

fourth watch



A NEWSLETTER FOR

CDCR PSYCHIATRIC TECHNICIANS

March 2007

UPCOMING ISSUES IN CDCR

One of the best things that CDCR could have done was hire Psychiatric Technicians. In the span of a decade, Psych Techs have tripled in number and have become the glue that holds it all together. Let's look at what's facing us now and in the near future.

MORE UNION STEWARDS NEEDED

There are 33 prisons, all with Psych Techs needing visibility and representation. We can't move forward if we can't find people to help with union activities. We can't run our Corrections Chapter very well if we don't have regional job stewards to help us travel to other prisons and Juvenile Justice facilities. Nor, can we run this chapter well if we do not have a secretary-treasurer -- a very important position. And I can't be as productive as I need to be if I don't have help.

People sometimes tell me that they want to see more of a union presence at their facility. But we -- all of us -- are the union presence. Contact me for steward training, or just to find out how you can help. Every bit counts!

MTA RECLASSIFICATIONS

We've been hearing from state representatives that they are going to hire more Psych Techs, interview for Senior Psych Techs (most of which are expected to be promoted in-house) and start hiring Unit Supervisors as soon as possible.

CAPT also has heard that many of these prisons won't let their MTAs leave for the correctional officers' academy until their positions are filled by LVNs.

In addition to their custody duties, the great majority of MTAs already had an LVN license. When CDCR Medical Receiver Robert Sillen eliminated the MTA classification, he did so in an effort to separate

health care and custody duties. Now because most MTAs are opting to go into the correctional officer field instead of continuing their medical work, LVNs aren't getting cleared for employment as fast as CDCR hoped. The number of LVNs that CDCR thought would flock to the department just aren't.

We're interested in finding out if Corrections plans on placing Psych Techs into vacant MTA positions, as well as LVNs. Please recall that I sent a letter to Sillen asking him to make half of the 1,600 soon-to-be-vacant MTA positions into Psych Tech positions. If we find out anything, we'll let you know as soon as CDCR decides to "officially" reclassify any MTA positions as new Psych Techs positions. If you hear anything, let us know as well.

In the meantime, many Department of Developmental Services and Department of Mental Health facilities are losing their Psych Techs to CDCR, and the governor may put a 30-day freeze on those transfers just like CDCR has put a freeze on MTAs going to the academy until LVNs are hired in their places.

GET INVOLVED

Stay tuned for the latest on these issues. Better yet, get involved! We need to strengthen union representation and communications channels at all of our Corrections facilities, especially with many new Psych Techs coming to our department. That means we need you! Contact me today to find out what you can do to make a difference.

A.L. "Lucky" Lucketta
Corrections Chapter President

Psych Techs: It's time for teamwork

By Ann Lyles
CAPT CDCR Consultant

Psych Techs are poised to make some great strides in CDCR. Salaries have increased; the new unit supervisor class adds upward mobility; the versatility of our license is finally dawning on the department.

In the meantime, President Lucketta and I still spend most of our time running up and down the state defending our rights against management that attempts to do whatever they please, in spite of our contract. But that is as it must be for now. That's the process. With

perseverance, the union will prevail.

What shouldn't be a part of the process is spending what's left of our time trying not to get stuck between two Psych Techs -- both of whom we represent -- fighting personal battles. This stuff has no place at work, and it weakens our profession as a whole when management witnesses this behavior. Not to mention that "divide and conquer" is one of the oldest management tricks in the book!

So I'm asking all CDCR Psych Techs (and those coming in from DMH, DDS and the community) to check the personal issues at the gate.

Leave it outside of work. Psych Techs are a team within our institutions, and we must behave that way. We all need to support one another in this time of transition more than ever. If each Psych Tech does that, the profession shines as a whole.

If you are having personal problems with another Psych Tech, don't forget to contact the State Employee Mediation Program, run by SPB. This free, confidential program helps solve problems between peers through the use of neutral mediators. Call Charlene Leventon at (916) 323-6746 or call SPB at (916) 651-9041 to find out more.



Post-and-Bid pointers

Few CDCR institutions are in compliance with the Post and Bid provision of our contract (Section 9.2, page 71). CAPT has pending arbitration to fight these violations. However, you should still be aware of your rights under the contract, and let us know immediately if you observe other violations:

Management is required to post vacant positions in a prominent place or by placing a notice of the open positions in employees' mail slots. The notice must contain the position, assignment, shift (watch), days off and the deadline for bids to be submitted and to whom.

Once a bid is awarded, the employee may not bid on another position for 12 months (except when management alters the bid position and the employee chooses not to stay in the altered position). Contrary to what CDCR management believes, **there is no yearly bidding process**. Once you successfully bid on a position, it is

yours to keep. If management attempts to conduct a "yearly bidding" process for Psych Techs, contact us right away so we can intervene. Our contract language is very specific regarding this.

The position must be awarded to the most senior employee within 10 days after the posting of the notice (seniority means "state service" seniority; points earned in DDS or DMH count, except that employees must wait until they complete their CDCR probationary period to bid).

The assignment to the new position must take place within 45 days after the notice is posted.

Management can deny an employee's bid under some circumstances, such as an unacceptable overall performance rating or if the employee is on limited duty and work limitations conflict with the posted position. An adverse action related to job performance **may** preclude the employee from bidding for 12 months.

Views on vacation leave

Like post-and-bid, vacation scheduling is an ongoing battle for the Corrections Chapter. Know your rights under the contract (Section 6.2, page 24) and contact us if violations are occurring.

The calendar for the (entire) upcoming year must be posted by management on October 1 of the preceding year for employees to bid on. The calendar must identify -- by work location and watch -- the number of vacation slots available for each day of the upcoming year. The CDCR practice of breaking the calendar down into "blocks of time" for employees to bid on is unacceptable (if management at your institution submits a calendar limited in such a manner for employees to bid on, call CAPT).

Psych Techs tackle licensure issues at meeting with CDCR nursing director

CAPT Corrections Chapter President Larry Lucketta and Chapter Vice President Kim Morin recently met with Statewide Nursing Director Susan Odegaard Turner and members of CDCR nursing and labor relations staff to address licensure issues and more, including:

Continued expansion of the EOP Programs at CSP Sacramento

These court-ordered expansions are of concern because no additional Psych Techs have been hired to meet the inmate/patient needs (CSP Sac has double-digit Psych Tech vacancies). This places an overwhelming workload increase on existing Psych Techs, as they complete their own work and then are redirected to cover another position. Morin identified some specific issues that would be resolved at the local level.

No ratios for licensed nursing staff to inmate/patient population

Union representatives shared that the populations we treat fluctuate in both Administrative Segregation and Enhanced Outpatient Programs. Yet no additional staff are assigned to assist with duties in those areas, since no established ratios exist to trigger additional licensed staff. Turner indicated that she and Health Care Services Division staff are currently looking at the issues of ratios

and acuties within CDCR. She said the department would consider any proposals we have. The Corrections Chapter and CAPT Headquarters are working on some proposals to identify the appropriate ratio of Psych Techs to inmate/patient in different CDCR settings.

Lack of CPR/first aid training

Lucketta and Morin expressed concern regarding the lack of available training for Psych Techs in CDCR, particularly in the areas of CPR and first aid recertification. We were told all CDCR institutions do offer CPR and first aid recertification via the Inservice Training (IST) Department. We were surprised, as no one in the facilities communicated this information to Psych Techs or the other level-of-care staff. Policy currently calls for first aid recertification every two years and CPR recertification every three years (per American Heart Association guidelines). CDCR Psych Techs are responsible to recertify in these areas, so contact your IST as soon as possible to find out what classes are available; notify your supervisor in writing that you need to be scheduled.

"This was a great opportunity for us to talk with Ms. Odegaard Turner face-to-face to get more information and get some issues resolved," said Lucketta. "We look forward to participating in the evolution of mental health care in CDCR."

CDCR Psych Techs receive pay increases

CAPT vows to fight for equity for DMH, DDS employees

Federal judge Lawrence Karlton adopted pay increases for California Department of Corrections and Rehabilitation Psych Techs and other CDCR mental health employees December 15.

While CAPT President Tony Myers said he's pleased with this development, he said CAPT is pushing for equity for DMH and DDS employees to ensure that all our departments have adequate staffing.

"While this ruling is specifically for Corrections mental health employees, adequate pay and staffing isn't just a Corrections issue," said Tony Myers, CAPT president. "All our state departments need the same changes if Psych Techs are going to be able to provide the best services in the safest conditions."

CDCR DETAILS

As part of the *Coleman* lawsuit to improve mental health services in state correctional facilities, these pay increases will help attract more Psych Techs and other experienced mental health staff to CDCR.

For Senior Psychiatric Technicians, the new salaries are:

\$5,058 - \$5,184 for Range A
\$5,277 - \$5,443 for Range B
\$5,512 - \$5,715 for Range C

For Psychiatric Technicians, the new salaries are:

\$4,585 - \$4,697 for Range A
\$4,740 - \$4,855 for Range B
\$4,915 - \$5,035 for Range C

Plus there's a new Unit Supervisor position, with a salary range of \$6,628 - \$6,989. CAPT proposed this position in order to give CDCR Psych Techs another promotional step while increasing quality mental health services for state inmates. CDCR supported the new position and the court agreed.

These pay ranges only have two steps. They also incorporate the current recruitment-and-retention compensation into the base pay in order to increase retirement benefits and overtime compensation -- a big plus for CDCR Psych Techs.

Although the court order made the new salaries effective January 1, the state will not be able to implement them until the March paychecks. At that point, there will also be retroactive checks covering the difference between the old and new pay raises.

'FINALLY SOME RECOGNITION'

CDCR Psych Techs say it's about time.

"The state wasn't listening to us, so the courts made it listen," said A.L. "Lucky" Lucketta, Corrections Chapter president and a CSP Corcoran Psych Tech. "We still have some questions regarding these pay changes that need answering, but at least there's finally some recognition that CDCR needs to recruit more level-of-care mental health staff."

Lucketta noted that, once department officials understand just how valuable Psych Techs are in a correctional setting, he believes the department will create even more positions for Psych Techs, Senior Psych Techs, and now Unit Supervisors. As of press time, there were no hard numbers of new CDCR Psych Techs designated in the governor's draft budget (that's expected to change as the budget process moves forward). However, Lucketta offers some suggestions of his own in a letter to Robert Sillen, the federal receiver in charge of the state's prison medical system.

"If Mr. Sillen wants a bigger bang for his buck, he will go forward with my suggestion of creating at least 800 LPT positions, which will offset half of those MTA vacancies that CDCR will soon have."

For more information on CDCR issues, contact Lucketta at president@capt-cdc.org or CAPT Consultant Ann Lyles at (800) 926-2278 (3#).

The above article was printed in the January/February issue of *Outreach* and currently available on the CAPT website.

We've continued to receive answers back from the state on our many questions regarding the CDCR *Coleman* pay increase for prison mental health staff.

Here's additional information:

■ The State Controller's Office began mailing out retroactivity checks March 15 for CDCR Psych Techs and Senior Psych Techs. You'll begin seeing the actual CDCR pay increases in your end-of-the-month check.

■ Senior Psych Techs at Corcoran weren't receiving the \$400 per month R&R being received by the Psych Tech class at their facility.

More pay increase information ...

At the time this R&R was implemented, there were no Seniors at Corcoran, but today there are several -- creating another pay inequity situation within CDCR. We pressed for the state to include the Senior Psych Techs, and received word back from the Department of Personnel Administration March 19 that Corcoran SPTs will indeed be getting the same pay increase as other CDCR Senior Psych Techs. The retroactive pay should arrive for this group in three to four weeks.

■ And as we've reported before, Psych Techs and Senior Psych Techs in the Division of Juvenile Justice will be getting the same pay increases as those working in CDCR's adult facilities. DJJ mental health staff weren't covered under the *Coleman* lawsuit; however, they were included in the

Farrell lawsuit, which called for increased mental health care for juveniles in the state's correctional system. The *Farrell* lawsuit requires pay parity for mental health staff in both the juvenile and adult correctional facilities. Now that the *Coleman* increases are being implemented, the *Farrell* pay increases will go into effect as well.

We'll continue to bring you the latest information on the CDCR pay increases, as well as other important news as we fight to get these same increases for DMH and DDS mental health staff. Stay in touch with your chapter president and watch www.psychtechs.net for more.

Psych Tech's action pushes Corrections to meet-and-confer

Kim Morin came to work as usual November 1. But she immediately noticed things were rather unusual at her CSP Sacramento workplace: There suddenly were 30 more inmates.

With inmates appearing and no preparations in place, Morin (right), a Psych Tech and CAPT Corrections Chapter vice president, called the union and helped file an unfair labor practice (ULP) charging the department with violating our meet-and-confer rights.

"The department and even our own administration take it for granted that we'll just do whatever," she said. "If we don't have enough staffing and materials to cope, we'll have failures in care."

Morin said that one transferred inmate had only a disposable, see-through paper jumpsuit, flipflops and two sheets to cope with the 29 degree-weather.

"It's really frustrating when all we're talking about here is basic nursing and keeping people stable as they transfer from one facility to another," she said.

AN IMPORTANT PROCESS

As outlined in our contract under Section 14.1, the meet-and-confer process gives us the opportunity to voice our concerns and offer our own ideas for any changes the state may be planning that could affect Psych Techs.



While these meetings can be confrontational as union reps fight for Psych Tech services, they also can be constructive and have resulted in improvements to services or working conditions from ideas that we've put forward. Even if it's an apparently small issue, union representatives always request meet-and-confers upon receiving pertinent state notices.

CAPT Headquarters received such a notice from CDCR on October 24, 2006, describing the department's plans to expand the Enhanced Outpatient Program at CSP Sacramento. As usual, CAPT immediately faxed a request to CDCR's Labor Relations Office to meet-and-confer and address anything that might impact Psych Techs or their services.

Union representatives expected to hear back from the department to schedule a meeting date. But the next thing anyone knew, dozens more inmates were appearing at Morin's facility.

Unfortunately, this wasn't the first time CDCR implemented changes at CSP Sacramento without meeting-and-conferring. Other instances include opening PSUs (Patient Service Units) with absolutely zero notice to the union. But each time, union reps called the department on it.

"I don't know where the department's communications breakdown is occurring, but what we need to do is make sure the inmates have the best

quality care possible without everyone decompensating," said Morin.

'WE'LL KEEP ENFORCING OUR CONTRACT'

Morin and CAPT reps recently met with CDCR representatives, clearly sending the message that we're dead serious about meet-and-confers.

The entire day of discussion included Morin's testimony on the November 1 incident, as well as her documentation of other incidents of CSP Sacramento's meet-and-confer abuse.

CDCR got the message and formally promised to always notice us on changes -- and to always respond to our requests to meet-and-confer.

"We'll keep enforcing our contract and file ULPs as the need arises," Morin said. "We're not trying to make things hard -- we're trying to be part of the solution."

Union representatives will be holding the department to its promise.

"Our Psych Tech profession provides a critical link in delivering humane care while protecting the public at large," Morin said. "We've simply got to be included in the process."

For more information on CDCR issues, contact your CAPT Corrections Chapter representatives listed below.

Want to really help? Be our chapter secretary-treasurer!

The chapter secretary-treasurer serves a key role, acting as the custodian of chapter funds, paying bills and maintaining financial records. These duties help ensure that members' dues are being put to the best use in representational and organizing activities.

So step up to the plate! For more information on what a secretary-treasurer does, or to volunteer, contact Larry Lucketta.

Are you a CAPT member?

If you've just recently come to Corrections, your membership might not have followed you to CDCR.

While oftentimes your CAPT membership is processed along with your departmental transfer, State Controller glitches sometimes drop off your membership status. You can keep your membership current simply by filling in a membership card and checking the "transfer" box at the top.

The more members we have in CDCR -- and throughout state service -- the stronger our union becomes. Contact us to get a card today!

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CAPT is a non-profit corporation serving as the exclusive representative of all employees in Psychiatric Technician Bargaining Unit 18 in California State Civil Service.

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