



ALASKA CORRECTIONAL OFFICERS ASSOCIATION

"Walking Alaska's Toughest Beat"

January 10, 2014

Honorable,

On November 22, 2013, the Alaska Correctional Officers Association (ACOA) sent the attached letter to Governor Parnell in regard to the Blended Staffing Schedule. As you may remember, in 2012 the Department of Corrections (DOC) decided to unilaterally move forward with their Blended Staffing Schedule, a staffing model which places a portion of Correctional Officers on an 8-hour weekly schedule, while leaving others on the traditional 12-hour week on/week off schedule. Both Correctional Officers and Legislators adamantly argued against this plan. Correctional Officers stated that it was unsafe and a blatant breach of the Collective Bargaining Agreement, while at the same time Legislators declared that the plan was not well vetted and dangerous.

"....., the legislature finds that the Department of Corrections has insufficiently contemplated the long-term impact—including costs of litigation or arbitration, officer and inmate safety, and employee recruitment and retention-of an adjustment to the historical policy of shift staffing..."

- Recommended Intent Language from the 2012 Senate Sub-Committee on Corrections

In January 2013, ACOA and the DOC went to arbitration before a nationally recognized arbitrator, Janet Gaunt, to determine if the DOC actually had the right to unilaterally change Officers' schedules without bargaining. In April 2013 the Arbitrator issued her decision but the DOC balked and she had to send this clarification on August 2013.

"...the DOC violated applicable provisions of the ACOA Collective Bargaining Agreement when it assigned correctional officers working security posts to other than the 84 hour work schedule referenced in Article 13.2.A of the CBA. One of the issues you submitted to this Arbitrator was to fashion an appropriate remedy if a contract violation were found. I have done that: directing that affected correctional officers be made whole for the wages and benefits they lost, including restoration to the previously utilized 84 hour work schedule and the 12 hour shifts encompassed therein."

- Arbitrator Gaunt's August 5, 2013 Clarification of her Opinion and Award

This decision came on April 2013, yet the Department of Corrections is still ignoring the Arbitration Decision and Award and Correctional Officers are still working the dangerous and costly Blended Staffing Schedule.

As you know, Correctional Officers are Class I employees and therefore do not have the option to strike. The only option Correctional Officers have to remedy a breach in their Contract is through the mutually agreed upon arbitration process. Commissioner Schmidt has stated publicly that he believes in the arbitration process and believes it to be legally binding.

"But we do agree and stand by the agreement that we made that we will use the collective bargaining agreement to settle our differences. And it's a grievance and it's an arbitration. And if we lose an arbitration, we keep our head up, we be professional, and we comply with the arbitrator's ruling and we don't cry about it."

- Commissioner Schmidt on the Cutting Edge Radio Show in 2008

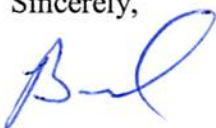
"Sure, it's like a court case, and you know, you win some and you lose some. I think what is important is that you do it for the right reason and then you abide by the process... We agreed through a grievance process ending in arbitration and we agreed if an arbitrator disagrees, by the sanction or whatever and they put him back to work, we're adults about that, we don't complain, we make whatever arrangements we have to. We pay him if we owe him whatever it might be, and we live with it."

- Commissioner Schmidt on the Eddie Burke Radio Show in 2008

The Association requested that the Commissioner respect the process, as he states above, and adhere to the Arbitrator's decision. Instead the DOC filed a lawsuit in an attempt to nullify the decision. The negative impacts that the Legislature warned about have all come true, the new 8-hour shifts have been an unmitigated disaster, yet the DOC still refuses to admit its mistake and move on. Correctional Officers work hard in a dangerous and thankless job on behalf of all Alaskans. They do not deserve this, especially given the fact that since its inception the Blended Staffing Schedule has proven to be detrimental and costly to the Department. It is unfortunate that even after Legislators rejected his plan, warned him about the financial consequences; Commissioner Schmidt exposed the State to a significant financial liability.

On behalf of Correctional Officers statewide, thank you for your words of support as Officers once again fight for what is right and safe.

Sincerely,



Brad Wilson
Business Manager
Alaska Correctional Officer Association