

I. INTRODUCTION

The usual excuse for one's failure to right a wrong is money—"if only we had enough money." That will be the State's excuse in their brief as to why their LBOs are more reasonable than the Union's. Just like "the dog ran away with my homework and ate it," it is an excuse neither compelling nor true. The amount of money needed to right the wrongs of the past 15 years is "de minimus" when compared to the State budget of \$17,000,000,000. The fear that the NP-4 Unit will set a budget-breaking precedent for other units is without support in fact, logic or history.

II. PROCEEDINGS

The negotiations between Locals 387, 391 and 1565 (NP-4) of Council 4 AFSCME (herein referred to as "Union") and the State of Connecticut (hereinafter referred to as "State"), which are the subject matter of this binding interest arbitration.

After a series of negotiating sessions between the parties, the parties agreed that they had reached impasse. The parties proceeded to binding interest arbitration pursuant to C.G.S. Section 5.276 a.

This dispute concerns the terms of the parties Collective Bargaining Agreement for the Corrections (NP-4) Unit for the period commencing July 1, 2008 through either June 30, 2011 or June 30, 2012. Arbitrator Larry Foy was designated as arbitrator in the case pursuant to Connecticut General Statutes, 5-276 a (d), and the Voluntary Labor Arbitration Rules of the American Arbitration Association. Arbitration hearings were held in New Britain, Connecticut at Council 4 on February 8, February 25, March 4, March 11, April 8, April 14, April 23 and May 1 of 2008. Also, a tour of two Correctional Facilities was taken on March 4 at Willard/ACCI and Osborn.

The Union was represented by Albert Chiucarello, Kevin Murphy and Stephen Carbone. The State was represented by Paul Bodenhofer.

The parties agreed to submit their LBOs no later than May 30, 2008 with Arbitrator Foy exchanging them for the parties. The parties agreed that the brief would be offered to Arbitrator Foy postmarked by July 25, 2008 and he would exchange them. The parties agreed that reply briefs, if any, would be postmarked by August 15, 2008. Arbitrator Foy agreed that he would offer an Award as soon as possible.

III. THE BARGAINING UNIT

The NP-4 Bargaining Unit consists of 5,259 employees as of December 1, 2007. They are employed in the Department of Correction and the Board of Parole. The unit contains over forty different job classifications. One single job classification (Correction Officer) accounts for four out of every five employees. In December of 2007 there were 4,150 Correction Officers. The Unit represents over 12% of the total employees in the twelve Executive Branch bargaining units.

Of the 5,259 employees (X-U 31) in the unit, there are 2,747 employees at the top step. The total annual base salary payroll is approximately \$259,000,000 with \$142,330,000 being paid to top step employees. The average annual salary for the unit as of December 2007 was \$49,240.

The inmate population reached an all-time high of 19,900 inmates in early 2008. That has caused a more unsafe work environment for NP-4 members. The tour of the two facilities showed such as did the testimony of Larry Tyler, when he commentated on the tape (X U-4).

Fringe benefits for this bargaining unit are comparable to the NP-1 Unit. Both the NP-4 Unit and the NP-1 Unit (State Police) receive hazardous duty retirement of half-pay at 20 years with no age requirement. Medical benefits are the same as other state units in that they are negotiated by SEBAC.

The NP-4 salary schedule has not kept pace with other state unit salary schedules regarding raises, nor has it kept pace with the Consumer Price Index (CPI) during the 2004-2008 NP-4 contract years and didn't keep pace from 1982 to the present. A review back to the 1994 Fiscal Year lends a reasonable person to conclude that the NP-4 Unit has not kept pace with a number of the other State units regarding economic compensation(s). This position is embellished under the History of Negotiations segment in this brief.

IV. STATUTORY CRITERIA

Connecticut General Statutes, §5-276a sets forth the following factors to be considered by the arbitrator in arriving at a decision as to the more reasonable last best offer proposal of either of the parties on each disputed issue:

1. The history of negotiations between the parties including those leading to the instant proceeding;
2. The existing conditions of employment of similar groups of employees;
3. The wages, fringe benefits and working conditions prevailing in the labor market;
4. The overall compensation paid to the employees involved in the arbitration proceedings, including direct wages compensation, overtime and premium pay, vacations, holidays and other leave, insurance, pensions, medical and hospitalization benefits, food apparel furnished and all other benefits received by such employees;
5. The ability of the employer to pay;
6. Changes in the cost of living; and
7. The interests and welfare of the employees.

THE FACTOR ARGUMENTS

Factor #1

HISTORY OF NEGOTIATIONS BETWEEN THE PARTIES FROM FY 93/94 TO PRESENT.

A. 1993-1994 Wage Reopener Negotiations ended with the matter being arbitrated.

Arbitrator Foy issued on Award (XJ-32). The Foy GWI award was for 3.75%. The Foy Award was rejected by the Legislature. The issue was re-arbitrated.

The Dunn Award (XJ-31) was implemented. The GWI under the Dunn Award was for 0%.

The NP-4 Bargaining Unit members lost 3.75% of GWI's for FY 1994 due to the rejection of the Foy Award. It has never been made up.

B. 1994/1995 through 2000/2001 Agreement

The negotiations for this Agreement ended with the open matters being arbitrated before Arbitrator Susan R. Meredith. She issued the Award (XJ-28).

Her Award called for a 0% GWI for the 1994-1995 year.
Her Award called for a 0% GWI for the 1995-1996 year.
Her Award called for a 4% GWI for the 1996-1997 year.
Her Award called for a 2% GWI for the 1997-1998 year.
Her Award called for a 4% GWI for the 1998-1999 year.

The Meredith Award was rejected. Subsequently, the parties returned to the bargaining table with an NP-4 contract being agreed to that covered fiscal year 1994-1995 up to and including fiscal year 2000-2001.

The GWI for year 1994-1995 was 0%.

The GWI for year 1995-1996 was 0%.

The GWI for year 1996-1997 was for 0%. Lump sum payments were made for the 1996-1997 fiscal year.

The GWI for year 1997-1998 was 3% with the GWI being delayed until December of 1997.

The GWI for year 1998-1999 was 3% with the GWI being delayed until December of 1998.

The GWI for year 1999-2000 was 3% with the GWI being delayed until December of 1999.

The GWI for year 2000-2001 was 3% with the GWI being delayed until December of 2000.

The NP-4 Bargaining members lost a total of 4% of GWI's due to the rejection of the Meredith Award. The 4% GWI that was lost for the 1996-1997 fiscal year denied NP-4 members the 4% on their base pay. Also, it denied them of 4% on their overtime pay.

Her Award called for an AI with a 2-month delay for the 1994-1995 year. Also, it called for a 2.5% lump sum payment to any employee who is at the maximum and thus not entitled to an increment.

Her Award called for an AI with a 3-month delay for the 1995-1996 year.

Her Award called for an AI with a 5-month delay for the 1996-1997 year.

Her Award called for an AI on time for the 1997-1998 year.

Her Award called for an AI on time for the 1998-1999 year.

With rejection of the Meredith Award, the parties negotiated AI's for the 1994 through 2001 NP-4 Agreement as follows:

There was no AI for year 1994-1995.

The AI's for 1995-1996 and 1996-1997 were delayed until July 4, 1997.

The AI for 1997-1998 and 1998-1999 were on time.

The AI for 1999-2000 was delayed by 3 months.

The AI for 2000-2001 was delayed 3 months.

The NP-4 Bargaining members lost one AI due to the rejection. Also, they lost the 2.5% lump sum payment to top step employees during the 1994-1995 year.

I note that the lost GWI's, the lost AI and the lost lump sum payments have never been made up by NP-4 members.

Also, during this period of time the 9th and 10th Steps were put in place under SCOPE. That occurred in 1998.

C. 2001-2002 through 2003-2004 Agreement

The negotiations for this Agreement resulted with a negotiated settlement. The parties agreed to a GWI of 2% effective July 1 and 2% effective January 1 for the 2001-2002 year. Also, there was a \$500 bump at the top step.

The parties agreed to a GWI of 2% effective July 1 and 2% effective January 1 for the 2002-2003 year.

The parties agreed to a GWI of 3% for the 2003-2004 year.

The AI's for the year of 2001-2002, 2002-2003 and 2003-2004 were on time.

D. 2004-2005 through 2007-2008 Agreement

The negotiations for this Agreement resulted with a negotiated settlement.

The parties agreed to a GWI of 0% for the 2004-2005 year.
The parties agreed to a GWI of 3% for the 2005-2006 year.
The parties agreed to a GWI of 3% for the 2006-2007 year.
The parties agreed to a GWI of 3% for the 2007-2008 year.

There was no AI for the 2004-2005 year.
The AI for the year 2005-2006 was delayed 6 months.
The AI for the year 2006-2007 was delayed 3 months.
The AI for the year 2007-2008 was on time.

Employees at the top step of the pay scale received a \$500 lump sum payment for the 2005-2006, 2006-2007 and 2007-2008 year(s).

Negotiation History of 2008-2009 to 2011-2012 Agreement

1. Since August of 2007, the parties have been negotiating.
2. The negotiations have resulted in some agreed upon language changes which, of course, are on the record.

The agreed upon language changes pertained to non-economic matters.

3. During the negotiation process, the State never offered proposals pertaining to economic matters.

The Union offered numerous economic proposals.

Regarding Statutory Factor #1, equity, reasonableness and the application of this statutory factor favor the Union's Last Best Offers on each and every issue in dispute in these proceedings.

Factor #2

EXISTING CONDITIONS OF EMPLOYMENT OF SIMILAR GROUPS OF EMPLOYEES

The Union will offer an overview of similar groups of employees in the State and another for out-of-state groups. Approximately 80% of the employees in the NP-4 Unit are Correction Officers. Thus, most of the comparisons will be Correction Officer based for the NP-4 Unit.

In-State

It is evident that members in this Unit have similar conditions of employment as members of the NP-1 Unit (SP), members of the NP-8 Unit, members of the Judicial Unit and DOC Management.

The Union offered a number of exhibit documents through Albert Chiucarello. He did a number of comparative analyses. They are as follows:

A document titled DOC Top Step (X U-26) was offered.

The document shows that Warden I, Warden II, Warden III top step pay grids had gone up by a minimum of \$23,000 from Fiscal Year '07 to Fiscal Year '08.

The document (X U-26) shows that employees in the classification of Major in Fiscal Year '07 were upgraded to Deputy Warden. The top step pay grids went up by \$18,000 from Fiscal Year '07 to Fiscal Year '08.

I note that NP-4 members received a 3% GWI during that period of time at the top step. It is evident that NP-4 members fell well behind the aforementioned DOC based employees.

A document titled Comparison Between Correction Officers and State Police Troopers (X U-32).

The document shows that in Fiscal Year '82 the top step for CO was \$17,826 annually, and that the top step for State Police Trooper was \$18,833 annually.

The document shows that in Fiscal Year '08 the top step for CO is \$50,571 annually, and that the top step for State Police Trooper is \$75,826.

Over a 25-year period, the State Police Troops top step pay has gone up \$56,993. During that same 25-year period, Correction Officer top step pay has gone up

\$32,745. The difference is pronounced when the \$1,000 difference becomes a \$24,248 difference between the comparative years.

It is evident that NP-4 members have fallen well behind the State Troopers over the 25-year period. Another comparison that can be gleaned out of this document is that from Fiscal Year '99 to Fiscal Year '08 Correction Officer top step pay went up \$11,919, and State Police Troops top step pay went up \$25,482.

Again, it is evident that NP-4 members fell behind the State Troopers during the 10-year view. Both groups are hazardous duty employees.

Another comparative document (X-U 30) was offered by the Union.

The document compares the top step pays of Correction Officers versus the top step pay of Probation Officers. From Fiscal Year '99 to Fiscal Year '08 Probation Officer top step annual salaries went up by approximately \$23,000, while Correction Officer top step annual salaries went up by approximately \$11,900. Again, NP-4 Correction Officer top step annual salary raises did not keep up with another hazardous duty group of employees.

Out-of-State

It is evident that members in this Unit have similar conditions of employment as members of Correction Units in Massachusetts, New Jersey, New York, Vermont, Rhode Island, Maine, Vermont, Pennsylvania and New Hampshire.

The Union offered testimony from AFSCME International Labor Economist Michael Messina. He addressed a number of issues. He offered comparatives and testified regarding the comparatives. They are as follows:

A document titled Wage Comparison Data (X U-7).

The document shows that Connecticut Correction Officer top step annual pay is ranked 5th annually out of the states referred to above. The document shows that Correction Officer top step pay in Connecticut is behind New Jersey by over \$20,000 per year. It is behind Massachusetts, Pennsylvania, and New York by approximately \$9,000 per year.

A document titled Annual Salary Paid to Correction Officers at 10 years of service in Connecticut and all Northeast States (X U-8).

This document ranks Connecticut 4th when we view salaries including longevity pay and working condition stipends where applicable after 10 years of service. Connecticut is behind New Jersey by approximately \$20,500 and behind Massachusetts by approximately \$9,200 annually under this view.

A document titled 2006 Interstate Cost-of-Living Index (X U-9).

The document shows that Connecticut has a very high cost-of-living index compared to other states.

A document titled 10-year Salary Rate Adjusted for Cost-of-Living Differences (X-U 10).

The document shows that due to the high cost-of-living index for Connecticut, the purchasing power is further diminished by over 25%.

A document titled State Per Capita Income Compared to Annual Salary Paid to CO's at 10 Years of Service (X U-11).

The document shows that Connecticut CO salary ranks last when the adjustment is made for per capita income. In fact, the \$51,578 is below the Connecticut per capita income number of \$54,117. They are 4.7% below. Whereas New Jersey is 46.6% above; Pennsylvania is 32.9% above; Massachusetts is 23.9% above, and New York is 12.5% above their state per capita income. The Connecticut numbers illustrate and show that the salaries are substandard.

Documents (X U-12 and X U-13) show the ranking of Connecticut Correction officers annual salaries for 36.25 hours and for 40 hours versus the other states being used for the 5, 10, 15 and 20-year intervals. Again, the Connecticut ranking is not in the top 25% for any of the selected years. The Connecticut numbers illustrate and show that the salaries are substandard.

A document titled Average Monthly Payroll per Full-Time Employee (X U-14) was offered.

The document shows that Connecticut is ranked 2nd regarding state employees salaries, but the Correction Officer salary ranks anywhere from three all the way down to six in terms of other states. The document illustrates that Connecticut does not pay Correction Officers properly, comparing them with other Connecticut State Employees.

Regarding Statutory Factor #2, equity, reasonableness and the application of this statutory factor favors the Union's Last Best Offers on each and every issue in dispute in these proceedings.

Factor #3

THE WAGES, FRINGE BENEFITS AND WORKING CONDITIONS PREVAILING IN THE LABOR MARKET

Michael Messina offered testimony and a support document (X U-16) regarding general wage increases.

The document (X U-16) showed that for the year of 2007 and the year of 2008 that the private sector employees at Hamilton Sundstrand Corporation, Pratt and Whitney and Sargent Manufacturing Company had received a GWI of 3.5%. The document (X U-16) showed that for the year of 2009 that the private sector employees at Hamilton Sundstrand Corporation and the employees at Pratt and Whitney had received a GWI of 3.5%. The document (X U-16) showed that for the year of 2009 that the private sector employees at Sargent Manufacturing had received a GWI of 3%.

Also, I note that the private sector employees at the Hamilton Sundstrand Corporation and the employees at Pratt and Whitney received a ratification bonus of \$3,000.

The Union concludes that the average G.W.I. over the 3 years for the three aforementioned private sector groups is 3.44%.

Regarding Statutory Factor #3, equity, reasonableness and the application of this statutory factor favors the Union's Last Best Offers on each and every issue in dispute in these proceedings.

Factor #4

OVERALL COMPENSATION PAID TO EMPLOYEES INVOLVED IN THE ARBITRATION

The overall compensation to employees in this arbitration proceeding(s) including direct wages, compensation, overtime and premium pay, vacations, holidays and other leave, insurance, pensions, medical and hospitalization benefits, food and apparel and all the benefits received by the employees.

The NP-4 Unit is not outstanding when we do an analysis regarding its overall compensation. Many benefits, including insurance, are similar for all of the State employee units. On some other compensation issues, like wages, meal allowance pays(s), longevity payment(s), standby pay, revised pay plan(s), additional step(s), lump sum(s) to top step employees, tuition fund reimbursement(s) and annual increments, this unit lags behind other units.

Regarding Statutory Factor #4, equity reasonableness and the application of this statutory factor favors the Union's Last Best Offers on each and every issue in dispute in these proceedings.

Factor #5

EVIDENCE AS TO ABILITY TO PAY

I. Connecticut's Economic Outlook

Connecticut is the richest state in the nation. The Union's financial witness, James Stodder, Ph.D. and Clinical Associate Professor, Rensselaer Polytechnic Institute at Hartford, testified as part of his presentation about the positive and encouraging financial projections compared to other states for the contract period at issue.

More specifically, Stodder's presentation (X U-34) projected that the recession in Connecticut would be much less severe than the country as a whole. He offered that housing prices in Connecticut had doubled whereas housing prices had tripled in the country. Thus, the rate of foreclosures in Connecticut would be well below most states. Secondly, he offered that most of Connecticut's largest employers are recession proof. He offered that the big employers are doing well and that the corporate taxes paid by them will not decrease hurting the State of Connecticut. He offered that aerospace, insurance and security funds industries are either holding their own or are even continuing to grow. He offered that Connecticut is different than the other states due to the aforementioned industries.

II. Connecticut's Relative Tax and Debt Burden

The Union's financial witness, James Stodder, Ph.D. offered that the traditional State argument is that the burden of state taxes in Connecticut is extraordinarily high. Secretary Genuario's presentation misleadingly implied that Connecticut's tax burden is extraordinarily high. Professor Stodder made clear though, that Genuario's presentation does not properly assess the relative burden of state and local taxes, relative to the economic size and wealth of the state.

He offered that Connecticut has their income taxes set at relatively low rates compared to other states, with high income household pays. In his verbal presentation and in his written presentation (X U-34; pgs. 3 and 4) he offers that Connecticut's tax burden is proportionately modest when we view that Connecticut is easily the highest in per capita income with the per capita income being \$49,852. The per capita income in Connecticut is 7% higher than the next state which is New Jersey. Also, he offered that the state tax burden in Connecticut is moderate as a burden of personal income.

Professor Stodder addressed the State assertion(s) that Connecticut has a high level of indebtedness in his written presentation (X U-34; pg. 5). He offers that the Genuario percentage numbers regarding Net State Tax-Supported Debt are too high at 14%. In fact he asserts that the Moody's measure of 8% is much lower and accurate. He offered that all of the states ranked in Table 4 are AA other than Delaware.

Under this segment, Professor Stodder addresses the State assertion that the combination of Local, State and Federal taxes per capita is higher in Connecticut than in any other state. He offers that the Federal tax burden on Connecticut companies and individuals cannot be a competitive disadvantage, at least not vis-à-vis other states.

Unless they chose to leave the US entirely, wealthy individuals and businesses face the *same* Federal income taxes. Since Federal taxes are inescapable within the US, the fact that State and Local taxes on the whole are low in Connecticut is a real competitive advantage vis-à-vis other states. Indeed, these low State and Local taxes are part of the reason that many wealthy individuals and corporations chose to locate in Connecticut.

In fact, looking just at the State Income Tax, there is a good argument that Connecticut's tax rate is *too low* and a competitive *disadvantage*. Fred Carstensen, Director of UConn's Connecticut Center for Economic Analysis, notes that federal deductibility means that a higher state income tax would be *subsidized* by the federal government at a higher rate. Take, for example, a 1% rise in the State's top rate. Every \$1,000,000 taxed at this rate would raise \$10,000 more in state taxes. But since the top federal rate is 35%, the net cost to the state's *taxpayers* would be just \$6,500—after their \$3,500 “rebate” from the federal government.

Stodder's presentation included information from a comprehensive study conducted by Professor Dennis Heffley, from the University of Connecticut's Department of Economics which showed that Connecticut's overall tax burden is 49th out of 50.

III. Ability to Pay: Tax Cuts and Spare “Fiscal Capacity”

Professor Stodder offered that Connecticut state government expenditures have grown without restraint but that the truth of the matter is that taxes were cut without proper fiscal restraint. During his testimony and in his written presentation (X-U 34; pgs. 5 and 6) he offers that Connecticut taxes are light relative to their ability to tax. Admittedly, Connecticut has a high level of bonded debt. However, as Stodder explained, Connecticut's bond rating is AA, the second highest rating which means that Connecticut has a very strong capacity to meet its financial commitments. He offers that Connecticut has a spare capacity to get more money through the implementation of higher realistic taxes. It is his assertion that the State does have the ability to pay for the economic requests of the Union.

IV. Why Connecticut's “Spending Cap” is not a Meaningful Constraint.

Secretary Genuario's presentation included testimony about Connecticut's “Constitutional” spending cap being a limitation on the state's ability to pay for the Union's LBOs. The cap is statutory. However, the Union's witness, Professor James Stodder explained that the spending cap is not a true or meaningful constraint to state expenditures. In fact, Connecticut has frequently exceeded the cap. He offered that the governor and the Legislature can and have deemed fiscal circumstances to be “extraordinary.” This gives them the ability to exceed the cap. Professor Stodder offered that the politicians have used the spending cap to

hold down expenditures during robust growth (but not to push it up during slow growth); this motivates tax give-backs (instead of precautionary savings) from current state revenues, and at the same time, to exclude from consideration lavish debt expenditures which have already damaged the state's credit rating, at the cost of millions of extra dollars in interest payments. The spending cap in essence has been used in a most irresponsible and one-sided manner due to the aforementioned. The Union offers the Stodder presentation (X U-34, pgs. 6 and 7) regarding the "Spending Cap." The Union concludes that the "Spending Cap" is not a legitimate limitation on the state's ability to pay for the Union's LBOs.

During cross examination Secretary Genuario testified that "there is a reserve for salary accounts that has funds to deal with increases that are approved either by agreement or award over the course of the fiscal year. That was in response to the question: "In the budget for the current year, fiscal '09, are there any provisions for general increases or increases for costs for this bargaining unit." This illustrates that there is money set aside to pay for increases.

The Union's witness, Albert Chiucarello testified regarding the state ability to pay. By and through him, the Union offered the Connecticut Surplus/Deficit History from Fiscal Year '00 through Fiscal Year '08 document (X U-28). A review of the document leads the Union to conclude that prior to Fiscal Year '08, there was a surplus of 1.1284 billion dollars in the Budget Reserve Fund. Also, the Union offered that there is not going to be a deficit in the Connecticut budget for Fiscal Year '08.

The Union offers that Connecticut has not had a deficit since Fiscal Year '03.

The Budget Reserve Fund surplus of at least 1.1284 billion dollars is another reason that the state does have the ability to pay for the Union's LBOs.

The Union has established that the State does have the ability to pay for the Union's LBOs.

Regarding Statutory Factor #5, equity, reasonableness and the application of this statutory factor favor the Union's Last Best Offers on each and every issue in dispute in these proceedings.

Factor #6

CHANGES IN THE COST OF LIVING FAVOR THE UNION'S LBOs

The NP-4 Unit's wage increases from 2003 to 2007 fell dramatically behind the CPI for the same years. Michael Messina offered testimony and a support document (X U-15) that addressed the wage increases compared to the CPI. The document shows that the General Wage Increases added up to a total increase of 9.3% compounded. The document shows that the CPI changes added up to a total increase of 15.8% compounded. The typical NP-4 bargaining unit employee has lost more than \$3,200 or 6.5% behind inflation. The \$3,200 amount was computed by multiplying 6.5% times the annual average salary of \$49,240. The annual average salary was computed by and through the use of the NP-4 Spreadsheet Base (X U-31). The State CPI projected that there would be an increase of 8.1% over the next four years.

I note that the Ability to Pay document (X S 21) regarding economic indicators offers the CPI-U only for the United States. The Union is not sure that the CPI-U for the United States is an accurate depiction of the CPI-U in Connecticut. The figures that were offered by Mr. Messina demonstrate the buying power of the NP-4 Bargaining Unit members has eroded over the last four years. The weight of the evidence on the cost of living supports a General Wage Increase of 3.5% each year.

The Union offered the testimony of Professor Stodder regarding inflationary factors. He testified that from 1982 to the present, salaries for Correction Officers have increased most years, but they have not always kept up with inflation. He offered that over the last four years there has been erosion regarding NP-4 members' purchasing power.

The Union offered the testimony of CO Paul Barselau. He offered that, "Morale is pretty low right now because it is harder and harder for people to make ends meet with the way inflation is going crazy, gas prices, everything is going through the roof." The Union offers that his observation is more realistic and impacting than the future CPI numbers offered by the State.

Regarding Statutory Factor #5, equity, reasonableness and the application of this statutory factor favor the Union's Last Best Offers on each and every issue in dispute in these proceedings.

Factor #7

THE INTERESTS AND WELFARE OF THE EMPLOYEES

The interest and welfare of the NP-4 Bargaining Unit members is of paramount importance. The Union's most extensive evidence concerning the interests and welfare of the employee group centered on the question of issues pertaining to job environment.

The NP-4 Bargaining Unit is uniquely placed with regard to job environment. The parties toured two DOC facilities with it being evident that an NP-4 member's work assignment is stressful and dangerous. The Union offered a tape recorded presentation (X U-4) with CO Larry Tyler commenting on the dangers and the stressors of the job both in the past and at the present time.

The Union offered the testimony of Michael Messina regarding the percentage of total inmates classified as maximum custody in each state. He offered a document (X U-20) that shows that Connecticut has a higher percent of inmates classified as maximum custody than all states but New York. The Union offered the testimony of Professor James Stodder regarding the stresses and dangers for Correction Officers. He offered testimony that the probability of assaults on Correction Officers and inmates increased when the inmate to correction officer ratio went up. This was illustrated in the Stodder document (X U-34) on page 10, Figure 6. He offered that the work environment became more dangerous when the temperature went up. This was illustrated in the Stodder document (X – U 34) on pages 10, 11 and 12.

The Union offered the testimony of Professor Stodder regarding suicides. He offered that, "In addition to well documented stress levels nationally for this kind of job, with suicide rates 50% greater than normal for working age men, we find that CT CO's have shown suicide rates more than 59% greater than the national average for prison guards. This was illustrated in the Stodder document (X U-34) on page 13.

Professor Stodder concluded that "the levels of stress are obviously very high for COs. Furthermore, with the rise in the inmate ratio, there is direct statistical evidence that this stress is rising in the most crudely obvious forms—an increased probability of being attacked, or having an inmate attacked on one's watch. This stress takes many forms, as is well documented. We have a dramatic example of it in the very elevated level of suicide among Connecticut COs—high even by the standards of COs nationwide."

The Union offered the testimony of CO Paul Barselau regarding the work environment. He offered that NP-4 members are surrounded by a negative environment the whole time that they are at work. He offered that the State Police, who deal with crime and criminals on a daily basis, are not required to spend all of their time locked in a facility. They have the ability to move around. Correction Officers are locked inside a facility for your whole shift.

The Union's evidence showed that employees are subjected to real dangers on the job. Those dangers are exacerbated and taken home due to their work environment.

Regarding Statutory Factor #7, equity, reasonableness and the application of this statutory factor favor the Union's Last Best Offers on each and every issue in dispute in these proceedings.