

Alaska Correctional Officers

do not support the Department of Corrections' choice to move Officers from a 12 to 8 hour shift schedule

Where is the DOC's evidence to support this change that will cause unnecessary hardship to Officers and their families?

The 12-hour shift schedule has worked great for 30 years. If it is not broken, do not fix it.

The idea that making this shift change will mitigate costs is simply inaccurate. Indiana, Alabama, Arkansas, Ohio, and Florida all prove this wrong, as they either have moved or are in the process of moving to a 12-hour shift schedule citing the costs decrease as the reason.

Let's look before we leap

Collect the data,

check the facts,

study the methodology.



ALASKA CORRECTIONAL
OFFICERS ASSOCIATION

“Walking Alaska’s Toughest Beat”

Check the Facts

...before the Damage is Done

On January 4, 2012, Commissioner of Corrections Joe Schmidt stated in an email to all Correctional Officers *"...leave usage results in an increase in overtime costs. We are on track (Fiscal Year 2012) to exceed 300,000 hours of personal leave used... The overtime costs associated with leave usage is significant and we have clear instruction from the Legislature to limit these costs."*

The State of Alaska has about 780 Correctional Officers. To use 300,000 hours of leave, each Officer would have to use an average of 384 hours of leave this fiscal year. That is the equivalent of taking four and one-half weeks off. The Commissioner also claims this leave usage is nearly triple the amount of leave taken in 2009. That suggests that Officers all averaged *a week and one-half of leave in 2009, but now use an average of four and one-half weeks.* Without the ability to check the facts we can only relay what Correctional Officers have told us, that the numbers presented by Commissioner Schmidt are hugely inflated. *Since we cannot check the facts, we are asking the Legislature to request that the Department of Corrections release accurate information.*

*The DOC is attributing overtime to C.O. leave.
Is the DOC being truthful?*

Overtime required to replace Officers who are on leave under the Family Medical Leave Act, the Alaska Family Leave Act, the Workers Compensation Act, or who are meeting military obligations, is not a result of the arbitrated leave award in the last contract. Neither is the overtime required to provide security for hospitalized prisoners or because an institution has vacant positions, or because recently hired Officers are attending the five week Academy. We believe they are flawed, because *Officers have told us that they have been ordered to attribute all overtime to annual leave.*

Moving to 8's will Increase Costs

Other States are moving to 12-hour shifts because the quality of life is better for their Officers and it saves them money.

ACOA understands the need to keep costs down. The costs associated with our prison system needs to be kept under control and we understand that the Department of Corrections must take action to address costs. But this is not the way to do that, ***in fact many other States including Alabama, Arkansas, Ohio, and Florida have either moved to 12-hour shifts or are running pilot programs because it cuts cost.*** Florida management cited:

“Twelve-hour shifts will give correctional officers more time with their families and put more money in their wallets... For taxpayers, it saves money because it reduces overtime and decreases the number of officers needed at the facility.”

- Press release from the Florida Department of Corrections, April 6, 2011

A consecutive week 8-hour shift schedule will sever 30 unbroken years of past practice. Retired Correctional Officers that remember the days of 8-hour shifts know that burn-out was constant and overtime costs were extremely high. ***The stresses of 8-hour shifts and the fact that Officers only had two days to recover between shifts, resulted in tremendous increases in the number of Officers calling in sick, and the result for those who reported for duty was that many had to work back to back 8-hour shifts to cover for others who took sick leave.*** Also, some Officers will be forced to quit based on this change. That, coupled with the already danergously low staffing levels, will cause even more overtime as Officers have to consistantly work doubles to cover the unfilled shifts. The DOC's assertion that this change will save the State money simply isn't true. ***It will cost the State much more to cover all the increases in overtime use.***

Correctional Officers have made important decisions as to the location of their housing, child care, and transportation based on this schedule.

Management knows the Pain and Suffering this will Cause

Management knows the hardships Correctional Officers will face if forced to move to 8-hour shifts.

Below, you will see Director Bryan Brandenburg's, January 30, 2009 comments to the House Judiciary committee on the subject of the 12-hour shifts. The Director made two very important points: *1) Correctional Officers plan their lives around the week on/week off schedule and 2) that the week off is needed to recover.*

“MR. BRANDENBURG opined that the last thing a correctional officer would ever willingly give up is the 12-hour shift, especially due to the week off aspect. Officers plan their lives around the week on week off schedule, which allows them to do more. Furthermore, he recalled comments that two days aren't enough to recover from the eight-hour work week whereas the week off is.”

- Excerpt from Alaska House Judiciary Committee, January 30, 2009

The Director's statement above touches on a subject that recently, he seems to have forgotten. An 8-hour shift schedule is not healthy for our Officers.

Already Strained Staffing and Safety Issues will Worsen

The truth is that the overtime costs that the Commissioner attributes to excessive leave is because of the yet to be resolved staffing shortages that are placing our Officers at risk. On Thursday, January 20, we received our first look at the Department's plan to implement 8-hour shifts. At the Hiland Mountain Correctional Center the first phase will place 12 security Officers on 8-hour shifts bringing the total to 20 Officers and for the first time, placing security personnel on an 8-hour shift rotation. This is the first prison to receive it's orders to make the transition, and it is setting a dangerous precedent, as highlighted below.

The memo outlining the changes leaves two previously covered posts vacant. Essentially, in this transition to 8-hour shifts, the DOC is in complete contradiction to the 2010 Legislative Audit, by continuing to drop staffing minimums at the institutions.

Inmates quickly learn when the coverage is low and use that to their advantage. This increases security and safety risks throughout the institution. Some peak inmate activity periods are predictable, but who can predict when an assault will occur, when an inmate will have a medical emergency, when there will be an inmate disturbance, when there will be an earthquake, a fire, or any other number of situations that might occur that require an immediate response.

*"It is the intent of the legislature that the Department of Corrections provide an analysis to the legislature by January 31st, 2012 showing the cost differences between paying overtime to the correctional officers versus hiring new employees."
Concurring with intent language adopted by the House.*

- Excerpt from Alaska Senate Finance Subcommittee, March 17, 2011

If completed, the above analysis will hopefully be very revealing in terms of where the overtime costs are coming from and what needs to be done to mitigate these costs. It is unfortunate that the DOC did not wait for this study before deciding to make this scheduling change. If such a change is pushed through without analysis and review, ACOA believes, a great hardship will be imposed on Correctional Officers and there will be a programmatic crisis for the mission of the DOC.

The DOC is Blaming Legislators to Cover up their Real Motives for “Going to 8’s”

The Department of Corrections has not explained why it took no action to change shift schedules from the date of the Legislature's insertion of “intent” language in 2010 until January 2012. In fact, this DOC administration has had six years to institute change and has not taken any steps to do so, until now. ACOA believes the Department of Corrections' changes have less to do with any “intent” language from Legislators and more to do with negotiations. This is similar to the DOC's previous voiding of the Correctional Officers' contract award as an attempt to undo the arbitrator's award on leave accrual.

The Commissioner states that *“The legislature included clear intent language directing the Department of Corrections to take “all responsible actions necessary, including shift modification, to mitigate financial and other exposure””*.

(1) the Department of Corrections and the Department of Administration take all responsible actions necessary, including shift modification, to mitigate financial and other exposure as a result of the provisions for a 50 percent increase in personal leave accrual in the interest arbitration decision, dated March 19, 2009;

- Actual Alaska State Budget Language

The Commissioner is pushing a change that is not “responsible” as no studies have been conducted, it lacks any statistical data to back it up, and is in opposition to the directions many other State's DOCs are moving.

According to Alaska State Law this Change Cannot Occur without Bargaining

“In the event of any enactment by the Legislature, which creates conditions not specifically covered by this Agreement, the parties agree to confer immediately for the purpose of arriving at a mutually satisfactory supplement covering such action. Such supplement shall become part of this Agreement.”

- Excerpt from the 2009-2012 Contract between ACOA and the DOC

During the first round of contract negotiations on December 6th and 7th **ACOA questioned the State on a rumor that was circulating about the possible switch to 8-hour shifts. The State’s negotiating team said they had no knowledge of such a change.** The DOC made its intentions known 4 weeks later in an email to all Correctional Officers.

Making major changes in an area that significantly affects the economic interests of Correctional Officers, without bringing them to the bargaining table while negotiations are in progress, and its intention to effect these changes prior to the completion of the bargaining process, violate its duty to bargain in good faith and Alaska Statute 23.450.070.

The legislature declares that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are to be effectuated by

(2) requiring public employers to negotiate with and enter into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment;

- Alaska Statute 23.450.070

As documented in the 1993 Legislative Audit 20-4441-93, there is a past practice of bargaining related to the 12-hour schedule. This includes bargaining for Letters of Understanding and Agreements in 1981, 1985, and 1986, and bargaining for changes and to recognize the current schedule in the Collective Bargaining Agreement in 1990. The 1993 Legislative Audit concluded that the built-in cost factor that was initially associated with the Correctional Officers’ 12-hour shifts was “...finally eliminated” **After 30 years of negotiating and tweaking the week on/week off shift schedule, the DOC wants to throw it out without even one study conducted.**

More Trouble for Goose Creek Recruiting and Staffing Woes

*Correctional Officers have been misled.
The DOC has broken their word.*

Ironically, the DOC has itself, recently, and in the past, used the week on/week off schedule as an incentive for recruiting new Officers. At one point, the DOC even created business cards that showed Officers fishing on their week off as a testament to the benefit of the week on/week off schedule and as an inducement to consider a career in Corrections. Most Officers now employed will have been misled and staffing will be very problematic, especially at the new Goose Creek Correctional Center.

Spring Creek Correctional Officers enjoying their week off.

Spring Creek Correctional Officers enjoying their week off.

City of Seward is situated at the head of Resurrection Bay on the Kenai Peninsula. Seward is one of Alaska's oldest and most scenic communities known as the "Gateway to Kenai Fjords National Park". Seward is a picturesque town located 126 miles south of Anchorage.

For Job Opportunities for Correctional Officers:
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• 7 days on 7 days off

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The card displayed (front - above, back - left) is one example of how the Department of Corrections is using the week on/week off schedule to recruit new Officers. We feel that the new recruits will be disenfranchised when they find out they were lied to in the hiring material that caused them to sign up in the first place.

We cannot afford to lose this valuable benefit, especially since current Officers base their lives around it.

In Conclusion - Just the Facts

This change will cause hardship for Correctional Officers and their families and the DOC does not have one study that demonstrates how costs will decrease. This is not right.

The 12-hour week on/week off schedule has been in place for thirty (30) years and has worked great for everyone involved.

Staffing is already an issue (confirmed by the 2010 Legislative Audit) and now the DOC is doing away with a critical recruitment tool.

The DOC is currently attempting to staff Goose Creek but will now lose many current Correctional Officers with this change who would have been willing to transfer. Many, who might transfer to Goose Creek to work 12-hour shifts, will not do so to work an 8-hour shift.

The State is trying to change working conditions and a 30 year past practice without following the Alaska Statute 23.45.070, which requires the employer to negotiate on matters of wages, hours, and other terms and conditions of employment.

Before the 12-hour shift schedule, overtime was much higher due to burnout and increased sick leave usage. The week on/week off schedule affords Officers the ability to schedule the majority of doctor appointments and other necessary personal needs on their week off, saving leave and overtime costs.

Many current C.O.s were enticed to become Correctional Officers by the DOC's promotion of the week on/week off schedule. Going to 8's will not only hinder recruitment but also break the promise made to many Officers now employed.

Officers forced to resign, coupled with the difficulty of hiring new Officers, will cause the remaining Officers and inmates to be in greater danger because of the diminished staffing levels.

This will have a devastating effect on the morale of Correctional Officers statewide.

For example, at the Spring Creek Correctional Center many Officers do not live in Seward on their week off. If they are forced to change to an 8-hour shift schedule these Officers will have to resign because they will not be able to afford to commute 3 hours one way, five days a week.

The DOC is trying to say that 8-hour shift positions already exist. This is not true. Personnel that are currently on 8-hour shifts are non-security-shift personnel, such as Officers in records, property, and other non-security positions.



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