

MEET & CONFER MEETING
August 16, 2013

Director Ryan greeted the group and addressed the following questions and agenda items:

SUBMITTED QUESTIONS AND ANSWERS

Question 1 - It has been several years since the wages of covered employees were reduced. Is the Director going to request salary increases for Covered Employees, in next year's budget?

Answer 1 – Performance Pay for all State of Arizona employees was discontinued due to budgetary constrictions; this affected both covered and uncovered employees. Covered CO II's receive annual increases through the 8 Step CO Pay Plan. Covered CO III's and Community Corrections Officers were not provided the option to elect uncovered status, and do not receive automatic increases. Management is aware of this issue and is researching viable options to address it.

Personnel Reform requires agencies to submit annual Compensation Plans to ADOA for approval. ADC is currently awaiting guidance from ADOA regarding merit increases and merit incentive compensation strategies. Once received, the plan will be submitted and once it is approved, it will be made available to all staff.

Question 2 - COIII's are being posted, with the exception of count movement. Can we get the same exception for WIPP?

Answer 2 – Questions similar to this seem to be asked at each meeting. Once again this is a basic concept that is the same for all units; COIII's are posted if necessary. They are to be assigned a day and are expected to work the hours of that shift. It is ok for them to pick their post if it is not taken by another COIII.

In the larger lower custody Units, WIPP is a very busy job and the COIII assigned there is exempt unless they are available or we have an emergency situation. I do not know why COIII's would be doing count/movement. Please advise where this is occurring so it can be reviewed.

Question 3 - Has there been a policy change, in regards to the rotation of officers in Key Control Positions? Rumor is that they are now going to rotate every five years. Is there any validity to this?

Answer 3 – No. Currently only Armory, Transportation, K-9, SSU and Wildland Fire Crews are on limited rotation schedules. Director Ryan discussed inmate death statistics and a recommendation to establish behavioral health units and staffing them with a core group of employees who receive specialized training. Staff assigned to those units may be added to the above list, but there is no plan to include Key Control. The Director also discussed "motivational interviewing" techniques obtained from the Washington Department of Corrections which may reduce instances of self-harm.

Question 4 - Can you explain what the duties are for the ADC CORP Board Pension Benefits Coordinator? Are they an advocate for CORP Members or are they representing the Department at the CORP Board Hearings?

Answer 4 - The CORP Pension Benefit Coordinators provide and gather information from employees who would have interaction with the CORP Board or the CORP Fund regarding matters such as retirement, refund, disability, or retirement fund waivers, etc. The CORP Board makes the determination on the above matters, while the Coordinators assist the employee by providing information, forms, processes, and recommendations on how to proceed with their request/issue. As such, they have responsibilities to the employee, the CORP Board/CORP Fund, and the ADOC. Additionally, one of the Coordinators acts as the Secretary for the CORP Board. The CORP Board holds meetings, not hearings. The meetings are open to the public, unless the board goes into Executive session.

Question 5 - Now that MAP has been implemented is there a plan in effect for pay performance raises for uncovered employees? The promise of performance raises is why some employees chose to go uncovered in the first place.

Answer 5 – Covered employees who opted to accept uncovered positions when Personnel Reform was implemented received the 5% incentive pay for a total of 19 pay periods and as of June 22, 2013, the incentive pay was added to the base salaries of those employees. Once approved, the Compensation Plan will allow for merit bonuses and/or merit salary increases when funding is available.

Director Ryan discussed concerns raised by Sergeants who promoted after September 29, 2012 and did not receive the 5% pay incentive. The incentive was afforded to employees who accepted uncovered positions prior to September 29, 2012. Promotions, new hires and those voluntarily elective uncovered status after that date were not eligible for the incentive.

Question 6 - What is the Director's position on inmates who have body piercings, on their face, neck, or bodies, which are surgically implanted? Inmates are ordered, by Staff to remove the implants, but the inmates cannot. Does the inmate have to pay for it to be removed? It is a male and female issue. Do we use discipline, as a tool, until we get clarification on the issue? Is the implant removal process covered by the Corazon contract?

Answer 6 – Inmates are reviewed upon intake at Alhambra. If the inmate can remove the object they are ordered to do so then. For those that have had an object surgically implanted, it is noted in their medical file. Elective procedures are not covered under the medical contract with Corizon and we will not utilize tax payer dollars for the surgery required to remove these objects.

Question 7 - COIII's are being utilized at posted positions in the units. While in these posted positions, there is undue wear and tear to their apparel. Due to the fact that they are not being informed prior to their posting, they cannot plan on appropriate attire. They are requesting a resolution to their wearing of civilian style clothing and then it getting damaged, without reimbursement, while they are being posted. Uniformed employees must purchase uniforms, but they are given a uniform allowance. Posted COIII's are not afforded such allowances.

Answer 7 – As stated earlier in question 2, COIII's should be allowed to pick the post and be assigned a day to work a security position. Since they know in advance which post they will be working, they can dress accordingly that day. This would resolve this issue. If COIII's are not permitted to do this, advise your respective ROD and it will be addressed. If clothing is damaged while working staff can file a claim through Risk Management.

Question 8 - Are the Staff Assault statistics that are posted on the ADC website calculated by the Fiscal Year or Calendar Year?

Answer 8 - They are calculated by fiscal year.

Question 9 - Can we get an update on the assault that occurred at the Kaibab Unit in Winslow?

Answer 9 – As you know CO Benavidez was assaulted while working at Winslow, Kaibab Unit on July 19th. During a chow turnout she was attacked by two inmates from behind. She sustained significant injuries to her face and body consisting of cuts and bruising. She was hospitalized for a couple of days and is now at home recovering. The inmates involved were identified and are being charged criminally. The Department is providing COII Benavidez support and so is the 100 Club.

Director Ryan advised that the investigation is ongoing and is being treated as a conspiracy. It is thought that CO Benavidez uncovered nefarious activity. The Department has a high success rate with criminal prosecutions often resulting in consecutive sentences and fines.

Question 10 - OC MK9 gas canisters are being issued to some detention unit officers throughout the Department. The MK9 canisters state that they are for outside use only. Why are they being issued for inside use? Officers in those units, who are issued MK9's, are being told that use of the MK9 is at the personal discretion, of that officer. However, when they utilize the MK9 canister, instead of their personal OC spray, they are being accused of excessive force. Can we get a clarification on the use of the MK9 canister, inside the detention units?

Answer 10 – MK9 canisters actually are appropriate for indoor use but recommended to be limited in the number of deployments. The question lacks specific information as to where this concern originated. The MK9 was deployed successfully in several prisons without accusations of excessive force. However, it is not a daily carry tool. These should not be issued to staff as daily carry to be used at their discretion. They should be staged in a control room for issue to staff as exigent circumstances require its use.

ROD Trujillo advised that Keefe, Trinity and other contractors are requesting to be issued OC and radios due to safety concerns. After reviewing the requests, it was noted that they are often alone with large numbers of inmates in confined spaces. These staff will attend Use of Force training and be issued OC for defensive use. As we go forward and non-security contractors are issued these tools, experienced security staff should be encouraged to provide guidance to them and make periodic checks of these areas.

Question 11 - Employees are submitting prescheduled sick leave slips months in advance, and are being told sometimes within days of an appointment with a specialist that is very difficult to get an appointment with that they need to reschedule their appointment. By denying these officers the ability to go to their scheduled appointments, they are going to have further health problems down the road, causing more call ins.

Answer 11 – Prescheduled sick leave once approved should not be revoked. (DO 512.07)

512.07 LEAVE ACCRUAL AND USE

- 1.1 Use of Leave – Requests for leave shall be submitted and approved in advance except under situations precluding advanced notice, by submitting the Employee Request for Leave form. Employees and their supervisors shall mutually agree upon the most appropriate use of leave, considering the employee’s regular work schedule, wishes for use of leave and the impact of schedule adjustments on the work unit.
- 1.2 Approval of Leave
 - 1.2.1 Supervisory approval shall be required for employees to use:
 - 1.2.1.2 Other types of leave (sick, bereavement, jury duty, civic duty and military), to ensure that the reasons for the leave are consistent with the ADOA Personnel Rules.

Answers to Questions 12-14 are combined after #14:

Question 12 - Staff are concerned that current staffing levels may look good on paper, but the inmates know that we don’t have enough staff. They are aware that the COIII’s and the Operations staff are required to post at least once a week. This is security vulnerability and employees are concerned for their safety, and about being disciplined for not having enough time to complete their required duties.

Question 13 - Staff are concerned that there are no post orders at SMUI that allow staff to escort unrestrained I - 5, Mental Health inmates. In addition, they are concerned for the potential for discipline for following a verbal directive when there is no clear written directive.

Question 14 - COIII’s at Eyman are required to work a security post once a week which causes them to lose 20% of their work week. They are also occasionally directed to assist with food visits on weekends (either by working the food visit or by working another security post). When they are required to work the food visits, they are not permitted to count that as a posting day and end up losing 40% of their work week. They are also not permitted to take annual leave on their post days. COII cross leveling continues to be an issue in that COIII’s are supposed to be relieved once there is sufficient staff, yet they are cross leveling out the additional staff and leaving the COIII posted.

Answers to 12-13-14 – These questions are all related and are somewhat confusing. The first question states concern about staffing levels and possible staff safety issues then later question expresses concern regarding why staff can't take time off when they want and questions the posting of COIII's. It is correct that a previous Director abolished 565 COII positions. Director Ryan has worked diligently to get some positions back, use limited OT and maximize resources to assist with staffing levels. Several of our recent assaults are not based on lack of staff but are based on actions taken by them and failure to use good correctional security practices. For instance, when intel is received indicating an inmate has contraband, get additional staff to help with the search/retrieval. Use K-9 and other resources to reduce staff assaults. Along the same lines, don't chase an inmate who is suspected of having contraband; instead be a good witness and document the incident. The discipline is the same in either case.

As for the post orders being updated you are correct, if we do it we should include it in our PO's. We want this to be consistent across the state and it should be completed by today.

In regards to the COIII's they only work a couple of food visits a year. If they have an emergency on their caseload then they should discuss it with the COIV to modify the work week to complete their primary duties as a programs officer.

Director Ryan provided the following information and opened the forum to questions:

BUDGET

The budget for this fiscal year is approximately \$1.1 billion; this is a slight increase. The privatization of Health Services last year caused some uncertainty. As you know, we did not have great success with Wexford and they asked to be replaced. Their request was granted and Corizon took over in March of this year.

The agency continues to experience challenges with hospital duty staffing. The secure ward at Tempe St. Luke's is open. The Department recently entered into a Memorandum of Understanding (MOU) with the U.S. Marshall's Service to use this facility with the understanding the ADC has first priority and the Marshalls must comply with our rules regarding staffing. The agreement should ensure the ward is used efficiently and staffed appropriately.

ADC received approval to spend \$950,000 to complete the in-patient beds at ASPC-Tucson. This will provide a total of 107 beds by the end of September 2013 as stipulated in our contract with Corizon. Once activated, this ward should reduce the number of inmates at outside hospitals and thereby reduce the number of staff assigned to hospital duty.

As you know, we have 500 medium security beds at CCA in Eloy coming online in January 2014 and the remaining 500 will come online in January 2015. ADC's population grew by 809 inmates during FY13. Growth was projected at zero for those years which means the new beds we have will be filled immediately.

ADC also received funding authorization to complete the necessary repairs to ASPC-Yuma and we will re-activate the 300 beds which are currently redlined.

We are in the process of finalizing decision packages for the FY15 budget. This will include funding for 185 positions for the 500 maximum beds currently under construction at ASPC-Lewis. We have restored a number of the 565 lost positions and are researching how to restore the rest of them.

Increased assaultive behavior on the part of the inmate population is troubling. The budget does not include a lot of new programs as our largest problem is dealing with special populations including the classification and management of predatory inmates. There simply isn't enough space for all inmates to be assigned to maximum custody.

We are going to test and try a concept from the Washington Department of Corrections called the Forbidden Three. It's basically three rules for inmates:

- Don't assault staff
- Don't assault each other
- Don't assault in groups

The concept relies on officers assigned to 2nd and 3rd shifts to provide information regarding inmate behaviors including who associates with whom. If a known associate is involved in one of the three forbidden activities, their associates may not be charged, but would likely lose privileges. It helps them to police themselves. The key will be to gain objective and accurate information from staff. Inmates will be advised of the program 30-days prior to implementation.

Question - Has Washington received any legal challenges to this program?

Answer - So far, no

Question – Is it true that E-Cigarettes are no longer allowed on State Property? We were only given one day notice.

Answer - I was not aware that 30-day notice was not provided. The DI will be rescinded and reissued after appropriate notice is provided to staff. Staff may continue to use them at this point, but not in buildings; only in designated smoking areas.

Question – Why was DI 189 regarding the payout of Annual Leave rescinded?

Answer – It was rescinded because some of the language was ambiguous. It will be reissued and will clarify “emergency” situations and will include a review and approval process to ensure consistent application throughout each Division.

Question – Is there any way we can go back to using “Dream Sheets” to request pre-approved leave dates?

Answer – The leave approval process for Offender Operations is being reviewed. We are considering taking leave authorization away from the units and centralizing it within the Complex. This would probably help with cross-leveling and also with unit rotations, but there is no plan to use “Dream Sheets” as they are not an approved form and don't provide an approval/denial signature.

EMPLOYEE ARRESTS

The disciplinary policy was revised. The sanctions for a first instance of DUI are now 80 hours off to dismissal. These DUI situations are compounded when the individual resists arrest and is also charged with disorderly conduct.

CO's assigned to ASPC-Douglas were allegedly involved in a money laundering scheme. Thus far, three employees have resigned, three have been exonerated and two are still pending - 17 non-ADC staff were also allegedly involved. The Department continues to be scrutinized by the media. Employees need to live up to the oath that they took and obey the law. Illegal activity puts everyone at risk.