

STATE OF WEST VIRGINIA

PRELIMINARY INTERIM EVALUATION
REPORT OF THE DIVISION OF
CORRECTIONS

Unequal Treatment of Correctional
Officers Between Division of Corrections
and the Regional Jail Authority

JOINT COMMITTEE ON GOVERNMENT ORGANIZATION

CAPITOL BUILDING
CHARLESTON, WEST VIRGINIA 25305

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ISSUE 3: CORRECTIONAL OFFICERS AT REGIONAL JAIL FACILITIES RECEIVE HIGHER PAY AND ARE PROMOTED MORE QUICKLY THAN OFFICERS AT DIVISION OF CORRECTIONS FACILITIES.

Despite being under the jurisdiction of the Department of Military Affairs and Public Safety, the Division of Corrections and the Regional Jail Authority utilize different systems for hiring, classifying and promoting correctional officers, creating inequities which may result in a threat to institutional security and public safety. Both agencies' correctional officers perform similar responsibilities, and both use the same job descriptions and job duties and responsibilities for its officers. Further, although both agencies follow classified service guidelines for its employees, there are still separate systems.

Differences in personnel policies and procedures lead to unequal treatment of correctional officers in the two agencies.

The disparity in classification and pay between RJA and DOC appears to be a result of at least four major causes:

(1) DOC correctional officers are classified service employees and governed by the Division of Personnel system (95 CSR 2.4.1.). The DOC develops pay scales and the classification system for officers as well as standards for hiring and promoting officers which must be approved by the Division of Personnel. Additionally, legislative rules relating to minimum prison standards provides guidelines for hiring, termination, staffing and training of its correctional officers (95 CSR 2.4. and 95 CSR 2.5.).

On the other hand, RJA correctional officers are exempt from the classified service system. Therefore, RJA is not subject to Division of Personnel regulations in managing its employees. Legislative rules relating to minimum jail standards establishes guidelines for hiring, termination, staffing and training of its correctional officers (95 CSR 1.4. and 95 CSR 1.5.).¹

According to RJA officials, its policies for hiring, retention and evaluation and promotion of its officers do meet classified service guidelines. Job descriptions and qualifications for its officers are identical to those for DOC officers. RJA officers classification are similar to DOC's system with the exception of the "Correctional Officer VI" and "Correctional Officer VII" positions, which are nonexistent under the RJA system.

Since DOC is under the classified service system, any changes in its pay scales and classifications must be approved by the State's Personnel Board in addition to the Secretary of Military Affairs and Public Safety. RJA is not required to obtain approval from the Personnel Board to implement changes in its classifications and pay scales for officers.

¹*There appears to be no major differences in the legislative rules for minimum jail standards (95 CSR 1.4. and 1.5.) and minimum prison standards (95 CSR 2.4. and 2.5.), relating to the selection, retention, evaluation, training and wages and benefits of correctional officers for RJA and DOC, except those reflecting that DOC is under the classified service system, while RJA is exempt.*

(2) DOC is dependent primarily on legislative appropriation as its funding source, whereas RJA's source of funding is based on per diem billing to counties and collection of court fines and fees throughout the State. According to Division of Personnel officials, awarding of pay increases are often dependent on an agency's budget constraints. Since DOC is exclusively funded through legislative appropriations, its budget is more restricted than an agency such as RJA, which generates its own revenue. Therefore, DOC officers may not be likely to receive pay raises as frequently as RJA officers;

(3) DOC has been in existence significantly longer than RJA. Its personnel and procedures regarding such personnel, including correctional officers have developed over a longer period than RJA. Many of DOC's officers have been employed with Corrections for over twenty years. RJA has not been in existence for twenty years, therefore none of its officers have the same level of experience as DOC officers; and

(4) RJA officers serve a one year trainee period at "Correctional Officer I" before being promoted to "Correctional Officer II," along with pay increase. DOC officers serve a two year apprenticeship at "Correctional Officer I" before being promoted to "Correctional Officer II", with pay increase. **Therefore RJA officers, after one year of employment, receive better pay and a higher classification than his or her DOC counterpart.**

Agency actions designed to address inequities in pay scales and classification systems.

Prior to July 1, 1993, the DOC and RJA used separate classification systems and pay scales for its correctional officers. (See Table 1) With separate pay scales and classifications, 69% of DOC correctional officers (366 of 532) earned less than the \$16,116, entry salary for RJA officers.

In response to the inequity in classification and pay between DOC and RJA correctional officers, the Legislature directed Corrections to upgrade its pay scale to be equal with the RJA system. The agency took two separate actions designed to address inequities in pay: Changes to the pay scale were made effective July 1, 1993 and changes to the classification system were made April 1, 1994.

On July 1, 1993, the basic pay ranges for DOC correctional officers were equalized with the RJA system. (See Table 2) At that time, although the pay scale for DOC officers was adjusted, the classification system did not change. When the new pay scales were implemented, correctional officers who earned less than the minimum salary for his or her classification at that time were given an increase in pay, in the amount necessary to bring him or her to the minimum salary range. The highest increases were given to recently hired officers classified as "Correctional Officer I", who were given an increases of up to \$2900, reflecting the large increase necessary to bring those officers up to the same minimum salary previously established for RJA officers. Virtually all other officers were given a salary increase of at least \$1236. Therefore, many officers with less experience received a significantly larger salary increase.

Even though DOC officers received salary increases, disparity between DOC and RJA officers still existed. A comparison between officers at Huttonsville Correctional Center and RJA officers indicates that, after implementation of the changes in basic pay scales, RJA officers still received more favorable treatment in terms of advancement, particularly at the

Correctional Officer I and II positions. (See Table 3)

Almost fifty percent of the 106 officers at Huttonsville classified as "Correctional Officer I" earned the minimum entry-level salary of \$16,116, some of whom had up to 12 years of experience. No officer with less than three years experience made more than the minimum entry-level salary. At RJA facilities, all officers with more than one year of experience made at least \$17,256. At that time, Huttonsville officers with one to four years experience typically earned \$16,116, while RJA officers with equal experience earned at least \$17,256 (See Table 4).² RJA also recognizes past corrections experience for its new hires, allowing those officers to be paid above the \$17,256 salary. Thus, even after the changes to the pay scale, the officers employed in the regional jails, overall, were paid significantly more than officers employed by the Division of Corrections.

In order to address the still occurring inequities between the two systems, DOC and RJA then implemented new classification systems. (See Table 5 and Table 6)

Prior to April 1, 1994, DOC officers were not required to participate in its apprenticeship program. Additionally, the "Correctional Officer II" classification included officers training apprentices or supervising other officers. The number of such positions available was limited. Therefore most DOC officers, including officers with more than ten years' experience, remained at the "Correctional Officer I" class.

Under the new DOC system, "Correctional Officer II" is a line officer position, comparable to the RJA classification. After successful completion of a mandatory apprenticeship program, to be completed within two years, a DOC officer is now entitled to reclassification to the Correctional Officer II position, at the \$17,256 minimum pay for that classification. With this change, most DOC officers with more than two years' experience were reclassified from "Correctional Officer I" to "Correctional Officer II," with an upgrade in pay equivalent to the minimum salary for RJA officers in that classification. However, even after the implementation of the new classification system, a DOC officer must wait two years to be entitled to reclassification, while a RJA officer is entitled to reclassification after only one year.

The distribution of officer positions at Huttonsville, all DOC institutions and all Regional Jail facilities as of Nov. 22, 1994, after the changes to the classification system, is as follows:³

²*Information on years of experience for all DOC officers was not made available. Only such information for officers at Huttonsville was available. We received date of hire information from the State Auditor's Officer to use in order to determine experience for such officers, however the information was not complete. Therefore, we could only make comparisons with RJA and Huttonsville, which is not representative of the Division as a whole.*

³*As of Nov. 17, 1994, of the 171 correctional officers hired at Mt. Olive Correctional Center, a new facility scheduled for operation beginning in January 1995, 168 officers are Correctional Officer I, none of which have more than one year of experience in the State's correctional system.*

<u>Class</u>	<u>Huttonsville</u>	<u>Reg. Jail</u>	<u>Div. of Corr.</u>
CO I	31 (25%)	42 (16%)	348 (56%)*
CO II	48 (39%)	168 (62%)	167 (27%)
CO III	24 (19%)	33 (12%)	28 (4%)
CO IV	10 (8%)	22 (8%)	42 (6%)
CO V	4 (3%)	5 (2%)	23 (4%)
CO VI	6 (5%)		15 (2%)
CO VII	1 (1%)		4 (1%)
TOTAL	<u>124</u>	<u>270</u>	<u>627</u>

Under the new system, DOC officers' actual salaries within each **classification** appear to be equal to or more than those of RJA officers. (See Table 7) However, within each classification higher than the entry-level "Correctional Officer I" position, DOC officers have significantly more experience than RJA officers.

There is an unequal distribution of officers between "Correctional Officer I" and "Correctional Officer II" positions between the two agencies. This difference can be attributed to primarily to at least two factors: (1) RJA maintaining a one year "Trainee" period, before reclassification to CO II, compared to DOC's system in which an officer will remain at CO I for two years, prior to reclassification; and (2) The transition leading to the closure of the Penitentiary in Moundsville and opening of Mt. Olive Correctional Center, resulting in the hiring of a significant number of new, inexperienced officers.

Furthermore, RJA officers in CO III and higher classifications have significantly less experience than DOC officers in those classifications, resulting in continuing significant inequities between RJA and DOC officers with equivalent experience. The changes to the DOC classification system implemented April 1, 1994, had the effect of increasing the salaries of DOC officers with two to five years' experience to \$17,256. However, RJA officers with that level of experience were paid significantly more. Thus, even after the second phase of agency action designed to address the inequities between the new systems, that is, changes to the classification system, RJA officers overall worked at higher classifications and a higher salary as compared to DOC officers with equivalent experience.

Low pay and unequal treatment adversely effects institutional and public safety.

WV DOC Correctional officers have historically been among the lowest paid nationally. It appears as if DOC Correctional officers do not advance, in classification or salary, at the same level as RJA Correctional officers. Potential effects of inadequate and inequitable pay for DOC correctional officers include high turnover rates, an incentive for officers to engage in inappropriate or corrupt activities in order to "supplement" their income, low morale leading to inefficiency or neglect by officers in performing job duties, etc. High turnover, low morale and corruption among correctional officers, real or perceived, are counterproductive to rehabilitative efforts and serve as threats to both institutional security and public safety.

Conclusion:

Prior to July 1, 1993, there was significant inequity in the treatment of DOC and RJA correctional officers. For example, many DOC officers who had been employed for over ten years earned less than entry level RJA officers. DOC took two separate actions to address such inequities, first equalizing its pay scale with RJA's pay scale and then reclassifying many of its officers. Both these actions did have the effect of reducing inequities between the two systems. However, DOC officers still receive unequal and unfavorable treatment compared with RJA officers. At the same level of experience, RJA officers are promoted to a higher classification faster and paid more. Because DOC officers must wait at least two years to receive the automatic pay increase and promotion, its officers will always lag behind RJA officers in terms of salary. DOC officers deal with a higher concentration of more violent criminals on a daily basis. Therefore it appears that DOC officers have more difficult responsibilities, although they are paid less and promoted less frequently.

Since correctional officers in both agencies perform identical duties, there should be a single system for hiring, promotion and advancement of their officers. Although measures have been taken to equalize pay and classification for officers under DOC and RJA, the potential for future inequity exists, due to both agencies utilizing separate systems.

Recommendations:

(1) The Secretary of The Department of Military Affairs and Public Safety should direct that RJA and DOC develop a single system for determining correctional officer pay scales, promotions and pay increases to its correctional officers.

(2) That promotions and pay increases by RJA and DOC, particularly promotion from "Correctional Officer I" to "Correctional Officer II" be done within the same time frame.

(3) That RJA be placed under the classified service system.

(4) That DOC collect date of hire information for **all** of its employees, including correctional officers and report such information to the Joint Committee on Government Operations by January 31, 1995.

(TABLE 1)

DIVISION OF CORRECTIONS
CORRECTIONAL OFFICER CLASSIFICATION
AND PAY SCALE

(System in place prior to July 1, 1993)

<u>Class</u>	<u>Salary Range</u>
Correctional officer I	\$13,200-\$22,188
Correctional officer II	\$13,655-\$23,122
Correctional officer III	\$17,052-\$29,676
Chief Correctional officer	\$18,492-\$32,340

REGIONAL JAIL AUTHORITY
CORRECTIONAL OFFICER CLASSIFICATION
AND PAY SCALE

(System in effect on July 1, 1993)

<u>Class</u>	<u>Salary Range</u>
Correctional officer I	\$16,116-\$26,256
Correctional officer II	\$17,256-\$28,104
Corporal	\$18,468-\$30,072
Sergeant	\$19,764-\$32,183
First Sergeant	\$21,156-\$34,440
Lieutenant/Chief CO	\$24,240-\$36,852

(TABLE 2)

DOC CORRECTIONAL OFFICER PAY SCALE
(Effective July 1, 1993)

<u>Class</u>	<u>Salary Range</u>
Correctional officer I	\$16,116-\$26,256
Correctional officer II	\$17,256-\$28,104
Correctional officer III	\$19,764-\$32,184
Chief Correctional officer	\$24,240-\$36,852

(TABLE 3)

On April 1, 1994, the distribution of among correctional officer positions at Huttonsville, DOC as a whole, and for RJA was as follows:

<u>Class</u>	<u>Huttonsville</u>	<u>Reg. Jail</u>	<u>Div. of Corr.</u>
CO I	106 (84%)	33 (21%)	446 (84%)
CO II	11 (9%)	89 (58%)	57 (11%)
CO III/Chief CO Corporal, Sergeant, 1st Sergeant	9 (7%)	32 (21%)	24 (5%)
TOTAL	126	154	532

(TABLE 4)

AVERAGE SALARIES OF CORRECTIONAL OFFICERS AT RJA AND
HUTTONSVILLE IN RELATION TO EXPERIENCE
(On April 1, 1994)

<u>Years of Experience</u>	<u>Huttonsville</u>	<u>Regional Jails</u>
1-2	\$16,116	\$17,351
2-3	\$16,116	\$17,604
3-4	\$16,352	\$17,954
4-5	\$16,257	\$19,349

(TABLE 5)

DIVISION OF CORRECTIONS
CORRECTIONAL OFFICER CLASSIFICATION
AND PAY SCALE
(Effective April 1, 1994)

<u>Class</u>	<u>Salary Range</u>
CO I (Trainee)	\$16,116-\$26,256
CO II (Line officer)	\$17,256-\$28,104
CO III (Corporal)	\$18,468-\$30,072
CO IV (Sergeant)	\$19,764-\$32,184
CO V (Lieutenant)	\$21,156-\$34,440
CO VI (Captain)	\$22,644-\$36,852
CO VII (Major)	\$24,240-\$39,432

Under this system, the highest ranking officer at an institution serves as the Chief Correctional Officer for that institution.

(TABLE 6)

REGIONAL JAIL AUTHORITY
CORRECTIONAL OFFICER CLASSIFICATION
AND PAY SCALE
(Effective September 1, 1994)

<u>Class</u>		<u>Salary Range</u>
CO I	(Trainee)	\$16,116-\$26,256
CO II	(Line officer)	\$17,256-\$28,104
CO III	(Corporal)	\$18,468-\$30,072
CO IV	(Sergeant)	\$19,764-\$32,184
	(First Sergeant)	
CO V	(Lieutenant/Chief CO)	\$21,156-\$34,440

(TABLE 7)

AVERAGE SALARIES FOR RJA AND DOC OFFICERS BY POSITIONS
(As of November 23, 1994)

<u>Class</u>	<u>Div. of Corr.</u>	<u>Reg. Jails</u>
CO I	\$16,751	\$16,290
CO II	\$18,890	\$17,963
CO III	\$20,201	\$19,881
CO IV	\$21,764	\$21,580
CO V	\$23,730	\$24,613
CO VI	\$25,483	
CO VII	\$26,460	