

# Making A Difference



April/May/June 2011

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*With all of the emphasis on re-entry today in the prison environment, the social worker has become ever more important in this process. Our social workers have become a most important link of Health Services between NDCS and the Nebraska communities.*

*Thus, I believe the following article by Kathy Foster, LICSW, our Social Work Supervisor, will provide you all with insight into this excellent addition to our health services and our agency. — Dr. Randy Kohl, Deputy Director of Health Services*

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The social work department falls under Behavioral Health in NDCS. In an effort to continue to integrate the services that this encompasses and expand the continuum of care, Dr. Cameron White, Behavioral Health Administrator, has spearheaded the development of Social Work as a discrete discipline within Behavioral Health. Social Work services, as part of the continuum of care, focuses on discharge planning. The intent is to reduce recidivism in the highest risk populations by helping to connect these inmates with the most appropriate community resources prior to discharge. Inmates with major mental illnesses along with discharging felons who have chronic medical conditions are being targeted for social work intervention. These concepts are captured in the mission statement of Social Work Services:

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*The mission of Social Work Services is to provide comprehensive and integrated discharge and aftercare planning as part of the continuum of care provided by Behavioral Health Services. We seek to address the needs of primarily high risk and high needs inmates with the goal of reducing recidivism by connecting inmates to community resources and supports that will help them maintain stable lives in the communities in which they reside.*

Starting in 2007, NDCS hired two Social Workers under the Residential Substance Abuse Treatment (RSAT) grant. The Social Workers that work under this grant specifically provide discharge planning services to inmates who are in or who have completed residential substance abuse treatment in one of the department's substance abuse treatment



## **Social Work Services in NDCS (Cont.)**

programs. Currently, one of the Social Workers provides services to inmates in the Residential Treatment Community (RTC) program at the Nebraska State Penitentiary (NSP). The other Social Worker works with the inmates in the Omaha Correctional Center's (OCC) Substance Abuse Unit (SAU). Inmates in these programs meet with the Social Worker either by referral from their primary Chemical Dependency Counselor, or they are screened for discharge planning by the Social Worker. The Social Worker assesses the discharge needs of the inmates and then provides information to the inmate and/or helps to coordinate services in the community on a case-by-case basis.

Another social work position was added in July of 2008. This Social Worker specifically assists the inmates in the Mental Health Unit (MHU) at the Lincoln Correctional Center (LCC). The inmates in this program have been screened for and have been determined to have a major mental illness. The Social Worker in this program specifically works to arrange aftercare services for these inmates at the time of discharge or parole. The services arranged include, but are not limited to medication management, securing housing (such as in an assisted living facility), case management and securing financial resources such as Social Security Disability Income (SSDI) or Medicaid.

In 2010, two more social work positions were added. The first one was for a social work supervisor to help determine and establish consistent policies and to expand social work services to other high risk inmates who are not in the programs noted above. The second Social Worker who was hired has been primarily working with inmates at the women's correctional facility in York Nebraska, but also works with inmates at the Tecumseh State Correctional Institution and with inmates who are not in RTC at the Nebraska State Penitentiary. Social work services are also provided to non-SAU inmates at OCC and to inmates at the Community Corrections Centers in Omaha and Lincoln. Inmates who receive the services of these social workers are screened by staff for having special discharge needs.

All of the Social Workers employed by NDCS are Master's level Social Workers who are either licensed or provisionally licensed and actively working toward full licensure. Currently, all of the Social Workers have had training in the SOAR (SSI/SSDI Outreach, Access and Recovery) initiative which was developed with the assistance of the Substance Abuse and Mental Health Services Administration (SAMHSA) to help secure social security benefits for qualified individuals. The two day training involved collaboration between social security and community agencies. People who apply using the SOAR method are more likely to get approved for benefits. Inmates discharging from prison are at an increased risk of homelessness. It is the intent of the SOAR process to help address this problem by providing people with disabilities the financial means to access housing.

In the year since Social Work has been a discrete service within NDCS, some challenges have become apparent. One challenge is in getting inmates who have a major mental illness and poor insight into their disorders to follow through with the community services that are

arranged for them. This is particularly true when the inmate discharges directly from corrections without the benefit of being on parole. It is well known that people with major mental illness tend to function better in structured supervised settings. Often an inmate with a mental illness that is stable within the correctional system will decompensate once released to the community if they don't have sufficient supports in place. For this reason, it is preferable for these inmates to be released on parole to help provide some oversight with the transition process.

Currently, we are finding that many community services are being cut back and providers have waiting lists for services. It can take four or more months to get an appointment for outpatient medication management, for example. In addition, there is a tendency for providers of community services to be reluctant to provide services to ex-felons due to the preconception of dangerousness. In addition to the populations previously discussed, the social workers have been utilized by the medical staff in NDCS to help arrange financial assistance and follow-up medical care for inmates who are discharging and have chronic medical conditions. This has included helping make arrangements for community services for inmates who are currently receiving hospice care. With an aging inmate population, it is expected that there will be an increase in the medical needs that social work will need to address in the future.

In summary, NDCS recognizes the value of having Social Work services to help address the issues that contribute to recidivism with high risk/high needs inmates. It is the goal of Social Work services to secure resources and provide information to this population as they leave the correctional system to help them maintain stable lives within their communities. Social Work is a growth area in the field of corrections and continued expansion of the services provided is anticipated as allowed by budgetary constraints. As the supervisor for Social Work in NDCS, I am excited by the possibilities that are being provided and look forward to continuing to develop this area of behavioral health care.

## Is Emergency Preparedness Alive and Thriving?

*Brandon Noordhoek, Emergency Preparedness Specialist—DEC/LCC*

I have heard people joke about Emergency Preparedness Specialist being a dying breed and it is true that no area, even Emergency Preparedness is unaffected by the fiscal challenges we face as a Department these days. But I assure you that Emergency Preparedness is alive and thriving and it is thanks to all staff in the agency.

Our Emergency system is very effective and I'm not just saying that because my job requires me to do so. I have had the ability and privilege to work with many outside agencies that come to Nebraska Department of Correction Services because of the effectiveness of our system; however they already have the LETRA system in place. It begs the question why are we more effective? Then when I was thinking about what to write for this article it hit me I should have realized this before; it is the staff in our system that makes it more affective. These other agencies utilize the exact same system but come to us to see how to really make it work. Our system is very user friendly, and coupled with the right people it is very effective. I have seen its effectiveness on many levels from a first



responder, to the incident commander, to my current position advising the Crisis Management team during an emergency. Through working with other agencies I have seen the obvious, that our staff makes the system and not the other way around. Without all of our staff buying in to our system it does not work. Without line staff believing and knowing the system we fail at the response. Without supervisory staff knowing and believing in the system it will fail. Without management staff knowing and believing in the system it will fail. It takes an effort from all staff to make our system work effectively. Please accept our sincerest thank you for all of your efforts from your Emergency Preparedness staff. We face challenging times in our Department these days but one aspect of our identity as an agency that has thrived is Emergency Preparedness. Training is still a priority on all levels. We continue to advance in new technologies such as the Emergency Operations Center at the Central Office and we continue to hire quality staff members to our team. Someone once said to me that we are one inmate away from a major emergency, and if you think about it, this is true. Because of our staff, more so than our system, we will be prepared for the challenge. So “YES” Emergency Preparedness is very much alive and thriving and it is because of our excellent staff.

## **Keeping Our Quality High in an Ever-changing Environment...**

*Ilia M. Minary, Secretary II — LCC*

These days one never knows what is coming around the next corner. With our ever fluctuating economy and daily topics affecting our Department, we must remind ourselves to remain strong in the quality of our day to day work. Daily quality can fall into the mundane realm of a secretary completing the same filing every day, the Security Officer completing his/her 100<sup>th</sup> inmate search for the day, a Unit Manager answering a third grievance on the same topic from the same inmate, all the way to the Warden answering his/her daily assortment of Inmate Interview Requests, and beyond. Quality is in everything we do and we need to recognize the importance of staying on top of ourselves to ensure this high level.

In the past months, the Lincoln Correctional Center has faced many challenges that have shown our staff's high level of quality. It's the quality of each and every staff person doing their best with every rule and procedure that ensures our great team work. Though many things have been modified, all of our daily tasks remain the same and we must continue to be vigilant on the quality of our basic safety and security in the jobs we do.

There are times when it's difficult for staff to remember how important their routine tasks are and to not become complacent. When complacency begins to set in, co-workers and supervisors can step in with some words of encouragement reminding them of the importance of who they are and what they do every day.

Your facility Quality Council is here to help improve the processes that you deal with every day. If staff believes that there is a more efficient and/or effective way in completing a task, they should feel compelled to ask questions and to submit their suggestion to their Quality Council for further review. Having this open relationship between staff members and the Quality Council helps encourage staff to have a voice and a want to improve their work place.

Your job is very important to the workings of the Department of Corrections no matter how minuet you may feel your position is. Remember that you are here making a difference every day with the quality of your work in an ever changing environment.

# An Open Letter About the Fair Labor Standards Act

Sharon Lindgren, Associate Legal Counsel—Central Office

You may have noticed the article in the paper a while back regarding a jury decision in a Fair Labor Standards Act (FLSA) case involving Tyson Foods. It was reported it was found the employees' work began when they arrived at the production floor and ended when they left the production floor.

The case is *Lopez v. Tyson Foods*. It was tried in North Platte. It is a "donning and doffing" case. The issues were whether the plaintiff class should have been compensated for:

1. Donning and doffing required clothing and safety equipment before, during and after their shifts.
2. Preparing safety supplies and equipment; and
3. Walking time that follows or is related to these activities.

The case involved required but "non-unique clothing and equipment" such as hard hats, earplugs, safety shoes and safety glasses. Donning and doffing these items is usually found to be "changing clothes" and there is an exemption in the FLSA and the Portal-to-Portal Act for "changing clothes." Therefore, the work day did not begin when the employees donned their safety gear – it began when they arrived at the production line. Compensated time begins when the employee performs his/her first compensable act. If it had been found that the "donning and doffing" in the case was covered by the FLSA, the result would have been different.

While the Department does not have to deal with this specific issue, cases such as these are relevant because they provide guidance to when the work day begins and ends.

At the institution, the work day begins at roll call even though we let employees enter the facility before roll call. The FLSA auditor has accepted this. However, if an employee does anything that constitutes work before roll call, the work day would begin at that point and all subsequent time until the end of the work day would have to be compensated. Because of roll call, the work day does not begin when the employee arrives at his/her post: the time the employee spends walking from roll call to his/her post is paid time. The law specifically provides that once the work day begins, walking around a facility is to be compensated.

What the employees were trying to do in the Lopez case is to expand the work day for which they must be compensated by getting donning and doffing non-unique clothing and equipment considered work time. Whether the donning and doffing of "unique clothing and equipment" is compensable was decided by the United States Supreme Court in *IBP v. Alvarez*, 546 U.S. 21 (2005). IBP is now part of Tyson. This involved a poultry plant.

The case involved whether employees should be compensated for the time it took to change into required specialized protective clothing and safety gear. This was the safety clothing and gear worn by the employees who used knives. The United State Supreme Court found the time changing into the "unique" protective clothing and safety gear, the time walking from the locker room to the production floor, the time spent waiting to "doff" the unique protective clothing and the time spent doffing the unique protective clothing was subject to the FLSA and IBP had to compensate the employees for those times. However, it was found the time spent waiting to "don" the unique protective clothing was not subject to the FLSA because the employees did not start their work day until they started putting on the protective gear.

If it feels like we are splitting hairs, we are. This is the nature of the FLSA and the Portal-to-Portal Act and the court decisions.

The question *we* are dealing with is whether turning in the relieving employee's chit at the end of shift is "integral and indispensable" to a "principal activity." If it is, the employee must be paid until the chit is turned in at central control. If it is not, then they do not have to be paid.

The auditor has found turning in the chit is covered by the FLSA and the employees must be compensated for that time. This is based on the fact the employee is required to perform this task and would probably be counseled and/or disciplined for not doing it. Further, many DCS employees spent much of their time walking and observing which an employee crossing the yard at the end of shift, carrying the chit, would presumably be doing while walking. If the auditor is correct, the employee must be paid until he/she completes this last activity, including the time walking from the post to central control.

If you have questions on this, let me know.

## Corrections in the Community

'Corrections in the Community' is a series of articles intended to highlight the efforts of inmates and correctional staff to make a difference in the community. If you have an example of how the Department makes a difference, please contact the Newsletter Editor, Ashley Esker. Her information can be found below.

### Nebraska Inmates Fill Thousands of Sandbags to Assist U.S. Coast Guard

Inmates at the Omaha Correctional Center (OCC) have begun filling sandbags following a request from the CGC Gasconade in Omaha. Over 60 inmates volunteered for the project after the request was issued to the inmate population. So far, more than seven truckloads of sand have been delivered inside the fence at the OCC. Within the first 30 minutes, more than 1,000 bags had been filled.

OCC warden, Mike Kenney, said, "This is a way for inmates to give back to their communities. I am not surprised at all by their response to the flooding situation currently affecting Nebraska residents."

On Thursday, warden Charles West put out a call for volunteers at the Community Corrections Center – Omaha (CCC - O). A number of inmates and staff responded and were eager to assist by filling and stacking sandbags at the Coast Guard warehouse in Omaha. Approximately 22 work release and detail inmates, supervised by CCC - O staff, volunteered for this project.

The OCC houses medium and minimum security inmates, who are preparing for their release back into Nebraska communities. The CCC - O houses community custody inmates who are released into the community for work or education or are supervised in the community for a variety of work detail jobs.

#### "Making A Difference"

Nebraska Department of Correctional Services

If you have comments or suggestions, or would like to submit an article, please send them to:

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Articles must be formatted in Microsoft Word.  
Please include your name, position, and work area.

**"A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty."**

*Winston Churchill*