

# KANSAS DEPARTMENT OF CORRECTIONS

 Kansas Department of Corrections	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  01-106D	<b>PAGE NUMBER</b>  1 of 2								
		<b>SUBJECT:</b>  <b>ADMINISTRATION: Denial of Entry for Contract Personnel</b>									
<b>Approved By:</b>    Secretary of Corrections		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Original Date Issued:</b></td> <td style="text-align: right;"><b>09-20-16</b></td> </tr> <tr> <td><b>Replaces Version Issued:</b></td> <td style="text-align: right;">N/A</td> </tr> <tr> <td colspan="2"><b>CURRENT VERSION EFFECTIVE:</b></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>09-20-16</b></td> </tr> </table>		<b>Original Date Issued:</b>	<b>09-20-16</b>	<b>Replaces Version Issued:</b>	N/A	<b>CURRENT VERSION EFFECTIVE:</b>		<b>09-20-16</b>	
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<b>APPLICABILITY:</b>	_ ADULT Operations Only	_ JUVENILE Operations Only	<input checked="" type="checkbox"/> DEPARTMENT-WIDE
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## POLICY STATEMENT

All Departmental contracts with vendors who supply services to the KDOC shall provide for full compliance with all KDOC and facility rules by contract personnel. The contractor shall be obligated to remedy any concerns expressed by KDOC authorities regarding performance of the contractor's personnel. The vendor's administrative staff shall be required to take immediate and effective action when problematic contract personnel behavior is brought to their attention. In the event the concern cannot be remedied and removal of the contract personnel from the project is requested by the KDOC, the contracts shall provide that the contractor agrees to remove the contract personnel from the facility. If a contractor terminates an employee for any reason they shall notify the facility so a gate stop can be issued.

## DEFINITIONS

**Contract Personnel:** Any individual employed by a vendor contracted to provide services at a KDOC site that is responsible for the direct provision of those services.

**Denial of Entry:** A notification from an appointing authority of the KDOC to a vendor that one of their employees will no longer be permitted entrance to the buildings or grounds of any KDOC facility.

## PROCEDURES

### I. Temporary Removal Pending a Denial of Entry Hearing

- A. Upon order of the appointing authority, contract personnel may be ordered and, if necessary, forcibly removed, from the grounds of any KDOC facility.
- B. Such contract personnel shall be personally served with a notice from the Appointing Authority that:
  1. Informs them of the appointing authority's intent to permanently bar them from KDOC facilities and the reasons for the proposed action;
  2. Informs them that their access to the buildings and grounds of KDOC facilities has been suspended pending the outcome of a personal appearance before the appointing authority, should they request one; and,
  3. Informs them of their right to, at a scheduled time within the following five days, appear personally before the appointing authority to show cause as to why they should not be permanently barred from KDOC facilities.

- C. The vendor employing the contract personnel shall be notified of the proposed action by the appointing authority, and of the reasons for which the action is being proposed.
  - 1. The vendor shall additionally be notified of the contract personnel's suspension of access to the facility, and of all other such pertinent facts as may surround the proposed action.

## **II. Denial of Entry for Contract Personnel**

- A. Should either the contract personnel fail to request a hearing as provided under Section I. above, or the appointing authority, subsequent to the conduct of such a hearing, determines that the contract personnel should be barred from facility entry in the best interest of the Department, the contract personnel shall be banned from entry upon the grounds of any facility or office of the KDOC.
- B. Notice of the action taken shall be recorded/entered into the EPIC Caution/Gate Stop database.
- C. When a permanent gate stop is issued on contract personnel the facility human resource manager shall notify the KDOC contract manager.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. 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.

### **REPORTS REQUIRED**

None.

### **REFERENCES**

None.

### **ATTACHMENTS**

None.