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The Department of Corrections Corner has info on job actions, contracts, and more.

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WASHINGTON FEDERATION OF STATE EMPLOYEES

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WFSE Wins Big

By Ton Johnson, WFSE Corrections Labor Advocate

This past summer has been one hell of a ride. In late June, we learned the Office of Financial Management (OFM) was not going to pay the \$1000 recognition and retention money. Shortly, after we learned the Department of Corrections Human Resources (DOC HR) was limiting the arbitration award of 3% for essential staff so let's walk through the facts.

The recognition and retention \$1,000 payment was agreed upon at the general government contract table and it's included in the contract without limitations—so it applied to everyone, including you. However, OFM relied upon an archaic memorandum of understanding (MOU) wherein fiscal gains could only be negotiated at the WFSE DOC Supplemental table.

The MOU they referenced was usurped when WFSE won arbitration rights for DOC Members in statute, so legal counsel affirmed we had a solid case to present. We launched our political machine and articulate to stakeholders, politicians, and the community the significant contributions made by Community Corrections and Re-entry staff during COVID. Your contributions, including the petition, made a difference, and we won. Each bargaining unit member has now received a \$2000 check in December 2023. The \$2000 you received will not have union deductions taken from it, but will be subject to taxes as law dictated.

The arbitration decision was much less straight forward and we were in a vicarious position. The language in the arbitration award was unclear, to say the least. DOC HR's narrative was that the pandemic was declared over, and under Article 35, Management Rights, management can change and limit those determined to be essential or qualified to provide coverage within prisons.

Essential as defined by this article is not the same as essential under the COUP plan. Because of this manipulation, management is working on defining who is essential under the COUP plan to this very day. Based on this, our legal counsel provided advice which led us to consider settlement as the best avenue for gains for the rank and file.

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WFSE Wins Big - Continued

That meant we had to negotiate who was qualified and who was essential, starting at a deficit and the assertion by DOC HR that no one was qualified, as the pandemic was over. From June through November, we articulated our position that everyone, based upon the COVID pandemic, was essential and qualified, and that the work extends beyond just physical coverage within our prison system like computations, community services, and transportation. This work takes a village. Our support staff play a significant role, and our records department and administrative services all rose to the challenge and deserve credit for their contributions.

We believe that credit is best relayed in dollars and cents. In the end, we got close to 90% of the bargaining unit and legal counsel strongly urged us to settle. Not having this resolved would be destabilizing and potentially give management the upper hand to remove this award in future contract cycles, and the award language was weak. All this meant that settlement was our only option.

The 3% retention bonus for volunteering to provide coverage in prison will require you to volunteer, but it does not compel you to provide that service. If you cannot provide the coverage for any reason, you cannot be forced to provide the service. For example: Monroe may need coverage on January 19, 2024. You have complied with the volunteer process, but you have tickets to Hawaii for this date. Go to Hawaii! You are still eligible for the bonus.

The process to volunteer is being developed by DOC HR as I write this. To be qualified, you have to successfully complete CCOA or CORE, or your position requires you successfully complete CCOA or CORE. Your incumbent position must be within the bargaining unit on the last day of the fiscal year. That means you can take a temporary position outside of the bargaining unit and still be eligible for the 3% bonus. The bonus will be paid at the end of the fiscal year, starting in fiscal year 2024, paid 2025.

This is a huge win, exceeding \$6 million in additional revenue to rank and file. More to come.
Ton





Didn't Realize or Don't Care: How the Fraternal Order of the Police "Defund WFSE" Campaign Hurts You!

By Ton Johnson, WFSE Corrections Labor Advocate

Several WFSE-represented DOC employees have launched a "defund WFSE Campaign" in response to their change in representation loss. Some of you have joined their efforts. The intent is to hurt our Union. Either they didn't realize or don't care that they hurt themselves and each of you.

Their strategy is laughable; not only have you bitten your nose off to spite your face, but you created a road map for your opposition. Defund the Fraternal Order of Police! Instead of a fair and democratic process, their campaign strategy removes others' voices and takes money out of their pockets.

Success in negotiations requires resources, as does representation. Contract negotiation costs add up to a couple hundred thousand dollars. That's right; your Union pays for legal counsel, the arbiter, the court reporter, expert witnesses, subpoenas, salary surveys, transcripts, time-loss for members, travel, and accommodations.

Your elected member leaders are struggling to pass resolutions they drafted to support your needs, including resolutions to fund expert testimony and a salary survey to counter the Office of Financial Management for contract negotiations. The Executive Board of WFSE is asking questions and articulating concerns based upon falling revenue.

Member leaders from other agencies need to see the members of Corrections contribute their fair share.

WFSE is not a charity; we are a union. We combine resources to reduce costs so we can collectively achieve our goals. Rightfully so, why would others want to use resources they sacrifice to pay for your benefit when you're not willing to contribute yourself? They don't nor would you.

Keep it up and maybe we will not need legal counsel, salary surveys, expert witnesses, court reporters, or transcripts because the revenue won't fund arbitration. If it comes to that you know who to blame!

This idiom seems appropriate, "YOU GET WHAT YOU PAY FOR!"

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WFSE Elects New Executive Board!

On November 4, WFSE members elected their new statewide Executive Board, the body of members that conduct the business of our union between conventions and carry forward the resolutions approved at the convention. It is the highest governing body of our union when convention is not in session.

The 66 seats on the Executive Board are apportioned to WFSE's Policy Committees for elections according to the number of members represented by each Policy Committee. WFSE's four Council Officers also serve on the Executive Board. WFSE's current Executive Board will serve a two-year term until 2025.

How is Executive Board Chosen?

Our Executive Board is elected by WFSE's Policy Committee Delegates, who in turn are elected by their local unions. WFSE's twelve Policy Committees allow members to collaborate and coordinate on issues and initiatives in their specific communities of interest.

Throughout this summer and fall, WFSE's local unions elected delegates to WFSE's twelve Policy Committees.

Your Corrections Policy Committee delegates elected the following Corrections members to serve on WFSE's Executive Board:

- Jim Furchert, Local 1060
- Sean Raybell, Local 53

Stay tuned for updates from your Corrections Policy Committee, which forwards requests for action (in the form of resolutions) to the Executive Board and is the voice for Corrections in our union.

Meet Your New Executive Board



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Call to Action: Desk Audits

The classification system is broken.

The fact of the matter is that the Community Corrections Officer 2 classification specification and the Corrections Specialist 3 classification specification are identical.

The union, by statute, is restricted in negotiating classification; that is solely the purview of the Office of Financial Management. We are leading the way to legislatively change that and gain access to the classification system.

Why is this so important?

The classification system, specifically the position description, is the foundation of comparing your work to others in developing salary surveys. If you are a Community Corrections 1, 2, or 3, submit a desk audit request through your chain of command.

Here is an example of the email you need to send:

Example

My name is Ton Johnson, I am a Community Corrections Officer. Based upon my caseload I believe I have been misclassified and am requesting a desk audit. Thank you.

Workload Study Results

The workload study is complete and calls for 24 million dollars in additional staffing based upon current workload. Your union fought hard, for over a decade, to get the legislature to agree to a study and now we collectively need to fight hard to get the legislature to fund the study. Please send emails to your legislative representatives and the Governor asking them to fund the workload study.

The Department of Corrections Leadership has stood up and are making the request an agency priority. That's unprecedented in a short legislative session.

Huge thank you to them for doing what's right! Additionally, in the last contract your supplemental bargaining team successfully negotiated an agreement requiring a workload study be completed every three years. These two steps will aid in managing workload today and in the future.

Your voice matters in the political system, use it, tell your legislative representatives to fully fund the study!

Regional UMCC Election Results

Get to know your delegates and share your voice at the table.

Region 1 & 2 Delegates: Bill Copland, Anthony Perkins, Jon Oglesby, Rudy Ortega, Tiffany Filan

Region 3, 4 & 7 Delegates: Matthew Braithwaite, Ryan Willard-Bonnewell, Brian Henry-Walters, Jessica Colleran

Region 5 & 6 Delegates: Jim Furchert, Zale Cordero, Loreli Smith, Kyle Tull, Nicole O'Hare, Doug Chaput

If you are not receiving emails you can always reach out to MCC@wfse.org to receive communications and also go to our DOC Corner at www.wfse.org



What is your STATEWIDE UNION MANAGEMENT COMMUNICATION COMMITTEE talking about now?

Management is asking this coming Legislative session for \$22 million to include in the FTO program

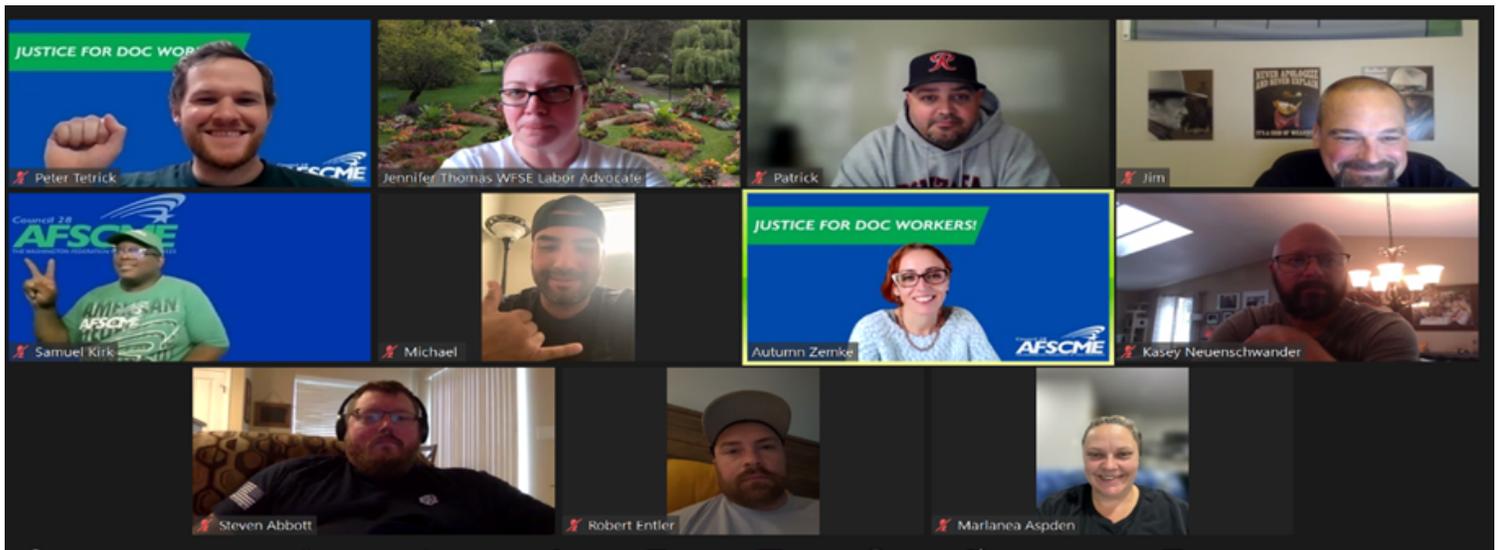
Our Workload study is pivotal and requires additional funding of approximately \$24 million dollars, so now's the time to reach out to your Legislators!

Where are our new firearms?! Click the QR code to see the full meeting minutes from your last Statewide UMCC and check out your WFSE DOC corner for talking points with your Legislators.



DOC Specific Master Contract Bargaining Agreement Training

You asked and we heard that DOC Stewards wanted DOC-specific communication and updates. With the help of your member leaders we developed a training that DOC Stewards could take that spoke directly to the changes and work issues you face every day! Across the State, DOC Stewards have come together to learn and share knowledge on how we can continue to improve the fight for a stronger contract and safe working conditions. Go to wfse.org to find our DOC Corner for a snapshot of your DOC specific contract changes and reach out to a steward today with questions or suggestions for our next upcoming bargaining.



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The Role of a Shop Steward

Written by Jim Furchert and Marlanea Aspen

The WFSE Shop Steward role can be very rewarding when you are able to advocate for a member and that member is made whole. These examples can include returning to a position they were removed from, receiving call back pay, or being protected from bullying by a supervisor or manager. Every member deserves to be treated with respect in the workplace and not be discriminated against. The Shop Steward places an important role in protecting those rights.

But the role of the WFSE Shop Steward is challenging. This role requires extra time, which you are not paid for. Involves extra duties, which you are not paid for. Can put you in an adversarial role with your direct supervisor and on up the chain of command to even the Secretary.

The Steward is responsible for knowing the contract and making sure the contract is enforced. Sometimes this involves uncomfortable conversations with members, supervisors, and managers. Sometimes the role is about education, helping supervisors, managers, and members, who do not know the contract, understand the protections and responsibilities in the contract. Sometimes the role is protecting members' rights, benefits, and their ability to provide for their family and loved ones.

Often issues can be handled with a conversation at the lowest level. However sometimes a grievance is needed when matters cannot be resolved, or it has become a matter of discipline. This can be very uncomfortable, challenging and time consuming, however this is necessary to protect our members' rights. Our Union needs more Shop Stewards in DOC, and the reason for this is DOC is complicated and constantly changing, and we need experienced Stewards to advocate for our members.

Arbitration

By Bill Copland

In most cases bargaining is done through a negotiation between the employer (DOC) and the Union (WFSE). This is the process used in General Government bargaining, which includes most state agencies represented by WFSE. When either side presents a change in the contract that the other does not agree with, if they cannot convince the other party to change their position, the language remains the same.

For example, the employer may say that most violations of supervision happen after 6pm, or on weekends. To combat this, the employer would like CCO's to do at least 8 hours of field work during weekend and night time (after 6pm) a month. If the Union refuses to agree with this, the requirement would not become part of the contract, and would not be required.

Arbitration is a procedure in which a dispute is submitted, by agreement of the parties, to one or more arbitrators who make a binding decision on the dispute. In choosing arbitration, the parties opt for a private dispute resolution procedure instead of going to court.

Its principal characteristics are: Arbitration is consensual. In the arbitration process, if the parties are unable to come to an agreement, then an "impartial" third party (an arbiter) is selected to hear the arguments and make a decision.

In the example given, through negotiation, the union could agree to the night work hours, but require shift differential (extra pay) for work done at night. The union could also negotiate special equipment (radios, satellite phones, better flashlights, vehicle emergency lights), and/or minimum staffing for CCOs working outside of business hours (minimum 2 staff). When negotiating, the outcome is agreed upon, and therefore is typically more reasonable. However, when an issue is moved to arbitration, whatever the arbiter decides is the binding resolution. The arbiter could hear the testimony that most supervision violations happen at night and on weekends and decide that CCOs should work 8 hours during night and weekends every week without additional equipment or pay. Or the arbiter could hear the arguments and decide that there is no need for CCOs to work nights/weekends, and the DOC should maintain the status quo.

Arbitration

Continued

Arbitration is a way to settle important disagreements that the agency and the union are unable to find common ground on, but it is also very risky as the work of DOC is complicated and the arbiters who hear our cases usually have no concept of Washington State DOC. If you have every talked to your legislator and tried to explain to them the difference between county probation and DOC supervision, you know how difficult explaining what we do is.

Arbitration is a valuable tool for resolving those concerns that the agency will not work with us on, but the outcome is really no better than asking a magic 8 ball, and in that respect it is an expensive gamble.

When it comes to arbitration, the costs of the arbiter, stenographer, and facility space are shared by both the union and the agency. The cost of lawyers, staff, expert witnesses, travel, etc. are paid by each side. Every time the union goes to arbitration it costs the members hundreds of thousands of dollars. When it comes to arbitration, the costs of the arbiter, stenographer, and facility space are shared by both the union

and the agency. The cost of lawyers, staff, expert witnesses, travel, etc. are paid by each side. Every time the union goes to arbitration it costs the members hundreds of thousands of dollars.

That is an expensive magic 8 ball. The combination of the Office of Financial Management's (OFM) unwillingness to fix the classification process or to pay wages that are comparable to the Teamsters classifications and the unpredictable decisions by arbiters is the reason for the significant pay disparity between the WFSE-represented members and the Teamsters-represented members.

It is also why our union has a team of experienced bargaining experts to work toward resolution of our disagreements, and why your support of the bargaining team is so important. Together our collective action can persuade management. When it comes to arbitration, it is the perspective of the arbiter that drives the decision. In arbitration, even when providing compelling testimony and explaining what it is we do, the outcome is unpredictable.

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