

MEET & CONFER MEETING
June 16, 2017

Director Ryan greeted each of the Employee Organizations separately and addressed the below agenda items.

AZCPOA

Attendees: CO II Darren Sikes, ASPC-Lewis, COII Matt Ball, ASPC-Florence, and CO II Tommy Carberry, ASPC-Florence represented AZCPOA. Also present from ADC were Director Charles L. Ryan, Interim Deputy Director Greg Lauchner, Carson McWilliams, Division Director of Offender Operations, Michael Kearns, Division Director of Administrative Services, Brad Keogh, General Counsel, and Colleen McManus, Chief Human Resources Officer. Natalie Poff was present to take minutes.

SUBMITTED QUESTIONS AND ANSWERS

On behalf of AZCPOA, the following questions were submitted in advance:

Question 1 – Are the 12 hours shifts working as they were projected to work?

Answer 1 – Yes, 12 hour shifts are working. We are able to accomplish unit and shift functions that ordinarily would have been delayed or would not have occurred as a result of our current CO vacancy rate. In those locations, the implementation has increased the numbers of staff on post, thereby decreasing the occurrence of continuous cross-leveling from lower custody units.

Though cross-leveling still occurs and is essential in prioritizing posts, the constant withdrawal from lower custody units does not occur as frequently. Cross-leveling within a complex is a standard of work that best utilizes the limited staff resources on hand at the time.

Carson McWilliams stated that the goal of the 12 hour shift implementation is multifaceted; staff will be on shift with the same Supervisor every day, which promotes a sense of team; and as staffing patterns improve, cross leveling will be reduced. The 12 hour shifts were not designed to be a fix for all issues, and are only being enforced for the short term.

Director Ryan clarified that “short term” could mean a couple of years. Discussion ensued regarding the Arizona Management System (AMS) and how the Department was able to improve the hiring speed of Correctional Officers (COs) by reducing waste and non-value added steps within the recruitment process. Although the hiring speed has been reduced, the majority of COs who attrite do so within the first three years of their employment. Director Ryan acknowledged that the Department of Corrections’ pay is not competitive and further stated that ADC ranks in the bottom 1/3 of the Western

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eleven states in relation to pay. Director Ryan advised that a breakthrough project is underway and that a CO II Retention team has been formed that is actively mining data to understand what contributes to turnover.

Question 2 – Why are we still taking staff from the units that are 8 hour shifts and sending them to work at the units that are on 12 hours shifts (they are still working 8 hours just at a different unit)?

Answer 2 – As staffing deficiencies may occur due to vacancies, unscheduled leave/call-ins or high volumes of inmate hospitalizations and/or mental health watches, etc., a need may arise to cross-level personnel from one unit to another. The assignment to an 8 hour versus 12 hour shift assignment does not preclude an employee from being cross-leveled. In the event an employee assigned to an 8 hour shift is cross-leveled to a location with 12 hour shift assignments, the employee's assigned shift will prevail. Thus, despite being cross-leveled to a 12 hour shift unit, an 8 hour shift employee would depart the 12 hour unit at the conclusion of his/her 8 hour shift. Supervisors are aware and account for this when cross-leveling 8 hour shift employees to 12 hours shift units.

Carson McWilliams stated that cross leveling has been reduced at ASPC-Eyman; however, we will look at priority posting at ASPC-Florence and make changes to further reduce cross leveling at ASPC-Eyman.

Question 3 – Perryville Complex-- Can the operation staff go back to Monday through Friday with weekend and holidays RDOs?

Answer 3 – No

Question 4 – Annual Leave Balance---Can excess leave (anything over 240) be paid out instead of use or lose. IF paid out the staff would still be at work and hopefully reduce the time and half over time.

Answer 4 – Any employee who is leaving State service receives a payout of his/her annual leave balance with the final paycheck. The discretion of whether to pay annual leave balances to non-separating employees is left to each agency. Because of the size of ADC, and the need to ensure that all similarly situated employees are treated in the same way, ADC has not opted to pay out excess annual leave balances. Instead, we ask employees to be responsible for their time, and we provide several messages to managers and staff throughout the year about the need to use earned annual leave so staff do not have to forfeit any time.

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Mike Kearns stated that paying out annual leave becomes very complicated surrounding similarly situated employees; we cannot payout leave for some employees, but not for others.

Director Ryan advised that the decision to pay or not payout leave balances is not an individual agency decision. Guidance comes from the Department of Administration which is then shared with the other agencies. If there is an exception, the agency Director would need to be in communication with ADOA for approval.

Colleen McManus advised that Craig Brown from the Department of Administration will be sending messages to State of Arizona Employees much earlier in the year to remind staff to manage their annual leave to avoid having to forfeit any of this time.

Question 5 – Merit pay: can the merit pay be paid equally across the selected rank rather than based on a Supervisor MAP entry? Lazy/Poor Supervisors won't do proper MAP entries; for example, a well-motivated COII may not get the deserved acknowledgements where as a lazy/poor COII may get acknowledgement for something they did not deserve. End results are, the motivated COII gets \$369.45 and a poor attitude and lazy/poor COII gets \$1100.00 and brags about it.

AZCPOA gave an example of how a hard working employee received a lower score than another employee who did not work nearly as hard. Because of the MAP system and lack of MAP entries, employee's efforts and hard work are not being documented or recognized, and are therefore, not receiving fair evaluations. In the end, hardworking employees get a lower score, and less busy employees are getting higher scores because they have a closer working relationship with their Supervisor. An additional concern is that Supervisors are telling employees that they are not allowed to give anything over a 2.0 "meets expectations" score.

Answer 5 – Merit pay is pay based on performance. Therefore, by its very nature, it must be based on an assessment of the employee's job performance. The way performance is assessed at the state is by the MAP system, and MAP ratings are the way performance is rewarded. While the MAP system may seem unfair sometimes, there are things built into the process to ensure more consistency than the situations this question sets forth. For example, before they may give a MAP evaluation to an employee, Supervisors must submit the MAP to their up line manager for review. Up line managers are trained to look for rating anomalies or inconsistencies. It is not unusual for an up line Manager to ask that an employee rating be reconsidered. This helps ensure greater consistency in ratings by all Supervisors under the Upline Manager's areas of responsibility. Further, Merit Pay based on MAP ratings was

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determined at the Complex/Bureau level in order to accommodate the potential disparity in scoring.

MAP ratings and merit pay are not grievable; however, employees who feel their MAP is inappropriate or unfair may provide their own written comments on the document, which remain part of their permanent record.

Director Ryan stated that the annual MAP rating period was moved to February to give the Department time to figure out what funding, if any, is available for merit pay. He reiterated the following:

- Top 20% of MAP ratings: employees will receive a one-time payment = to 3% of their base salary
- Next 30% of MAP ratings: employees will receive a one-time payment = to 2% of their base salary
- Next 50% of MAP ratings: employees will receive a one-time payment = to 1% of their base salary

Director Ryan confirmed that there are no guidelines that prescribe giving 2.0 "Meets Expectations" scores. Sergeants complete the evaluations of COs and the Lieutenants review/approve the evaluations as the Upline Managers. If an Officer receives a score that he or she does not agree with, he/she should take the complaint to the Lieutenant. If that Lieutenant is rubber-stamping the MAPS submitted by the Sergeants, that in itself is wrong. The "good ole' boy" ideology should not be used to rate employees in MAP. The Officers have the right to discuss their concerns regarding MAP through their chain of command.

Carson McWilliams advised that the Officers can address their concerns about their MAP scores to the RODs as well.

Colleen McManus advised that the need for a performance system that rates employees is dictated by statute. In response to the concerns regarding unfair rating practices, we have built training for Supervisors and Upline Managers to give them the tools to rate employees accurately and fairly. Employees are encouraged to keep good documentation. If employees have questions or issues with their scores, they should discuss those with their Supervisors or Upline Managers.

Director Ryan stated that the Officers can go into their MAP at any time and make comments on their performance.

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AZCPOA: There are a lot of Supervisors that simply do not care. Employees are afraid of retaliation if they question or pushback.

Director Ryan advised that he would look into sending a message to employees about MAP.

Question 6 – Are two week notices for COIIs and not Supervisors when being rotated or are two week notices for both?

Answer 6 – Two week notices should be provided to any correctional series staff who are being rotated; specifically if their RDO and shift are changing. This allows Supervisors enough time to ensure MAPs and any other outstanding projects are completed.

Carson McWilliams stated that it is the goal to give Officers two week notices for families to make arrangements; however, there may be circumstances where an Officer may need to be rotated due to lack of staffing, any unexpected leaves of absence, etc.

ACA

Attendees: CO II Clinton Roberts, ASPC-Lewis, COII Wallace Davis, ASPC-Florence/Eyman, and CO II Scot Falcon, ASPC-Florence/Eyman represented ACA. Also present from ADC were Director Charles L. Ryan, Interim Deputy Director Greg Lauchner, Carson McWilliams, Division Director of Offender Operations, Michael Kearns, Division Director of Administrative Services, Brad Keogh, General Counsel, and Colleen McManus, Chief Human Resources Officer. Natalie Poff was present to take minutes.

SUBMITTED QUESTIONS AND ANSWERS

On behalf of ACA, the following questions were submitted in advance:

Question 1 – Due to the elevated staff vacancy levels at the Florence, Eyman and Lewis Complexes is there any plan to restoring the remainder of the 5% geographical stipend to compensate the full 10% original stipend that was taken away in 2012?

Answer 1 – There is a project team working hard to address CO II vacancies and to enhance officer retention. Progress has already been made, because CO vacancies have been reduced from 868 to 820 and are continuing to decrease. This is no doubt helped by the \$1500 retention bonus for CO IIs and by the merit pay for all eligible employees. There has been no discussion about restoring any of the prior geographical stipends.

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Director Ryan advised that there will be 15,000 job openings for ICE and Border Patrol Agents. This will impact bordering cities such as Douglas, Tucson and Yuma where there are a lot of bilingual Officers. Director Ryan acknowledged that money is an issue. Director Ryan stated that he is going to use the data from the CO II Retention Breakthrough Project to support funding packages.

Question 2 – During the last couple quarters officer's appearance and uniform compliance has been stringently addressed. The uniform allowance has been stagnate since at least 1993 at 60 dollars once per month. That sums up to 720 dollars a year. The equivalent value of a dollar per the Dollar Times inflation calculator compares that to be approximately 1,225 dollars today. Are there any plans to increase the amount of the uniform allowance in the near future?

Answer 2 – There are no plans to address the uniform allowance amount at this time, but less expensive uniform options are being considered by committee. An increase to the uniform allowance would represent a permanent increase. Any permanent change to compensation, without a commensurate increase to our Appropriation, forces more positions to be held vacant. Therefore, our focus has been, and will continue to be, the need for increased funding of base salary increases for staff.

Director Ryan stated that there will not be an increase in the uniform allowance. Carson McWilliams and Major Standridge are looking at less costly uniform options from L.A. Police Gear; however, those recommendations need to be presented before the committee. The uniform options from L.A. Police Gear will include pants, polo shirt and a jacket.

Question 3 – It looks as if the Merit incentive is working for some of the units as we observe staff striving for better MAP evaluations. Are there any plans for the Merit incentive to be instituted quarterly as first discussed when first initiated? And will there be continued training for Supervisors that are not proficient in the MAP process?

ACA stated they believe there was a memo that said there would be a quarterly merit payout.

Answer 3 – No to quarterly merit pay and yes, training is required. The agency cannot commit to any future merit pay. We offer ongoing training for Supervisors in MAP and a variety of other leadership and management topics.

Director Ryan stated he would like to see the memo in which ACA referred to regarding quarterly merit payouts. If funding is available, merit pay would be paid out annually in one lump sum to eligible employees.

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Question 4 – It has been rumored that the Department of Corrections is closing 3 more units to include Globe in the very near future. Is this due to more allocation toward the private contracts?

Answer 4 – Not an accurate rumor and mothballing units has nothing to do with privates, no one has lost their job.

Director Ryan reiterated that Globe will not be closing. He advised that he spoke with several Legislators and Carson McWilliams spoke to the Mayor about mothballing Maricopa and Eggers Units due to the declining inmate population. Some bunkbeds, also referred to as temporary beds, will be redlined. Units that can be mothballed will be mothballed without disrupting the lives of COs. Director Ryan also stated that several units have been repurposed; Maricopa Unit at ASPC-Douglas, Picacho Unit at ASPC-Tucson, and SACRAC became Pima County Reentry.

Question 5 – Is it true that the Arizona Department of Corrections pay millions of dollars in fines to the private industry if we do not maintain the private prisons at full capacity?

ACA stated this question came from a television show that stated the ADC paid millions of dollars in fines to private prisons that are not filled to capacity.

Answer 5 – Not true, no. ADC does not pay “fines” related to unused private prison beds. As part of all ADC private prison contracts, ADC guarantees certain occupancy as part of a lease to own financing over 20 years. The reason to guarantee occupancy is that it pays for the capital construction and it assures the best price for the State. In order to get the best value for the taxpayers, the State must guarantee occupancy rates and the beds need to be utilized.

Director Ryan stated that the benefit of temporary beds at private prisons is that the per diem rate is \$10.00 versus the \$65.00 per diem rate at the ADC prison complexes.

Carson McWilliams advised that the Department is looking at ways to improve bed management. Mr. McWilliams gave an example of the Kingman Facility. The mortgage for the facility was paid off and the per diem costs dropped. The life of the contract was reduced which saved the Department over \$77 million over the last nine years.

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FOP

Attendees: Senior Parole Officer Waldemar Mehner, Community Corrections, and Community Corrections Officer Rachel Underwood, Community Corrections, represented FOP. Also present from ADC were Director Charles L. Ryan, Interim Deputy Director Greg Lauchner, Carson McWilliams, Division Director of Offender Operations, Michael Kearns, Division Director of Administrative Services, Brad Keogh, General Counsel, and Colleen McManus, Chief Human Resources Officer. Natalie Poff was present to take minutes.

SUBMITTED QUESTIONS AND ANSWERS

On behalf of FOP, the following questions were submitted in advance:

Question 1 – Status Update Regarding Education Stipend: Can we receive an update on our last meet and confer question to have a modification to form 504-4(e) Education Supplement? Currently, the Education Supplement is only available to Correctional Sergeants, Lieutenants, Captains, CO III, CO IV, Community Correctional Officers, Community Correctional Senior, and Community Correctional Supervisors. FOP would like the Administration to add AIU Investigators & AIU Supervisors to the form, thus allowing them to take advantage of the Education Supplement program.

Answer 1 – Yes, policy will be adjusted for AIU staff and Supervisors.

Director Ryan advised that he would review the education stipend and would have to see what the fiscal liability will be if the education stipend were to be available to COs.

Question 2 – Max Custody: We hear many different things regarding max custody and some of the programs at Florence Complex. Is there any truth to Florence Complex, specifically Central Unit including Kasson, no longer housing Maximum custody inmates? Both will become close custody? If so, is there a timeframe in which this will occur? And will the Officers lose their hazard duty pay?

Answer 2 –No, Kasson will remain max. The plan is to reduce max custody by reducing classifying inmates to close custody. Cell blocks 1-4 have completed, cell blocks 5 & 7 will be converted within a few months.

COs will no longer receive hazardous duty pay if they work in close custody. This impacts Lumley Unit and Central Unit. Rast, SMU & Browning Units that have close custody areas will continue to receive hazard duty pay since there will be some max custody inmates in the area.

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Director Ryan stated that the Department will be better served by improving programming opportunities. In doing so, the inmates will be busy and more productive, and in turn, staff will be safer. We want to reward the inmates for wanting to better themselves which will hopefully reduce recidivism.

Question 3 – ASPC-Globe: Are there any plans to close ASPC-GLOBE and transfer staff to Florence/Eyman Complexes?

Answer 3 – No

Question 4 – Merit Raise Proposal: Per an email sent out from the Director's Office on June 06, 2017, merit raises would be paid on June 8, 2017 and paid at the following rates: Top 20% of MAP ratings - 3% of their base salary; Next 30% of MAP ratings - 2% of their base salary; Next 50% of MAP ratings - 1% of their base salary. It is our understanding that this attempts to monetarily reward the highest performers. However, due to the variances in scoring between different Supervisors (some higher, some lower), in execution, highest performers do not necessarily receive the highest percentage. Also, different merit raise payments based on MAP scores places added stress to the performance appraisal period. Unfortunately, it rewards staff whose Supervisors score more favorably independent of employee performance, or score more favorably due to lack of training in how to conduct MAP appraisals appropriately. Almost as soon as the merit raises were announced at briefing, staff began to discuss the issue with each other. They began comparing MAP scores and making judgments regarding Supervisors who gave them lower scores than past Supervisors, or gave certain officers better scores when they do not work nearly as hard. Some of this disenfranchisement is likely due to the lack of overall raises within the department, but the situation is aggravated when the merit raises pit staff and their Supervisors against one another.

This is a request for the department to consider future merit raises that are more equal amongst all staff eligible. If approved this would reduce the raise received by the Top 50% of MAP ratings, but would increase the raise received by the Next 50% of MAP ratings.

Answer 4 – The way that merit pay must be paid, and the percentages of staff who may earn top merit amounts, etc. are specified in the Compensation Guidelines developed and administered by the Arizona Department of Administration. As with all other state agencies, ADC must adhere to these guidelines, so to change the system as proposed is not possible.

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Merit pay is pay based on performance. Therefore, by its very nature, it must be based on an assessment of the employee's job performance. The way performance is assessed at the state is by the MAP system, and MAP ratings are the way performance is rewarded. While the MAP system may seem unfair sometimes, there are things built into the process to ensure more consistency than the situations the proposal sets forth. For example, before they may give a MAP evaluation to an employee, Supervisors must submit the MAP to their up line manager for review. Up line managers are trained to look for rating anomalies or inconsistencies. It is not unusual for an up line manager to ask that an employee rating be reconsidered. This helps ensure greater consistency in ratings by all Supervisors under the up line manager's areas of responsibility. Further, Merit Pay based on MAP ratings was determined at the Complex/Bureau level in order to accommodate the potential disparity in scoring.

MAP ratings and merit pay are not grievable; however, employees who feel their MAP is inappropriate or unfair may provide their own written comments on the document, which remain part of their permanent record.

Director Ryan stated that if an employee disagrees with his or her rating, it is the prerogative to take his/her complaints up with their reviewers or elevate through the chain of command. The second line reviewer is supposed to be a check and balance. You have the right to voice your concerns about your MAP and should not be concerned about retaliation. Director Ryan said he expects Supervisors to evaluate their staff fairly.

FOP asked if the merit pay message to staff can be delayed until after the evaluation period ends. In doing so, Supervisors may evaluate their staff a little more honestly.

Greg Lauchner stated that the timing of the merit pay announcement changes the mindset of how evaluations are being done.

Director Ryan advised that he will send a message to staff about MAP but will not include the merit pay incentive details. Those who pay close attention to the vacancy savings may ask questions about the incentive pay which may subsequently end up being shared.

Question 5 – The FOP received the following email written to Supervisors on a unit in Florence. The email puts an emphasis on an attempt to disallow Sick Leave (SL) Benefits (pay) by disapproving a Sick Leave (SL) call-in(s) by the employee's first line Supervisor. How can a first line Supervisor make that type of decision without violating the employee's ADOA right to use Sick Leave (SL) if the employee follows current policy for calling in sick? Also, if logic follows that employee does use Sick Leave (SL) four

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times in a six-month period, the employee could lose 48 hours (under 12-hour shifts) if their Supervisor changed their PAR from SL to 641 code (Unauthorized Absence/AB), then on top would be subject to an AI (601) with possible more time off. FOP considers this action heavy-handed and a direct violation of the Director's own "NO MORE POLICY BY MEMO/EMAIL" directive.

Subject: Staff Call-in Procedures Re-Direction

Importance: High

Sensitivity: Confidential

The following re-directive shall be followed by Shift Commanders and/or Supervisors for Unauthorized/Disapproved Employees Call – Ins' within a six month (6) period, without exception; this supersedes the March 27, 2017 directive previously issued by my office.

If an employee calls in and the Supervisor puts (SL) on the PAR, that day or days cannot be used in addressing negative attendance issues; Sick Leave (SL) is an approved leave status, and so are FMLA call-ins.

When an employee calls in sick, upon their return they shall submit an Employee Request for Leave Form and an Information Report to the Supervisor, who shall then approve or disapprove the employee Call-In. The employee shall be provided a copy of the Employee Request for Leave Form, whether it's approved or disapproved.

At the point a Supervisor disapproves the employee call-in; the employee PAR needs to reflect the 641 code (Unauthorized Absence/AB); and ensure all document dates coincide with each other.

Only time missed work days (Unauthorized/Disapproved by Supervisor) can be progressively used; the employee Call-In is coded 641 (Unauthorized Absence/AB). Ensure progressive discipline and attach required documents e.g. Information Reports, Approved/Denied Leave Slips, MAP entries, Employee Attendance Sheet/Calendar, NNTI etc.

The following progressive discipline shall be implemented for all Unauthorized/Disapproved Call-Ins within a six (6) month period.

1st Unauthorized/Disapproved Call In - No Formal Action

2nd Unauthorized/Disapproved Call In - MAP Entry

3rd Unauthorized/Disapproved Call In - NNTI

4th Unauthorized/Disapproved Call In – 601

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When submitting documentation for an Administrative Inquiry (601) for attendance issues; the following documentation needs to be presented; Information Reports, Denied Leave Forms, MAP entries, Employee Attendance Sheet/Calendar, PARS and completed 601.

Based on the 12 Hour Shifts being implemented, it is imperative each Shift Lieutenant review their staffs' calendars and address Employee Call Ins according to the progression denoted above. All Supervisors must acknowledge receipt of this email, and should any Shift Commander or Supervisor be unclear about these directives, please contact me for any clarification.

Answer 5 – Sick leave may be taken for absences during which an employee's health or medical condition precludes him/her from coming to or being at work. In most instances, employees legitimately use their sick time for this purpose, or to care for a sick family member, as allowed by the Personnel Rules or the Family Medical Leave Act.

Sometimes, though, employees do not appear to be precluded from being at work, even when they have called out sick. Some examples include sick calls that routinely occur in connection with an employee's RDOs or a weekend with no explanation or doctor's note. Some employees routinely become "ill" when they are asked to cross level or are transferred to a different shift. We even have employees calling out sick who then post on Facebook or other social media about their "fun" activities on that day. One employee called out sick because he was working another job! In these types of instances, it is appropriate for the employer to question the employee, perhaps deny the use of sick leave, and even issue corrective action, since the sick leave has not been taken due to illness.

The Warden was addressing the inconsistency with how Supervisors handle call-ins. Under the AMS process, standard work needs to be applied when possible. This is good example of a need for standard work to be used to ensure all staff are treated in the same manner when call-ins are being addressed. Though not in policy, it's a procedure that's consistent with progressive discipline in the concept of standard work. The Division Director and RODS will review for implementation statewide.

Additional Information:

FOP stated they have a meeting with Senator Lesko on Monday, June 19, 2017 at 1:00 p.m. to discuss employee retention, pay, morale etc.

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Director Ryan advised that Colleen McManus can send the employee engagement results and Mike Kearns can provide compensation information to Mr. Mehner to take to the legislative meeting on June 19th.

Close:

The Director encouraged the Employee Organizations to utilize the opportunities they have to communicate the questions and concerns of their members more frequently, including taking advantage of his open door policy. Director Ryan thanked those who were in attendance.

cc: Executive Staff
Wardens
Paul O'Connell
File