

Written Testimony IN OPPOSITION to HB 2391
Before the Senate Committee on Commerce
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Chairperson Lynn and Members of the Committee:

Thank you for the opportunity to express my concerns over House Bill 2391. I will be 60 years old in November and am a correctional officer at a major correctional facility in Kansas. I bring my concerns as a private citizen and as an eight-year veteran of correctional work, but not as a representative of my agency.

To get an understanding of the impact of an "Unclassified" classification on correctional officers, you must look at the job, and career, of those officers. Let me first start by referring to experience. At my facility, this is the breakdown of the experience of the uniformed staff:

CS3 (Captain)	22.57 years
CS2 (Lieutenant)	16.75 years
CS1 (First Sergeant)	12.83 years
CO2 (Sergeant)	8.91 years
CO1 (Corporal)	5.98 years

Experience is the key element in the effectiveness of the uniformed workforce at a correctional facility. To get that experience, the correctional officer endures situations from day one which would disgust the common Kansan. Correctional officers are cussed, spit on, struck, beat and have had urine and feces thrown at or on them.

Working conditions are poor. There is little protective gear provided to the cell house officers. Uniforms issued to them are unprofessional and sometimes interfere with their duties due to their poor fit and design. Boots wear out in weeks instead of years. Officer work areas are dirty with broken chairs or, in limited cases, no chairs at all. Correctional officers are regularly exposed to inmates with lice, scabies, hepatitis, HIV, AIDS and, this year, a number of officers were exposed to tuberculosis at my facility.

Despite all of these ills, our correctional officers are expected to be perfect. Perfect in their relations with the public off-duty. Perfect in their contact with the inmates. Perfect in their duties during work hours. Make a uniform which looks like a sack and boots which cannot hold a shine look professional. Perfect punctuation and grammar in their reports. Perfect testimony during inmate disciplinary hearings. Perfect driving in vehicles that are not in legal condition for the public streets. Perfect record keeping on the inmates in reference to inmate count, inmate conduct, inmate possessions and inmate safety.

So, with experience, the correctional officer is able to juggle all these perfections into a career of competence. Competence, but not perfection. It is during this gain of experience that the officer learns her/his trade through negative reinforcement. I estimate that 70-75% of correctional officers have had a minimum of one suspension with some that have had up to five

suspensions. I have had one. Under HB 2391, as an unclassified employee, when I promote up, I can be terminated without recourse for making a small error in the perfect world of corrections.

As one legislator I spoke to said, "That will never happen because your management will be fair." Well, members of this committee, management is made up of human beings. Human beings with personal agendas. Human beings who have bad days. Human beings who do not like me. Yes, legislators, I have enemies within the Department of Corrections. As an unclassified employee, I fully expect to be terminated at the drop of a hat. There are many officers in the same situation. Although it has been sixteen months since my last evaluation, I am an exceptional employee according to my November, 2013 evaluation. That being said, it is my opinion that the moment I become an unclassified corrections officer, the target on my back goes from a small one to a huge one. And, in my case, I am an experienced officer. That is not the case for much of the corrections workforce.

35.92% of my facility's workforce was employed by KDOC on, or after, 1/1/2012. 42% of our workforce has five years' experience or less. A minimum of 12.38% (62 out of 501) of our uniformed staff are eligible for KPERS Correctional Retirement. 75 out of 501 of the uniformed staff (17%) has one year or less experience. So, if the retirement eligible officers leave, and new officers are hired, 54% of the uniformed staff will have less than five years' experience. Competence in corrections only comes in experience. Experience my facility will not have and, as unclassified employees, will not get because it is simpler to terminate error instead of training how to avoid it. By the way, training at my facility contributes to much of the errors officers have since annual training is, overall, poor.

In FY 2012, my facility had a turnover rate of 20%. One in five employees left, or were terminated. Considering that we were in a major recession and jobs were few, that is totally unacceptable. There were 21 terminations with union representation available. What will happen when there are few rules to protect the individual officer in the walled world where only perfection is acceptable? As I said earlier, with experience, competence is achievable in the corrections career field. Perfection, the only standard that my management has accepted, is impossible. Add the opportunity to terminate at will, with no representation available, the turnover rate at my facility will double. As will the cost to hire and train replacements. If money is available. That is, if Kansas can convince the federal government that an unclassified worker pay system is part of the Merit system required by most federal grants. As a retired federal employee who worked in a true merit system, I, personally, am unconvinced.

I mentioned earlier that I had my enemies in management in corrections. When I am terminated as an unclassified corrections officer who performs exceptionally, budget in legal fees. The only choice that the employee who is wrongfully terminated has is to sue. In my case, I shall. Thank you for your time and attention.