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DEPARTMENT OF CORRECTIONAL SERVICES SPECIAL INVESTIGATIVE COMMITTEE
October 23, 2015

[LR34]

The Department of Correctional Services Special Investigative Committee met at 9:00 a.m. on Friday, October 23, 2015, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a hearing on LR34. Senators present: Les Seiler, Chairperson; Patty Pansing Brooks, Vice Chairperson; Kate Bolz, Colby Coash, Laura Ebke; Heath Mello; Paul Schumacher; and Matt Williams. Senators absent: Ernie Chambers; Bob Krist; Adam Morfeld.

[LR34]

SENATOR SEILER: This is the LR34 Committee hearing. And we have one invited testifier. Just for everybody's explanation, Director Frakes called me a couple days ago and said that their reports weren't due...or were due, but they weren't done until November 6. So I said we...no use having a hearing with his people until we get our hands on the report. And he agreed to that and promised me they'd be done by November 6, prior to November 6. So that's why we've eliminated some of the testifiers. My name is Les Seiler and I'm Chairman of this committee. Senator Williams, you want to start off the introduction. [LR34]

SENATOR WILLIAMS: I'm Matt Williams from District 36, Gothenburg; Custer County, Dawson County. [LR34]

SENATOR SEILER: Go ahead, Diane. [LR34]

DIANE AMDOR: Diane Amdor, legal counsel. [LR34]

SENATOR SEILER: And Oliver. [LR34]

OLIVER VANDERVOORT: I'm Oliver, the committee clerk. [LR34]

SENATOR BOLZ: Senator Kate Bolz, District 29. [LR34]

SENATOR PANSING BROOKS: Hi, I'm Patty Pansing Brooks from (District) 28, right where we're sitting. [LR34]

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SENATOR EBKE: Laura Ebke from District 32, down in Crete; Jefferson, Thayer, Fillmore Counties. [LR34]

SENATOR SEILER: Paul, do you want to introduce yourself? [LR34]

SENATOR SCHUMACHER: Oh, Paul Schumacher, District 22, that would be Platte County, around Columbus; part of Stanton, and part of Colfax County. [LR34]

SENATOR SEILER: Mike Marvin has been an invited speaker. Oh, Senator Coash, do you want to introduce yourself? [LR34]

SENATOR COASH: Senator Coash. (Laughter) [LR34]

SENATOR SEILER: Mike Marvin is the executive director of the Nebraska Association of Public Employees, and we have invited him to come and testify today. It's yours. [LR34]

MIKE MARVIN: (Exhibits 1-6) Thank you, Senator Seiler. Members of the committee, I appreciate this opportunity and the invitation to talk to you today. You have a number of handouts that I will go through during my testimony. They're not...they...maybe the number of exhibits are numbered numerically, but I'm not going to address them numerically. So they get somewhat complicated. If there's any point in time that you have a question, don't hesitate to interrupt me and I'll explain it as best as I can. I have with me today two former employees of the department, if you happen to have any questions of them. Mike Steadman and Keisha Silas both have over 12 years of service in Corrections. Mike left Corrections three years ago to come to NAPE. Keisha left Corrections about two months ago to come to work at NAPE. As I understand it from the invitation I received from legal counsel that you wish to hear from me about the staffing policies in the Department of Correctional Services. Specifically, she pointed me toward three things: the 2014 Master Plan, Dr. Gage's report, and the Critical Incident Report. To me they really don't address what I believe are the pressing issues in Corrections with employment retention, and I'm really not going to address those too much. We are looking at them further and we haven't really made a lot of decisions on what those reports do say. But I do have a lot of things to say today and let me get started here. There has been a lot said about hiring staff for the

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Department of Corrections. The department doesn't seem to have a problem hiring; their problem is retention. We attend staff training academies for new employee orientation every time there's a new class. And I would say that they have hired at least 700 new employees this year. I don't have a figure, the department can probably provide that to you. They're all required to go through the staff training academy. We have everyone in those orientations. We have nurses, mental health practitioners, plumbers, carpenters, food service workers, so everybody who works at Corrections goes through the staff training academy. Those that are not in custody and housing staff don't go to it to the same depth that custody and housing do, but they all have to go through there. And while the shortage of staff in the protective side has been making headlines, we have staffing shortages throughout the Department of Corrections and throughout the state in general. Nurses are a real problem. Mental health practitioners; maintenance workers to keep the place running and put together. So there's a lot more to it than the headlines say with the custody staff. I really don't have a lot more to say about the hiring, except that I think the department is missing the boat. I recently had a conversation with Director Frakes and Erinn Criner from the HR and I asked them about they were doing to attract new hires. And they talked to me about this plan, the career development plan, they just very proud of it, and rightfully so, I mean, they worked hard on it. But the simple fact is, there's not that many jobs for people to advance to in Corrections: wardens, assistant wardens, majors, very few of the people will ever advance to that. For most of my people that we represent, they want a job where they go to work, they make a decent wage with decent benefits that takes care of themselves and their family. One of the largest issues that looms out there is that they want to go to work when their shift starts and know that they're going to go home when their shift ends; that's not happening. And it's, you know, I know Tecumseh was a lot of the focus of this. But it's happening at all the Correctional facilities. NSP, D&E are really bad also. One of the other things that struck me when I talked to them about what they're doing to hire, not one plan was mentioned to me about moving into the areas where unemployment is high, specifically, north Omaha. Unemployment there is extremely high. I don't know what or why there is no focus on that in that neighborhood. I grew up in that neighborhood; I am an old north Omaha boy, I come from there. I know what's going on, I spent most of my life there. Now Keisha, who works for NAPE, and I had discussions about this. Keisha has told me that in her years, she only has had contact with about 25 black employees. I don't know what the figures are and I didn't look at them. But I know the ratio...the racial ratio is not that of the general population of the state and I think that they probably need to look into that

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area because they need people that inmates can somewhat identify with and there's an available workforce there. And if you go over to Central Office, you walk around over there, all I see is white faces. I've never seen a person of color or minority over at Central Office. Those are things that I think need to be addressed in the hiring. The hiring, they really have not provided us with any other plans on what they're looking at, so I really don't have a lot more to say about the hiring. But on the retention issue, which is where I believe the largest problem lies, I have a lot to say. The big issues in retaining employees at this point in time are mandatory overtimes. As I said, people want to go to work, they want to know when it's time to get off, that they're going to get off and go home. It wreaks havoc with their families, family plans, they can't go to their kids' games. They can't go to their kids' school things, that normally they would be able to do working their normal shift. Childcare has been a major issue. If a person has their child in childcare and it gets toward the end of the day and they're being told that they have mandatory overtime, they're stuck, scrambling trying to find something to do with their children. It has been a problem and people have left because of that problem. The other issue is the wages. And this is where we will get into some of my exhibits here. In Exhibit 2, now these figures that you are looking at here are taken from one year ago in our contract negotiations. And as you see there, we have a minimum hourly and a maximum hourly salary and you have it for both years of that collective bargaining agreement. Well since 2002, there has been no means for any state employee to move off of that minimum. So if we go in, such as we did last year, and we negotiate a 2.4 percent increase, that minimum starting wage goes up 2.4 percent and the people who are employed at that minimum starting wage go up that same 2.4 percent. There is no way for them to progress through the pay line. Prior to 2002, we had what were known as step increases. It was a defined way at certain points that you were going to move a percentage through the pay line. This gets into the CIR at this point in time. We have to have...and you have a handout that I gave you that I use to educate our members on what the CIR is and how it works. We have to have something...and on the last page of the CIR handout, it talks about prevalent and the array. In our array states, in order for us to have something like a pay plan, a step pay plan, it has to be prevalent in that array which means the majority of the people in that array have to have that step plan for the CIR to order it or for the state to know that they have to agree to it. It is not been prevalent in our array since 2002. And beginning with Governor Johanns and carrying on through all Governor Heineman's administration, they refused to have a way to advance through the pay line. This has been a real problem where it comes to retention. People do not feel that their service and their length of

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service is valued, that the experience that they gain as they're doing this job is valued. I know that many of you sitting around this table that have been around here for a while know your job much better now than you did...in Senator Mello's case, seven years ago when he stepped in here. You know, there comes knowledge with that experience. And they feel that it is not appreciated or recognized. And it is a real problem when you go out and talk to the Correctional officers, the nurses, the mental health practitioners, the plumbers, they all say this is a problem. We don't feel like we're valued and why should we continue to stay here? And they leave. Now we could hire 700 people in a year, but if 800 leave because they don't feel appreciated...or even 400, we haven't really gained anything. So there has to be a way. They're just stuck at the hiring rate. So is there any question on that part of it? Have I made it clear how that works? [LR34]

SENATOR SEILER: Senator. [LR34]

SENATOR SCHUMACHER: Thank you, Senator Seiler. When you talk of arrays, is that comparable jobs other where in government or private sector or is it comparable to penitentiaries? What is an array and who is in our array? [LR34]

MIKE MARVIN: All right, Senator. If we go to look at attachments...I believe it is Exhibit 4, by the CIR regulations, we have to compare to states that have twice as many to half as many state employees. That is what we compare to for CIR comparability. It does not take into account any of the local or private entities that we may compare to. That comes into a real problem, particularly in urban areas like Lincoln and Omaha where you're trying to hire Correctional officers. You can go to the county corrections and it's much different. Nurses to work there, they'd have all the different hospitals that they can go to. It is a real issue that there is no local comparability included in these. It is simply states...excuse me, that have twice as many to half as many state employees. [LR34]

SENATOR SCHUMACHER: Is that general state employees or Correction employees? [LR34]

MIKE MARVIN: You get into bargaining units. And people who work at Corrections are in different bargaining units. The...let's see, if we go to Exhibit 3, again, and if you look you see "administrative professional" and that is all the jobs that are in the administrative professional

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bargaining unit. And as you page through, you get to the other bargaining units--social services and counseling; examining and licensing; health and human care professional; health and human care non-professional; maintenance, trades and technical; administrative support, all those different bargaining units. We do not negotiate by agency because these jobs cross all different agencies in many cases, except for those guys who are in protective services bargaining unit, they stay. They don't go to the other bargaining units with several small exceptions for mental health securities specialists. The Correctional officers, the corporals, the sergeants, the caseworkers, they all stay within Corrections. But every other job that's out there crosses different agencies. So we don't bargain by agency. This was done and established in 1987 with the State Employees Collective Bargaining Act which is your Exhibit 1 that you can look at, that is all the statutes that deal with that. At that point in time, they establish the bargaining units and this is how it was set to negotiate and how the CIR has set up the rule on those types of things. [LR34]

SENATOR SCHUMACHER: Thank you. [LR34]

MIKE MARVIN: Um-hum. [LR34]

SENATOR SEILER: Senator Coash. [LR34]

SENATOR COASH: Thank you, Senator Seiler. Mike, I want to go back to something you said earlier in your testimony because I want to give you an opportunity to clarify. When you talked about the kind of faces you see at Central Office... [LR34]

MIKE MARVIN: Yes. [LR34]

SENATOR COASH: ...is your contention that there is a discriminatory practice going on there? [LR34]

MIKE MARVIN: I don't know that there is discriminatory practices, but I think they are missing the boat in looking for employees. I don't know that it is an institutional-type thing. But I do believe it is something that maybe needs to be looked at. You know, it may go back

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institutionally for many years. There was a lawsuit years ago that the state lost based upon discrimination in the...of some black employees in the Corrections. [LR34]

SENATOR COASH: That's fine. I just wanted you to clarify that, because that's a pretty heavy charge. [LR34]

MIKE MARVIN: It is. [LR34]

SENATOR COASH: And just to go out and say--well, I walked around and I did a little headcount; that's a pretty heavy thing to put out there. So I want to make sure that's clear. [LR34]

MIKE MARVIN: Well, I understand. Thank you, Senator. [LR34]

SENATOR SEILER: Senator Ebke. [LR34]

SENATOR EBKE: Thank you. Okay, so I'm an old school board member, so my experience with CIR and collective bargaining may be different than state employees, so I need a little clarification here. My understanding, at least within school district arrays, and the numbers are about the same, you have twice as many, half the size. But my understanding is that it's not mandated that you be at the mid-point. You can be above the mid-point; you can...any bargaining is...those guidelines are for when...to prevent impasse. So this is the...you want to be at minimum of the mid-point, right? [LR34]

MIKE MARVIN: Right. [LR34]

SENATOR EBKE: So is there anything that has prevented the bargaining agencies...that the bargaining units from bargaining back in steps, if you will, because some of us have...you know, we've been out to the prisons, we've heard administrative staff complain about that very problem. [LR34]

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MIKE MARVIN: There is nothing, Senator, that prevents the state from agreeing to those things. The state...we don't even have to use this. And if you look at that array that is in that one, it is a terrible array. We have Mississippi, Louisiana. There's nothing that says that we cannot agree to a different array or that we cannot agree to something that exceeds the CIR point that they do. The problem is, we can't force anything above what the CIR mid-point is or what is not prevalent in there. And the last two administrations have not been willing to negotiate anything other than what the CIR says we have to have, what point we need to be at. [LR34]

SENATOR EBKE: But the CIR doesn't require or say you don't have to have arrays...or the steps or so forth. They merely look at the numbers. Right? The salary and where people would...if you have an array, where people would be placed on that salary array (inaudible). [LR34]

MIKE MARVIN: We have a separate part of CIR, that is the State Employees Collective Bargaining Act that was passed in 1987. [LR34]

SENATOR EBKE: Okay. [LR34]

MIKE MARVIN: What it does is it says that if we go to the CIR and we say we want step raises, if it is not prevalent in that array, the CIR will not award it. Now the state can agree to it, but we just have not had administrations that have been willing to agree to it. [LR34]

SENATOR EBKE: And we used to have step raises? [LR34]

MIKE MARVIN: We did. We did. [LR34]

SENATOR EBKE: And when did that end? [LR34]

MIKE MARVIN: 2002. [LR34]

SENATOR EBKE: And why did it end? [LR34]

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MIKE MARVIN: Because Governor Johanns didn't believe that it was prevalent in the array and he would not agree to continue it. [LR34]

SENATOR EBKE: Okay. Thank you. [LR34]

MIKE MARVIN: Okay. [LR34]

SENATOR SEILER: I have a question. [LR34]

MIKE MARVIN: Yes, sir. [LR34]

SENATOR SEILER: Looking at your Exhibit 3, in your previous...a little while ago in your testimony, you stated that the employees cannot get off of the minimum comparability. Is that (inaudible)? [LR34]

MIKE MARVIN: That's correct. [LR34]

SENATOR SEILER: Okay, based on your testimony then, if you look at your array in all of your categories, they're all positive. [LR34]

MIKE MARVIN: We are above comparability in every...in every job that is in the protective services bargaining unit. [LR34]

SENATOR SEILER: And some of them are pretty significant. [LR34]

MIKE MARVIN: Some of them are pretty significant. [LR34]

SENATOR SEILER: I just want to clarify and make sure I understood what you were talking about. [LR34]

MIKE MARVIN: Yes. Yes, and you know, and that's what's bringing in the Mississippis and the Louisianas, it has really... [LR34]

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SENATOR SEILER: That brings up another question. You said something about the array is horrible; who decided on the array? [LR34]

MIKE MARVIN: Okay, the array, we can agree to any array that we wish to. [LR34]

SENATOR SEILER: Right. [LR34]

MIKE MARVIN: But the state has not had a willingness to agree to anything that does not meet the CIR fact guidelines. So what you do is you find the twice as many to half as many. We first start by going out with how close they are to the state of Nebraska from state capital to state capital. We would go and we draw concentric circles in finding out which state capitals...so you have a proximity requirement in the CIR and then the others have to fit. We reached out to Colorado, but Colorado had too many state employees, so we go on to the next; we just keep reaching out in concentric circles. [LR34]

SENATOR SEILER: Have you tried any new CIR cases in front of the new CIR? [LR34]

MIKE MARVIN: No. [LR34]

SENATOR SEILER: The old one, I tried a number of those cases both for the employees and for the employer. And one of the things that we looked at, at that time, was unemployment. Do they still become a factor? [LR34]

MIKE MARVIN: No, not for the State Employees Collective Bargaining Act. Under 48-418, it may. But the state employees, for the most part, fall under Chapter 81 through the State Employees Collective Bargaining Act. [LR34]

SENATOR SEILER: Okay. Thank you. [LR34]

MIKE MARVIN: All right, I guess I can go on...I'm sorry. [LR34]

SENATOR SEILER: You may continue. [LR34]

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MIKE MARVIN: I can continue from there. You know, now this really gets into an issue that has been ongoing for many years. When the step raises were lost, the members...state employees started screaming. We can't get raises, we can't do anything. And every time we talk to management, they say it's your fault; it's your fault because the contract won't allow it. Well, this is prior to my coming here, just before I got here; in 2006, I was here the first time. Then I left and I came back in 2013. There was a contract was negotiated; and if you look at your Appendix 4, this is the Article 11 language from the last contract; and there has been no substantial changes to it in the new contract, except for the wage rate went up to what they adjusted. But if you go through this and you look at Article 11.1.1, this was a bargaining unit proposal based upon state employees that were complaining about not being able to get raises. It says: Nothing in this agreement shall prevent the employer from providing, in addition to the provisions of this article, merit increases/bonuses to employees. If you go down into 11.11, the state has interpreted that also to say that we have to approve in-grade hiring requests. And I'd say that's...a new hire is different from the people that are existing employees. But in any case, if the state came in and said we were going to give all the Correctional officers or all the nurses a merit increase, this provision of the contract gives them the right to do that. I may object if I did not find it being applied evenly and fairly to all employees, but that would be the only objection I could really raise. That's...and even that is subject to a grievance procedure and a third-party determination if we cannot agree. [LR34]

SENATOR SEILER: When you say "all employees," do you mean all in that bargaining unit? [LR34]

MIKE MARVIN: All in that bargaining unit, yes, yes, Senator Seiler. You know, or in that job class within that bargaining unit. [LR34]

SENATOR COASH: Senator Seiler. [LR34]

SENATOR SEILER: Yes, Senator Coash. [LR34]

SENATOR COASH: Can I ask a question, please. [LR34]

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MIKE MARVIN: Sure. [LR34]

SENATOR COASH: Mike, I've had...this was brought to my attention and I'm glad to see it on paper here. So let's say a warden identified...I don't...I may get the titles wrong, but like a corporal that's doing a really bang-up job, really excelling, doing a really...going above and beyond his or her duty. And that warden said--I recognize your good performance and because of that would like to give you a merit increase so some amount of money that would recognize that person's good...above and beyond performance. Would you then object if not every corporal got a... [LR34]

MIKE MARVIN: If they articulated the reasons for it and said this is why they stand this, and this, and this, I would have no objection that I could legally stand upon. They have to articulate why it is happening and there has to be a reason behind it. It can't be because, you know, I'm a warden and I like this corporal more than this corporal. I would ask for some objective reasoning why they get it. I really would ask for that. And I suppose if I didn't think it was objective, I could object to it and we could...a person who was adversely...who felt they were adversely affected, we could file a grievance on that person's part. But I still say that they have the authority to do it. [LR34]

SENATOR COASH: But if they did it, they'd risk a challenge from you saying you didn't do this for all my members, so now we got to go take this back up to court. [LR34]

MIKE MARVIN: I wouldn't...not to court... [LR34]

SENATOR COASH: Or to the CIR. [LR34]

MIKE MARVIN: No, it wouldn't necessarily go to CIR. The grievance procedure has a whole separate thing that we go through that would be put in front of an independent arbitrator. [LR34]

SENATOR COASH: Okay. [LR34]

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MIKE MARVIN: So it wouldn't really go to the CIR as a grievance. In theory, yeah, they run that risk. You know, I can't say it wouldn't happen, but, I mean, it's not likely if they can articulate their reasons for it. I'm not going to spend a lot of money to fight something that I'm going to lose. [LR34]

SENATOR COASH: And why would you spend any money when one of your members gets a raise for doing something above and beyond? [LR34]

MIKE MARVIN: At this point in time, if they articulated those reasons, I probably wouldn't. [LR34]

SENATOR COASH: Okay, I'm starting to see why it never happens. [LR34]

MIKE MARVIN: You know, and I would caution this and I will say this--if you do that, and the agency does do that, particularly in the Corrections agency right now, and they just decided everybody at Tecumseh and not all throughout the system was going to get a bonus or an increase, you would probably destroy morale at all the other places where you also have serious staffing issues, and if they were doing it as a retention type bonus, so. Now there is precedent for using the retention bonuses and pay. It was during the beginning of the Beatrice State developmental problems and they had a retention issue down there and they came up with a plan and presented it to us to do retention bonuses and we said--fine, not a problem. Now, I will say that money didn't necessarily get spent the way it was intended to be spent; that came from management and they...I think they blew it on temp employees, that appropriation, because there had to be a special appropriation for it also. [LR34]

SENATOR SEILER: Senator Pansing Brooks. [LR34]

SENATOR PANSING BROOKS: Thank you. I'm just trying to clarify; it seems like we're speaking two different things here. On one hand, Senator Coash is talking about specific individuals. On the other hand, the work that you do is to increase and fight for cost of living increases for a general group of employees. Is that correct? [LR34]

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MIKE MARVIN: Correct. [LR34]

SENATOR PANSING BROOKS: And so I think that if we're talking about a specific person who excels, that's under a different whole genre of what it is that you do. And what you are here to fight for is to have cost of living increases, to have step ability like most of us have in our employment to be able to increase as we progress. Is that correct? [LR34]

MIKE MARVIN: That's pretty much where it's at and that's how we see it. That is our intent. I mean, we would like to see excellent work rewarded, but again, we do have concerns that are not being...that it be done objectively and not subjectively. And so we would have some issues there if we did. But I would, in general, like to see a way for all employees to have a means to progress from the minimum to the maximum. [LR34]

SENATOR PANSING BROOKS: I have another question. So what's happening in other prisons or in other states? [LR34]

MIKE MARVIN: It's all over the board, Senator. And that becomes another issue when you're in negotiations. Some having means to progress, but they don't call them step raises. Some call them step raises. And we've argued this in front of the CIR in 2006. And because the terminology wasn't the same for all the means, they found it wasn't prevalent. But we do have states that have ways to progress through the pay line. Excuse me. Iowa has it; Minnesota has it, they were two that were in our array. I believe Indiana has it. But many of the others do not. So it is all over the board if you go countrywide. And I suppose maybe I might put this out there at this point in time and you will see it. Go ahead. [LR34]

SENATOR PANSING BROOKS: Okay. And so...and I'm also wondering, what is the difference between the counties and the state? Why is it...is it just their bargaining is...? [LR34]

MIKE MARVIN: Comparability. [LR34]

SENATOR PANSING BROOKS: People are listening to them or...I'm just... [LR34]

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MIKE MARVIN: Comparability is the big issue. If we look at Sarpy County and Douglas County and Lancaster County, when they reach for comparability out there, they have to use counties. So they are with a version of the half as many to twice as many. Some of it works on population in some areas; some of it works on the number of employees. It's up to interpretation. They reach out and they're not...I mean, they're reaching to Iowa, to Kansas City, to other areas to get county employees that they're comparable to. So the large counties get a better array of comparability than state employees get. And what it comes down to is how the array is structured and what equal sides put together is an array, or what both sides come up with opposing arrays and the CIR decides. The array structure for counties is different than it is for states; it's different for municipalities than it is for counties. It's different for schools than it is for... [LR34]

SENATOR SEILER: Senator Schumacher. [LR34]

SENATOR SCHUMACHER: Thank you, Senator Seiler. The thing we've struggled for in this whole area or struggled with is how much does it cost, hesitancy to commit to something that costs money, the conflict between our political system telling the people--you're paying too much in taxes. People are eager to believe that when they're told they're paying too much for something, whether it's food, gas, taxes, whatever it is, they put pressure on the system, particularly when it's verified by people running for office. And so the question, ultimately, boils down to, in adopting any of these policies, is what...if we did what you're proposing to do or did what was right, how much would the bill be? How would that have an impact on our state expenditures? How does that fit into this big picture where we told people we're going to try to get you tax constraint or tax reduction, and at the same time we really just as soon not look at the expenditure side? How much is the bill? [LR34]

MIKE MARVIN: In all honesty, Senator, for a step-grade plan, we didn't break down the cost for the last two negotiations because we knew the state was not going to agree to it and we didn't waste the time and effort to break it down. What we did present this time, in our last negotiations one year ago, was a small, what we called longevity raise; and it was going to amount to about 5 cents an hour every five years that a person was there. So on your fifth year you got a 5 cent increase, on your tenth year you got another 5 cent longevity increase. So every five years you would get a 5 cent. To implement that in the first year for bargaining unit employees, our cost ran

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around \$2.6 million in the first year. But then it varied from year to year after, depending on when people hit that five-year mark. But the initial cost to implement that for our bargaining unit employees was about \$2.5 million. [LR34]

SENATOR SCHUMACHER: Did you say 5 cents or 5 percent. [LR34]

MIKE MARVIN: Five cents. [LR34]

SENATOR SCHUMACHER: Five cents an hour? [LR34]

MIKE MARVIN: Five cents an hour. [LR34]

SENATOR SCHUMACHER: Every five years? [LR34]

MIKE MARVIN: Every five years. [LR34]

SENATOR SCHUMACHER: A penny a year? [LR34]

MIKE MARVIN: Basically you...but you would only get it on the fifth-year anniversary dates. [LR34]

SENATOR SCHUMACHER: Okay, thank you. [LR34]

SENATOR SEILER: Senator Mello. [LR34]

SENATOR MELLO: Thank you, Chairman Seiler; and thank you, Mr. Marvin, for your testimony today. I have a couple of questions that are a little bit on historical perspective, and you mentioned a little bit about it in the Beatrice State Developmental Center. What was the general...since none of us, actually, on this panel today were actually in the Legislature when this was decided in 2007-2008, what was the overarching or the over...the main reason that the Legislature at the time decided that they felt they needed to provide more appropriations to the BSDC employees and staff? [LR34]

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MIKE MARVIN: Because BSDC at that point and still has the same problems that Corrections has. They cannot attract or retain employees. That is a theme throughout state government. So they felt that this was going to be a means to hold on to people and attract some new people. [LR34]

SENATOR MELLO: And we can get...and I can request some of the legislative history from different offices in the Legislature, so I won't bore the committee with that. I want to tie that though specifically to some of the conversations that we've had at the end of the last legislative session regarding the Tecumseh State Correctional Institute in regards to some of the challenges that maybe Tecumseh has similar that BSDC has in respects to being located outside of the major metropolitan area of Lincoln, and to some extent, not having a large workforce in the community where the facility is at. I understand the concerns that you raised in regards to if we were to consider something only for one facility and not correctional officers or employees at all the other facilities how that could have a negative impact on employee morale. What do you think though, specifically, knowing that this has been an ongoing challenge at that facility longer than the other main facilities, what other options do we have then as policymakers to consider retention and attraction at Tecumseh in comparison to the Lincoln facilities or the Omaha facilities? [LR34]

MIKE MARVIN: Well, you hit one of the big nails on the head--how do you get people to go to Tecumseh? I mean, we don't want them to have to drive 50, 60, 70 miles every day to go to work and then get stuck working 16 hours then have to drive 50, 60, 70 miles to go home. Director Houston at one point in time, I know, was considering some things, you know, like some subsidized housing possibly in that area to make it more attractive to people that would...to go down there. There are other things that I think could be looked at. I suppose, you know, you could look at some type of gas stipend for people that live out so many miles if you don't want them to drive down there. That is another thing that Director Houston at one time had talked about. As you said, this has been an ongoing problem at Tecumseh since the building of Tecumseh. [LR34]

SENATOR MELLO: Since it's been built. [LR34]

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MIKE MARVIN: Since it's been built. We really haven't...as ourself done an evaluation of what we think we can do to attract people to Tecumseh. But those are some things that have been put out there. There have been some hiring bonuses talked about before. But again, you run into some issues, you know. The department has to think about it. If you give a hiring bonus, well, what about a retention bonus? I mean, because you're going to give new hires more money than the existing people working there that is an issue. So there are things out there. But again, we haven't evaluated it as strictly a Tecumseh-type thing on our own. You would have to talk to the department and see if they have any other ideas. And again, Director Houston did have some ideas that he was talking about and they never materialized. [LR34]

SENATOR MELLO: We can talk about that at a later point in time, too, I think, as a committee and maybe revisit this maybe at a later hearing if that's available as well to do a little of our own due diligence in respects to other proposals or concepts that have been considered by the department in the past. I wanted to at least bring up something earlier in your testimony that I know we started to...it started to appear in front the (LR)424 Committee last year in respects to the mandatory overtime issue and the impact that that mandatory overtime on employees is having on the overall workforce in the Department of Corrections. We looked at it from, obviously, an Appropriations fiscal perspective in which the department has requested and we provided additional funding this year for more overtime payments. The question that was raised last summer when we were investigating a number of issues in this troubled agency was how do we break the cycle? Because this has been an ongoing cycle of the department utilizing vacancy savings in regard to vacant positions they can't fill using that salary for mandatory overtime and they just can't get out of that. What have we got to do to stop this? What do we got to do to break the cycle of ending the mandatory overtime? And in reality, obviously, I know it's going to cost money. But is there something in regards to the executive branch on the management side or employment hiring side we've got to consider working with them on to stop this mandatory overtime issue? [LR34]

MIKE MARVIN: The main issue that has come out is that you have to recognize the longevity of the employees and reward longevity to retain. You have to retain people in order to solve the issue. You can't just keep hiring and hiring and hiring and losing and losing and losing on the other end. So you have to find a way to encourage employees...experienced employees to stay

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and continue working for the Department of Corrections rather than going to work for the railroad; rather than going to go work for County Corrections; rather than find a job at a grocery store because they're tired of not knowing when they get to go home. Retention is the key issue, in my view. A lot has been talked about about hiring people. But if you can retain current employees you have, your hiring issues go away. [LR34]

SENATOR MELLO: Thank you. [LR34]

SENATOR SEILER: Senator Bolz. [LR34]

SENATOR BOLZ: I'd like to follow up just a little bit on what Senator Mello was discussing. Of course, there's a cost associated with training up employees and then losing them. [LR34]

MIKE MARVIN: Absolutely. [LR34]

SENATOR BOLZ: Right. And that's part of the equation. At the end of the last session, when we had a lot of discussion about what was happening at Tecumseh, we had just the beginning of a conversation about what if we did a demonstration project somewhere; what if we did some efforts to proof of concept what different strategies would work in terms of recruitment and retention. Can you help me understand if or how something like a demonstration project would be possible under the umbrella of the CIR? [LR34]

MIKE MARVIN: I'd have to think about that one a little bit. My answer right now would be...if it was made clear that this is a program that was a demonstration and both sides agreed to it, I don't think there would be any CIR issues. But I would really reserve and want to do a little bit more look at that. [LR34]

SENATOR BOLZ: Sure. Fair enough. Thank you. [LR34]

SENATOR SEILER: Senator Pansing Brooks. [LR34]

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SENATOR PANSING BROOKS: Thank you. When I was...when we were talking about Tecumseh, it's my understanding there were about 57 people there...staff members, is that...do you know if that's right? [LR34]

MIKE MARVIN: A shortage of 57? [LR34]

SENATOR PANSING BROOKS: No, I think there are about 57 staff...it was higher than that? Well, what I heard was that...about under...just under half of those had two years' experience. And I...so I'm sitting here wondering--do you ever negotiate for the...I mean, it seems to me, of course, that we want the people with the most experience handling our most dangerous. So if we have people with the least experience handling the most dangerous and risky and most needy inmates, it seems to me that just doesn't even make any sense. And of course two people were killed and I'm not saying that anything happened that the guards did anything wrong. I'm just saying that, clearly, more experience in any situation helps. [LR34]

MIKE MARVIN: Absolutely. [LR34]

SENATOR PANSING BROOKS: So do you think that all those high-risk, high-security should be moved to Lincoln and the lower risk and then you can make people that are new drive the hour and a half? I mean, I just don't understand this whole thing. (Inaudible) and I don't know what power you have over this or exactly what we can do with what you're doing, but pretty much all we can do is say--keep fighting for increase of salaries, and fighting for this...fighting against enforced overtime. That's the most ridiculous...not one of us sitting here would accept a job that has enforced overtime--not one of us. Or at least more than one time. [LR34]

MIKE MARVIN: Yeah, I mean, you expect that unexpected situations will happen, somebody gets into a car accident on the way to work so they're not coming; or a last-minute call in. So you expect that there will be instances that you get mandated to stay over because the post has to be filled. [LR34]

SENATOR PANSING BROOKS: Yes. [LR34]

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MIKE MARVIN: But when you have such staffing shortages that those mandates are three or four times... [LR34]

SENATOR PANSING BROOKS: Consistent. [LR34]

MIKE MARVIN: ...a week, that's a whole different animal. And, again, you know, you talk about the inexperienced, younger employees. And I wholeheartedly agree, they don't...they have not learned their job yet. Just like it took me years to learn my job; it takes you years to learn your job and you get better at it with experience. That is a real issue and it goes back to find a way to reward those people... [LR34]

SENATOR PANSING BROOKS: But is that something that you can negotiate? [LR34]

MIKE MARVIN: We have tried. We have tried to do longevity raises; we have tried to do longevity bonuses. You know, the simple fact is... [LR34]

SENATOR PANSING BROOKS: What about longevity sited...I mean, I presume the people that are there longest don't want to drive the hour and a half, or whatever, so they get priority to stay either in Lincoln or Omaha. Is that right? [LR34]

MIKE MARVIN: Well, what happens is they hire. You get hired and you get hired for this position number. This position number is located in Tecumseh. This position number is located in Lincoln at NSP. This position number is located in Lincoln at...and you get hired for that position number, so you get hired to go to that position. You know where you're going when you get hired. Now when you are there, this is very interesting to know this, I will give Director Frakes some credit, now let me hit on that in a second, when you are there, you can transfer out to a different facility...a lateral transfer to move to a different facility. Until recently, under Director Frakes, what you had to do is you had to get the warden at each facility to agree to a transfer. And so the wardens at Tecumseh were not agreeing to transfers. Or if they agreed, they delayed it, delayed it, delayed it. Director Frakes has instituted that they have 90 days if somebody wants to lateral out, that they have to go...be allowed to lateral to that position. On the other...the other thing before I forget, and I want to praise Director Frakes for that, I think that's

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a...that it's done some good. The other thing that Director Frakes has done that I want to say he has done some good because we do see some improvement in things, it used to be the Department of Corrections, under Director Houston, and I think it was...came mostly from George Green, their attorney at that point in time, if you had a minor mistake that you did at your job, they came down on you hard. They gave you what's called a "statement of charges" to come in and explain what was going on. And they issued the most severe discipline that they could. That has gone away. We rarely...we used to be really busy doing statement of charges. Director Frakes has--and this goes towards retention--he has issued that...don't do that anymore. If an employee has a minor screw-up, take them off to the side, explain to them, talk to them about what they did wrong. Don't come down on them like a ton of bricks. All you're doing is chasing them away. And he has instituted that. Things are much better in that manner and people are seeing that. I think last month we had four statement of charges at Tecumseh for the month; and 75 a week would have happened before, you know, for every little minor thing that happened. So Director Frakes is making progress on those types of fronts where he has some ability to effect it. Some of the things we're talking about here are going to follow to Senator Mello's committee if Director Frakes puts in a request or if the Governor directs them to money. He is taking the steps, I believe, to make things better where he can without the dollars. But in the end, it's going to take dollars to fix these problems in Corections. It's going to take these problems and fix dollars at the Lincoln Regional Center where we have nurse issues, at the veterans home where we have nursing issues, at Department of Roads where we can't hire people with CDLs because they can go somewhere else and make a lot more money. I mean, this just goes throughout the state. And it's going to come down to dollars. And as Senator Schumacher said, you have to answer to the taxpayers for that. So... [LR34]

SENATOR PANSING BROOKS: I know that the medical staff is a continuing problem. Is there a plan to get more? I mean, do you foresee any way that we can...other than paying people more, what... [LR34]

MIKE MARVIN: In the medical field, I really don't. But I haven't put a lot of time into studying is there different ways. I'm looking at myself, I just...if I'm a nurse and I can go to Department of Corrections and deal with people who have some, maybe, serious behavioral issues, are dangerous, and I can make \$20...I'll have to look up the wage increase, but \$20 an hour, \$26 an

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hour, or I can go to a hospital in Lincoln where it's not as dangerous of a situation and I can make \$29 an hour, what am I going to do? That's what it is. And with the mental healthcare professionals, we know there, along with nurses, there are shortages of them throughout everywhere in the state, not just in the Department of Corrections, but everywhere--in the private industry and in public. So there is competition for those people. And how do you put yourself above the rest of the competition? You pay them what it needs to bring them in and make it so they want to come to work. There are people that I have experienced that are licensed mental health professionals for the state of Nebraska who believe that working for the Department of Corrections is the right thing to do to help get these people that are incarcerated back on track. So you also have to find something that is rewarding to the person as their goals in life and what they see to...as good for them to do. [LR34]

SENATOR SEILER: Would you go back on your testimony now? [LR34]

MIKE MARVIN: Oh, I'm sorry, Senator. I'm going to have to...you know, we have touched on a lot of it. One of the things I did not touch on when I was talking about the CIR, and I have a...and this is a real concern for us, if we go out here and we do this and we put in step increases and we raise the wages to what is above comparability for the array, which they already are in the protective services, and if we do more, and Governor Ricketts is agreeable to many of those things. Governor Ricketts decides that when it's time for reelection, he wants to go work for the Chicago Cubs and not be...sorry, Oliver, I had to get the Cubs in there, you know, he wants to go work for the Cubs and not be Governor anymore. And a new Governor gets elected, and a new Governor says--what was Ricketts thinking? He doesn't need to lay out these kinds of money. There's a section of the CIR that says that if we fight them, if they come in and say, well, you got to roll your wages back because they are above comparability and we say, no, we're not going to do that and they take us to the CIR, and 81-1383 in (2)(C)(ii) says that the CIR shall...not may...shall or put in an order reducing wages. So we have those issues that are out there that are always a concern. We'll take what we can get now and deal with what comes in the future, if it comes, but it is always out there. We always have that concern because with the last two Governors we did have, they were not going to do anything that exceeded comparability. When we went from 2006 to the CIR, we had wage classes that were above comparability. We structured our proposal that those people's wages were frozen. The state...Governor Heineman

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said, no, we want those wages reduced to comparability. Well, because of the way the CIR law for us was written at that point in time and the way our proposal was structured, the CIR froze our wages. In 2011 when the CIR was revamped, that was a major issue for Governor Heineman, it's my understanding, I wasn't here for that, but that he insisted that they be lowered and it will...ordered them lowered. So we have that...that consideration is always out there also. And I wanted you to be aware of that. I want to find where I haven't gone. Again, in addition to using 11.1.1 to put some bonus money or retention money out there, we have offered and we can reopen negotiations, we can't require that they reopen negotiations, they can't require us to come to negotiations. But we have made the offer to sit down and negotiate again. So if the Governor wants to, the administration wants to sit down and negotiate, we are open to negotiations. So we can do that. [LR34]

SENATOR SEILER: Excuse me, let me clarify one thing. [LR34]

MIKE MARVIN: Yes. [LR34]

SENATOR SEILER: Exhibit 2 says that your contract is good through June 30, 2015. [LR34]

MIKE MARVIN: Yes. [LR34]

SENATOR SEILER: Have you entered into another agreement to extend that? [LR34]

MIKE MARVIN: Yes, this was from our last negotiations. This is the stuff, the exhibits that we used in our last negotiations. That's why I...just give...and I thought I made that clear at the beginning. I'm sorry if I didn't. We entered into another agreement... [LR34]

SENATOR SEILER: Okay. [LR34]

MIKE MARVIN: ...that had a 2.4 percent increase, was basically the changes. [LR34]

SENATOR SEILER: That's fine, I just wanted to clarify that. [LR34]

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MIKE MARVIN: Yeah. Yes, sir. And again, I am going to tell you that I have been out hunting for senators to introduce a longevity statute for us. During our last negotiations, we came to them and said, look, let's just do this little longevity plan, this nickel that we were talking about every five years. And they said no. We said, look it, it's in statute in a lot of other cases. And the state's lead negotiator looked at us and said, well, you need to go talk to the Legislature and you need to have them put that into statute. Well, you're going to see a bill this year that has a small longevity for all state employees. I'm not just talking about the people that we represent in our bargaining units. The way it is being written is going to be for all state employees. And it is not a lot of money if you look at it on an hourly basis. I think this one is going to say 6.25 cents every five years. So there is an initial cost to put everybody where they belong in a pay line on those raises. But after that, every year somebody reaches their fifth year of service, they would get a little raise. So you will see that introduced this year. I think we have it all ready to go. But the main issue when you talk about Corrections, when you talk regional centers, when you talk about the veteran's home, the main issue is retention, not hiring. Our hiring rates seem to be at an area where people want to come to work here. But once they're here and they find out that they are going to stay at that hiring rate, they leave. And with them goes that experience; with them goes that cost of training those employees. In Corrections, the training is very expensive. They have a seven-week program over at the staff training academy that they go through before they're put out into the field. When they get into the field, they have some more on-the-job training. The costs of losing an employee are very high, because you've invested that much in them. So I just can't understand and haven't been able to understand why the state has not been willing to agree to reward employees to stay with them. And if we keep the employees, we don't have to hire as many new ones. That's really pretty much the conclusion of my testimony. I do have, as I said, Mike Steadman and Keisha Silas back here who are both long-term Corrections employees if you would have any questions of either one of them I can make them available to you also.

[LR34]

SENATOR SEILER: Are there any questions? Senator Schumacher. [LR34]

SENATOR SCHUMACHER: When you were talking the nickle every five-year increments...

[LR34]

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MIKE MARVIN: Right. [LR34]

SENATOR SCHUMACHER: ...were you talking retroactive then? [LR34]

MIKE MARVIN: Well, what the initial...I mean, the initial proposal we had was if...if Mike Marvin had 14 years of service today, he would automatically get the two five-year longevity raises immediately; not back pay, but from that date forward he would be at the...he would have a 10 cent raise from that date forward. And then on my 15th year, I would get another nickle. [LR34]

SENATOR SCHUMACHER: So you would look at the total service. [LR34]

MIKE MARVIN: Yeah, total years of service. [LR34]

SENATOR SCHUMACHER: And the bill on that came to \$2.5 million? [LR34]

MIKE MARVIN: \$2.5 million for our bargaining unit employees. [LR34]

SENATOR SCHUMACHER: Oh, okay. For state...I mean, but if we did this statewide, how big a bite are we exposing ourselves to? [LR34]

MIKE MARVIN: You know, I don't have those numbers put together. Our bargaining unit is...our bargaining units are the vast majority of state employees. So it would maybe be another third of that put in there. I don't have those numbers and I never did put those numbers together for all state employees because I don't bargain for them. But we will probably have to put those together for the bill. [LR34]

SENATOR SCHUMACHER: Thank you. [LR34]

SENATOR SEILER: Senator Mello. [LR34]

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SENATOR MELLO: Thank you, Chairman Seiler. Mike, I may have missed it in part of your earlier testimony, but could you give us an update from a staff perspective and at least from the members that you represent in regards to the general morale down at Tecumseh right now. Has there been a shift or change since we've had this discussion back in May in regards to what front-line Corrections and security officer have been going through, the general atmosphere down there, the culture down at Tecumseh in regards to the aftermath of the riots? [LR34]

MIKE MARVIN: Senator Mello, may I defer to one of my staff on that who has spent a considerable amount of time at Tecumseh since that time? [LR34]

SENATOR SEILER: Yeah. [LR34]

MIKE MARVIN: Mike. [LR34]

SENATOR SEILER: Please state your full name and spell it. [LR34]

MICHAEL STEADMAN: My name is Michael Steadman, S-t-e-a-d-m-a-n. [LR34]

SENATOR SEILER: If you have information regarding the question, go ahead. [LR34]

MICHAEL STEADMAN: Would you repeat the question, please. [LR34]

SENATOR MELLO: Mike, essentially, we've...I know we've received some materials from the Ombudsman's Office in regards to their evaluation of what's been going on at Tecumseh from the Ombudsman's Office perspective. Can you give us from a front-line employees' or members' perspective of generally what has transpired, I would say, since the riots at the end of the legislative session and has the general atmosphere, the culture changed at all in regards to how employees feel their day-to-day...the day-to-day activities at Tecumseh are getting better or are they the same as they were prior to the riots? [LR34]

MICHAEL STEADMAN: I think I'd have to take that question three ways, Senator. As a point of reference, I've been in the facility at least, I believe, four times walking through and just

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talking to anybody that would talk to me, both management and labor, or I like to say just the people that work there. It's simpler that way. I think initially after the critical incident or the riot at Tecumseh, you had, what I would consider, a siege mentality. Basically, or a flood mentality, if you will, everybody has to pitch in because you, you know, you have to. You have to do what you have to do to keep your, you know, the facility running, but to keep your coworkers safe. And then by default, keeping the inmates safe. And during that critical incident, as you know, there was a lot of destruction to the facility. And the repair of that destruction is still ongoing. Plus, you also have, as a matter of record, that there are a number of investigations, both with the Legislature, I guess, the Ombudsman's Office, and also with the state investigators for possible criminal prosecution. All of these are still ongoing as I understand. And that kind of rolls into the mix of the answering of your question. The second piece, I would say, is that as time goes, you lost some initial employees because of the critical incident. I mean, they had enough. But you actually had, before the riot occurred, you actually had people that were looking for other positions, both management and labor. So that was already in the hopper when the incident occurred. But you have lost employees because of the riot there. There's no doubt, from what I'm hearing. You have a change from 8-hour shifts to 12s, which means I'll have to stay longer by design. And that has had some positive and negative effects. Some employees that come from distances; and we've had employees that I'm aware of, that come from Fairbury and Omaha, Lincoln, and then down in Kansas and Iowa. So if you worked 12 hours and you have more days off, that's one thing, but 12 hours is a long time to work when you work consecutive days. But it wears on the mind. And then you have, as already been mentioned by Senator here, why would you have the greenest staff in the state or very green staff working with, actually, the hardest inmate population in the state? I echo that. But what you have is, is that now that the crisis, if you will, is easing. The facility is trying to get back to a new normalcy is, at least, what I've heard. I no longer have to pull with you, Senator Mello, because I don't feel that sense of emergency because that sense of emergency eases. But you can't stay in "code red" for months. I mean you just can't. The body won't do it. And so what I'm hearing is that there are many staff members that before, as now, have a very sense of mission and will stay. You have a number of staff that are done and they are leaving. Now before...in 2002 or 2004, maybe up to '06, I was told by administrative staff that Tecumseh had a 67 percent turnover rate, and the rest of the Department of Corrections had 25 to 37 percent. I have asked that question since...in the past few years and I'm told that those statistics are not available. I've asked for that information while I

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have been doing grievance work. But that's huge. And so into the mix in the second piece, to try to answer your question, is you have an influx of new employees. A new employee is a highly skilled, highly trained, but it's a new employee. If I run a business and I'm a mechanic and my job is to fix cars and I have a new student that come in, we can fix cars for better or for worse, but usually nobody gets killed or severely injured because of how I did or didn't fix the car. When you're talking about a Corrections facility, how you work on the job with inmates is critical, not only for your own safety, the safety of the inmates, but the safety of my coworkers that come in other shifts later or are on the current shift. So when you bring in an influx of new people, and they have because they've had to, they're new. And so it takes, just like to learn to be a senator, it takes a while to figure out what you're doing and how to do that. And it's a human relations issue to me that's magnified. The third answer, I would say, to answer your question is long term. The morale is, is I'm going to find someplace else to go. And I've kind of touched on that before. But to that end, I can get a significant raise today from what I was making as a corporal, you know, at the time...by the way, I was a caseworker when I was there, but even as a caseworker, I can get a significant raise just by going to work for Lancaster County Jail or to Douglas County. My money in my pocket is more significant and my medical benefits are more significant, have less cost to me. And so what we've become, I believe, is basically a training and testing ground for Lancaster County and Douglas County and some of the other...both state facilities and county facilities across the state. And once you lose that employee, which Mr. Marvin mentioned, you can hire another employee. But when I left and with 13 years, I put in my two-weeks' notice and absolutely nobody asked me what it would take for me to stay. Well, you can hire another employee the next day to do my job. They will not have 13 years of experience and they will not be able to work and swim in a special management unit like I did which had death row at one point and also had the inmates that absolutely nobody in the state could handle or work with. And that was the population I worked with every day and other members of the staff that work at...in the special management unit at Tecumseh. So you can get a new body to fill my shoes, but you can't...you have to have the experience. So I'd say morale-wise, you have folks that are leaving, folks that will stay, folks that are looking for better pay and benefits. And I think that the influx of new staff, although it will allow me to go home, hopefully, on time, which is huge, experience and retention is huge. And statewide, not only at Tecumseh, but NSP is having problems. And by the way, just as a point of reference, when the critical incident happened at Tecumseh, they brought in staff members from other facilities to work at

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Tecumseh during the critical incident. So, for better or for worse, how you feel about your institution, it's also been ferreted out to the other institutions. [LR34]

SENATOR SEILER: Senator Bolz. [LR34]

SENATOR BOLZ: Did you have a follow up? [LR34]

SENATOR MELLO: I just had one follow-up question. One, we'll be able to get those turnover rates information, I'm sure, from the Department of Corrections was they...prior to them coming to testify in front of us next month. Does the department...you just said something that was pretty shocking actually...does the department have an employee exit policy at all in regards to when someone says I'm going to put in my two weeks, is there a process at all that they walk you through of saying, look, we want to know what we can be doing better or the challenges we may have; good things we did, ways to improve, anything along those lines when you were there or do they currently have that now for employees, do you know? [LR34]

MICHAEL STEADMAN: I think the simple answer is no. [LR34]

SENATOR MELLO: Okay. [LR34]

SENATOR SEILER: Senator Bolz. [LR34]

SENATOR BOLZ: I'd like to ask Ms. Silas a question if that's okay. [LR34]

KEISHA SILAS: Keisha Silas, last name, S-i-l-a-s, first name K-e-i-s-h-a. [LR34]

SENATOR BOLZ: I'm just curious, you were with the department for over 12 years, is that right? [LR34]

KEISHA SILAS: Yes. [LR34]

SENATOR BOLZ: What made you stay? [LR34]

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KEISHA SILAS: I started off in Corrections in Colorado when I was 20. I enjoyed Corrections. It's a good atmosphere. If you have a good team surrounded with...you're surrounded by good people, it's an easy job, you go home safe, you feel safe. I'd probably still be in Corrections, but I think I just needed a break at this time because of the overtime and being denied time off and then the influx of new people. When you have new people, you have different situations. You now have to worry about is this person who has gotten a badge because they've got five weeks of training and they're going to come in and they're 19, 20, and I'm dealing with a 30-year-old inmate...or people who have been locked up longer than this person has been alive, and you're going to respect me because I have a badge. That causes a whole different situation and makes more stress between your coworkers and your inmate population. [LR34]

SENATOR BOLZ: That's helpful. And my only other question is some of the research I've looked at says that in terms of job satisfaction, having opportunities to learn new skills or to cross train can sometimes help people feel like they're making a difference in their job and that helps with retention. Did you have those opportunities, what was your experience? [LR34]

KEISHA SILAS: My experience, I was a caseworker. I worked at four different facilities. Working at Lincoln Correctional Center, Community Correction Center of Lincoln, Omaha Correctional Center, and then "juvi place"... "juvi pen." So I, for myself, I needed the diversity. I need to be able to move around instead of being stuck in a rut by staying at one facility and the same job. Each facility, as a caseworker, offered different training opportunities and more experience. [LR34]

SENATOR BOLZ: Great. Thank you very much. [LR34]

SENATOR SEILER: Any further questions? Thank you very much. Seeing no further questions, do you have anything to...? [LR34]

MIKE MARVIN: I have nothing more, Senator Seiler. [LR34]

SENATOR SEILER: You may step down. [LR34]

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MIKE MARVIN: All right, thank you, sir. [LR34]

SENATOR SEILER: That ends the invitational testimony. We will start with the same practice on November 6 where we left off today. Thank you very much for attending this hearing and look forward to seeing you on November 6. [LR34]