



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #1.200 Employment of Ex-Offenders

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Authority: Wyoming Statute(s): 25-1-105 ACA Standard(s): 4-4061; 2-CO-1C-18; 2-CO-1C-10; 4-APPFS-3E-07	Effective Date: July 30, 2016 Revision/Review History: 06/30/15 06/01/14 06/01/13 06/01/12 05/01/11 03/20/00
Cross Reference of Policy: P&P #1.206, <i>Recruitment and Selection for POST-Certified Positions</i>	Summary of Revision/Review: Updates existing policy pursuant to annual review. Supersedes Existing Policy :
Approved: <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> R.O. Lampert <hr style="width: 80%; margin: 0 auto;"/> Robert O. Lampert, Director </div> <div style="text-align: center;"> 7-12-16 <hr style="width: 80%; margin: 0 auto;"/> Date </div> </div>	

APPROVED FOR INMATE DISTRIBUTION

The policy and procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REFERENCE

1. ATTACHMENTS - None Noted
2. OTHER – None Noted



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I. PURPOSE

- A. General Purpose.** The purpose of this policy is to establish the conditions and procedures for hiring ex-offenders and determining approval for ex-offenders as volunteers within the agency.

II. POLICY

- A. Criminal Record Checks.** It is the policy of the Wyoming Department of Corrections (WDOC) to conduct a criminal record check on all new employees, contractors, and volunteers prior to assuming their duties in accordance with applicable statutes and to identify whether there are criminal convictions that have a specific relationship to job performance. (2-CO-1C-18)

1. This record will include comprehensive identifier information, such as current name, birth name, date of birth, social security number, address, phone number, copy of driver's license and similar information, to be collected and run against law enforcement indices.
2. If suspect information on matters with potential terrorist connections is returned on a desirable applicant, it is forwarded to the local Joint Terrorism Task Force (JTTF) or another similar agency. (ACA 4-4061)

- B. WDOC Position.** It is the position of WDOC that ex-offenders have the capacity to become law abiding citizens and they have the potential to be excellent employees, volunteers and/or treatment services providers. It is therefore the policy of WDOC to consider for employment, under specified circumstances, minimally qualified applicants who have been convicted of criminal violations. (2-CO-1C-10; 4-APPFS-3E-07)

1. **Peace Officer and Standards Training (P.O.S.T.) certified positions.** Applicants with criminal convictions may be considered for employment under the following circumstances.
 - i. **Felony Convictions.** Convicted felons will not be considered for employment in P.O.S.T. certified positions, or any other position that could involve the assignment of fire arms, pursuant to the Gun Control Act.
 - ii. **Misdemeanor Convictions.** Persons with a prior misdemeanor conviction may be considered for employment in a P.O.S.T. certified position on a case-by-case basis, subject to approval by



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the Director of the WDOC, or appropriate CEO upon proper delegation of authority by the Director, provided he/she is not currently under supervised or unsupervised probation in any jurisdiction or have a current suspended/deferred sentence.

2. **Other WDOC and Contract/Service Provider Positions.** Persons with a history of conviction of a misdemeanor or felony crime(s) may be considered for employment with WDOC and/or contract providers and/or volunteer positions in other job classifications with the prior approval of the Director of the WDOC.
 - i. WDOC or any contractor for the WDOC will not consider persons currently on supervised or unsupervised probation, to include a suspended or deferred sentence, for employment or a volunteer position while on any of the aforementioned statuses.
3. **Employment/Volunteer at the Same Institution.** Ex-offenders may not be employed at or serve as volunteers at the same institution in which they were confined within the past five (5) years.
 - i. **Exception for Substance Abuse Treatment.** Ex-offenders who successfully completed an intensive residential treatment program while confined by the WDOC are authorized to work for the licensed contract provider which provides substance abuse treatment services or volunteer at the same facility where they were incarcerated prior to the five (5) year waiting period.

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, regional managers, district managers, district supervisors, adult community corrections coordinator, and adult community corrections directors.
- B. **Ex-Offender:** Any person who has been convicted of one or more felony offenses that resulted in incarceration or supervised probation; any person who has been convicted of a misdemeanor offense other than a minor traffic offense; any person who has been convicted of any offense and sentenced to a period of unsupervised probation; or any person placed on a suspended or deferred sentence by a court.



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IV. PROCEDURE

- A. **Application Process.** To be considered for employment or as a volunteer with the WDOC, ex-offenders must comply with WDOC policy and procedure.
1. **Employment with WDOC.** Ex-offenders must complete a State of Wyoming application and follow all prescribed steps in the recruitment process as outlined in WDOC Policy and Procedure #1.226, *Recruitment, Selection and OnBoarding of WDOC Employees*.
 2. **Employment with Contractors/Service Providers.** Ex-offenders must apply through the vendor of these services and follow the vendors hiring process. In addition, the vendor must receive approval from the Director and comply with the provisions of this policy.
 3. **Volunteer.** Ex-offenders must complete a volunteer application and follow all prescribed steps as outlined in WDOC Policy and Procedure #1.601, *Volunteers and Student Interns*.
- B. **Felony Offenders.** The WDOC will consider ex-offenders with felony convictions for employment under the following conditions, all of which must be met in order for the ex-offender to be considered for employment by the WDOC.
1. The offense resulting in conviction is not related to the job duties of the position for which the ex-offender has applied. For example, someone convicted of embezzlement would not be considered for a position involving the handling or disbursement of funds.
 2. The applicant has not been incarcerated or under any form of correctional supervision or unsupervised probation during the three (3) year period immediately preceding the submission of the employment application.
 3. The application must accurately reflect the arrest(s) and/or conviction(s).
 4. When there is more than one conviction, the number and type of convictions do not indicate a pattern of unlawful behavior.
 5. **Approval Required before Offer of Employment.** Prior to extending an offer of employment, written approval must be granted by the Director or designee.
- C. **Misdemeanor Offenders and Deferred Sentences.** Ex-offenders who have been convicted of a misdemeanor offense or those who have had a suspended



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or deferred sentence are eligible to be hired by WDOC, provided they are not currently under supervised or unsupervised probation or subject to a suspended or deferred sentence.

1. Chief Executive Officers (CEOs) are delegated the authority to make hiring decisions for ex-offenders with misdemeanor offenses not involving violence, alcohol, or drugs.
 2. CEOs wishing to hire ex-offenders with misdemeanor offenses involving violence, alcohol, or drugs must obtain the Director's approval prior to making an offer of employment.
- D. Selection Based on Qualifications.** This policy is not intended to create a preference for hiring ex-offenders. In every case the relative minimum qualifications of all applicants will guide in the selection process.

V. TRAINING POINTS

- A. Is it the policy of the Wyoming Department of Corrections (WDOC) to conduct a criminal record check on all new employees, contractors, and volunteers prior to assuming their duties to identify whether there are criminal convictions that have a specific relationship to job performance?
- B. Can the WDOC hire ex-offenders as correctional officers?
- C. What four conditions must be met in order for the ex-offender to be considered for employment by the WDOC?
- D. Has WDOC established a hiring preference for ex-offenders?