



STATE OF NEVADA
DEPARTMENT OF CORRECTIONS

Northern Administration
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MINUTES

of the meeting of the

BOARD OF PRISON COMMISSIONERS MEETING

April 20, 2010

The Board of Prisons Commissioners held a public meeting on April 20, 2010, beginning at 2:00 p.m. at the following locations:

at the State Capitol Building Annex, 2nd floor, 101 N. Carson Street, Carson City, Nevada and video conferenced at Grant Sawyer State Office Building, Room 5100, 555 E. Washington Ave., Las Vegas, Nevada.

I. Call to Order.

The meeting was called to order by Governor Jim Gibbons. The record reflects Attorney General Cortez Masto is present by phone and the Governor is presently waiting for Secretary of State Miller.

Also present Chief Deputy Attorney General Stephen Quinn, Senior Deputy Attorney General Keith Marcher, Director Howard Skolnik, Chief Deputy Secretary of State Nicole Lamboley, and members of the Press. Members of the public in Carson City and Las Vegas were asked to sign in, and the sign-in sheet is attached for Las Vegas. See [Exhibit A](#). The sign-in sheet for Carson City is not available.

II. Acceptance and Approval of Minutes – January 12, 2010 (action required).

The record reflects the presence of Secretary of State Miller. There were no comments or questions from the commissioners. The record reflects the Minutes of the January 12, 2010 were moved for approval by Secretary of State Ross Miller and seconded by Attorney General Masto. The record reflects the Board approved the minutes of January 12, 2010.

III. Discussion/possible action on AB6 provisions: Rent payments for canteens and coffee shops; rent payments for gyms; and 50% of visiting room officers' salaries from Offenders' Store fund - Howard Skolnik, Director.

Director Skolnik stated in AB6, page 44, it states "The Director may, with approval of the Board, establish by regulation criteria for a reasonable deduction for money credited to the Offenders' Store Fund to repay or defray the costs relating to the operation and maintenance of the offenders' store, coffee shop, gymnasium and correctional officer's salaries for the visitation posts where they exist in each facility".

Director Skolnik requested that the Board provide authority for the Director to develop the necessary regulations in order to move this money to the General Fund as part of the provisions of AB6 and take the appropriate work programs to the Interim Finance Committee (IFC).

Governor Gibbons asked for a motion to allow the Director of the Department of Corrections (DOC) to have approval from the Board for drafting regulations for acting on the AB6 provisions. Secretary of State Miller moved to approve the motion and Attorney General Masto seconded. There were no comments or questions with regard to the motion. The record reflects the Board unanimously approved the motion.

IV. Presentation/Discussion on future budget issues including moving Prison Industries from NV State Prison - Howard Skolnik, Director.

Director Skolnik stated there were no direct plans to relocate Prison Industries at the Nevada State Prison (NSP) but given the back and forth discussions regarding that facility, he stated they felt they should do some planning if, in fact, there were subsequent decisions to either close or phase that facility down to the point where it could no longer support those two operations, they would be relocated. Director Skolnik stated he has directed the Deputy Director of Prison Industries to put together a plan but at this time there is no schedule to implement. He stated he discussed this with the Department of Motor Vehicles and assured them the operation will remain in Carson City.

For the record, Director Skolnik stated the DOC has been historically funded for all of its overtime and many of its other costs through contingency funds or supplemental funds. The Department has never been funded for any overtime whatsoever in spite of the fact that the Department has traditionally had anywhere from four to six million dollars a year worth of overtime and the Department will have a shortfall again this year. He stated the Department has managed to reduce overtime substantially and are currently projecting an overall shortfall just shy of 35 million dollars which includes a shortfall in revenue a little over a million dollars as a result of the economy and the inability to place at the same level, inmates in Casa Grande, the Restitution Center and Prison Industries. Director Skolnik stated that revenue had always been incorporated into the Department's budget as oppose to being revenue through General Funding being deducted by the amount of anticipated revenue and stated the Department is not going to make it this year. The Department has also identified approximately 1.3 million dollars that it will still have at the end of the fiscal year. The Department has reduced overtime by approximately 50 percent or more in the past few months which has had some serious consequences. He stated the Department will not be able to replace the 1.3 million this year through any other actions. Also, there is an inmate driven shortfall of 1.153 million dollars which is predominately in Medical. The stale claims amount to almost \$600,000 and the federal government excluded the Department from the provisions that we were getting in the past, the HIV medication, which increased the Department's cost of medication of approximately a half a million dollars. The Department is in the process of developing a contract with Renown which will bring those costs back down and unfortunately incurred the additional costs during the time the Department didn't have that protection.

Director Skolnik stated the Department will end up with a shortfall of approximately 3.5 million dollars at the end of the year and will have to find some kind of funding through either contingency or supplemental funds. The Director stated he checked with the Budget Division and there is money in the contingency fund at this time that could make up this money but he didn't know what is going to happen between now and the end of the year. This fund needs to carry the state through the biennium and there is a significant fire season predicted this year, which would pose a problem if there is no money in that fund.

Governor Gibbons inquired to the nature of the number of contingencies the Department has experienced as a result of the change in overtime.

Director Skolnik stated the information he has was before any furloughs had been implemented, it is just an example and not complete. In the last four pay periods, the Department has shut 24 hours of shifts of towers at Southern Desert Correctional Center (SDCC), 332 Posts shut down, 24 added lockdowns of units, reduced visitation four hours a week, and have canceled six programs. He pointed out that the cancellation of programs has a long term impact on the Department reducing good time credits for the inmates and in turn the inmates stay longer and the population grows. High Desert Correctional Center (HDSP) has shut down 317 Posts. The reason they were able to accomplish that was to pull the Correctional Officer Trainees out of PST and use them to cover during lockdowns. Florence McClure Women's Correctional Facility (FMWCF) is at AB6 Post shutdown, swing shift classes have been delayed with one cancelled, eight hours a week reduction in visiting, access to the Inmate Store and Law Library hours and movements were restricted. NSP has pulled Unit 3, Education Officer, Infirmary Officer, Transportation Officer, Shift Sergeant, MLU Sergeant, and Property Sergeant and the Department had to postpone Weapons Qualification for staff. Warm Springs Correctional Center (WSCC) has had an average of 138 Posts shut down each week during the course of the last two months.

Director Skolnik candidly stated he knows there is no money for furloughs but if the Department furloughs staff it will create an untenable and an incredibly unsafe situation in our correctional facilities in Nevada.

There were no other questions or comments.

V. Presentation/Discussion on impact of Correctional Officer furloughs to security of NDOC's operation and provisions of NRS 209.131 – Howard Skolnik, Director

This was previously discussed. Director Skolnik added that the Department has a choice, furloughs or across the board 4.6 percent salary reduction. He stated that it would be grossly unfair for him to expect Department staff to be the only staff to work and not get paid plus have benefits reduced accordingly. He believes this would happen according to the information he has received up to this point. The Director expressed that frankly he didn't know how the Department could do this. He stated he didn't know what to do short of moving positions and inmates around to try and get staff where they are needed to cover things the best way possible.

There were no questions or comments.

VI. Status on AR 105 Complaint filed by Kevin Ranft/AFSCME Local 4041 – Howard Skolnik, Director.

Director Skolnik stated the Board received a letter this morning with Officer Ranft withdrawing his complaint as we have been able to resolve the concerns regarding regulations 105 and 326.

VII. Status of moving to 12-hour shifts – Provisions cited in Special Session legislation SB 3 (vetoed) – Howard Skolnik, Director

Director Skolnik stated he had a concern about legislating the hours of work that people do and he thinks that is an Executive Branch area. He stated it concerned him that the Legislature would, in fact, pass laws about how many hours and what days people are going to work. That bill was vetoed. Director Skolnik stated the Department is looking at what is possible given the reality of less staff and furloughs and how the Department was even going to get through the next few months. He indicated he would consider some 12 hour shifts during the next bid cycle if there is an effective way to do it. Director Skolnik stated it was posed that the Department could save millions of dollars and cut positions. He stated he felt the Department could not cut any positions citing the DOC is the most understaffed agency with the second lowest ratio of staff to inmates in the United States, with Alabama ranking the lowest. To take staff out of institutions would be insane and the Director stated he could not see doing that. In addition, the extra four hours per pay period would cost the state approximately 4 million dollars and would wipe out any benefits from the furloughs. He stated he does not feel that legislatively the Department should set shifts and time. That is a management decision and should be done in conjunction with employees. Many of the staff do not want to go to 12's due to child care or other reasons and they prefer 8's.

Governor Gibbons asked Director Skolnik what his recommendation would be. Director Skolnik stated he had mixed feelings. Much of the staff's morale and their ability to do what they need to do personally, 12 hour shifts work very well for them. The 8 hour shifts provides the Department with three shifts which mean staff can be distributed differently than during 12 hour shifts in the course of the day. He stated a combination of 8's, 10's, and 12's makes the most sense and there is a way to work that out for some staff in the future.

There were no other questions or comments.

VIII. Discussion/possible action regarding State Administrative Regulations (Attachment 1) – Howard Skolnik, Director.

Director Skolnik explained the specific changes in the language, regulation by regulation and had provided the members with a summarized list. He stated there were concerns expressed by AFSCME Local 4041 regarding ARs 331, 339, 340 and 341 indicating they did not have adequate time to review them. He stated their staff members had questions and concerns and asked they be continued as temporaries which he had no objection.

Secretary of State Ross Miller moved to approve the ARs as outlined in the packet and further moved that AR 331, AR 339, AR 340 and AR 341 be maintained as temporary Administrative Regulations until such time as they are brought before the Board for approval. Attorney General Masto seconded the motion. There were no comments or questions in regards to the motion. The record reflects that the Administrative Regulations were approved with the exceptions of ARs 331, 339, 340 and 341 to remain as temporaries *See [Exhibit B](#)*.

IX. Board Member Comments.

There were no comments from the Board.

Director Skolnik wanted to point something out regarding the Department and some things that has led to where the Department is today. He stated he had the Northern Region AOD (Administrative Officer of the Day) schedule for the year January 1 to December 31, 2000. This included some Central Office staff and everyone in the Northern Region from Associate Warden and above. He stated the only individual who will be on this list and still be an employee of the Department as of May 1st will be Deputy Director Don Helling. All of the Associate Wardens, all Wardens, Chief of Classification and Planning, the Inspector General and anyone else on this list, no longer work for the DOC. There has been an incredible turnover in management and it is not over yet. He stated this is part of the issues the Department faces in terms of succession planning and staff development. Director Skolnik stated he felt strongly those areas needed to be taken as a priority for the Department in the future. Governor Gibbons requested a copy of the list be sent to the Board for reference.

X. Public Comment.

Gene Columbus, President of the Nevada Corrections Association, stated the association appreciated what the Board has had to deal with the state's fiscal crisis. He requested, for the record, that the line of danger that continues to be drawn between money and the security of the state's prisons be erased for the safety and security of correctional staff that work behind the fence lines and the safety of the public. He stated as the Association's President he would deeply regret to have to sit before this Commission in the future and sadly say the words, "We told you so".

Dahn Shaulis submitted his statement for the record. *See [Exhibit C](#)*

Jackson Hardy, a Sergeant from WSCC, submitted his statement for the record. *See [Exhibit D](#)*.

Laurie Johnson, CURE National, asked what amounts are being proposed to be deducted from inmate's funds for the store clause. Governor Gibbons stated that information is not before the Board at this time but they will take her question under submission and will have an answer for her probably at the next hearing.

Tonya Brown, advocate for the inmates, provided the Board with a copy of the Writ of Mandamus for the record (*See [Exhibit E](#)*). She stated that she has been telling the Board for three years about the lack of medical care and they have done absolutely nothing to ensure inmates are getting proper care. Inmates have died because of the Board's neglect to oversee what is being done. Ms. Brown stated she received an email from Mr. Kevin Black #1028519 and she detailed his medical condition and stated he was not getting the proper medication. She stated this will lead to heart disease, the same thing that happened to Mr. Nolan Klein. Ms. Brown stated in June the Board will receive a Wrongful Death Suit along with NDOC for lack of medical care. Ms. Brown stated she is going to inform Mr. Black that there is a good chance that he will probably die to of lack of medical care. She inquired about the findings of an oversight committee.

Annabelle Parker, a friend of an inmate in NDOC, submitted her comments for the record. *See [Exhibit F](#)*.

Kevin Ranft, AFSCME Local 4041, submitted their concerns and comments for the record. *See [Exhibit G](#)*.

Randy Moffat, Correctional Office and member of AFSCME Local 4041, submitted his comments for the record. *See [Exhibit H](#)*.

Tosh Dawson stated that she agreed with the Director today on a lot of his points but particularly those dealing with the ratio of prison staff to inmates and how few staff there are at the prisons. She agreed that legislating 12 hour shifts is dangerous. You can't tell a person how much time to spend on a job before they get tired and angry which trickle down to the prisoners. Ms. Dawson stated the budget shouldn't be put on the backs of people and that she had mailed suggestions to the Board on how to save money, one being food items and charging extra money because inmates will pay extra for food they like. That could be given to the budget.

David Pflager from NSP stated he agreed with the Director on furloughs that it will have a catastrophic effect. He suggested going with a pay cut instead. Mr. Pflager submitted his comments for the record. *See [Exhibit I](#)*.

Statement submitted by an AFSCME member in Ely. *See [Exhibit J](#)*.

XI. Adjournment.

Secretary of State moved to adjourn and seconded by Attorney General Masto. The record reflects the meeting adjourned at 3:15 p.m. The next Board of Prison Commissioner's meeting will be held on July 13, 2010.

APPROVED THIS DAY 13TH MONTH OF JULY 2010

GOVERNOR JIM GIBBONS

ATTORNEY CATHERINE CORTEZ MASTO

SECRETARY OF STATE ROSS MILLER

RECORDED AND TRANSCRIBED BY SUSAN COCHRAN, EXECUTIVE ASSISTANT, Nevada Department of Corrections

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