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**Date:** January 4, 2012 11:24:46 AKST  
**To:** "DOC - All officers I-III" <[doc.all.officers.i-iii@alaska.gov](mailto:doc.all.officers.i-iii@alaska.gov)>  
**Subject:** FW: MESSAGE FROM COMMISSIONER JOE SCHMIDT

Dear Correctional Officers:

In 2010 the legislature approved and funded the current collective bargaining agreement (CBA). At the time, the legislature was aware of an arbitrator's decision in 2009 that significantly increased the accrual rate of annual leave hours for Correctional Officers. 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" resulting from the arbitrator's 2009 decision. (The intent language is included at the end of this letter.)

In 2010 I wrote the following in an email letter to all Correctional Officers:

*Dear Correctional Officers:*

*As Governor Parnell has signed the supplemental bill into effect, the agreement of 2009 between the state and your bargaining unit is now in effect. Parts of the agreement generated some concern within the legislature and as a result, intent language was published regarding leave accrual. The Legislature stated that there is to be no major costs associated with the increase in leave each employee receives. We were directed to change shift scheduling if needed to insure no major costs would be borne by the state as a result of this clause.*

*As we don't yet know how our Officers will react to the new accrual rates, it is too early to make decisions about shift schedules. We know the amount of leave taken by our Officers to date, and we know what our overtime has been throughout the department. I have instructed management to continue to approve leave as we have for the last two years. With this, we expect to see no appreciable increase in overtime costs, and we should be in compliance with the legislature's directive.*

*We will monitor our numbers for the next several months, and if we see increases, we will communicate that and assess solutions as needed.*

With several years of leave usage and subsequent overtime costs in place, a concerning trend has been identified. Leave usage and cash-in by Correctional Officers has increased considerably. While both impact the budget, 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 – this is nearly triple the hours of personal leave taken in FY 2009 and does not include the cost of leave cash-in. The overtime costs associated with leave usage is significant and we have clear instruction from the legislature to limit these costs.

Whenever we ask the legislature to fund new Correctional Officer positions, our request is always supported with factual information as to how these new positions will improve safety for the public and for staff within our institutions. Asking the legislature to fund new positions to cover the leave usage of present employees is not an option as it lacks this important element.

Current leave usage, subsequent supplemental budget requests and the legislature's intent language have led to a review of staffing levels, Correctional Officer schedules and prisoner activity schedules. Changes are being carefully considered.

Deputy Commissioner Sam Edwards will post a letter to you within two weeks detailing expected changes and a timeline for the changes to be put in place. These changes will be designed to keep us in compliance with our constitutional mandate, statutes, regulations and budgetary directives.

Thank you all for your dedication and service.

Joe Schmidt

Commissioner

attachment:

SLA 2010

\* Sec. 5. DEPARTMENT OF CORRECTIONS. (a) The sum of \$10,462,600 is appropriated to the Department of Corrections to implement the interest arbitration decision dated March 19, 2009, establishing monetary terms of the collective bargaining agreement with the Alaska Correctional Officers Association, for the fiscal years ending June 30, 2010, and June 30, 2011, from the following sources:

General fund \$10,348,500

Federal receipts 114,100

(b) For (a) of this section, it is the intent of the legislature that

(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;

(2) the Department of Administration, in the conduct of current and future collective bargaining negotiations, refrain from considering the implementation of the Department of Corrections' interest arbitration decision, dated March 19, 2009, as suggestive or indicative of legislative endorsement of the arbitration award provisions for personal leave accrual rates for the Department of Corrections or any other bargained agreements.

attachment

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