

Prison nurses vote 'no confidence' in medical management

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Amid the tension related to COVID-19 and pressures on the California Department of Corrections and Rehabilitation to release inmates, the union representing nurses at the state's 35 prisons has filed a grievance alleging that the state violated their employment contract by requiring employees to work where an immediate and recognizable threat exists to their health and safety.

At several California prisons, COVID-19 has been rampant. The deaths of ten staff and 53 inmates have been attributed to the virus. But recent testing of inmates at Pelican Bay State Prison turned up no positive results, although the CDCR reports that 26 staff members tested positive. There have been no deaths tied to PBSP cases.

But earlier this week, members of Local 1000 of the Service Employees International Union (SEIU) handed out fliers and stickers to employees at the entrance gate indicating that prison nurses represented by the union had approved a vote of “no confidence” in CEO Bill Woods and his medical management team.

Slow turn-around of staff COVID-19 testing — while inmate test results were available quickly — was among the list of concerns described by union representatives.

Jerome Washington, president of the District Labor Council 749, and Laura Slavec, district bargaining unit representative for Local 1000 SEIU, said the vote on Thursday, Aug. 10, was the result of a toxic work environment.

“It’s been going on for years, and it’s gotten worse with the promotion of Bill Woods,” Washington said. “It’s been a pattern with management trying to get compliance with employees using threatening behavior.” An SEIU officer, Washington is not a CDCR employee.

Slavec, however, is a dental assistant who said she has worked at PBSP for eight years. She said Woods leads by fear and intimidation.

“It’s almost like an abusive relationship. Because, you know yourself, as nurses, they went through the boards, they’ve been doing this a long time, they start to question their own judgment,” Slavec said. ““Is it me that’s the problem?””

As a union representative, she said she unsuccessfully tried to resolve these issues at the lowest level with Woods, but hopes the vote of no confidence attracts the attention of officials at the state capital in Sacramento.

Woods did not respond to a request for comment. According to the CDCR website, he is the Health Care CEO and has been the Chief Nurse Executive at the prison for seven years. In 18 years at the prison he served in numerous supervisory and leadership positions. He succeeded Maureen McLean, a family nurse practitioner, in the top administrative position over Pelican Bay’s medical department. McLean retired in 2017.

A spokesperson for the California Correctional Health Care Services responded late Wednesday to The Triplicate's request for comment about the specifics of some of SEIU's allegations.

Regarding COVID-19 testing, Kyle Buis of CCHS said that there was a difference in the turn-around time for staff and inmate testing because inmate testing was done in-house and staff testing was done entirely by contract vendors.

"Due to the amount of tests, while accompanying high demand both statewide and nationally, some vendors in certain areas have experienced delays with test results," Buis said. "Testing for the patient population is conducted in-house and uses a statewide existing laboratory vendor contract."

Dr. Warren Rehwaldt, public health officer for Del Norte County, addressed the delay in the latest round of staff testing in comments to the county's Board of Supervisors Tuesday morning. He noted that there was disappointment all-around at the delay in results, which he attributed in part to the huge demand for laboratory services. Without quick results, Rehwaldt said, the value of contact tracing is greatly diminished. Often subjects will already be outside the recommended isolation period before results arrive.

"The big issue with COVID-19 and testing here is that the people who work in this institution live out in the community," Washington said. "So if you have an outbreak in a highly-populated area like Pelican Bay, it's going to quickly spread to Crescent City and Del Norte County. The medical system wouldn't be able to handle a big increase of positive cases here."

Rehwaldt, however, has previously commented that he has been more concerned about correctional staff taking the virus into the prison from the community and in early July expressed increased confidence in the ability of CDCR to keep COVID-19 cases out of the prison.

Other allegations

In an interview near the PBSP gate Monday morning, Slavec brought up three claims that she said were among the reasons for the no-confidence vote:

- Turning away ambulances meant for staff to get inmates out first after a riot on May 24, 2017.

- Allegations of cross-contamination during the ricin exposure incident on July 23, 2019.

- Refusing to follow a Feb. 25, 2020, arbitration decision requiring clinic doors to remain open while seeing inmate patients.

These and seven other claims were listed on the back of the flier passed out by SEIU Monday morning (a copy is included with this article).

May 2017 riot

As previously reported by CDCR, eight officers at PBSP were sent to the hospital with injuries following an attack by inmates on the Facility B maximum-security general population yard on May 24, 2017.

In a press release issued by the department at the time, it was noted that officers responding to an inmate fistfight were overwhelmed as inmates attacked them on the yard. Officers from three armed posts used their weapons to stop the attacks, firing a total of 19 .223 rounds from the mini-14 rifle and three 40-millimeter direct impact rounds.

Eight staff members were taken to an outside hospital with injuries; six were treated and released and two required hospitalization. Seven inmates were taken to outside hospitals, five of them for treatment of gunshot wounds. The press release did not specify the order in which inmates or staff were transported by ambulance.

Buis said Wednesday that there is no record of any grievances filed at the local or headquarters level regarding the riot. Woods was the manager of nursing at the time, but was not the medical CEO.

Ricin incident

Regarding the allegations of cross-contamination during the ricin exposure incident in July 2019, Buis said he could not comment because the investigation into that incident is ongoing.

The Triplicate reported at the time that a joint statement from the Del Norte County Sheriff's Office, Office of Emergency Services, and Public Health said that suspicious envelopes were received at the prison on July 23, 2019. The location where the envelopes were opened was immediately quarantined, according to the statement, and three people were taken from the prison to a hospital for medical evaluations and later released. No injuries or illnesses were reported related to the incident.

In February of this year, an Eastern European man was indicted by a U.S. grand jury in San Francisco on charges of mailing two envelopes containing ricin to the prison. The man was a former California inmate who was deported to Belarus after his release. There has not yet been a disposition of the charges.

Clinic doors

Regarding the SEIU allegation that a Feb. 25, 2020, arbitration decision requiring clinic doors to remain open while seeing inmate patients was not being followed at PBSP, Buis said that the arbitration decision rescinded a local memo that contradicted the Health Care Department Operations Manual, and provided a copy of the policy.

"This policy balances the privacy needs of patients with the safety of staff and the requirements of the State Fire Marshal," he said.

Nursing staff

Slavec said the concerns she described have a lasting impact on retention, adding that 10 to 12 nursing staff have left in the last year and the prison hasn't been fully staffed in the last three years.

"We can't keep nurses here. They're not staying here because of our package and pay. They're not staying here because of the way they're being treated," she said. "This lack of a safe work environment has permeated into the outside community, so qualified nurses are turning down opportunities to work at the prison."

Buis acknowledged many vacancies in the nursing ranks.

“Currently at Pelican Bay there are 45 RN positions authorized with 15 vacancies, and 27 LVN positions with nine vacancies,” he said. “In addition to using registry staff to fill temporary vacancies, we are continuously working to fill available positions at PBSP with focused recruiting efforts in areas surrounding Crescent City.”

Slavec explained that 80 percent, or about 28 staff members, needed to vote “yes” to achieve a vote of no confidence in Woods’ leadership. She said they received 35 “yes” votes from nurses and another 180 from other correctional staff in support.

“Our staff have finally gotten to the point where they’re done,” she said.

The SEIU grievance

The statewide grievance filed on behalf of all represented CDCR and CCHCS employees by SEIU Local 1000 alleges that staff continued to be exposed “to a work environment that is resulting in uncontrolled COVID-19 outbreaks by continuing to allow inmate movement, and not fully enforcing all health and safety guidelines. Due to the present health crisis, Nurses are forced to work longer hours and to be redirected to other worksites.”

The grievance also addresses inmate movement allowed at the end of May, resulting in outbreaks at a number of prisons including San Quentin, and alleges a number of health and safety violations including inadequate training, cleaning, distancing and lack of personal protective equipment.

At the deadline for this article there was no word on state response to the grievance.

DISCLOSURE: Triplicate Editor Claudia Elliott, who co-authored this article, worked at Pelican Bay State Prison in the medical department from June 2017 through January 2018 and in Prison Industries from July 2018 through October 2019.