

ANALYSIS

Department of Corrections Institution Staffing and Mandatory Overtime

Analyst: John Terpening

Request: Acknowledge receipt of a report on institution staffing and mandatory overtime.

Analysis: The Department of Corrections (DOC) has submitted a report pursuant to a budget note approved in the budget report for SB 5504 (2023):

Institution Staffing and Mandatory Overtime: The Department of Corrections continues to have difficulty recruiting and retaining sufficient security staff across all its institutions, and mandatory overtime remains a consistent issue. With these challenges, the Department has made internal decisions to deactivate units and to reduce the usage of emergency beds, in efforts to alleviate staffing issues and maintain safer operations. However, given the job market environment, the Department must look beyond standard hiring, recruiting, and retention efforts, and conduct an analysis on how to continue to operate prisons safely and security. Using the October 2023 Office of Economic Analysis prison population forecast as a baseline, the Department is directed to report to the Public Safety Subcommittee of the Joint Committee on Ways and Means during the 2024 legislative session with an analysis of current staffing levels, and how many units in each institution the Department could safely operate within that staffing level, if they were to eliminate the use of mandatory overtime. This analysis should also include if any rebalancing of budgeted positions or bed capacity would need to be considered, and any specific recommendations on ways for the Department to operate institutions with the number of staff they have been able to consistently hire and retain over the past biennium, which may include technological innovations, building modifications, changes to position structures, or other concepts.

The DOC report provides data on the eleven institutions housing male adults-in-custody (AIC), where there is an overall capacity of 12,379 among 125 different housing units, including general population, special housing, and healthcare. Prior to providing the report, the Department requested to exclude data on the women's institution, Coffee Creek Correctional Facility, in part due to the high number of vacancies and efforts around the Gender Informed Practices Assessment that are ongoing and will help shape how that institution operates. Any future reports are expected to incorporate data for Coffee Creek as the Department looks at the overall institution system.

Overtime, and particularly mandatory overtime, continue to be an issue across institutions. DOC reports that the average mandatory overtime hours per month are 3,590, however system limitations have made it difficult to precisely identify mandatory overtime hours versus regular voluntary overtime. Many individuals volunteer for overtime shifts during a given week which allows them to avoid the potential of being required for mandatory overtime. Additionally, DOC has made significant efforts in recruitment, as this report and prior overtime reports have outlined, but recruitment efforts are being outpaced by departures through general attrition or retirements.

At the time of the report, the average daily population of male AIC's was 10,766. This population is

currently spread across 119 units, as two are closed for maintenance, and four have been administratively closed by DOC to mitigate overtime pressures at Eastern Oregon Correctional Institution and Two Rivers Correctional Institution. The Department provided an estimate of what the male AIC population would need to be by institution to significantly impact the use of mandatory overtime, with the overall total being 10,442, only 324 below the average daily population. However, population management has many factors to consider and moving AIC's or closing whole or partial units is not always achievable. With two new units expected to open in May 2024 at Deer Ridge Correctional Institution, where recruitment efforts have been more successful recently, it's possible that if the overall population remains lower than forecasted, having the flexibility to shift AIC's where appropriate to these new units could further relieve overtime pressures in other institutions.

The budget note directed the Department to provide recommendations on ways to operate with fewer staff and provided options for the Department to consider, such as rebalancing of budgeted positions or bed capacity, technological innovations, building modifications, or changes to position structures. While this report did not include any recommendations in that regard, it is understandable given the change in leadership with a new director starting in October 2023. It is anticipated that the Department will be able to provide some additional considerations with a follow-up report to the Emergency Board prior to November 2024. This follow-up report should provide additional insight into the population management of AIC's, including the use of opening and closing units to offset overtime pressures.

Legislative Fiscal Office Recommendation: The Legislative Fiscal Office recommends acknowledging receipt of the report with instructions that the Department provide a follow-up report on the budget note to the Emergency Board prior to November 2024.

Request: Report on staffing and use of overtime from the Department of Corrections (DOC).

Recommendation: Acknowledge receipt of the report.

Discussion: A budget note in the budget report for Senate Bill 5504 (2023) required DOC to submit a report which analyzed current staffing level if they were to eliminate the use of mandatory overtime staffing levels and how many units in each institution the Department could safely operate within that. The budget note required the Department to consider rebalancing positions, restructuring bed capacity, and recommendations for ways to safely operate institutions with the number of staff they have been able to consistently hire and maintain over the past biennium.

For more than a decade, public safety agencies nationwide have struggled to recruit and retain staff for close custody facilities. This trend, already well-established before the COVID-19 pandemic, was accelerated by the cross-cutting pressures of the pandemic, which made long and inflexible shifts in stressful environments unappealing and simply unworkable for many people, especially working parents. As vacancies rise, the remaining staff must cover the 24/7 shifts, leading to sharply increased overtime, both voluntary and mandatory. This leads to a vicious cycle of turnover as staff burn out, leave their positions, and the work devolves again to the staff who are left or to new staff who are frequently given the least desirable shifts because of seniority.

The budget note required DOC to include in the report “an analysis of current staffing levels, and how many units in each institution the Department could safely operate within that staffing level, if they were to eliminate the use of mandatory overtime.” DOC included a table within their report that shows that the maximum population of AICs that can be managed without mandatory overtime is 10,442, well below the total institutional capacity of 12,379 AICs. The report also notes that this does not capture the fact that many staff proactively choose overtime rather than being “bucketed” into shifts unexpectedly for mandatory overtime. Consequently, measuring only mandatory overtime understates the amount of overtime, and the impact on staff work-life balance, that is required to staff shifts at each institution.

As the report notes, DOC has tried and continues to implement a variety of strategies to recruit and retain staff for their close custody facilities. They have held recruitment events, launched a marketing campaign, and offered paid lodging and tours of some facilities along with relocation reimbursements. DOC management and staff continue to explore strategies for recruiting high-quality candidates in competitive a labor market



Oregon

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January 18, 2024

Senator Elizabeth Steiner, Co-Chair
Representative Tawna Sanchez, Co-Chair
Joint Committee on Ways and Means
900 Court St NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs,

The Oregon Department of Corrections (DOC) respectfully requests your acceptance of this letter as the implementation update to the Oregon Legislature required by Overtime Budget Note contained in Senate Bill 5504 (2023).

Background

The DOC operates twelve institutions across the state housing over 12,000 adults in custody (AICs). For the last several years, overtime hours have increased, negatively impacting our employees, their families, and the services to the AICs. The increase particularly acute at Eastern Oregon Correctional Institution (EOCI), Two Rivers Correctional Institution (TRCI) and Coffee Creek Correctional Facility (CCCF), the only women's institution.

The 2023-2025 legislatively approved budget included the following budget note: *"The Department of Corrections continues to have difficulty recruiting and retaining sufficient security staff across all its institutions, and mandatory overtime remains a consistent issue. With these challenges, the Department has made internal decisions to deactivate units and to reduce the usage of emergency beds, in an effort to alleviate staffing issues and maintain safer operations. However, given the job market environment, the Department must look beyond standard hiring, recruiting and retention efforts, and conduct an analysis on how to continue to operate prisons safely and securely. Using the October 2023 Office of Economic Analysis prison population forecast as a baseline, the Department is directed to report to the Public Safety Subcommittee of the Joint Committee on Ways and Means during the 2024 legislative session with an analysis of current staffing levels, and how many units in each institution the Department could safely operate within that staffing level, if they were to eliminate the use of mandatory overtime. This analysis should include in any rebalancing of budgeted positions or bed capacity would need to be considered, and any specific recommendations on ways for the Department of operate institutions with the number of staff they have been able to consistently hire*

and retain over the past biennium, which may include any technological innovations, building modifications, changes to position structures, or other concepts.”

Overtime drivers are complex and include vacant positions, basic training for Corrections employees, employee leave programs such as military or parental leave and unexpected emergencies. Reporting on voluntary overtime (i.e., to fill a vacant position) versus mandatory overtime, when no one volunteers, doesn’t provide a complete picture. We understand DOC employees are currently managing their family commitments and time off by volunteering for overtime instead of being mandated unexpectedly at the end of a shift. For this reason, the data outlined in this document may not accurately reflect the true impact to our employees caused by mandatory overtime.

As previously noted, CCCF is also experiencing a high number of staff vacancies for the past several years. CCCF is embarking on transformational work surrounding the Gender Informed Practices Assessment (GIPA). We want to honor the hard work of employees, CCCF AICs, external partners, and the Governor’s Office as we allow time for their ideas to come forward. For this reason, CCCF information and strategies are not included in this document. We are committed to easing the overtime burden for CCCF staff and will provide updates during the 2024 Legislative Session.

Institution Capacity and Overtime

Currently, DOC is averaging 3,590 mandatory overtime hours per month at institutions housing male AICs. Out of the total statewide capacity of 125 housing units, two are currently closed due to maintenance and four have been closed to reduce overtime at EOCI and TRCI. The below chart reflects the current male AIC population, current male housing units, and maximum male AIC population capacity without using mandatory overtime.

<i>(Male Institutions)</i>	SFFC	PRCF	CRCI	OSP	WCCF	OSCI	TRCI	EOCI	DRCI	SCI	SRCI	Totals
Institution Capacity	200	316	595	2,130	407	884	1,670	1,658	980	480	3,059	12,379
Average Daily Population	139	301	544	1,697	345	846	1,433	1,314	905	398	2,844	10,766
Total Units	14	5	8	9	4	6	14	19	8	4	34	125
Closed units for OT reduction							1	3				4
Closed units for Maintanance				1						1		2
Open units	14	5	8	8	4	6	13	16	8	3	34	119
AIC Population without Mandatory OT	139	301	530	1,662	345	841	1,282	1,280	870	371	2,821	10,442

Agency Action

For the last several years, we have tried many ways to attract the best quality candidates to the department. Below are just some of the strategies we have implemented.

- **Meet and Greet** agency hosted events at institutions. These events allow candidates access to a computer to apply for a DOC job, offer tours of the institution, and NTN testing.
- **Career Fairs** across the state were attended by DOC’s recruitment team.
- **Advertising Forums** were utilized to include: radio, print, banners, vehicle wraps, and social media.
- **iHeart Media Marketing Campaign** was held March – September 2022.
- **All Star Talent Virtual Meet & Greet Events** were held in August 2022.
- **All Star Talent Eastern Oregon Recruitment Campaign** was held May – August 2023.
- **Relocation Reimbursements** are offered to new to state service candidates, with a \$10,000 cap.
- **Paid Lodging and Tours** to EOCl and TRCl for excess Correction Officer candidates who applied to a westside institution.

Relocation Reimbursement

- In September 2022, the agency started to offer relocation expense reimbursement, this is available only to new to state service candidates, with a \$10,000 cap.
 - Four individuals have been paid relocation expense and are current Correctional Officers
 - One candidate is currently in the pre-employment process
- In January 2023, the agency started to offer paid lodging and tours to EOCl and TRCl for excess CO candidate in the pipeline.
 - Four candidates have accepted this offer. All four have successfully relocated and are counted in the numbers above.
 - Two at EOCl and Two at TRCl

Constraints

DOC, like many public safety agencies across the state, is experiencing hiring and retention challenges in key positions coming out of the pandemic. It is essential DOC remain competitive in this job market, especially with other Oregon public safety agencies. In exploring different recruiting strategies, DOC gathered data for Corrections Officer/equivalent positions from counties within the state, as well as from states within the Western region. The purpose of gathering this data was to determine how competitive DOC is with other agencies recruiting Correctional Officers.

One barrier identified in our analysis of comparable jurisdictions is Oregon’s Pay Equity Law (ORS 652.220) which limits Oregon employers from offering a hiring or retention bonus, unless it is paid equally to all employees performing comparable work. While the provision of employee bonuses is not prohibited under this law, the opportunity to obtain a bonus must be included as part of an employee’s total compensation.

For background history, SB 1514 (2022) declared a state of emergency that temporarily amended the definition of total compensation and allowed employers to not consider hiring or retention bonus as “compensation” for purposes of pay equity requirements. This exception ended September 28, 2022.

During the three (3) month exception period DOC paid a one-time hiring bonus of \$4,116 to 40 new Correctional Officers, a total cost of \$164,640.

DOC staff are continuing to explore the feasibility of hiring, retention, and referral bonuses. Initial research indicates the need to implement these bonuses to keep pace with other agencies that are also competing for a limited number of high-quality candidates.

Strategic Planning

The DOC Executive Team is reviewing additional institutional changes to reduce staffing challenges and meet the evolving corrections landscape. The various options we are analyzing would have substantial impact to the agency and may require significant funding, modifications to labor agreements, and extensive conversations with key stakeholders.

The DOC is doing the foundational work to determine each option's feasibility. Once that initial work has been done, we will begin in-depth conversations with elected leaders and our strategic partners. It is our desire to be agile in adapting to the changes in the labor market and AIC population demographics to provide the best possible outcomes.

Sincerely,

A handwritten signature in blue ink that reads "Michael Reese". The signature is written in a cursive, flowing style.

Michael Reese
Acting Director
Oregon Department of Corrections