

**SENATE BILL 476  
PRINTER'S NO. 424**

**SPONSOR: Sen. Argall**

The legislation establishes a free standing act to be known as the Correctional Officers Bill of Rights Act, to provide standards for protection of rights of correctional officers during investigations by the Department of Corrections.

If a correctional officer is under investigation and subject to interrogation by the Department, the interrogation must be conducted after not less than 24 hours notice to the officer and while the officer is on duty unless the seriousness of the investigation requires an immediate investigation.

The interrogation must take place in the office of the investigating officer, the facility office, an office within a building owned or operated by the Department, or a location that protects the safety and identity of the officer.

The officer must be provided with information relating to the name and rank of the officers in charge of the investigation or any correctional personnel present at the beginning of the interrogation. Information relating to the nature of the complaint and complainants must be provided in writing not less than 24 hours prior to the interrogation.

If an anonymous or unsworn complaint is made with no corroborative evidence present within the statute of limitations for a similar criminal offense, the complaint shall be classified as unfounded and expunged from the officer's personnel file.

The interrogation shall be recorded and copies shall be furnished to the officer, counsel or representative without cost.

If the officer is under arrest at the time of the interrogation, he or she must be informed of all Constitutional rights under the law prior to the commencement of the interrogation. The officer has the right to be represented by counsel or collective bargaining agent. No officer may be compelled to submit to a polygraph examination, or threatened with adverse employment action.

A corrections officer shall have a cause of action for damages suffered during an investigation of a complaint that is found to be without merit and frivolous or without merit and made in bad faith.

Nothing in the legislation shall be construed to diminish the obligation of the Department to comply with collective bargaining agreements which provide greater rights and coverages under the act.

The Department may suspend an officer in an emergency situation if circumstances are present that require the protection of public interest or the effective functioning of the Department, so long as the officer receives all pay and benefits. An officer against whom a criminal proceeding has been instituted may be suspended without pay pending disposition of the charges. Medical benefits are continued. Upon acquittal, the officer shall be reinstated and reimbursed for salary and benefits not paid during the suspension.

Effective in 60 days.

Employee relations are governed by the federal Fair Labor Standards Act and the Pennsylvania Public Employees Relations Act (the Act of July 23, 1970, P.L. 563, No. 195):

<http://www.dol.gov/whd/regs/statutes/FairLaborStandAct.pdf>

<http://ldpc6.legis.state.pa.us/WU01/LI/LI/US/HTM/1970/0/0195..HTM>

Additionally, Policy 4.1.1 (Human Resources and Labor Relations, effective February 25, 2002) of the Department of Corrections' Procedures Manual outlines employee rights and obligations.

[http://www.cor.state.pa.us/portal/server.pt/community/doc\\_policies/20643](http://www.cor.state.pa.us/portal/server.pt/community/doc_policies/20643)

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