

DOC UPDATE

June 2009

Representing the Toughest Beat

Strip Search Prompts Call For DOC Policy Review From OPEA

The Oklahoma Public Employees Association is calling for a complete review of Department of Corrections policies regarding strip searches after two female DOC employees of the Oklahoma State Penitentiary in McAlester were subjected to a strip search during a recent meeting with investigators.

“We really need to strike a balance between security and protecting employees from unnecessary embar-

rassment,” said OPEA Deputy Director Scott Barger. “Incidents like this can subject the employee to ridicule and public humiliation. Ultimately, who is held accountable?”

According to J’me

Overstreet, the DOC’s associate director of administration, the employees were asked whether they had an “Indian Brotherhood” tattoo. They admitted they had body art but denied having an Indian

Brotherhood tattoo. Overstreet said a female investigator asked the employees to show her the tattoos, which they agreed to do. One employee was asked to lift her dress and expose her calf, then to lift the dress to her hips and finally to raise the dress above her head. The other employee, who was strip-searched at the DOC Academy in Wilburton, was required to disrobe.

DOC policy says employees are subject to a strip search “only if the facility head or designee determines that reasonable suspicion or probable cause exists and authorizes the search.” The policy

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The OPEA Express Is Rolling

The “Get On Board the OPEA Express” summer recruitment drive is in full swing and showing signs of being one of the most broad-based recruitment drives in recent Association history.

More than 60 state employees chose to join OPEA in the first week of the drive, which featured OPEA Executive Director Sterling Zearley and his staff holding meetings and visiting more than 30 work locations in Northeast Oklahoma.

Zearley is committed to visiting with state employees in all four corners of the state before the end of June.



“It’s a pretty big undertaking coming on the heels of a very difficult legislative session that saw OPEA protecting state employee jobs,” said Zearley. “But I think it is very important for state employees to know their Association’s executive director, Board members and staff are in their corner and have fought very hard for them this session. We

want state employees to know that while pay raise discussions were few and far between because of the budget, we are going to use this time wisely in building the strength of OPEA so state employees

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There's More Than One Reason To Join OPEA

If you are already a member of OPEA, we thank you for your trust and encourage you to give this update to a co-worker who may need to join! By joining the Oklahoma Public Employees Association, the largest organization for state employees in Oklahoma, you will receive the following benefits:

1. Staying Informed

We will keep you informed with breaking information on state government from OPEA's members-only Web site, which features our podcast. You can also sign up for e-newsletters on your e-mail account and text updates to your cell phone.

2. All About OPEA

You'll get a subscription to OPEA's newsletter, *The Advocate*, which will inform you about everything happening in OPEA.

3. Legal Representation

We'll provide you with legal representation after 180 days of membership and grievance assistance from the moment you join.

4. Low-cost Legal Protection

Our PrePaid Legal discount will give you access to advanced legal protection for your family and against identity theft at the lowest price available in the state of Oklahoma.

5. A New Way To Buy Computers

Purchasing Power is offered to OPEA members only. Through this unique employee benefit program, you will be able to purchase new, brand-name computers for you and your family through the ease of payroll deduction.

6. Savings On Insurance

You may already know OPEA can get a special group discount on auto insurance through Liberty Mutual's

Group Savings Plus program. But did you know Group Savings Plus offers many other discounts on both auto and home insurance?

7. Political Clout

OPEA has government relations professionals who look out for you at the state Capitol every day of the legislative session. And even if you can't walk the halls with us, your message can! OPEA's Capitol Advantage program alerts you to important issues and allows you to take action with your legislator! You can phone your lawmakers personally or send them an e-mail at the click of a mouse. It's that easy!

8. Connecting great ideas with great people

OPEA offers plenty of opportunities for you to get social with us, from local chapter meetings to legislative town hall meetings to leadership and government relations schools to our Annual Convention. You will find plenty of opportunities to get involved and get connected.

9. Leadership on state employee issues

OPEA provides unity and leadership opportunities to every state employee and retiree. Whether its pay raises, benefits or cost-of-living-adjustments for retirees, OPEA is the trusted voice of state employees.

10. Finally

OPEA is dedicated to building the state employee workforce into a tight-knit community so you will be able to network and exchange experiences that will ultimately lead to solutions to common problems and attaining common goals.

OPEA Express (Continued From Page 1)



Altus DOC Chief Mark Leistner is now an OPEA member.

Zearley met with employees from Wagoner County DHS, as well as with employees of OJA, DEQ and ODOT.

“We didn’t stop there,” said Zearley. “We loaded up and headed to Claremore for additional meetings with employees at Rogers County DHS with Sen. Sean Burrage, before heading to the Health Department and OESC offices.”

“The OPEA Express finished week one by rolling to Vinita, Miami, Jay, Sallisaw and Muskogee,” said Zearley, “before turning to Stigler, Eufaula, Okmulgee and Okemah. We are working 12-hour days with our staff and volunteers to get the message out to state employees.”

The OPEA Express recruitment drive offers great prizes for the Association’s most prolific recruiters. The drive runs through Aug. 21 and will reward the top three recruiters with one of the following prizes: a Dell laptop computer, 16-gig iPod or a one-year PrePaid Legal membership.

“We also have a special offer for state employees who join online at www.opea.org,” said Zearley. “If an employee signs up on the Web site, they will be given a \$20 gift card. Employees signing up at our OPEA Express meetings will get a limited edition OPEA

Express t-shirt that has some great artwork on it. We are hoping our new members will wear the t-shirt to meetings, outings and to the Convention to represent state employee pride in OPEA.”

The OPEA Express is reporting a lot of positive energy from state employees.

“We are running into state employees who have been members for 10, 20 and even 30 years who are proud of their Association and its accomplishments,” said Zearley. “They understand all the things OPEA has done, such as the benefit allowance, pay raises, longevity and many, many others. They also understand the tight budget year but are not willing to let the Legislature off the hook. They are telling us to look at “blue flu,” sit-ins or (Continued On Page 8)

will have a brighter future. We cannot go another year without a pay raise and are committed to making sure we are not ignored in 2010.”

The OPEA Express headed to Pryor for visits with the Grand River Dam Authority, DHS, Health Department, Thunderbird Youth Academy and ODOT employees before steaming into Wagoner. There

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Aaron Ferguson, who works for the Department of Corrections in Altus, is a longtime OPEA member.

State Employees Make Progress Despite Oklahoma's Budget Woes

Many decisions that impact state employees were made in the final hours of the 2009 legislative session, which came to an end May 26.

"While we did not obtain a raise for state employees, we did manage to maintain our benefits and prevent legislation from passing that would harm state employees," said OPEA Executive Director Sterling Zearley. "We were able to get some protections for state employees in the areas of privatization, biweekly payroll and investigations. We were also successful in helping fashion a budget that protected state employees' jobs from RIFs or furloughs. Many states were not nearly as effective as we were."

Zearley cited several bills that were helpful to correctional employees.

"We were able in to work with Rep. Lisa Billy and Sen. Anthony Sykes to pass HB 1698 to allow correctional employees to be given a free meal," said Zearley. "This is particularly important with the forced overtime issue and employees often not having a way to get a meal during a 16-hour shift. We are also proud of our work to curb private prisons, protect the Board of Corrections and make possession of a cell phone in prison a crime."

Zearley pointed to a provision of House Bill 2245 as a major victory that will help OPEA and state employees grow their Association and their power.

"House Bill 2245 allows OPEA, for the first time in

our 35-year history, to directly mail a membership offer to all active state employees each year," he said.

"Letting all state employees know about the Association and the strength we can have in unity is something we have struggled with for many years. We are excited because this is an opportunity for OPEA to grow to record numbers."

The budget outlook clearly impacted OPEA's efforts.

"We struggled all session long with compensation issues," said Zearley. "But in the end, the budget collapse prevented any progress on pay or longevity."

The budget did not help financially strapped state agencies, either.

However, the larger agencies will not be forced to furlough or lose employees in reductions-in-force. Federal stimulus funds were used to mitigate the effect of a \$900-million shortfall.

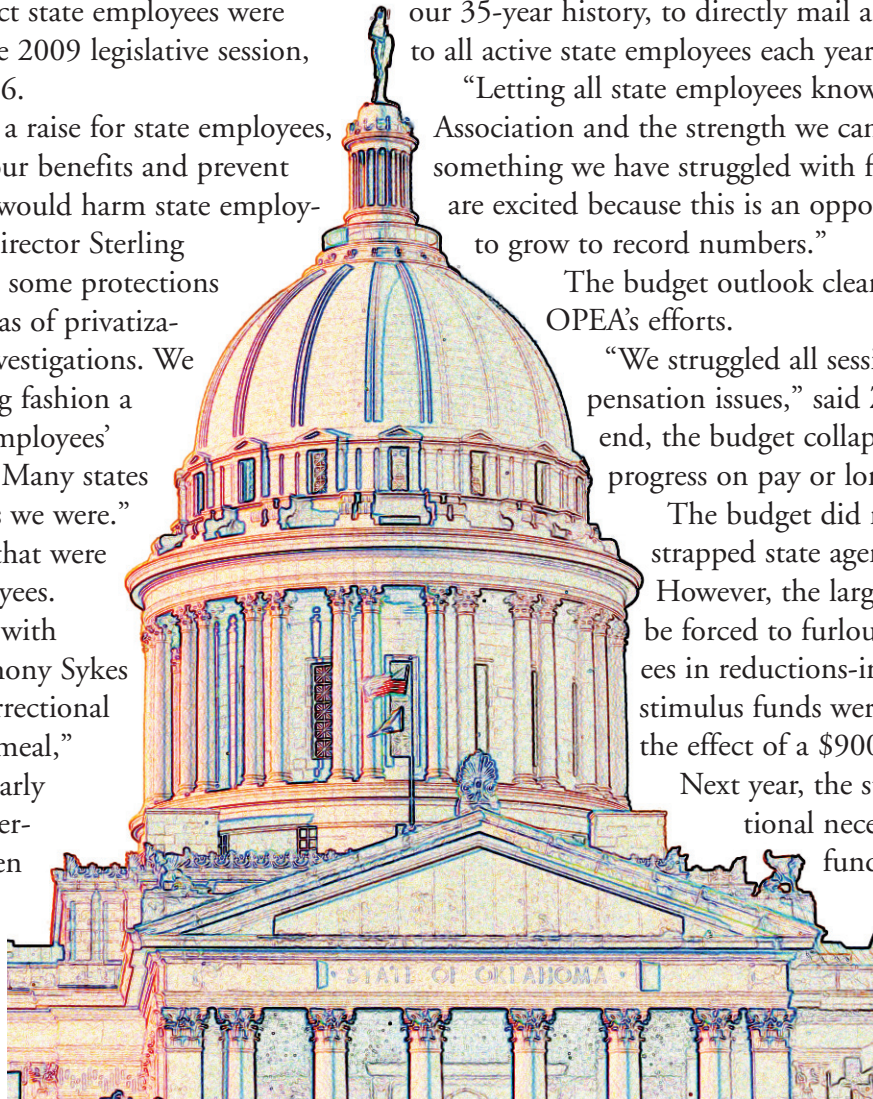
Next year, the state will have additional necessary stimulus

funds. The economy is not projected to return to 2008 levels until 2013, which might make 2012 an especially bad

year for the state.

With no stimulus funds to fill the gap, the administrative and regulatory agencies such as the Tax Commission, Department of Central Services and Corporation Commission were hit hardest, with the Legislature cutting them 7 percent. Over the next few weeks, OPEA will be talking with agency administrators to determine their plans for the cuts and to minimize their effect on state employees.

"State employees should be pleased with the efforts of OPEA this year," said President Connie Stockton. "We certainly hoped for more for state employees, but, with the budget nightmare, the Association played a key role in presenting a flexible legislative program, responding to threats



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State Employees Make Progress (Continued From Page 4)

and protecting the interests of state employees and, in the end, gaining a great victory in allowing state employees to organize.”

Stockton added that she was disappointed that OPEA was unable to make any gains for retirees.

“Our retiree members are in need of a COLA. The economy impacts them as well,” she pointed out. “We fought for the COLA and want our retirees to know that we will continue to fight for their right to a decent standard of living.”

Some bills of interest to state employees follow:

HB 1055 (Cox and Brown) - This legislation establishes a working group of two House members, two Senate members and the insurance commissioner to make recommendations about maximizing the value of state employee insurance. According to information from the insurance commissioner and OSEEGIB, the group will study the best way to get value

from the insurance companies and investigate maximizing purchasing power for prescription drugs. OPEA has been told that lowering the benefit allowance is not in the scope of this study. *The bill has been signed by the governor.*

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HB 1111 (Miller, Mike Johnson) - OPEA supported this legislation, which permits employees to use annual and sick leave to cover the lapse period if an agency establishes a biweekly payroll. *The bill has been signed by the governor.*

HB 2245 (Terrill and Sykes) - OPEA worked with Rep. Randy Terrill to add language to this bill which would allow state employee organizations to send one mailing a year to all active employees. *The bill has been signed by the governor.*

SB 232 (Mike Johnson and Miller) - OPEA supported this legislation, which allows employees to use leave as soon as they earn it instead of waiting until the next month. *The bill has been signed by the governor.*

SB 670 (Aldridge and John Wright) - This legislation, requested by the Office of Personnel Management, changes leave sharing to an hour-for-hour exchange instead of the value of the leave. *The bill has been signed by the governor.*

SB 798 (Sykes and McCullough) - OPEA supported this legislation, which establishes a penalty for state employees who had decision-making authority on a contract for working for that contractor within one year of leaving state employment. It reinstates the penalty that was stripped from OPEA’s 2003 privatization legislation. DOC administrators have used this loophole to immediately go to work for private prison companies after writing contracts. Under the new law, the contractor would lose the contract for one year if it

hired a state employee who had decision-making authority over its contract. *The bill has been signed by the governor.*

SB 789 (Nichols and Terrill) - OPEA supported this bill, which makes it a misdemeanor for anyone to make a false statement in the course of an internal investigation. *The bill has been signed by the governor.*

HB 1698 (Billy and Sykes) - OPEA supported this bill, which authorized the Department of Corrections to serve a free meal to employees. *The bill has been signed by the governor.*

SB 1064 (Barrington and Shannon) - OPEA supported this bill, which makes it a felony to have a cell phone in prison. *The bill has been signed by the governor.*

“We certainly hoped for more for state employees, but, with the budget nightmare, the Association played a key role in presenting a flexible legislative program, responding to threats and protecting the interests of state employees and, in the end, gaining a great victory in allowing state employees to organize.”

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***What In The
World Are You
Waiting For?***

**If you are not currently a member of
OPEA, now is the time to join and
help make a difference
for all state
employees.**

**Your OPEA
Membership
Application
Is On Page 7.**

Strip Search (Continued From Page 1)

further requires that two trained employees of the same gender must be present during the search and that the employee must be given an opportunity to refuse.

When OPEA asked Overstreet why a second person wasn't in the room and why the employees were not informed of their right to refuse, Overstreet denied a strip search had been conducted. She said the employees volunteered to show the Internal Affairs investigator the tattoos.

"OPEA is very concerned that if this incident was important enough to necessitate a strip search, it should have been handled according to policy and with sensitivity to the employees in question," Barger said. "These employees, as any reasonable person can imagine, felt degraded and humiliated by the entire episode."

National attention followed OPEA's blowing of the whistle on this incident.

"The press story ran from Oregon to Florida, Boston to Los Angeles," said Barger. "We have been contacted by more than 10 correctional employee organizations who are applauding OPEA for defending

the correctional employees involved in this incident."

OPEA is considering requesting legislation requiring the agency to file a report within 14 days of an employee strip search with the cabinet secretary of Public Safety and the Attorney General's office. In a letter to DOC Director Justin Jones, the Association has requested a complete review of the policy regarding employee strip searches.

"We understand the agency's need to investigate incidents," Barger said, "but there is also a line between security and an employee's dignity. Any employee of the agency should not have to be subjected to this type of humiliation, and every precaution to preserve the dignity of the employee should be taken, including the presence of a senior representative of management to make sure the employee is protected and knows his or her rights.

That is what OPEA is all about – protecting our state employees."

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• OPEA Deputy Director
Scott Barger



Yes! I'd like to participate in activities to help strengthen the voice of state employees and improve our jobs and the services we provide to Oklahomans.

OPEA Dues Options

- | | | | |
|----------------------------|-----------------------------------|------------------------------|---|
| Basic - \$15 | OPEA membership | Gold - \$29 | OPEA membership, Pre-Paid Legal |
| Bronze - \$20 | OPEA membership, OPEAPAC donation | Platinum - \$39 | OPEA membership, Pre-Paid Legal, Identity theft |
| Silver - \$27 | OPEA membership, Identity theft | | |

Oklahoma Public Employees Association Membership Application

Please return to: OPEA, 13 N.E. 28th St., Oklahoma City, Okla. 73105 or visit www.opea.org.



First Name _____ Last Name _____

Address _____ City _____ State _____ Zip _____

Home Phone () _____ Work Phone () _____

Home E-mail _____ Work E-mail _____

Agency _____ Work Location _____ Position _____

Work Location Address _____ City _____ State _____ Zip _____

Work Fax Number () _____ Who introduced you to OPEA? _____

Payroll Deduction Authorization

I hereby authorize the state of Oklahoma to deduct from my pay the amount checked below required to purchase dues in the Oklahoma Public Employees Association, subject to my right to revoke this order by written notice to my employer.

Dues Options: Basic - \$15 Bronze - \$20 Silver - \$27 Gold - \$29 Platinum - \$39

Signature _____ SS# _____ Birth Date _____

OPEA's standard dues are \$15 per month. Annual dues: state employees - \$180; retirees - \$60; associates - \$20; corporate affiliates - \$300. Contributions or gifts to OPEA are not deductible as charitable contributions for federal income tax purposes. However, dues payments are deductible as a miscellaneous itemized deduction. Dues include your annual subscription to *The Advocate* (a \$4 value). Your \$15 monthly dues payment includes a \$2.25 contribution to OPEAPAC. I do not want \$2.25 per month of my dues to go to OPEAPAC.

Office use only: ___Amt ___Proc ___Tran ___CC ___WLC ___NMP

Association Seeks To Educate State Legislators About Private Prisons

The Oklahoma Public Employees Association continued its efforts to educate state legislative leaders about private prisons after Board of Corrections member Ernest Godlove expressed concerns about the lack of transparency in the private prison industry.

These same concerns were echoed by Rep. Mike Shelton, D-Oklahoma City, in a recent press release. Shelton pointed out that House Bill 2129, the Private Prison Accountability and Transparency Act, would not be heard in the House Rules Committee. The legislation, requested by OPEA, would require all private prisons in the state to abide by the Oklahoma Open Records Act.

“Private prisons receive public money to operate, but they are not required to disclose information to the taxpayer about their daily operations. We believe that private prisons should be as

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OPEA Deputy Director Scott Barger.

transparent as state government if they want public funding,” said OPEA Deputy Director Scott Barger.

OPEA provided information to every member of the state Legislature regarding the history of the private-

prison industry in Oklahoma. The Association distributed “The Oklahoma Private Prison Compendium,” compiled by the American Correctional Officer

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anything else state employees can do to get the Legislature’s attention. It’s great to hear they have not given up on being treated fairly and are turning to OPEA, encouraging their co-workers to help provide not only numbers but also leadership.”

The OPEA Express was in Southwest Oklahoma June 8 through June 12 and will be pulling out for Southeast Oklahoma the week of June 15 through 19.

“If you not an OPEA member or your co-workers have yet to join, this is a great chance for every state employee to join with us to help make 2010 the year of the state employee,” Zearley said.



OPEA Executive Director Sterling Zearley, Government Relations Specialist Dennis Adkins and Rep. Randy Terrill review an OPEA corrections publication.

Intelligence Network, to each legislator’s office, along with a briefing sheet on House Bill 2129.

“The compendium documents nearly every misstep by the private prison industry in Oklahoma,” said Barger. “OPEA’s partnership with ACOIN has been a valuable asset in continuing the fight against private prisons.”



New Altus member Lana Grauman.