

MEET & CONFER MEETING September 8, 2011

Director Ryan greeted the group and addressed the following agenda items submitted by the employee groups:

1. Training and CORE Testing

a. Sources advise that a significant number of employees fail the CORE Testing initially. Why aren't the employees advised of the failure rates?

The scores varied from classification to classification with several classifications above 90% pass rate. The second cycle pass rate demonstrates that staff realized the importance of passing the test and the need to utilize the study materials provided by the Department.

b. Using standard educational practices, tests are returned to individuals so that they may know the areas they are deficient in. Why aren't the tests returned to the employees so that they may know the areas they are deficient in?

Even though those employees who were required to retest were not advised of the specific questions they missed, they were afforded every opportunity to be successful on the retest(s) by having several months to study the test material between each test cycle.

c. Standard educational practices identify questions that are consistently answered incorrectly and those questions are reviewed for clarity and content. Does the Department use such standard educational practices and if so, why aren't the questions that are confusing/misleading removed from the CORE Test?

Yes, each question was reviewed. Two (2) questions were removed from the test following a review of the test results that showed that these two (2) questions may have been poorly worded or confusing/misleading. Test scores were recalculated for staff who took the test prior to the removal of the two (2) questions.

d. With a significant number of employees failing the CORE Testing initially, has the Department reviewed its training program to determine why?

In many classifications, over 90% passed during the first cycle testing. The Department's goal is to support staff and provide them with the tools to be a success not only when taking the CORE testing, but in all aspects of their career. A review of the training program for CORE testing has shown that staff was provided with the tools to successfully prepare for the first cycle of CORE training. Staff was strongly encouraged to print and review the study material provided online at ADC intranet before the test. Unfortunately, not all staff took advantage of the study material, but the Department continued to support staff success by developing other study opportunities during cycle two and three retesting.

2. Employee Safety and Security

a. Employees are required to wear 'stab vests' in high security areas of the Institutions. Some facilities have not yet purchased enough 'stab vests' for each individual employee working these areas. When will those purchases be completed?

ADC constantly works to provide resources / funding for this issue. We strive to provide vests for everyone. If someone is not assigned a vest, they are to advise their Deputy Warden who will ensure they receive one. We purchase vest fabric each quarter and will continue to do so. Discussion ensued regarding the need for additional inserts. Offender Operations will conduct inventories and cost assessments.

b. What safety precautions has the employer taken to prevent the infection from MRSA, staff or other transmitted diseases when employees pass 'stab vests' that have been worn for an eight (8) hour shift to the employees of the oncoming shift?

Each complex can purchase sanitizers from Waxie. If sanitizer is not available, advise the Warden.

c. Employees report they have received no training on the handling, cleaning and storage of the 'stab vests'. Since the sensitive fibers within the 'stab vests' degenerate and fail with improper handling, cleaning and storage, when the employer issues 'stab vests', what is the appropriate training on the handling, cleaning and storage of the 'stab vests'?

Training consists of pulling inserts out and spraying sanitizer on them. If someone does not feel comfortable with the sanitation, they should advise their supervisor.

d. While heating and cooling issues at ASPC Eyman seem to have been alleviated, these issues remain at other facilities including ASPC Winslow. An Officer at ASPC Winslow was recently in hospital from the heat while on duty post (enclosed area) and the administration refused to allow this Officer to fill out any report to include industrial claim. When temperatures are in the 'excessive heat' range, shouldn't cooling systems in enclosed areas that affect the Officers safety be considered a priority?

Cooling systems are always a priority for staff and inmates alike. This is evident in this weekend's power outage at Yuma. Many hours were spent on staff and inmate safety while the cooling systems were down. A CO from Winslow was transported to the hospital due to heat related issues, and supervisors have been redirected to ensure industrial reports are filed.

The National Weather Service has issued an extreme weather warning for most of Arizona 9/9/11 – noon on 9/11/11. Complexes have been advised and are currently assessing possible issues.

e. When airborne agents (pepper spray etc.) are utilized to gain inmate compliance, policy is quite clear on the manner and methods to be utilized to decontaminate the inmates exposed. Why are there no policy guidelines for exposure and decontamination for Officers and employees?

Decontamination procedures are the same for staff and inmates: rinse with cool water/flush out eyes, don't rub the areas, don't apply lotions or ointments and allow to air dry.

f. English is the language of government in Arizona. The utilization of the Spanish language during emergencies and ICS operations at several facilities has proven to be an obstruction to

the safe and orderly operation of the facility. What steps does the employer intend to initiate to alleviate the use of the Spanish language on radio transmissions within its facilities and complexes?

Staff will be reminded of radio courtesy.

g. Should employees file an EEO complaint when the employees in their assigned area speak the Spanish language exclusively while the other employee speaks and understands only the English language if they feel they are being discriminated against due to their ethnicity?

If employees believe discrimination is occurring, they are welcome to contact their EEO Liaison. Generally, employees speaking another language in front of other employees is not considered discrimination.

3. Policy

a. In the Director's Open Letter to All ADC Employees dated March 11, 2011, it states that policies are to be followed; yet we are continually being told by Administration "That may be in policy, but that does not apply to us." Examples of this are: DI 145 requires that there be two officers present to do a strip search of an inmate. Employees at Central unit have been advised that this does not apply to a maximum custody unit. Employees were in fact told "you will not find this in policy anywhere, but that does not apply at Maximum Custody units." DO 524 524.02 is only being applicable to COII's. Some units apply it to all staff, while other units selectively apply it to COII's only, always citing "Needs of the Unit" as the reason that it only pertains to COII's. Please clarify which policies are those that employees are supposed to follow?

The DI referenced is an outdated DI from 2000 and will be replaced with the same language as DO 911 which states "when practical". It is unrealistic to expect two officers to strip search every inmate especially in minimum custody units with mass movement of inmate workers.

We are diligently working to revise policies. If you find an outdated policy which does not reflect current practices, advise Division Director Patton so it can be corrected.

b. Is there a difference between the policies that lower pay grade ADC employees should follow and those that higher pay grade ADC employees should follow and if so why?

No

c. As the Governor's Office and the legislature discuss cancelling/changing the merit system and making all employees an uncovered status, does the employer feel that cancelling/changing the merit system and making all employees an uncovered status will be of benefit to the agency and if so, how will it benefit the employees and the agency in general?

Personnel reform did not move forward during the last legislative session, and we do not know if it will be brought forward this session or not.

d. Is the Director comfortable with the new position to terminate employees that cannot return to full duty status after thirty (30) days on temporary assignment (light duty) from any medical condition?

When the 30-day TWA period expires, employees are required to use annual, sick or compensatory leave; they are not terminated.

4. Employee Investigations and Discipline

a. The employer has stated that employee discipline shall be progressive in nature, yet with each re-write of the employee discipline policy there are fewer and fewer CLASS 1 and CLASS 2 violations. In current DO 601 there are very few CLASS 1 and CLASS 2 violations. Please explain why the vast majority of employee discipline requires a suspension without pay?

The percentage rate of employee discipline for the last thirteen (13) months (07/01/10 – 07/31/11) demonstrates that progressive discipline is utilized in the majority of disciplinary actions. Letters of Reprimand represent 29.60% of the total, while 8 hour suspensions are 23.82%. That accounts for almost 54% of all disciplinary actions.

b. DO 601 has no clarity on what constitutes progressive discipline and no guidelines for the use of the PACE system and Necessity to Improves as a corrective measure. Is it the employers position that employees that violate policy need not be afforded time to correct the behavior or modify their actions and that discipline is the appropriate tool to gain compliance and correct behavior?

The Department supports the practice of progressive discipline, the use of the PACE system and Necessity to Improves as corrective measures for its employees, but in some cases of serious acts of misconduct a suspension without pay, demotion or dismissal of an employee without preceding re-direction may be warranted.

DO 601 Discipline Chart Information provide guidance to leadership staff in the goal to make discipline uniformed and equitable throughout the agency. Consideration of the guidelines for corrective action as well as consideration of both mitigating and aggravating circumstances is essential when determining the level of discipline to impose. PACE is covered under DO 514.

c. A significant number of officers/employees complained that someone fraudulently forged their signatures on payroll deduction forms changing their election from the union of their choice to AZCPOA.

1. What is the status of this investigation?
2. Has anyone been charged with the serious crimes involved?
3. It has been reported that this change of payroll deduct forms continues to happen; whom shall the employees report this crime to?
4. Is the Attorney Generals Office or the Department of Public Safety involved in investigating these crimes and if no, why not?
5. A great deal of time has elapsed since these crimes were first reported. Why has this investigation taken so long?
6. When shall the investigation conclude with a positive outcome for the employees who have had crimes perpetrated against them?

Pending investigations will not be discussed; it would be inappropriate.

5. Prison Privatization

a. Are any current ADC facilities or institutions being considered for sale or lease to a private entity?

No. There is no validity to any rumor that we will privatize any state prisons units or complexes.

b. After the Kingman incident, will ADC actively petition the legislature for more direct oversight of private prisons?

No.

c. With the significant cost to taxpayers when inmates escape from any private prison and the possibility of horrific consequences to the public for that escape, should ADC have more control and oversight on all private prisons in Arizona and if not, why not?

Statutorily we don't have that authority. Private prisons operating within Arizona provide monthly reports of inmate transfers into and out of the state.

6. Employee Staffing/OT

a. The Administrators at Dakota hide staff all the time and cause other units to go under or the Dept. has to use OT, what is trying to be done so there is better accountability?

The rosters are reviewed weekly by the COS and respective shift commanders and DWs. The posting charts for a one month period were reviewed and two instances of overstaffing were identified. Mistakes sometimes occur.

b. Dakota also does count on the recreation field for no apparent reason other than they do? Is this OK by policy and for accountability?

This occurs on rare instances only, i.e., ICS or extraordinary event. It is okay to conduct count in this fashion when an emergency arises.

c. With OT going away is it fair that it is the Administrators that are allowing staff to abuse this privilege?

Every effort is made to ensure no OT abuse occurs and the unit Administration actively reviews for errors pre & post staffing. Staffing is reviewed at the shift/unit level and again at the complex level. OT is only approved at the complex level after reviews of staffing projections.

Our department is the only agency that received an increase in our budget this year. The Finance Officer responsible for tracking budget allocations has raised concerns regarding OT expenditures. We are working to fill CO positions to alleviate the need for OT because statutorily we can't overspend our budget. We also instituted a hiring freeze for future non-CO hires/vacancies; the Division Director's will report staffing requirements later in the month. Additionally, we are working to increase efficiencies in hospital coverage by contracting a secure ward with St. Lukes.

The current turnover rate for the CO series is 10% down from the normal 18%.

d. The new DI 306 requires CO IV's and Capt.'s to turn in their key's and radios for their 1 hour lunch. What do those individuals do when they can't go any where but, to their own break room and get interrupted countless times? What if they need the keys to get into the break room? The common sense answers are no longer common sense answers. Most understand the break is required, but leaving an area and having a place to go and still meeting the time requirement is difficult for many.

Lunch breaks are required. Staff can leave site, but only for one hour. Encourage employees not to interrupt other staff members who are on break.

7. Inmate Releases

- a. Why does Yuma spend countless tax dollars to transport inmates being released to their parole Officer's?
- b. Why does Yuma spend countless tax dollars to transport inmates to their homes anywhere in the state on their sentence expiration date?

Yuma does not waste tax dollars on transporting released inmates. Released inmates are transported by staff via statewide transportation to parole offices one-two times a month in order to cut time and costs. Sex offenders and those with Do Not House Issues are driven separately to their parole office. They are not driven to their residence. Discuss further questions with the chain-of-command, including the Warden.

The Director discussed the following general topics:

STAFF ROTATION

Director Ryan explained that the intent of the policy on Staff Rotation was always to ensure seniority was considered in determining placement on a "waiting list" to return original RDOs to those who had other RDOs assigned to them as a result of rotation. However, in the process of implementing this policy and designing the tool to place staff on this waiting list, the intent of the policy was inadvertently not followed. In an attempt to correct this error, a DI will be issued requiring seniority be used for placement on the waiting list. To ensure staff already on the waiting list are not impacted negatively, they will be "grandfathered" and retain their placement on the list. Seniority will be considered in determining placement on the waiting list for all new rotations occurring after the effective date of the DI. This decision is as fair as I can be.

HEALTH SERVICES PRIVATIZATION

The Request for Proposal is expected to be issued this month which will enable the contract to be in place and the transition finalized during this fiscal year. All Health Services (HS) employees will be affected. This will represent the largest Reduction in Force (RIF) to date. The expectation is that current HS employees will be given first consideration for jobs with the contracted vendor. As the transition nears, all staff including CO III's and CO IV's in HS will be given the opportunity to transfer, promote or VGD to Offender Operations if positions are available. Questions and Answers to common questions are available on the intranet and will be updated frequently. We will continue to communicate with HS staff and will do everything in our power to assist them during the transition process.

USE OF FORCE INVESTIGATIONS

Unnecessary use of force is unconscionable. I fully understand the dangers and challenges of the job. It is wrong when an inmate assaults staff and we have processes to use be they administrative sanctions or criminal prosecution. Staff can't assault inmates and can't lose their self-control. It is not right and potentially criminal as well. Honesty and integrity are essential. Honesty is about telling the truth and integrity is about doing the right thing; turning a blind eye

or not intervening and stopping abuse is wrong. Officers take an oath and wear a badge. We need to ensure our behavior is above reproach. I can't deal with mistakes and misconduct, I cannot deal with lies. Staff need to step forward and tell the truth and are expected to stop fellow officers from using excessive force. You've got the most difficult job there is in the criminal justice system. If you make a mistake, admit it. Disciplinary sanctions will likely result, but don't compound the issue with dishonesty.

EXECUTIVE ORDER 2008-13

This Executive Order covers the Meet and Confer process. It was signed by former Governor, Janet Napolitano. I think, without exception, I've initiated these meetings and asked for questions and open dialog. I am finalizing a policy change which will affect the Officers of the organizations. I am rescinding the portion allowing state paid time to conduct organization business. It is not permitted or directed in the Executive Order, nor is it stipulated in the Personnel Rules and this time equates to 2,000 - 3,000 hours per year which is almost the equivalent of 1.0 to 1.5 FTE. Policy will continue to require meetings with the Warden and Director. You may continue to use state vehicles to attend our meetings.

Effective immediately, please request annual or compensatory leave in order to conduct organizational business.

When meeting with the Director, it will be considered on-duty time, to include travel.