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House Bill 4467 (Substitute H-3 as passed by the House)
House Bill 4468 (Substitute H-1 as passed by the House)
Sponsor: Representative Sarah L. Lightner (H.B. 4467)
Representative Sarah Anthony (H.B. 4468)
House Committee: Appropriations
Senate Committee: Oversight

Date Completed: 6-7-21

CONTENT

House Bill 4467 (H-3) would add Section 208b to the Corrections Code to do the following:

- **Create the Correctional Employee Wellness Board within the Michigan Department of Corrections (MDOC) and prescribe its membership.**
- **Require the Board to create programs and training pilots to provide wellness services to State correctional employees.**
- **Require the Board to set metrics and goals for any allocations for funding of wellness services for State correctional employees.**
- **Require the MDOC to provide the Board with an annual report on wellness services and information on initiatives to provide wellness services.**
- **Prohibit the MDOC from disciplining or retaliating against the employee who was responsible for managing wellness services for performing duties required under the bill.**

House Bill 4468 (H-1) would add Section 208c to the Corrections Code to prescribe the definitions of "State correctional employee" and "wellness services" as used in proposed Section 208b.

The bills are tie-barred.

House Bill 4467 (H-3)

Board Membership

The bill would create the Correctional Employee Wellness Board as an autonomous board in the MDOC, which would consist of the following members:

- One individual selected and appointed by the director of human resources in the MDOC.
- One individual selected and appointed by the Governor who is a mental health expert.
- One individual selected and appointed by the Governor to represent the Corrections Training Council.
- One individual selected and appointed by the Governor who was a correctional officer or another MDOC employee who worked directly with prisoners in a correctional facility.

The Board also would consist of following individuals employed by the MDOC and selected and appointed by the Governor:

- One individual who is a member of the State Correctional Officer Union.
- One individual who is a member of one of the following: United Automobile, Aerospace and Agricultural Implement Workers of America; the American Federation of State, County and Municipal Employees; the Service Employees International Union; or the Michigan Association of Governmental Employees.

The members first appointed to the Board would have to be appointed within 90 days after the bill's effective date. Board members would serve for two-year terms or until a successor was appointed, whichever was later. If a vacancy occurred on the Board, the appointment for the unexpired term would have to be made in the same manner as the original appointment.

The Governor could remove a Board member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

Members of the Board would have to serve without compensation for duties performed as a Board member; however, Board members could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as Board members.

Board Duties

Four of the members of the Board would constitute a quorum. A majority of the members present and serving would be required for official Board action.

The Board would have to do all of the following:

- Provide the MDOC with access to experts on State correctional employee wellness models used in other industries and states.
- Create programs and training pilots to provide wellness services to State correctional employees.
- Compare current MDOC policies related to providing wellness services to current and retired State correctional employees with any programs and pilots created under the bill and suggest improvements or new initiatives.
- Set metrics and goals for any allocations for funding of wellness services for State correctional employees.
- Create an annual report that included new procedures and recommendations for addressing current and retired State correctional employee wellness, and summarized metrics comparing changes from year to year.

The Department could not interfere with the Board implementing its duties.

Department Responsibilities

The Department, through the employee responsible for managing wellness services, would have to provide the Board with the following:

- By December 31 each year, an annual report on wellness services, including summarized metrics comparing changes from year to year.
- If a written request from the correctional employee wellness board were received, information on initiatives to provide wellness services.

The Department could not discipline or retaliate against the employee who was responsible for managing wellness services for performing duties required under the bill.

Disclosure Under the Freedom of Information Act (FOIA)

Except as otherwise provided, the Board would be subject to FOIA. Information provided to the Board by a State correctional employee would be confidential and would not be subject to disclosure under FOIA. The Board could not disclose information provided by a State correctional employee unless otherwise required by law or with the employee's consent.

House Bill 4468 (H-1)

Under the bill, as used in House Bill 4467 (H-3), "State correctional employee" would mean an individual employed by the MDOC in a correctional facility.

"Wellness services" would mean services that address issues related to the health and well-being of current and retired state correctional employees, including employee engagement and retention, and correctional officer depression and rates of suicide.

Proposed MCL 791.208b (H.B. 4467)
Proposed MCL 791.208c (H.B. 4468)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

House Bill 4467 (H-3)

The bill would have an indeterminate fiscal impact on the Department of Corrections. The bill would create the Correctional Officer Wellness Board as an autonomous board within the MDOC. Board members would not receive a salary but would be eligible for reimbursement for necessary expenses incurred in the performance of his or her duties as a board member. The cost for reimbursing board members for necessary expenses incurred in the performance of his or her duties (based on other similar commissions and committees) averages less than \$50,000 annually.

House Bill 4468 (H-1)

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.