



# PROBATION ASSOCIATION OF NEW JERSEY INSIGHT

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## *Legislative Update, 2017 INSIGHT*

*By Gerry Gibbs & Sabeen Kalyan-Masih, Capital Impact Group*

### Election Overview

Following an arduous campaign between Democratic Nominee Phil Murphy, and Republican Nominee Kim Guadagno, the former U.S. Ambassador to Germany, Murphy, was elected to serve as New Jersey's 56th Governor, in a landslide victory. Networks reported the early win for Murphy a minute after 8 p.m. - right after voting centers closed - and Guadagno conceded at 9:30 pm. The affable and favored to win Murphy, garnered more than a million votes, defeating Guadagno by 16 points (56%-42%).

Governor-elect Murphy's pick for Lieutenant Governor, Sheila Oliver, will be the first African-American woman in that role, again making history as she was previously the first African-American woman to be elected Speaker in 2014. Oliver will now take her expertise with her to the executive branch and will also serve as the Commissioner of the Department of Community Affairs.

All 120 of New Jersey's legislative seats were up for election, and Democrats increased their majorities in both houses. The 218th Legislative Session, which starts January 2018, the Democrats will control the Senate 25-15, and the Assembly 52-28.

### Notable Districts

In District 11, there was a major shift when challenger Democratic Vin Gopal defeated veteran Republican Senator Jen Beck. Gopal ran an innovative, grassroots campaign, utilizing digital and cable advertising and relied on mostly individual contributions, ultimately enabling him to unseat the popular Red Bank lawmaker.

In District 2, Democrat Colin Bell replaced the late Senator Whelan, and ran as the incumbent for that seat. Bell and his opponent, Republican Chris Brown, were expected to fight a close race, but due to Brown's name recognition and presence in Atlantic County, Brown easily beat Bell by more than 4,000 votes.

The NJEA, who has been at odds with Senate President Sweeney for months, put in costly efforts to oust Sweeney in District 3. However their support for Fran Grenier proved to be insufficient, as Sweeney still won by 18 points. Senate President Sweeney, and Senate Majority Leader Loretta Weinberg, were unanimously approved by their fellow members to again serve as Senate leaders.

After a tumultuous tenure for Assembly Speaker Vince Prieto, Assemblyman Craig Coughlin of Middlesex, was voted by the Assembly to be the next Speaker, making Coughlin the third highest powerful elected official in New Jersey.

Following PANJ's high-level policy meetings with Phil Murphy's team, our expertise and analyses of the Bail Reform system and its rollout were discussed in depth. In the new Administration, we expect this dialogue to continue, and for the Murphy Administration to continue to look to PANJ as an expert in this field. Due to our growing relationship, PANJ has chosen Governor-elect Murphy to receive the Leadership Award. We look forward to fostering this relationship and seeing our policy initiatives come to fruition.



### *Award Winners*

### *Dwight Covaleskie, President, PANJ*

At the 75th Annual PANJ Training Institute, six members were honored for their loyal and dedicated service to PANJ through Presidential awards. Those recipients were Chastity Robinson, SPO, Gloucester; Lisa Hendrickson, SPO, Camden; Caryn Nigro-Stavar, SPO, Ocean; John Papp, AS 4, AOC; Evan Hutchens, SPO, Passaic; Nicholas Briscusco, SPO, Monmouth. Thank you for all that you do for PANJ.

At the Awards ceremony on Monday November 20th, there were three members that were honored. Laura Bielanowski received the SPO of the Year award for her significant contributions in the performance of her assignments and by bringing outstanding character and credit to our profession.

The Outstanding Supervisor of the year was presented to Sabrina Beyah, CSS2, Essex for her leadership, understanding, compassion and significant contributions to her fellow employees as a supervisory professional.

In addition to the two previous awards, perhaps the most prestigious awards of all presented by PANJ, the John Augustus Award, who is considered the Father of Probation was presented to Linval Lewis, SPO, Gloucester. This award exemplifies Linval's outstanding character at the local, regional, and/or state level and brought credit and honor to our profession through participation or involvement in activities that are deemed beneficial to our profession.

The William H. Thomas Citizen of the Year Award was presented to Adopt-a-Soldier Platoon.org through their mission of improving the morale of United States Troops worldwide and taking care of heroes during and after their transition to civilian life. Alan and Mary-Edna Krutchkoff accepted the award on behalf of AaSP.org Alan serves as President and Trustee and Mary Edna, who is an RN serves as the volunteer Vice President of Wounded Care for AaSP. An impressive .95 cents of every dollar raised goes to AaSP programs.



*Congratulations  
To  
All!*



**OFFICIALS**

DWIGHT COVALESKIE  
**PRESIDENT**

ELLEN CRIBBIN  
**FIRST V.P., LINE STAFF**

GAVIN CUMMINGS  
**FIRST V.P., SUPERVISOR'S UNIT**

SUSAN STOTT  
**SECOND VICE-PRESIDENT**

BRIDGETT PATILLO  
**NORTHERN REGIONAL V.P.**

KEVIN FARLEY  
**CENTRAL REGIONAL V.P.**

LINVAL LEWIS  
**SOUTHERN REGIONAL V.P.**

SABRINA BEYAH  
**NORTHERN REG. V.P., SUPERVISOR'S UNIT**

TRACY ADAMKIEWICZ  
**CENTRAL REG. V.P., SUPERVISOR'S UNIT**

KEENON SIMMONS  
**SOUTHERN REG. V.P., SUPERVISOR'S UNIT**

ANTHONY PERSICO  
**RECORDING SECRETARY**

LYNNE TAYLOR  
**FINANCIAL SECRETARY**

REBECCA LEONARD  
**TREASURER**

STEPHEN MCMULLEN  
**PARLIAMENTARIAN**

NICOLE DORR  
**SERGEANT-AT-ARMS**

**REGIONAL REPRESENTATIVES  
REGION 1**

ANNE DUTTON, MORRIS  
BRENDA JONES, ESSEX  
MIRIAM ABREU-BORCHERT, HUDSON

**REGION 2**

JOHN PAPP, AOC  
STEPHANIE HENNESSEY, MERCER  
NICHOLAS BRISCUISO, MONMOUTH

**REGION 3**

TITESSA D. SMITH, GLOUCESTER  
RAY ROSE, GLOUCESTER  
GREG WOLF, SALEM

Brothers and Sisters,

I can't believe that it's the Holidays already; this past year has come and gone so quickly! With the PANJ Conference completed, I want to thank the Conference Committee for their dedication, to all in attendance that contributed the conference's success and encourage those that did not attend to register for next year. I know that it has been a very busy year for all of us, with all that has been going on. I want to wish you and your loved ones, a very safe and Happy Holiday Season. I also want to take a moment to say thank you to all of our Local Presidents, and the members of your State Executive Board, both in the Line Unit and Supervisor Units. Our representatives continue to speak our voice and to improve our professional standing, throughout the year and during this Holiday season.

In Solidarity,  
*Dwight Covaleskie*  
PANJ, President

Happy Holidays Brothers and Sisters,

As I sit here and reflect upon the past year, I can't help but feel proud to be a part of this family and organization. I've watched your fellow PANJ members organize the yearly golf tournament to benefit PANJ-EF Scholarships. I am also fortunate enough to be a part of the Conference Committee where your co-workers spend all year preparing for our yearly conference. We collected hundreds of pounds of food at this year's 75th Conference to donate to the local food bank. It is heart warming to see many of members giving back through donations and/or their time throughout the year. I challenge everyone to participate more in their locals and donate more of their time to those in need. I want to wish everyone Happy Holidays and Happy New Year!!

In Solidarity,  
*Nicole Dorr*  
Editor



## Probation Officers and Supervisors Giving Back in Cape May County



help  
share  
donate  
give  
back



“One person  
can make a  
difference,  
and everyone  
should try.”





*Senior Probation Officer Titles*  
*By Ellen Cribbin, 1st VP Line Staff*

One of the most routine calls we receive in our union office at the moment is the question, 'what's going on with Senior titles?' The answer lies several years back.

In 2008 PANJ Line Staff filed a grievance to ensure that the number of Master Probation Officer titles throughout the state remain at 100, which we negotiated in the 1998 Classification and Compensation Plan. We requested an arbitration hearing after a Step 3 grievance decision was issued against PANJ. The Judiciary then filed a scope petition with the Public Employment Relations Commission (PERC) because the Judiciary took the position that staffing is a managerial prerogative and is not subject to negotiations. We had to litigate the scope petition in front of PERC to determine whether or not staffing is negotiable. PERC ruled that staffing was not negotiable, therefore denying our arbitration hearing.

In the 2008 through 2012 contract, the Judiciary took away the competency based promotional system that was in place. We would never willingly give up the SPO promotion. If we had filed a grievance it would have been subjected to a scope petition, which would have denied us an arbitration hearing and we would be left with the same outcome as the Master Probation Officer title. PANJ did not want to have a PERC decision against us on this issue. The prior competency based promotional opportunity was replaced with opportunities for Probation Officers to be promoted to Senior after 2 years on the job as long as there was an opening. Unfortunately the Judiciary did not promote as many PO's to SPO's as they represented they would.

PANJ leadership meet with the Judiciary at the Judiciary's request to update proposed changes to the Civil Service Job Band Classification. One of the goals of the meeting was to identify tasks that we perform that are at the SPO level, which would lead to promotional opportunities for PO's. Those proposed revisions to the Job Band Classification are currently being reviewed by the Civil Service Commission. We are hoping that review takes place quickly, and that once Civil Service responds to the Judiciary that we are included and get to give our input before the Commission renders final approval.

We understand the effect that not having promotional opportunities, a low maximum salary, and the difficulty that present you our members. We will continue to advocate for promotional opportunities for our members. This issue will continue to be a top priority for Line Staff negotiations.





*De-escalation of upset or confused court users*  
*By: Senior Probation Officer Glenn Guarino, Health & Safety Rep.*

In our chosen profession, we interact with our court users on a daily basis. Some of our interactions are not always pleasant. Our court users include litigants, defendants, probationers, and their family members. Confronting upset, confused or troubled court users may be among the most difficult tasks that we have. Some of our court users may be upset over a particular judgement handed to them. They may be upset over the type of supervision they are receiving. Perhaps they are just confused over the court process that they are going through.

There are de-escalation techniques that can be used. A person's ability to effectively de-escalate a situation can mean the difference between a peaceful resolution or putting ourselves in harm's way. Some basic tips to help to de-escalate a situation with our court users are as follows.

- Listen. It is important we listen to what our courts users are saying and/or asking. Listening allows an upset person to "flood", which is a means of purging angry energy.
- Acknowledge. Relaying that you understand what a person is meaning or feeling helps by validating their emotions. Acknowledgement occurs when you legitimately understand the person's anger.
- Agree. When attempting to diffuse someone's anger, it is helpful to find some truth in what is being said and agree with it. When you agree with the truth in the angry person's tirade, you take away the resistance and consequently eliminate the fuel for the fire. However, it is important not to confuse "agreeing" with validating inappropriate behavior.
- Apologize. Never apologize for an imaginary wrong, but a sincere apology for anything in the situation that was unjust can build credibility in your attempt to de-escalate.

The AOC is having De-escalation trainings throughout our different vicinages. Locate the 2-hour training in JLMS under JUD-PDPD399.113





## FREE SPEECH?

*By Ellen Cribbin, 1st VP Line Staff*

We all know that the First Amendment protects most free speech. I say most because speech can be restricted based on what, where and how. The 'what' is the subject matter of the speech, a good example is hate speech. The 'how' and 'where,' is the form in which the speech takes place such as yelling fire, and the place it the speech takes place like in a crowded movie theater. You can't yell fire, when there isn't a fire in a theater. To take the issue one step further, airwaves are publicly owned so radio and TV have a limited ability to censor speech. On the other hand, social media platforms are owned by private companies. Those platforms have been allowed to censor what their users say.

Earlier this year the United States Supreme Court recognized that social media platforms are increasingly becoming where the majority of us gather and share information whether its news, personal or political. The Supreme Court ruled in "Packingham vs. North Carolina" that access to social media platforms are protected by the First Amendment. Although this court case addresses the relationship between First Amendment protection and all social media platforms, it does not bar a privately owned company from censoring anyone who violates their terms of service.

Similar to the U.S. Supreme Court; the NJ Judiciary has recognized that there is a growing use of social media platforms by both us as individuals and organizations. The Judiciary defines social media as an electronic web based technology that allows instant interactive communication. The Judiciary itself uses social media platforms to communicate with employees and the public at large.

While most of us participate on social media, we need to be mindful that as Judiciary employees we are held to the standards of the Code of Conduct, and do not share the same free speech as a member of the public. We as employees need to use caution when we post comments on any social media platform or join certain groups that could transmit messages that would violate the Code of Conduct. We also need to be mindful that there are strict prohibitions about certain political activities. If we violate any of the Judiciary's policies as they relate to social media platforms, we will not be able to use First Amendment free speech as your protection, and instead you may be subject to disciplinary action up to and including termination.





SAVE THE DATE

PROBATION  
ASSOCIATION OF NJ

EDUCATIONAL FOUNDATION

23RD ANNUAL GOLF OUTING

MERCER OAKS  
GOLF COURSE

MONDAY, MAY 14, 2018  
1:00PM



*Weingarten Rights*  
*By Brian Joy, Atlantic County Local President, Line Staff*

November 15, 2017, a union training was conducted at the PANJ office, which related to Weingarten rights in investigatory interviews having the potential to lead to disciplinary action.

Specifically, this training was scheduled due to the statewide rise of disciplines that have resulted from formerly-thought confidential investigations conducted by EEO-AA management officials, wherein Probation Officers would attend such interviews with the understanding that what was disclosed in the interview about would remain confidential.

As a result, Officers participated in such interviews with the understanding that they did not require representation at the meeting, or alternately, were advised by management that they did not require representation at the meeting.

In fact, disciplines have begun to be issued as a result of the information attained by management in these EEO-AA meetings.

The following points of attention were stressed at the training:

- When asked to be interviewed by management, in addition to (respectfully) inquiring what the interview is in reference to, always ask, “Can this interview lead to a discipline?” If the answer is yes, ALWAYS ask for representation to protect yourself.
- EEO-AA interviews CAN lead to disciplines – specifically, EEO-AA is more commonly being used as a mechanism to allow management to issue disciplines, changing the dynamic statewide regarding disciplines, which represents a significant course correction that has changed the disciplinary playing field within the organization. Please be mindful of this.
- If an interview may, in fact, lead to potential disciplinary action, please understand that management is the ADVERSARY in any such interview – treat the management rep as such, and do not rely on management’s opinions or assertions as expressed during the investigation process.



## *Weingarten Rights Continued*

· Such an investigatory interview does not have to take the form of formal questioning in a meeting-type setting – e.g., if a member of management stops an officer in the hall to conversationally ask about an incident. If the information provided can lead to a discipline, any involved officers should ask for a union rep to be present for any further questioning.

· Most (if not all) disciplines being issued right now are unequivocally preventable. The most effective method to avoid the issuance of such avoidable disciplinary measures is, “Don’t do stupid stuff.” Be respectful to clients, defendants, and co-workers alike.

Further, all participants at the training were instructed to offer a standard statement that should be conveyed to any member of management if an officer is requested to attend an interview/proceeding that an officer believes may lead to a disciplinary action being issued. The statement is as follows:

“If this interview could in any way lead to my being disciplined or discharged, I request that my PANJ representative be present at the meeting. Without representation, I choose not to answer any questions.”

In closing, I offer the words of current PANJ President, Dwight Covaleskie, as relayed at the training:

**“If we don’t fight for our rights, we lose our rights.”**

**Save The Date  
2018 PANJ Conference  
November 18th-20th, 2018**



*Mercer County Probation Officers attending Professional Development Training*



*Lady Liberty, Stephanie Hennessey at the NY APPA Conference*



*Titessa Smith, Business Manager, and Sue Stott, 2nd VP celebrating the Holidays*

