



CEC 7



ROLL CALL

CORRECTIONAL EMPLOYEES COUNCIL

Fall 2009 / Volume 46



Collective Bargaining “Can it Happen in Texas”

Yes it can happen in Texas. In 2008 AFSCME co-sponsored a bill in Washington D.C. to force states without collective bargaining to change their laws to allow it. This Bill will again be submitted in the fall of 2009 by AFSCME and other police and firefighter groups. President Obama has already assured us that if this bill passes through the National House and Senate he will sign the bill into law. After that happens within 180 days the process will begin. AFSCME/CEC7 will be travelling the state doing town hall meetings informing members and non-members about this bill and its ramifications. There will be definite changes in the TDC's future and it will be much better for all employees, including non-security. AFSCME is the only state employee organization that has national lobbying abilities and we are using this clout to help TDC employees in Texas. Dates and times will come out in our website and newsletters. Stay tuned, because AFSCME makes it happen.

On 8/18/09 I was honored to be invited and attend the retirement ceremony for CID Nathaniel Quarterman. I have known Nathaniel since he was Captain and remember discussing the union outside the Coffield unit as I leafleted the unit. He would come out as a major and ask questions and wanted to know what was going around the state. He was never negative. I saw Nathaniel rise all the way to CID over a period of several years. During those years I had the opportunity to work with Nathaniel in Labor Management meetings, disciplinary hearings as a Warden and Grievances as CID. I also worked with him when he was the Deputy Director of the state jails, and Director of state jails. Of course we did not always agree, but he was always respectful of AFSCME and what we were trying to accomplish. I do not recall any TDCJ person I have interacted with over the last 19 years who genuinely cared so much for the employees that worked underneath him. He knew we always had the best interest of the employees at heart and subsequently he tried to work with us in a professional capacity to make positive change for the employees under him. Much has been

accomplished for employees the last few years and I would be glad to share those changes we helped to make. Go to cec7.org.

During the ceremony I was somewhat surprised that Executive Director Brad Livingston would acknowledge AFSCME by stating that he was proud of Nathaniel for breaking down walls and barriers with employees organizations with Executive Director Brian Olsen and assistant Toby Tobias. I looked around and saw among the two hundred TDCJ attendees that I was not the only one surprised. But then again I've got the scars to prove it. But I was even more surprised when TDCJ Board Chairman Oliver Bell also said AFSCME had worked so well with Mr. Quarterman that all TDCJ employees had benefitted from this relationship. He then went on to say he had attended a Labor Management meeting with the AFSCME union. Quarterman said to the Chairman, come into this meeting and you will really get to see these union guys in action. He attended and later said those guys are pretty cool and are really fighting for the employees, and also said, "they aren't so bad after all". I had to laugh because we have had several other meetings with Chairman Bell at his request since and we had some important things accomplished there. We have worked closely with Nathaniel and learned he has always had a heart for the Co's. We will miss him and hope the best for him, we are sure his replacement Rick Thaler will also work with us in the future.

Pay Raises

AFSCME has always been committed to the increasing pay, benefits and improving working conditions. We worked hard for all TDCJ, UTMB, and Texas Tech as well as Winham. Not everyone came out great, but everybody got something. We worked hard to include all unit employees and also some reallocation increases. We have always been committed to the compression pay for supervisors and will continue to do so.

We are now committed to going into the next Legislative session to fight for additional pay and fight to keep the benefits we have from being eroded. We will again try for tuition reimbursement, increase hazardous duty for non-uniform, security, and career ladders for other departments.

Hr 413 Public Safety Employer-Employee Cooperation Act Introduced

During the last Congress a version of this bi-partisan bill passed the US House with a veto-proof majority. The Senate failed to reach cloture falling a couple of votes short according to the bill's sponsor Senator Grier (R-New Hampshire). It is expected to pass.

Upon Passage and being signed into law it will mandate that the Texas Department of Criminal Justice among other criminal justice agencies and jurisdictions begin a federally directed collective bargaining process with their employee union as set out in this law unless the State of Texas passes implementing legislation.

What is the Public Safety Employer-Employee Cooperation Act?

The act would require all state and local governments to collectively bargain with public safety employees' - correction officers, police officers, firefighters, and emergency medical personnel - by creating a federalized collective bargaining system for public safety officers.

PSEEC allows the Federal Labor Relations Authority (FLRA) to determine whether a state's collective bargaining arrangements meet the standards as defined by the act.

States and localities must collectively bargain with public safety employees.

They must permit bargaining over wages, hours, and all terms and conditions of employment.

They must provide a dispute resolution mechanism, such as binding arbitration.

The FLRA will have considerable authority to enforce the act, including;

Determining the appropriateness of units for labor organization representation;

Conducting hearings and resolving complaints of unfair labor practices;

and

Supervising or conducting elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees.

States would be granted the authority to pass laws more expansive than those the federal government imposed.

States would not, however, be allowed to pass narrower laws than those contained in the act.

July 29, 2009

Brian Olsen
Director
AFSCME
1314 10th Street, Suite 230
Huntsville TX 77342

Dear Brian,

Thanks you so much for the hard work you do everyday providing selfless dedication and service to your community and our state. As an advocate for those who may not be able to represent themselves, your commitment is vitally important. I know first hand what your job entails and I appreciate your service.

At the beginning of 81st Legislative Session, the Committee learned that the adult and juvenile correctional population projections were flat and not expected to increase. For the first time in many years, the policy debate was not centered on the need for additional capacity. This trend change is credited, in large part, to decisions made during the previous session and the Legislature's willingness to invest state dollars in reentry and diversionary programs

Last week, Speaker Joe Stratus requested that House members who have suggestions for interim studies submit their ideas to his office by September 1, 2009. Thinking outside of the box and looking at new ideas often brings about much needed changes to systems and this is why I am writing you today. I am asking you to help me plan for the upcoming interim by submitting to me creative ideas that our committee could study. I ask that you please submit these changes back to me within the next couple of weeks.

Again, thank you for all that you do to make our state the best place to live. Please remember, I am a dreamer and all ideas you think have merit are welcomed. I look forward to hearing your suggestions and concerns. If I can be of assistance to you regarding this or any other issue, please do not hesitate to contact me or my staff. I remain...

Respectfully Yours,

Thanks for all that you do!

Jim McReynolds
Chairman of the House Corrections Sub-Committee
District 12

Dr. Evil Strikes Again!!!!

No Just the Usual Legislative Session

By Lance Lowry

Austin, Texas

The 81st Legislative session could be called business as usual. Governor Perry vetoed the only benefit increase for TDCJ correctional employees, HB 518 by State Representative Louis Kolkhorst (R-Brehnam). State Representative Debbie Riddle (R-Tomball) killed any chance of a large TDCJ officer pay increase in her House Criminal Justice Appropriations Committee. Senator Tommy Williams killed the AFSCME sponsored Binding Arbitration / Correctional Law Enforcement Certification bill in the Senate.

The worst part of the session was the Texas Public Employees Association testified against TDCJ employee's rights and the Correctional Law Enforcement Certification, House Bill 2269. Don't take our word for it, go check it out on the official Texas Legislative webpage located at:

<http://www.legis.state.tx.us/tlodocs/81R/witlistmtg/html/C2002009042308001.HTM>

The official House record shows that Andy Homer, TPEA's Director of Government relations, testified against employee's rights under House Bill 2269. TPEA supported politicians who have a history of attacking employee's benefits such as Governor Rick Perry, Senator Robert Duncan (R -Lubbock), Senator Tommy Williams (R-The Woodlands), and State Representative Debbie Riddle (R-Tomball).

The message is simple TPEA does not support TDCJ Employees. DUMP THEM.

"If there is no struggle there is no progress. Those who profess to favor freedom and yet depreciate agitation...want crops without plowing up the ground, they want the ocean without the roar of its many waters...Power concedes nothing without a demand. It never did and never will."

Frederick Douglas

Gatesville Office Opens

As of August 1st, 2009, AFSCME CEC7 has opened a new office in Gatesville, Texas. Local 3920 has made the move to open the new office to benefit local members and give them a place to hang their hats. With the new office, a regular meeting date will be set for the members to get together to discuss local business and issues from around the state. Their meeting time is the 2nd Tuesday of each month at 12, 2, 4, and 6pm, or call 254-865-6881.



TDC Beaumont appreciation day.

On June 12, 2009 AFSCME Local 3921 and AFSCME Council 7 worked together to make the Beaumont Units Appreciation Day a real hit by donating ten briskets and the water and soft drinks. It was a very hot day with little shade but fun was had by all and several non-members joined with enthusiasm. We were glad to be there and appreciated the invite.

Note: This was a TPEA member needing help, TPEA could not and would not help there own member, that is who they are.

Please I need help, Does anyone know who I can talk to.

Hello everyone. Please, I need help real quick. I am a correctional Officer 3. I was written up after I transferred to my new unit. To cut the story short, I was written up because I called in that I will not be able to come in for overtime. To my surprise, I was written up because I did not come in for over-time which I had genuine reasons for it, and I have evidence, but when I gave him my evidence, he refused to look at it.

I was later transferred to my Unit. After the hearing, the warden dismissed me because of the overtime issues, and to me it sounds like a retaliation of something I don't know about.

Please I really need help, and I need someone I can talk with, although I am a member of TPEA and I pay my dues...

Please I need help, and you can reach me on 0998.

SEAN

This is a cry for help that eventually made its way to AFSCME. It is sad, but she could get no help from her Employee Organization TPEA. The reason she could get no help from TPEA is they only lobby for state employees, and they usually betray them as well. TPEA does not assist officers or other employees on the job as witnessed by this employee. By the time I was able to try and help her, her phone was disconnected and unemployed. What a shame she had to find out the hard way TPEA is a joke. They do not do employee hearings, and do not help employees with work related issues, and are not there when you need them. TPEA testified against HB 2269 Alonzo. This was a TDCJ reform bill that was sweeping in its context. I would have made Co's, Texas Correctional Peace Officers, not (TCLEOSE), and would have professionalized the agency so we could have gotten better pay raises. It would have also given us a forth step in the grievance procedure called Arbitration. This would have helped employees so much, and TPEA signed an Affidavit against it. They also supported the new ERS retirement changes which will screw anyone hired after September 1, 2009. They have their own agenda and it's not going to benefit TDCJ employees. Stick with AFSCME, we fight in the trenches.

AFLAC

We now have AFLAC as a benefit to our membership. They have some great programs for our members at a great rate, take advantage of these new benefits. Cancer, personal sickness, dental, accident, personal recovery, Intensive Care, Long Term Care, and Short Term Disability.

Please Contact Shary L. Bathe at (214) 592-9980.

Don't wait until it's too late.

Retirees

Remember if you are retiring from UTMB or TDCJ you can become a retiree member for \$1.25 a month or \$15.00 dollars a year. The retirees chapter is growing steadily and has become a force to be reckoned with. Call Maggie at 10800-221-9181 for assistance.

1. We Did It In '95!

- Grievance and Mediation Process **PASSED**
- Employees Paying for Uniforms **DEFEATED**
- Employees Paying for Meals **DEFEATED**
- Employees Paying State Portion of SS TAX **DEFEATED**
- Bills on Privatization **DEFEATED**
- Employee T.B. Test (no charge) **PASSED**
- Inmate Assaults on Correctional Officers (Misdemeanor Enhanced to Felony) **PASSED**

2. We Did It In '97!

- Across-the-Board Pay Raises **PASSED**
- Enhanced Retirement Benefits **PASSED**
- Permission to Possess Tobacco Products In Designated Smoking Areas **PASSED**
- Elimination of Polygraph Testing as a Condition of Employment **PASSED**
- Halt to Privatization **PASSED**

3. We Did It In '99!

- Across-the-Board Pay Raises **PASSED**
- HB 1713 - Chunking bill - Throwing Feces, Urine, Body Fluids On A Corrections Officer (Misdemeanor Enhanced to Felony) **PASSED**
- HB 2943 - Compensatory Time Bill (Rider Passed) - This Bill Directs The Agency To Accommodate As Far As Possible Or Pay Overtime **PASSED**
- HB 1113 - Provides Protection To TDCJ Officers In Emergency Situations While Dealing With Inmate Escapes In Their Immediate Care, Custody and Control **PASSED**

4. We Did It In The 2000 Interim!

- \$100.00 Per Month Pay Raise **PASSED**

5. We Did It Again In This 2001 Session!

- 4% Increase For Higher Education: UTMB, Texas Tech and Non-Security Personnel **PASSED**
- Correctional Officer Career Ladder: Entry Level CO's, 8% increase; Veteran Officer (8yrs), 16.25% increase, with commensurate %'s from CO II's and up. Including Majors. **PASSED**
- HB 3185: Professional Respect Now (passed by Senate and House, voted by Governor 6/17/01) **VETOED**
- SB 292: Retirees Dues Deduction - Authorizes the Retirement System to deduct from all retirees a monthly annual payment equal to the amount of a fee for that persons membership in a state organization. **PASSED**
- Employee out of pocket expense in a state employee organization **PASSED**
- Employee out of pocket expense **PASSED**

6. WE Stopped Privatization In 2003!

7. We FOUGHT for these In 2005!

- Pay Increases for 2005 (4%), 2006 (3%) **PASSED**
- Hazardous Duty Pay Increases **PASSED**
- Stop Privatization **PASSED**
- Heros Bill - Mortgage Assistance **PASSED**
- Banked O.T. - **DEFEATED** - Forcing TDCJ to pay O.T. instead of banking 240 hrs.

8. Special Note: In 2003 AFSCME negotiated changing the L4 disciplinary enhancement to staying on your record for one year instead of two.

9. Special Note: Sergeants overtime; After constructive talks with AFSCME, TDCJ changed the classification for Sergeants, so they now have OT.

10. AFSCME is the only Correctional Employees Union to have consistent labor management meetings.

11. We negotiated for 3 tardies before officers written up.

What we asked for in 2007

1. Stop the continuing spread of privatization in Texas Corrections. **WON**
2. Stop the erosion of employee insurance. **WON**
3. A 5% pay raise for 2007 and 5% for 2008 with an additional 5% for those with hazardous duty pay. **2% & 2% WON**
4. A CO 6 position. **LOST**
5. Tuition reimbursement. **VETOED**
6. Arbitration as a fourth step in the grievance procedure. **LOST**
7. A bill stopping the banking of overtime. **WON**
8. Meet and confer. **WON (SENATE BILL 909)**
9. UTMB pay raise. **WON**
10. Maintenance career ladder. **LOST IN SENATE**
11. TX Correctional Peace Officers (not T-Close). **LOST**
12. Comp time paid after a year if not used. **LOST**
13. Step one grievance to be outside the unit. **LOST**

AFSCME/ CEC 7 Benefits Update

To ensure our members understand the different member's benefits, we are sending out this benefits update. Taking advantage of these benefits can save money for members, so please take them into consideration.

- 1.) Representation at employee disciplinary, grievance and mediation hearings. A staff Rep. or steward will attend to assist in all aspects of this process.
- 2.) Lobbying in Austin and Washington by AFSCME for wages, hours, and working conditions. We also stopped privatization this last legislative session.
- 3.) Scholarship programs for union members and their families.
- 4.) Training given for stewards, lobbying, and organizing.
- 5.) Discount Life Insurance for members.
- 6.) Discount home owners and car insurance through Nationwide in Huntsville (936) 291-8313.
- 7.) Low rate home mortgage and equity loans through Chase Bank at 817-856-3667, ask for Donna
- 8.) \$2,500 Accidental Death Policy free with membership.
- 9.) Union Plus credit card and secured credit card if you have credit problems.
- 10.) Opportunity to become involved and run for union positions, local, state, and national.
- 11.) Union Privilege Legal Services Program.
- 12.) Grievance filing assistance.
- 13.) Union Driver and Traveler discount.
- 14.) North American Van Lines discount.
- 15.) Car Rental discounts.
- 16.) Union made checks.
- 17.) Theme Parks discounts.
- 18.) Union member flower service.
- 19.) National Ear Care Plan.
- 20.) Consumer Credit Counseling, Budgeting, and Debt management (361) 834-4150 @ no cost.
- 21.) Huntsville Funeral Home discount to AFSCME members and family (936)295-6363
- 22.) \$500.00 Discount at Wiesner Auto in Huntsville for new or used autos for an AFSCME member.
- 23.) AFSCME members eligible to get a college degree through mountain state university at a 20% discount. This can be done online and is fully accredited, call 304-237-3658 or 1-866-367-6781.
- 24.) Dr.S Union 281-923-3886 for workers comp injuries problems.

These programs are just a few of our membership benefits you can enjoy. Thanks for standing with your union. We fight for you.

1-800-374-9772 New Website@CEC7.org

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