date Completed ___________**
The next step is to update the applicant roster with the actions taken in the hiring process. If you have not provided this information already, you will need to provide complete information to your HR Staffing Representative on who was invited to interview, who accepted/declined to interview, who did not show up for the interview, etc. Then, your HR Staffing Representative will update the applicant records in Resumix/Manager's Referral to reflect this information. It is important to note that the Resumix database is the official reservoir of applicant information, and therefore, it is imperative that accurate applicant information be housed in Resumix for reporting and other purposes.

- [ ] **Send Letter to Interviewees Not Selected for Position – Date Completed ___________**

HR will send a letter to the interviewee(s) who were not selected for the position. This is a standard letter that references the posting number and job classification of the vacancy and thanks them for interviewing, but it does not include other vacancy-specific information. Therefore, you may choose to call or write a separate letter to the interviewee(s).

- [ ] **Keeping the Documentation - Date Completed ___________**

The interview results and background forms must be maintained. Please forward these documents to your HR Staffing Representative for maintenance in the hiring and personnel file(s).

- [ ] **Institution Notification - Date Completed ___________**

HR will ensure an e-mail notification is sent to the institution staff per the practice at the facility.

- [ ] **Employee's First Day (see New Employee Checklist in HR Updates; Orientation Material; Packet 3)**
  - [ ] Have the employee sign the position description, give one copy to the employee and forward one copy to Human Resources <u>within 10 days of the employee's first day of employment</u>.
  - [ ] Schedule a time to meet with the regional HR office in order to complete and/or receive a:
    - a.) Complete the I-9 (Immigration & Naturalization) form
    - b.) Complete the Hepatitis B Vaccination form (if applicable)
    - c.) DOC Resource Page document
  - [ ] Contact information technology staff to grant computer access.
  - [ ] Schedule a time for the employee to receive an employee identification card.
  - [ ] Schedule a time to have the employee fingerprinted (if not done prior to hire).
  - [ ] Introduce the employee to their co-workers.
  - [ ] Review work rules.
  - [ ] Tour the building/work area.
  - [ ] Review telephone numbers.
  - [ ] Schedule employee for Academy Training, if applicable.
  - [ ] Demonstrate/inform the employee on how to call for emergency assistance (911) (ex: need to dial "9" to get an outside line and then dial "911" or whatever process is in place at their work location.).
  - [ ] If this is a supervisory position and the new employee has never attended **<u>Supervisory Core</u>** training, you must arrange for him/her to attend this training prior to completing the probationary period. Consult with Employee Development for more information.
  - [ ] If this is a managerial position and the new employee has never attended **<u>Managerial Core</u>** training, you must arrange for him/her to attend this training prior to completing the probationary period. Consult with Employee Development for more information.

If you have any questions regarding the steps outlined in this document, please feel free to contact your HR Staffing Representative.