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WAGE SUPPLEMENT FOR ALL CORRECTIONS EMPLOYEES

House Bill 4322 (Substitute H-3) First Analysis (2-9-00)

Sponsor: Rep. Terry Geiger
Committee: Criminal Law and Corrections

THE APPARENT PROBLEM:

Since 1975, certain Department of Corrections (DOC) employees have been given special benefits when injured as a result of an assault that occurred during their work. If injured by a prisoner, a corrections employee is entitled to full pay until such time as workers compensation benefits begin. After that, the employee receives a supplement to his or her worker's compensation benefits to make up the difference between the worker's compensation and his or her regular pay. Similar benefits are also provided to Department of Community Health (DCH) employees who are injured by a recipient of mental health services, DCH employees who work at veterans' facilities and are injured by a recipient of those services, and FIA employees working at correctional juvenile institutions who are injured by a recipient of those services. The apparent rationale for these laws is that certain employees, by the very nature of their jobs, are placed at greater risk of assault from the people they are required to work with on a daily basis.

It has been suggested that those employees working for the DOC inside correctional facilities are not the only employees who face the daily risk of assault from people who are under the jurisdiction of the department. Probationers and parolees, who are former inmates, may pose the same type of threat towards the probation and parole officers who must monitor them outside of a correctional facility as they posed towards the guards and other DOC employees while they were inside. Thus, it is argued that the worker's compensation supplements provided for DOC employees working inside correctional facilities should be extended to those DOC employees who work outside of the facilities as well.

THE CONTENT OF THE BILL:

Currently, the Department of Corrections act requires the department to pay full wages to an employee of the department who works in a correctional facility

(including a youth facility) and is injured by an inmate or during a riot. The full pay is to run from the time the injury occurs until the employee's worker's compensation benefits begin. Once worker's compensation benefits begin, the department must supplement the injured employee's benefits, so that the two payments together are equal to the employee's net weekly wage. House Bill 4322 would expand these requirements to cover any Department of Corrections employees who are injured by a prisoner at any state correctional facility (including a youth facility) or during a riot, as well as those who are injured by a probationer or parolee. The bill's provisions would apply to any employees who were receiving worker's compensation due to an injury covered by the provision as of the bill's effective date.

MCL 791.263a

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, it is expected that the bill would have relatively minor, if not minimal, fiscal implications for the state. (2-7-00)

ARGUMENTS:

For:

Employees who work with parolees or probationers face perhaps an even greater risk of assault than prison guards. In a correctional setting, the guards have a degree of control, authority, and separation from the prisoners that does not exist between a probation or parole officer and a probationer or parolee. By extending the same degree of benefits to probation and parole officers, the bill would alleviate the vulnerability that some employees might feel knowing that, if assaulted, they will have to use sick leave or vacation time or live on a reduced income until they are well enough to return to work. As a result, the bill would improve employee morale and help to ensure that the

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state is able to employ a competent and experienced staff and to continue to maintain that staff.

Against:

The legislature is not the place for determining how DOC employees are compensated. The employees are represented by a union and their contracts are negotiated by the civil service system through collective bargaining. Disability compensation decisions should be part of that process. If it is necessary to offer 100 percent of an employee's pay for workers compensation in order to find and keep quality employees, then perhaps this should be negotiated during the next collective bargaining session. Workers for the department are well aware of the inherent risk involved in their work and are better able than the legislature to determine what form of disability compensation they feel they should receive when weighed against the other benefits they are offered during the collective bargaining process.

Furthermore, by providing an injured employee with 100 percent of his or her salary, the bill could create a disincentive to return to work and could serve to increase worker's compensation costs for the department.

POSITIONS:

A representative of UAW Local 6000 testified in support of the bill. (2-8-00)

A representative of the Department of Corrections testified in opposition to the bill. (2-8-00)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.