

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PD-75 (rev. 8), “APPLICANTS WITH PENDING CRIMINAL CHARGES OR PRIOR
CRIMINAL CONVICTIONS”
APRIL 1, 2017
TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE NUMBER</u>
<u>AUTHORITY</u>	1
<u>APPLICABILITY</u>	1
<u>EMPLOYMENT AT WILL CLAUSE</u>	1
<u>POLICY STATEMENT</u>	1
<u>DEFINITIONS</u>	2
<u>PROCEDURES</u>	
I. General Provisions	5
II. Correctional Career Positions and Privately Operated Facility Positions	6
III. Non-Correctional Positions to Include Employees, Contract Employees, and Program-Specific Vendor Employees, and Privately Operated Facility Positions	6
A. Misdemeanor Convictions	6
B. Felony Convictions	6
C. Positions Requiring Criminal History Access	6
D. Parole Officer Series Positions	6
IV. Substance Abuse Treatment Staff to Include Employees, Contract Employees, Program-Specific Vendor Employees, and InnerChange Freedom Initiative Volunteers	7
A. Criminal History Eligibility Criteria for Substance Abuse Treatment Staff and IFI Volunteers	7
1. Misdemeanor Convictions	7
2. Felony Convictions	7
3. Supervision Violations.....	7
B. Substance Abuse Entry-Level Position and Agreement	8
C. Substance Abuse Entry-Level Performance Review	8

V. Final Approval Process for TDCJ Applicants, Contract Applicants, Program-Specific Vendor Applicants, and Applicants for Privately Operated Facility Positions9

- A. Determining Factors.....9
- B. Applicants with Misdemeanor Offense Convictions9
- C. Applicants with Felony Offense Convictions9

VI. Contract Construction Workers10

- A. General Provisions10
- B. Criminal History Eligibility Criteria10
- C. Criminal History Background Check.....11

Attachment A: PERS 400, Substance Abuse Entry-Level Counselor Agreement (04/17)

Attachment B: PERS 399, Program-Specific Vendor Substance Abuse Counselor Performance Review (04/17)



TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

NUMBER: PD-75 (rev. 8)

DATE: April 1, 2017

PAGE: 1 of 14

SUPERSEDES: PD-75 (rev. 7)
February 1, 2012

EXECUTIVE DIRECTIVE

SUBJECT: APPLICANTS WITH PENDING CRIMINAL CHARGES OR
PRIOR CRIMINAL CONVICTIONS

AUTHORITY: 18 U.S.C. §§ 921(a), 922(g); *Prison Rape Elimination Act* of 2003, 42 U.S.C. §§ 15601–15609; Tex. Gov't Code §§ 411.089, 493.001, 493.006(b), 493.007, 493.009(e), 501.0931(f), 508.149; Tex. Lab. Code §§ 21.001–.556

Reference: 28 C.F.R. § 115.17

APPLICABILITY: Texas Department of Criminal Justice (TDCJ)

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The TDCJ reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the executive director's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the TDCJ and **do not** create any legally enforceable interest or limit the executive director's, deputy executive director's, or division directors' authority to terminate an employee at will.

POLICY:

The TDCJ, contract employees, construction contractors, and program-specific vendors will follow the provisions of this directive when considering applicants for employment who have pending criminal charges or prior criminal convictions.

DEFINITIONS:

“Administrative Supervision” is the supervision of a dual supervised employee by supervisors responsible for ensuring an employee’s adherence to the daily operational and safety guidelines for the unit or department of assignment.

“Applicant with a Prior Conviction” is an inside or outside applicant, including an applicant to be a volunteer or intern, who has received any conviction for a misdemeanor or felony offense, or an equivalent offense under the Uniform Code of Military Justice (UCMJ).

“Contract Construction Worker,” for the purpose of this directive, is an individual employed by a private construction contractor or subcontractor and whose access to TDCJ premises or a privately operated facility has been approved by the warden for the sole purpose of performing construction-related work authorized by the TDCJ Facilities Division or the facility’s owner. This definition does not include a purchase order or procurement card vendor.

“Contract Employee,” for the purpose of this directive, is an employee representative of a company under contract or subcontract with the TDCJ or an individual who performs services for the TDCJ on a contractual basis. Also included in this category are professionals, such as special court monitors and authorized consultants.

“Conviction,” for the purpose of this directive, is: (a) a finding of guilt by judge or jury and the assessment of punishment, whether confinement or fines; (b) community supervision (probation), including deferred adjudication; (c) a juvenile adjudication of delinquent conduct that includes an offense under Texas Government Code § 508.149 on the date of application; and (d) an equivalent disposition of an offense under the laws of another state, federal law, or Uniform Code of Military Justice. The term does not include a pretrial diversion, which is an agreement between the defendant and prosecutor and occurs before a judicial finding, although a judge may approve of the defendant participating in the program. Pardons or reprieves do not eliminate a conviction.

“Correctional Career Position” includes the following TDCJ positions: correctional officer (CO) I, II, III, IV, and V; food service manager (FSM) II, III, and IV; laundry manager (LM) II, III, and IV; sergeant, lieutenant, captain, and major of COs; assistant warden; and warden.

“Deferred Adjudication,” for the purpose of this directive, is a disposition in which, after a plea of guilty or nolo contendere and determining that the evidence substantiates the defendant’s guilt, a judge defers further proceedings without entering an adjudication of guilt and places the defendant on community supervision (probation). Upon successful completion of community supervision, the judge dismisses the charge against the defendant.

“Dual Supervised Position,” for the purpose of this directive, is a position that is customarily departmentally budgeted, assigned to a unit, Correctional Institutions Division regional director’s office, or the Parole Division, and reports to the department head for technical supervision and to the warden, regional director, or designee for administrative supervision.

“Employee” is any person employed by the TDCJ in a full-time, minimum 40 hours per week, or part-time, minimum 20 hours per week, position on a non-contract or non-temporary basis.

“InnerChange Freedom Initiative Program” (IFI) is a privately funded faith-based pre-release program through which the Prison Fellowship Ministries provides volunteers to the TDCJ.

“Inside Applicant” is a current TDCJ employee who is seeking promotion, lateral transfer, or voluntary demotion consideration for a posted position. For the purpose of this directive, a Texas Board of Pardons and Paroles (BPP) member or employee applying for a TDCJ posted position will be considered an inside applicant.

“Intern” is an individual who performs work for the TDCJ on a temporary basis without pay, and whose work: (a) provides training or supplements training given in an educational environment; (b) provides experience for the benefit of the individual performing the work; and (c) is performed under the close supervision of TDCJ staff.

“Non-Correctional Position” is a position with the TDCJ or a program-specific vendor other than a correctional career position.

“Offenders,” for the purpose of this directive, are individuals under the supervision or custody of the TDCJ, including TDCJ offenders housed in privately operated, federal, county, or other states’ facilities. These individuals include, but are not limited to, parolees, individuals under mandatory supervision, incarcerated individuals, and individuals housed in county jails that have been sentenced to the TDCJ but are not yet in TDCJ custody.

“Offense Involving Domestic Violence” is an offense that has as an element of use or attempted use of physical force, physical harm, bodily injury, sexual assault, or the threatened use of a deadly weapon, committed by an applicant or employee if the applicant or employee: (a) is a current or former spouse, parent, or guardian of the victim; (b) shares a child in common with the victim; (c) is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or (d) is similarly situated to a spouse, parent, or guardian of the victim.

“Outside Applicant” is a person other than a TDCJ employee, or BPP member or employee, seeking interagency transfer, employment, or re-employment consideration for a posted position. For the purpose of employment processing, a Windham School District employee is considered an outside applicant.

“Parole Officer Series Position” includes parole officer I-V positions.

“Pending Criminal Charge” is a misdemeanor or felony offense, for which an arrest has been made, or an information or indictment has been filed, but no final judicial determination has been made as to guilt. This does not include pending charges for minor traffic violations.

“Pretrial Diversion,” for the purpose of this directive, is the disposition of a charge in which a prosecutor and defendant agree to an alternative to prosecution that results in the dismissal of the charge after the successful completion of a program or participation in a specified activity.

“Privately Operated Facility” is an offender housing facility operated by a private contractor. The facility may be owned by the state or owned by the private contractor.

“Program-Specific Vendor” is a company or individual contracted to provide routine services in coordination with and related to the mission of a specific TDCJ division or program area, such as a provider of a substance abuse treatment program. This definition does not include a construction contractor or subcontractor or a purchase order or procurement card vendor.

“Program-Specific Vendor Employee” is an employee of a program-specific vendor who has not been issued a contract employee identification (ID) card.

“Qualified Credentialed Counselor” is a licensed chemical dependency counselor or one of the following practitioners who is licensed and in good standing in the state of Texas and has the requisite number of hours of documented experience treating substance-related disorders as established by the Texas Department of State Health Services: (a) licensed professional counselor; (b) licensed master social worker; (c) licensed marriage and family therapist; (d) licensed psychologist; (e) licensed physician; (f) licensed physician’s assistant; (g) certified addictions registered nurse; or (h) advanced practice nurse practitioner recognized by the Board of Nurse Examiners as a clinical nurse specialist or nurse practitioner with a specialty in psychiatric-mental health.

“Substance Abuse Entry-Level Counselor Position” is a substance abuse counselor I or II position assigned to the Parole Division or the Rehabilitation Programs Division (RPD).

“Substance Abuse Treatment Staff” includes substance abuse entry-level counselors and positions in their chain of supervision assigned to the substance abuse department within the Parole Division or the RPD, such as program supervisor I - treatment coordinator; program specialist III – pre-release or inpatient treatment coordinator; and administrative assistant IV - quality assurance coordinator. The term includes TDCJ employees, contract employees, and program-specific vendor employees.

“Technical Supervision” is the supervision of a dual supervised employee by supervisors responsible for ensuring an employee adheres to technical policies and procedures and is trained to perform specialized or technical essential functions, for example, functions directly related to agriculture, human resources, industry, or maintenance, and for evaluating and monitoring an employee’s performance of such job duties.

“Texas Law Enforcement Telecommunication System” (TLETS) is a system operated by the Texas Department of Public Safety (DPS) and accessed by authorized persons for the purpose of conducting criminal history background checks.

PROCEDURES:

I. General Provisions

- A. An individual with a prior conviction will be required to meet the criteria set out in this directive before being considered for hire as an employee or approved as a volunteer, and before performing services for the TDCJ as a contract employee, contract construction worker, program-specific vendor employee, or approved volunteer. If applicable, the applicant will also be required to meet the minimum qualifications or basic eligibility criteria for a TDCJ position. See PD-71, "Selection System Procedures," and PD-73, "Selection Criteria for Correctional Officer Applicants."
- B. An individual who has criminal charges pending or who has any outstanding warrants is ineligible for TDCJ employment consideration and ineligible to perform services for the TDCJ as a contract employee, contract construction worker, or program-specific vendor employee. For the purpose of this directive, minor traffic violations are not considered a misdemeanor criminal charge; however, an outstanding warrant resulting from a minor traffic violation will cause an outside applicant to be ineligible for employment consideration by the TDCJ or to be ineligible to perform services for the TDCJ as a contract employee, contract construction worker, or program-specific vendor employee.

For examples of minor traffic violations, see PD-27, "Employment Status Pending Resolution of Criminal Charges or Protective Orders."

- C. The TDCJ will not hire, as an employee or contract employee, any individual who may have contact with offenders, if they have:
1. Engaged in sexual abuse in a prison, jail, adult or juvenile confinement facility, or other similar institution setting;
 2. Been convicted of engaging or attempting to engage in sexual activity by use of force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse; or
 3. Been civilly or administratively adjudicated for engaging in the activity listed in Section I.C.1-2.
- D. The TDCJ will consider any incidents of sexual harassment in determining whether to hire an individual, or to enlist the services of a contractor, who may have contact with offenders.

II. Correctional Career Positions and Privately Operated Facility Positions

An inside or outside applicant shall meet the basic eligibility criteria for a correctional career position as identified in PD-73, "Selection Criteria for Correctional Officer Applicants," and on the TDCJ Employment Application Supplement under the "Additional Minimum Standards for Correctional Officer and Other Security Applicants" to be considered for employment in a correctional career position. The criteria includes restrictions regarding pending criminal charges and prior criminal convictions.

III. Non-Correctional Positions to Include Employees, Contract Employees, and Program-Specific Vendor Employees, and Privately Operated Facility Positions

A. Misdemeanor Convictions

Except as provided in Section IV, an outside applicant for a non-correctional position who has been convicted of a misdemeanor may be considered for employment only after completion of the applicant's sentence, to include any community supervision. However, individuals who meet the criteria of Section I.C will not be hired into a position where they may have contact with offenders.

B. Felony Convictions

Except as provided in Section IV, an outside applicant for a non-correctional position who has been convicted of a felony, or an equivalent offense under the UCMJ, may be considered for employment only after 10 years have elapsed since the termination of the applicant's sentence. However, individuals who meet the criteria of Section I.C will not be hired into a position where they may have contact with offenders.

C. Positions Requiring Criminal History Access

An inside or outside applicant may be considered for employment in a position with minimum qualifications requiring the applicant to access TLETS only if the applicant meets the criminal history criteria adopted by the DPS for such access.

D. Parole Officer Series Positions

An inside or outside applicant may be considered for employment in a parole officer series position only if the applicant meets the criteria identified in paragraphs A and C of this section and has never been convicted of an offense involving domestic violence.

IV. Substance Abuse Treatment Staff to Include Employees, Contract Employees, Program-Specific Vendor Employees, and InnerChange Freedom Initiative Volunteers

The TDCJ acknowledges that applicants who have prior convictions and who are employed as substance abuse treatment staff or as IFI volunteers may provide an invaluable resource in the encouragement of rehabilitation for offenders being counseled through the TDCJ's substance abuse program or faith-based pre-release program. However, the foremost concern of the TDCJ remains the safety and security of the public, TDCJ employees, currently incarcerated offenders, and TDCJ property and operations. The decision to hire an applicant or approve a volunteer applicant with a prior conviction will be determined on a case-by-case basis in accordance with the following provisions, with the greatest consideration being given to safety and security concerns.

A. Criminal History Eligibility Criteria for Substance Abuse Treatment Staff and IFI Volunteers

Notwithstanding Sections III.A and B, an applicant may be considered on a case-by-case basis for employment as substance abuse treatment staff or an IFI volunteer provided the applicant meets the following criteria:

1. Misdemeanor Convictions

The applicant shall:

- a. Not have been convicted of a Class A misdemeanor, or its equivalent, within the last 12 months;
- b. Not have been convicted of a Class B misdemeanor within the last six months; and
- c. Have completed any sentence, including community supervision, resulting from a misdemeanor conviction.

2. Felony Convictions

The applicant shall not have been placed on community supervision or released to parole or mandatory supervision within the last five years.

3. Supervision Violations

If the applicant is currently on community supervision, parole, or mandatory supervision resulting from a conviction for a felony offense, the applicant shall not have committed any violation while under such supervision. Prior to selecting the applicant, the selection reviewer or designee shall obtain hiring approval and confirmation that the applicant

had not committed any supervision violation from the parole division director or community supervision and corrections department director.

B. Substance Abuse Entry-Level Counselor Position and Agreement

If the applicant was convicted of a felony and it has been less than 10 years since the termination of the sentence and the applicant does not have two years service as substance abuse treatment staff for the TDCJ or a program-specific vendor, the only position for which the applicant may be hired is a substance abuse entry-level counselor position. Such an applicant will sign a PERS 400, Substance Abuse Entry-Level Counselor Agreement (Attachment A), thereby agreeing to the following as conditions for continued employment:

1. The applicant will agree to work under the direct supervision of a qualified credentialed counselor for a minimum of two years and will not advance in a career path until the two year requirement has been met; and
2. The applicant will agree not to apply for any other TDCJ positions for which the applicant does not meet the criminal history eligibility requirements stated within this directive.

C. Substance Abuse Entry-Level Performance Review

If a program-specific vendor hires an applicant with a prior felony conviction as an entry-level substance abuse counselor, the program-specific vendor will complete a PERS 399, Program-Specific Vendor Substance Abuse Counselor Performance Review (Attachment B), and conduct subsequent reviews on a semiannual basis during the employee's first two years of employment or until the employee is no longer on community supervision, parole, or mandatory supervision, whichever is longer.

1. The program-specific vendor, other than a community based provider, will submit the original PERS 399 to the RPD director and provide a copy of the PERS 399 to the appropriate warden.
2. If the program-specific vendor is a community based provider, the program-specific vendor will submit the original PERS 399 to the specialized programs director and provide a copy of the PERS 399 to the contract monitor assigned to the facility.
3. The program-specific vendor will maintain a copy of the PERS 399 in the employee's human resources file maintained by the program-specific vendor.

V. Final Approval Process for TDCJ Applicants, Contract Applicants, Program-Specific Vendor Applicants, and Applicants for Privately Operated Facility Positions

If such an applicant with a prior conviction meets all the required criteria for a non-correctional position or a correctional career position and has been determined to be the most qualified applicant for the position, written final approval will be obtained in accordance with the following procedures prior to the applicant being selected for the position.

A. Determining Factors

The following factors will be considered when making a final approval determination:

1. The nature and seriousness of the applicant's misdemeanor or felony offense(s);
2. The extent and nature of the applicant's criminal history; and
3. The applicant's demonstrated rehabilitation as evidenced by the applicant's record of no community supervision, parole, or mandatory supervision violations and the applicant's work history.

B. Applicants with Misdemeanor Offense Convictions

1. TDCJ Applicants and Contract Applicants

Final approval for such an applicant with a prior conviction for a misdemeanor offense will be obtained from the section director, Employment Section, Human Resources Division or designee.

2. Program-Specific Vendor Applicants and Applicants for a Privately Operated Facility Position

Final approval for the selection of such an applicant with a prior conviction for a misdemeanor offense will be obtained from and documented by the appropriate division director or designee.

C. Applicants with Felony Offense Convictions

1. Final approval for an applicant with a prior conviction for a felony offense will be obtained from and documented by the executive director, deputy executive director, or appropriate division director.

2. If the vacant position is a dual supervised position, approval will be obtained from both the technical and administrative lines of supervision.

- a. If the division director for the technical line of supervision approves the selection of the final applicant, approval will also be obtained from the division director for the administrative line of supervision.
- b. If the division director for the technical line of supervision does not approve the selection of the final applicant, no additional review by the administrative line of supervision is required.

VI. Contract Construction Workers

A. General Provisions

Contract construction workers, by contract, will be subject to stringent security measures and be closely supervised upon access to TDCJ premises. Contract construction workers will not be issued badges or ID cards, nor allowed to come and go at will. Contract construction workers will be searched, and the tools and equipment brought by the contract construction workers carefully inventoried and secured at all times.

B. Criminal History Eligibility Criteria

Notwithstanding Sections III.A and B, an individual may be considered on a case-by-case basis for approval to be a contract construction worker provided the individual meets the following eligibility criteria.

1. The individual will have completed any sentence for a criminal offense, including community supervision, and have not been incarcerated in a correctional facility for the previous two-year period.
2. The individual will not have been convicted for any of the offenses listed below, including soliciting; attempting; conspiring; or aiding others to engage, solicit, attempt, or conspire to commit any of the listed offenses, or have been incarcerated in or sentenced to an adult correctional facility for any felony offense during which violence was used in the commission of the offense.
 - a. Homicide: Capital murder, murder, manslaughter, or any other homicide offense;
 - b. Kidnapping: Aggravated kidnapping, kidnapping, unlawful restraint, or any other kidnapping offense;
 - c. Sexual Offense: Rape, sexual assault, sexual abuse, aggravated rape, aggravated sexual assault, or any other sexual assault offense to include indecency with a child;

- d. Robbery: Robbery, aggravated robbery, or any other robbery offense;
- e. Assault: Assault, aggravated assault, injury to a child, injury to an elderly person, or any other assault offense; or
- f. Offense involving use or exhibition of a deadly weapon, including during the commission of the offense or during immediate flight therefrom and where an affirmative finding on use of a deadly weapon was made by the trial court or jury.

C. Criminal History Background Check

- 1. The Employment Section, Human Resources Division, will:
 - a. Obtain a list of contract construction workers approved to access TDCJ premises; and
 - b. Ensure that a criminal history background check is performed prior to the individual performing services for the TDCJ and on an annual basis.
- 2. The warden of a privately operated facility will secure the criminal background checks of contract construction workers prior to the implementation of a project. The request for the criminal background check will be in accordance with the contract. The warden will determine whether a contract construction worker meets the criminal history criteria within this directive. The warden will not permit a contract construction worker who does not meet the criteria to access the facility's premises.

Bryan Collier
Executive Director

**Texas Department of Criminal Justice
Substance Abuse Entry-Level Counselor Agreement**

I am an applicant with a prior felony conviction, and it has been less than 10 years since the termination of my felony conviction sentence. I am being hired as a substance abuse entry-level counselor by the Texas Department of Criminal Justice (TDCJ) or by a program-specific vendor, and I will comply with the following as conditions of my continued employment with the TDCJ or contract vendor.

- 1) I agree to work under the direct supervision of a qualified credentialed counselor for a minimum of two years and will not advance in a career path until the two year requirement has been met.
- 2) I agree not to apply for any TDCJ positions for which I do not meet the criminal history eligibility requirements for formerly convicted or incarcerated offenders as stated within PD-75, "Applicants with Pending Criminal Charges or Prior Criminal Convictions."

I have received a copy of PD-75, "Applicants with Pending Criminal Charges or Prior Criminal Convictions" and I understand the terms for continued employment listed herein.

Employee:

Printed Name

Signature

Date (MM/DD/YYYY)

**TDCJ Division Director or Designee
or Program-Specific Vendor Representative:**

Printed Name

Signature

Date (MM/DD/YYYY)

Title

Distribution:

- Original: Rehabilitation Programs Division director or, if vendor is a community based provider, director of Specialized Programs
- Copy: Deputy director of Program Monitoring, Private Facility Contract Monitoring/Oversight Division, if vendor is a community based provider
- Copy: Program-specific vendor or TDCJ employee unit or department human resources file - Employment
- Copy: Employee

**Texas Department of Criminal Justice
Program-Specific Vendor Substance Abuse Counselor
Performance Review**

TDCJ Unit or Community Based Facility: _____

Program-Specific Vendor: _____

Immediate Supervisor: _____ Title: _____

Period of Review: From: _____ To: _____
(mm/dd/yyyy) (mm/dd/yyyy)

Employee's Name: _____ SSN: _____
Please Print: Last First MI

Employee's Mailing Address: _____
Street Address City State Zip Code

Employee's Personal Phone Number: _____
Area Code

Date of Employment: _____ Date of Last Review: _____
(mm/dd/yyyy) (mm/dd/yyyy)

Employee is currently (check all that apply):

- Not Under Supervision On Community Supervision
 On Mandatory Supervision On Parole

Date of Conviction: _____
(mm/dd/yyyy)

1. Since the last review, has the employee received any type of disciplinary action for violation of TDCJ or program-specific vendor employee rules of conduct, policies, or procedures?

Yes No If Yes, explain the violation and the disposition:

2. How well does the employee interact with other staff on the unit, including correctional officers and offenders?

3. Have you observed any emotional problems or inappropriate behavior, such as anger, control, alienation, or grandiosity, by this employee that have been or need to be addressed with the employee?

() Yes () No If Yes, please explain: _____

4. Please use the following space to address any other areas of concern pertaining to this employee's job performance, behavior and attitude, or any other pertinent information. _____

Employee:

Printed Name:

Signature

Date (mm/dd/yyyy)

Note to Employee: With few exceptions, you are entitled upon request: (1) to be informed about the information the TDCJ collects about you; and (2) under Texas Government Code §§ 552.021 and 552.023, to receive and review the collected information. Under Texas Government Code § 559.004, you are also entitled to request, in accordance with TDCJ procedures, that incorrect information the TDCJ has collected about you be corrected.

Supervisor:

Printed Name:

Signature

Date (mm/dd/yyyy)

Program Director:

Printed Name:

Signature

Date (mm/dd/yyyy)

Warden or Community Based Facility Contract Monitor:

Printed Name:

Signature

Date (mm/dd/yyyy)

Warden's or Community Based Facility Contract Monitor's Comments: _____

Distribution:

Original: Rehabilitation Programs Division director or, if vendor is a community based provider, director of Specialized Programs

Copy: Appropriate warden or community based facility contract monitor

Copy: Program-specific vendor

Copy: Employee