



NATIONAL CORRECTIONAL EMPLOYEES UNION

20 Maple Street, Springfield, MA 01103

March 8, 2021

RE: Support for LD575, An Act To Establish a Conditional Presumption of Compensability for Certain Employees in Cases of Impairment from Hypertension or Heart Disease

Sen Rafferty, Rep. Sylvester, and Distinguished Members of the Labor and Housing committee;

My name is William Doyle and serve in the capacity of Regional Director for the National Correctional Employees Union (NCEU). The National Correctional Employees Union (NCEU) represents approx. 2000 members from Maine to Pennsylvania. Specifically in Maine, the NCEU represents nine (9) County Correctional/Communication units made up of approx. 650 members. We are advocating on behalf of adding Communication and Correctional Officers into the previously passed bill from 2017 which created a Post-Traumatic Stress Disorder presumption for certain classes of employees. What's important to note is that Corrections Officers were in the initial bill, but through committee and amendments were removed from the bill.

The county correctional system is underfunded, underappreciated, and not to mention understaffed. (York 35 positions vacant – Cumberland 20 positions Vacant) We ask corrections officers to deal with the people society deems in need of rehabilitation or are uncorrectable. The people who enter jails are often stressed, combative, and under the influence. These factors lead to altercations which place correctional employees in harm's way day in and day out. According to the Bureau of Labor Statistics(2015), Correctional Officers and Jailers, in 2014, sustained 53.5 work related intentional injuries by another person per 10, 000 FTEs. (2080hrs) This is much higher than the equivalent rate for all types of workers (2.9 per 10, 000FTEs), and even higher than that for police and sheriffs' patrol officers (42.5 per 10, 000 FTEs). See Desert Waters Study for MCO, 2016, Denhof and Spinaris.

As the economy does well, the employees of the county correctional institutions seek alternative employment that doesn't require forced overtime and harsh working conditions. As those employees leave for other employment, the remaining employees are obligated for mandated overtime and an increased workload. The combination of those issues leaves correctional officers stressed and tired. It is during these times of low alertness that inmates strike, take advantage of, and assault officers. In 2016, the Washington County Correctional Staff felt the impacts of an inmate assault first hand. A veteran correctional officer was training a new correctional officer, when an inmate attacked the officer and rendered him unconscious. The trainee then subdued the inmate and resigned employment later that day. In 2018, four Maine Correctional Officers were injured during separate incidents at the hands of an inmate in the Androscoggin County Jail. The attacks on correctional officers are just as probable here in Maine, as it is in the large metropolitan areas.

The relation of PTSD and heart disease is well documented. Depending on the study, the average life expectancy of a corrections officer is 59yrs to 62yrs of age. (1982 <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=85591>) , and (2011, http://www.floridastatefop.org/pdf_files/floridamortalitystudy.pdf) Correctional Staff are constantly providing for the care, custody, and control of anywhere from 1 prisoner to 80 prisoners at any one time. At any moment, you can go from calmness to chaos. The jail environment is not inviting or alluring. Jails are cold and dangerous workplaces. In a study of 8,300 California Corrections Personnel; "In total, 17% of correctional officers report they have been seriously injured on the job, 48% have feared they would be injured, 63% have seen or handled

dead bodies, and 73% have seen someone seriously hurt or killed while on the job.”(UC Berkeley, Lerman, 2017). That means that of the 8,300 or so staff involved, approx. 1,500 employees report serious injuries from the job. Studies are just that, studies! For every study I’m referencing about assaults, stress, and heart disease, I’m sure there’s another study refuting it. What’s not just a study or statistic is that, the United States Government and 22 other states have a heart disease presumption for corrections and law enforcement. (ACOIN, American Correctional Officer Intelligence Network, 2019) Constant or prolonged periods of stress take a large toll on the body and cause lingering issues leading to Cardio Vascular Disease (CVD). (2015, American Journal of Hypertension, Cohen et al.). The bill before you will catch Maine up with other states by recognizing that Correctional Professionals have a unique work environment that makes them susceptible to PTSD, hypertension, and heart disease.

Not only are correctional employees forced into physical altercations to protect themselves or others, they are often exposed to bodily fluids such as saliva, urine, and feces. Incarcerated individuals will throw or spit these bodily fluids at corrections officers in the normal course of their duties. Additionally, inmates live in their cells under less than desirable conditions which force corrections officers to act and open themselves up to infectious disease. The exposure to bodily fluids compounds exponentially when dealing with blood from another member of the public. Whether it’s blood, saliva, urine, or feces, Correctional Professionals are subject to random violent acts involving communicable diseases. “A significant burden of infectious diseases (tuberculosis, hepatitis, STIs, HIV) exists among incarcerated and recently released individuals.”

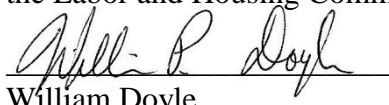
(2016,https://www.ncbi.nlm.nih.gov/pubmed/?term=Nijhawan%20AE%5BAuthor%5D&cauthor=true&cauthor_uid=27776722) The transmission of any one of these long term illnesses would be detrimental and life altering for any correctional employee exposed.

Any career has its own nuances, but the inherent risk associated with being a corrections officer has been overlooked for a long time. Gone are the days of terms like “turnkeys” and “guards” when it comes to the corrections career. The field of Corrections has evolved, like many other professions, over the years into a more dynamic role requiring more education, training, and support.

Our Communications Brothers and Sisters are, in a majority of cases, the most pivotal emergency first responder. They will field the phone calls nobody wants to receive, while directing response professionals to assist. These men and women will re-experience horrifying events from the abundance of the calls for service they receive. We as trained professionals try to avoid re-victimization during investigations. However, the communications worker who answers the call and deals with the trauma of caller could be re-victimized every time they pick up the headset or receiver. We owe it to the hard working communication workers to include them as first responders and add them to the PTSD presumption for workers compensation.

You will see similar proposed bills in the form of legislative documents from different sponsors. The NCEU believes that these are all good bills attempting in slightly different ways to address the same related problems, so the committee would do well to table them until all have been heard. That way the committee can consider them side-by-side during work session to achieve the best possible language.

The NCEU, on behalf of its members, and all correctional professionals in the State of Maine ask you the members of the Labor and Housing Committee to vote Ought to Pass on LD 467. Thank you.



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