CORRECTIONAL OFFICERS' TRAINING ACT OF 1982

Act 415 of 1982

AN ACT to improve the training and education of state correctional officers; to provide for the certification of state correctional officers and the development of standards and requirements for state correctional officers; to provide for the creation of a correctional officers' training council and a central training academy; and to prescribe the powers and duties of certain state agencies.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 2003, Act 121, Eff. Oct. 1, 2003

The People of the State of Michigan enact:

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791.501 Short title.

Sec. 1.

This act shall be known and may be cited as the "correctional officers' training act of 1982".

History: 1982, Act 415, Eff. Mar. 30, 1983

791.502 Definitions.

Sec. 2.

As used in this act:

(a) "Central training academy" means the central training academy established pursuant to section 15.

(b) "Correctional facility" means a facility or institution which houses an inmate population under the jurisdiction of the department of corrections.

(c) "Council" means the correctional officers' training council created under section 3.

(d) "Department" means the state department of corrections.

(e) "Executive secretary" means the executive secretary of the council.

(f) "State correctional officer" means any person employed by the department in a correctional facility as a correctional officer or a corrections medical aide, or that person's immediate supervisor.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 2003, Act 121, Eff. Oct. 1, 2003

791.503 Correctional officers' training council; creation; duties; membership.

Sec. 3.

The correctional officer's training council is created within the department and shall establish standards regarding training and education as prescribed in this act. The council shall consist of 8 members appointed by the governor. The members shall be appointed as follows:

(a) One member shall represent state corrections officers.

(b) One member shall represent the department.

(c) One member shall represent the department of management and budget.

(d) One member shall represent the state personnel director.

(e) Two members shall represent the public at large.

(f) Two members shall represent the academic community, at least 1 of whom shall represent Michigan community colleges.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 2003, Act 121, Eff. Oct. 1, 2003

791.504 Council members; terms; appointment; vacancy; reappointment.

Sec. 4.

(1) All members of the council shall hold office for a term of 3 years. Successors shall be appointed in the same manner as the original appointment.

(2) A person appointed as a member to fill a vacancy created other than by expiration of a term shall be appointed in the same manner as the original appointment for the remainder of the unexpired term of the member whom the person is to succeed.

(3) Any member may be reappointed for additional terms.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 2003, Act 121, Eff. Oct. 1, 2003

791.505 Council chairperson and vice-chairperson; designation; terms of office; reelection; location and number of council meetings; special meetings; establishment of procedures and requirements; conduct of business at public meeting; public notice; compensation; expenses.

Sec. 5.

(1) The council shall designate from among its members a chairperson and a vice-chairperson who shall serve for 1-year terms and who may be reelected.

(2) The council shall meet at least 4 times in each year at Lansing. The council shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson, or when called by the chairperson upon the written request of 4 members of the council. The council shall establish its own procedures and requirements with respect to quorum, place, and conduct of its meeting and other matters.

(3) The business which the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(4) The members of the council shall serve without compensation but shall be entitled to their actual expenses in attending meetings and in the performance of their duties under this act.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 2003, Act 121, Eff. Oct. 1, 2003

791.506 Council member not disqualified from holding public office or employment.

Sec. 6.

A member of the council shall not be disqualified from holding any public office or employment by reason of his or her appointment or membership on the council, nor shall he or she forfeit any such office or employment, by reason of his or her appointment under this act,

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notwithstanding the provisions of any local or special act or any local law, ordinance, or charter.

History: 1982, Act 415, Eff. Mar. 30, 1983

791.507 Executive secretary; appointment; functions and duties; compensation; expenses.

Sec. 7.

There shall be an executive secretary of the council who shall be appointed by the council upon recommendations from the director of the department. The executive secretary shall be an employee of the department and shall perform such functions and duties as may be assigned by the council. The executive secretary shall receive compensation and reimbursement for expenses within the amounts appropriated under section 8.

History: 1982, Act 415, Eff. Mar. 30, 1983

791.508 Administrative support services; separate appropriation.

Sec. 8.

Administrative support services for the council and executive secretary shall be provided by the department as provided by separate appropriation for the council.

History: 1982, Act 415, Eff. Mar. 30, 1983

791.509 Certification or recertification of state correctional officer.

Sec. 9.

Beginning 6 months after the effective date of this act, a person shall not be a state correctional officer unless he or she is certified or recertified by the Michigan commission of corrections as provided in section 10, 11, or 12. The Michigan commission of corrections shall certify those persons and recertify on an annual basis those persons who satisfy the criteria set forth in sections 10 to 12.

History: 1982, Act 415, Eff. Mar. 30, 1983

791.510 Automatic certification and annual recertification of state correctional officer; recertification requirements; approval of minimum standards and requirements for certification and recertification.

Sec. 10.

(1) Beginning September 30, 1983, a person who is employed as a state correctional officer on March 30, 1983, shall automatically be certified and annually recertified by the commission of corrections until December 31, 1985. Beginning January 1, 1986, a person who is employed as a state correctional officer on March 30, 1983, shall not be recertified unless he or she has done both of the following:

(a) Completed successfully 320 hours of training with credit for training provided by the department allowed but limited to 160 hours of credit for training received prior to July 1, 1982.

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(b) Fulfilled other minimum standards and requirements for recertification developed pursuant to section 13 by the council and approved by the commission of corrections.

(2) All minimum standards and requirements for recertification of persons under this section shall be subject to approval by the state civil service commission.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 1989, Act 4, Eff. June 14, 1989

791.511 Certification or recertification of person employed as state correctional officer after March 30, 1983, but before January 1, 1985; requirements.

Sec. 11.

(1) A person who is not employed as a state correctional officer on March 30, 1983, but who becomes employed as a state correctional officer before January 1, 1985, shall not be certified or recertified by the commission of corrections unless he or she has done both of the following:

(a) Obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.

(b) Fulfilled other minimum standards and requirements developed pursuant to section 13 by the council and approved by the commission of corrections for certification and subsequently for recertification.

(2) All minimum standards and requirements for certification and subsequently for recertification of persons under this section shall be subject to approval by the state civil service commission.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 1989, Act 4, Eff. June 14, 1989

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791.512 Certification or recertification of person employed as state correctional officer; requirements; certification or recertification of correctional officer or immediate supervisor at former Detroit house of correction; conditions to automatic certification and recertification of department direct care employee, forensic security aide, or work camp supervisor; certification and recertification of forensic security aide at Huron valley center; approval of minimum standards and requirements for certification and recertification.

Sec. 12.

(1) Except as provided in subsections (2), (3), and (4), a person who is not employed as a state correctional officer on March 30, 1983 and who is not employed as a state correctional officer until after December 31, 1984, shall not be certified or recertified by the Michigan commission of corrections unless he or she has done all of the following:

(a) Obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.

(b) Successfully completed all of the following:

(i) One of the following:

(A) A vocational certificate program as determined by the council, earned from an accredited postsecondary educational institution, which program shall require a minimum of 15 semester credit hours or 23 term credit hours.

(B) Equivalent course work to a vocational certificate program, as determined by the council, earned from an accredited postsecondary educational institution, which course work

shall require a minimum of 15 semester credit hours or 23 term credit hours. The credit hours required under this subparagraph may have been earned at any time.

(C) A degree granted by an accredited postsecondary educational institution in a major discipline of study that is relevant to the position of state correctional officer, as determined by the council. A degree required under this subparagraph may have been earned at any time.

(ii) A minimum of 2 months of supervised, paid internship, as determined by the council, as an intern in a correctional facility.

(iii) A minimum of 320 hours of new employee training, as determined by the council, at the central training academy or at a college or community college as provided under section 15a.

(c) Fulfilled other minimum standards and requirements developed under section 13 by the council and approved by the department for certification and subsequently for recertification.

(2) A person who was employed as a correctional officer or an immediate supervisor of a correctional officer at the former Detroit house of correction on December 31, 1984 shall automatically be certified and annually recertified by the department until December 31, 1985. Beginning January 1, 1986, a person who was employed as a correctional officer or an immediate supervisor of a correctional officer at the former Detroit house of correction on December 31, 1984 shall not be recertified unless he or she has done both of the following:

(a) Completed successfully a minimum of 160 hours of training provided by the department.

(b) Fulfilled other minimum standards and requirements for recertification developed pursuant to section 13 by the council and approved by the department.

(3) A department of mental health direct care employee of a state facility officially designated for closure or phase-down due to deinstitutionalization, or a forensic security aide II or III employed by the department of mental health center for forensic psychiatry, or a work camp supervisor employed by the department of corrections shall automatically be certified and annually recertified by the department for 3 years following the date he or she became employed as a state correctional officer, if he or she has done all of the following:

(a) Within 1 year of the date he or she became employed as a state correctional officer, obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.

(b) Within 1 year of the date he or she became employed as a state correctional officer, completed successfully 320 hours of new employee training with a credit up to 160 hours of previously acquired training, as approved by the council.

(c) Within 3 years of the date he or she became employed as a state correctional officer, completed 1 of the following:

(i) A vocational certificate program, as determined by the council, earned from an accredited postsecondary educational institution, which program shall require a minimum of 15 semester credit hours or 23 term credit hours.

(ii) Equivalent course work to a vocational certificate program, as determined by the council, earned from an accredited postsecondary educational institution. The course work shall require a minimum of 15 semester credit hours or 23 term credit hours. The credit hours required under this subparagraph may have been earned at any time.

(iii) A degree granted by an accredited postsecondary educational institution in a major discipline of study that is relevant to the position of state correctional officer, as determined by the council. A degree required under this subparagraph may have been earned at any time.

(d) Fulfilled other minimum standards and requirements developed under section 13 by the council and approved by the department for certification and subsequently for recertification.

(4) An employee of the department of community health who is employed as a forensic security aide at the Huron valley center of the department of community health or the center

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for forensic psychiatry of the department of community health, and who is transferred to a position as a state correctional officer employed by the department of corrections, shall be automatically certified and recertified by the department for 3 years after the date on which he or she became employed as a state correctional officer, if he or she meets all of the requirements established by law or by the department for employment as a state correctional officer and does all of the following:

(a) Before February 4, 2005, declares his or her intent to accept the transfer to a position as a state correctional officer.

(b) Within 1 year of the date he or she became employed as a state correctional officer, obtained a high school diploma or attained a passing score on the general education development test indicating a high school graduation level.

(c) Within 3 years of the date he or she became employed as a state correctional officer, completed 1 of the following:

(i) A vocational certificate program, as determined by the council, earned from an accredited postsecondary educational institution, which program shall require a minimum of 15 semester credit hours or 23 term credit hours.

(ii) Equivalent course work to a vocational certificate program, as determined by the council, earned from an accredited postsecondary educational institution, which course work shall require a minimum of 15 semester credit hours or 23 term credit hours. The credit hours required under this subparagraph may have been earned at any time.

(iii) A degree granted by an accredited postsecondary educational institution in a major discipline of study that is relevant to the position of state correctional officer, as determined by the council. A degree required under this subparagraph may have been earned at any time.

(d) Within 1 year of the date he or she became employed as a state correctional officer, completed successfully 320 hours of new employee training with a credit up to 160 hours of previously acquired training, as approved by the council.

(e) Fulfilled other minimum standards and requirements, except for physical fitness requirements, developed under section 13 by the council and approved by the department for certification and subsequently for recertification.

(5) All minimum standards and requirements for certification and subsequently for recertification of persons under subsections (1), (2), (3), and (4) are subject to approval by the state civil service commission.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 1985, Act 44, Imd. Eff. June 14, 1985 ;-- Am. 1989, Act 4, Eff. June 14, 1989 ;-- Am. 2004, Act 583, Imd. Eff. Jan. 4, 2005 ;-- Am. 2012, Act 526, Imd. Eff. Dec. 28, 2012

791.513 Minimum standards and requirements for state correctional officers; development; approval.

Sec. 13.

(1) Not later than June 30, 1983, and as often as necessary after that, the council shall develop minimum standards and requirements for state correctional officers with respect to the following:

(a) Recruitment, selection, and certification of new state correctional officers based upon at least, but not limited to, work experience, educational achievement, and physical and mental fitness.

(b) New employee and continuing training programs.

(c) Recertification process.

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(d) Course content of the vocational certificate program, required in section 12, the central training academy, and continuing training programs.

(e) Decertification process.

(2) Standards and requirements developed by the council under this section shall be effective only if they are approved by the commission of corrections.

(3) Standards and requirements approved by the commission of corrections under this section shall be subject to approval by the state civil service commission.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 1989, Act 4, Eff. June 14, 1989

791.514 Repealed. 2003, Act 121, Eff. Oct. 1, 2003.

Compiler's Notes: The repealed section pertained to minimum standards and requirements for local correctional officers.

791.515 Central training academy; establishment; provision of funds; separate appropriation.

Sec. 15.

The department shall establish a central training academy for use as an employee training center for state correctional officers. Funds necessary for the establishment and use of the training academy shall be provided by the department and supported by separate appropriation.

History: 1982, Act 415, Eff. Mar. 30, 1983 ;-- Am. 2003, Act 121, Eff. Oct. 1, 2003

791.515a Certification program for new employee training offered by community colleges and colleges; decertification.

Sec. 15a.

(1) Beginning April 1, 2013, and as often as necessary after that, the council shall develop minimum standards and requirements for a certification program for new employee training under section 12(1)(b)(iii) to be offered by community colleges and colleges. Only the council or a community college or college that is approved by the council may provide training or a certificate of completion for new employee training as described in section 12(1)(b)(iii) and this section. The council shall designate the form for a certificate of completion for individuals completing new employee training at community colleges or colleges under this section.

(2) The council may provide for the decertification of programs that fail to meet the standards developed by the council under subsection (1).

History: Add. 2012, Act 526, Imd. Eff. Dec. 28, 2012

791.516 Annual report.

Sec. 16.

The council shall make an annual report to the governor which includes pertinent data regarding the standards and requirements established and an evaluation on the effectiveness of correctional officer training programs.

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History: 1982, Act 415, Eff. Mar. 30, 1983

791.517 Rules.

Sec. 17.

The council shall promulgate rules necessary to implement this act pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws.

History: 1982, Act 415, Eff. Mar. 30, 1983

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