



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

February 2, 2023

The Honorable Kathleen Taylor, Chair
Senate Committee on Labor and Business

Subject: Senate Bill 631

Chair Taylor and members of the committee, my name is Rob Persson, and I serve as the Assistant Director of the Oregon Department of Corrections (DOC) Operations Division. I am providing written testimony regarding Senate Bill (SB) 631.

What the Bill Does:

SB 631 permits employees of certain state agencies to refuse to work additional mandatory overtime shifts scheduled by their employer when the employee has already worked mandatory overtime in the same month. The bill further prohibits the employer from requiring the employee to take unpaid leave or use paid time off to make up for refusing to work additional overtime shifts, or from taking adverse employment action against the employee.

Potential Impacts

The DOC operates twelve facilities across the state housing over 12,000 adults in custody (AICs). The services we provide are often mandated by Federal and State laws and any deprivation of those services must be infrequent and the result of significant circumstances. DOC's Executive Team agrees that mandatory overtime is an issue and has been for several years. We are working diligently to reduce the impacts to our employees.

DOC remains fully committed to the wellness of our valued employees. We have designated staff at each institution to assist applicants through the hiring process, increased the number of cohorts going through basic corrections courses, conduct regular meetings with recruitment teams, and provide quarterly reports to the legislature as to our progress.

Historically, DOC has maintained a nominal security staff vacancy rate allowing us to consistently provide mandated services to those in our care and custody. We are often required to offer voluntary overtime to staff in order to ensure required posts are filled so that safe and secure operations can be maintained. Mandating overtime is necessary to operate programs (such as education and training) and to offer services (including visiting, recreational activities, etc.) that are critical to the people in our care and custody.

Security staff at all institutions are subject to collective bargaining agreements; through AFSCME or AOCE. Our labor partners have negotiated processes related to voluntary and mandatory overtime; either shift and day off or post bidding, vacation and sick leave usage, and

many other working conditions. In many ways the agreements are similar; and these agreements are specific and binding.

Prior to COVID-19, DOC has actively pursued 100% employment at our institutions. With historic challenges related to extremely low unemployment and competition with private sector employers, the candidate pool is challenging. DOC has streamlined our processes for identifying and onboarding staff as quickly as possible.

We have seen success in hiring, but we are further challenged by the increased rate of retirements and separations. Over the last 31 years, Oregon built eight prisons and the AIC population doubled. Staff hired over those 31 years are now entering retirement at a greater pace than previously experienced.

Department staff outside of the security series will also be impacted by this legislation. Boiler operators have a much smaller relief factor and recruitment for these staff is quite challenging occasionally resulting in mandatory overtime. Medical staffing is also challenging for corrections. Our Health Services Division prioritizes daily activities in many of the same ways as our security section, using available daily staff, contracted nurses, voluntary overtime and, if necessary, mandatory overtime to provide mandated health care services to our AICs.

If this bill continues to move forward, I look forward to working with our external partners on ways to effectively reduce mandatory overtime.

Thank you for your time and consideration.

Submitted by:

Oregon Department of Corrections

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