

MEET & CONFER MEETING May 16, 2013

Division Director Robert Patton greeted the group and addressed the following questions and agenda items:

Submitted Questions and Answers

STAFFING ISSUES

Question 1 - ASPC-T- Catalina Graves shift currently has 2 Officers + 1 Supervisor assigned to the work camp. The number of FTE's at this work camp is causing issues. At 0430 hours, one Officer goes to the gate the other officer goes to the kitchen to start to feed. The Supervisor is completing paperwork, doing final inventories of equipment, keys and radios, and updating rosters. The BAYS (inmates) could be alone for up to an hour without security staff (4 hours on the weekend).

The staffing on Days and Swing shifts also has issues: 3 officers + 1 Supervisor: During the weekend, One Officer is pulling kitchen security, one is covering the gate (processing work crews), leaving 1 Officer to do medical, feed the population, conduct an interior, exterior perimeter to include doors and lock check. Additional Staff do not enter the BAYS till 0830 to 0900 hours (3 hours into shift). Supervisor conducts security device / sanitation check, conduct keys, radios, equipment inventories, update rosters and begin journals.

Is there a way to review of the FTE's at ASPC-T- Catalina could be reviewed for a possible increase in FTE's.

Answer - A review of journal and rosters was conducted and indicates graves officers have been properly relieved by dayshift. However, the dayshift officer did not sign in on the journal until 0730 to 0755 on some days. Most of these dates are on the weekend- and the unit does have to use a shift officer to cover medical. On each of these days the unit was at or above (never below) Warden's critical. Also, there is an officer assigned to arrive at 0430 to cover gate duties in order for shift staff to remain in the bays.

The issue appears to be a posting error by the supervisors and has been addressed with the Deputy Warden. There will always be at least one staff member available in the bays to conduct all required checks. Staffing levels are appropriate for the custody level and size of unit.

Question 2 - In light of the escalated assaults with weapons on ASPC-W-Kaibab Unit and the return of that Unit's South Yard to close custody, it is requested that the posting of a tower Officer be explored. The tower Officer is a deterrent to the inmates. Current staffing does not currently include tower Officers. The issue is compounded in the eyes of Security Staff (COII) since the Warden has asked Officers/Supervisors to be on the recreation field to "take ownership away from the inmates."

Answer - South yard is close custody and has been for a long time. North yard is currently medium custody. There are no extra FTE's to add post for towers. Where would we take the FTE's from? All units have staff on recreation fields to supervise inmates.

Question 3 - ASPC-W-Apache unit recently absorbed kitchen security operations positions to shifts with the exception of graves. When there's a call in & one officer on leave, the shift still has to provide coverage. Can ASPC-W- Apache graves FTEs be increased to 12?

Answer - Post charts were approved as Day and Swing shift covering kitchen. 11 assigned to Graves currently – no FTE's available to increase. At present Apache has 60 empty beds and is not under staffed in comparison with other units.

Question 4 - ASPC-Florence: A concern at this complex, the Warden has cut back on staff working in the units. It is a safety issue with these walking 5's and Protective Custody inmates. In the Mental Health Unit, there is never enough staff to make staffing, group sessions happen without hold-ups. Is there a chance that a study or an investigation can be started to see why?

Answer - Staff have not expressed this concern on tours with Warden, Director or ROD. No changes have been made to staffing and the priority post chart is the same. More details needed.

Question 5 - With all the overtime that has been being paid out in the last few months at the ASPC-Lewis and now canceled by the Complex Major, is there any thought of the possibility of 12 hour shifts returning to ASPC-Lewis for Graves? Graveyard Staff find that having only one (24 hour) day off is affecting their performance.

Answer - Not at this time. We do not have the extra FTE's to change graves hours to something other than 8's. Staffing adjustments have allowed the Department to reduce the need for OT at Lewis Complex; this has nothing to do with the Major.

Question 6 - What is the plan for ASPC-Lewis? Current rumors state that the ASPC-Lewis complex will be completely PS by the end of the year. If this is true, where are the GP inmates going? And what Unit is next to being converted to PS at Lewis?

Answer - The PC population is growing faster than ever and it may be that all of Lewis Complex will house PC inmates, if so, it would not occur by the end of the year. If it were to occur, the inmate crews filled by GP inmates would be performed by PC inmates.

SUPERVISOR ISSUES

Question 7 - Supervisors are trying to hold staff accountable, pushing the agencies mission and are being threatened with loss of employment or assignments for failing to hold staff accountable by Administrators. When the supervisors attempt to hold staff accountable, the employee makes allegations against the supervisor. This process is sometimes referred to "write them off the yard".

This causes a paradox in that supervisors have to spend an extraordinary amount of time defending false accusations, issued AI and receiving challenges from subordinates at every turn, thus not getting their assigned tasks completed, thus giving the administration additional ammunition to accuse them of sub-par performance.

This issue will be compounded when the MAP system is to be put into place, as subordinates will now rate supervisors. Clearly, additional training needs to be completed on how to supervise subordinates in the age of being uncovered. Please comment.

Answer - We must act on all EEO complaints filed; however, the majority of the complaints are not actually EEO related and are handled administratively. If a supervisor has not done anything wrong they will not receive any redirection. Only in cases in which the supervisor has made some error or misconduct (used profanity, made unprofessional statements, etc) are they held accountable. In the event we can prove that a complaint is absolutely made up, we can (and have) held the officer accountable for filing a false complaint. Supervisors cannot be afraid

to do their jobs, the truth does come out and if they have done their job appropriately, they will be fine. The more our employees see this happen the less likely that someone will file an unfounded complaint; we must be consistent and do our jobs. Supervision of staff is no different from covered to uncovered status. It comes down to how we interact with staff, direct and redirect, coach and mentor, that determines our success as supervisors.

Additionally, it is true that our supervisors need to have the knowledge, skills and abilities to effectively manage the employees under their chain of command. Our training programs are currently under review and will be revised to incorporate all of the considerations of personnel reform and employee engagement.

POLICY ISSUES

Question 8 - Can we get clarification on the Decision tree under 601-policy attachment G-1;

From the event discovery to the final disciplinary action it is (16 day end) the question is: Is the 16-day, workdays or calendar days?

If it is calendar days, than what is the recourse for un-covered employees if the investigation took from 02/26/13-03/26/13? (30-days)

Answer - It is calendar days. For cases that are a mistake, then it should be closed by day 16. In cases where there is a violation of policy/procedure, and the investigation can be handled at the Warden/Approving Authority level, then it should be completed by day 30.

Question 9 – Regarding DO-525 - when addressing employee attendance, supervisors are following this practice: if you call in the first time, it is a verbal council, the second time, it is a pace entry, the third time an NNTI, and the fourth time a 601. Yet, this is not in the policy at all. Those rules only apply for Tardiness. Please Comment.

Answer - The question is correct that there is nothing in the DO outlining this degree of detail for attendance issues. To be fair, I believe supervisors/administrators are still using the old DO procedures (progressive corrective action) in regards to employees who have attendance issues. As you may be aware, many of the DOs have been revised due to personnel reform. We will look at DO-525 to see if further revision is necessary.

Question 10 - When employees are using Sick Leave it is being identified by supervisors at ASPC-PV as “unauthorized leave”. ADOA Policy states that Sick Leave is “authorized leave”. Can you explain why in PACE entries, NNTI’s or disciplinary, it is referred to “unauthorized leave”?

Answer - There may be times when an employee says he/she is out ill, but that absence has not been authorized by the supervisor. For example, if the employee has had a pattern of absences due to illness, perhaps around holidays and RDOs, has been requested to provide medical documentation, and has failed to do so, the absence may not be authorized as sick leave. Consequently, the leave time in this situation would be considered an unauthorized leave. Sometimes, an employee calls out “sick” but does not have an “illness or injury that renders the employee unable to perform the duties of the employee’s position,” as required by the Personnel Rules. (Applicable section of the rules is below.) Think of the coworker who has called out sick due to a headache or a cold sore. Unless these conditions are debilitating, they probably don’t render most people unable to perform.

Rules:

A. Definition. "Sick leave" is any approved period of paid absence granted an employee due to:

1. Illness or injury that renders the employee unable to perform the duties of the employee's position.
2. Disability of the employee that is caused by pregnancy, childbirth, miscarriage, or abortion.
3. Examination or treatment of the employee by a licensed health care practitioner.
4. Illness, injury, disability caused by pregnancy or childbirth, or examination or treatment by a licensed health care practitioner of an employee's spouse, dependent child, or parent. Sick leave 04/13/2013 granted for this purpose shall be charged to the employee's sick leave account and shall not exceed 40 hours per calendar year.

Sometimes, people go off for a planned procedure or surgery but fail to advise the department until the very last minute, jeopardizing critical staffing levels. This, along with any other abuse of sick leave, may result in leave time being considered unauthorized leave.

Perhaps this question is dealing with someone in particular. To address anything more specifically, the affected employee(s) should consult with their HR Liaison or Employee Relations Officer.

Question 11 - Inmate requests for retention funds seem to always be approved regardless of the need or if it meets Department Order criteria. Why is the CO III required to do all this work when everything is approved no matter what the inmate uses the money for? Some examples are: Bills that can't be verified, paying for car payments for the wife when the wife continually sends support to the inmate between \$800 – \$1000 cash monthly - unverifiable expenses?

Answer - DO 905.3 1.2 gives sole discretion of the release of retention funds to the Director or designee - Division Director Offender Ops. Policy directs the COIII to complete an investigation on the requested use of the funds and forward the information obtained for further review and approval. Whether funds are dispersed or not is not the decision of the COIII. Not all requests are approved.

Question 12 - Why are visitors allowed to appeal denials from visitation when they didn't pay their \$25 fee in the appropriate time frame, as apparently this happens all too often?

Answer - Even though 911.01 1.6.1 dictates that visitation denials due to non-payment are not appealable, this does not prevent a visitor from submitting an appeal. A simple response to this appeal would be a reference to the policy and directions that they can re-apply after the six month waiting period. Don't lose sight of the fact that visitation is an important activity in the rehabilitative process of the inmate. Family interaction is important; in spite of their errors with the procedure.

Question 13 - Why are some CO III's allowed to take lunch (YUMA) and some are not? Wouldn't it be fair to allow all of us to just take lunch?

Answer - COIII's are on a straight 8 hour work schedule. This schedule was confirmed with the unit administrators. CO III's may eat at their desk while continuing to work. Warden Escapule will review and discuss with the unit COIV's to ensure consistent compliance.

Question 14 - We get inmates that claim their lives are in danger but they never go on a yard, they fill up detention and COII's are expect to run detention like a GP yard. Why can't all of the PC inmates just get put on a PC yard, as soon as they ask?

Answer - First I am not sure which detention unit is run like a GP yard unless the GP yard is maximum custody. Then movement, recreation, visitation and showers should be the same.

We must have a process for inmates requesting PC or it will be a bigger problem than it already is. We need to find solutions to slow down the request; a blanket approval is not the answer. ADC cannot 'build' its way out of this problem. We are awaiting information from a national survey of all systems on their approach to PS. There are a myriad of reasons why inmates request PS. We have an affirmative responsibility to ensure that the only inmates placed in PS actually require such status.

Question 15 - ASPC-Yuma: Why is it okay for policy exceptions to be made for employees that live in Mexico and no exceptions for Arizona residents? The exceptions are being late to work because of getting across the border (stuck in traffic) or getting doctor notes from unidentified parties that can't be confirmed in Mexico? Arizona residents get stuck in traffic (no fault of theirs) and are still being held accountable. There is a double standard that exists.

Answer - It is expected that all staff are held accountable in a consistent manner. There should not be any exceptions for tardiness. Since there is no unit specified, the Warden will discuss with the unit DW's to ensure this behavior is managed consistently. Doctor's notes from Mexico are reviewed the same as notes from the U.S. All doctor's notes are forwarded to the OHN for review and processing. A double-standard is not the policy of ADC.

Question 16 - Why does policy allow packages and mail to go out the front door through visitation? Inmates send out so much contraband and no one is tracking what is being sent out by inmates to include letters, mail and packages.

Answer - There is not a Department Order that allows packages or mail to go out in visitation. If policy is not being followed, then employees are not doing their job.

TRAINING

Question 17 - When will MAP training for supervisors be provided to Sergeants and Senior Parole Officers?

Answer - We are installing computers and conducting focus groups to finalize implementation plans. The tentative implementation date for CO's to begin MAP is 9/1/13. The training will be scheduled once the plans are complete.

Follow-up question – Should supervisors close out the PACE's on 8/30/13?

Answer – Specific directions and effective dates will be provided once the implementation plan is finalized.

PAY

Question 18 - Is the retention pay that has been received by uncovered employees going to be allowed to remain as part of compensation or is it going to be taken back and employees will divert to regular base pay?

Answer - There are efforts underway that, if enacted, would add the retention pay to employees' base salaries; however, as we have said all along, **there is no guarantee** this would become part of an employee's regular salary. This issue will be decided as part of the annual budget process. As it stands now, this payment is separate from the base salary and is reflected on the paystub as Critical Retention Payment. Short of legislative action, these payments will end with the paycheck on June 27, 2013.

Question 19 - When a COII is hired they are promised pay increases in forms of Step Raises. When they are hired, it is assumed that their step increases in pay are part of the ADC budget. But when or if they decide to promote to Sergeant before moving through all the steps, they lose the step raises. With a plethora of vacant Sergeant positions open at complexes statewide, it would be a large incentive for COII's that are either in the fence or fearful to make the switch to uncovered status if those COII's could also get the future Step Raises along with the mid-range pay increase, many may make the choice to promote. Would this be something the Director would be interested in exploring?

Answer - The CO Pay Plan, which provides annual step increases for up to eight years of service as a Correctional Officer II, was developed by ADC and approved by ADOA to address very critical recruitment shortages and priorities in the classification of CO II. If we found that we had great difficulty recruiting Sergeants, we would consider alternatives to help to address that problem, including financial alternatives. We are currently studying the recent and past recruitment processes for Sergeant, and this should provide us with a thorough analysis of the effectiveness of the process and help us to identify what, if any, action should be taken. Additionally, the ADC Compensation Plan is pending ADOA approval. If approved, it will allow for salary adjustments to correct salary inequities, IF funding is available.

Question 20 - Is there any possibility that a spreadsheet could be created that shows exactly what an Officer would have to pay to buy back his Military time during any year of this career? The spreadsheet could be updated as needed and posted to the ADC website for permanent access. As it current stands we have to request this information and the formula used to calculate what we owe seems to be a "State Secret".

Answer - Regarding posting a spreadsheet on military service buy back, the suggestion is a good idea, but there are issues about confidentiality. Employees can actually go into both the ASRS and PSPRS (CORP) websites, plug their personal info in and get an estimate.

Here are the links:

http://www.psprs.com/sys_corp/service_purchase_index.htm

<https://www.azasrs.gov/web/ApvServicePurchase.do>

Question 21 - Under current policy an officer can only sell back 500 hours of sick leave at half the rate of pay when the officer reaches retirement. Anything over 500 hours is forfeited to the State upon retirement. This policy creates an environment where officers will "burn" their sick leave as instantly upon getting close to retirement. The driving philosophy is, "you can't take it with you, why should the state get it?" This line of thinking leaves shifts short staffed and mocks officers that show up for work. The Director has stated that he values employees whom use little or no sick leave, but a tangible reward to employees that don't earn and burn sick leave would go a long way to rewarding those staff members he values the most. Would the Director recommend to ADOA a change in the current policy to pay off more than 500 hours of sick leave?

Answer - The facts presented within this question are not accurate. The program under discussion is Retiree Accumulated Sick Leave (RASL). As taken from the GAO Accounting Manual in regards to RASL:

Benefit Value Calculations

1. The benefit value received by the retiree for the accumulated sick leave balance increases according to a graduated scale. It is calculated by taking the State hourly rate of pay at the termination date, multiplied by the number of total accumulated sick leave hours (up to one thousand five hundred (1,500) maximum hours) at the termination date, times the appropriate percentage below:
 - a. **25%** (if total accumulated sick leave hours are at least 500, but fewer than 750 hours); or
 - b. **33%** (if total accumulated sick leave hours are at least 750, but fewer than 1,000 hours);
or
 - c. **50%** (if total accumulated sick leave hours are at least 1,000 up to the maximum of 1,500 hours).
2. The maximum number of accumulated sick leave hours compensated under the Program is one thousand five hundred (1,500). Hours in excess of one thousand five hundred (1,500) cannot be used for any other purpose and will be forfeited and purged from all official payroll systems upon retirement and enrollment in the RASL Program.
3. The maximum benefit value is thirty thousand dollars (\$30,000) per person, per retirement system.

COMMUNITY CORRECTIONS

Question 22 - Community Corrections has provided skewed caseload information and statistical data for many years in their reports. When monthly stats are configured they include Parole Officer staff positions that do not actually carry or supervise offenders; Warrants & Hearings Unit, ISC, Release Unit Officers, etc. to figure average or mean caseload numbers. Parole Officers would like to see some change in reporting the actual caseload numbers. The current practice of taking the total amount of offenders on supervision and dividing it by the total of CCO FTE does not show a clear picture of the volume of work staff actually performed by caseload Officers and also hinders justification for additional staffing positions.

Answer - The current stats for CC include all offenders supervised by field offices and then divided by the number of field CCO's and field Sr.CCO's. The officers positioned in Support Service Units (SOCU, Warrants and Hearings Unit, Interstate Compact, and Pre-release Investigations Unit) are excluded from the caseload average; supervisors are also not included. The only factors that make a difference are the units that have reduced caseloads such as Electronic Monitoring Unit and Legacy. Senior CCO's are supposed to manage inactive cases, so those numbers tend to be lower. In the case of an "average" it takes the extremes into the total. The number is not skewed, it is an average.

EMPLOYEE SAFETY

Question 23 - Recently at ASPC-Phoenix-Aspen unit there has been a rash of vandalism to staff vehicles in the parking lot that faces 24th Street. Suggestions have been made to the Unit Supervisors for perimeter security to be allowed to patrol the parking lot during shift, but employees are told that the parking lot is not ADC property and ADC has no responsibility for the security of the lot. And in the mean time the vandalism to the employee's vehicles continues.

The vandalism has been reported to the Phoenix Police Department and reports have been taken. During the incident investigations by Police Officers, they are surprised that some action by ADC is not being taken to better secure our own staff parking lots. ADC staff is in agreement with the assessments of the Police.

Recently, former inmates of ASPEN have been seen "cruising" the parking lot and Parole Officers did take action. But issues seem to continue. Some staff has even gone as far as to park in another public location that is more secure than our own parking lot.

Can the perimeter security staff be expanded to patrol the parking lot at least? A trespassing sign would also be a minor deterrent at the entrance of the ASPEN Parking lot.

Answer – NROD McWilliams discussed putting signs up with Warden Ramos, as it may be a deterrent to unauthorized entrance. I am most doubtful that ADC staff could not patrol the parking lot. It is state property and ADC utilizes it. NROD McWilliams will research the possibility of installing a camera.

PRIVATE PRISONS

Question 24 - Is the Director planning on making State prison privatization a continued future goal? California is taking all their inmates back from the private prisons and CCA at Saguaro is going to house AZ state inmates. What is the Director's stance in replacing ADC Correctional Officers with "Guards" from the private prison industry?

Answer - I cannot speak to how California manages their inmate population.

Privatization of the Arizona Department of Corrections is not, nor has it ever been a goal of the Director. The Director concurs with the Governor's desire for reasonable balance of private and public prison options for minimum and medium custody inmates. The Director will continue to follow that guidance and ARS 41-1609.02, which requires ADC to consider contracting for private beds before expanding or constructing new minimum or medium security prison facilities for certain offenders.

In adhering to this guidance and Arizona Revised Statute, ADC recently signed a contract with CCA for 1000 minimum/medium beds at the Red Rock facility in Eloy, Arizona; not Saguaro.

ADC has contracted for private prison beds since December 17, 1993 and the Director supports the continued use of private prison beds for minimum and medium specialized populations, such as DUI, inmates needing substance abuse treatment, sex offenders, and low risk general population inmates. However, the Director strongly opposed the privatization of ADC or the privatization of prison complexes that house maximum and close custody inmates.

Discussion on replacing ADC COs with private prison staff has never been discussed nor will it be supported.

UNIFORMS

Question 25 - Staff would like to have the Director authorize long sleeve polo shirts for use.

Answer - The uniform committee has received a request for long sleeve polo shirts and will forward their recommendation to Director Ryan.

Follow-up question (by Director Ryan) – Is the purpose to cover tattoos and what are your thoughts as to staff who are “sleeved”? Does it present a professional image?

Answer – Discussion ensued regarding tattoos and policies of other law enforcement agencies. The request does not stem from the tattoo issue. The polo shirts are less expensive to replace than the Class A uniform shirt. Shirts worn under stab vests deteriorate quickly.

Question 26 - In an effort to raise officer morale, on the Class A uniforms is it possible to display length of service hash marks on the sleeve as most other Law Enforcement Agencies do? The ADC Color Guard is displaying this at the present time.

Answer - The uniform committee reviewed a request to add “hash marks” to the class A uniform shirt and will provide their recommendation to Director Ryan.

Question 27 - Since the time of Sam Lewis uniforms have changed very little. We are suggesting the Class A uniform shoulder patch “state seal” to be changed to a full color design, instead of the “yellow-dark brown” standard patch.

Answer - Changes to uniform patches should be submitted with drawings or pictures to the uniform committee for review and recommendation.

MISC

Question 28 - Why is it that employees are told at COTA that whatever special skill-set you have before coming into the Department of Corrections stays there; we are hired to be Correctional Officers and no more. When Supervisors learn that you have a background in a special field (electronics, medical, construction, speaking a different language and so on) we are directed to use those special skill-sets for the job and placed on TWA status to perform those duties outside our “hired skill-set”. At times, even managing Work Crews to insure the task we are assigned gets completed in a timely manner. While other agencies pay extra to their staff for special skills like speaking a different language, the Department requires staff to use those skills with no incentive to do so. As an example, COII’s are pulled to set up and install security cameras and make a plan to layout the needed equipment to do so. Why are not Gray Shirts used for this purpose?

Answer - Correctional Officers are assigned to special projects at times due to the ongoing priorities that are occurring within operations. These types of projects (i.e., open cell fronts at Kasson, mental health recreation enclosures, security camera installation, etc) are for the safety of all. We do not have enough maintenance staff to cover all of the projects so we pull CO’s with special skills to assist; this is a team effort. We are working in conjunction with Maintenance staff and IT staff for the camera projects around the state. Each time officers are assigned these projects, cross leveling is used to ensure maximum coverage available occurs. These projects contribute to the safety and security of the prison. A good example is the state of the art camera system that is installed at Cibola Unit.

Question 29 - Recently, according to Employee Relations, uncovered employees in Community Corrections cannot voluntarily demote. Additionally, Employee Relations is saying that at this time only Sgt's can voluntarily demote to CO II and no one else. Why was there a previous statement (email below) sent out advising that anyone who voluntarily demoted would lose 2.5% per grade demote? The email is implying that employees can VDG from any position. It makes no sense that there would not be uniformity in all State agencies after the personnel reform, let

alone within ADC.

(Email Sent to staff.)

The ADOA Personnel Rules, specifically, R2-5A-402. Salary Administration. G., Demotion. 1., state, "An employee who has a change in assignment from a position in one class to a position in another class having a lower grade, whether voluntary or involuntary, shall receive a salary decrease as determined by the agency head in accordance with the procedures and guidelines published by the Director, unless an exception is approved by the Director."

ADC management has decided employees within the ADC who demote for any reason will receive a 2.5% pay reduction for each grade they demote. So, for example, a grade 17 who demotes to a grade 14 would have a 7.5% reduction in pay.

This has been put into DO 504 which has undergone revision and is going through the approval process.

Please share this with your staff.

This is to be effective immediately

*Diann Staymates
Administrator
HR Operations
Office: 602.771.2100, ext. 200*

Answer - Uncovered employees, including those in Community Corrections, may request a voluntary demotion. Unlike the "old" Personnel Rules which allowed individuals to have voluntary grade decreases (VGDs), gave them preference in selection processes, and allowed them to do so with no cut in pay, the new Personnel Rules do not have the same provisions. Employees may **request** a voluntary demotion, but the agency does not have to approve the action.

Sergeants in their first six months of service as a Sergeant will be approved for a voluntary demotion to CO II if they are not performing at the appropriate level. In accordance with the new Personnel Rules, the agency may also involuntarily demote staff, usually from covered to covered or from uncovered to uncovered.

Regardless of whether a demotion is voluntary or involuntary, there will be a salary reduction of a minimum of 2.5% per grade. This makes sense, because the reverse is true that when people promote from positions of less responsibility to those of more responsibility, they receive a salary increase. This change in the rules will help us to better maintain internal salary equity.

At ADC's request, a statement has been added to the Personnel Rules at R2-5B-102B2 to clarify that a Sergeant in an uncovered position may request and be considered for a voluntary change in assignment to a covered Correctional Officer II position.

The specific pertinent language is: "R2-5B-102B: Covered service is limited to the following: ... 2. A newly hired employee who is appointed or a current uncovered employee who voluntarily accepts a change in assignment to: a. A position in the Arizona Department of Corrections that is classified as a Correctional Officer I, Correctional Officer II..." Please be aware that under Personnel Reform this process is no longer similar to the voluntary grade decrease available under the old personnel rules, in several ways. First, there will be a corresponding decrease in salary with any demotions, because of the decrease in job

responsibility. Second, although the individual will be considered for a change in assignment, that is neither a right nor a guarantee, nor is any preference given in the selection process. Third, the demoting individual would serve a new one-year probation in the Correctional Officer II position. Fourth, there is no guarantee of a return to the same general post (i. e. RDOs, shift, job assignment, etc.).

Employees with questions about this process should direct them to an ADC recruitment unit.

Follow-up question – Can the Sergeant request to go to a CO III?

Answer – No. The rationale behind the provision is to allow CO II's who want to promote to Sergeant to do so without the fear of losing their job if they do not perform well in the supervisory role. Under the September 2012 version of Personnel Reform, once an employee accepted an uncovered position, there was no ability to return to a covered position. The Rules have been revised to allow for an individual who promoted to Sergeant, but cannot be successful in the supervisory role, to return to the CO II position with a reduction in pay. This provision does not circumvent the testing requirements of the CPR system.

Question 30 - When will Cheyenne get their kitchen? We have been told the monies have been appropriated 3 times and yet no kitchen?

Answer - You were not told the monies were appropriated three times. The request has been made three times. Governor Brewer included funding for the Cheyenne building repairs in her budget proposal. The appropriation of these funds is pending finalization of the state budget between the Governor and Legislature.

Question 31 - What happened to prisoners staying at the jail for their first 12 months, instead of coming to prison?

Answer - Laws 2011, 1st Regular Session, Chapter 33 (SB 1621), which passed in April 2011, transferred responsibility for prisoners serving a sentence of one year or less to the counties. Laws 2012, 2nd Regular Session, Chapter 302 (SB 1531), which passed in May 2012, repealed the transfer of inmates serving a sentence of one year or less to the county jails.

Question 32 - Has anyone ever thought about getting rid of the Recreation CO III and using a Correctional Officer who could supplement SSU because they are always on the yard and always around inmates to hear what's going on?

Answer - The CO III recreation position will not be covered by a CO II. COs are assigned in accordance to the posting chart and will be in security post positions. CO III's do report intel to SSU and document information as required.

Question 33 - Staff are being denied time off work to take sick children to the doctor. Employees are being told that they will be disciplined if they follow doctor's order and take sick leave.

Answer – Sick leave is granted based on the operational needs of the institution and the needs of the employee to the extent possible.

Question 34 - Staff are being disciplined for negative police contact prior to their cases being resolved in court. Shouldn't the department wait until the case has been resolved in court prior to issuing discipline?

Answer – In this instance, the behavior is being addressed, regardless of the legal outcome of the case. Per DO 501.03, employees must report police contact and are not to bring embarrassment to the Department or the State of Arizona. Questions regarding corrective action should be directed to the Employee Relations Unit.

DISCUSSION AND FINAL QUESTIONS

Director Ryan discussed the Director's Desk article posted after the last Meet and Confer meeting. The article was an attempt to proactively garner the attention of our employees and encourage those with problems to seek help. Additionally, the sanctions for a first time employee arrest were increased and now range from an 80-hour suspension to dismissal; aggravating and mitigating circumstances are taken into consideration. Employees are encouraged to be messengers of intervention - if you witness it; stop it. Don't tolerate illegal or unethical behavior.

Question – Do uncovered employees have the opportunity to meet with the Director prior to dismissal?

Answer – Uncovered employees do not have any appeal rights. That being said, the Director reviews all dismissals prior to the action being implemented, but he won't meet with uncovered staff. Additionally, Director Ryan is the only agency Director who affords covered employees the opportunity to meet with him prior to dismissal.

When Personnel Reform was announced, employees were fearful that uncovered status would be used as a tool to sever longstanding employees without cause. One of the safeguards in Personnel Reform is that all dismissals must be reviewed by ADOA. Colleen McManus, the ADOA Chief HR Officer assigned to ADC, has been granted delegated authority to approve the dismissal of COTA Cadets.

Question – If a CO II or CO III requests a voluntary/lateral transfer to another unit or facility, will they maintain their covered status or become uncovered?

Answer – All CO II and CO III positions are covered. Employees in the above scenario would remain covered; however if a covered secretary were to request a voluntary/lateral transfer he or she would become uncovered.