

# **PERFORMANCE AUDIT REPORT**

## **Personnel Policies and Practices At Kansas State Penitentiary**

**A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
August 1986**

# ***Legislative Post Audit Committee***

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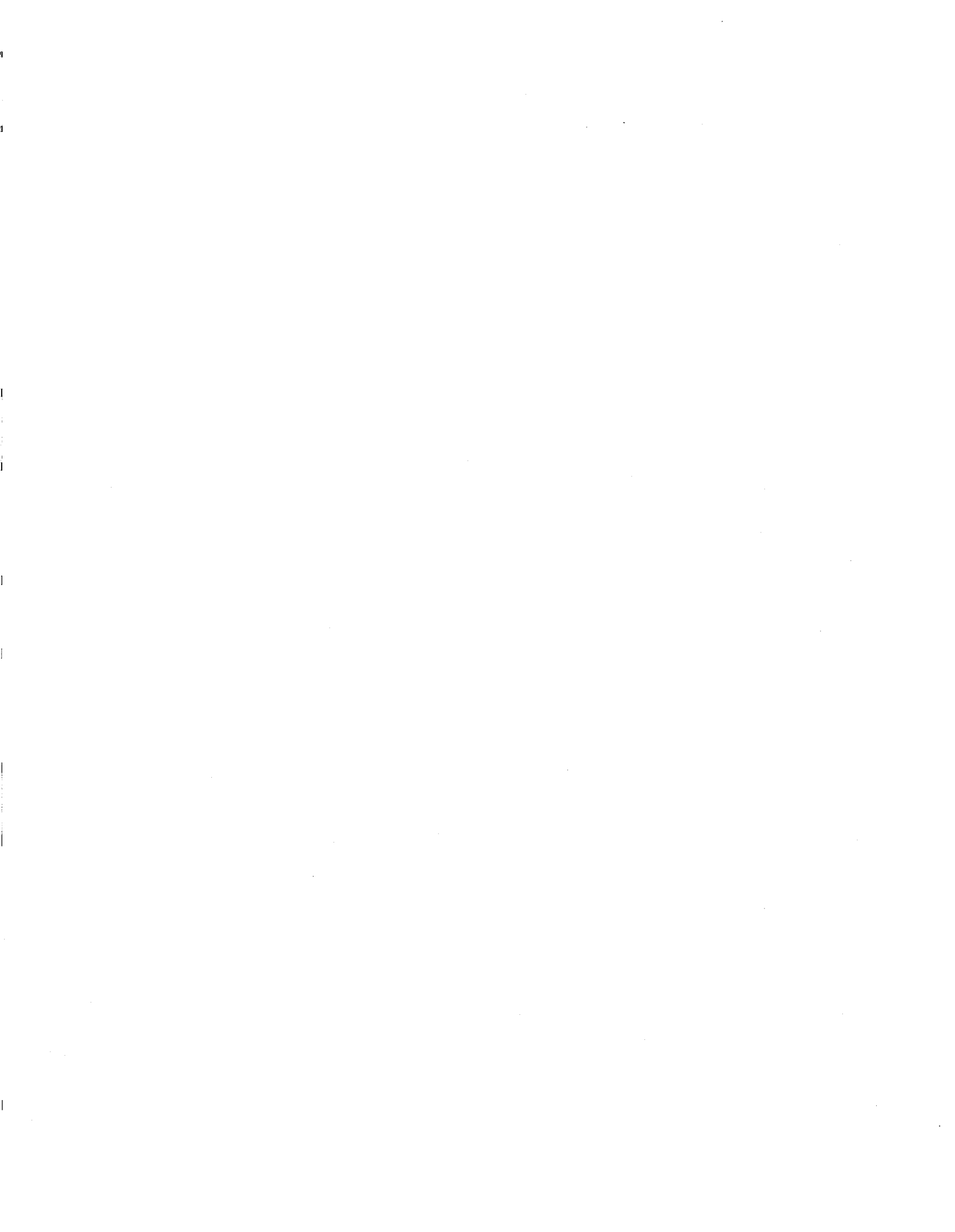
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#### **OBTAINING AUDIT INFORMATION**

This audit was conducted by Ron Green, Senior Auditor, and Allan Foster and Tom Vittitow, Auditors, of the Division's staff. If you need any additional information about the audit's findings, please contact Mr. Green at the Division's offices.

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## **PERSONNEL POLICIES AND PRACTICES AT KANSAS STATE PENITENTIARY**

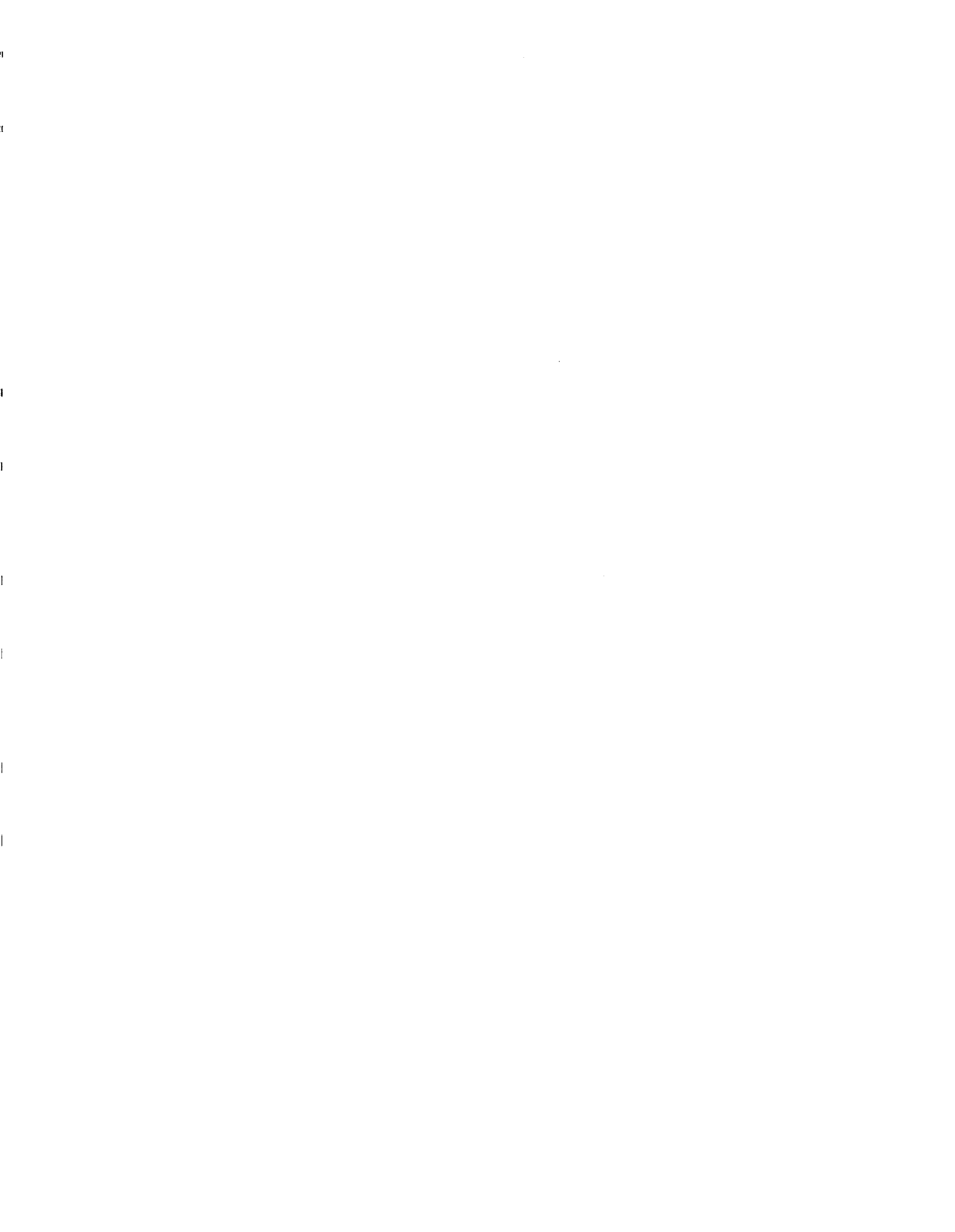
### **Summary of Legislative Post Audit's Findings**

**Do the State Penitentiary's written policies and procedures comply with State laws and with Department of Corrections policies?** The Penitentiary's written personnel policies generally comply with State laws and regulations and with Departmental policies and procedures. The Department of Corrections' internal policies require each institution to adopt a written general order designating who may take disciplinary action against employees in the absence of the institution Director. The State Penitentiary has not adopted such a general order. In addition, the Penitentiary has not conducted an annual review of its personnel policies and procedures as required by its general orders.

**Are the State Penitentiary's personnel actions carried out in accordance with State laws and regulations and its own policies and procedures?** The auditors reviewed more than 200 personnel actions conducted at the Penitentiary in the last two years, and found that about 95 percent were handled in compliance with applicable requirements. Disciplinary actions against Penitentiary employees were carried out in a reasonably consistent manner. Problems were noted in three areas: the Penitentiary hired a physician who was not licensed in Kansas, did not provide adequate notice to an employee who was dismissed, and did not complete some personnel actions within the required time frames.

**What are the opinions of Penitentiary employees concerning personnel practices and employees' morale?** Based on a survey of Penitentiary employees, the auditors determined that employees were positive about some aspects of their work, but that morale at the institution was generally low. Sixty-nine percent of the Penitentiary employees indicated that morale was fair or poor. Many employees attributed the low morale to poor communication, understaffing, and perceived favoritism in promotions and job assignments. There are also indications that the employees' morale is lower than it was in 1983. The results of the employee survey are detailed in Appendix A.

On each of the three questions, the report makes recommendations to address the problems noted by the auditors. The Department of Corrections' response to the audit is contained in Appendix B.



## **PERSONNEL POLICIES AND PRACTICES AT KANSAS STATE PENITENTIARY**

In recent months, several employees at Kansas State Penitentiary were fired, demoted, or suspended because of alleged misuse of State property. Legislative concerns have been expressed that the disciplinary actions taken may not have been consistent, or that the Penitentiary's practices may not have been in compliance with established personnel policies and procedures. Legislators have also expressed concern about the morale of the Penitentiary's employees.

In response to these concerns, the Legislative Post Audit Committee directed the Legislative Division of Post Audit to conduct a performance audit of the personnel policies and practices at Kansas State Penitentiary. This audit addresses the following three questions:

1. **Do the State Penitentiary's written personnel policies and procedures comply with State laws and regulations and with Department of Corrections policies?**
2. **Are the State Penitentiary's personnel actions carried out in accordance with State laws and regulations and its own policies and procedures?**
3. **What are the opinions of Penitentiary employees concerning personnel practices and employees' morale?**

To address these questions, the auditors compared the Penitentiary's personnel orders with State laws, State personnel regulations, and Department of Corrections policies and procedures. The auditors reviewed more than 200 personnel transactions to see whether the Penitentiary had complied with applicable regulations and policies. The auditors also sent a survey questionnaire to each employee of the Penitentiary, asking for their opinions of personnel practices and employees' morale at the Penitentiary.

In general, the auditors found that the Penitentiary's written personnel policies complied with State laws and regulations, and that personnel transactions were carried out in compliance with those standards. In several areas, the Penitentiary failed to fully comply with State regulations and Department of Corrections policies. These included hiring a physician who was not licensed to practice in Kansas, failing to provide adequate notice to an employee who was dismissed, and failing to complete some personnel actions within the required time frames.

Most of the Penitentiary employees surveyed reported that morale is poor or fair. The most common reasons given for low morale were poor communication or teamwork between management and staff, overwork due to an inadequate number of employees, and a belief that promotions and job assignments were based on favoritism rather than merit. These findings are discussed in more detail in the sections to follow.

### **Do the State Penitentiary's Written Policies and Procedures Comply With State Laws and Regulations and With Department of Corrections Policies?**

Under K.S.A. 75-5256, the director of each correctional institution is authorized to issue general orders governing the operation of that particular institution. These orders are

supposed to conform with State laws and regulations, and with the adopted policies and procedures of the Department of Corrections. The auditors' review showed that, with one minor exception, the Penitentiary's written policies conform as required. The one exception noted concerned a written general order that the Penitentiary had failed to adopt as required by Department policy. In addition, the Penitentiary had not conducted an annual review of its personnel policies as required by its general orders.

### **The Penitentiary's Written Personnel Policies Generally Comply With State Laws and Regulations and With Departmental Policies and Procedures**

The auditors reviewed all personnel-related requirements in the Penitentiary's general orders, in the Department of Corrections' Internal Management Policies and Procedures, in State personnel regulations, and in State laws. The only exception noted during their review was that the Penitentiary has not adopted a written general order designating the individuals who may take formal disciplinary action against a Penitentiary employee in the prison Director's absence.

This written general order is required under Internal Management Policy and Procedure #02-120. The Penitentiary Director generally issues a memorandum designating a specific person to be in charge in his absence. By issuing the required general order, the Director could establish authority for his designee(s) to take disciplinary action, and set any limits on the exercise of that authority.

### **The Penitentiary Has Not Conducted an Annual Review Of Its Personnel Policies and Procedures as Required By the Penitentiary's General Orders**

Kansas State Penitentiary's general order #3,103 requires an annual review of all the Penitentiary's general orders pertaining to personnel for their compliance with statutes, regulations, Department of Corrections policies, equal employment opportunity practices, and affirmative action plans. This general order was designed to comply with accreditation standards for adult correctional institutions. The order requires that a report be provided to the Director annually on July 1.

When the auditors asked about the annual review, they were told that no formal review had been done in 1986. General order #3,103 became effective in January 1986. Completion of this annual review would help to assure that the Penitentiary's personnel orders are complete and are consistent with the federal, State, and Department personnel standards listed in the order.

#### **Recommendations**

1. To comply with the Department of Corrections' Internal Management Policy and Procedure #02-120, the Director of the State Penitentiary should issue a general order designating who may take formal disciplinary action against Penitentiary employees in the Director's absence.
2. To comply with Penitentiary general order #3,103, the Penitentiary should conduct an annual review of its personnel orders for compliance with statutes, regulations, Department of Corrections policies, equal employment opportunity practices, and affirmative action plans.

## Are the State Penitentiary's Personnel Actions Carried Out In Accordance With State Laws and Regulations And With Its Own Policies and Procedures?

To answer this question, the auditors examined more than 200 personnel actions conducted at the Penitentiary in fiscal years 1985 and 1986. These included disciplinary actions (dismissals, demotions, and suspensions), non-disciplinary transactions (appointments, resignations, transfers, reallocations, and promotions), and other personnel actions (grievances, performance evaluation appeals, and civil service appeals).

The auditors found that more than 95 percent of the personnel transactions they reviewed were handled in compliance with applicable requirements. Appointments, transfers, promotions, and resignations generally complied with State regulations and Department of Corrections policies. Disciplinary actions were carried out in a reasonably consistent manner. And written grievances were handled in accordance with regulations and procedures. Problems were noted in three areas: the Penitentiary hired a physician who did not have the proper medical credentials, the Penitentiary did not provide adequate notice to an employee who was dismissed, and some personnel actions were not completed within the required time frames. These findings are discussed in the following sections.

### Most Personnel Transactions Were Handled in Compliance With Applicable Statutes, Regulations, and Procedures

The Penitentiary processed approximately 1,000 non-disciplinary transactions during fiscal years 1985 and 1986. For this audit, the auditors reviewed 100 of these non-disciplinary personnel transactions. The transactions sampled included appointments, transfers, promotions, and resignations. With minor exceptions, these transactions were all handled in accordance with State regulations and Department of Corrections policies in such areas as interviewing eligible applicants, ensuring that applicants met minimum qualifications, and meeting various time limits.

The auditors also reviewed all of the 75 disciplinary actions taken against Penitentiary employees in fiscal years 1985 and 1986. This included 28 dismissals, 10 demotions, and 37 suspensions. For these disciplinary actions, the Penitentiary is required to give adequate notice to the employee, give the reasons for disciplinary action, and inform the employee of all avenues of appeal. With two exceptions which are discussed later in this report, the Penitentiary's disciplinary actions were all in accordance with State law and regulations, Department policies, and Penitentiary orders.

To determine whether disciplinary actions taken by the Penitentiary were reasonably consistent, the auditors analyzed

#### Common Reasons for Disciplinary Action at the Penitentiary

Employee involvement with drugs or alcohol (7 cases) -- Being under the influence generally resulted in a three- to five-day suspension without pay. More serious offenses such as trafficking in drugs resulted in dismissal.

Habitually late or failure to report for duty (16 cases) -- All probationary or conditional employees were dismissed. Permanent employees received suspensions without pay. The suspensions ranged from two days for taking a discretionary day without prior approval to five days for habitually failing to report for duty.

Sleeping on duty (5 cases) -- First offenses usually resulted in a five-day suspension without pay. One guard found sleeping for more than an hour was suspended for 10 days. A second offense by the same guard resulted in dismissal.

Abuse or misappropriation of State property (7 cases) -- Severity of the disciplinary action varied with the severity of the offense. The actions ranged from a five-day suspension for misuse of equipment, to demotion for taking 20-25 drill bits, to dismissal for willful misappropriation of State tools and equipment.

the reasons for the 75 disciplinary actions. The Department of Corrections' policy is that disciplinary actions should be administered in a fair and consistent manner, taking into account such factors as the severity of the offense, the nature and duration of the problem, and the employee's length of service. In some cases, the auditors were able to compare the disciplinary actions taken for relatively common offenses such as sleeping on duty, being habitually late or failing to report for work, being under the influence of alcohol or illegal drugs, and abusing or misappropriating State property. Within these categories, the actions taken for similar offenses appeared to be reasonably consistent. The severity of the disciplinary action generally rose with the severity of the offense, or if there was a pattern of repeat offenses.

Finally, the auditors reviewed personnel actions relating to written grievances, civil service appeals, and performance evaluation appeals. Seven written grievances were filed in fiscal years 1985 and 1986. Most were filed by employees who did not like their work assignment, their shift assignment, or their assigned days off. In some cases, the employees felt that their assignments were designed to punish them. The Penitentiary generally has the right to assign its employees to any post within their job descriptions, as dictated by the needs of the institution. In three of the seven cases reviewed, the grievance was resolved at least partly in favor of the employee. The auditors' review showed that these grievances complied with the procedures and timeframes established by State personnel regulations, Department of Corrections policies, and Penitentiary orders.

If an employee feels that a disciplinary action is unfair or unreasonable, he or she can appeal to the State Civil Service Board. In fiscal years 1985 and 1986, 11 such appeals were filed by employees of the Penitentiary. These appeals were all handled in accordance with State regulations, and were resolved as follows:

- 1 appeal resulted in no disciplinary action against the employee
- 5 appeals resulted in a reduction in the disciplinary action
- 3 appeals resulted in the Penitentiary's actions being upheld
- 2 appeals were withdrawn by the employee

If an employee thinks a performance evaluation rating is unfair, he or she may appeal that rating. Eight performance evaluation appeals were filed in fiscal years 1985 and 1986. With one exception, which is discussed in a later section of the report, evaluation appeals were handled in accordance with all applicable regulations.

### **In One Case, the Penitentiary Hired a Physician Without the Proper Medical Credentials**

In December 1985, a physician was allowed to start work without furnishing all of the required medical credentials. The doctor was asked to submit the necessary credentials so that the Department could certify his appointment to an unclassified position. After working for approximately two weeks at the Penitentiary, he was fired for failing to become licensed to practice medicine in Kansas, failing to get malpractice insurance, and failing to register with the Drug Enforcement Administration. Because his unclassified appointment was never approved, the Penitentiary placed him retroactively in an emergency classified position in order to pay him for the days that he worked. After being fired, the doctor later received a Kansas license to practice medicine.

Under Internal Management Policy and Procedure #02-109, the Penitentiary Director is to determine the qualifications of a physician applicant, and select the starting date for the doctor. In this case, the Penitentiary hired a doctor who did not meet the minimum requirements for the unclassified position, and allowed him to begin work without a State license or insurance. Furthermore, the doctor's appointment to an emergency position was

apparently made solely to allow the Penitentiary to pay him, which was not an emergency. Under K.A.R. 1-6-26, emergency appointments are to be made "when an emergency exists which requires the immediate services of an employee."

### **In Another Case, the Penitentiary Failed to Give Adequate Notice to an Employee Who Was Fired**

In this case, the Penitentiary did not clearly inform a food service employee of the reason why he was being dismissed, as required by State regulation and Department of Corrections policy. In the dismissal letter to the employee, the only explanation was that the "action was taken upon the recommendation of your immediate supervisor following her close observation and evaluation of your work performance during the first three months of your probationary period." However, Penitentiary officials had no documentation of the supervisor's recommendation or of why the individual was dismissed.

Under K.A.R. 1-10-8 and Internal Management Policy and Procedure #02-120, the Penitentiary is supposed to give a probationary employee the reason why disciplinary action is being taken, including any specific offense. Despite the vague reason given in this case, the employee did not contest his dismissal.

### **Some Personnel Actions Were Not Completed Within the Required Time Frames**

State regulations specify time requirements on many types of personnel actions or responsibilities. The auditors found that the Penitentiary did not always meet time requirements in three areas: position description reviews, performance evaluations, and performance evaluation appeals.

- Position description reviews** are required to be completed annually by State regulations and Department policy. Correctional officer position descriptions are reviewed on an on-going basis by the Department. The auditors checked the 27 non-correctional officer position descriptions from their sample for compliance during the last two years. Two position descriptions had not been reviewed in either of the last two years, and five had been reviewed in only one of the last two years.
- Performance evaluations** are required by State regulations to be completed annually. Regulations also require evaluations to be completed before the end of the probationary period for new employees. This evaluation is supposed to be completed before the new employee is granted permanent status. If it is not completed in time, the employee is automatically awarded a standard rating and is placed on permanent status. The auditors reviewed approximately 200 performance evaluations. Of those, five evaluations had not been completed until one to six months after the end of the probationary period, and one probationary evaluation had not been completed at all.
- Performance evaluation appeals** are required by State regulation to be resolved within 30 days after the appeal is filed by an employee who feels a rating is unfair. Of the eight appeals reviewed, the Penitentiary failed to resolve one appeal within the 30-day period.

Taken individually, the compliance problems noted in these two sections may not appear to be major. Taken together, they indicate that greater attention needs to be given to these types of personnel actions.

### Recommendations

1. Kansas State Penitentiary should ensure that all applicants, including applicants for medical positions, have met all requirements of the position before starting work at the Penitentiary.
2. In accordance with K.A.R. 1-6-26, Kansas State Penitentiary should use emergency appointments only when an emergency exists which requires the immediate services of an employee.
3. As required by State regulations and Department of Corrections policies, Kansas State Penitentiary should give full, adequate, and timely notice to all employees who are subject to disciplinary action.
4. Kansas State Penitentiary should take the necessary steps to ensure that position description reviews, performance evaluations, and performance evaluation appeals are completed within the time frames required by State personnel regulations.

### What Are the Opinions of Penitentiary Employees Concerning Personnel Practices and Employees' Morale?

The auditors developed a survey to measure opinions on personnel practices and morale at the Penitentiary. The survey was mailed to all 560 employees of the institution. In all, 311 surveys were returned--a response rate of 56 percent. Seventy-nine percent of the respondents were male, 21 percent female; 89 percent were white, eight percent black, and three percent other races. A majority of the respondents had worked at the institution three years or less, and 46 percent said they supervised one or more employees. A copy of the survey, including complete results, is contained in Appendix A.

Based on the survey results, the auditors determined that employees were positive about some aspects of working at the Penitentiary, but that morale at the institution was generally low. Many employees attributed the low morale to poor communication, understaffing, and perceived favoritism in promotions and job assignments. There are also indications that morale is lower than it was in 1983. These findings are discussed below.

#### Examples of Employee Comments: Good Communication and Teamwork

"Ninety-five percent of the officers take a lot of pride in the job they do. I feel I can depend on them to back me up."

"The employees that I supervise work quite well together and there is very little bickering or arguing."

"We seem to communicate well together and respect those employees we work with and for."

"We work well together as a unit and feel we are making important contributions within the prison system."

"The majority of employees work together as a team and the shift supervisors stay in contact with employees."

"Attitudes are friendly and genuine."

#### On Some Survey Questions, A Majority of Employees Reported Positive Opinions About Working at the Penitentiary

A large majority of employees responded positively to questions about performance evaluations. They thought that evaluations were fair, based on job performance, and useful in identifying improvement goals. Nearly 80 percent of the employees thought that their supervisors were competent, and a majority thought that the workload was fairly distributed. Most

indicated that they received adequate information concerning job assignments and that they were notified in advance of changes in policies affecting their jobs. In addition, 47 employees made written comments stating that there was good teamwork and communication in their units.

**Most Employees Reported That Morale At the Penitentiary Is Poor Or Fair**

Employees were asked to rate the morale of the employees in their unit. The following is a summary of their responses.

<u>Response</u>	<u>Percent Answering</u>
Very High	4 %
High	9
Good	15
Fair	32
Poor	37
I Don't Know	1
No Answer	2

As the table shows, 69 percent of the employees answered that morale was fair or poor, while only 28 percent answered that morale was good, high, or very high. Most types of employees responded fairly consistently, except for supervisors and administrators. Forty-six percent of the supervisors and administrators rated morale as good, high, or very high.

Employees were given space on the questionnaire to explain the reasons for their answers to the morale question. Approximately 230 of the surveys had answers that the auditors could categorize. These answers, combined with responses to several other questions, gave some indication of the causes of the low morale at the Penitentiary.

**Employees commented that communication and teamwork between management and staff was poor.** In their written comments following the morale question, 79 employees indicated that there was poor teamwork and communication. Many of these responses suggested that communication and teamwork were good at the unit level, but poor between management and staff. Several employees commented that communication is worse since roll calls were eliminated. In the past, employees were required to report for work early to attend roll call. During roll call, correctional officers were briefed about the previous shifts and given any other information pertinent to the coming shift. Roll call was recently eliminated to avoid paying overtime beyond the 40-hour workweek, as now required by federal law.

Responses to several survey questions also indicated areas where employees felt communication was poor. Fifty-five percent of the respondents thought that if they took a complaint about their supervisor to a higher authority, the supervisor would hold it

**Examples of Employee Comments:  
Poor Communication and Teamwork**

"No one ever hears about what a good job they did. Instead, all they see and hear is about their mistakes."

"It's one thing being hassled by inmates, but we are hassled more by the administration."

"Morale is only fair because by not having a roll call you don't get the information you need."

"You cannot say what you want for fear of getting in trouble."

"Most of the officers work together as a team, but sometimes the administration seems to work against the officers."

**Examples of Employee Comments:  
Understaffed and Overworked**

"There are not enough people working to make security of the officers and inmates the number one priority. It is a shame that it will take an officer getting killed or hurt before anything will be done."

"We are always working without enough people to man all the posts. This causes one person to do the work of two or three."

"Being undermanned and underpaid when working with inmates doesn't lead to good morale."

"Pay is inadequate for the amount of danger involved with a correctional officer position."

"There are never enough officers to go around. People can't hardly get time off when it's needed unless the supervisor takes a liking to you."

**Examples of Employee Comments:  
Favoritism in Promotions and Job  
Assignments**

"If you are not in the clique or drinking group you can not advance as you should based on your ability."

"There are quite a few women at KSP who are excellent officers when given the chance but are placed in the towers or the infirmary."

"I don't like how they use the 10-6 shift as a punishment shift. I think the shifts should be used according to the needs of the administration and of the officers."

"Come to the prison and see how officers get pushed from job to job because the supervisors like one over the other or because she/he will not play games."

"A lot of good officers do not get promotions because they don't wine and dine the brass. They might get on the "dog list" because some of the brass don't like them."

"Some officers are assigned to towers because supervisors don't like them or they don't belong to their social cliques."

"Any suggestion or objection by an employee will result in either harassment or threat of losing your job."

"Promotions and job assignments are primarily based on politics and popularity."

"Hollywood is not the only place that has its own casting couch!"

against them; the same percentage thought that appealing a performance evaluation would be more trouble than it would be worth.

Many employees reported that morale was low because the Penitentiary is understaffed and overcrowded. Seventy-one employees wrote that the Penitentiary was understaffed and employees were overworked. Many of these employees stated that the shortage of staff made it very difficult to get permission to take earned days off. Thirty employees commented that their salaries were too low for the work they did, and 13 stated that overcrowding in the Penitentiary caused them to fear for their safety.

Many employees commented that promotions and job assignments were based on favoritism rather than merit. State personnel regulations require that every employee be permitted to advance according to merit and ability. In their survey responses, 53 employees made voluntary comments to the effect that promotions were based upon politics or knowing the right people. Fifty-two made comments that job assignments were based on favoritism and used to reward or punish individuals. In addition, 12 employees alleged that the promotion of women employees was based on sexual favors.

Several of the multiple-choice questions on the survey related to favoritism. Sixty-seven percent of the employees responded that work rules and policies are not equally applied to all employees. A majority indicated that disciplinary actions were not handled fairly, and that promotions were seldom or never based on qualifications and ability. In addition, 49 percent answered that their chances for advancement were poor or almost non-existent.

Questions on the auditors' survey were answered more negatively than identical questions on the 1983 Department of Administration survey of the Penitentiary. The auditors' survey contained 17 questions that were taken from a survey designed by the Department of Administration's Division of

Personnel Services. Fifteen of the 17 questions dealt with topics that can affect morale, such as equal application of policies, even distribution of work, adequate instructions for job assignments, and fairness of performance evaluations.

The Department of Administration survey was last administered at the Penitentiary in 1983. The auditors compared the responses to the questions asked on both surveys to determine whether there had been significant changes in the responses. The responses were more negative on the auditors' survey on 13 questions. The responses on the other four questions showed no significant change.

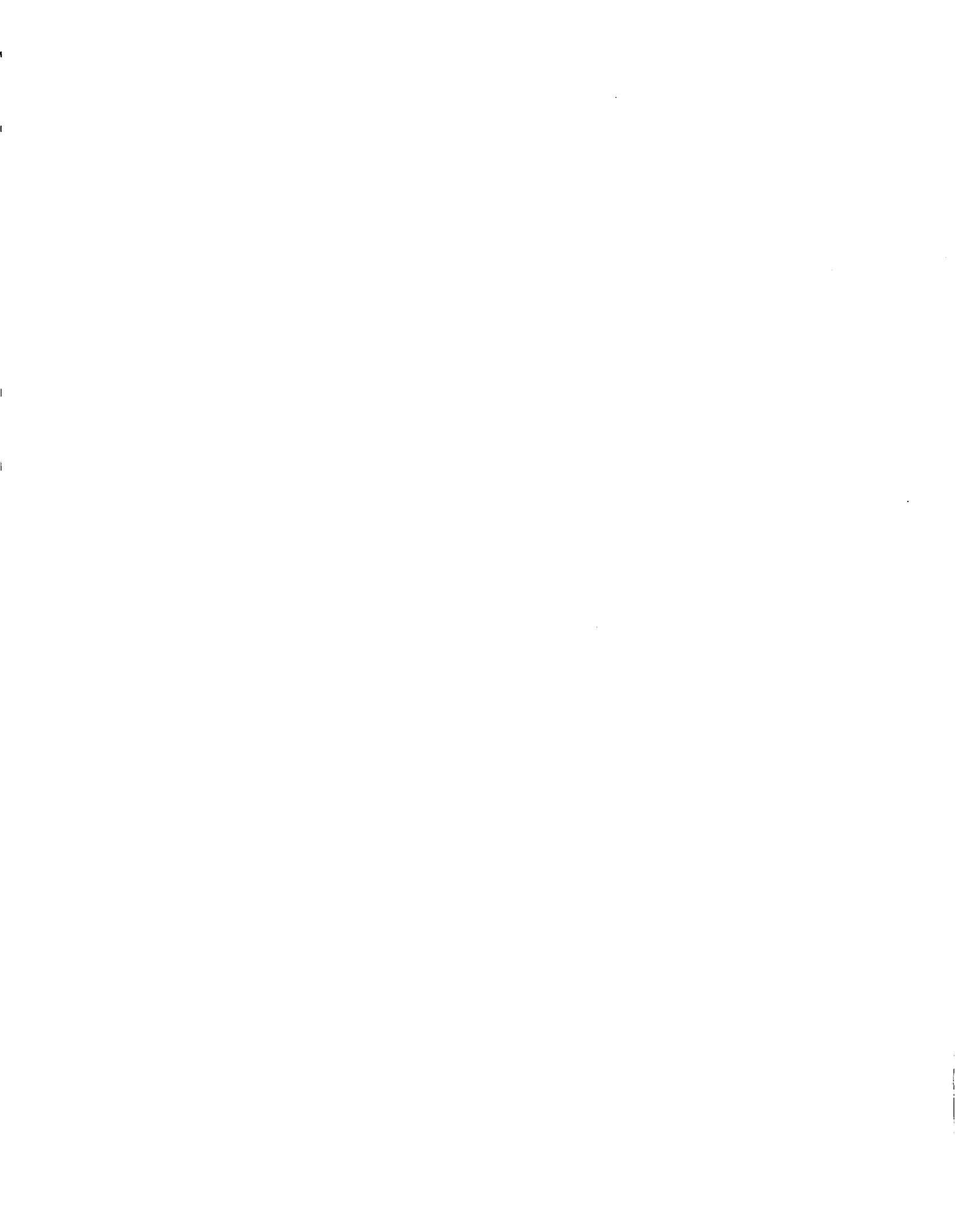
### **Conclusion**

The auditors' review showed relatively good compliance with personnel statutes, regulations and policies. It is clear from the survey, however, that the Penitentiary employees' perception of personnel matters is considerably different. Sixty-nine percent of the Penitentiary employees indicated that morale was only fair or poor. Many employees apparently think that management is repressive and unfair, that there is poor communication between management and staff, and that promotions are not based solely on merit. In addition, some feel overworked and unsafe. Such perceptions and attitudes contribute to poor morale. Some of the problems perceived by employees may be due to the paramilitary nature of correctional institutions. To overcome employees' negative perceptions, the Penitentiary and the Department of Corrections will have to take strong measures to open channels of communication within the institution, to ensure that the Penitentiary's policies and practices are above reproach, and to fully comply with the letter and spirit of personnel rules and regulations.

### **Recommendations**

To ensure full compliance with personnel standards and to help improve employee morale, the Penitentiary, in conjunction with the Department of Corrections, should take the following actions:

1. Review the Penitentiary's communication channels. Because most of the employees' comments on poor communication referred to communication problems between management and staff, the efforts should be focused there.
2. Review the Penitentiary's procedures for making staff assignments. Managing the growing inmate population within the current staffing level greatly constrains the ability to address this area. However, the Penitentiary should ensure that job assignments, earned days off, and vacations are handled equitably.
3. Review the Penitentiary's promotion policies and practices. On a case-by-case basis, the Penitentiary should ensure that promotions are handled within the letter and spirit of the regulations.



## APPENDIX A

This appendix summarizes the results of the survey of Penitentiary employees. All of the survey questions were multiple-choice, except for Question 7 in Part 1 and Question 27 in Part 2. On those two questions, the auditors developed categories for the most common answers.





## Part 2. Personnel Policies and Practices

For questions 1 through 13, please write in the letter that corresponds to the following answers.

	<u>A</u> I Agree	<u>B</u> I Agree Somewhat	<u>C</u> I Disagree	<u>D</u> No Opinion	<u>E</u> Not Applicable	No Answer
1. _____	I feel I have been fairly evaluated in past performance evaluations.					
	42%	30%	20%	1%	6%	1%
2. _____	I am notified in advance of changes in policy or procedures which affect my job.					
	18%	38%	40%	1%	2%	1%
3. _____	I feel that work rules and policies are equally applied to all employees.					
	13%	17%	67%	1%	1%	1%
4. _____	The work load of my unit is fairly distributed.					
	32%	27%	35%	2%	3%	2%
5. _____	If I have a complaint about my supervisor, he/she would not hold it against me if I took it to someone of higher authority.					
	14%	19%	55%	9%	3%	1%
6. _____	When I receive new job assignments, I feel I receive adequate instructions.					
	23%	37%	36%	2%	1%	1%
7. _____	I am provided with opportunities and information to prepare myself for promotions.					
	27%	28%	35%	4%	5%	2%
8. _____	My performance evaluation was based on my actual job performance.					
	34%	25%	29%	3%	6%	2%
9. _____	My performance evaluation helps me identify training needs and improvement goals.					
	23%	26%	37%	4%	8%	2%
10. _____	Agency training courses have been adequate in preparing me for advancement and assisting me with my present job duties.					
	19%	30%	40%	5%	5%	2%
11. _____	In general, I understand the way to get ideas and information to top management.					
	41%	28%	22%	5%	3%	1%
12. _____	My supervisor is competent to do his/her job as a supervisor.					
	48%	30%	18%	3%	0	2%
13. _____	Appealing my evaluation would cause more hassle than it is worth.					
	55%	14%	17%	6%	6%	2%

For questions 14 through 26, please check the answer that best describes your opinion.

14. Do you feel that members of racial minority groups are treated fairly in being selected for promotions and in assignments of work at the penitentiary?

18% They are given more opportunities than others with similar qualifications  
53% They are given the same opportunities as others with similar qualifications  
12% They are given fewer opportunities than others with similar qualifications  
15% I don't know  
3% No Answer

15. Do you feel that women are treated fairly in being selected for promotions and in assignments of work at the penitentiary?

17% They are given more opportunities than others with similar qualifications  
40% They are given the same opportunities as others with similar qualifications  
22% They are given fewer opportunities than others with similar qualifications  
17% I don't know  
4% No Answer

16. If you had problems with working conditions or job assignments, who would you initially contact?

Supervisor 79% Personnel Officer 3% State Division of Personnel Services 0  
Co-workers 7% Other 4% Don't know 4% No Answer 4%

17. What is your opportunity for advancement at the penitentiary?

Excellent 4% Good 30% Poor 20% Almost non-existent 29% Unclear 15%  
No Answer 2%

18. Do you feel that promotions are based on qualifications and ability?

Always 3% Usually 35% Seldom 39% Never 11% I don't know 10%  
No Answer 2%

19. Are promotions filled through competition? (Are vacancies posted, and more than one applicant considered, if available?)

Always 23% Usually 50% Seldom 12% Never 4% I don't know 9%  
No Answer 3%

20. Have you received satisfactory explanations for problems you have taken to your supervisor?

Always 9% Usually 47% Seldom 28% Never 5%

I have never taken problems to my supervisor 7% No Answer 3%

21. If you believed that you were rated unfairly, how would you appeal your evaluation?

Call your personnel office 17% Call State Division of Personnel Services 3%  
Tell your supervisor 42% Write your appointing authority 4%  
Would not appeal 24% No Answer 10%

22. Does your supervisor encourage you to express your ideas and opinions about important aspects of your job?

Always 12% Usually 32% Seldom 30% Never 24% No Answer 2%

23. If you filed a formal grievance, do you believe your supervisor or penitentiary management would hold it against you?

Yes 54% No 9% Maybe 24% I don't know 12% No Answer 2%

24. Do you feel that voluntary demotions and transfers are handled fairly?

Yes 10% No 34% Usually 11% I don't know 44% No Answer 1%

25. Do you feel that disciplinary actions such as suspensions, demotions, and dismissals are handled fairly?

Yes 11% No 53% Usually 17% I don't know 17%

26. How would you rate the morale of the employees in your unit?

Very high 4% High 9% Good 15% Fair 32% Poor 37% I don't know 1%  
No Answer 2%

27. What reasons do you have for your answer to question 26?

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*Categorized Written  
Responses to Question 27*

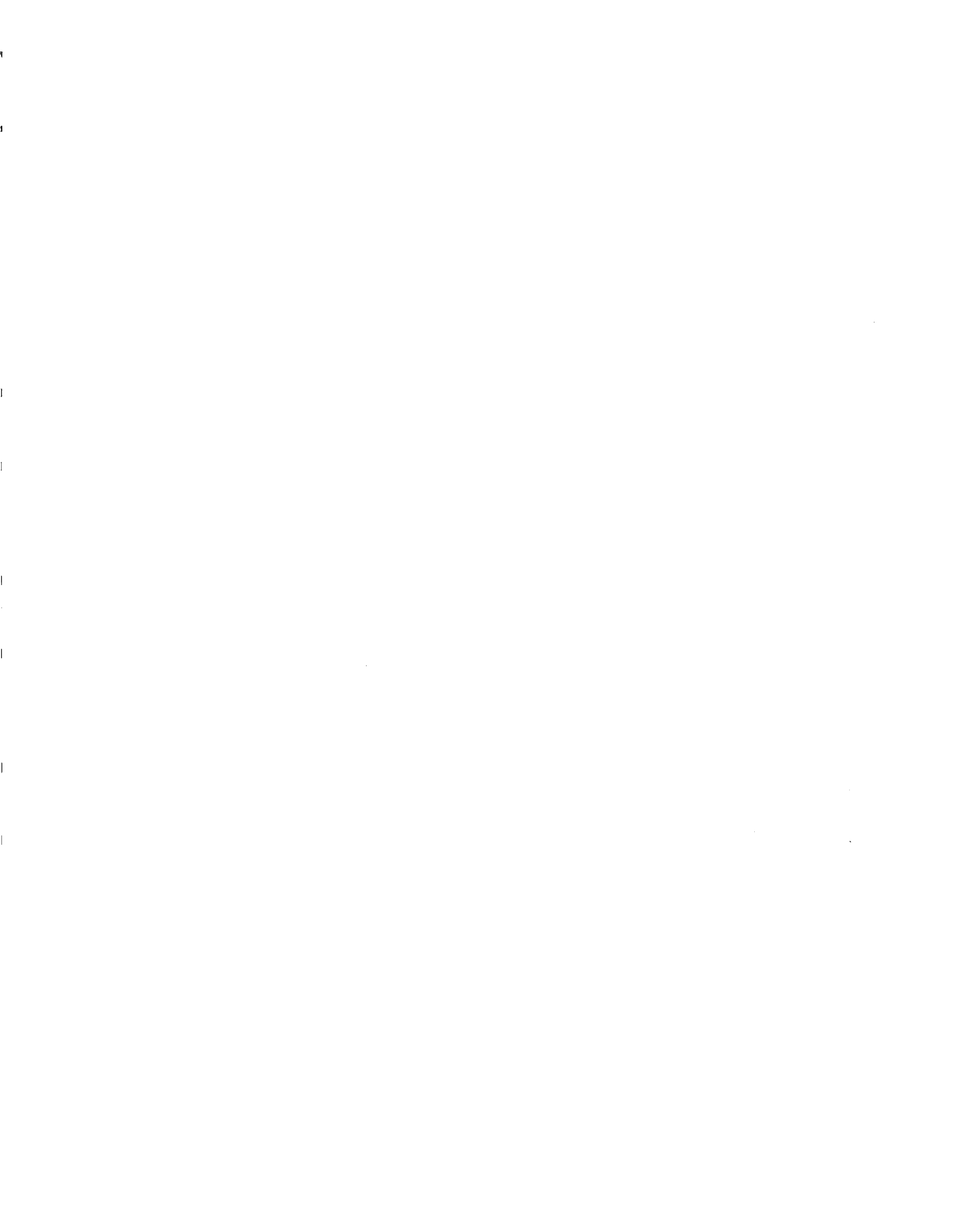
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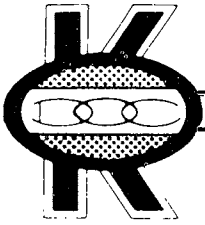
<i>A. Good teamwork and communication</i>	<i>47</i>
<i>B. Poor teamwork and communication</i>	<i>79</i>
<i>C. Promotions based on politics or favoritism</i>	<i>53</i>
<i>D. Promotion of women based on sexual favors</i>	<i>12</i>
<i>E. Understaffed/overworked</i>	<i>71</i>
<i>F. Low salaries</i>	<i>30</i>
<i>G. Overcrowding</i>	<i>13</i>
<i>H. Favoritism or punishment in job assignments</i>	<i>52</i>

## **APPENDIX B**

### **Agency Response**

A copy of the draft audit report was sent to the Department of Corrections for its review and comment on July 31, 1986. The Department's response is included in this Appendix.





# KANSAS DEPARTMENT OF CORRECTIONS

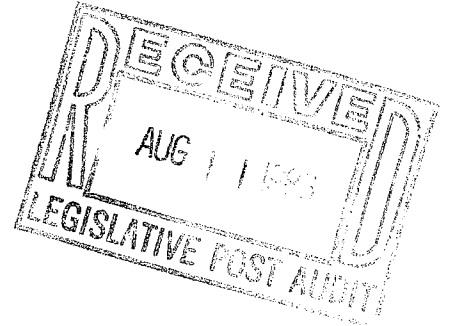
JOHN CARLIN — GOVERNOR

RICHARD A. MILLS — SECRETARY

JAYHAWK TOWERS • 700 JACKSON • TOPEKA, KANSAS • 66603-3798  
913-296-3317

August 8, 1986

Meredith Williams  
Legislative Post Auditor  
109 West 9th, Suite 301  
Mills Building  
Topeka, Kansas 66612-1285



**RE: PERSONNEL POLICIES AND PRACTICES AT KANSAS  
STATE PENITENTIARY**

Dear Mr. Williams:

I appreciate the opportunity to review and comment on the draft of the audit on Personnel Policies and Practices at Kansas State Penitentiary.

As a preliminary general comment, I believe the audit confirms that personnel transactions at the penitentiary are being carried out in compliance with applicable regulations and statutes and that disciplinary actions are being administered in a fair, consistent manner. Reviewed in the context of the total operation of the personnel office at the penitentiary, the few deficiencies noted in the report, while regrettable, are not cause for alarm or drastic action. Rather, the overall report reflects that the personnel responsibility at the penitentiary is being discharged in a professional, competent manner.

With respect to the specific recommendations set forth in the audit report, I offer the following comments:

**Audit Recommendation:**

To comply with the Department of Corrections' Internal Management Policy and Procedure #02-120, the Director of the State Penitentiary should issue a general order designating who may take formal disciplinary action against Penitentiary employees in the Director's absence.

**Comment:**

The general order has been drafted and is being reviewed. It will be finalized and implemented in the near future. While

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there has been no general order issued, the actual practice of the institution has been for the director to designate an "acting" director during periods of his absence from the institution. This "acting" director has exercised full authority during the director's absence, including taking disciplinary actions against institution employees. The institution has operated smoothly utilizing this relationship. However, I recognize the benefits of having this line of authority formalized by general order and that will be done.

**Audit Recommendation:**

To comply with Penitentiary general order #3,103, the Penitentiary should conduct an annual review of its personnel orders for compliance with statutes, regulations, Department of Corrections policies, equal employment opportunity practices, and affirmative action plans.

**Comment:**

The annual review has been completed. Every effort will be made to have such reviews conducted on a regular basis as specified by department and institution policy.

**Audit Recommendation:**

Kansas State Penitentiary should ensure that all applicants, including applicants for medical positions, have met all requirements of the position before starting work at the Penitentiary.

**Comment:**

The audit report noted one instance when an employee, a doctor, was hired when he did not meet the minimum requirements for the position.

The actual circumstances of this transaction are not as simple as stated in the audit report. A check of the doctor's qualifications was made prior to his hiring. The check with the Board of Healing Arts indicated the doctor was eligible for a license in Kansas and needed only to pay the necessary fee and acquire insurance. The doctor was informed that he had two weeks to provide the necessary documentation to the institution. However, because the penitentiary had only one other doctor to treat approximately 2000 inmates, the decision was made that institution needs required the immediate hiring of this doctor. When the doctor failed to submit the required documentation, he was

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terminated. However, it should be noted that from a medical qualifications standpoint, the doctor did have the necessary credentials for the position.

In reviewing this case, it should also be noted that the penitentiary hired 486 employees during the period covered by the audit. One deficiency among that many hires reflects, in my view, a well run office.

**Audit Recommendation:**

In accordance with K.A.R. 1-6-26, Kansas State Penitentiary should use emergency appointments only when an emergency exists which requires the immediate services of an employee.

**Comment:**

This recommendation resulted from the situation described in the previous comment. Designation of this individual as an "emergency hire" was done simply as a means of compensating him for the two weeks he had worked. Every effort has been and will continue to be made to adhere to established personnel regulations and policies.

**Audit Recommendation:**

As required by State regulations and Department of Corrections policies, Kansas State Penitentiary should give full, adequate, and timely notice to all employees who are subject to disciplinary action.

**Comment:**

Of the seventy-five disciplinary actions taken during the review period, the auditors noted only two where they found deficiency. My comment is that this indicates the penitentiary is already doing what is recommended.

**Audit Recommendation:**

Kansas State Penitentiary should take the necessary steps to ensure that position description reviews, performance evaluations, and performance evaluation appeals are completed within the time frames required by State personnel regulations.

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**Comment:**

Although the audit report noted only minor deviations from proper procedure, an effort will be made to ensure that all time frames are adhered to. Administrative reviews will be implemented and necessary follow-ups made to accomplish this task.

**Audit recommendation:**

Review the penitentiary's communication channels. Because most of the employees' comments on poor communication referred to communication problems between management and staff, the efforts should be focused there.

**Comment:**

Several months ago the penitentiary discontinued roll call for corrections officers. This was done due to budget constraints after the Fair Labor Standards Act dictated that officers be compensated for time spent at roll call. However, roll call has now been reinstated and other efforts will be made to contain overtime costs. Discontinuing roll call was never a desired alternative. The decision to do so was reluctantly made. Reinstating it will have an obvious beneficial impact on communications.

An additional measure to be taken in this area will be the use of an employee suggestion box. We have and will continue to use the training program as a means of explaining policies and decisions to officers and hearing of their concerns and interests.

We will continue to monitor this area and to consider other options for continuing and improving communications with institution employees.

**Audit Recommendation:**

Review the Penitentiary's procedures for making staff assignments. Managing the growing inmate population within the current staffing level greatly constrains the ability to address this area. However, the Penitentiary should ensure that job assignments, earned days off, and vacations are handled equitably.

**Comment:**

The institution is in the process of implementing a master roster procedure. The goal of this procedure is to schedule officers

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for their days off and post assignments for a six month period. Deviation from the established schedule will only be made for good cause with final approval of the Deputy Director of Operations.

In addition, the institution is developing a procedure for scheduling vacations. The exact details have not been finalized; however, the procedures will allow employees to submit desired vacation schedules. Efforts will be made to meet the desired vacation periods. A mechanism to resolve conflicts is necessary and will be developed.

**Audit Recommendation:**

Review the Penitentiary's promotion policies and practices. On a case by case basis, the Penitentiary should ensure that promotions are handled within the letter and spirit of the regulations.

**Comment:**

The auditors presented no information that promotions have not been handled properly. As stated earlier, every effort is made to fully comply with applicable regulations and policies.

Finally, I wish to briefly comment on the survey regarding the morale of penitentiary employees.

Working in a maximum security prison is a stressful job. Quite frankly, it is my opinion that the employees there are, in many cases, overworked and underpaid. The inmate population is at record levels, the inmate to staff ratio is too high, the duties of the officers and employees have increased, and there is no prospect of any relief to this situation in the near future. Frustration is a natural result.

However, I believe the staff at the penitentiary is now more professional than it has ever been. Their dedication to duty is high and, with few exceptions, they carry out their responsibilities competently and with pride in their work.

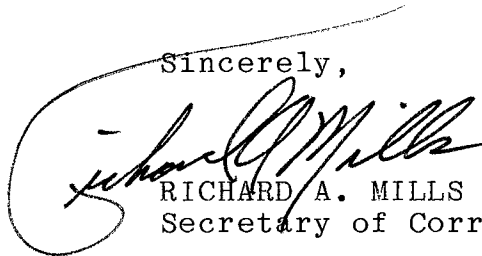
The signs of low morale at the penitentiary are not evident in the daily operation of the prison. Grievances are few, disciplinary actions are not disproportionately high, turnover, while higher for FY '86 (28.4%) than for FY '85 (15.1%), is lower than for FY '83 (46.7%) and FY '84 (33.5%).

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If the employees are dissatisfied to the extent expressed in the survey, they have not communicated that dissatisfaction to other agencies, my office, or to the institution director. Perhaps if they had made such communication their concerns could have been addressed.

As for the audit report in total, we will learn from the constructive criticisms it sets forth. We will also take measures to ensure that we continue to have a competent, professional, corps of employees.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard A. Mills". The signature is written in dark ink and is positioned above the typed name and title.

RICHARD A. MILLS  
Secretary of Corrections

RAM/CES:pa