

# MEET & CONFER MEETING

## March 31, 2016

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Director Ryan greeted the group and addressed the following agenda items.

**Item 1** – Director Ryan confirmed that members of ACA, AZCPOA, and FOP were present at the meeting.

**Item 2** – Director Ryan provided an update regarding the Fallen Correctional Employees Memorial (FCEM) and the Fallen Correctional Employees Memorial Committee (FCEMC). The FCEMC is ready to provide a presentation to the Department of Administration (DOA) about the memorial. Director Ryan and Deputy Director Hood were given a presentation by the architect on the afternoon of March 18, 2016. The FCEMC has done a phenomenal job.

The committee includes Art Harding, Legislative Liaison; Chair Stan Bates, retired Assistant Director and Warden; Dale Copeland, retired Warden; and John Hallahan, retired Division Director and Warden. Director Ryan encouraged active participation by the Presidents of the three Employee Organizations at FCEMC meetings, acknowledging the participation of FOP President Richard Mehner and extending an invitation to discuss FCEMC participation with AZCPOA President Len Sustaita and ACA President Anthony Spears, following the meeting. Director Ryan shared the importance of the Employee Organization involvement on the FCEMC due to their large employee membership, understanding that the FCEM is about the employees - those who have made the ultimate sacrifice having given their life. It is intended to honor them.

DD Hood added that FCEMC membership also includes the 100 Club, a representative of the Correctional Peace Officers' Foundation, the architect, and Jan Upchurch, ADC Victim Services Administrator, Survivor of a Fallen DPS Officer, and Member of the State Peace Officers Memorial Board. The architects have donated all of their services and anticipate that other services may be donated, such as electrical engineers. We hope to unveil the concept that the committee has come up with, once approval of the drawings is received from DOA. At the same time, we will begin to roll out fundraising ideas. Director Ryan discussed the memorial with Director Craig Brown and was given the go ahead to call a meeting for the FCEMC presentation, within the next couple of weeks.

### **SUBMITTED QUESTIONS AND ANSWERS**

Questions one through five were posed by AZCPOA. Questions six through seven were posed by FOP. There were no questions presented on behalf of ACA.

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**AZCPOA**

On behalf of AZCPOA, the following questions were provided:

**Question 1** - Why is there no cash overtime in Yuma?

**Answer 1** – Division Director Carson McWilliams clarified that ASPC–Yuma had an Operational Vacancy for Correctional Officers of 5.91%. As a result of this consistently low vacancy rate, ASPC-Yuma can effectively meet its staffing requirements without the use of overtime. Overtime opportunities remain available at the Florence and Eyman Complexes, to which some Yuma staff members consistently avail themselves.

**Question 2** - In ADC’s settlement agreement with ADOSH arising out of the Eyman rape matter, ADC agreed to allocate \$14,000 to “enhance operational security and work-place safety for both uniformed and non-uniformed staff at Eyman Prison and throughout the state wide prison system”....What specifically does ADC intend to spend the \$14,000 on?

**Answer 2** – General Counsel Brad Keogh clarified that the Settlement Agreement dated February 10, 2016, between ADC and ADOSH is a public record and speaks for itself. In addition, AZCPOA’s General Counsel has commenced litigation against ADC alleging that AZCPOA members work in an unsafe working environment, and it is not appropriate for AZCPOA to misuse the meet and confer process in an attempt to circumvent the formal discovery process established by the Arizona Rules of Civil Procedure which governs that lawsuit.

**Question 3** - In ADC’s settlement agreement with ADOSH, ADC certified that since Jan 30, 2014 it has spent in excess of \$600,000 to enhance operational security and workplace safety. Among the steps ADC says it has taken was that ADC’s “security, operations, and workplace safety experts will continue to review ADC’s security, operations, and workplace safety protocols.”

- a. Since Jan 30, 2014, how much money has ADC allocated to reviewing ADC’s security, operations, and workplace safety protocols?
- b. What are the names of ADC’s security, operations, and workplace safety experts?
- c. As a result of these reviews what changes have been made in last six months?
- d. Since significant numbers of staff assaults continue to occur, how would you evaluate ADC’s expert’s performance to date?

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**Question 4** - Why, after AZCPOA raised the issue of the inmate assault on Sgt. Salazar and the lock problem in Tucson, did you feel it necessary to investigate AZCPOA?

- a. You understand the investigators asked us questions concerning AZCPOA, like who was running the AZCPOA website. Why do you believe it was appropriate to investigate AZCPOA internal matters after we raised issues concerning staff assaults?

**Answer 4** – General Counsel Brad Keogh clarified that ADC did not “investigate AZCPOA.” ADC investigated the allegations asserted by AZCPOA in a letter dated November 5, 2015, which was signed by AZCPOA’s President and printed on AZCPOA letterhead. ADC’s investigation was thorough and objective and ultimately revealed that AZCPOA’s allegations were unsubstantiated and refuted by the actual evidence.

**Question 5** - We noted that ADOSH report regarding the Yuma near-rape incident has been released.

- a. Why did ADC wait nearly 6 months before allowing ADOSH to inspect the Yuma prison?
- b. A private law firm was hired to represent ADC against ADOSH. How much was the firm paid? Did that come from ADC’s budget?

**Answer 5** – General Counsel Brad Keogh stated that ADC is not aware of an “ADOSH report” having been “released” by ADOSH. ADC and ADOSH worked cooperatively through their respective legal counsel and agreed to an inspection of the Yuma Prison four months ago. Sometimes the legal process takes longer than both lawyer and layman would like. After inspecting the Yuma Prison and interviewing ADC’s employees, ADOSH concluded that there were no violations and that no citations would be issued. If AZCPOA remains interested in learning the amount paid to ADC’s counsel, it may follow well-established Arizona law and ADC policy and submit a Public Records Request to the ADC Public Access Unit.

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**FOP**

On behalf of FOP, the following questions were provided:

**Question 6** - FITNESS TOOLS: Recognizing the Director's effort in new physical fitness standards for Correctional Officers and the State's Health Impact Program, FOP is requesting that Officers be allowed to wear a fitness-tracking device (an electronic version of a pedometer) in to the Units. FOP is requesting that the FITBIT "Flex" be authorized. The Flex is designed to track all-day activity of the user. The Flex has no phone transmitter, email, text messaging, nor photo taking capability. The Flex has a single purpose, to collect metadata of the users' movement (steps, etc.) The unit has only a LED "progress display" that only shows a series of dots to show performance progression. The Flex is not a gaming device and does not have an AM/FM radio. The device does communicate with a phone, but only via blue tooth with a range of 30 feet and only transmits the metadata collected when the Flex is in the range of an authorized phone. The "Flex" is not classified by the FCC as a communications device. The Flex does not have a USB connection for storage of "extra" items (songs, documents, etc.). FOP believes that this device does not violate DO-513.1.6, but because sometimes technology out paces ADC Policy, we ask for permission for this very popular device to be authorized for use within the complexes. More information on the device can be found via the manufactures website of: [www.fitbit.com/flex](http://www.fitbit.com/flex)

**Answer 6** – Division Director Carson McWilliams explained that we have looked into the possibility of authorizing staff to allow the wearing of a FITBIT while on duty. After research on various models/brands, we have found they vary greatly in price, functions, and capabilities. In some cases it is hard to identify what type of FITBIT someone is wearing. Some have functions that could cause security concerns and they can also be expensive well beyond the allowable personal property value limit.

The use of these devices at work also distracts from staff staying focused on their work and could lead to performance problems. At this time we will not authorize the FITBIT to be worn.

President Richard Mehner challenged the FITBIT as a violation of policy, as it would be accompanied with a personal property form. Director Ryan clarified that the burden to follow policy falls on the employee; if all employees followed policy we would have no issues. NROD Ernie Trujillo clarified that it is our intention to simplify the CO job so that focus can be on security. Director Ryan stated that if President Mehner is so inclined to buy a FITBIT, he would take a look at it.

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**Question 7** - PHOTOS: FOP recommends that the Department start a Professional Photographic Program that Starts with COTA and possibly expanded to all Employees. Most Professional Law Enforcement Organizations take graduation photos of their employees for award and or memorial services. We have attached an example of the type of photo we are requesting. A program like this at COTA would be very simple implement. It might even be possible to have a Tucson based professional photographer offer the services without charge to the State for official photos of each cadet and in turn the photographer could be allowed to offer photos to the Cadet or Cadet's family for a nominal fee.

**Answer 7** – Communications Director Andrew Wilder confirmed that the Department will initiate an official photo program for graduating COTA cadets. Staff from ADC's Media Relations office or the academy will schedule time on location at COTA prior to graduation whereby cadets will have an opportunity to sit for an official photo. A high-resolution digital copy of a photo, similar in style to the example provided today, will be made available to cadets at no cost following successful graduation from the academy. Once up and running, this will be expanded to include all staff. The Media Relations Department has the capabilities today. If a photo is wanted, contact Rusty Heaps.

**Additional Information:**

- 1) In terms of the Employee Organizations going to COTA to meet with Cadets, Director Ryan stated that effective now, the authorized time will be at 5:00 pm; not during the last hour of class time. The next class this will impact is the class graduating next Friday, April 8, 2016.
  
- 2) Director Ryan discussed the Meet and Confer Executive Order 2008-13, explaining that a change will be exercised; ADC will be more precisely following the Executive Order. A meeting will be held with the three Employee Organizations (EO) individually to better serve the Organizations. Questions will continue to be submitted two weeks in advance. This will take effect by the next Meet and Confer meeting date, approximately three months from now. Director Ryan will set aside an hour for each EO, possibly on the same day, and will continue to publish the questions and answers. It is part of the Communication Plan to spend more time in the institutions and spend more time with everyone, including employees who are not EO members. Employees who are not EO members must know that they don't have to be EO members to communicate meaningfully with Department leadership.

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- 3) Director Ryan received a question regarding retiree ID cards. President Richard Mehner explained that the word "retiree" is shown in capital letters on the front of the card without a rank. A suggestion was made to add the rank at the time of retirement to the ID, as the retiree is proud of what they do. Director Ryan agreed. Chief Human Resource Officer Colleen McManus will look into this.

Close:

The Director thanked those who attended.

cc: Executive Staff  
Wardens  
Paul O'Connell  
File