

MEET & CONFER MEETINGS – MAY 26, 2010

Purpose of Meetings

As a reminder, these meetings are authorized by Executive Order and are designed to enhance communications between ADC and your organizations. Attendees are encouraged to express thoughts, ideas, concerns and questions in a professional manner. Minutes from this meeting will be posted to the ADC Intranet within the week.

COTA Presentations by QEO and OEO

Policy permits your ability to present information to COTA cadets in accordance with an approved lesson plan about your organization. Each organization is allotted equal time. Your job is to objectively impart information regarding your organization to interested cadets, not criticize the department. Active recruitment of cadets is prohibited at the academy – recruiting is authorized once the cadet graduates and reports to their assigned prison.

BUDGET CRISIS

Performance Pay

The 2.75% performance pay for state employees will cease in June. Alternative options discussed by the Legislature included a Reduction in Force (RIF) and/or a 5% across the board pay cut for all employees.

Furlough Program

Division Director Krause provided information regarding the administration of the furlough program via a PowerPoint presentation which will be available on the Intranet later this week. The program is required by HB2003 and includes all funding sources. Only CO I, CO II and DC Investigator III positions are exempt from the furloughs, while some other classifications will furlough on alternate dates. Management will select the alternate dates to ensure adequate shift coverage. Only the Director may revoke a furlough and it will be rescheduled. All employees will sign an acknowledgement form and are prohibited from performing any work on a furlough day. The power point will be available on the intranet and will be presented at all prisons.

Q - Why are CO's on a TWA required to take a furlough day?

A – The exemption pertains to job classifications performing duties related to the direct security and custodial care of inmates. Employees are placed on TWA status due to a medical issue which prevents them from performing the full duties of their position. Because they are not fully performing all duties, they no longer qualify for the exemption. Once released to full duty by their physician, they will regain their exempt status.

Q – Why can't supervisors choose their day off?

A – Management is required to ensure adequate shift coverage. The Wardens are working on plans which are due in two weeks that reflects a collaborative effort to ensure adequate supervisory coverage.

Q – Are employees on Military Leave required to furlough?

A – The DI will be revised. Employees on military leave will participate in the furlough program on the mandatory furlough days.

Q – How were exempted classifications determined and why were cadets (CO I's) included when the Sergeants who conduct their training will be furloughed?

A - It was a very lengthy process. ADOA did not initially understand that our operation is 24/7. The CO I's were included due to the need to staff the new 4K beds. The training schedule is strict and furloughing the cadets/closing down the academies would ultimately increase costs.

Q – Will employees on paid industrial leave be furloughed?

A – Payment to employees on industrial leave is also in law and research will be required as to which law applies. Further clarification will be forthcoming.

Proposition 100

The proposition passed and in essence will generate one billion dollars per year for three years. This means the state has avoided one billion dollars in cuts next fiscal year. Had it not passed, ADC would have been faced with an additional 63 million in cuts resulting in unit closures and approximately 1600-1700 layoffs.

Q – If the tax fails to generate the funding as expected, will we face more cuts in the future?

A – ADC worked hard last year to restrict the number of actual RIF's and unlike some other agencies; employees were notified in advance in accordance with Personnel Rules. Every effort was taken to reassign them if at all possible. The 15 RIF's were the result of the automation of some functions. The funding for the automation of functions was approved contingent upon the number of positions being reduced.

As for the future, we've done an outstanding job of cutting costs and limiting hiring, but we must watch this closely. Requests to fill vacancies will continue to require detailed justifications which will be scrutinized by management.

PRIVATIZATION ISSUES

Concession Agreement

3-10-9-2-0...does anyone know what that means? Yes, it's the number of prisons identified for privatization throughout various stages of the legislative session. ADC, in good faith, did proceed with the RFI as directed, but ultimately withstood the attempt at privatization.

Arizona is one of the highest consumers of private beds with 22% of our population in private prisons. While ADC has been reasonably successful placing minimum and medium custody inmates in private beds, the Department will continue to oppose privatizing close custody, maximum security and death row inmates.

Health Services RFP

The RFP for the privatization of Health Services is still ongoing. The RFP was opened May 24, 2010 and consists of five areas: Medical and Nursing; Mental Health; Pharmacy; 3rd Party Administration; Dental.

It is a violation of procurement code to discuss the responses. An evaluation team will review the responses and provide the Director with a detailed analysis of their findings. We will then present the findings to the JLBC in an Executive Session, but it is ultimately ADC's decision to make an award based upon the responsiveness of the proposals and compliance with the legislation. This will probably be a 60 day process.

RFP for 5,000 Private Prison Beds – Minimum and Medium Custody

These beds must be located in Arizona and are limited to minimum and medium security inmates. Vendors may submit quotes in 500 or 1,000 bed increments. The submissions are due on May 28, 2010. The review requirements and Executive Session presentation to the JLBC remain the same. This too, will probably be a 60 day process.

Out-of-State Private Prison Contracts

As the current contracts expire, the inmates are being returned to Arizona. Inmates housed in Colorado returned to Arizona in March. By May 28, 2010 all inmates in the CCA Oklahoma facility have been returned to Arizona. The second contract in Oklahoma will expire in September. Offender Operations and the Classification unit have successfully relocated 20,000 inmates during the last year. Some of this was the result of the realignment making Tucson the Health hub and Lewis the Protective Segregation facility.

4,000 NEW STATE BEDS

Activation

There is no funding for the new beds until July 1, 2010. ADC managed to identify sufficient funding to partially staff the new units pending full activation. The buildings are being manned in an effort to minimize issues resulting from lack of use.

Staffing

We are actively recruiting to fill the new positions. Lateral transfer requests will be honored to the extent possible; however, existing units cannot be stripped of staff and existing positions vacated. We will manage the transfers and refilling of vacant positions.

POLICY COMPLIANCE

Flex Time & Leave Balances

Management maintains the right to approve when time is flexed/used; however, we must adhere to FLSA rules and be consistent in the application of our policies. If issues arise, to the extent possible, try to resolve them at the complex level. This will aid in the timely resolution of complaints as records and information is maintained locally.

LEGISLATIVE AGENDA AND OUTCOMES

Consecutive Sentences

A bill was passed mandating sex offenders serve consecutive sentences before the state seeks civil commitment.

Wireless Devices

Possession of wireless devices is now a class 5 felony and ADC will pursue prosecution of violators, be they inmates, visitors, staff or contractors.

Sexually Violent Predators

The only bill not supported would have allowed the circumstances surrounding previous sentences to be used to determine Sexually Violent Predator status regardless of a plea agreement and the final charge/sentence.

Secondary Employment

The law originated in 1901 and was amended. It's been updated and as long as the secondary job does not have the appearance of impropriety it will be allowed. Request for secondary employment must be submitted in accordance with policy and approved through the chain-of-command.

ADMINISTRATIVE LEAVE POLICY REVISED

As a result of a records request, it was determined that between 5/2008 and 5/2010, 172 employees were placed on administrative leave for various reasons. Approximately half of these cases were related to issues beyond the employee's control, such as exposure to chicken pox, or road closures due to snow, etc. The remaining cases fell into one of two categories, either pending disposition due to a felony charge(s) or the misconduct was deemed a high risk to security. These two categories totaled thousands of hours during that period, valued at several hundred thousand dollars.

A new DI has been published which limits the use of Administrative Leave. Employees can be reassigned to other units, shifts and schedules while investigations are being completed.

WEEKLY INTEL REPORT

This report tracks 10 -11 major security issues by institution. It is proving to be a valuable tool to track trends and indicators. It will be available on the Intranet once minor input issues are corrected.

REQUESTS FOR COPIES OF INVESTIGATIONS

Public Records Requests

A request for information pursuant to A.R.S. 38-1101, does require that the disciplinary investigative report be provided to an employee within 3 business days after the request is received by the employer. I am aware of two recent requests made pursuant to this particular statute; one employee was dismissed from state service, the other received an 80 hour suspension. The Department received these requests from the State Personnel Board who forwarded the information to the Attorney General's Office who then forwarded the documents to the Department's Employee Relations Unit in accordance with standard protocol. As a result of this circuitous route, the receipt of the request for the copy of the investigation was delayed.

In the future, when requesting information covered under A.R.S. 38-1101, pursuant to D.O. 601.09 the employee must request the investigation from the Inspector General's Office 1831 W. Jefferson, Phoenix 85007 or glauchner@azcorrections.gov. If the request is made by an attorney and not the employee then it will need to be accompanied by a release so that the Department is not violating any privacy concerns to which the employee may be entitled. Upon receipt of the request the investigative report will be reproduced and sent through legal services to the employee and/or his or her attorney. This will ensure requests are received timely and further ensure information is received by the requestor within statutory time frames.

STAFF ROTATION

History

This issue has been evolving for more than a year. A review of a series of significant incidents occurring in May 2009 revealed a pattern of compliance issues and staff complacency. In July 2009 a multidisciplinary team consisting of more than 60 staff from all cross sections of the agency was convened. Their goal was to establish a process to institute a fair and consistent rotation schedule. Their workshops resulted in the modification of DO 512.

Implementation

Affected employees were advised in writing in November 2009 that "to the extent possible", shift and RDO's would not be changed. The implementation was intentionally delayed until after the holidays to limit the impact to employees with scheduled leave/plans.

The first round of rotations consisting of 642 employees was completed during the first quarter of 2010. Of the 642 employees rotated, only 10 did not maintain their shift. A report by complex is available for review on the Intranet.

While employees can't grieve shifts/RDO's, the manner in which changes are administered can be grieved. Decisions must not be arbitrary or capricious. Employees should attempt to resolve complaints/issues at the lowest level. A revision of the policy has been issued instructing employees to first attempt to resolve the issue with the Complex Warden.

Florence/Eyman Geographical Stipend

Current Florence/Eyman employees voluntarily rotating within Florence/Eyman will retain the stipend; this is not a reason not to rotate.

Q – If RDO's do change, what is the process to request changes?

A – The DI addresses this issue. They should submit their request and be placed at the top of the list.

Q – Will previously approved/scheduled annual leave be honored at the new assignment?

A – It should be honored -- manipulation of the process will not be tolerated.

Q – What if an employee currently has a memo requesting a shift or RDO change submitted? Will it be honored at the new unit?

A – There appears to be conflicting information in the applicable DO/DI's. Clarification will be forthcoming.

Q – Will staff assigned to specialty posts retain their specialty post at the new unit?

A – That is not the intent. If properly managed, rotations will enable staff to work different custody levels, physical plants, shifts and specialty assignments. The end result will be well-rounded experienced employees capable of working in multiple environments.

Q – Will graveyard shift return to 4/10 schedule?

A – No, funding is not available to cover the overtime

HOSPITAL SECURITY COVERAGE

Contracts

ADC is attempting to establish new contracts under the AHCCCS rates with several hospitals. We are working toward establishing secure wards in order to cluster the inmates and maximize efficiency. Additionally, we hope to create a cadre of experienced officers who are familiar with hospital protocols/routines, as this will provide consistency in coverage. Employees must remain professional and are not to argue with hospital staff.

Staff Toilet Usage

Employees should use the public/visitor restrooms.

POLICY CHANGES

Computers are available for staff to review policy changes. We do not have the manpower to relieve officers. A formalized plan is being developed. Your input to the Warden is welcome and will be presented following the Warden's meeting in June 2010.

EMPLOYEE AWARDS

ADC will conduct an employee awards ceremony at COTA in October. The previous administration's awards for Life Saving, Meritorious Service, Employee of the Year and CO of the Year were inadequate. Recipients of these awards are encouraged to submit verification/documentation of the award and a proper replacement will be issued.

QUESTIONS AND COMMENTS

Q – Will uniforms for maintenance staff still be provided?

A – Yes

Q – Can we get additional training for maintenance, electrical safety, lock and key and safety training for refrigerants?

A - We have trained several maintenance staff as locksmiths. We will continue this program as funding permits. I have tasked Shelly Sonberg to work with Training to determine if there are other opportunities for staff.

Q – RUSH is advising recruits to request hardship transfers. Is this acceptable?

A – This information has not been validated. However, as a recruiting strategy, it would not be appropriate to advise a recruit to apply for a hardship transfer upon arriving at their first duty assignment.

Q – Why aren't existing rosters being utilized?

A - It is not our intent to completely exhaust the list. The promotional lists are assembled in an effort to ensure promotional coverage is available to all institutions statewide. Because there are numerous steps and so many candidates for each of the classifications there is no viable way to wait to open testing until the list is exhausted without ensuring there is always a qualified candidate available when a position opens.

Q - Why can't Supervisors work 2-3 days on shift?

A - This is just the opposite of most of the complaints that have been received from around the state. We drastically reduced the number of operations supervisor positions last year and most Wardens are running their vacancies in the few remaining ones. This causes shift supervisors to also oversee operations. We may convene a multi-disciplinary team to review posting issues. Forward your suggestions.

Q – Rynning unit is consistently down 8-12 staff due to cross leveling, yet we are still running normal operations. This is a staff safety issue. Why can't we feed in the cells when this happens?

A – DD Patton will look into this issue, but we can't operate general population yards like lockdown units. Also, it has been suggested that we evaluate reassigning TWA's away from the maximum units. This is something that will be considered in the posting analysis.