



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #1.217 Employee or Labor Organizations

Page 1 of 7

<p>Authority: Wyoming Statute(s): 25-1-104; 25-1-105; 27-7-108 through 27-7-115; 16-4-203(d)(iii)</p> <p>ACA Standard(s): 2-CO-1C-03</p>	<p>Effective Date: November 30, 2016</p> <p>Revision/Review History:</p> <table style="width: 100%; border: none;"> <tr><td style="width: 80%;">11/30/15</td></tr> <tr><td>10/03/14</td></tr> <tr><td>10/01/13</td></tr> <tr><td>09/15/12</td></tr> <tr><td>09/19/11</td></tr> </table>	11/30/15	10/03/14	10/01/13	09/15/12	09/19/11	
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<p>Cross Reference of Policy: P&P #1.014, <i>Investigations</i>; P&P #1.215, <i>Code of Ethics</i>; P&P #1.300, <i>Staff Training and Development</i></p>	<p>Summary of Revision/Review: Updates existing policy pursuant to annual review.</p> <p>Supersedes Existing Policy :</p>						
<p>Approved:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; text-align: center;">R.O. Lampert</td> <td style="width: 40%; text-align: center;">11/16/16</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">Robert O. Lampert, Director</td> <td style="text-align: center;">Date</td> </tr> </table>		R.O. Lampert	11/16/16	_____	_____	Robert O. Lampert, Director	Date
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Robert O. Lampert, Director	Date						

REFERENCE

1. **ATTACHMENTS – None Noted**

2. **OTHER**
 - A. *State of Wyoming Personnel Rules*, Ch.1, Sec 10-11, and Ch.12.

 - B. *Wyoming Personnel Records Policy*, Department of Administration and Information, Human Resources Division



I. PURPOSE

- A. The purpose of this policy and procedure is to provide guidelines to be followed in contacts and relationships between the Wyoming Department of Corrections (WDOC) and WDOC employee or labor organizations.
1. This policy, procedure and agency practices shall govern employee-management relations. (2-CO-1C-03)

II. POLICY

- A. **General Policy.** It is the policy of WDOC to permit WDOC employee involvement in employee or labor organizations. Participation in employee or labor organizations is voluntary and no WDOC employee will be required to become or remain a member of any employee or labor organization.
- B. **Reasonable Access.** WDOC recognizes and supports the positive benefits of partnerships between employees and employee organizations. It is the policy of the WDOC to provide meaningful opportunities and reasonable access to employee organizations while maintaining the safety of the public, WDOC employees, contract workers, volunteers, offenders, and visitors and while ensuring the safe and secure operations of WDOC facilities, offices, and programs.
- C. **Neutral Position.** It is the policy of the WDOC to maintain a neutral posture in regard to all WDOC employee or labor organization activities.
- D. **Employee Representation.** It is the policy of the WDOC to allow a representative of the employee's choice to be present during meetings with management that involve investigations, grievances, labor disputes, hours of employment, or conditions of work. Time spent as an employee representative will generally be in an off-duty capacity.

III. DEFINITIONS

- A. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district managers, adult community corrections coordinator, and adult community corrections directors.
- B. **Employee:** Wyoming Department of Corrections' employees (temporary and permanent), contractors, volunteers, on-site vendors, and persons from other agencies, organizations and businesses whose work is performed primarily on or within WDOC facilities.



WYOMING DEPARTMENT OF CORRECTIONS	Policy and Procedure #1.217	Page 3 of 7
		Employee or Labor Organizations

- C. Employee or Labor Organization:** (See W.S. § 27-7-108(a).) Any organization, or any agency or employee representation committee, plan or arrangement, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
1. Employee organizations are different from professional associations. Employee or labor organizations represent an employee or group of employees regarding certain employment interest(s); where a professional association serves as a membership which allows for continued education, networking, etc. Examples of professional associations are Wyoming Criminal Justice Association (WCJA), American Correctional Association (ACA), etc. See Policy and Procedure #1.300, *Staff Training and Development* for guidelines on allowances and/or limitations for participation in professional associations.
- D. Employee Representative:** An individual who facilitates the relationship between management and employees in regard to various workplace topics and issues.
- A. Servicing Human Resources Office:** (*For this policy only.*) The office in which prepares and distributes payroll for employees and provides other human resources services.

IV. PROCEDURES

- A. Participation in Employee Organization Activities on WDOC Property.** The Chief Executive Officer (CEO) or his/her designee shall allow access by employee organizations to meet with WDOC staff within the confines of WDOC facilities and offices, providing the following procedures and responsibilities are followed:
1. Representatives of employee organizations shall be allowed to present a five (5) minute overview of the scope of their membership to all new WDOC employees during their initial training. In addition, employee organizations will be allowed to provide the WDOC with printed membership information which will be made available to staff during in-service training.
 2. Requests to meet with employees, outside of the initial training, shall be made in advance and in writing. If circumstances do not allow for an



advance written request, a verbal request may be made followed by a written request within three (3) business days. Such requests shall go to the CEO.

- i.** Each request to meet with employees shall include the following:
 - 1. The name(s) of representatives to visit the facility or office, the position of the representative(s) and the name of the group represented.
 - 2. A statement outlining the purpose of the visit.
 - 3. The requested date and time of the visit.
- ii.** Upon arrival at the particular facility or office, representatives shall:
 - 1. Officially check-in through the office of the CEO or designee;
 - 2. Be available to brief designated facility staff on the issues to be discussed while on-site.
- ii.** Prior to leaving the facility or office, representatives shall:
 - 1. Officially check-out through the office of the CEO or designee;
 - 2. Be available to debrief designated facility/office staff. This debriefing will center on issues which may have impact on the management, security, or safety of the facility/office, staff or inmates.
- 3.** The CEO or his/her designee shall provide an on-site location for the employee organizations representative(s) to meet with employees.
 - i.** Meetings shall not interfere with the function of the facility or office.
 - ii.** Meetings at the correctional facilities shall not be in a location accessible to the inmate population.



iii. Meetings between employee organization representatives and staff at the WDOC Training Academy shall be permitted and accommodated for within the guidelines of this policy.

4. Employees shall adhere to the WDOC Policy and Procedure #1.215, *Code of Ethics*, and other departmental policy.

i. The use of state provided/purchased supplies or equipment, including e-mail, may not be used for conducting employee organizations' business.

ii. Meetings shall be on off-duty time unless other time is specifically approved by the WDOC Director or designee.

B. Membership Dues

1. Employees are responsible for paying all necessary dues required for becoming a member of an employee or labor organization. Some organizations are approved for payroll deduction. Employees are responsible for providing the servicing human resources department with authorization to complete payroll deductions for membership dues.

2. The servicing human resources office shall be responsible for ensuring timely processing of employee payroll deductions for employee organization membership dues once authorization is received.

i. Payroll deductions submitted prior to the 14th calendar day of each month should be processed prior to that month's payroll run.

C. **Bulletin Boards.** Bulletin boards shall be provided at each WDOC facility or office for use by employee organizations and only contain announcements by the organization or membership information.

1. The employee organization bulletin board shall be secured in an area that provides all staff ready access.

2. Requests to place information on/in bulletin board space shall be submitted to the CEO or designee for review and approval prior to posting to preclude information which may have an impact on the management, security of the facility/office, staff or offenders.

3. For facilities, the key to the bulletin board will be located in each facility control room and may only be accessed by a WDOC employee who has been designated, in writing, by the employee organization.



4. Approved materials shall be retained on the bulletin board for no more than sixty (60) calendar days, unless otherwise approved by the CEO.

D. Investigations

1. Staff participating in a formal investigation may request to have an employee representative present during interview pursuant to the provisions of WDOC Policy and Procedure #1.014, *Investigations*.
 - i. During the interview, the representative may not interfere with or impede the interview process, and may be excluded from the interview if his/her behavior becomes disruptive to the interview.
 - ii. No witness or potential witness to the alleged violation, or staff assigned to the WDOC Investigations Unit, will be permitted to act as an employee representative.

E. Grievances

1. Grievance procedures shall be conducted in accordance with Chapter 8 of the *State of Wyoming Personnel Rules*.
 - i. An officer of an employee organization may, with written consent of an organization member, file a grievance on behalf of that employee.
 - ii. Employees may request a representative be present during any grievance proceedings outlined in the personnel rules. If the representative of the employee's choice is not available to attend the meeting as scheduled, then the employee may choose another representative who is available.
 - a. In the event that an off-duty personal representative is not available to the employee at the time of the scheduled meeting or hearing, the employee may request the presence of an on-duty personal representative. The CEO or designee may release an on-duty staff member from his/her post through post relief to act as a personal representative if doing so would not unduly restrict operations or require the employer to pay overtime. If no replacement can be provided, the scheduled meeting or hearing shall proceed without a representative present.



- iii. Employee representatives requesting to interview employees on state time in the course of conducting a grievance investigation shall provide the CEOs with the name(s) of individuals to be interviewed. CEOs shall make every effort to provide a location and time for grievance investigation interviews with employees.

F. Administrative Requirements

1. Personnel records are confidential pursuant to W.S. § 16-4-203(d)(iii) and shall be disclosed only as required by law.
2. All CEOs or their designee shall inform the Director of any violation of W.S. §§ 27-7-108 through 27-7-115 which govern recruitment of, membership in and payment of dues to labor organizations which, as that term is defined in W.S. § 27-7-108, includes employee organizations.
3. Each employee has the right, regardless of membership in an employee organization, to bring matters of personal concern to the attention of the appropriate officials in accordance with applicable laws, rules and government policies.
4. Unless otherwise provided for by this policy, an individual wishing to confer with his/her employee organization representative shall do so away from the worksite and outside of regularly scheduled work hours.

V. TRAINING POINTS

- A. What is an “employee association”?
- B. How shall requests by employee associations to meet with employees be made?
- C. What are the responsibilities of employee association representatives when they arrive at the institution?
- D. What are the responsibilities of employee association representatives prior to leaving the institution?
- E. When and where should meetings between employee association representatives and employees take place?