

June 2, 2008

Mr. George L. Schroeder, Director
Legislative Audit Council
1331 Elmwood Avenue, Suite 315
Columbia, South Carolina 29201

Dear Mr. Schroeder:

I have reviewed the questionnaire pursuant to Perry Simpson's request to Dan Murphy dated May 28, 2008.

The questionnaire will elicit little if any meaningful information as it is designed with a built in bias against the executive branch, the agency and all levels of the leadership within the agency.

Frankly, the questionnaire appears to have been drafted with the same recklessness and bias that typified the highly biased, politically motivated and botched 'investigation' that preceded the hasty request for this audit. It invites negative responses and gives only one target for any and every unspecific complaint or 'beef' held by any employee: the executive branch!

The overly simplistic questions contain no precision and uses undefined, qualifying terms such "high level of respect," "top management," "most qualified," etc.

The survey contains repeated questions about the same topic worded slightly differently. This is a classic and sophomoric attempt to push for certain responses. For example, sixteen questions imprecisely address pay and benefits, eight questions imprecisely address management and eight questions imprecisely address overall satisfaction. This will virtually ensure conflicting and inconsistent responses on the same subject, even by the same respondent.

Repeatedly asking the same questions using terms such as "favoritism," "harass," "disciplinary procedures," "health and safety hazards," "complaints," "disputes," "grievances," "coercion," "partisan," "intimidate" "reprisal," "race," and "discrimination," are well-known methods to invite disproportionate participation from dissatisfied employees and are clearly suggestive. This survey is replete with suggestions and contains no questions designed to uncover the specific reasons for any dissatisfaction. Amazingly, it fails to even provide an opportunity for respondents to provide such information. In many respects, this looks more like a political 'push poll' than a scientific survey.

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To make matters worse, the survey does not attempt to establish any relevant information about the respondents. For example, respondents who have faced or are facing discipline would be much more likely to respond. Employees recently passed over for promotion would also be more likely to respond negatively.

The survey asks about subjects, people and terms without offering definitions and without determining the level of interaction or involvement, if any, that the respondent has ever had with those people or subjects. The respondents are left only with the option of answering questions that blame the executive branch in a survey full of negative connotations, even if the question is unclear and even if they have no opinion or basis of knowledge.

The survey is clearly not intended to seek useful information as it fails to provide or solicit basic background that would be necessary to address any specific areas of concern. For example, the survey will not identify the work setting, duties, work location, type of supervision (dual or singular) or other non-identifying information about the respondents. Of course, correcting this glaring shortfall would be meaningless, as this survey does not seek honest and unbiased responses to specific areas of concern.

The survey makes no effort to seek comparisons or establish or reference any baseline. It has never been distributed to other agencies and it has never been used before in this agency: there is no relevant reference for comparison. And, the survey even refuses to allow respondents to make any comparison about the agency now as opposed to any other point in time: two, five, or ten years ago.

This survey makes no mention or allowance for the nature of working in any correctional setting: settings that are generally demanding, stressful and dangerous in comparison to other work environments. And, within the correctional setting, this questionnaire fails yet again by not mentioning or making allowance for the differences in the operational and management requirements and practices in working a housing unit alone in a maximum security environment versus working an administrative job in headquarters.

While it pretends to seek information about our work environment, the survey only allows for responses about SCDC management and SCDC supervisors. The questionnaire invites more responses to negatives than to positives.

Most amazingly, the survey promises that the “results will be used to improve conditions at SCDC.” That statement alone, invites negative responses. However, this is even more disingenuous since the survey conveniently neglects to ask even a single question about how decisions of the legislative branch affect the SCDC workplace. In a legislatively dominated state, this omission alone is fatal to any honest assessment of work environment.

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For example, our lowest in the nation funding and staffing are directly controlled by the legislative branch. SCDC salaries are lower than those of other correctional systems and lower than most of our state agencies. Those are directly controlled by the legislature. Yet, there is not a single question about the impact of legislative decisions on environment. And, no effort is made to ensure that employee dissatisfaction with legislatively controlled issues does not spill over into complaints about the executive branch. In fact, this survey invites that precise result.

The questions make no effort at precision or accurate apportionment. For example, any question about pay should be prefaced with information sufficient to allow the responder to apportion dissatisfaction toward the responsible authority: in this case the legislative branch. Every question about working environment and safety in a prison environment can only be fair if legislative funding and policy decisions are accounted for appropriately. Any questions about personnel decisions and policies should account for the archaic laws, policies and procedures that restrict executive branch in managing the workforce. This overly simplistic and suggestive tool fails on all three counts.

A classic example concerns the questioning about communications within SCDC. After decades of funding that ranked among the lowest five states in the nation, the legislature eventually cut our budget to the very bottom in the nation. In order to operate even close to those limits, we have been forced to stop printing our employee newsletter. The legislature has repeatedly refused to fund our requests for modern communications equipment and a modern computer system. Then, having denied us the tools to effectively communicate within an agency spread across 28 institutions and six shifts, the legislature now invites criticism of our communications!

By passing new laws, each year the legislature adds more inmates to our population, yet they refuse to fund new prisons or to provide adequate funding for maintenance and replacement vehicles. The survey includes no questions about the effects of over-crowded prisons and fewer staff and supervisors on the work environment! We use hand-me-down bullet proof vests for our transport officers and our vehicles exceed those of any other state agency in mileage and age. Our institutional employees work with outdated radios and without body alarms, body armor or cameras in their housing units. Amazingly, this survey presumes that those factors do not affect the "work environment."

By inviting criticism broadly, without specifying actual responsibility and by failing to offer any points of comparison, the survey will provide no useful information but it will provide a great opportunity for staff to criticize superiors and the agency for things that are actually outside of their control; using this survey any respondent dissatisfied with staffing levels, salaries, insurance costs, benefits or old and inadequate safety equipment will express that sentiment by criticizing supervisors within SCDC! Not exactly an honest instrument, but certainly consistent throughout.

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All in all, the legislative branch has reduced the funding of SCDC to record low levels; they have forced our employees to manage levels of risk that are higher than those managed by their peers in any other state; by cutting staffing after passing truth-in-sentencing, they have forced SCDC employees to supervise more dangerous inmates; they have forced SCDC employees to do more work for less money than any group of correctional professionals in the nation; they have refused to maintain infrastructure; they have refused to pay for personal safety equipment, cameras and additional staff; they have refused to provide adequate pay raises and incentive pay; they have refused to fund food and medical care for inmates; they have refused to provide funding for adequate uniform replacement cycles for security staff; and they have raised the cost of benefits such as health care premiums; and, in the months immediately preceding this survey, they will have passed a budget that effectively cuts employee wages by passing a cost of living increase that fails to approach the rate of inflation!

Now, after years of neglect that have created the most Spartan working conditions in the nation, in a year where we are “frozen” because of legislatively mandated deficits, and in a year where employee pay and benefits will fall further behind the cost of living, the legislative branch puts forth a questionnaire that makes no mention of the legislative branch, thereby forcing employees to blame their institutional and agency leadership for **any** dissatisfaction! Again, this may serve a political agenda of the Legislative Audit Council, but it will never be viewed as a fair and accurate assessment or an attempt to gather useful information.

For all of these reasons we prefer to have no involvement with this hatchet job, including any CRT message to our employees. This survey is clearly a continuation of the knee-jerk, unprofessional, politically motivated ‘investigation’ that many commentators referred to as a ‘witch hunt,’ last summer. We do not intend to participate with this survey and would prefer that you mail the survey to the home addresses of our employees. We have already provided that list.

Alternatively, the LAC could ask for professional help in generating a useful survey instrument from one of several neutral sources, familiar with prison environments, outside of our state and not beholden to the legislative or executive branch. Since we want to know how we are doing with the resources that we have been given, we intend to do so.

Surveys of correctional employees’ are not uncommon and can be conducted in a fair, unbiased and helpful manner. I have spoken with those who have been down this path and I have seen good survey instruments: developing such an instrument is a difficult and tedious job and requires the guidance of professionals. Of course, in order to design and implement any fair and neutral instrument in these circumstances, both the legislative branch and the executive branch would need to have input and responsibility.

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However, such an instrument would not be designed to simply invite employees to express and cast blame for **any** dissatisfaction in one direction. As such, it might not serve the intended purposes of the LAC. Instead, it would be aimed at identifying specific concerns at specific locations among identifiable groups of employees in a precise, accurate and professional manner. To the extent that an honest instrument invites respondents to 'cast blame,' for certain conditions, it would allow all options to be assessed and allow for proportionate assignment of dissatisfaction among all potential responsible authorities.

For example, in the section of an instrument dealing with stress in the work environment, a question might offer a respondent working in a maximum security environment to assign a value to the causes of stress: a) too many inmates and not enough staff ___%; b) undependable radios ___%; c) no body alarms ___%; no stab-proof body armor ___%; insufficient training ___%; lack of supervision or leadership by immediate supervisor ___%.

Or, in assessing the largest source of risk and stress in our prison setting, after providing a fair and accurate description of the budget process in South Carolina, a year by year history of this administration's budget request compared to the actual funding provided by the legislature, (this could even be broken down between the house and the senate for a more precise assessment of blame) and after determining if the respondent has the basis for an opinion and is dissatisfied with staffing, pay, and/or funding, the respondent might be asked to assign blame in this manner: "Please assign a value to represent your opinion about responsibility for the staffing levels, pay levels, funding levels over the past six years at SCDC? a) the executive branch (the director and the governor), because they do not request sufficient funding ___% responsible; b) the legislative branch, because they do not provide enough funding ___% responsible."

I would be happy to assist you in finding an experienced, outside organization to discuss a fair and accurate assessment of our correctional working environment, if that is of interest to you. If not, we will proceed independently.

If you use any derivation of this proposed survey, please do not bother to send the result of this survey to us: it will be of no help and would yield the same predictable results whether mailed to employees working in the difficult and demanding confines of prisons or the relative comfort of other state agencies.

Thank you for the opportunity to review these questions.

Sincerely,

Jon Ozmint

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JO:dbh

cc: Mr. Scott English, Governor's Office

Senator Mike Fair

Mr. Dan Murphy, Inspector General