

May 23, 2019

Melinda Pearson, MAC Director
AFSCME, Council 5
300 Hardman Avenue South
South St. Paul. MN 55075

Dear Ms. Pearson:

Since I began in the role of commissioner in January, the safety and security of Minnesota correctional facilities has been our top priority. I know employee safety has been an equally high priority for AFSCME Council 5. I am grateful for all the effort invested by AFSCME leadership, and all its members during the legislative process.

During a March meeting with union leaders from each of the facilities, there was unanimous agreement and serious concern that the first priority of the department should be the recruitment and retention of corrections officer personnel. During the legislative process, Judiciary and Public Safety Committee members generally recognized our need for additional corrections officers, but regularly questioned our ability to hire corrections officers to fill known vacancies, much less add new corrections officer FTEs. When questioned by legislators, I cited a number of reasons for the department's recruitment and retention challenges, including the base work schedule. As you may know, corrections officers at many county jail facilities have converted to 10-hour or 12-hour shift lengths, providing additional days off, including weekends.

For months, the department has placed special emphasis on recruitment and retention. In April, we hosted a localized recruitment event in Faribault that allowed interested candidates to learn about a career in corrections, apply for a corrections officer trainee position, complete a newly implemented screening test, and participate in a panel interview. Our goal has been to expedite a hiring process that previously could take many weeks or months, to a process that can lead to a conditional job offer in a matter of days. We believe this expedited process can occur without compromising the quality of probationary corrections officers.

While changes to our hiring process appear to be helping our recruiting efforts, we struggle to keep up with the demands caused by retirements and resignations. In addition, I am regularly fielding employee complaints about forced overtime. At several of our correctional facilities, forced overtime is a daily reality on nearly every shift. We have heard complaints from new corrections officers that it is extremely difficult to get vacation time.

Forcing overtime should only be regarded as a short-term remedy to address coverage needs. While short-term closure of correctional programming (i.e. education, visiting, recreation, industry, etc.) or locking down facilities are necessary tools within a prison setting, their overuse is contrary to the principles of maintaining good order and officer, offender, and facility safety.

Addressing the concerns of our staff during this period of workforce constraint will require a concerted multifaceted approach to attract and retain people to serve as corrections officers. In the compelling interests of officer safety and the wellbeing of our employees, along with the state's broader penological and public safety interests, I feel compelled to act.

To that end, this letter is to advise you that in accordance with Article 5, Section 2.B of the collective bargaining agreement, I have directed the wardens overseeing all Minnesota Department of Corrections facilities to convert all CO 1, CO 2, and CO 3 positions to 10-hour and/or 12-hour shifts. Though I expect little variation from the 10- and/or 12-hour shift options, the Assistant Commissioner for the Facilities Division is authorized to approve waivers when a warden presents a legitimate business case in which a facility can only meet a given need with an 8-hour, 5 days on – 2 days off working rotation. Wardens will work with facility staff to identify a work schedule to maximize staffing coverage to meet facility needs by utilizing a 10-hour shift, 12-hour shift, or a combination thereof.

This letter serves as the required 28-day notice as provided in Article 5 Section 2.B of the collective bargaining agreement. The new shifts will go into effect on August 21, 2019¹. Seniority-based shift bidding will begin June 20, 2019, and conclude on July 3, 2019 at 1600 hours.

Please understand that this decision is made after thoughtful consideration. It reflects a desire to create changes that I believe will:

1. Improve operational effectiveness through steady deployment of corrections officer personnel within the facilities;
2. Provide all personnel with an opportunity to have a schedule with at least some weekends off;
3. Allow us to be creative in offering programming or offender service delivery options at different times; and
4. Maximize shift coverage – when coverage is most needed.

I believe it to be imperative that we implement a schedule that meets the needs of both our facilities and our staff. Given the fewer-than-requested number of officers the department obtained during the legislative process, we must recognize the reality of the limitations and plan for effective deployment of these resources. Moreover, state demographer data shows that the DOC, along with all other public and private employment sectors, will continue to face workforce shortage challenges for the foreseeable future.

I know changes to work schedules can be among the most disruptive and challenging for staff. While I am exercising the work schedule change in accordance with the collective bargaining agreement, I am hopeful that the creation of the new work schedules to meet the unique needs of each facility can be a collaborative process between management and labor. In the end, I believe, the schedule change will serve to enhance the safety and security of our correctional facilities, along with the well-being of our corrections officers who serve an essential role in the criminal justice process.

¹ The date of full implementation is subject to change.

Beginning the week of June 3, 2019, Assistant Commissioner Knutson, Deputy Commissioner Smith, other Commissioner's office staff, and I will begin a series of visits to all DOC correctional facilities to talk with staff about the planned schedule change and other concerns staff may have. As previously mentioned, I am aware that the changes being implemented will be embraced by some and frustrating to others. We want to provide the opportunity to explain the rationale, benefits, and options we considered prior to taking this action.

It is my request and hope that you will partner with us to implement these necessary changes. As has been the case since I began in this role, I want to provide opportunities for deepened engagement with all members of the organization, especially their exclusive representatives. I value your advocacy role and the incredible service that is provided around the clock by your members. I look forward to working collaboratively with you as these changes are implemented to address our common goal of safety for officers and offenders, and to strategically deploy corrections officers to meet operational and programming needs during this historic time of low unemployment. Please do not hesitate to call me with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Paul P. Schnell". The signature is written in a cursive, slightly slanted style.

Paul P. Schnell, Commissioner

Minnesota Department of Corrections

CC: Sgt. John Hillyard, AFSCME, Unit 8 President
Ms. Jolene Catudio, Field Representative
Mr. Joe Broge, Field Representative