



# The Guardian

News from the hardworking men and women of DOC

Members of Teamsters Local 117

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## THREE LEGISLATORS HONORED AT LOCAL 117 MEMBERSHIP MEETING



Teamsters at DOC recognize legislators Kirk Pearson and Mike Sells for their outstanding support of Correctional Employees at the Local 117 general membership meeting on June 16.

With all of the partisan bickering in the other Washington these days, it's nice to know that your Local Union has friends on both sides of the political aisle in our own State Legislature who are willing to go to bat for correctional workers.

In the last session, three legislators in particular - Representative Mike Sells (D-38th Legislative District), Representative Kirk Pearson (R-39th Legislative District), and Representative Dan Kristiansen (R-39th Legislative District) - were instrumental in leading the charge to improve safety conditions for correctional workers.

This bi-partisan group fought side-by-side with Teamsters at DOC to pass HB 1041 (our concealed weapons carry bill) and HB 1290 (our mandatory overtime exemption for DOC nurses bill). They also made extraordinary efforts in support of interest arbitration legislation for Teamsters at DOC.

Although interest arbitration ultimately failed to pass out of committee, we were able to successfully highlight the importance of that measure thanks to their outstanding work. More importantly, the group has pledged to support interest arbitration in the next legislative session.

For their tremendous service and commitment to the safety of correctional workers, Local 117 recognized the three legislators with certificates of appreciation and Officer Biendl Memorial Coins at our general membership meeting on June 16.

Several members from the DOC traveled from across the State and spoke movingly at the meeting in honor of the three legislators.

To be successful in the next session in protecting and expanding our rights as Union members, it will take the kind of valiant efforts made by these legislators along with the support and participation of all of our State's proud correctional workers.

## ESSB 6503 FURLOUGH UPDATE

On May 5, 2011, Arbitrator Anthony Vivenzio issued an Opinion and Award in favor of the Union in which he held that the State and the Department of Corrections violated your Union contract when it implemented "temporary layoffs" or furloughs last year as part of a State law that was known as ESSB 6503.

Arbitrator Vivenzio held that the across-the-board furloughs violated the seniority provisions of the contract and he directed the Employer to "make employees affected by its action whole for any economic losses resulting from its action including but not limited to lost wages and interest thereupon."

Your Union believes this award is clear: all of the several hundred Teamsters that had their wages reduced as a result of the ESSB 6503 furloughs need to be "made whole" or fully reimbursed for their loss.

Rather than simply pay the Award out of a DOC budget surplus that existed at the end of the 2009-2011 biennium, the State and DOC are now seeking to "clarify" the Award. They believe that no one is entitled to the remedy because, they argue, the same employees would have lost wages if the State and DOC had applied the seniority provisions of the contract.

Your Union believes that this argument is flawed, and that it is unlikely that the Arbitrator will effectively reverse his decision. Your Union's legal team is in the process of reviewing its strategic options to preserve and enforce the Arbitration Award and is preparing a response to the Arbitrator.

In the meantime, your Union has a sec-

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## A message from your Director of Corrections



### PROTECTING YOURSELF UNDER HB 1041

House Bill 1041, which allows qualified correctional staff to carry a concealed firearm off-duty, became effective July 22. This is an important safety law for our members that we overwhelmingly passed this legislative session. This could not have been possible without your lobbying, letters, emails, and in-person conversations with legislators. *Excellent work!*

Unfortunately, since the bill's passage several weeks ago, your Union has been trying to get a response from DOC on how our members will identify themselves as qualified correctional staff if contacted by law enforcement. Many of you have been trying to get answers from your institutions to the same question. There was no response from the Department until July 21.

In the Director's Weekly Message sent to staff, DOC stated, "[T]he bill does not require any action on the part of the Department." The only thing the Department will apparently provide you with is a letter to prove you are a qualified staff member. There was no answer to our questions about carrying your I.D. badge and/or your shield, nor the Department providing you another identification card when you qualify with firearms.

Since your Union feels this was an inadequate response, I sent a letter on July 29 to Attorney General Rob McKenna about your concerns over implementation of the bill and asked for clarification. The letter can be viewed on our website. We will let you know if Mr. McKenna provides clarification.

In the meantime, you can and should request a "proof letter" from the Department and have that available if you are carrying concealed under the new law. This is the only thing you have at this point to protect yourself. You should also request clarification through your chain of command, as well as contact your State Legislators about assistance in seeking clarification from the Department.

Stay safe and be smart out there.

Respectfully,

James V. Smith II  
Director of Corrections and Law Enforcement

## FURLOUGH

Continued from Page 1

and arbitration pending regarding the second set of furloughs that occurred as a result of subsequent DOC budget cuts. The State and the Department had previously indicated that the decision on the first furlough case would inform the outcome of this case, but having lost the case, the State and DOC have now given no indication that they will apply the Vivenzio ruling to the second Furlough arbitration.

In addition to the arbitrations, your Union is pursuing lawsuits and unfair labor practice charges, which are pending for possible hearing, but both parties recognize that the outcome of the arbitration cases will have a significant impact on those matters.

In an effort to try to resolve all of the outstanding issues arising from last year's furloughs and budget cuts, your Union has engaged the State in discussions with the help of a mediator to expedite a fair and equitable outcome in all matters.

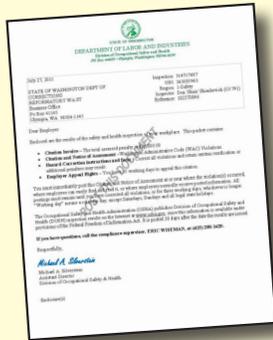
Your Union is committed to ensuring that your rights under the contract are vindicated with respect to past violations and protected against future violations. We will continue to pursue all legal avenues available to resist the improper furloughs and enforce your rights under the Arbitrator's Award. Any new developments in the case will be immediately posted on your Union's website at [www.teamsters117.org](http://www.teamsters117.org).

## ARBITRATION VICTORY!

In a case with far-reaching implications for Union members at DOC, an Arbitrator ruled on July 19 that the DOC had violated Sections 16.3 (A) (1) and 16.3 (C) of your collective bargaining agreement when management unilaterally terminated the past practice of a) scheduling relief Sergeants to work shifts of five consecutive days, followed by not less than two consecutive days off; b) providing "changeover days" to align such employees with the schedules of those they relieve; c) paying, or not paying, for "changeover days" as circumstances prescribe; and d) providing at least fifteen and one-half hours between shifts. The Arbitrator has ordered the DOC to "cease and desist" from the violation and return to the practice prior to January 8, 2010.



## L & I CITES DOC FOR SERIOUS VIOLATIONS IN OFFICER BIENDL MURDER INVESTIGATION



L & I Citation and Notice (MCC) on January 29, the Washington State Department of Labor & Industries has cited the DOC for “serious” and “repeat serious” violations for its failure to provide line staff with adequate training, a failure to enforce policies with respect to post orders, and a failure to develop and implement policies designed to protect its employees.

L & I has issued a fine of \$26,000 to the DOC for these violations and is requiring that the DOC implement changes to protect its employees by August 4.

L & I's Citation and Notice following its

After a 6-month investigation into the tragic murder of Officer Jayme Biendl in the chapel of the Monroe Correctional Complex

investigation draws starkly different conclusions than the DOC's own Critical Incident Review, which was released on July 22. While the DOC's internal investigation implicates the officers who were on duty on the night of Officer Biendl's murder, L & I exposes a culture of complacency and neglect on the part of DOC management with respect to its own policies and procedures.

“L & I's investigation into the death of Officer Biendl demonstrates that the DOC failed to create a safe work environment for its employees. The organization must be held accountable and safety measures must be put into place immediately to protect all correctional employees,” said Tracey A. Thompson, Secretary-Treasurer of Teamsters Local 117.

L & I's has issued a statement that discusses the violations, with links to a copy of the citation, and a summary and timeline of the incident that occurred on January 29. L & I's documents are available on its website at <http://www.lni.wa.gov/>.



Officer Jayme Biendl



Sergeant Michael Boe

## BIENDL, BOE HONORED BY ACO

The American Correctional Officer organization has selected Officer Jayme Biendl (posthumous) and Sergeant Michael Boe, both of the Monroe Correctional Complex, to receive the 2011 National Correctional “Meritorious Service Award” as recognition for going “beyond the call of duty.”

This comes on the heels of Officer Biendl being honored at the IBT National Convention in Las Vegas in June. Members at the convention “passed the hat” and collected several thousand dollars for the Jayme Biendl Benevolent Fund to benefit Officer Biendl's family.

This year's ACO winners will be honored at a Medal of Honor awards ceremony in New Orleans on October 14, 2011. For more information, visit the organization's website at [www.cointel.net](http://www.cointel.net).

## THE PAIN BEHIND THE BADGE



Your Local Union will be partnering with MCC to host a day-long “Winning The Battle” seminar presented by the Pain Behind the Badge organization.

Your Union's

Executive Board approved the cost of the seminar, and we invited DOC to share in it as a joint offering.

The seminar is designed to help public safety professionals deal with the struggles associated with their work, including cumulative stress and Post Traumatic Stress Disorder (PTSD).

Clarke Paris of the Pain Behind the Badge will be facilitating the seminar. Clarke has done extensive work with corrections professionals and says that stressors for prison staff may be some of the worst among those in public safety.

Two identical sessions of the seminar will be available for Teamsters at DOC:

- Friday, September 9 from 0800 to 1700
- Saturday, September 10 from 0800 to 1700

Spouses and adult family members are strongly encouraged to attend, as this seminar is for them too!

The seminars will be held in the Jimmie Evans Performance Center at MCC. All off-duty staff are encouraged to attend. MCC will be authorizing overtime for 15 custody staff on each day. If you are scheduled to work, you must get approval from your supervisor.

For more information about the seminar, visit the Pain Behind the Badge website at: [www.thepainbehindthebadge.com](http://www.thepainbehindthebadge.com).

***This is a special opportunity for you and your family that you cannot afford to miss!***

## LOCAL 117 SERGEANT, TODD FREDRICKSON, RUNNING FOR OFFICE IN MONROE

A group of dedicated volunteers gathered at Alfy's Pizza in Monroe on July 30 to launch the campaign of Todd Fredrickson, a Correctional Sergeant at MCC, who is running for Monroe City Council.

Volunteers made outreach phone calls to local voters to promote Todd's campaign and discuss the need for more family-wage jobs and other critical issues facing the residents of Monroe.

The jobs issue is of particular concern to Fredrickson, who has plenty of ideas about how to make Monroe more appealing to small business owners.

"We need to form an economic vitality committee that consists of city council members, local business owners, and realtors, who can solicit companies to bring more good-paying jobs to Monroe," Fredrickson says.

For Fredrickson, solving the jobs crisis does not mean more fast-food jobs or bringing a Walmart superstore to town.

"Walmart is a threat to local businesses. A mega store in Monroe would add to traffic in the city's already-congested core," he says.

To address the town's budget issues,

Todd recommends sustainable practices such as solar panels for public buildings that will eventually become an additional source of revenue.

An army veteran, Fredrickson has served the public for 22 years as a correctional professional and is a founding member of the Monroe Ethics Board.



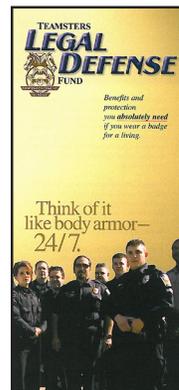
Todd Fredrickson

Teamsters across our State are thrilled to learn about Todd's campaign and are eager to support him. Todd is grateful for their support. In particular, he wanted to thank JC28's Heather Wiener and Local 117's Lily Wilson-Codega for encouraging him to get involved.

With the ongoing attack on collective bargaining rights and the erosion of workers' rights and benefits in general, it is essential that we elect more of our own to public office.

Electing Todd will represent an important step for Union members as we strive to build political power and protect the rights of working families.

**To volunteer for Todd's campaign, contact the Committee to Elect Todd Fredrickson at 425-345-2485 or look for him on Facebook!**



## TEAMSTERS LEGAL DEFENSE FUND

Starting July 1, 2011, Local 117 members at the DOC - custody and non-custody alike - are eligible to enroll in a new benefit exclusive to Teamsters working in public safety - the Teamsters Legal Defense Fund (TLDF).

The TLDF is a nationwide legal defense plan designed to provide legal representation for criminal charges and civil lawsuits that result from duty-related incidents (including off-duty incidents related to your employment with DOC).

When using a TLDF plan attorney, you receive 100% coverage regardless of the final cost of representation. You may also have your own attorney sign-up to be a TLDF plan attorney.

The monthly enrollment fee in the program is \$7.24/month, and the fee is processed through payroll deduction. Completed application forms must be returned to Teamsters Local 117 for processing, and can be sent via e-mail, fax, or mail.

Teamsters Legal Defense Fund application and pamphlet are available on your Union's website at [www.teamsters117.org](http://www.teamsters117.org).

## YOUR LOCAL UNION'S DOC HOTLINE

Your Local Union has established an additional means for members at DOC to obtain information - a DOC Hotline. The number for the hotline is:

**1-888-910-4DOC**

**1-888-910-4362**

The DOC Hotline provides a 2-minute recorded update on the latest contractual, legislative, legal and other important issues concerning Teamsters at DOC. The hotline will not be a place to leave voice mail messages and there will not be a staff member manning the hotline. The recorded message will be updated when there is new information to report.

## REMINDER from your Local Union's dues office!

Please remember that, if you stop working at DOC for a calendar month or longer, you must contact the Local 117 dues office at 206-441-4860 so we can put you on withdrawal status! This applies to members who go on military leave, L & I status, layoff, or any other type of leave.

Also, when you move, please remember to call your Union to update your address. **Thank you!**