

HMCC Employees Back At Work After OPEA Reaches Settlement With DOC

Seven employees of the Howard McLeod Correctional Center in Atoka are back on the job after the Oklahoma Public Employees Association reached a settlement during a recent mediation session with the Department of Corrections.

The DOC had agreed to mediation on eight of nine employees. Lt. Clint Holland's case will be handled

separately, and OPEA and the agency were unable to reach an agreement concerning Chief of Security Mike Moore, who was demoted and transferred.

Three correctional officers terminated in June and July, Cody Finch, Ricky Eldridge and Jody Long, were



OPEA recently reached a settlement with the Department of Corrections concerning the fate of seven DOC employees. Left to right: OPEA Membership Representative Rick Allen, OPEA Grievance Coordinator Clyde McLendon, Mike Moore, Bill Harrington, Kevin Angel, Steve Walker, Ricky Eldridge, OPEA Executive Director Sterling Zearley, Tim Ingram, Mike Johnson, Bobby Cochran, Jody Long, Randy Archy and Mark Finch. Not pictured: Cody Finch.

“With OPEA helping, we were able to reach the mediation hearing a lot quicker than if we had to do it on our own. The first thing that happened when all this transpired was that someone said, “We need to call OPEA.”

Michael Moore

“Having OPEA is like having an insurance policy. You pay your dues and hope you never have to use it, but, when you do, you know it is worth it.”

Jody Long

reinstated with back pay, and discipline was reduced significantly for Officers Mike Johnson, Bobby Cochran, Tim Ingram and Randy Archy.

“Some of the employees agreed to lesser discipline,” said OPEA Executive Director Sterling Zearley, “but the fact remains that three officers are back on the job, four have less discipline and all are better off today than they were yesterday because of the strength of our OPEA members at HMCC and MACC, as well as Probation and Parole.”

“The settlement, while not absolving all of them completely, does allow these men to resume their careers at HMCC, free from living

under a cloud of suspicion,” said Sgt. Mark Finch, who served on the negotiating team. “The membership will be celebrating the fact that these people are returning to work and resuming their lives after this difficult period of time.”

“We were unable to reach an agreement on Chief Moore,” Zearley added. “His case (Continued On Page 8)

“I appreciate all the OPEA members at HMCC and everyone who has assisted us in our cause.”

Kevin Angel

OPEA, ACOIN Join Forces For Private Prison Forums

The Oklahoma Public Employees Association is joining forces with the American Correctional Officer Intelligence Network (ACOIN) to sponsor a forum on the privatization of correctional and juvenile facilities

School of Law and Yale University and at numerous conferences and rallies.

According to OPEA Deputy Director Scott Barger, if you want to learn about private prisons, you need to attend.

“Brian Dawe has one of the best track records of anyone nationally in educating employees and advocates about private prisons,” Barger said. “He has been involved in this issue from its re-emergence in the mid '90s, and you will not find a more knowledgeable person to discuss your concerns with than him. I would encourage every OPEA member and state employee to attend and



join forces with us.”

The series of forums kicks off Nov. 12 at the James Crabtree Correctional Center in Helena, beginning with a tour and followed by a program featuring Dawe, from 11:30 a.m. to 12:30 p.m. Lunch will be provided and employees from JCCC, *(Continued On Page 3)*

“Brian Dawe has one of the best track records of anyone nationally in educating employees and advocates about private prisons.”

• OPEA Deputy Director Scott Barger

across the nation.

The forums feature ACOIN Executive Director Brian Dawe, who has been nationally recognized for his work on private prisons. He has spoken before the Canadian Parliament, at the Minnesota

Lopez Presented With OPEA Award

Randy Lopez, a correctional officer at the Oklahoma State Penitentiary, officially accepted the Oklahoma Public Employees Association’s Gaines Stout Leadership Award Oct. 13 at the OPEA office in Oklahoma City.

Lopez, one of two OPEA members to receive this year’s award, was unable to attend the ceremony at the Association’s Annual Convention in August. The other recipient was OKDHS employee Haley Faulkenberry.

“We are very fortunate to have leaders like Sgt. Lopez,” said OPEA Executive Director Sterling Zearley. “He has been president of the OSP chapter for the past three years and has been successful in drawing attention to the critical staffing needs at the prison.”

Sgt. Lopez, who has served with the Department of Corrections for more than 16 years, led OPEA’s OSP

chapter in a successful campaign to draw attention to critical staffing needs inside the maximum security prison and help recruit and retain staff. Under his leadership, the chapter united the employees of OSP and the business community with a “Stand Together For Safety” campaign. Employees wore green wristbands showing solidarity with local businesses, which displayed green signs in their storefronts. Lopez was able to gain support from more than 20 local businesses as well as the local press, which featured the struggle in nearly a half-dozen articles. Lopez also led a meeting with Gov. Brad Henry and Treasurer Scott Meacham that helped resolve many of the issues at OSP.

Lopez has been instrumental in offering support to employees in the form of *(Continued On Page 3)*

Subcommittee Meetings Could Spotlight Savings

Oklahoma's largest public employees association wants lawmakers to convene meetings of appropriation subcommittees. We think the Oklahoma Public Employees Association has hit upon a good idea, considering the state has cut agency appropriations 5 percent for the past three months, with no letup in sight.

Lawmakers don't need to go into special session to discuss the fiscal situation. Subcommittees could return to the Capitol and find out the impact the cuts are having on state agencies and their employees.

It also could be an opportunity for those employees to make some suggestions on saving money. State employees know what expenses can be put on hold for a few months and what needs to be spent. The public also can weigh in here. Good ideas come from many different sources.

The OPEA also is calling for cuts to private vendors like prisons and contractors for state services. That should have been part of the initial round of spending cuts. If it's not already built into the contracts, it ought to be put in future agreements.

- From *The Norman Transcript* • Oct. 20, 2009

If you are an OPEA member and you wish to consult an attorney, call the OPEA law firm,

**Fellers, Snider, Blankenship,
Bailey & Tippens**

(800) 311-9771

for consultation and reduced legal fees.



Coveted OPEA Award (Continued From Page 2)

grievance assistance. Very few employees know the grievance process and agency policy as well as Lopez. His tenacity has earned him respect from all the employees and the administration at OSP.

For example, when two female employees were forced to submit to a strip search that violated policy, through OPEA, Lopez exposed the incident, which resulted in national attention being given to a degrading policy. Because of the resulting publicity, the agency is reviewing its policy.

Lopez also represents OPEA on the Charitable Campaign



OPEA Executive Director Sterling Zearley, Sgt. Randy Lopez and OPEA Deputy Director Scott Barger.

Committee and has represented OPEA with a national corrections organization.

Private Prison Forums (Continued From Page 2)

WSKCC, Bill Johnson and Enid are encouraged to attend.

OPEA will then move to the L.E. Rader Center in Sand Springs for an afternoon tour of the state's maximum security juvenile facility, followed by a forum for employees at the Crescent Café, 3417 S. 113th West Ave., beginning at 5 p.m.

On Nov. 13, the Association continues its forums at the Oklahoma State Penitentiary in McAlester, with a morning tour followed by a forum with Dawe in the Recreation Room from 11:30 a.m. to 1 p.m. A free lunch will be provided, and employees from OSP, HMCC, MACC and JBCC are encouraged to attend.

OPEA will complete the series Nov. 13, when Dawe makes a presentation to members of the House and Senate Public Safety Committees in Oklahoma City.



State Rep. Mike Christian talks with Probation and Parole officers during a recent meeting in Oklahoma City. Christian, who recently joined OPEA, is a former Oklahoma Highway Patrol trooper. "OPEA is the most professional association representing state employees at the Capitol," said Christian. "That's why I am choosing to join OPEA."

OPEA Members Learn How To Fight Privatization At Boston Conference

OPEA was the invited guest at the American Correctional Officers Medal of Honor Awards Banquet Sept. 19 in Boston.

The annual event honors Department of Corrections workers who daily put their lives on the line. OPEA Board member and parole officer Carrie Croy represented OPEA, together with unit manager and DOC Council Chairman Mike Cagle and Lt. Richard Clark. ACO President Vito Dagnello and Correctional Peace Officer Foundation (CPOF) Chairman/National Director Glenn Mueller were the evening's hosts.

"I thought the trip to Boston for the 2009 Medal of Honor awards and Fall Conference was educational and a breath of fresh air from the normal grind," said Cagle. "The East Coast/West Coast gang training was very informative, and the presentation on privatization really hit home. I appreciate OPEA allowing its members to attend such events that offer useful information we can bring back to Oklahoma."

In addition to the ceremony, the two-day conference included speakers who made presentations on prison privatization, as well as training on gangs, tasers and how to deal with on-the-job stress.

Participants agreed that prison privatization was the most serious issue discussed at the conference. Brian Dawe, executive director of the American Correctional Officer Intelligence Network (ACOIN), is an expert on



OPEA Board member Carrie Croy; Don Novey, former president of the California Corrections Peace Officers Association; and OPEA Membership Representative Brandon Watkins at a two-day corrections conference in Boston.

how to combat the privatization problem. He said privatization could ultimately be a disaster not only for the Department of Corrections but also for mental health facilities, juvenile prisons and other state agencies.

Dawe explained that one of the best ways to fight privatization is to become active in

ACOIN and, on a local level, with the Oklahoma Public Employees Association, both of which are fighting to keep private prisons from expanding. He went on to point out that the U.S. government already has contracted with Wackenhut to guard U.S. embassies across the globe, a move that could have major repercussions for all states.

OPEA encourages its members to play an active role in their Association by talking to co-workers about the benefits of membership, especially OPEA's efforts to protect jobs, benefits and the livelihood of state employees.

"The East Coast/West Coast gang training was very informative, and the presentation on privatization really hit home."

• DOC Council Chairman Mike Cagle



Mike Cagle, Richard Clark and Carrie Croy enjoy the Medal of Honor Banquet in Boston.

Legislators, OPEA Agree: OSR Too Valuable To Close

The Oklahoma Public Employees Association presented the combined House and Senate subcommittees on Public Safety with testimony during their recent meeting at the Oklahoma State Reformatory in Granite. OPEA's comments focused on rumors that OSR would close and on the Department of Corrections budget picture.

OPEA Deputy Director Scott Barger testified before the committee that cuts to private prison contracts were the only option left available to DOC.

"The agency has been very proactive in addressing the budget by offering VOBOs, cutting discretionary spending and sweeping their revolving funds to make it through," he said. "Come December, you will have a couple of choices to make: Furlough employees or cut line items (private prison funding). The cuts to private prisons and halfway houses are necessary to maintain the integrity of the public correctional system that is already down to 77-percent staffing."

Barger told committee members that the whining from private prisons would begin as soon as DOC Director Justin Jones announces the cuts.

"The private prisons will be throwing themselves down on the ground like a 2-year-old, with their hired lobbyist moaning and threatening reprisals if they don't get their way. Legislators need to hold the line with the Department of Corrections on these cuts," Barger commented.

Rep. Randy Terrill, chair of the House Public Safety and Judiciary Subcommittee, agreed with OPEA.



Rep. Mike Christian, fiscal policy analyst Marilyn Anderson, Rep. Randy Terrill and Sen. Anthony Sykes listen to a presentation from OPEA.

"We were looking for an honest assessment of the budget situation with regard to the department and I think we have it," he said. "The private prisons have shared in the good times, and now it's time for them to share with the state the lean times."

OPEA also spoke on behalf of the employees at the Oklahoma State Reformatory, who recently were told that OSR might close.

"The Reformatory serves a necessary purpose to the agency, and its beds are critical. OPEA has not heard of any plans to close OSR, nor do we think that is even feasible in these economic times," Barger said.

Sen. Anthony Sykes, chair of the Senate Public Safety and Judiciary Subcommittee, agreed with OPEA and thanked the Association for its stance.

"Where would we put these inmates?" Sykes asked. "The rumors of OSR closing simply work against legislators' goals, as it would simply decrease the department's capacity at a time when space is critical."

Terrill and Sykes agreed with OPEA that OSR is too valuable to close.

'Taking Care Of Our Own'

The Correctional Peace Officers Foundation (CPOF), a national, non-profit charitable organization that partners with the Oklahoma Public Employees Association, is at it again.

The CPOF, whose primary purpose is to support the families of correctional employees who lose their lives in the line of duty, also is active in helping employees survive life-changing events.

So far, the CPOF has given more than \$27,500 to Oklahoma Department of Corrections employees, helping those with families get back on their feet following catastrophic events.

To join the CPOF, visit www.cpof.org.

OPEA is proud to partner with CPOF in "taking care of our own."

The editors invite your input to

DOC UPDATE

through your comments, suggestions or feature articles. We would like to hear from you. We strive to provide our members with the best in communications about state employees. Please e-mail us at general@opea.org or fax us at (405) 524-4671.

OPEA Questions DPS Use Of Private Attorney

OPEA Executive Director Sterling Zearley recently sent a letter to Department of Public Safety Commissioner Kevin Ward. The letter outlines OPEA's concerns about a private attorney questioning DPS employees about leaking information to the media and to members of the Legislature.

Zearley sent the following letter after meeting with Ward. The attorney reportedly represents the commissioner.

October 15, 2009

Kevin L. Ward, Commissionr
Department of Public Safety
PO Box 11415
Oklahoma City, Oklahoma 73136



Commissioner Ward,

Thank you for taking time to meet with me regarding our concerns with the current administrative investigation being conducted by the agency and attorney Gary James. While we appreciate your willingness to hear our concerns, we still must continue to protest the use of a private attorney for the purpose of discovering "leaks" within the agency.

As we discussed, OPEA acknowledges the fact that DPS has the ability to hire outside counsel for a variety of reasons. As we expressed to you, the fact that Mr. James' services are being paid through a third party is a cause of great concern to OPEA.

The "Whistleblower Act" is designed to encourage and protect employees who report wrongful governmental activities. This same statute protects employees from retaliation when they report these activities. Therefore, OPEA again urges you to bring Mr. James' participation in this investigation to a halt immediately. This investigation, which is designed to identify the person or persons responsible for leaking information, simply appears to be a "witch hunt" designed to identify and punish employees who may have participated in a protected activity.

Disclosing public information to correct what the employee reasonably believes provides evidence of a violation of the Oklahoma Constitution, a law or a rule is not a crime. State statute clearly protects employees. Mr. James' continued participation only serves to fuel speculation and rumors surrounding the situation and does nothing to begin to repair the internal strife that is evident.

Again, OPEA strongly urges you to review this situation and make changes that will help employees return to a normal working environment without the fear or intimidation an investigation of this nature can cause.

I look forward to your quick response to our request.

Sincerely,

Sterling Zearley
Executive Director

State Lawmakers Won't Receive Salary Increase

Taking a cue from state employees, the Legislative Compensation Board has voted not to increase legislators' salaries. Members of the Board voted unanimously Oct. 20 to keep pay and benefits at the same level for the next three years.

The Oklahoma Public Employees Association sent letters to House and Senate leadership praising the decision and urging lawmakers to consider a long-term compensation plan for state employees.

"Our elected officials have the benefit of a board to review and adjust their salaries," said OPEA Deputy Director Scott Barger. "State employees do not have that luxury. We have not seen a pay increase in nearly four years, and we think it's time our lawmakers put in place a long-term compensation plan. Not only would that bring state employees' salaries to market, it would also help reduce turnover."

According to figures compiled by the National Conference of State Legislatures, Oklahoma's lawmakers are the highest-paid legislators in the region that includes Texas, New Mexico, Colorado, Kansas, Missouri and Arkansas.

Oklahoma's state employees, meanwhile, are paid 16 percent below market.

"That's appalling," Barger said. "The folks who build our roads, protect us from dangerous felons and safeguard our children often get by on much less than our lowest-paid legislators. It's time that changes, and OPEA is determined to effect that change."

DOC Figures Show That Public Prison Beds Are Cheaper

The cost of public prison beds is lower than or at least competitive with the cost of private prison beds, according to figures released at the October meeting of the Board of Corrections.

Oklahoma houses 2,280 inmates in CCA prisons and 2,526 in GEO facilities.

The figures show that the public prison rate for a medium-security bed is \$44.35 per day, compared with the daily per diem rate for CCA, which is \$49, and GEO, which is \$44.83.

DOC Director Justin Jones told the *Tulsa World* that the cost for public prisons could be lower, adding that the public system supports an agricultural operation and has different inmate health costs than private prisons. He also said that the public system does not transfer inmates with severe health problems.

"The state's prisons are operating very efficiently according to these recent numbers," said OPEA Executive Director Sterling Zearley. "But a lot of margin comes from the fact that the agency is operating at 77 percent staffing. That's not ideal."

In other action, the Board of Corrections reduced the overall capacity of the Oklahoma State Penitentiary from 1,312 beds to 1,115, a total decrease of 203 beds.

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 () _____ Cell 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

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Back At Work (Continued From Page 1)

will be moving forward with the Merit Protection Commission.”

Zearley praised OPEA members at HMCC for their steadfast determination while their fellow employees were off the job.

“It was a clear demonstration of the basic principles of OPEA,” he said. “The membership stood behind them all the way, even going to the extent of holding many meetings as well as fundraisers because they believe in their cause and wanted to see this through.”

“Without OPEA resources and backing from my fellow OPEA members and co-workers, we would not have been able to achieve what we have achieved here today. Working as a team, we can bring change.”

Bill Harrington

OPEA also acknowledged the participation of the Department of Corrections, specifically DOC Director Justin Jones.

“From the time the employees of HMCC and several other facilities met and began to express concerns, Director Jones has made himself and his staff available to talk with OPEA and to meet

with the representatives of HMCC members and listen to their concerns,” said Zearley. “He has reviewed their grievances as well as the personnel actions and opted to mediate eight of nine personnel actions taken at the facility. We thank him for his attention to this matter and for his willingness to move forward.”

OPEA also acknowledged the efforts of State Sens. Jerry Ellis and Jay Paul Gumm and State Rep. R. C. Pruett, who also supported the efforts to mediate the McLeod situation.

“While Association policy is to keep personnel actions of individual members private, this is a case where it would be unfair to all those concerned if we did not inform the public of the outcome because of the extensive coverage of these cases,” said Zearley. “The Association is happy and excited for the members at HMCC and the other facilities in the area that supported this effort.”

“OPEA has helped us show people that we’re not going to be pushed around.”

Ricky Eldridge