

To All Wardens:

In considering collective bargaining grievances over the past few years, we have noted disparities in the way different institutions administer correctional officer

- reassignments,
- days off changes, and
- shift changes.

Due to rulings made at Step 3 by the Department of Management Services (DMS), the department currently judges the merits of collective bargaining grievances regarding these three issues according to the following standards and guidelines.

Generally, a reassignment is seen as the method by which an employee moves/is moved *out* of his/her current unit and *into* another unit. A shift change or days off change is one method by which an employee moves/is moved from one post to another post *within* his/her current unit.

As a rule, a unit is considered to be an institution, work camp, annex, road prison, forestry camp or other facility which has its own *extended workday roster*.

Reassignment – A reassignment can be either voluntary or involuntary.

Examples of *involuntary* reassignment:

- The warden moves a CO from Calhoun CI to Calhoun Work Camp.
- The warden moves a sergeant from Ocala WRC to Marion CI.
- The wardens/regional director moves an employee from Homestead CI to Dade CI.

When making an involuntary reassignment, the department must keep the employee on his/her same shift/days off unless the employee 1) has less than two years in current grade, or 2) is under formal investigation, or 3) is on a performance improvement plan (PIP).

Examples of *voluntary* reassignment:

- A CO submits a Request for Reassignment to go from Baker CI to Century CI.
- A lieutenant submits a Request for Reassignment to move from Liberty CI to Hollywood WRC.

In requesting a reassignment, the employee cannot request a certain shift or days off, but must accept whatever shift and days off management chooses. If the employee submits a request for reassignment, but then declines the offered reassignment because s/he doesn't like the offered shift/days off, then s/he cannot request reassignment to that unit for one year.

Seniority is one factor in considering both voluntary and involuntary reassignments, but agency need, employee preference, and other factors should also be considered.

Shift Change / Days Off Change – Voluntary or involuntary

Involuntary shift change/days off change: An employee with less than two years in grade may have his/her shift or days off changed by management with at least two weeks notice. Management may also change the shift or days off of any employee under formal investigation or on a PIP.

Voluntary shift change/days off change: If a shift or days-off slot becomes vacant, then the most senior employee with a valid shift change/days off change request on file *must* receive the requested shift/days off, unless s/he is under formal investigation or is on a PIP. This includes opportunities to work on the administrative shift, with the exception of *specialized posts*. Currently, the only specialized posts are canine, lock and key, arsenal, work squad sergeants, and administrative lieutenant.

A shift change or days off change is not considered a reassignment in and of itself, even in the event of a position number change. An employee may have multiple shift change/days off change requests on file. However, management may choose which of an employee's multiple filed requests to honor. There is no contractual or administrative limit on the number of shift change requests or days off change requests an employee may have on file, or on the number of shift changes or days off changes an employee may receive in a year.

An officer may *not* use a request for shift change or a request for days off change to try to move from one unit to another unit, even if the two units are under the same warden, and are close together. Similarly, a warden may *not* use an employee's request for a change in shift or days off to move the employee to another unit. The main reason for these limitations is that an employee should have a method by which s/he can safely request to move to another shift, or secure other days off, within his/her current unit without worrying that the request could result in being moved to another unit under the same warden. In most instances, such as in Regions I and II, the various units under one warden are fairly close together, but in cases such as Ft. Myers WC/Hendry CI, or Dade CI/Big Pine Key RP, or Polk CI/Largo RP, a simple days off request could result in a workplace move of 65 to over 100 miles. For contractual purposes, the department should have procedures which are consistent for every major institution, no matter how far apart or close together its constituent units may be. Therefore, if a warden desires to move an employee from one of his/her units to another, then it should be as a reassignment, not as a shift change or a days off change.

If a vacant post is to be filled by reassignment, reassignment requests should be considered before considering involuntary reassignments.

The Security Services Unit Agreement defines a reassignment as an employee moving from one position in a class to another position in the same class, regardless of location. In light of this definition, DMS has ruled at Step 3 that the department may *not* require that an employee can only submit a reassignment request for a position at a main unit. An

employee may request to be reassigned to any unit where there are positions in his/her class, even if it's directly to an annex, work camp, etc.

Finally, the department strives keep its procedures current with any changes to the collective bargaining agreements, but in cases where department rules or procedures are clearly at odds with a contract provision, then the contract language prevails.