



Corrections Experiences Turnover and Vacancies, But Performance Not Diminished

at a glance

The department has experienced significant correctional officer and medical staff turnover that has increased its training and medical costs. At the end of Fiscal Year 2005-06, the department had approximately 500 (5%) correctional officer vacancies, and it had more than 200 vacant nurse, physician, and dentist career service positions at times during the year. The department attributes this turnover to the rural location of most prisons, stressful working conditions, and salary competition. The Legislature has increased correctional officer salaries, but many counties continue to offer higher salaries to their corrections staff.

When officers leave shortly after they are trained, the state loses the dollars it has spent training them. While state law requires such officers to reimburse the state for training costs, the department has not routinely collected these repayments.

Federal courts have mandated that states provide at least minimum levels of inmate health care. Because the department is having difficulty filling career service medical positions, particularly nurses, it is using higher-cost other personal services (OPS) positions and healthcare contract agencies to provide mandatory health coverage.

Despite vacant correctional officer positions, measures of prison security remain largely unchanged, and the department is meeting its critical complement in prison staffing. Because the department does not use a consistent, reliable method for determining security staffing needs, it may have more correctional officer positions than necessary to run the prison system.

Scope

Chapter 2006-25, *Laws of Florida*, directs OPPAGA to conduct a comprehensive review of the Department of Corrections. This report is one of a series and examines the department's staffing and compensation levels.

Background

In Fiscal Year 2006-07, the Legislature appropriated the Department of Corrections approximately \$2.3 billion and 28,243 full-time equivalent positions. Most of these positions are assigned to two programs: Security and Institutional Operations, with nearly 18,000 correctional officer positions, and Community Corrections, with almost 3,000 positions. The Health Services Program has approximately 1,000 positions and also uses contract agency and other personal services (OPS) medical professionals to a large degree. The department's remaining approximately 6,000 positions are assigned to Program, Transition, and Post-Release Services and department administration.

Findings

One of the Department of Corrections' ongoing challenges is staff retention. The department has experienced significant staff separations that have increased its training and medical costs.¹ Despite these staffing challenges, measures of prison security remain largely unchanged.

The department has high separation and vacancy rates

The department has significant levels of employee separations and vacancies, particularly in security and healthcare positions, as shown in Exhibit 1.² The separation rate for correctional officers has fluctuated slightly over the past four years but has shown an overall upward trend from 15% in Fiscal Year 2002-03 to 21% in Fiscal Year 2005-06. This is higher than the 8% separation rate for all state law enforcement officers, but consistent with correctional officer rates in other states; for example, correctional officer turnover is 16% in Texas and 26% in Georgia.³

Exhibit 1 FY 2005-06 Separations and Vacancies Were High

Category	Separations		Vacancies	
	Rate	FTEs	Rate	FTEs
Officials / Administration	18.8%	54	2.4%	7
Health Professionals	17.9%	134	22.8%	220
Correctional Officers	20.8%	2,568	4.4%	554
Correctional Officers (Sergeant and above)	9.2%	457	2.5%	126
Correctional Probation Officers	15.1%	144	5.2%	53
Senior Correctional Probation Officers	8.0%	153	2.4%	46
Skilled Craft and Maintenance	18.5%	76	11.5%	52

Source: Florida Department of Corrections and People First.

Because the department has not kept pace in replacing these correctional officers, its vacancy rate increased from 1.4% at the end of Fiscal Year 2002-03 to 4.4% as of June 30, 2006, leaving 554 vacant officer positions. The vacancy rate for health professionals was high at 23%; at times during the year, there were more than 200 vacant physician, nurse, and dentist career service positions that had to be filled with OPS employees.

Department officials attribute high vacancy and separation rates to three primary factors: the rural location of most prisons, salary competition for medical professionals and correctional officers, and stressful working conditions in correctional facilities. However, the department has not conducted standard agency-wide exit interviews to determine if other factors affect turnover. The new secretary has initiated a new recruiting program aimed at improving the public image of correctional officers in hopes of attracting high caliber, career-minded candidates; it will use professional recruiters and emphasize increased training and educational opportunities designed to reduce officer separations and vacancies.

The Legislature has taken steps to address this problem by increasing correctional officer salaries from \$25,500 in Fiscal Year 2000-01 to over \$30,000 in Fiscal Year 2005-06. However, the department reports that local law enforcement agencies continue to hire the state's recently trained correctional officers to work in local jails for higher salaries, thereby obtaining certified officers without incurring the training costs.⁴ As shown in Exhibit 2, for a sample of counties in which state prisons are located, the state correctional officer salary is generally lower than that offered by the counties. This competition for trained officers is ongoing; for example, in January 2007 a law enforcement agency in south Florida offered a \$3,000 signing bonus in addition to a \$39,756 entry level salary.

¹ According to the department, this turnover has not increased its overtime costs because correctional officers "flex" overtime hours. For example, an officer who worked extra hours on Tuesday would work correspondingly fewer hours later in the week.

² For purposes of this report, the term *separation* includes all separations from state government, including voluntary job terminations, retirements, deaths, and dismissals.

³ State law enforcement officers include those working for the Department of Law Enforcement, the Florida Highway Patrol, and the Fish and Wildlife Conservation Commission, among others.

⁴ Correctional officers are certified officers and may move to jailer or detention deputy positions without additional training, but must complete an additional 444 hours of training to become local law enforcement officers.

Exhibit 2

2007 Entry-Level Salaries for County Law Enforcement Are Generally Higher Than the Department's

Agency or Sheriff's Office (Jailer)	Correctional Officer Salary
Palm Beach	\$42,744
Martin	39,000
Pasco	38,431
Indian River	38,000
Charlotte	38,000
Hillsborough	36,931
Broward	36,127
Hardee	33,000
Orange	31,720
Dade	31,361
Alachua	31,143
Department of Corrections	30,808
Escambia	30,527
Marion	28,520
Bradford	28,000
Santa Rosa	26,998

Source: OPPAGA survey of county law enforcement agencies.

The department is not routinely collecting training reimbursements from departing officers

Due to high correctional officer separation rates, the department frequently must hire untrained personnel and pay their salaries while they train at state expense. When these officers leave shortly after they are trained, the state essentially loses the dollars it has spent training them. While state law requires such officers to reimburse the state for training costs, the department has not routinely collected these reimbursements.

Florida law requires officers to undergo training and be certified under Criminal Justice Standards and Training Commission standards. This training currently costs approximately \$11,000 per trainee: \$2,000 for the 13-week basic training course and \$9,000 for salary during the training course.⁵ However, as shown in Exhibit 3, many officers leave shortly after they are trained; the state then loses the money it spent training them. Over the past five years, 1,287 officers voluntarily left the department within two years.

⁵ Trainee pay is 90% of correctional officer pay, which is approximately \$1,400 biweekly for Fiscal Year 2006-07.

Exhibit 3

15% of Corrections Officers Left the Department Voluntarily Within Two Years of Training

Fiscal Year of Training	Took Basic Course	Employee Voluntary Separations		
		<1 Year	1-2 Years	Total
2001-02	766	80	75	155
2002-03	2,074	158	237	395
2003-04	2,170	132	232	364
2004-05	1,799	143	121	264
2005-06	1,959	109		109
Total	8,768	622	665	1,287

Source: Florida Department of Corrections and People First.

In an effort to reduce lost training costs from early separations, the 2003 Legislature revised s. 943.16, *Florida Statutes*, to require correctional officers who voluntarily leave their jobs before serving two years to reimburse the state for the costs of both the training course and the wages and benefits paid during the course.⁶ The department also requires correctional officer applicants to sign a two-year commitment before entering the basic training program.

However, the department has not recovered these costs from most officers. Over the last three fiscal years, 737 officers were subject to reimbursing the state \$7.7 million under the repayment provision. However, as shown in Exhibit 4, only 168 officers have fully paid the department. Low collections are due to the previous administration's interpretation of the governing statute, department waivers, and a low repayment rate.

Exhibit 4

Most Officers Have Not Reimbursed Training Costs

Fiscal Year	Subject to Payment	Waived	Paid		
			All	Part	Not Paid
2003-04	127	12	40	27	48
2004-05	158	20	63	49	26
2005-06	153	29	65	48	11
Total	438	61	168	124	85

Source: Department of Corrections data.

Statutory interpretation. While statutes require the department to collect both training costs and wages, the department's previous administration concluded that collecting wages would conflict

⁶ Earlier provisions of this statute required a one-year commitment to the department and reimbursement for the training course but not the associated salary.

with the federal Fair Labor Standards Act of 1938, which states that persons cannot be required to work without compensation. Accordingly, the department has sought to recover only training course costs and not the wages received during the 13-week class. This has substantially reduced potential recoveries. For example, the 168 officers shown in Exhibit 4 who fully paid assessed fees reimbursed the state approximately \$336,000 rather than \$1.8 million.⁷ The department reports that it plans to revisit this issue and may seek an Attorney General opinion.

Waivers. The department has also waived repayment for some officers. Section 943.16, *Florida Statutes*, gives the department discretion to waive repayment for reasons such as hardship or extenuating circumstances. As shown in Exhibit 4, the department waived reimbursement for 61 officers (14%) over the past three fiscal years.

Low payment rate. Finally, over half of the officers who are billed by the department do not repay these monies. As shown in Exhibit 4, of the 377 officers who were billed for reimbursement, 168 officers (45%) fully repaid these funds, 124 (33%) made partial payments, and 85 (23%) made no repayment. Although the department is authorized to file cases in civil court to collect reimbursements, it has not done so. Department managers indicated that because its policy was to seek payment of only the \$2,000 training costs, the legal and administrative costs of a civil suit would outweigh the benefit. The department has forwarded these obligations to the Department of Financial Services' collection agency process.

Vacant career service healthcare positions are filled using OPS positions at higher cost.

Federal courts have mandated that states provide at least minimum levels of inmate health care.⁸ However, since the department has difficulty filling career service medical positions, particularly nurses, it often has to use higher-cost other personal services (OPS) positions and

healthcare contract agencies to provide mandatory health coverage.

During Fiscal Year 2005-06, the department had a 23% vacancy rate for its career service healthcare positions, the highest for any job class. As shown in Exhibit 5, key medical positions had high vacancy rates; for example, 43 of the department's 137 career service physician positions, or 31%, were vacant on June 30, 2006.

Exhibit 5

The Department Had High Vacancy Rates in Career Service Medical Vacancies in FY 2005-06

Class Title	FTE Positions	Vacant Career Service FTEs	Vacancy Rate
Psychologists	65	13	20%
Dentists	66	19	29%
Physicians	137	43	31%
Senior Registered Nurses	252	108	43%

Source: Department of Corrections and People First.

Since these professionals provide constitutionally-required medical services, the department contracts for medical services using OPS personnel and contract agencies when it cannot fill career service positions. This increases the department's personnel costs. For example, on the last day of Fiscal Year 2005-06, the department had vacancies in 108 (43%) of its senior registered nurse positions. Filling these positions at the OPS payment rate would require nearly \$1.5 million more than at the career service position rate.⁹ Due to medical position vacancies, the department reports that it has increased its OPS expenditures from \$1.6 million in Fiscal Year 2001-02 to \$10.6 million in Fiscal Year 2005-06.

The department is currently researching a variety of options for obtaining healthcare for inmates at a lower cost, including using health agencies and medical staffing agencies to address vacant career service positions.

⁷ The actual amounts paid and due may vary somewhat because costs are prorated; for example trainees who separate soon after graduation owe more.

⁸ *Costello v. Wainwright* 430 U.S. 325, 51 L.Ed. 2nd 372, 97 S.Ct. 1191 (1977), 506 led to 21 years of litigation for the Florida Department of Corrections regarding inmate health services.

⁹ For a career service nurse with experience, the current department bi-weekly rate is approximately \$1,800 (including benefit costs); the OPS cost is approximately \$2,300 biweekly.

Correctional shortages have not affected prison security

Despite the ongoing problem of vacant correctional officer positions and consistently high separation rates, the department's measures of prison security remain largely unchanged, and it is meeting its critical prison staffing complement.

As shown in Exhibit 6, the department's key measures of security, including assaults on correctional staff, use of force incidents, inmate injuries, and escapes have been generally consistent for the past five years despite increasing inmate population and greater correctional officer vacancies. For example, correctional officer use of force per 1,000 inmates, which includes quelling a disturbance or physically restraining an inmate, has been declining over the past five years.

Exhibit 6

Key Safety and Security Measures Are Essentially Unchanged in Recent Years ¹

Incidents per 1,000 inmates	Fiscal Year				
	2001-02	2002-03	2003-04	2004-05	2005-06
Inmates	73,553	77,316	81,974	84,901	88,576
Use of Force	49.90	47.20	48.30	43.30	42.50
Assaults on Staff	8.10	8.70	7.30	6.90	6.20
Inmate injuries	37.30	38.00	35.10	37.80	36.50
Escapes	0.85	0.97	1.33	1.39	1.37
Crimes vs. Inmates	50.50	53.20	45.30	45.60	49.60

¹ These numbers are rates indicating the number of incidents per 1,000 inmates; e.g., there are 8.1 assaults on staff for every 1,000 inmates in Fiscal Year 2001-02.

Source: Bureau of Investigations, Department of Corrections.

In addition, prison staffing documents show, and security officials confirmed, that the department is meeting and exceeding its critical staffing complement level most of the time. Critical complement refers to the minimum number of officer posts that must be filled on each shift. When positions are vacant, the department has used overtime and other scheduling techniques to ensure critical posts are filled.

The department lacks a consistent staffing model

The department does not use a consistent, written model for determining security staffing needs. Consequently, the Legislature lacks assurance that the department needs its current number of authorized correctional officer positions to run the prison system.

Department managers use an informal process relying on factors such as the previous year's staffing, future prison population estimates, new facility needs, and professional judgment to determine projected officer requirements at its institutions. The department asserts that all of its authorized positions are needed, as each position is assigned to a specific post at a specific prison. However, the process does not use written, research-based models or specific staffing formulas.¹⁰

A written and research-based staffing methodology could provide the Legislature with reliable information upon which to base appropriations. As shown in Exhibit 7, the department operated with a consistently high number of vacant correctional officer positions during 2006, with an average of over 500 vacancies each month. The appropriation for these positions is approximately \$15 million (based on its entry-level salary of \$30,000, not including benefits). The department has historically sought budget amendments to transfer funds allocated to unfilled positions for other purposes such as healthcare expenses. This, coupled with the department's lack of a reliable staffing methodology and its high number of vacant positions, hinder the Legislature's ability to identify the department's appropriation needs.

¹⁰ OPPAGA previously recommended that the department develop written criteria to determine the number of correctional staff needed as reported in the 1996 [OPPAGA Report No. 95-28](#) on page 26.

Exhibit 7**The Department Had at Least 300 Vacant Positions Every Month for the Last Two Years**

	2005	2006
January	370	495
February	397	527
March	415	506
April	343	440
May	327	490
June	355	496
July	355	554
August	334	625
September	435	608
October	453	582
November	421	582
December	480	586
Average	390	541

Source: Department of Corrections and People First.

Recommendations

To address its high employee separation and vacancy rates, the department should hold standardized exit interviews with departing employees to determine department strengths and weaknesses and conduct salary studies for positions with consistent vacancies.

The department should seek legal advice from the Florida Attorney General or the federal government to resolve the legal question of whether collecting trainee wages from those certified officers who leave the department within two years violates the federal Fair Labor Standards Act of 1938 and collect the funds as directed.

The department should develop a formal staffing model for determining the appropriate number correctional officers at each correctional facility. The department should also construct its budget request to reflect the needs of each program area so that it does not rely on funding ongoing operations with unused salary dollars for vacant positions.

Given the significant number of continuing vacancies and the reallocation of salary dollars, the Legislature may wish to revisit the department's number of authorized correctional officer positions.

Agency Response

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was submitted to the Secretary of the Department of Corrections for review and response. The chief of staff's written response is reproduced in its entirety in Appendix A.

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Appendix A



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February 19, 2007

Gary R. VanLandingham, Director
Office of Program Policy & Analysis &
Government Accountability (OPPAGA)
Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1475

Dear Director VanLandingham:

Thank you for the opportunity to review OPPAGA's draft report on staffing and compensation levels within the Department of Corrections. We have enjoyed meeting with your staff over the past several months to discuss these issues and I wish to acknowledge their professionalism and diligence in compiling this report.

The department concurs with the findings and recommendations in the report with the exception of the issue of correctional officer staffing. It is the department's position that the Security Post Charts that exist for each prison are a consistent, appropriate model for determining security staffing needs. They are research-based models in that they have been developed over 50+ years of correctional history and experience in Florida. It is important to note that they also fully comply with the accreditation requirements of the American Correctional Association.

Post charts are actual listings by title of security posts that are necessary to operate each facility. A recapitulation of each post chart indicates by correctional officer rank, the number of 5-day posts, the number of 7-day posts, the number of relief positions required for the 7-day posts and the totals of positions required. Post titles are standardized statewide. The numbers and types of posts that are authorized for each prison take into account each unique prison configuration such as size, physical layout, custody and medical grades, special programs, confinement capabilities etc. It should also be noted that the staffing for housing is based on whether the dormitory is either secure housing or open bay and as such is formula based. Further, these post charts are used to support the department's request for additional staff and appropriations to open and operate new prisons.

The number of 554 vacant correctional officer positions should be viewed in the context of the number of correctional officers and number of prisons that exist statewide. Currently the department operates 54 prisons and 80 minor facilities with approximately 12,900 correctional officers as well as other staff - 554 correctional officer vacancies therefore represent a 4.3% vacancy rate. An average prison employs 280 correctional officer positions to operate a prison 24 hours a day, seven days a week.

Director VanLandingham
OPPAGA Draft Report
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This means that each day is split into three shifts with most positions operating on the 8am – 4pm day shift. A 4.3% vacancy rate equates to twelve positions being vacant at any point in time, which spread over three shifts is not unreasonable. It is the department's position that these vacancies are due to normal staff turnover which occurs in any organization, large or small and as your report acknowledges, the responsibilities of these vacant positions are covered through the judicious use of overtime and other scheduling techniques. Regardless of how many staff are employed at a facility, there will always be a certain number of vacancies because of this naturally recurring lapse factor. These vacant positions are most definitely not an indicator of excess staffing but rather an indicator that the department should maintain its recruitment efforts.

Again, thank you for the opportunity to work with staff on this report and we look forward to working with you and the Legislature to ensure our mission is met.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Prudom", written in a cursive style.

Richard Prudom,
Chief of Staff