

# INSIGHT

into corrections

Illinois Department  
of Corrections

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## LABOR and MANAGEMENT



Communication is the key  
to effective relationship

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# Quarterly News Notes

## Gov. asks \$785 million for prison operations next year

Governor Jim Edgar requested \$785.2 million in general revenue funds on March 1 to operate Department of Corrections facilities for Fiscal Year 1996. This 10.3 percent increase over the current year will allow for opening and staffing of more than 2,200 new prison beds.

Also included in the fiscal 1996 budget request is \$47.7 million for Illinois Correctional Industries, a 5.8 percent increase over the current year. Illinois Correctional Industries produces goods and services for state and local governmental agencies and non-profit organizations using inmate labor to manufacture the products. The program operates under a revolving fund with increases based on sales from the previous year.

"With more than 37,000 adults currently incarcerated in a system that is being pressed to the limit, the need for additional prison space is vital," the Governor said. "We will open 2,244 new beds for adult inmates this fiscal year, and I am proposing we expand our correctional system by more than 1,400 beds, including a new medium-security prison, during fiscal 1996.

"Through fiscal 1996, this administration will have opened 5,582 new beds at adult correctional facilities to protect the public and to assure that convicted criminals are punished," Edgar said.

More than 900 additional security staff will be hired by the end of fiscal 1995, half of them under the Governor's initiative to add 416 officers at existing prisons to manage crowding and population increases.

Previous expansion plans are increased under the Governor's proposal. Work camps announced for Vandalia and Pittsfield will be doubled from original plans, with each now expected to house 400 inmates. In addition, new wings on existing cell houses at the Shawnee, Danville and Hill Correctional Centers will add 336 beds in the Adult Division. The medium-security unit at the Menard Correctional Center will be expanded by 100 beds, and a new 200 bed work release program will be established in the Chicago area. □

## Correctional Industries helps counties recycle appliances

In a recent visit to Springfield, Mark Mehall, solid waste coordinator for Rock Island County, presented Correctional Industries Superintendent Ron Parish with a check for \$57,000. It was the first payment for services rendered to the county through the first major appliance dismantling program operated by a correctional facility. The Correctional Industries program, under contract with the Rock Island County Solid Waste Management Authority, is collecting and dismantling appliances such as refrigerators, freezers, washers and dryers.

"We have established work assignments for 40 inmates at the East Moline Correctional Center," stated Parish. "It is expected that more than 5,000 appliances will be recycled in the first six months of program operation."

"The major appliance program teaches inmates to completely dismantle major appliances, sorting out all recyclable components. Inmate workers are taught to segregate aluminum, brass, copper, plastics and glass which are sold to secondary markets. At the present time, the only item not recyclable is the insulation surrounding freezers," added Jerry Schofield, superintendent of the East Moline Correctional Industries program. □

## Inmate gets 90 years for attack on female officer at Vienna

Steven R. Redman, a 35-year-old former Vienna inmate now housed at Menard, was sentenced to 90 more years in prison March 15 for sexually assaulting a female Vienna CC correctional officer. Redman was convicted Jan. 26 of attempted first-degree murder, aggravated criminal sexual assault, attempted aggravated sexual assault and aggravated kidnapping in connection with the attack on the correctional officer.

The inmate was serving the last eight months of a 22-year sentence for a 1985 conviction in Sangamon County for rape and home invasion. He had also been convicted of rape, deviate sexual assault and armed robbery in 1984. Redman was sentenced to the maximum of 60 years in prison on the attempted first-degree murder charge. In addition to the 60 years, he was also sentenced to serve 30 years for aggravated criminal sexual assault. □

# INSIGHT

into corrections



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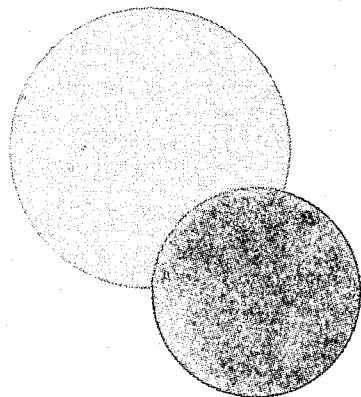
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# Communication is the key to good labor/management relations

**T**he Illinois Department of Corrections is many things, but most of all it's about people, claims Director Odie Washington. Managing people is the most common duty at the agency. It's a skill that determines the success of employees from the newest officer trainee to the senior administrators in the agency.



Sustaining good labor relations in this atmosphere isn't just desirable. It's required. It's common sense.

In January, 1995, there were 13,276 employees working for the agency. They supervised more than 36,500 inmates in the Adult Division during three shifts each day, 27,000 adults on supervised release or parole and 3,000 youth in Juvenile Division facilities or back in the community. A majority of employees doing this difficult work are union members in the American Federation

of State, County and Municipal Employees (AFSCME) or other groups.

As the warden at Dixon Correctional Center, Director Washington established a reputation as a reasonable and innovative negotiator when considering union concerns. A good example is the pilot program allowing equally qualified employees

**by Brian Fairchild**

to substitute for each other. The program is being studied at Dixon Correctional Center where Washington was the warden before being appointed IDOC Director.

"It seems to work well so far," Washington said. "If an employee has a child in a school play or other activity that will take place while he or she is supposed to work—and they can't get time-off because we need to have that post filled—that officer and another officer of equal qualification can substitute for each other. With this ability, the employee can go to the family function and then later that week, work the other employee's shift to cover the substitution.

"With this option the union employee gets to do something he or she couldn't have done before. Management has all assignments filled and there's no overtime worked or sick time used when it really shouldn't be," said Washington.

"This is just one example of the type of program we can build for the benefit of our employees with cooperation between union and management," he adds.

According to Washington, union and management must exchange telephone calls on a variety of issues. Open communication is crucial in such a difficult process of give-and-take. And, it's a process that has no conclusion. It continues. It grows in scope when it works well for both sides.

"People sometimes have trouble working out labor/management agreements because it's a tremendously difficult process. Many of the impasses we see today in this country will only be solved with a lot more hard work and more creative approaches. We're committed to this process. We're committed to working hard to find agreement, and we're committed to opening up the process to creative solutions," he said.

Washington believes that dealing honestly with the different perspectives labor and management bring to the bargaining table encourages understanding and compromise.

"We all need to put ourselves in the other guy's shoes for a minute when we're trying to work these things out," he adds with a smile.

Director Washington leaves no doubt that he intends to build on the positive achievements of the agency in labor/management cooperation. The high stakes in the prison business demand it. A constantly increasing prison population and tight financial constraints greet prison employees at the start of each shift assignment.



**"We have to realize how difficult it is for union officials to represent nearly 9,000 union members who work for this agency. It's a tremendously difficult job for them. Those of us in management can be more effective leaders by recognizing the unique pressures placed on union representatives," he (Washington) added.**



"Peoples' lives are at stake every minute of the day in this business. Our biggest tragedies aren't falling stock options or product recalls. We manage violent people.

"We worry about funerals," he said.

"This tremendous responsibility demands professional leadership on both sides. We can't afford not to deal effectively and fairly with AFSCME. We need each other to win," Washington said.

"We have to realize how difficult it is for union officials to represent nearly 9,000 union members who work for this agency. It's a tremendously difficult job for them. Those of us in management can be more effective leaders by recognizing the unique pressures placed on union representatives," he added.

Chief Deputy Director Larry Mizell supervises the agency labor relations staff. According to Washington, he has the people skills necessary to pull things together.

"Good employee/management relations and teamwork are as simple as knowing what's going on. The first step in developing teamwork is communication. Everybody needs to know the plays in the playbook," said Mizell.

He enjoys his responsibility as a "referee" in the often boisterous labor/management arena at the agency.

"What we strive for—and what AFSCME often wants—are positive advances for the benefit of the agency and our employees. Good lines of communication are essential to achieve this. We have a lot of 'team' meetings."

## **Policy of cooperation**

Director Washington adds that talks are nearly always more productive when the personalities of labor and management negotiators are under control and focused at what's on the table.

"If we can craft agreements that protect management's overall concerns on an issue, and also provide for union demands, then that's where we need to go. Side agreements to the statewide contract have been beneficial to us both. Good agreements that will stand the test of time have protection and promise built into them for both sides of the negotiating table," said Washington.

"I agree," said Mizell. "I think this policy of cooperation is critical. We've found that successful relations don't mean one side has to win and one side has to lose. Good agreements help us all," he adds.

Managing the labor relations unit requires a lot of ingenuity and innovation, according to Mizell. Both management officials and union representatives can lose focus on the importance of cooperation.

"I believe IDOC has made a very determined and sincere effort to work with AFSCME and they've made a commitment to work with us. There are a few times we had to agree to disagree. But, those few issues aside, I think there is a very good relationship between the Department of Corrections and AFSCME," he added.

Most observers agree the high profile issues between AFSCME and the administration almost always deal with money. The union brings many excellent ideas to the table which management agrees with 100 percent. But, limited resources or other budget constraints often create a barrier to implementation.

"I wouldn't be surprised if this is not the central issue for most labor/management disputes in the nation. There will always be differing opinions on the best methods to allocate scarce resources. It's a fact of life between political parties, labor and management, husbands and wives—it's always going to be there," said Mizell.

Financial issues are dealt with by the statewide bargaining committees of AFSCME and through the Illinois Department of Central Management Services. However, many policies may be reviewed directly by individual agencies and the union.

"You can change procedures without necessarily getting into financial agreements. Corrections has been a leader in negotiating with the union in this area," said Mizell.

"In my experience, we have made the greatest moves together when we set aside the adversarial feelings and deal with facts, procedures and contract interpretation. When we've checked our emotions at the door and really communicated with each other it's amazing how easy it is to build bridges between our positions," Mizell said.

"Building the atmosphere that encourages a good dialogue between the union and managers at the agency is a long-term effort," he adds.

"We're always working on it."

A detailed look at several landmark agreements between AFSCME and the Illinois Department of Corrections during the last decade provides insight into the many potential benefits of labor/management cooperation.

## History of cooperation

"There are some excellent examples of cooperative spirit in policies we have negotiated during the last decade outside of—and in addition to—the statewide agreement," Mizell said.

According to Ed Jordan, acting labor relations administrator for the agency, the first real milestone in the constructive dialogue with AFSCME came in 1984 with a supplemental agreement to the statewide contract removing gender-based assignments for security staff. This was a significant change in longstanding agency policy. No other state agency had agreed to deal with a problem like this under a supplemental agreement to the state contract. A brief history shows how both sides worked together on the problem.

"Before the agreement, there were certain areas of state prisons where female employees would not be assigned to posts. Women generally were on duty at posts outside the cellhouses in the visiting

## Transfer policy helps staff move between prisons

*The ability of union employees to transfer among existing correctional facilities in Illinois was one of the central issues in negotiations between state officials and AFSCME leaders during contract negotiations in 1989.*

*Corrections officials objected to transfer rights because of several issues. The need to keep a stable workforce at existing prisons and the possibility of creating staff shortages at some prisons due to unexpected transfer demands were concerns.*

*The need for experienced correctional officers at maximum security prisons was another concern. If job openings at medium and minimum security prisons were filled with officers transferring out of maximum security prisons, then a disproportionate share of rookie officers would be concentrated in the toughest prisons across the state.*

*Another concern involved the loss of several employees from the same position classification at the same time from a single prison. Any large turnover in a critical area like the kitchen or supply supervisor's staff could create critical problems in already overcrowded and difficult to manage prisons.*

*"There was the potential for a whole host of serious management problems with a transfer right for existing employees. But, the demand was on the brink of stalling the entire contract. We had to find some way to*

*craft an agreement that would allow some transfers while eliminating the negative outcomes," said Jerry Butler, who served as corrections management negotiator at the talks.*

*Another big concern to management was the fact that new prisons were opening in several communities across the state. Citizens in the communities where new prisons had been located were promised jobs as a benefit of welcoming the new prisons to their area. A transfer policy that spread new jobs across the correctional system and severely limited the number of local hires would break the promise of job creation for these towns and villages.*

*"There were dozens of issues that needed to be dealt with in the agreement. It really helped that both sides had worked together to deal with the gender-assignment and affirmative attendance agreements," said Butler.*

*"It would have been much more difficult for us to come to an agreement by the end of the fiscal year—which we did—if we didn't have that experience and existing relationship established. The lines of communication and hard work on both sides to be professional and keep focused on the need to agree made the negotiations go a lot smoother than they could have absent that relationship," Butler added.*

**TRANSFERS** .....continued on page 5

rooms, gatehouse, towers and other more visible, secure areas," Jordan recalls.

There were several longstanding reasons behind deployment of staff in gender specific posts. The right of inmates to privacy from members of the opposite sex was one issue. In addition, certain notions about "protecting women" were clearly evident on the part of many managers and line staff.

Many inmates complained that female officers in a mens' cellhouse was a violation of their right to privacy. Their main argument was toilets in each cell could be open to view at times.

Managers and line staff continued to argue women weren't strong enough to break-up fights or defend themselves if assaulted. They argued women could be

taken hostage easier and couldn't be expected to take a shotgun and use deadly force if needed.

Sexism was an accepted bias in most correctional facilities. This attitude existed all across the agency in both the Adult and Juvenile Divisions. Women had always been limited to working in "safe" posts and that tradition was assumed to be a component in the statewide labor contract with AFSCME. But protecting women was being translated into isolating women in the workplace. These notions had the undesirable consequence of limiting job selection and promotional opportunities for women.

The objections also took on some unexpected turns. A group of male Stateville employees complained it wasn't fair for

## TRANSFERS .....from page 4

The final agreement was another example of reducing complex issues into simple, concise language. The entire agreement is contained on four pages and consists of 10 points.

The employees eligible for transfer were limited to the RC-6 job titles. These positions included correctional officers and sergeants, food service workers, supply supervisors and clerks. In addition, youth supervisors in the Juvenile Division and security staff from the Adult Division would be allowed to transfer between these two divisions of the agency.

To limit large scale movement of employees able to transfer under the agreement, no more than five percent of the RC-6 employees in a facility may exercise transfer rights in one contract year.

To limit the movement of a large number of employees in the same position, no other employee in the same position will be allowed to transfer from a facility until the transferred employee's position is filled or management offers an exemption.

In addition, the agreement says each facility will not be required to fill more than

one-third of the approved vacancies per contract year though the transfer agreement. In other words, two of each three openings at a facility will be filled by the administration based on current hiring practices.

Other restrictions on transfers agreed to by both parties included the consideration of a past disciplinary history. Any employee suspended from work for more than 30 days within two years prior to the effective date of a transfer is denied transfer. And, employees suspended for more than five days within one year prior to a transfer date are denied transfer. Any employee who has served any suspension time in the six months prior to a transfer under the agreement is denied the transfer request.

"These limits on transfer rights were agreed to and they protect the managers in the prison system from some of the potential liabilities envisioned by granting transfer rights," said Butler.

"Another part of the agreement determined that only one-fourth of the positions at a new correctional facility would be eligible for transfers. This protected the promise of new jobs in communities lobbying for a new prison," Butler added.

In the end, both sides were satisfied. □

Only those employees who directly supervise inmates in these three situations must be of the same sex.

The duty of directly supervising men in these circumstances would be assigned to a male officer. However, a female correctional officer working in the same cellhouse would be expected to respond and assist other officers if a fight broke out in a shower or toilet area. The special circumstances where a female officer might be required to respond to a situation when male inmates are unclothed is a part of the job. The same is true for male officers in a cellhouse with female inmates.

The issue of an inmate's right to privacy under this policy has been reviewed by the courts. A suit challenging the placement of female officers in cellhouses was rejected by the courts based on a "balancing act" applied to the situation. Simply put, the right of female employees to equal employment opportunities outweighed the right of an inmate to the privacy provided by gender-based assignments.

## Value of cooperation

The value of equal employment opportunities for women created under the new policy was significant. Female officers became better candidates for promotion. A woman who wanted to be a sergeant could now develop cellhouse supervision skills equal to male candidates. The limits in opportunities for experience were no longer imposed by post assignments.

Corrections officials in Illinois claim the non-gender assignment agreement is far ahead of policies at many other state prison systems. The sexist policy abandoned in Illinois more than 10 years ago provides standing for expensive lawsuits in the systems where it still exists.

Judging the effect of the non-gender assignment policy on women who work in the agency is difficult. However, the number of female security staff working in prisons has increased.

Today, more than 1,100 women work at security assignments. This equals nearly 14% of the security workforce. It's clear that female employees are getting the experience they need to qualify for promotions. In January, 1995, nearly 20% of the promotions in the security ranks were earned by women.

women to be excluded from cellhouse duty and earn the same pay as a man working the more difficult post.

Other employees at the prison argued the tougher post assignments should earn hazardous duty pay. The entire gender-assignment issue was brought to the statewide labor/management meeting in 1982 and discussions started about the perceived inequities.

The situation was a problem for union leadership because of the dissension among their members. It was a management problem for the same reason union officials were concerned, but the additional potential for employee discrimination lawsuits and inmate privacy lawsuits added urgency to finding a successful policy to deal with the problem.

"A long and complicated agreement full of flow charts and other complex arrangements became the initial working document for the issue," said Jordan.

"But both sides saw the proposal was

too complicated and difficult to administer. After more than a year of review and many meetings of the statewide committee, a simple policy was finally developed to deal with the issue," he said.

The final memorandum of understanding on the policy was only five paragraphs long. It hasn't been altered in more than a decade and is still one of the first and best labor/management agreements of its kind in the nation.

It was agreed that only one post would be filled based on gender. Visitor shakedowns of females had to be conducted by a female officer. A male officer would conduct shakedowns of male visitors.

In addition, only certain duties inside the prison were appropriate for gender consideration including:

- Direct supervision of open showers;
- Direct supervision of open toilets other than cell toilets, and;
- Strip shakedowns of inmates.

The framework for negotiation developed between AFSCME and corrections managers to hammer out the non-gender agreement is probably just as important as the agreement itself, according to Jerry Butler, former labor relations chief at DOC, now superintendent at IYC-St. Charles.

"The agreement 'broke the ice' for corrections and AFSCME. By sitting down together, the two groups got something done between them without the Department of Human Rights or the Justice Department or a civil court telling us what to do," said Butler.

"I think this first effort at resolving issues facing both the union and management—outside what we are required to do in the statewide agreement—was really innovative. No other agencies had done it that I know of. We broke new ground in promoting cooperation with the union by doing it," Butler added.

## Coming to work

Another problem at Corrections for union and management during the mid 1980s' was lack of an agency-wide policy on attendance and use of sick time. A survey of five facilities showed the average employee missed work 11.5 days per year. Figures from one facility indicated that the average employee was gone from work 14.3 days per year. A study on absenteeism conducted by the Governor's office from 1983 to 1987 reported absenteeism for corrections employees was above that for all other state workers.

National averages for sick time use during that period published by the National Center for Health and Vital Statistics indicated the average worker should miss about 4.5 days each year due to illness.

"The attendance study showed us the extent of the absenteeism problem. It also revealed that every prison was handling attendance issues differently. Few institutions even had a basic philosophy about how important it is to come to work," said Butler, the former labor relations chief.

Corrections officials estimated the suspected abuse of benefit time was costing the agency nearly \$6 million in lost personnel appropriations in 1986. A total equal to nearly 230 full-time employees.

"AFSCME leaders across the state wanted to overhaul the attendance policy for other good reasons. There were a lot of

## "Paper" suspension policy increases productivity

*The affirmative attendance policy agreed to by AFSCME and corrections officials was a big step toward helping employees who were victimized by the chronic absenteeism of other staff. But, suspending those employees who abused time-off benefits through the disciplinary process was just one more action with a negative result. The employees who were punished for missing work by being suspended from work were creating a drain on staff resources. Those responsible employees who worked overtime for time abusers when they were committing the offense had to work for them again when they were suspended.*

*On Nov. 30, 1993, an addendum to the affirmative attendance agreement was signed to eliminate this problem. The agreement was a positive step for labor and management. It increased productivity at all facilities and reduced lost wages for union employees. Those employees who established a pattern of time abuse could still be discharged if the abuse continued. But, the effect on the other employees at a facility was diminished considerably.*

*Under the previous affirmative attendance policy of progressive discipline, an employee could be suspended up to a total of 31 days before discharge for a series of single day unauthorized absences with call-ins to the facility. The new procedure would result in one five-day suspension under the progressive discipline schedule.*

*Here's how the new policy would work*

*under the "paper suspension" agreement.*

*Except for the last offense prior to discharge, no employee will serve any suspension time. Employees will be given the usual notice of a suspension, but will be expected to report to work and lose no wages. Discipline for the last offense prior to discharge will be as follows:*

- Eighth offense of a single day absence with a call-in to the facility by the employee will be a 15-day suspension, only five days of which will be served.
- Eight consecutive days absent with a call-in will be a 20-day suspension with five days served.
- Fourth offense of a single day absence with no call will be a 10-day suspension with five days served.
- Four consecutive days absent with no call-in will be a 20-day suspension with five days served.

*A review of the policy in 1994 indicates a total of nearly nine full-time employees could have been hired with the added productivity resulting from the policy. An annual average of 2,061 days of lost productivity were reclaimed from suspended employees due to the policy according to Ed Jordan, acting administrator of employee services.*

*"This would equal about \$270,000 in payroll costs. My observation of the concept of using paper suspensions indicates the practice could be expanded to other areas with appropriate safeguards and agreement by union leaders," said Jordan. □*

grievances being filed and union representatives wanted a standard policy to help reduce the huge caseload of grievances," Butler observed.

Union leaders wanted a uniform policy because it would make attendance rules clear to everyone. They could show their members a uniform set of rules when a problem emerged. It took the heat off them in a sense because many hard working employees who never abused time-off were very upset with those who did.

"When an officer is mandated to work overtime because another employee calls in sick—or just doesn't show-up—then it's

understandable why the conscientious employee feels like he's the person getting punished. That's because he works his shift and overtime to cover the guy who didn't show up," said Butler.

At some facilities it took more than two unauthorized absences each month before an employee was referred for disciplinary action. So, those employees who were abusing time-off could miss 24 days in a year without getting disciplined if there were no more than two instances per month.

"The union agreed that holding all employees to a more appropriate atten-



dance standard was fair and met the concerns of employees who did show up to work every day. It became 'our problem' to solve together," said Butler.

But, as is often the case in labor/management talks, agreement on the need for a policy got bogged down over details, according to Butler.

"Even though we ended up in arbitration at the end of the affirmative attendance negotiations, we really weren't that far apart," said Butler.

Ed Jordan agrees, "The fact that we were both in agreement on the progressive discipline for time abuse was the important point. It was hard work advocating our position that previous attendance problems had to be noted."

"We were looking for a more conservative approach on the progressive discipline in the attendance policy than union leaders. After months of talks we decided to go ahead and put the management proposal in place and go to arbitration. The arbitrator asked us to go back and try to hammer out the few remaining differences. We did and the policy has remained in place without modification for more than six years," said Butler.

A central disagreement that sent both sides to arbitration dealt with how employees with past attendance problems were going to grandfather into the new discipline process. A two-year review period was agreed upon and by Jan. 1, 1991, the entire affirmative attendance policy was being equally applied to all employees based on a set scale.

"Within the first two years of the program average days absent per employee dropped by 30%. That decline has remained constant through last year when most department employees used about eight days off in sick or dock time during the year," said Jordan.

Both Jordan and Butler agree that this average is clearly an improvement in a profession that is one of the most stressful and dangerous jobs in society.

"When you consider the fact that some employees at every prison are going to be on extended sick leave due to major illness, it has to push the overall average up quite a bit. At several facilities, the days off average hits the target level set by the agency. The employees at these prisons are doing an absolutely outstanding job," said Jordan.

The Big Muddy River Correctional Center had an excellent record of employee attendance last year. The employees at Big Muddy averaged five sick days off in 1994. Vandalia and Western Illinois Correctional Centers also had good attendance numbers last year. Employees at those prisons used just over six sick days per employee—which meets the agency goal.

IYC-Harrisburg had the best attendance record in the Juvenile Division at 6.5 sick days per employee in 1994.



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Sick day averages at Menard Correctional Center and IYC-St. Charles have shown significant improvement since the first surveys of sick time use. At Menard, sick time use has declined about four days per employee.

"It's had a significant impact on efficiency. Adding four days of productivity for each of the more than 850 to 860 employees at Menard equals a little more than 15 full time employees," Jordan said.

"A larger improvement of more than six fewer days-off per employee by about 300 IYC-St. Charles employees is the equivalent of eight more staff at that facility," he adds.

"These success stories prove the commitment and professionalism of corrections employees," said Jordan. "They deserve most of the credit in meeting this challenge."

In a correctional system bursting at the seams with more and more adult and juvenile offenders, increased productivity in reduced time-off numbers means more safety for staff and inmates in the system.

## Safety in cooperation

In the labor/management cooperation detailed in this report, increased safety, equality and productivity are central themes. But if asked to choose, safety is the first priority for most corrections workers and administrators. And, better working conditions and productivity can be viewed as a path to increased safety in the system.

The continued elimination of drugs and drug abuse from the Illinois prison system is a critical safety issue, and another example of effective labor relations strategy in action at the agency.

Pre-employment drug testing and testing of existing employees based on reasonable suspicion has been standard in the transportation industry for more than a decade. The safety risks posed by an intoxicated semi-trailer driver are self evident.

Corrections administrators saw a similar, self-evident safety threat in prison employees who abused drugs or had the connections to deliver them into state prisons—under either coercion by inmates, or for the profit that traffic provides.

"Instituting a policy we knew the union would be reluctant to negotiate was a big challenge for our agency labor relation unit," said Ed Jordan.

"No other state agency had a drug testing policy that covered all job applicants and all existing employees," he added.

"It was an enormous, detailed job," said Jerry Butler, who was supervisor of the labor relations unit at the time the order was given to draft the rules.

"We knew going in to the formation of the testing policies that the union would not be willing to agree to this policy. It was clear to us that the program would be challenged. We needed to make sure it would stand up to the scrutiny," said Butler.

Pre-employment drug screening was less complicated than testing existing employees. Job applicants are not repre-

sented by the unions. Legal guidelines for testing programs were readily available, and adding the drug screening to existing testing procedures was quickly accomplished. Testing existing employees on suspicion of drug use required union input.

"This ability to test employees upon suspicion of drug use is critical to the goal of keeping drugs out of the work force and out of the prison system," said Jordan.

"We assured union representatives that there was no desire to test employees at random. Drug testing of existing employees would only be conducted with reasonable suspicion of abuse. How to proceed with rules for testing existing employees was what we had to talk about in negotiations," said Jordan.

Both Jordan and Butler point out that the resistance to drug tests for existing employees was much stronger on the part of organized labor six years ago than today. The growth in employee drug testing programs across the nation, and the legal opinions generated by challenges to those programs, has helped to define appropriate policies in this area.

"The agency really started to focus on our need for a testing policy after the arrest of more than a dozen Pontiac Correctional Center employees in the 'Operation Whiteshirt' probe," said Jordan.

"Staff indicted at Pontiac weren't accused of bringing drugs into the prison. But the fact that they had access to drugs and were potential couriers, was a serious threat to other people's lives at the facility," said Jordan.

Corrections officials agree that drugs and prisons are a bad combination. Inmates with little respect for the rights of others who have their already limited regard for others clouded by drugs are a threat to everyone.

"The rules regarding discipline of employees who did test positive for drugs were the issues that the union and labor negotiators at the agency developed," said Jordan.

After a positive test, employees are suspended for 15 days and are subject to ran-

dom tests for one year. In addition, they must enroll in the agency Employee Assistance Program substance abuse counseling component. A second positive test, or refusal to enroll in counseling within one year of the first positive test will result in discharge of the employee.

If the employee tests positive again more than one year after the first test, they will be suspended again and subject to the same counseling and testing. A third positive test is followed by suspension pending discharge.

"You have to give people a chance to correct their behavior. This policy does that. And, once again, the policy hasn't been changed since we agreed on the language. It's worked well and made our prisons safer places to work," said Jordan.



**The growth in employee drug testing programs across the nation, and the legal opinions generated by challenges to those programs, has helped define policies in this area.**



Since the agreement between AFSCME and the agency early in 1990, few employees have been disciplined under the policy.

"Sometimes the existence of a testing policy is enough incentive to change behavior. That may be the case with this program," Jordan adds.

**Pilot programs**

Another program under study now that has the potential to make working conditions better for every corrections employee is the Volunteer Overtime program. It's being tested at Stateville, Sheridan and at IYC-St. Charles.

Similar to the substitution program at Dixon mentioned earlier in this article, the

volunteer overtime plan has the potential to be expanded to other facilities with the agreement of local union officials.

The goal of the program is to allow employees to volunteer for overtime when it is convenient in their personal lives. Working overtime when it's not going to disrupt a person's family life will make it less likely that person will be mandated to work overtime when that may create a hardship.

"Of all the programs we've worked with the union to develop, this is probably the most complex," said Jordan.

Each facility has a volunteer overtime coordinator who maintains a sign-up book for employees to volunteer, a chart with participating employees in the roll call room and a ledger recording activity under the program.

"Those employees who have put in a few shifts of overtime voluntarily—when it's convenient for them—are much less likely to be forced to work mandatory overtime when the need arises," said Jordan.

"It's kind of like an insurance policy for people who have other significant responsibilities at set times after work. A surprise mandate to work overtime can be very stressful and disruptive when another responsibility outside of work conflicts with the overtime," said Jordan.

Whether the voluntary overtime project is expanded to other facilities depends on local union officials, according to Jordan. Some employees with decades of service don't like the program because their seniority is less protection against mandatory overtime under the trial program.

"The difficulty in crafting plans that are equitable to everyone involved is the hardest thing to do in labor relations work," said Jordan.

"There may be suggestions on how we could improve the program that we haven't heard. The thing to remember is that we were willing to try something new, we could talk about it and we're willing to negotiate further."

The key, according to Jordan, Chief Deputy Mizell and Director Washington is the desire to work together.

There are enough problems in running a prison already. Adding labor problems to the mix is a dangerous path to follow. □