

# INSIGHT



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WWW.PANJ.ORG

## STATUS OF THE “TRANSFER LEGISLATION”

By Chrissy Buteas, Capital Impact Group

**W**hile the Governor and the Legislature were debating changes to public employees’ health benefits and their respective pension systems, PANJ was working simultaneously to bring awareness to the fact probation officers would be better equipped to do their jobs if housed in Executive branch of government with the State Parole Board.

In June, ACR 55 which proposes a constitutional amendment authorizing statute transferring probation functions from Judiciary to the State Parole Board was unanimously passed out of the Assembly Law and Public Safety Committee, despite strong opposition from the Judiciary. In addition to PANJ testifying before the committee, representatives from the State Troopers Fraternal Association and the New Jersey Policeman’s Benevolent Association provided testimony in support of the transfer. The Senate companion legislation, SCR 37, is still waiting to be heard in the Senate Judiciary Committee before heading for a full vote in the Senate. Once both bills successfully pass each house with a 2/3 majority vote, the question of transferring probation to the Executive Branch will be placed on the ballot for the voters of New Jersey to decide.

As we move into the summer months, the Legislature will go into recess and resume in the fall. With all 120 legislative seats up this November, lawmakers will be busy campaigning in their districts. PANJ will take that opportunity to meet and speak with as many lawmakers as possible about the necessary changes needed in probation.

Lawmakers need to be made aware of the dangerous situations that exist in the probation field. More training is needed, along with better coordination between probation and parole. PANJ will continue to advocate on behalf of this very important piece of legislation and ask for your assistance with spreading the word about the importance to probation officer safety.

## A Message From The President

Brothers and Sisters,

I want to take this opportunity to inform all of you of my thoughts regarding the recent activities in Trenton these past several weeks. I also want to share with you the work that you're PANJ leaders have been performing to make your employment lives better.



Over the past several months our leaders have been extremely busy meeting with legislators particularly those in leadership urging them to separate the pension and health care bills. Our position is to allow the unions to negotiate their health care contributions so that we can talk about the issues and concerns and ultimately vote on a proposal. This way we would take ownership of the final negotiated product. However, as you all know, many of our democratic legislators let us down and voted with the republicans to have a combined pension and health care Bill. Your leaders in PANJ have still not stopped lobbying in your best interest and will continue to do so going forward.

We in PANJ also have a request for a constitutional amendment in the Senate and the Assembly (SCR37 and ACR55). This constitutional amendment if passed in both houses would put on the election ballot a question to the voters which would allow the legislature to move probation officers to the executive branch if they so desired. The judiciary would not be able to stop the legislature or find the measure unconstitutional as they have in the past. The feeling here is that probation officers provide a great service to the citizens of New Jersey and that service is very dangerous and often times emotionally draining. The judiciary has not stepped up to defend our officers by providing the necessary training, reasonable caseload sizes, and tools to perform these duties. Contrary to judiciary statements you are not social workers but are part of the law enforcement community.

We assure you that the leaders of PANJ continue to represent and defend all of those in our bargaining units to protect against unreasonable and harsh treatment.

*George Christie*

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## A Message From The Editor

Brothers and Sisters,

The summer edition of the Insight is here already! Both the authors and I hope that this edition finds you well. There are so many issues that our representatives have been fighting on our behalf both at the Local and State level. We have been working diligently to get you information as soon as it becomes available. You can check our website at PANJ.org, and our Facebook Fan Page which is now linked to the website for updates that cannot be sent via Judiciary email.

As always we welcome any events or happenings in your County to be included in any of our media outlets, just contact the PANJ office at 732-223-1799.

In Solidarity,

*Ellen Cribbin*

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**By Stuart Martinsen, PANJ Legislative Liaison**

The PANJ legislative committee has undergone many changes over the years since I became involved with it in 1996. With the assistance of PANJ members across the State from both the line staff and supervisors, we have succeeded in passing several pieces of important legislation for PANJ members, besides helping to pass other legislation which supported State worker rights and benefits. We have spent countless hours behind the scenes making sure your concerns are heard and understood.

Unfortunately, our most recent efforts to stop legislation to prevent forcing us to pay more for our health and pensions benefits did not succeed. We did prevail in stopping the act which would have prevented members from getting medical attention out of State as needed for ourselves and our families.

Our legislative affairs representative; Capitol Impact Group, has proven to be the best legislative counsel we have ever had.

It is necessary for PANJ President George Christie to attend fund-raising events for certain legislators in order to discuss with them our safety and benefit concerns. These events offer PANJ the opportunity to speak to our legislative reps and convey our memberships concerns.

It should be noted we are careful about these expenditures. Since my involvement in PANJ, I have found over the last fifteen years the need for these expenditures. All labor organizations assist and donate funds.

Due to judicial restrictions on political partisan activity, we cannot attend these functions or make donations individually, but we can vote for the candidates PANJ recommends we support. PANJ also works in conjunction with other labor organizations such as the PBA, FMBA and the STFA.

We expect this to be a very important upcoming legislative election year. We'll need your support. Our rights to collective bargaining are at stake and we must show those legislators' that support us that we support them. Please contact me at [martinsen@panj.org](mailto:martinsen@panj.org) for more information on how you can help become involved or contact the PANJ office at 732-223-1799. You can also check our PANJ website at [www.PANJ.org](http://www.PANJ.org) and our Facebook page linked with the website, for legislative updates and important notices from President Christie which are posted under "what's new" or the legislative menu option on the website.

# Unsung Heroes

**By George Christie, President PANJ**

I have given a lot of thought to the events that unfolded in Trenton this past year. I could talk about all the public workers and their plight but would rather concentrate on the group that I know best, probation officers and professional supervisors.

You have worked hard to obtain your bachelors degree, master's degree and at times a law degree, you are men and women who designed your life around public service. Not because you were incapable of doing other things and achieving financial success but because you believed in the importance of your public role.

I have known probation officers and professional supervisors and worked side by side with them for over thirty years. What I have learned is that they truly care about their profession and want to make a difference in this world. You are an idealist that has turned lives around due to your commitment and dedication.

When I heard the Governor and many legislators denigrating public employees it was painful, knowing my colleagues were being lumped into the mix. It became especially painful to hear some popular media commentators painting all public workers with the same broad brush. That somehow our failing economy is a direct result of the unions and greedy public workers, but I never heard our legislators, our leaders, ever accept any of the blame.

I will tell you that our failing economy in New Jersey is not your fault. In fact I believe that you are the foundation that keeps New Jersey a civilized society. If it were not for your dedication and for the important work you do we would have chaos. I know that you have never missed a pension payment while your political leaders in Trenton failed to reciprocate. The short fall in the pension system is a result of years of abuse and pilfering by the New Jersey governmental leaders.

As to the Health benefits you have had a good system for many years which made up for lower salaries and less than adequate working conditions. Now we all realize that the Health benefits need to be adjusted due to the high cost of medical services but we disagree with making those adjustments through legislation and not negotiating. We would have come up with reasonable solutions to a serious problem. We would have suggested more competition and offering more plans options rather than allow the few plan providers continue to get rich. Our legislators have now set in place a system that will require us to pay a large percentage of the health care premiums and it will act as an ever increasing tax on the public sector workers.

This current legislation has also taken away the annual cost of living increases for current and future retirees which is devastating and I believe unconstitutional. People retiring on a pension will quickly find that their pension is worth less and less as the years go on. This is a benefit you were promised and now taken away with one stroke of the pen.

Finally, I will tell you all that you have chosen a great field as a professional whether you work in probation, child support, family, criminal case management, civil or IT. You will continue to do great work and will always be proud of your accomplishments. I truly believe that you are the unsung heroes of this state and of our society.

## Supervisor Update

**By Brad Fairchild, First Vice President, Professional Supervisors**



The best way to summarize this article is to say "although the names of those involved change, the story remains the same." This describes the sad saga involving the Judiciary's application, or should we say misapplication, of Article 9.8 of the Professional Supervisors contract. This article gives management the "non reviewable right" to remove any supervisor without having to disclose a reason, purpose, or "cause."

When this clause was negotiated by the Judiciary under the leadership of the late Chief Justice Robert Wilentz in the mid 1990's, the intention was that if a Judge believed their courtroom could benefit from a change in supervisors, they could transfer the present supervisor and replace them with a new one. Supervisors being removed were transferred to another assignment.

Since that time the Judiciary has progressively abused the original intent of the Article 9.8. and now in the Courts eyes "removal" clearly intends "termination." In recent years management has conveniently utilized Article 9.8 to circumvent traditional disciplinary procedures as they would simply "remove and terminate" a supervisor who was experiencing problems, instead of utilizing the disciplinary provisions of the supervisor contract that would require the Judiciary to defend their actions with a hearing officer and union representation who would examine and cross examine witnesses.

In recent months, however, the Judiciary's application of 9.8 has reached a new incredible state of absurdity. Supervisors without any disciplinary record and with long records of distinction have been "removed" without explanation or justification. If such actions are being applied simply to save money by dismissing supervisors with long years of service and higher salaries then we have reached a shameful new low point in labor management relations. This approach will have a chilling impact on the Judiciary's ability to recruit talented younger supervisors in the future.

PANJ is challenging these actions with grievances and unfair labor practices but until we can be successful in bringing a greater level of fairness to this process, all Senior Probation Officers and Probation Officers who are considering applying for Supervising positions should weigh the possibility that they could be removed on any given day and for no stated cause or reason. Upon reflection and careful consideration of the Judiciary's behavior many possible supervisor applicants may conclude that they should seek positions outside the Courts or remain in positions that are no longer fulfilling because they wish to be judged reasonably and objectively.

PANJ's main objective is to have a Judiciary that pursues fairness with the same passion for its own supervisors as it does for convicted felons and other serious offenders who appear before the court. It's never too late to begin this process and management as well as labor, would reap the rewards of justice and fair play for many years to come.

## *The View From Health and Safety*

**By Brad Fairchild, First Vice President, Professional Supervisors**

The dangerous conditions that exist in many cities where Probation Officers conduct field supervision have deteriorated significantly in recent months. Many towns and cities have considerably fewer police officers as a result of layoffs and budget cuts. The impact on Probation supervision is alarming. The reality of fewer police officers on the streets increases the chances that when Probation Officers need the assistance of law enforcement, the help will not be available.

At a time when Probation is supervising gang members and many other dangerous repeat offenders, having dependable backup is vital and could make the difference between a Probation Officer suffering injury or worse. This issue played a major role in the June 13th 8-0 vote of the Assembly Law and Public Safety Committee. The Committee was considering the Probation transfer legislation. If this bill is passed by the Legislature it would allow a public referendum which, if approved by the voters, would give the Legislature the authority to transfer Probation to the Executive Branch. Such a transfer would allow Probation Officers to assume law enforcement status and obtain law enforcement training which would be a victory for Probation Officer safety and provide greater security for the public.

Forging an effective working relationship between law enforcement and probation is a critical asset for Probation Officer safety. Unfortunately the relationship between law enforcement and probation varies greatly from county to county. The inconsistency in how probation is administered at the county level is one of the major and historic flaws of the New Jersey probation system and, sadly there appears to be little movement in right direction.

A specific example of the wide variance in how probation policy is applied is how counties determine when certain neighborhoods are determined to be "unsafe" due to shootings and gang activity and, subsequently when these same areas are again determined safe for Probation Offices to conduct supervision. In some counties there is daily communication between probation and law enforcement which gives probation the benefit of up to date intelligence regarding gun violence and gangs. In other counties, however, Officers are told by management, "if you do not feel safe going into a particular neighborhood, don't go." Do we really want Probation Officers making the critical decision of deciding when it's safe going to some of the most violent neighborhoods in the nation, based on "feelings" and "intuition?"

PANJ strongly believes that we will never have a truly unified state probation system while we remain in the Judiciary. The State Judiciary allows the counties such autonomy and independence that when state policy is made in Trenton, it is ignored by some counties or administered in a minimal fashion. We cannot allow this negligence to continue and that's why PANJ will continue to make the transfer a legislative priority.

# *Probation, Parole and Community Supervision Week*

## **Probation Association of NJ Recognizing the Critical Role of New Jersey's Probation Officers in the Community**

In celebrating this year's national Probation, Parole and Community Supervision Week, the Probation Association of New Jersey (PANJ) implores state, county and local elected leaders to acknowledge the amazing work done by probation, parole and community corrections. Across all spectrums, the probation system is one of the most difficult jobs to execute, and that is before we even realize the tough economy we all face.

The time has come to commemorate these courageous individuals who sacrifice so much to ensure the safety of our communities, the supervision of adults and juveniles, as well as overseeing their rehabilitation back into society. While facing severe budgetary constraints in even rougher economic times, we should honor and celebrate these individuals who have ensured the overall safety of our daily lives.

Probation, Parole and Community Supervision Week is memorialized this year from July 17, 2011 to July 23, 2011.

Probation officers and staff are deeply involved in multiple judicial functions such as supervising convicted criminals including sex offenders and violent offenders, overseeing juvenile offenders, ensuring that child support orders are followed, providing family and pre-trial court services, and recommending remanding offenders to jail for violating probation, for violating community service, and for custody investigations.

"The responsibilities of being a probation officer are critical to the safety of our daily lives and the community as a whole," Christie said. He continued, "Across the United States, officers oversee approximately 1 in every 32 Americans, so our job is not to be taken lightly. Additionally, we are all aware of the economic challenges that arise in such a rough economy like today. On average, in the U.S. it costs approximately \$40,000 per year to institutionalize an inmate as opposed to the \$1,250 per year it costs to supervise an individual in the probation system."

The modern community supervision system was created in the United States in 1841. Today, there are an estimated 130,000 adults and 15,000 juveniles in New Jersey's probation system. Nationwide, there are an estimated 5 million offenders under the supervision of parole or probation.

PANJ represents an estimated 2,800 probation officers and supervisors employed by the Judiciary through two collective bargaining units that include other professional personnel.

## *History Comes Full Circle*

**By Dwight Covalesskie, First Vice President, Line Staff**

History itself is a valuable tool for all of us. Revisionist history as it is portrayed against us, Probation Officers and Supervisors, and all other public employees throughout the country is not useful at all and allows those who are attacking us to further vilify us without all the facts.

Labor Unions came about in the late 19th century to provide for fair wages and safer working conditions. With the rise of the industrial society, came the growth of factories, expansion of railroads, capital growth and the rise of banks followed by anti-employee legislation. The unions organized to confront the legislation. It wasn't without sacrifice on behalf of the workers. Workers were jailed, houses were burned, and lives were lost. With commitment from all workers through the union came change. The early unions were responsible for fair wages, 8 hour work days, paid holidays and improved working conditions.

Union membership has waned recently except in the public sector. PANJ has negotiated fairly with the Judiciary and has made concessions when appropriate. This wasn't necessarily popular with all of our membership; however we kept all of our members working and avoided layoffs. PANJ remained cohesive in the Line and Supervisor Units.

Recently a horrible wave of anti-public employee sentiment has been rolling through the country like a tsunami. It has hit Wisconsin, Ohio, Michigan, Alabama, and New Jersey. I'm sympathetic to those who are unemployed. PANJ has made decisions that our members ratified, where others have not, thus saving the Judiciary money and keeping all of our members working. I commend each and every one of you for that. We, with your help will likely wage a battle against the fact that benefits were legislated, rather than negotiated. It will be an uphill battle, but don't forget how we made it to where we are today.

PANJ members are well educated and unified. That makes us a strong organization, that I'm proud to be the First Vice President of.

While politicians pass legislation that has affected each and every PANJ member and all other public employees, corporate profits continue to set records without hiring laid off employees back, and the wealthiest continue to be unaffected. Sound familiar? History does come full circle.

When you look at the service that we provide to the public, the education level we possess and the danger in every aspect of our jobs, we should not be vilified.

As Mother Jones stated, "Pray for the Dead and Fight like Hell for the Living."

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**PANJ-EF Thanks Everyone For  
Their Continued Support of Our  
Annual Golf Outing.**

**It Was Another Successful Year!**





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