

MEET & CONFER MEETING

June 17, 2015

Director Ryan greeted the group and encouraged the group to make sure fellow staff and inmates are hydrated as we move into the summer months. The following questions and agenda items were addressed.

Item 1 – Director Ryan introduced Cheryl Roberts from the Risk Management Division of the Workers’ Compensation Section at ADOA. Ms. Roberts presented an overview of the 24/7 Nurse Triage program related to industrial claims, which will be provided by CorVel effective August 1, 2015. In addition to two email blast messages, staff will be provided with wallet cards and posters will be posted. The email blasts will be sent two weeks prior and one week prior to the August 1, 2015 effective date. During the transition time of the new program, callers who phone the current industrial claims phone number will be forwarded to the new phone number; this will occur for two weeks after the August 1, 2015 effective date. The following program information was presented and provided as a handout:

24/7 Nurse Triage Provided by CorVel August 1, 2015
Our employee calls (800) 685-2877 to report their injury. They will speak with a nurse familiar with industrial injuries who will be able to gather all the necessary patient information.
The nurse will triage the employee to the appropriate provider/facility to treat the injury. They can also assist the employee in making decisions about whether seeking care is necessary, or whether or not an exposure incident would require medical attention.
When the employee is directed out for care, the provider will be faxed the Health Status Report and a pharmacy card so the employee can obtain their initial medications at no charge.
The triage nurse will follow up with the employee the next day to make sure there are no further issues or concerns.
Having the work status completed at the first evaluation will allow for the appropriate placement into a temporary modified position to prevent further injury/disability.

Director Ryan will be discussing the 24/7 Nurse Triage program in an upcoming e-briefing. Ms. Roberts confirmed that the employer will provide for the first medical evaluation of an employee under the workers’ compensation benefit using a state-contracted doctor, then an employee may request a physician of his/her choice on subsequent appointments.

Item 2 – Art Harding provided information on the status of the Fallen Correctional Employees Memorial Fund. Since the unanimous passing of SB1186, signed into law by Governor Doug Ducey on March 30, 2015, a Committee including each of the Employee Organization Presidents has been working on details of the memorial, which include design and construction estimates. Now in the design phase, the memorial will be located in the garden area between the 1601

MEET & CONFER MEETING

June 17, 2015

and 1645 buildings, at central office in Phoenix. The Department is grateful to the 100 Club, which is hosting a 501(c)(3) sub-account that will manage donations to fund the memorial. The first donation of \$25,000 was presented to Director Ryan by the Hickman family, who run Hickman's Family Farms. Donation details and activities are currently being determined by the Committee, including a Facebook page that will create a social media presence; 300 people visited the Facebook page in the first two days. The Committee anticipates that the project will take two years for completion.

Item 3 – Director Ryan requested that when human resource communications related to employee issues are directed to the attention of the Department's Chief Human Resources Officer, Colleen McManus, employees should be given her business office phone number – (602) 542-4987 - rather than her private cell phone number. If she is unavailable, members of her staff are available to provide assistance during the business hours of 8:00 am to 6:00 pm, Monday through Friday.

Item 4 – Number One Lean Project – Correctional Office Hiring Process

Director Ryan discussed Governor Doug Ducey's Lean initiative to improve efficiencies and reduce some of the bureaucracy in state government. The Governor has challenged the Lean Transformation teams to reduce their processes by at least 50%. The Department of Corrections was the first agency approved for a Lean project that wasn't a licensure, application, or permit process. ADC's first Lean Transformation project is the Correctional Officer hiring process—the recruiting and selection process of our correctional officers, which is our largest number of employees. This project is one of only nineteen chosen for the first round of Lean projects. Support Services Division Director Gail Rittenhouse is the Lean 1 project's team leader and Director Ryan is the executive sponsor. The Weekly CO Status/Hiring Report for June 15, 2015 was provided to show a current operational vacancy of 572 compared to a very recent vacancy number of 614, showing that we have begun to gain some ground. Director Ryan invited Gail Rittenhouse to talk about the Lean process for the first project.

DD Rittenhouse explained how the Lean 1 team looked at the CO hiring process to apply a set of Lean techniques, studying the hiring process from beginning to end looking for waste - whether wasted time, wasted resources, or any step that brings no value. We mapped out the process and discovered that in some cases it was taking up to 220 days to bring on an officer; some of that was due to ADC's delays and some was due to candidate delays. As we analyzed and mapped it out, we have been able to considerably shrink this process - down to 59.8 or fewer days. Essentially, instead of having applicants travel to appointments at different locations to do different steps on different days, we created regional one-stop shops where we do everything in one day to the degree that can be done. At the end of the pilot on August 7, 2015, we will be able to make a recommendation to our executive sponsor.

Director Ryan added that in terms of making CO Hiring a more efficient process, the Lean 1 team did a phenomenal job. He spoke candidly that it is difficult to comprehend that completing this process in a linear fashion would take 220 days. Director Ryan gave an

MEET & CONFER MEETING

June 17, 2015

example of wasted staff time relating to the provision of personal or professional references. Most of us would not provide names of references who would give a bad report, so checking references was determined to be an unnecessary or wasteful step that does not add value to the hiring process. Another non-value added activity in the hiring process was a one-on-one interview, which has also been eliminated because there is enough other opportunity within the process for a recruiter to assess each applicant. The background application has been split into two parts: the criminal history check, involving a short document that inquires about drug usage and criminal activity. Applicants who have drug use or a criminal history can be eliminated immediately, without spending more time and resources to complete a full background investigation. Director Ryan has spoken with the ADOA Human Resources Director to see if we can modify our background questionnaire to be an on-line form completed through the ADOA application process. The current generation of candidates we are hiring prefers to apply on-line rather than by pen and paper. An on-line, fillable questionnaire may encourage candidates to submit questionnaires more quickly – again improving efficiency.

Deputy Director Hood explained that we don't want to lose those people because of a bad process. If we can compress our process and not lose applicants to other opportunities, that will be to our advantage in reducing the number of vacancies. We make ten to eleven thousand contacts a year to hire a thousand officers. By reducing wait time or delays, if we can get this number up to two thousand hired, we can have a meaningful impact on the vacancy rate and get that number well below the 572 reported earlier this week. We can't make a correlation yet, but the pilot's first eight weeks seem to have reduced vacancies. Ultimately, those are the kind of results we hope to see.

Item 5 – Number Two Lean Project – Inmate Intake at Alhambra

Director Ryan invited Lean 2 team member Art Harding, to explain the second Lean team initiative, Inmate Intake at Alhambra, which is in the planning phase. Art, being new to ADC, found it interesting that the process was new to all team members, i.e. no one has actually walked through the entire intake process from the incoming sally port, through processing, and out to the assigned facility. That currently takes about seven and a half days and Lean Team 2's goal is to reduce it to three days through a series of flow changes. Right now there is a delay when doing intake in the main sally port and a work crew comes back from outside. Intake is completely shut down to admit the work crew, leaving sixty or more inmates sitting and waiting. The team's proposals haven't been approved yet so we can't share too much - but we can share that we will suggest changing the physical configuration so an incoming work crew does not shut down everything. The current process flow resembles controlled chaos - with many different things happening at once, such as fingerprinting, ID photos, dental exams, x-rays, COIII interviews, etc. Through Lean training, the team learned that instead of pulling inmates out of line or batching small groups of inmates, an effective process should flow in a sequence. One other step that was found to have no value is the fingerprinting done on every inmate. Most inmates were coming in with prints from the county, so we don't need to do them

MEET & CONFER MEETING

June 17, 2015

again. That change alone potentially eliminates hours of processing time. The pilot proposal will be ready to present in a week or so, then the pilot can begin.

Item 6 – Number Three Lean Project – SIR

Deputy Director Hood explained that these two projects are part of the Governor's Lean initiative. That doesn't preclude us from doing other Lean projects internally. The Lean Six Sigma concept comes from the manufacturing environment – essentially using an array of techniques to critically review processes that require multiple touches to identify process waste and inefficiencies.

A third Lean project on Significant Incident Reporting is being done internally. Deputy Director Hood invited Connie Mehner to talk about that project; she shared that the third Lean team is working on SIR process improvements, trying to speed things up and ensure everybody understands the process. Deputy Director Hood explained that the SIR process involves staff in the COCC as well as the field and other stakeholders when an event occurs - leading to initial reporting, the initial SIR, then a whole series of follow-up notification activities that occur as a result. This has been unwieldy for Shift Commanders and COCC staff - the routine of 24 hour follow-ups, the 48 hour follow-ups, and the close outs. We expect the Lean project will yield some improvements.

Lean projects are led by a coach knowledgeable in Lean techniques and are sponsored by an executive with the authority to make the necessary process changes. Lean teams include both staff who perform the work being studied and also outsiders who know nothing about the process. In the Inmate Intake project, for example, it means observing everyone from education staff doing school testing, to security staff, to medical staff, to classification teams, and many others. You spend time with these experts to clearly understand their process and then interact with them on better and more efficient ways to complete the work.

Strategic Planning/Special Projects Administrator Denise Stravia will help identify and track future Lean projects. We expect more training on the Lean process - probably in the fall - and more explanation and involvement at the local level as we take on these process-type projects to eliminate inefficiencies.

Item 7 – Director Ryan referenced the Weekly CO Status/Hiring Report handout, provided with the agenda, to discuss the vacancies per prison complex. In terms of the actual hiring vacancy, Eyman is at 17.63%, Florence is at 15.01%, and Globe is at 27.59%. (We authorized a geographic stipend for Globe earlier this year to attract COs there; within that community, the Globe prison itself is a major employer but the competition may in fact be the mines.) At Perryville the vacancy rate is very small, just 3.86%. Lewis is at 0.39% - probably as good as it has been in the last seven years. Phoenix is at 7.0%, but we are not recruiting because there is a long list of transfer requests for Phoenix. Tucson is at 9.12%, Douglas is at 3.07%, Safford is at 11.59%, Winslow is at 22.38% and has lost people to the railroad, Apache is at 11.29%, and Yuma is at .13% which is the lowest in the state. We are not recruiting for Yuma.

MEET & CONFER MEETING

June 17, 2015

Director Ryan asked the group to reference the additional handout, titled the Average Monthly Call-Ins Report. Look at the average number of call-ins for the month of May, by prison complex. (Globe and Apache are not broken out.) Of the ten complexes, Lewis, which is .39% vacant, has the highest average monthly call-ins, with 190! It begs the question, what's going on? Why are people calling in sick? Why are they not coming to work? One of you asked how we cover the 572 vacancies. We're only able to cover with overtime and comp time - about \$1.4 million a week, statewide. That money comes from vacancy savings, i.e. the vacant positions represent a revenue source to cover the overtime. The overtime could be reduced if people would come to work and not so many people would be calling in. We could do other things with that money. You all represent your organizations and some of you are the leadership - so it begs the question: What influence do you have in trying to turn this around or does it concern you?

A comment was made in reference to disciplinary actions at each complex. If the number of disciplinary actions is high at Lewis, that may mean the COs are not happy and they are staying home more. DD McWilliams responded that Lewis's discipline is not any higher than Eyman and the call-ins at Lewis are twice as high as Eyman. Another question was raised about Safford, where disciplinary actions might have to do with management issues. If we looked at each prison and the percentage of staff receiving discipline, would it have a correlation? DD McWilliams stated that when a large number of COs call in it encourages those who are left to do the work to cut corners; when corners are cut, bad things can happen and that generates discipline. So it is the root of the issues here. If we fix the attendance problem, it fixes a lot of other things. CHRO Colleen McManus added that some people receive discipline for attendance issues, so increased attendance problems generate the likelihood that disciplinary actions will also increase. A question was asked about management at the smaller facilities, which may seem better - possibly with more management hands-on and more interaction with staff, which may lower call-ins and discipline. It was suggested that this has to do with the management style, not the amount of discipline. DD McWilliams mentioned that there are all kinds of factors that go into this in small communities; there are differences in small and large complexes. It still goes back to fixing the problem of call-ins so that not so many people are disciplined. It's the most important thing we can do to help morale and makes the prisons safer. All kinds of problems can be fixed with fewer call-ins.

SUBMITTED QUESTIONS AND ANSWERS

Mindi Kraicinski – ACA

On behalf of ACA, the following questions are provided:

MEET & CONFER MEETING

June 17, 2015

Question 1 - Relative to COIII safety, request to rescind late nights for CO IIIs in lower custody units to provide safety, based on the recent assaults of staff while doing their jobs in their offices, and restriction of access to other needed services that are on dayshift schedules.

Answer 1 – Director Ryan clarified that the COIII is required to work one late night per week. NROD Ernie Trujillo confirmed that the CO III's will continue to be required to work one evening shift per work week. Many inmates in lower custody units work during the day or are in programming during the day. Complete case management involves more than just custodial management. Case management is about managing all facets of an inmate corrections plan. In addition to the automated processes a CO III is responsible for, this includes providing programming during hours when the inmates are on the yard during non-work hours. Inmate access to program staff is an essential part of management of a lower custody prison.

Staff safety is paramount to me. This is why ADC issues radios, pepper spray, and handcuffs to staff, including civilian staff. The staff are trained in their use and in incident management. Routine security checks are conducted to verify the welfare of each employee in the unit. We all have a responsibility to be vigilant, observant, and visible when working inside the unit. Frequent communication with other staff is important to let others know where you are and if you have inmates in your area. Take an active role.

DD McWilliams clarified that this is all part of the bigger picture. We have a lot of components in place but we are not where we need to be in this Department yet. We have maximum custody in a different space now with a lot of programming occurring and we are starting to extend that to close custody with different programs. There is one other component that really is important to make this work and that is getting the programs that are effective, i.e. evidence-based programs that are being used all over the country. Those that we know work for improving inmate behavior need to be implemented in our lower (minimum and medium) custody to prevent inmates from moving into higher custody because they engage better. Arizona has done a great job so far, but we still have a lot of work to do. In terms of the property issues in the late night, we will get all the COIIIs involved in programming and facilitating groups on the nights they work late.

Question 2 - In what policy is the definition for "position of repose," and what is the specific definition? There is no mention of "position of repose" anywhere in policy but on the Attachment C of DO 601, ff.

Answer 2 - "Position of Repose" is not currently defined in policy. The definition of repose is; "To lean in a comfortable resting position," "To lie or be at rest, as from work, activity, etc.," or "To place oneself or one's body in a state of quiet relaxation." Because the terminology "position of repose" is not used in actual policy, there is no opportunity to define it within policy.

Director Ryan clarified that someone in a position of repose would be observed to be sleeping, not alert, or nodding off. Officers who observe a fellow Officer in a position of repose need to

MEET & CONFER MEETING

June 17, 2015

do something to get their attention so that they stay alert. Offer to trade places. Help them watch your back and vice-versa. If there is any type of discipline that could be eliminated, certainly this is one of them, but it takes committed staff to look out for each other. If an employee has a foot propped up while working, that in itself would not call for discipline. DD Hood confirmed that an Officer who is actively doing his/her job with one foot propped up is not to be considered in a position of repose.

Len Sustaita - AZCPOA

Question 1 - In March the Arizona Republic reported that last fiscal year had a record number of assaults on officers (412) and that this fiscal year ADC is on pace to set a new record number for assaults on officers. What steps has ADC already taken to reduce assaults? Is there any record of their effectiveness?

Staff wants to know what changes ADC is going to make in the future to reduce or stop the assaults?

Answer 1 – SROD Joe Profiri shared that recognizing there to be no better enhancement to safety of ADC Staff than appropriate staffing levels, Director Ryan has advocated and sought, since his return, the restoration of officers lost under the previous administration. To date 103 Correctional Officer Positions have been restored under Director Ryan's leadership. Several other posts are filled using overtime. ADC will continue to ensure core staffing is in place and advocate for full restoration of all lost Correctional Officer positions. In addition, staff posting is continuously being reviewed for more effective posting. Through such reviews, post modifications were made to ensure that in close and maximum housing units there is one officer in the control room and one on the floor. This combination allows for the control officer to provide direct observation of the floor officer, which not only can deter assaultive or disruptive behavior, but also provides for a first alert system in the event the floor officer is in need of aid. In addition, posts have been repurposed to create sector officers specifically designated to conduct security checks on staff who work in isolated areas. In prison units of all custody levels statewide, closed circuit camera systems have been added and upgraded with strategic placement of cameras in isolated areas to provide maximum visibility of all individuals in that room and space. The cameras are monitored in real time by pre-designated control room staff. OC spray and hand held radio (man down button) training has also been provided to non-security ADC and contract staff with the exception of Corizon medical personnel. All trained personnel were issued hand-held OC canister with holders. Two-way radios are issued to personnel upon entering a facility. ADC also continuously evaluates how it may create safer environments through operational practices. Through a recent evaluation, service centers have been developed in some facilities in which COIII's are clustered together. As a result of this clustering, COIII's are able to perform their crucial roles while simultaneously providing a level of security and oversight for each other. ADC also focuses on inmates to ensure staff and public safety. Specifically, ADC's classification model, which was validated by the National Institute of

MEET & CONFER MEETING

June 17, 2015

Corrections on June 26, 2013, facilitates a criteria and scoring system that consistently and reliably places inmates into appropriate custody and internal risk levels. This means ADC's inmate classification system, which is the fundamental instrument for several process and decision making (facility assignment, housing, work/program assignment, re-entry and release, etc.), is sound and can differentiate low risk from high risk inmates and place them in the lowest possible classification level to ensure public and staff safety. These are some the things ADC does continually to proactively address staff safety.

DD McWilliams added that it is proven that when more programs, jobs, activities, etc. are offered, more pro-social behaviors are seen in inmates. It is important for all Officers to enforce the rules, though, so that there are not problems for the next Officer who attempts to enforce them; consistency decreases the likelihood for problems to occur. Be professional and help each other out. Don't cut corners and work together. We encourage people to do the right thing and remain professional.

A comment was made in reference to a newspaper article claiming that Colorado Department of Corrections has cut staff assaults by 50%, referencing Colorado's SMU style of lockdown. Director Ryan stated that he had not seen the article. Two Directors recently checked themselves in and spent twenty hours in an SMU-type cell; one was CO Director Rick Raemisch and the other was the NM Secretary of Corrections. (Rick Raemisch became the CO Director after former Director Tom Clements was murdered by an inmate who had been released from supermax/Ad Seg.) There has been a nationwide push on the part of the ACLU and Prison Litigation Office (PLO) to label all maximum security settings as "Ad Seg or solitary confinement." The Department has adopted the definition of restricted housing, which has thirteen guiding principles, in DI 326. This definition is sponsored by the Directors' Association, of which Director Ryan, Rick Raemisch, Ohio Corrections Director Gary Mohr, and others are members. Where we do not agree is that everybody in maximum security is not in Ad Seg or in solitary confinement. The ACLU and PLO want the definitions to be broad based and cover everyone in maximum custody. Corroborating proof that we are not placing maximum inmates into "Ad Seg or solitary confinement" is the stipulated agreement in *Parsons v. Ryan*, which was approved in Federal Court on February 18, 2015. That class action suit involves mental health, medical, dental, and conditions of confinement issues. (It's not a consent decree.) Within four years, ADC should be free from under any oversight by the District Court, PLO, or ACLU. We agreed to the stipulated agreement, but I adamantly opposed the idea of a consent decree that would put our agency under the control of the Court into perpetuity. The California Department of Corrections did that twenty-five years ago and that system is still in receivership. California, in order to satisfy part of their litigation, had to build a billion dollars worth of facilities and simultaneously reduce the inmate population by 40,000, reducing their operating capacity considerably. Director Ryan was recently with CA Director Jeff Beard and others at the Western Directors meeting in Idaho. Director Beard is very aware of the Arizona case, *Parsons v. Ryan*, and says that AZ is absolutely on the right track with the stipulated agreement because we will be removed from further review, as long as we satisfy the performance measures. Our

MEET & CONFER MEETING

June 17, 2015

situation is unique from California because three of the components in Parsons v. Ryan, i.e. mental health, medical and dental, are managed by Corizon, our contracted healthcare private vendor. Of the 121 performance measures, 111 relate to mental health, medical, and dental and ten relate to conditions of confinement. You have seen the physical changes underway, particularly at Perryville and CB2, long before the litigation. We will satisfy the condition of confinement issues well before the medical and mental health issues. Dental issues could be satisfied more quickly if Corizon hires more dentists. In the stipulated agreement, there are specified numbers of hours in a step down approach that inmates must be out of their cells and engaged in recreation, group programming, or work. Regarding the article on Colorado, Director Ryan does not disagree with the idea of reducing the number of people in Ad Seg. We borrowed the same concept used in the state of Washington, called the Forbidden Three. There are three fundamental reasons why someone ends up in restricted housing: 1) seriously assaulting a staff member, 2) one inmate seriously assaults another with a weapon, or 3) a group assault on another inmate. Inmates are situated in Central Unit in designated cells, in a structured program that is time-specific, behavior-driven, and not a forgiving system. We will continue to move in this direction with all four custody levels. Everybody assigned to a maximum security unit is in Ad Seg (twenty-three hours a day in cell). There are probably 50 inmates who are so dangerous, violent, and unpredictable that they will remain in an enhanced area of the Browning Unit indefinitely.

Question 2 - Last year all the labor groups were brought into a discussion with ADOA to limit supplemental benefits. Since the ADOA policy change how many ADC employees have qualified for the Supplemental Benefit? How much money has ADC spent on Supplemental Benefits since the ADOA policy change?

Answer 2 – DD Gail Rittenhouse shared that since the ADOA policy change on May 23, 2014, eleven employees have qualified for the Supplemental Benefit, for a total of \$59,862.45.

Question 3 - It was reported in March that ADC had 614 vacant positions. It seems like ADC is having trouble hiring and retaining employees. Even ADC's spokesman said, "When the economy wasn't doing as well, we had more officers. But when the economy improves, we are competing with other jobs." Wouldn't increasing officer salaries allow ADC to attract and retain more employees and make the job safer?

Answer 3 – DD Gail Rittenhouse explained that the compensation and benefit package is an important element of attracting and retaining staff. ADC highlighted the importance of recruitment and retention in the Strategic Plan by dedicating a Strategic Issue - one of only six - to addressing these concerns. In addition, the FY 2016 Budget Request included a 5% salary increase request for all employees. Due to the fiscal climate and competing statewide priorities the request was not funded. However, ADC has implemented a number of initiatives without receiving additional resources, with the intent of improving recruitment and retention efforts:

- 5% stipends at hard-to-fill locations for Correctional Officers

MEET & CONFER MEETING

June 17, 2015

- Salary thresholds within the security series to reduce salary compression concerns within the series
- Equity and market salary adjustments for a number of staff to better equalize compensation with benchmarks
- Other compensation strategies such as merit pay for eligible employees and the payout of a portion of compensatory and/or holiday time balances
- \$2,000 per year tuition reimbursement
- Expansion of the employee assistance program (EAP)
- Increased marketing and advertising efforts

Director Ryan intends to ask for a pay package again this year for all employees, same as last year. An across-the-board 5% pay package for the security series from COI all the way to Warden will be the first request, representing about 8,000 employees. The second request will be for all other employees, also for a pay package of 5%. In Texas, the economy is so good that they were able to get an 8% pay package. A couple of other states also received a pay package. Our state is in a \$1.5 billion deficit and that's one of the reasons for the hiring freeze on non-mission critical positions. This won't deter Director Ryan from requesting the pay packages.

Question 4 - It looks like money was budgeted for salaries for 614 vacant positions. If those positions aren't filled, how is that budgeted money spent? Until ADC is actually able to fill those positions, why can't that money be used to expand Supplemental Benefits for injured officers?

Answer 4 – CHRO Colleen McManus stated that ADC has made recruitment and retention efforts a priority. Despite that, approximately 600 correctional officer positions remain vacant. The funding from these positions has primarily been used to fund increased overtime resulting from the vacant positions. In FY 2015 ADC allocated \$15.5M for overtime and compensatory time while actual expenditures are projected to exceed \$40M. Funding has also been used on the initiatives described in question #3, such as the merit pay bonuses many employees received last year to recognize their efforts.

It wouldn't be appropriate to expand the Supplemental Benefit to more injured officers, as those benefits are awarded under limited circumstances to severely injured staff who suffer an in-the-line-of-duty injury. The Supplemental Benefit policy was changed to be in synch with the original intent of the statute, i.e. to provide a one-third benefit to supplement Workers' Comp for officers severely injured in the line of duty. Director Ryan reminded the group that this issue was raised last year and the employee organizations were part of the discussion and resolution. It is not realistic that that decision would be undone.

Question 5 - In DO 601 ADC incorporates many of the due process protections for law enforcement officers in Title 38. Why, in disciplinary appeals to the State Personnel Board, does ADC argue that Title 38 doesn't apply to corrections officers?

Answer 5 – DD Gail Rittenhouse explained that Title 38-1101 defines Law Enforcement Officer as a detention or corrections officer, other than a probationary employee or juvenile detention

MEET & CONFER MEETING
June 17, 2015

officer, who is employed by this state of a political subdivision of this state. ADC is unaware that this is stated at Personnel Board hearings by the Attorney General's office, so without more specific information we are unable to answer the question. This will warrant a follow-up discussion.

Question 6 - Would you support changing the personnel rules to cover Sergeants and Lieutenants?

Answer 6 – No.

Richard Mehner - FOP

These are questions from Officers in the Units collected by Fraternal Order of Police Members:

Question 1 - FOP would like a follow-up to the status of our Meet and Confer question from 1/29/15 regarding the CANCER INSURANCE PROGRAM for FIREFIGHTERS, PEACE OFFICERS, CORRECTIONAL and PAROLE OFFICERS. Has ADC signed off on the plan and transmitted ADC's intention to join the program to the Public Safety Personnel Retirement System (PSPRS)?

Answer 1 – CHRO Colleen McManus shared that cancer insurance is coming. ADC has transmitted its intent to join the program to ADOA. Details are still being worked out at ADOA regarding open enrollment for this plan, payroll codes, etc. We will provide all of the applicable information to eligible employees as soon as possible. The timeframe may be August but this is subject to change. We will be able to make the cancer insurance benefit effective retroactively but the insured individual will pay an additional \$50 for that. This benefit is not administered by ADOA; we are only making it available through our payroll process. Questions should be directed to PSPRS, which is administering the plan. All CORP participants are eligible to elect this benefit at the cost of \$50 per year.

Question 2 - FOP would like a follow-up to the status of our Meet and Confer question from January 29, 2015, regarding the voluntary physical fitness test (FITPRO) administered for obtaining extra promotional points for Community Corrections. What is the status of this request?

Answer 2 – DD Gail Rittenhouse shared that in the next Central Promotional Register cycle, fitness will be offered as a method for obtaining extra promotional points for all job classes within CPR. Additionally, the opportunity to obtain extra promotional points for Core Competency test scores will be offered for all classes. Other categories for extra promotional points remain the same. The next Central Promotional Register cycle will take place in January, 2016.

MEET & CONFER MEETING

June 17, 2015

Question 3 - Along with extra points for the voluntary physical fitness test (FITPRO), FOP is requesting further input for adding Military Service Promotional Points (Veteran & National Guard) in the promotional process.

Answer 3 - Per Arizona Personnel Rules, R2-5A-302 Recruitment, C. Preferences, 1. The state will provide preference to qualified veterans and disabled veterans seeking employment with the state and 2. Preference points shall not be applied to promotional examinations.

Question 4 - ADC Department Order DO 111.07.1.1.1 seems to have some redundant and outdated instructions in relation to DO 112. DO 112 does not have any reference to submitting a written request for solicitation as stated in DO 111.07.1.1.1. In addition, DO 111.07.1.2 needs to be updated. Both DO 111.07.1.2.1 & DO 111.07.1.2.1.1 need to reflect the changes made to DO 501.1.5.1 regarding Bulletin Board Use.

Answer 4 - Please refer to the most current policy, DO 501.06 regarding solicitation and bulletin board use. DO 111 is under review at this time.

Question 5 - On 3/12/15, another State Agency Director, Colonel Frank Milstead of the Arizona Department of Public Safety (DPS), signed a Director's Management Regulation that stated the following:

"The purpose of this Director's Management Regulation is to provide clarity to department employees regarding the exercise of the Director's authority under A.R.S. §41-1830.13, Review of council decision by agency director, appeal, reinstatement. Although the Department is confident in its interpretation of the legislature's grant of authority, moving forward, the Director will accept, pursuant to A.R.S. §41-1830.13(A), those determinations or findings of the Council regarding whether the agency has proven by a preponderance of the evidence that the material facts on which discipline was based and whether just cause existed." (Attached)

FOP is requesting that the Arizona Department of Corrections Director follow suit and create an ADC Director's Instruction (DI) to join with the DPS Director and his decision to follow the determination of the State Personnel Board with issues brought before it.

Answer 5 – DPS functions under a different personnel system and rules. DPS employees appeal to the Law Enforcement Merit System Council (LEMSC), not the Personnel Board.

Personnel Reform changed the Personnel Board's role to a "review and recommend" capacity. From October 1, 2012 through May 31, 2015, thirty employees appealed dismissals to the Personnel Board. In twenty-two (73.3%) of these dismissals the Board concurred with the dismissal. Of the remaining eight (26.7%), the Board recommended some modification of the dismissal. Of those, Director Ryan re-reviewed each case and modified his previous action on four of them, aligned with the Board's recommendation. On the other four cases, the Director reconsidered but stood firm on his original decision. Two of the four have been heard in Superior Court, with the Court upholding Director Ryan's decision. It is unknown whether those

MEET & CONFER MEETING

June 17, 2015

will be elevated to the Court of Appeals. One of the four is awaiting disposition in Superior Court because the employee filing the action missed a filing date. The remaining case is pending in Superior Court. The Personnel Board has agreed - in the vast majority of cases - with the Department's position and ruled as such.

We reviewed 2013 through 2015 information. Fifty-one COIs and 663 COIIs resigned in 2013; 57 COIs and 619 COIIs resigned in 2014; 60 COIs and 448 COIIs resigned in the first three quarters of 2015. (By the end of fiscal year 2015 we could potentially have 600 COIIs resign.) In FY15 through the third quarter, a total of twenty permanent status COIIs have been dismissed statewide. These facts refute the common perception that an inordinate number of employees are being disciplined.

CHRO Colleen McManus confirmed that since Personnel Reform, all dismissals also must go through ADOA for approval. Even though Director Ryan is involved in dismissals, Ms. McManus is the ADOA decision making authority on them. She noted that she needs to have a comfort level regarding personnel rules, employment laws, ADC policies, and HR best practices prior to supporting a dismissal, including original probation dismissals. Ms. McManus advised that most COTA dismissals are due to academic, weapons, or physical training failures - essentially failure to meet the standards required of a Correctional Officer. For other staff, she noted that more dismissals are due to misconduct, including policy violations, violence against inmates or each other, DUI, domestic violence, etc.

She believes it is an unfair characterization of the Director to say that he allows a higher number of terminations than what is appropriate, because these decisions go through multiple levels of review before action is taken. The RODs are involved first and then there is a weekly meeting among Employee Relations staff, the CHRO, DD Carson McWilliams, and DD Gail Rittenhouse to discuss discipline cases and consistently apply the most appropriate discipline. Often the only option is dismissal, and this action is not taken lightly. The numbers are telling. ADC often receives very supportive decisions and favorable comments from the Personnel Board about how discipline is administered here. We are one of few agencies dealing with the Personnel Board since Personnel Reform because we have the highest number of covered employees in state service.

Director Ryan stated that DD McWilliams and the three RODS function as a team when corrective action is taken. They look at mistakes versus misconduct in a very consistent way: Ernie Trujillo over the North, Joe Profiri over the South, and Tara Diaz over Private Prisons. DD McWilliams added that they consider the outcomes of prior cases to ensure consistency and always look for aggravating or mitigating circumstances. Sometimes other options, such as training, are also considered.

We believe this system provides the fairest possible process for the employee, as it affords a wide spectrum of review by many people who were not involved in reviewing the initial violation or assigning appropriate discipline. Accordingly, ADC will continue to follow the process established by Personnel Reform.

MEET & CONFER MEETING

June 17, 2015

Director Ryan also shared that in May, 2015 an article was written by Bob Christy of the Associated Press. In that article, a spokesman for one of the employee organizations had made a statement that "Corrections Director Charles Ryan made the problem worse by firing officers when lesser punishments are possible." To research that statement, we tracked the number of Correctional Officers dismissed in the most recent complete twelve month period, from May 2014 through April 2015. COIs and COIIs are reported separately from all other employees.

Over this twelve-month period, the Department employed a total of 10,432 people – 7,008 officers and 3,424 others – after accounting for turnover and hiring. In an average month:

- 89 Officers, or 1.5 percent of the Correctional Officer workforce, were the subject of disciplinary action.
- About three officers, or 0.05 percent of the Correctional Officer workforce, were dismissed as the result of a disciplinary action.

During the twelve-month period, 35 Officers and 33 cadets were dismissed through a disciplinary action. The table below shows the types of discipline sanctions issued and the employee classes affected for the May 2014 through April 2015 period.

Discipline	Correctional Officer 1-2		All Other		Total	
	Count	Percent	Count	Percent	Count	Percent
08 Hours	66	6.2%	19	6.7%	85	6.6%
16 Hours	98	9.2%	35	12.4%	133	10.4%
24 Hours	79	7.4%	23	8.2%	102	8.0%
40 Hours	158	14.8%	37	13.1%	195	15.2%
80 Hours	102	9.5%	20	7.1%	122	9.5%
Demotion	0	0.0%	2	0.7%	2	0.2%
Dismissal			5	1.8%	5	0.4%
- Officer	35	3.3%				
- Cadet	33	3.1%				
LOR	498	46.6%	141	50.0%	639	49.8%
Totals	1,069	100.0%	282	100.0%	1,283	100.0%

Question 6 - After the Annual Awards Ceremony last year, some employees felt that individuals put forth for awards were very deserving but not acknowledged. Those employees were also confused as to why these people were not recognized. In looking into the procedure for issuing life-saving and other awards, it became obvious that some employees became aware that qualifying for the award did not mean you would get an award.

In addition, it seems there is no specific policy outlining the process for an Arizona Department of Corrections Awards Committee.

MEET & CONFER MEETING

June 17, 2015

Can we consider making a specific policy for forming this type of Committee and the process of picking the award recipients? We would like the Committee to be formed with representatives from each Complex and Division, to include not only administration, but line staff as well.

It is understood that attempting to provide an award to all staff that are recommended for an award would likely make it a three (3) plus day ceremony. Is there a way that if employees that meet the specific requirements for the award, but do not make the top percentage that receive the award, have a letter of recognition mailed out to them for their specific actions to at least show their actions were noticed by the Director?

Answer 6 – DD Gail Rittenhouse shared that each year, ADC Employee Awards nomination and awards ceremony processes have improved. The review committee already includes staff from all Divisions and all levels of the organization as spelled out in DO 506.1.2.4.1. This Committee consists of the ADC Internal Communications Coordinator (who shall act as the Committee Chair), a Deputy Warden, a Correctional Officer or Sergeant, a Support Services employee, Health Services employee, and an Administrative Services employee. DD Hood explained that the Committee membership rotates to include two new members per year, for continuity. The DO on Employee Recognition is being rewritten and will include more specifics about the review committee and its processes. Incidentally, it should be noted that there is no “top percentage,” or quota, for award recipients. Every eligible nominee whose actions are deemed worthy by the review committee receives an award. The suggestion to provide a congratulatory letter to nominees who otherwise met the criteria for the award but were not selected is a good one and will be implemented. Our goal is to improve each year.

Question 7 - It has been quite some time since the Arizona Department of Corrections uniform allowance has been adjusted to keep pace with prices with local vendors. For example, a Sergeant Class A Flying Cross shirt costs over \$100. We would like to see an increase in the amount for the uniform allowance.

Answer 7 – Director Ryan stated that we will take it under advisement, taking into consideration the prioritization of the Department’s decision packages. Last year our submitted requests totaled \$70 or \$72 million dollars and the approved amount was around \$40 million. Last year’s top two priorities – the pay packages - were about \$26 million. DD Hood shared that a \$10 increase in uniform allowance represents financial liability of about \$1 million. Director Ryan stated that the fact that the Correctional Officer series hasn’t seen a pay increase since 2006-2007 hasn’t been for lack of effort. Requests were made last year and the year before. Despite receiving no funding for it, we were able to make a number of merit pay and compression adjustments that benefited several thousand employees. DD Mike Kearns added that over the last couple of years, the state has not increased health insurance premiums, unlike employers in the private sector. Research conducted after the meeting revealed the attached Arizona Republic article from August 12, 2014, which contained information about Arizona’s health plan for the state workers. The information in this article is consistent with the statements made by CHRO Colleen McManus regarding the true cost of health insurance

MEET & CONFER MEETING

June 17, 2015

benefits, and particularly the cost of full family coverage, which is subsidized by the State of Arizona, versus coverage offered by most other employers, including those in the private sector.

Question 8 - FYI the time frames for replying to Administrative Inquiries is now 5 work days, even though the 601-1(e) form still says 3 days. Can we get the form changed to reflect the change to 5 days?

DO601.3.1.1.3.2 Supervisors shall ensure the employee is given an opportunity to provide a written response to the Administrative Inquiry form (five workdays), as defined by their current duty schedule.

Answer 8 – DD Hood thanked the group for pointing that out. The form has been corrected.

Additional Questions and Discussions:

1. What is the weekly benefit payable for Short-Term Disability, based on benefits changes made in 2015? If an employee is in pay status, they no longer receive a Short-Term Disability payment. The employees have received emails that show their weekly minimum benefit is \$57.69 and the benefit is only paid after the employee has exhausted their paid sick, annual and donated leave balances. Can we check into this?

Following the meeting, CHRO Colleen McManus provided the Short-Term Disability changes for 2015:

- Maximum duration of benefits will be 26 weeks if disabled due to an injury. For illness, 22 weeks if your benefits start on day 31 or 18 weeks if your benefits start on day 61. Benefits end after 26 weeks from the date of injury or illness.
- **Benefit payment will be offset by 100% of any sick, annual and donated leave paid to you after the benefit period is exhausted.**

How short term disability works:

- If you elect Short-Term Disability (STD) insurance and The Hartford determines you are unable to work due to illness, pregnancy, or a non-work-related injury, you may receive a weekly benefit for up to 26 weeks for an injury, 22 or 18 weeks for illness. The STD benefits will pay up to 66 2/3% of your pre-disability earnings during your disability. **The weekly minimum benefit is \$57.69; the weekly maximum benefit is \$769.27. There are no pre-existing conditions or limitations.** You must meet the actively-at-work provision.
- **Paid benefits will be offset after the benefit elimination period is exhausted by any sick, annual and donated leave paid to you.**

MEET & CONFER MEETING

June 17, 2015

2. In regards to the recent pay down of holiday time, staff are being told that they will be forced to take days off between now and next year. Is this a definite or just a rumor?

Director Ryan explained that employees can carry over leave hours as follows: covered employees' annual leave - 240; uncovered employees' annual leave - 320; comp time - 480; holiday leave was formerly unlimited carryover. Large amounts of banked holiday leave represent a fiscal liability. ADOA recently advised that ADC has the greatest holiday pay liability in all of state government and that needs to be managed through a policy change. In response, we looked at all holiday leave balances and will buy them down to a threshold of 320 hours - based on available funding. Director Ryan confirmed that 320 is now the maximum number of holiday hours that can be carried forward, and that is subject to a future policy change. DD Hood stated that the liability for the holiday leave is about \$10 million dollars, just for employees with 100 hours or fewer on the books. A policy on holiday leave is forthcoming, anticipated before our next Meet and Confer meeting. In the past several years, comp time was bought down to zero, but we will buy it down to forty hours this year.

3. In regards to the statistical analysis on vacancies and how we are filling them and that there are 600 COIIs resign each year. Is there any statistical analysis on why they are leaving? Are there any issues we can work on?

DD Hood shared that this is about 10% each year; it is very difficult to recruit your way out of that. Exit interview analysis tells us that pay is a large reason, which is why we are always working on pay issues. Supervision and management is another reason employees leave - so you see enhancements and improvements to ADC's and ADOA's leadership and management training programs. People leave for personal reasons, for example caring for family or relocating with a spouse who is moving out of state, and we cannot impact that type of departure. Sometimes employees leave to attend school full-time, but the biggest drivers are money and supervision.

Director Ryan explained that the decision package turned in last year asked for a 5% pay package, which doesn't sound like a lot but actually represented \$26 million dollars. We reviewed salaries at fifteen other Arizona law enforcement agencies; our COs were third from the bottom. Compared to the western eleven states, we were at or near the bottom. A 5% pay package would move the state of Arizona up three places. The Bureau of Prisons hires away our people, as do the mines, the railroads, and the Sheriffs' Departments (counties). Director Ryan absolutely agrees that our employees need a pay package.

During the legislative session, comments were made about the funding ADC receives in comparison to funding for education. Some local groups have criticized Corizon and the Department's RFP for the 2,000 beds, mis-characterizing it as 2,000 private prison beds. In truth, when the Department asked for 2,000 beds, the Legislature responded that those could be private or public (county jail) contracted beds. The cost for 2,000 state-funded beds would be well in excess of \$100 million general fund dollars. (The 500 maximum

MEET & CONFER MEETING

June 17, 2015

custody beds at Lewis cost \$50 million dollars; the Director does not support the notion of privatized maximum or close custody beds.) Do we need the 2,000 beds? Yes we do.

Do we need a community corrections center here in Maricopa County so we can avoid watching people be returned to custody, under the control of the Board of Executive Clemency, as opposed to an intermediate sanction facility like we have in Pima County? Yes, I think we do. Politically that concept is growing legs here in Maricopa County. Supporters include County Attorney Bill Montgomery and a number of Legislators, because when you look at our system, 17% of our yearly admissions are our technical violators. Fifteen percent were county probation violators. Having alternatives to incarceration instead of returning them back to prison is the direction that the state needs to go.

Close:

The Director thanked those who attended.

cc: Executive Staff
Wardens
Paul O'Connell
File

Attachment

Below is the Arizona Republic article referenced in these notes:

State employee health benefits more generous in Arizona, study says



[Ken Alltucker](#), The Republic | azcentral.com 4:40 p.m. MST August 12, 2014

The typical Arizona state employee paid 7 percent of his or her monthly premium.

(Photo: Getty Images)

Story Highlights

- The average Arizona state employee paid \$44 each month for their health insurance premium while the state paid \$557 each month.
- Arizona state employees also enjoyed more robust health insurance coverage, with plans that paid 94 percent of medical costs.
- More than 9 out of 10 Arizona state employees have a health insurance plan without a deductible. Compare that to the private sector, where 3 out of 10 employees of large companies pay a deductible of at least \$1,000.

MEET & CONFER MEETING

June 17, 2015

Arizona state employees enjoy some of the most robust health insurance benefits in the nation and pay a smaller share of their overall tab compared to most state workers across the nation, a new report shows. The average Arizona state employee paid \$44 each month for their health insurance premium while the state paid \$557 each month.

That means the typical Arizona state employee paid 7 percent of his or her monthly premium. Only 10 states paid a larger share of their employees monthly health-insurance bill, according to a report released today by Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation. Pennsylvania was not included in the report, which was based on health benefits paid in 2011, 2012 and 2013. State employees in Arizona paid a larger share of the monthly bill -- 11 percent -- when they added spouses or children to their health plans, but it was still lower than the national average of 16 percent.

Arizona state employees also benefit from robust coverage that requires them to pay less out of pocket compared to those who get health insurance through a private-sector employer or purchase coverage on their own. Health plans for Arizona state employees paid an average of 94 percent of overall medical costs, higher than the U.S. average of 92 percent. By comparison, the highest-level "platinum" plans offered through the Affordable Care Act's marketplace covered 90 percent of health costs and typically charge more expensive monthly premiums.

Maria Schiff, director, of the state health care spending project for The Pew Charitable Trusts, described the report as a first-of-its-kind comparison of how state spending on employee health benefits varied. Employee benefits are the second largest source of a state's health-care spending, trailing only the Medicaid, the health insurance program for low-income and disabled residents.

While Arizona's decision to expand Medicaid eligibility under the federal health care overhaul has been a hot topic on the campaign trail, there's been little discussion of Arizona's spending on employee health benefits. Schiff said the report does not suggest the health benefits represent wasteful spending, and she acknowledged that the report does not factor employee wages to provide a more complete picture of employee benefits. But Schiff said the report is an opportunity for states to examine how much is spent on health benefits for employees and consider cost-saving strategies that are commonly used in the private sector, such as limiting doctor and hospital networks to lower costs or enacting employee wellness programs that encourage healthy behaviors such as smoking cessation. "Health insurance costs are a significant portion of a state's overall health spending," Schiff said.

Arizona Department of Administration Deputy Director Jeff Grant said that Arizona regularly participates in surveys to compare the benefits to other states. "Health benefits are an important part of the overall compensation package to attract and retain talent for the state of Arizona," Grant said.

MEET & CONFER MEETING

June 17, 2015

One major difference in health benefits offered by the state government and the private sector is deductibles -- the amount a person must spend out of pocket before coverage for most medical services are paid. Nearly 30 percent of employees of large, private sector companies were enrolled in a health plan with a deductible of at least \$1,000. And the top-selling Affordable Care Act plans in Arizona also typically offered high deductibles.

But Arizona state employees largely have avoided these high-deductible plans. The report said 95 percent of state employees were enrolled in a health plan without a deductible. Despite offering robust coverage, Arizona's spending on health benefits for employees and their families decreased in recent years. Arizona spent \$611.2 million on health care for employees in 2013, about \$32 million less than what the state paid in 2011, the report said. Grant said that the state's health-benefits spending in 2013 was \$601.7 million, slightly less than what the Pew survey reported.

What Arizona state employees pay each month for personal health insurance coverage: Employee pays \$44, state of Arizona pays \$557

What Arizona state employees pay for the typical plan (includes family and spousal coverage): Employee pays \$165, state of Arizona pays \$1,039

Source: Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation