



NEWS AFFECTING STATE EMPLOYEES

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October 2015 State Group Insurance Committee Update

Gayle Robb, TSEA Compensation & Benefits Manager

On September 30, the State Group Insurance Committee met for the purpose of approving recommended plan document changes as presented by Benefits Administration. Any plan document changes require the committee's approval. The Plan document changes presented by B.A. encompass previously approved actions by the Legislature and previously approved changes by the State Insurance Committee earlier in the year.

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TSEA: ACA audit encouraging, yet deficient

TSEA News Release

"TSEA was never confident that the ACA could conduct a fully transparent audit of TDOC," TSEA President Bryan Merritt said. "We generally agree with the two recommendations contained in today's ACA report; however, in light of the volume of well-documented issues facing TDOC, we are disappointed about the considerably low number of recommendations contained in the report."

TSEA's first priority is and always has been the safety of Tennessee's state employees. TSEA is concerned that staffing issues, particularly the department's overall 39% turnover rate, are not mentioned in the ACA audit. We are concerned that the audit team didn't review any staffing rosters from the days and weeks prior to their arrival.

In addition, we continue to be concerned about low officer pay and troubling staff to inmate ratios. We think all of these issues should have appeared in the audit.

"This audit is a start. But, if we really want to get to the bottom of TDOC's problems, we need a comprehensive, truly independent, fully transparent audit of our state prison system," Merritt said. "Regardless, it is time for the song and dance to end. With each passing day that we do not act to correct the issues in TDOC, we get closer to tragedy. We urge the department to seriously consider ACA's recommendations."

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TN prison scheduling, discipline criticized in audit

Dave Boucher, *The Tennessean*

After the hearing, Stewart, House Minority Leader Craig Fitzhugh, D-Ripley, and Tennessee State Employee Association President Bryan Merritt said the review was a good start. But all said it should be the launching point for a more in-depth investigation.

"As we anticipated, while there are some good recommendations in this report, we knew that this would not be the comprehensive, independent probe that we were hoping for, but instead another rubber stamp of approval just like the ACA has given in the past," Stewart said in a statement.

Fitzhugh noted that he had sent concerns to the department about the 28-day schedule months ago, as had many other state lawmakers and correctional officers. He said it was both affirming and disappointing to see the ACA note those same issues in its report; he thinks they could have been addressed sooner had the department listened to state lawmakers.

It remains to be seen what recommendations Schofield will chose to implement.

"I think he has a credibility problem, to say the least," Fitzhugh said, noting he had always gotten along with the commissioner in the past.

"I hope he listens to this report that he commissioned. I sure do. Surely he will."

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Prison audit recommends changing TDOC policies on work schedules, assault reports

Travis Loller, Associated Press

The audit also recommends moving correctional officers from a 28-day work schedule with 8-hour shifts to a 14-day schedule with 12-hour shifts. The details are complicated, but Stalder said the 14-day schedule would give officers a 3-day weekend every other week. The 12-hour shift would eliminate double shifts. And the shortened pay period would allow officers to be paid for overtime sooner.

The department has rolled out the 28-day schedule across the system over the past year as a way to keep down overtime and provide more flexibility in staffing.

In a hearing before a Senate subcommittee in August, some employees blamed the new schedule for staffing shortages that they said have made the prisons more dangerous.

Stalder said at the Wednesday hearing that changing to a 14-day schedule would "minimize some of the turnover based on morale, stress and anxiety."

Several subcommittee members said they were unhappy with how the audit was carried out. Three auditors visited five prisons, spending two or three hours at each one. The visits were announced in advance to prison officials who accompanied the auditors as they walked through the prisons and spoke with staff.

Sen. Ken Yeager showed his frustration after Stalder was unable to answer several of his questions.

"We're kind of relying on you, and you keep referring us back to the department," he said.

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Haslam administration weighing changes in prison-

guard assault reporting

Andy Sher, Chattanooga Times-Free Press

ACA officials outlined their recommendations Wednesday afternoon to the Senate State and Local Subcommittee after auditors' visits over three days last month to five of Tennessee's 13 prisons.

That comes after months of controversy over low correctional officer morale, high staff turnover and understaffing in some facilities, as well as charges the Tennessee Department of Correction was altering the figures on inmates' assaults on staff.

State Correction Commissioner Derrick Schofield has denied playing with the assault numbers. He told reporters after the Senate hearing that he is still digesting the recommendations.

"Just like the committee, I got those this morning. We read through them. They make sense. I do appreciate them. We have to evaluate how we're going to implement [or] whether there are some things we need to tweak."

He said he doesn't think assaults are being misclassified and the department was "following the policy that we had." He noted that policy was in effect prior to his becoming commissioner in 2011.

Because of the way assaults are now classified, incidents where guards are not injured are only classified as "state-inmate provocation."

Avoiding criticism of the state, Richard Stalder, former chief of Louisiana's prisons and one of the auditors, told senators the practical effect of ACA's recommended change is that "if I swing a baseball bat at your head and just barely miss you, it should be sanctioned in the same way whether I hit you or not."

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State presentation on building management contract lacks pre- and post-contract cost comparison

Richard Locker, Memphis Commercial Appeal

The state agency in charge of running and maintaining state-owned buildings says that a contract for outsourcing those functions at about 10 percent of state property resulted in a "cost avoidance of \$12.9 million" over the contract's first two years.

But that estimate is not based on a direct comparison of what the state spent on the same services before the facilities-management contract with Jones Lang LaSalle went into effect in 2013. Instead, the \$12.9 million figure is what the company did not spend during the first two years, out of a specially constructed "benchmark" budget of \$36.9 million per year for the contract, state officials acknowledged Thursday.

Hull was unable to provide a direct comparison to what the state was spending on the same building operations work now provided by Jones Lang LaSalle. Hull called such a comparison "irrelevant" because the state created a new "benchmark budget plan" for building operations on which the contractor's performance is judged - the \$36.9 million figure.

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State defends privatizing facilities management

Dave Boucher, The Tennessean

The Tennessee State Employee Association and Democrats have blasted the state for considering

expanding its privatization efforts. They argue a move to privatize possibly thousands of positions could cost an untold number of state employees their jobs, while resulting in cut wages or benefits for those who do remain.

Documents cited by the Chattanooga Times Free Press and other media outlets also point to a timeline for how the state would rollout a privatization plan for the remaining facilities. Hull repeatedly denied there is any set plan; however, if the state were to move forward with privatization, he said the state has established a timeline for how it might be able to do so.

Haslam has consistently said the state hasn't decided whether it will push for expanding privatization, but he has argued it's the state's obligation to explore that possibility.

Asked whether there was a scenario where the state could efficiently manage facilities without JLL, Hull said that's not the department's goal.

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Lawmakers go on 'fact-finding journey' to learn about outsourcing impact from UT workers

MJ Slaby, Knoxville News-Sentinel

Harris and Rep. John Ray Clemmons, D-Nashville, organized the event that started their "fact-finding journey" to listen to impacted workers across the state. The next stop is Nov. 3 in Chattanooga.

Lawmakers have heard about the plan from consultants in Nashville, but not from the people on the job and those are the people that lawmakers should hear from first, Harris said.

He said the stories shared Tuesday are ones that need to be heard in Nashville.

Each person shared a different story. Some workers have young children to support; one had a retired husband and another was the caretaker for her mother.

But each stressed that a job at UT was considered a job with good benefits to keep until retirement. And it's a job done with pride that creates a family with co-workers, they said.

That pride and sense of family shows, Harris and Clemmons said. The lawmakers asked questions about room for staffing or pay cuts, adding those were parts of the conversations in Nashville.

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Gov. Haslam says long-term solution needed for transportation funding

Andy Sher, Chattanooga Times-Free Press

Noting that, as governor, it's often possible to "avoid the real hard issues and let somebody else do that, here's the reality on the gas tax. Made it through the first term. It was great. While I'm governor, to be honest with you, if we didn't do anything the roads would probably stay in comparatively good shape.

"We'd still be better than our neighbors," Haslam added. "But that's not the right thing to do" because it would lead "toward not having any kind of system we're accustomed to."

Asked about the gas tax later, Haslam said he doesn't know of any alternative that would bring in the revenue needed. Each penny raises \$30.7 million per year. Tennessee last raised its gas tax 26

years ago by 4 cents. It is now at 21.4 cents per gallon.

"At some point, you're going to have to address bringing in more revenue," he told reporters. "The path we're on now will not work."

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DCS expects to escape fed oversight in 2017

Travis Loller, Associated Press

If DCS can meet that goal and maintain compliance for a full year, officials could then ask U.S. District Judge Todd Campbell to end the federal supervision. The earliest that would happen would be 2017.

At a progress hearing Monday, both sides agreed the department is about 90 percent of the way there.

Two years ago, they were not so optimistic. The department was reeling from a scandal over problems that included officials not knowing how many children had died while the agency was supposed to be helping them. Commissioner Kate O'Day resigned and was replaced by Jim Henry, who is credited with getting DCS back on track.

...Asked on Monday about the new system for investigating and tracking child deaths that Henry implemented, DCS attorney Jon Lakey said it was functioning well and continuing under the new commissioner. Lakey also said problems that had plagued the department after the failure of a new computer system are no longer an issue.

DCS also is doing a good job of keeping caseloads within reasonable limits, Lakey said. In 2014, at least 97 percent of workers were responsible for 20 or fewer kids, according to a progress report compiled by an independent monitor.

"I know we have a way to go," Lakey said, "and the road is a hard one to travel, but the road is a lot shorter than it was."

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Dresden, Whiteville driver services centers to close

Staff, WBBJ 7 Eyewitness News

The driver services centers in Dresden and Whiteville will close next month and merge with centers in surrounding cities, according to the Tennessee Department of Safety and Homeland Security.

Both centers will close Nov. 6 and merge with the other centers as part of an effort to improve effectiveness and efficiency in the state's driver's license services, according to a release.

The staff positions also will be transferred to one or more of the centers, the release states.

The Dresden Driver Services Center, located at 8595 Highway 22, will merge with the driver services centers in Paris, Trenton and Union City.

The Whiteville Driver Services Center, located at 200 Harris Street, will merge with the driver services centers in Oakland, Savannah and Jackson.

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Rep. Mike Harrison resigning to lead county mayors group

Tom Humphrey, Knoxville News Sentinel

State Rep. Mike Harrison, who chairs one of the Legislature's most powerful panels, is resigning from the Legislature to become executive director of the County Mayors Association of Tennessee.

Harrison, R-Rogersville, will be succeeded as head of the House Finance Subcommittee, which rules on all legislation involving taxation or spending of state dollars, by Rep. Curtis Johnson, R-Clarksville, who is now serving as House Speaker Pro Tempore.

The change was announced by House Speaker Beth Harwell, who said Johnson will hold the position through next year on an "interim" basis, whereupon "new, permanent committee assignments" will be made for the 110th General Assembly.

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