

MEET & CONFER MEETING

April 11, 2019

Attendees: Senior Parole Officer Waldemar Mehner, Community Corrections, and CO III Martin Diaz, ASPC-Lewis, represented FOP. CO III William Keener, ASPC-Perryville, and CO II Clinton Roberts, ASPC-Lewis, represented ACA. Also present from ADC were Director Charles L. Ryan, Deputy Director Joe Profiri, Inspector General, Greg Lauchner, Division Director of Administrative Services, Mike Kearns, Deputy Chief Human Resources Officer, John Bogert, and Contract Beds Bureau Administrator, Ron Credio. Natalie Poff was present to take minutes.

AZCPOA was not in attendance.

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

SUBMITTED QUESTIONS AND ANSWERS

Question 1 – There is a rumor going around that needs to be put to a stop by someone higher than myself. I have been told by multiple staff that “administration” is trying to force staff members out of the Department that are getting close to retirement. That it will damage the fund if they retire. This thinking is incorrect and misinformed. The Administrators that are participating in this behavior need to call PSPRS/CORP to find out for themselves how their actions are damaging the fund. (I asked and the staff refused to tell me who they were) ACA would like this to be known. Thank you.

Answer 1 – Director Ryan: Informed the group that as a result of question # 1 being vague, he is not able to respond without facts or evidence of wrongdoing. Director Ryan proceeded to ask the employee organizations where the misinformation came from.

Employee Organization – The rumors stemmed from employees at ASPCs Lewis and Florence; however, for fear of retribution, their names were not provided.

Director Ryan advised that he has an open door policy and can be reached by phone and e-mail. The Director meets with covered employees within their final three days of employment prior to being dismissed. Director Ryan stated that he does this as he wants to be absolutely sure that the Department is taking the correct course of action. He advised that there are very few dismissals, and most separations are voluntary. Director Ryan reiterated that employees should not fear retribution, as he gives employees ample opportunity to express their concerns openly. Director Ryan acknowledged that it is okay to disagree as long as the employees are respectful and professional.

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Director Ryan referred to the Monthly Separations Report, advising that HR can send the most recent report to the Employee Organizations.

**The Monthly Separations Report was e-mailed on Thursday, April 11, 2019 at 1504 hours to those who attended the Meet and Confer Meeting.

Employee Organization – An Employee Organization member stated that his interpretation of question # 1 is not based on concern that employees who are eligible to retire are being forced out, more so, he believed that older or retirement eligible employees are not given the same opportunity to promote. He shared his concerns regarding upward mobility at his age. He stated that he personally feels that there are roadblocks that limit his promotional opportunities due to his age and lack of a degree. He asserted that 22-year olds are hired off the street as Community Corrections Officers because they have a degree, but tenured Officers such as himself are not afforded the same opportunity. He stated that one of the requirements to be a CCO is to have a degree, and felt disheartened that his years of ADC experience do not hold the same weight. He admitted that he feels discouraged and has given thought to retirement but he still feels that he has many years left and a lot to offer the Department.

Director Ryan empathized with the Employee Organization member, but shared the following points:

1. Degrees were undervalued when he started his career with the Department in the 1970's.
2. He saw a growing need for education to develop leaders and Officers to move the agency forward as well as for succession planning purposes.
3. Even if a candidate has a degree, he or she would still need to go through COTA to become a Community Corrections Officer.

Director Ryan clarified that a college degree is a selective preference for the Community Corrections Officer classification. Correctional Officers, and other qualified employees, may apply for those positions if they are enrolled in an eligible program of study at an accredited university or college at the time of application. Director Ryan advised that the Department will remain consistent in using the selective preference option for degrees in the recruitment and promotional process. Director Ryan encouraged the Employee Organization member to be a lifelong learner and to enroll in college course(s) to satisfy the degree requirements.

Lastly on this topic, Director Ryan suggested that the Employee Organization(s) speak with the Warden(s) about the misinformation that is circulating so that the rumors can be addressed at that level.

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Question 2 – Clerical staff: The Governor’s proposal did not include clerical staff. Clerical staff are an essential part of support for ADC. Is there any consideration on increasing the pay for clerical staff? Possibly reevaluating the different positions for pay. Some clerical positions require substantially more work than others.

Answer 2 – Division Director Mike Kearns: Agreed. Clerical staff does, indeed, perform a critical function for ADC. We recognize their contribution and that of all ADC employees.

As was correctly stated in the question, the Executive Budget does not include clerical staff in the proposed salary increases for FY 2020. Further, we acknowledge and recognize that there were also other deserving employees that were not included in the Governor’s public safety compensation proposal. The primary focus right now is, and must be, assisting the Executive and Legislature in any way possible to pass the Governor’s public safety compensation proposal. We are confident that it will be included in the final budget but nothing is assured until the budget has been passed and signed.

Specific to administrative staff, earlier in the budget process ADC shared salary, turnover, vacancy and other data with the Executive to raise awareness about the need to address compensation for this group. As you know, administrative staff was not included in the public safety compensation proposal for FY 2020 but we did have an opportunity to make the case for their inclusion. Sometimes there are simply not enough resources to tackle all of the priorities at once. That does not mean that the conversation is over, ADC will continue to make employee compensation a priority in the future.

Director Ryan advised that the proposed pay package includes pay increases for Correctional Officer through the Warden series, Substance Abuse Counselors, Records Staff and Chaplaincy. He advised that there are approximately 1,200 employees who are not eligible for the pay increase, if the pay package is approved, but he assured the group that he will continue to pursue a pay package for the remainder of the staff in the future.

Director Ryan also shared that Senate Bill 1092 which would allow for an exception to the AZPOST rule to change the hiring age requirement for Correctional Officers has been submitted to the Governor for signature. The exception would be for a period of one (1) year, and if/when signed by Governor Ducey, the Department would be able to hire 18-year olds to help reduce ADC’s record CO II vacancy rate. He acknowledged that the Department is not going to resolve the CO vacancy rate issue immediately; rather, it will likely take one to two years to get to the desired staffing levels.

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**Senate Bill 1092 was signed by Governor Ducey on April 16, 2019. It had an emergency clause, thus, in a matter of days, ADC can begin hiring 18-year-old applicants.

Employee Organization – When the hiring age limit changes, will the CO Trainees be placed in CO positions automatically and will those positions go away once the CO Trainees are sent to COTA to be COs?

Director Ryan advised that the CO Trainees have a choice to either remain a CO Trainee or go to COTA to be a CO which is about a \$13,000 investment to put them through training. He advised that those positions will not go away.

Director Ryan stated that he is confident the pay package will be approved.

Question 3 – Merit Pay: Is there enough in vacancy savings this year for Merit pay? If so, any details? Also would this include clerical staff?

Answer 3 – Division Director Mike Kearns: Thank you for your interest in this topic. Currently, there is no announcement about merit pay. There are many factors that must be evaluated and discussions held before merit pay is authorized and that process has not yet been completed.

Director Ryan stated that merit pay may be possible; however, a final determination has not yet been made. In addition, Director Ryan stated that there are a number of MAP performance appraisals that still need to be completed to determine how many employees would be eligible for merit pay.

Question 4 – Question from a supervisor and a count movement officer: Emergency Count Question: there has been debate for years on the documentation for Emergency Counts. Are emergency counts to be documented on the next line of the count sheets or on a separate/new set of count sheets?

Policy:

4.3 Emergency Counts – All inmate movement and activities shall cease during emergency counts.

4.3.1 Emergency counts shall be:

4.3.1.1 Formal counts. [Revision – June 28, 2012]

4.3.1.2 Documented in written reports which provide count results and the conditions precipitating emergency counts.

4.3.1.3 Declared clear only by the Shift Commander.

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- 4.3.2 Inmate populations shall be notified to proceed immediately to specified areas.
 - 4.3.2.1 Whenever possible, outside work crews shall be counted in place.
 - 4.3.2.2 Outside work crews may be called back to their housing locations at the Shift Commander's direction, if circumstances warrant.
- 4.3.3 Inmates shall resume normal activities at the Shift Commander's discretion.

Answer 4 – Ron Credio: Policy does not stipulate how to document emergency counts. There are only two ways on how to document an emergency count and it is the decision of the unit Deputy Warden on how to document.

When an emergency count occurs, staff may either place a line through the count sheet and write emergency and place an "E" on the bottom of the count sheet or staff may use a new count sheet.

Question 5 – DO 517 & DO 601 TIME FRAME CLARIFICATIONS

This is a request for clarification regarding policy and response time frames. Per policy DO 517, Attachment B, it is clear a grievance time frame begins on the day of the action being grieved or the start of the suspension, and that it goes by business days (not including weekends or holidays).

Per policy 601.03, an employee has five work days to submit an Administrative Inquiry response. Each complex seems to have a different rule regarding what is Day 5. We understand that the Inspector General's office considers Day 1 the next workday for the employee, but complexes are not the IG's office. So, for clarification, is day one the day the employee is served? Or is day one the next work day as stated by the IG's office?

Answer 5 – Inspector General Greg Lauchner: DO 601 Time Frames begin the workday after service of an Administrative Inquiry to the receiving employee. Policy language to clarify this point has been presented to the Policy Unit and is being reviewed for revision.

Question 6 – POLICY REVIEW TEAM REQUEST We are aware that there is a 3-year review of current ADC policy being completed by six policy review teams. FOP is requesting that policy reviews for DO 501 (scheduled for 2019 Q4), and DO 601 (scheduled for 2020 Q4) include a member of each of the employee organizations. We are aware that there is a comment process, but we feel that direct participation in those two policies would be better for all involved.

Answer 6 – Director Ryan: No. Policy review teams have been established and we will not be making any changes to the teams at this time.

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Employees are encouraged to utilize the ADC Intranet to submit Policy change requests or comments. Simply go to the Policy Unit page on the ADC intranet (<http://10.6.0.30/policy/policy.asp>) and click on Policy Review Schedule which will bring up the 3 year cycle. Once you determine which policy you want to comment on and which team it is assigned to, you must go back to the home page (<http://10.6.0.30/policy/policy.asp>). Once there scroll down until you see the team number that is working on the policy and click on that assigned button.

Open Discussion:

Employee Organization – If and when the CO hiring age is lowered to 18, will overtime be taken away?

Director Ryan and Deputy Director Joe Profiri advised that overtime is paid from ADC's vacancy savings and will not be reduced or taken away in the near future. Overtime will continue to be authorized commensurate with the need for CO post coverage and desired staffing levels.

Employee Organization – There is concern that ASPC-Perryville is asking for Parole Officer(s) to cover post(s) at ASPC-Lewis. Shift Commanders at Perryville said that the Parole Officers are not able to cover posts at Perryville, to include transportation that Lewis staff are covering.

Director Ryan advised that Ron Credio will check to see if the formula can be expanded to allow Parole Officers to cover CO posts.

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.

Meeting adjourned at 1030 hours

cc: Executive Staff
Wardens
File