
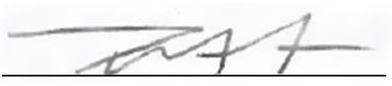


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CHAPTER 3: PERSONNEL		
	STATE of MAINE DEPARTMENT of CORRECTIONS Approved by Commissioner:	PROFESSIONAL STANDARDS: See Section VIII
		
EFFECTIVE DATE: August 15, 2003	LATEST REVISION: August 22, 2024	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

The Department provides employment opportunities to the widest possible range of candidates and strives to include diversity, equity, and inclusion in its workforce and selects those best qualified to meet Department needs. Selection, retention, lateral entry, and promotion shall be based on federal and state law, personnel policies, merit system principles, Civil Service Rules, and collective bargaining agreements, including consideration of experience, education, and specified qualifications. New employees may receive credit for prior training.

IV. DEFINITIONS

1. Maine Bureau of Human Resources – the State agency that provides the human resource function for Departments within State government to include, but not be limited to, establishing and maintaining personnel rules, a classification plan, a compensation plan, a recruitment and applicant selection process, a performance appraisal system, management training, and procedures for demotions, suspensions, and dismissals, and administering employee benefits.

V. CONTENTS

- Procedure A: General
- Procedure B: Prison Rape Elimination Act (PREA) Requirements
- Procedure C: Hiring and Promoting Neutrality

VI. ATTACHMENTS

- Attachment A: [PREA Questionnaire for Selection/Promotion/Retention](#)
Attachment B: Prison Rape Elimination Act (PREA) Questionnaire for Prior Institutional Employers ([paper/online](#))

VII. PROCEDURES

Procedure A: General

1. The Department shall abide by the Maine Bureau of Human Resources (BHR) Policies & Practices Manual, Civil Service Rules, and collective bargaining agreements, which require that the selection, retention, lateral entry, and promotion of personnel are on the basis of merit and specified qualifications.
5-ACI-1C-10, 5-ACI-1C-11, 4-JCF-6C-01, 4-JCF-6C-04, & 4-ACRS-7B-04
2. The facility Chief Administrative Officer, or designee, Regional Correctional Administrator, or designee, or Deputy Commissioner, or designee, as applicable, shall ensure the qualifications of all professional specialist employees. *4-JCF-6C-03*
3. The Department shall compensate employees for hours worked in accordance with the State of Maine Compensation Policy, State of Maine Personnel Rules, and provisions of applicable state and federal law.
4. The Department's Human Resources Director, or designee, shall ensure that all required background investigations are conducted on all persons being considered for employment or promotions with the Department as set forth in Department Policy 3.24, Background Investigations.

Procedure B: Prison Rape Elimination Act (PREA) Requirements

§115.17

1. The PREA Questionnaire for Selection/Promotion/Retention form (Attachment A), a self-evaluation questionnaire about any previous PREA violations, is required to be completed by each:
 - a. applicant for employment who may have direct contact with residents or community corrections clients;
 - b. employee being considered for promotion who may have direct contact with residents or community corrections clients; and
 - c. employee who may have direct contact with residents or community corrections clients alongside their employee performance evaluations.
2. The applicant's or employee's supervisor shall be responsible for ensuring the individual completes the PREA Questionnaire as set out above.
3. The completed form shall be retained by the Human Resources Director, or designee.
4. The Department's Director of Human Resources, or designee, shall request information, using the Prison Rape Elimination Act (PREA) Questionnaire for Prior Institutional Employers (Attachment B), about substantiated allegations of sexual misconduct or

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sexual harassment involving an applicant for employment from each institutional employer for whom the applicant has previously worked.

5. The completed form shall be retained by the Human Resources Director, or designee.
6. To the extent permitted by law, the Department shall decline to hire or promote and shall terminate employment of anyone who may have contact with residents or community corrections clients who has:
 - a. engaged in sexual misconduct in violation of PREA standards, state law, or Department policy in a prison, jail, lockup, community confinement facility, adult or juvenile facility, or other institution;
 - b. been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - c. been civilly or administratively adjudicated to have engaged in an activity as outlined above.
7. Any prior incident of sexual harassment in a prison, jail, lockup, community confinement facility, adult or juvenile facility, or other institution shall be considered in determining whether to hire or promote any individual who may have contact with residents or community corrections clients.
8. All employees have a continuing, affirmative duty to immediately disclose to their supervisor any sexual misconduct in violation of PREA standards, state law, or Department policy.
9. To the extent permitted by law and the Maine Bureau of Human Resources, the Department may decline to hire or promote and may terminate employment based on the provision of false or misleading information about or failure to disclose sexual misconduct or sexual harassment in violation of PREA standards, state law, or Department policy in any written applications or interviews for hiring or promotions.
10. The Department's Director of Human Resources, or designee, shall provide information on substantiated allegations of sexual misconduct or sexual harassment involving a present or former employee upon receiving a request from an institutional employer for whom such present or former employee has applied to work.

Procedure C: Hiring and Promoting Neutrality

1. Title 5 M.R.S.A. Section 7051 requires neutrality in hiring and promoting.
2. The final decision that a person will be hired or promoted by the Department shall not be made in part or wholly by a person related to the person under consideration to be hired or promoted if they are related by consanguinity (blood) or affinity (marriage) within the 4th degree. The fact that a person is related to a Department employee shall not deprive any applicant or employee of full consideration for hiring or promotion.
3. If interpretation of this procedure is considered necessary in a specific situation, the Department's Director of Human Resources, or designee, shall contact the Maine Bureau of Human Resources.

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VIII. PROFESSIONAL STANDARDS

ACA

- 5-ACI-1C-10 Written policy, procedure, and practice provide that all personnel are selected, retained, and promoted on the basis of merit and specified qualifications. New employees receive credit for their prior training.
- 5-ACI-1C-11 Written policy, procedure, and practice provide for lateral entry as well as promotion from within the institution.
- 4-JCF-6C-01 All personnel are selected, retained, and promoted on the basis of merit and specified qualifications from within the facility and from outside sources.
- 4-JCF-6C-03 All professional specialists are qualified in their fields.
- 4-JCF-6C-04 Provisions exist for experience and education substitutes for position qualifications.
- 4-ACRS-7B-04 All personnel are selected, retained, and promoted on the basis of merit and specified qualifications. New employees receive credit for their prior training.

PREA

- §115.17 Hiring and promotion decisions

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