

---

## Media Release

### *Corrections Releases Director Frakes' Prepared Comments from LR 34 Hearing*

(LINCOLN, Neb.) – Today, Director Scott R. Frakes appeared before the Department of Correctional Services Special Investigative Committee (LR 34) of the Legislature. A copy of Frakes' prepared remarks is attached.

Frakes told the Committee that tomorrow, the Administration will be sending a compensation proposal to union officials. This is one month ahead of the normal negotiation process, allowing action on this important issue. “While I am not directly involved in the negotiations, I have helped inform the process. I cannot discuss details until after negotiations are complete. I am confident that this sincere offer will go a long ways towards addressing our retention issues,” Frakes said.

Frakes also acknowledged the “incredible work the staff within the Department of Correctional Services performs every day to keep Nebraskans safe.”

###

Nebraska Department of Correctional Services  
LR 34 Special Investigative Committee  
August 31, 2016

Good morning Senator Seiler and members of the LR 34 Committee. My name is Scott Frakes (F-R-A-K-E-S) and I am the Director of the Nebraska Department of Correctional Services. I appreciate the opportunity to discuss staffing issues with you today. In light of recent events, I will take the time to acknowledge the incredible work the staff within the Department of Correctional Services performs every day to keep Nebraskans safe. Prison is not an easy place to work, but I have found over the years that people who keep coming back have a deep connection to their coworkers and the agency's mission. NDCS staff are no exception.

An important component of retention is staff safety. The significant increase in staff assaults reinforce the inherent danger in corrections work, but it is not enough to simply say 'it's dangerous work.' Our agency-wide intelligence unit, put in place to specifically address inmate violence, is having an impact. We are obtaining additional safety equipment, improving staff training and holding inmates accountable for their actions. The other agency reforms we are making will take time, but I know in the long term we will see safer prisons as inmates receive better, more-timely programming and our culture shifts from incarceration to reentry.

On Tuesday, I announced that NDCS will provide a one-time retention bonus of \$500 to approximately 1,000 employees in positions experiencing both high turnover and high vacancies. Tomorrow, the Administration will be sending a compensation proposal to union officials. This is one month ahead of the normal negotiation process, allowing action on this important issue. While I am not directly involved in the negotiations, I have helped inform the process. I cannot discuss details until after negotiations are complete. I am confident that this sincere offer will go a long ways towards addressing our retention issues.

In addition to these efforts, the department has been working on a number of strategies to address retention, including: a partnership with the Correctional Peace Officer Foundation; the Culture Study; the 12 hour shift pilot program; a shift sergeants pilot program; facility security/procedure audits; and the 100-bed temporary housing unit at CCCL.

There is no doubt that staffing continues to be one of the primary challenges facing the department today. As of August 3, 2016, the department had 125 protective services vacancies and 53 health services vacancies. Staff vacancies and turnover affect our ability to improve the delivery of clinical and non-clinical programs, introduce new staff training initiatives, reduce mandatory overtime, implement our new risk/needs and classification tools, manage restrictive housing reforms and implement recommendations from the Justice Program Assessment. High vacancy rates contribute to burnout, hurt staff morale, and reduce staff safety.

### **Protective Services**

Retention, rather than recruitment is the primary issue related to protective services staffing. We hired and trained over 400 new protective services employees in FY2016, but saw 387 leave during the same time period. Compensation issues, such as salaries, must be negotiated through collective bargaining. As indicated in the culture study, factors such as quality supervisors and compensation for performance are equally, if not more, important. The difficult nature of corrections work and external factors such as the low unemployment rate in Nebraska and negative press also affect recruitment and retention of correctional staff.

The \$1.5 million in retention funds provided by the Legislature during the 2016 session is helping to address staffing issues. While these initiatives will take time to impact retention, and there are many different opinions about how the funds should be used; staff have indicated they appreciate acknowledgment of the issue and that we are addressing it. Programs funded with the retention funds include: resiliency training; peer support training for staff advocates; professional development stipends; compensating staff for gaining additional skills through online education; commuting bonus for TSCI staff; reimbursing continuing education and licensure costs for medical staff ; staff wellness centers in Lincoln and Tecumseh; and a behavioral health symposium in 2017.

## **Health Services**

Health Services staffing is a significant challenge. Vacancies are highest for nurses and licensed clinicians. The nursing shortage is a national phenomenon and is affecting state agencies and private health care facilities in Nebraska, resulting in a highly-competitive job market. NDCS also faces significant competition for clinicians, which is compounded by factors such as high risk patients, remote facilities and the potential for litigation and licensure complaints. We have had some success bringing in new psychologists and are contracting with staffing agencies to provide additional coverage. The retention funds should also help in this area by providing reimbursement for continuing education for health services staff and covering the costs of dual licensure – a first in our agency.

## **Staffing Analysis**

In August 2015, I brought in the National Institute of Corrections (NIC) to train a group of staff to conduct a department wide staffing analysis. The work produced by this group is exceptional and provides a breakdown of the number of posts required on each shift to appropriately staff NDCS facilities. I am extremely pleased with the quality of the staffing analysis which will serve as the basis for the agency staffing decisions for years to come. While the analysis recommends an additional 138 full time employees, it is important to note that NDCS facilities operate 24 hours a day – 7 days a week. A single 24/7 post requires 5.2 FTEs to staff. The 138 FTEs are spread across three shifts, 7 days and 10 facilities. Implementation of the staffing analysis recommendations must take into consideration the 125 current vacancies in custody positions. The recommendations will be implemented in phases, which will be detailed in the NDCS budget submission on September 15<sup>th</sup>.

Thank you for the opportunity to testify this morning and I would be happy to answer your questions.