

CHAPTER 296
FORMERLY
HOUSE BILL NO. 264

AN ACT TO AMEND CHAPTER 65, TITLE 11 OF THE DELAWARE CODE RELATING TO THE EMPLOYMENT AND PAYMENT OF PERSONNEL BY THE DEPARTMENT OF CORRECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 6506, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The Department shall be the hiring agency for all correctional officers and other persons employed by the Department. Any applicant for employment by the Department shall take such physical, mental, and intelligence or other tests as the Department shall prescribe, and shall provide the Department with such information as it may need for its employment decisions.

(b) Prior to making an employment decision on an applicant for employment by the Department, the Department shall obtain the applicant's entire criminal history record from both the State and the Federal Bureau of Investigation. Prior to employing the applicant, the Department shall complete and review the results of a computerized name search of the National Crime Information Center (NCIC) and the Criminal Justice Information System (CJIS) maintained by the Delaware Criminal Justice Information System (DELJIS) to determine if the applicant has any criminal history record information. Based on the results of the computerized name searches for criminal history records, the Department shall not employ any individual who has ever been convicted of a felony offense in this or any other state or jurisdiction, or who has ever been convicted of an offense in another state or jurisdiction that would be a felony offense in the State of Delaware. Prior to employing the applicant, the Department also shall initiate a background search using any state or federal automated fingerprint identification system. Upon receiving the results of ~~the fingerprint-based~~ fingerprint-based searches for ~~criminal history record~~ background information, the Department shall immediately terminate the employment of any individual employed by the Department who has ever been convicted of a felony offense in this or any other state or jurisdiction, or who has ever been convicted of an offense in another state or jurisdiction that would be a felony offense in the State of Delaware.

(c) Notwithstanding the above prohibition on employment and the provisions of § 8914, Title 29 of the Delaware Code, the Department may, upon an individual's release from a Level 4 or Level 5 vocational program, employ on a casual/seasonal basis an ex-offender disqualified from employment pursuant to subsection (b), above, demonstrating exceptional job skills (as determined by the Department in its sole discretion) in certain qualified positions for a period of time not to exceed 6 months. The Department may not employ an ex-offender disqualified from employment pursuant to subsection (b), above, unless the Department has adopted policies and procedures governing the terms and conditions of employment for such individuals, identifying the qualified positions available to such individuals and setting forth the selection criteria and job qualifications and requirements for each qualified position. Individuals employed under this subsection shall not be covered by any union contract or Chapter 59, Title 29 of the Delaware Code. Nothing in this section shall create any right, privilege or entitlement to employment of any kind to any individual.

~~(d)~~ The initial employment of any person by the Department shall be on a probationary basis for the first 6 months or in accordance with the union contract during which time the probationary employee shall not be eligible for merit system status. Upon the successful completion of the probationary period, the employee shall be covered by the classified service as defined under Chapter 59 of Title 29. This subsection shall not apply to any individual hired on a casual/seasonal basis pursuant to subsection (c), above.

Section 2. Amend § 6534B(b), Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) Funds from the Delaware Correctional Industries Special Fund shall be expended only for the following purposes:

(1) Financing the Delaware Correctional Industries programs, including, but not limited to, all prison manufacturing, construction, contractual services and labor provided;

(2) Financing the educational programs required by § 6531A of this title;

(3) Financing the treatment and rehabilitation programs required by § 6531 of this title; ~~and~~

(4) Financing any and all programs as itemized in § 6532(f)(3) of this title; and

(5) Financing the casual/seasonal positions referenced in § 6506(c).

Section 3. This Act shall take effect immediately.

Approved July 09, 2014