



April, 2000 ISSN 1065-7800

INSIGHT

SENATE BILL 949

by George P. Christie, President

I want to take this opportunity to inform you that Governor Whitman has signed legislation to make Probation Officers eligible for grants under the "Body Armor Replacement Fund."

The enactment of this law helps ensure that Probation Officers will work with the protection of a bulletproof vest. This crucial law provides PANJ members who are most at risk with the protection that they most desperately deserve. The Administrative Office of the Courts must now apply to the Fund to request the purchase of the body armor.

I would also be remiss if I did not extend my sincere appreciation to Senate President Donald DiFrancesco and Assemblyman Frank Blee for their efforts on our behalf in this matter. Senator DiFrancesco's immediate response to our request for the Senate to consider the bill during the last day of the legislative session ensured that Probation Officer safety would become a priority for the State. Senate President DiFrancesco's leadership in supporting the legislation at that critical juncture must not be forgotten by PANJ members. Assemblyman Blee, PANJ "Legislator of the Year" for 1997 sponsored the legislation and was again an effective voice in the Legislature for Probation Officers.

Thanks also go to the Probation Officers and their families who contacted their legislators about this matter. Your voice really does make a difference!

Do not hesitate to contact me with any questions or comments about this legislation.

PANJ Represents Newly Hired Officers at Hearing

by Peter A. Tortoreto, First Vice President

The Probation Association of New Jersey has demonstrated its fair and equal treatment of all officers covered in the bargaining unit at a Step 3 Grievance Hearing in Trenton. The Administrative Office of the Courts has refused to pay our newly hired officers for the "time on the job" portion of the salary increase effective in the second pay period of 2000. Having been notified of the problem PANJ President George P. Christie immediately sent Elaine Dietrich a letter requesting the names of all those employees affected.

At the hearing in Trenton on Tuesday, April 4, 2000, PANJ was represented by one of our labor consultants, John Warms. Additionally, PANJ had officers and local presidents there from all three regions to testify to the facts of their situations as well as Robert Murray, Kevin Farley (Mercer); Richard Oscilowski, (Somerset), and others.

The new officers were hired in 1999 and the issue was the compensation increase they deserve to get the under the terms and conditions of the contract. PANJ believes that there is no question that the money for time on the job is theirs. Any officer hired in 1999 should have received the \$1,000.00 longevity portion of the increase, and the other performance portion of the raise should be paid out according to the agreement.

The AOC was represented by Hank Fichter and John Kafader. Their position on behalf of the Judiciary was that they never intended to have the new hires paid any increase. They referenced other contracts as to the intent of their language. They even wanted to have the witnesses removed from the hearing so they didn't have to face them while attempting to argue that they do not deserve the salary increases.

PANJ argued that a contract is a contract. Any intent to not have our people paid was contrary to our understanding and the contract language supports our position. Any letter of agreement which was signed did not change the original contractual language. We will stand firm on this issue and are prepared to pursue this matter all the way to arbitration.

At the hearing we were finally provided a list of the affected employees. There are as many as 130 new officers who this applies to. The newly appointed officers were courageous enough to attend this hearing and have shown strong leadership qualities for future involvement with PANJ. We are pleased with the enthusiasm they have demonstrated. They are Leonard Gordon, Passaic; Holly Henderson and Julia Frost, Mercer; Bruce Horowitz, Camden; and the originator of this grievance, Jennifer Campolo from Somerset. PANJ Legal Chairman, Peter Tortoreto, was prepared to testify as to his understanding since he attended every negotiation session for the past five years.

If PANJ is successful with this grievance all newly hired officers in the case related professional unit will be paid the \$1,000.00 time portion of the pay increase retroactive to pay period two of the year 2000.

Legislative Committee Report

by John Morton, member

January 2000 began a new session for the New Jersey State Legislature. Our Public Affairs Counsel at Princeton Public Affairs is currently tracking about thirty bills that may be of interest to PANJ members. Some of those are included below.

1) **Senate Bill 950/Assembly Bill 1448 (Singer/Blee):** The bills provide limited law enforcement authority to Probation Officers and appropriates \$3 million for training. PANJ recently met with Senator Singer to discuss the re-introduction of this legislation and its course.

2) **Assembly Bill 262 (Farragher):** The bill permits court to order defendant to post probation bond as a condition of suspension or probation in criminal cases.

3) **Assembly Bill 427 (Weingarten):** The bill limits eligibility for parole and probation for repeat offenders.

4) **Senate Bill 518 (Ciesla):** The bill increases permanently the percentage for retirants subject to the Pension Adjustment Act by 2% per year until an annual adjustment of 100% is reached.

5) **Assembly Bill 2330 (Previte):** This bill amends an existing law that makes it an aggravated assault if bodily fluids are thrown at an officer, and adds probation officers to the list of officials covered by this act.

PANJ has been active in the formulation of the state budget. On March 22, President Christie testified before the Senate and Assembly Budget Committees. Part of his testimony follows:

I would like to thank the members of the committee for giving me the opportunity to speak on behalf of the Probation Officers, their Supervisors, and others performing similar functions within the Judiciary. These state employees are represented by the Probation Association of New Jersey, (PANJ), and I serve as their president. I have been a Probation Officer for over 20 years.

While I'm here for all our members, the Probation Officers who supervise offenders are working every day under the most difficult conditions. The number of persons on probation in New Jersey has increased dramatically over the years, but the number of officers who supervise them has not increased proportionally.

In 1992, the total number of offenders serving a probation sentence in lieu of incarceration in New Jersey was 86,197. There were only 654 officers supervising these offenders at that time.

Probation Officers continue to supervise caseloads that are far too high. In 1994, the average adult caseload was 189 persons, and a juvenile caseload consisted of 87 persons on average. At that time, the total probation population was 106,921.

In 1998 the total probation population grew to 133,227 and continues to grow as we speak today.

We do not need a commission to study this problem. The Supreme Court's Committee on Efficiency II stated very clearly in May 1996, "The caseload for probation officers must be reduced." (Appen. B, page 12)

The Judiciary's budget has called for the hiring of additional probation officers in previous years. They have not been hired, or they were cut from the budget outright, by the Governor.

Even the Supreme Court admitted in an opinion that "...the reality today is a probation function so starved for resources that supervision in many cases cannot achieve punishment, cannot secure compliance with conditions of probation, and even more so cannot achieve rehabilitation." (Opinion E-57, Sept. Term, 1993, p. 14)

The public is certainly not being served by a probation division that is understaffed and under funded. Probation Officers are not being served by being asked to perform a task that is already difficult, but is now impossible because of the sheer numbers involved. Those who are on probation are the only ones benefiting from this situation. With reduced supervision, the chance of being held accountable diminishes.

It is important to reverse the trend of recent years, hire more Probation Officers, and fund their training so the citizens of this state will enjoy the protection they deserve.

In closing I have been asked by members of several other bargaining units in the counties of Hudson and Camden to mention to the committee that parking is not provided to judiciary employees. These employees hope that they can be considered when the Judiciary budget is drafted so that they can share in the fair treatment that employees receive in the nineteen other counties.

In addition, Princeton Public Affairs continues to advocate for a meeting with the Chief Justice to discuss several issues of importance to PANJ members. We expect that a precursory meeting with the Administrative Director of the Courts will be scheduled first.

Problematic Performance Evaluations

by Peter A. Tortoreto, Legal Chairman

The PANJ Legal Committee has identified areas which need improvement regarding the performance evaluations at its February meeting. These problem areas exist in both the Case Related Professional Unit and the Professional Supervisory Unit.

There were a total of nine statewide grievances filed at the Step 3 state level. Six were for the line staff and three for the supervisory unit.

These grievances were the result of PANJ gathering information from its members about areas which were problematic for multiple vicinages and counties.

Line Staff Grievances

1) The judiciary has systematically used more than one rater in the process of completing performance evaluations.

Relief Sought: Only one rater be used in this process, which is to be the immediate supervisor.

2) All raters have not received approved performance evaluation training prior to participating in any performance evaluations.

Relief Sought: All raters must receive approved performance evaluation training.

3) The Union (PANJ) has had no input into the training and has not received a list of all certified/approved trainers regarding performance evaluations.

Relief Sought: The Union (PANJ) to meet on a regular basis with the AOC on regular scheduled times to have input on performance evaluations criteria and standards. PANJ to receive a list of certified trainers.

4) The AOC has failed to abide by the time guidelines as established for completing performance evaluations.

Relief Sought: The AOC to abide by guidelines as established contractually.

5) The AOC has established a quota system in determining performance evaluations.

Relief Sought: Elimination of Quota System.

6) Workload has not been considered in performance evaluations.

Relief Sought: Workload must be considered in performance evaluations. Standard workload guidelines must be established statewide.

Supervisory Grievances

1) Failure of the Judiciary to meet with members of the bargaining unit to mutually select the critical tasks appropriate to the individuals' jobs. Failure of the Judiciary to show bargaining member completed in a timely manner.

Relief Sought: The Judiciary to meet with the Union (PANJ) and to mutually select and set appropriate standards for all members of this bargaining unit. Employees who have not been shown their evaluations be rated exceptional.

2) Failure of the Judiciary to rate employees with standard evaluation form.

Relief Sought: The Judiciary to meet with the Union (PANJ) to develop standards. That all evaluations be based on standard forms and that all evaluators be trained in the use of those forms.

3) Failure of the Judiciary to establish a Job Related performance appraisal by establishing a quota for the number of employees rated as exceptional.

Relief Sought: Elimination of quotas for exceptional bonus pay.

PANJ has filed these grievances at the state level in an effort to consolidate them and to improve the efficiency of the process. Since this filing we have had numerous officers come forward to express the situations in which they can relate to many of the injustices in this system.

Since filing of these complaints PANJ has met with some high-ranking AOC officials and has addressed many of our concerns along with the methods to resolve many of these issues for the future. I will keep you updated as these grievances proceed to hearings.

SENIOR PROBATION OFFICER PROMOTIONS CONTINUE

by Karen Morse, Central Regional Vice President

Promotion to Senior Probation Officer is AUTOMATIC, if you have achieved a rating that makes you eligible for promotion in the Career Progression section of the Performance Evaluation, and you have nine years as a Probation Officer in permanent status. You should receive the Senior title in the first pay period past your nine-year anniversary. There is no increase in salary at this time, but this is still being negotiated.

If you meet the above conditions and have not been advised of your title change, immediately notify your local PANJ President or representative. The Counties should compile a list of those who have not been appointed and forward same to the Regional Vice Presidents. I am serving the Central Region, Susan Ormsby-Cuozzo is in the North, and Deneen Hohman is in the South.

PANJ HELPS NEW OFFICER

by John Morton, Editor

When a new employee inquired about when he would receive his health benefits cards, he was told that he had waited too long to apply. PANJ was then apprised of the situation. Karen Morse, Central Regional Vice President, made contact with Human Resources personnel at the Administrative Office of the Courts, including Brooks Durbin and Eugene Howard. Karen advocated for the new officer, who had apparently not been told of any deadline, and was not aware that he did not have coverage. Karen was subsequently informed that benefits for the new officer were put in place as of August, 1999. John Flynn, Local President of Union County, and President Christie also assisted in this endeavor.

US Census Report

by John Morton, Editor

The US Census Bureau recently published a report giving information about the number of employees in public service and their salaries. According to the *Asbury Park Press* of March 9, 2000, a full time public servant in New Jersey earned an average of \$3,720 during the month of March, 1997. This placed our state fourth in the nation, behind only the District of Columbia and Alaska. Teachers helped pull this figure up because they earned an average of \$4,482 for the same period; this was the highest amount for local teachers and support staff in the nation. The teachers union, NJEA, was credited at least in part for this number.

Multiplying the public servant average by 12 (months) produces a figure of \$44,640 per year. This indicates that many Probation Officers are earning less than the average for full time state and local government jobs. As professionals, we expect to be paid on the high side of the average for public employees, many of whom are not in the professional ranks.

The report also provided an indication that New Jersey public employees are working more efficiently than their counterparts in many other states. For every 10,000 New Jersey residents, there are 527 state and local government employees. This ratio places us 33rd in the nation. Probation Officers feel the impact of this statistic directly. As our caseloads rise and there are more court users to service, our ranks have not increased proportionally. All this occurs in the environment of budget surpluses for the state.

Be assured that PANJ will use this information to the members' advantage, at the bargaining table and elsewhere.

Ryan Stroemel Golf Outing

by Deneen Hohman, Southern Regional VP

This outing, sponsored by the Atlantic County PANJ Local 107, is being held on May 17, 2000 at the Brigantine Golf Course. The format is a best ball scramble and the cost is \$75.00 per person which includes golf, cart, food and refreshments, and prizes.

The proceeds of this worthwhile event go to the educational fund for Ryan Stroemel, 2 ½ year old son of Atlantic County PO Greg Stroemel, who lost his life last year in a tragic accident.

I hope every vicinage sends a foursome to participate. You can have a day of fun and help one of our PANJ family members. If you care to sponsor a hole, a \$50 donation would be appreciated. Contact PANJ

Atlantic County President Deneen Hohman for more information: Pager 1-800-670-3605, Home 1-609-390-7439, or FAX 1-609-390-1965. All payments must be in by May 3, 2000.

BENEFITS FOR MEMBERS

Fox and Fox, LLP will provide various legal services to PANJ members for a \$15.00 per month membership fee (minimum enrollment is 18 months). There are reduced rates for matters not covered by the plan. Further details will be distributed soon.

Mortgages at reduced rate, reduced fees, and priority service are now available to PANJ members through Drew McKenzie, Senior Loan Officer at PNC Bank Corporation. Contact him at 973-635-1153.

Liberty Mutual Auto and Homeowner's Insurance is available to PANJ members. Call 800-524-9400 for a competitive quote. Have your existing policies ready in order to provide information for comparison. Our Group Number is 7057.

Magic Kingdom Club: Sign up with PANJ to receive reduced rates at Disney World, including entrance and lodging. Discounts at Disney Stores are also possible. See your PANJ representative for forms to fill out and mail in, or contact Anne Dutton at 973-285-6568.

PANJ members receive discounts on men's clothing at stores of **Jos. A. Bank**. Our Group Number is 6328.



PANJ GOLF OUTING

by Jo Ann Schlindwein, Burlington County

The Dwight Watson and Ethan Janowitz Scholarship Golf Outing will be held at the Miry Run Country Club, 106 Sharon Road, Robbinsville, NJ on June 22, 2000. The cost of the outing (\$80 per person) includes golf, cart, food, and great prizes. All proceeds will go to the scholarship fund to assist two college bound children of PANJ members. The goal this year is to award two \$1,000 scholarships at the PANJ Training Institute.

We are also requesting that each PANJ Local sponsor a hole at the cost of \$100 respectively. Other sponsorships are also welcome. Friends and family are encouraged to attend! Thank you for your continued support of the Annual Scholarship Outing! More information to follow.

PANJ Grieves Office Conditions

by George P. Christie, President

Probation Officers in the Asbury Park Office (Monmouth) complained about overcrowding and unsanitary working conditions, including air quality, insects, and rodents. President Christie filed 5 grievances and 2 PEOSH complaints over this situation.

It's hard to believe that the Judiciary would subject its employees to such conditions. There is a tremendous awareness of health and safety in the rest of the country. We anticipate that the Judiciary will take action to rectify these problems immediately.

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Revised: .