

INSIGHT

February, 2001

Negotiations Update

by Samuel Richter, 1st Vice-President, Supervisor's Unit, and John Morton, Editor

Now that the Case-Related Professional bargaining unit (Probation Officers, Senior Probation Officers, and others) has ratified Phase Three of its first agreement, the way is clear for the team to work on the successor agreement. Discussion some of the significant points that are on the table at negotiations follows:

Compensation: Other units have already settled for a multi-year deal that includes a performance increase and percentage raises across the board. These percentage raises affect the minimum and maximum salaries of the unit. PANJ is looking for parity with other state employees outside the Judiciary, who perform similar duties. Probation and Parole officers are the same person in many states. In New Jersey, there is tremendous disparity in the pay scales of these two positions yet they have the same employer; the State of New Jersey. This is obviously a case of equal pay for equal work. If that argument is accepted, Probation Officers should actually earn more than Parole Officers. Our people handle more clients than they do with less training and fewer resources.

Beeper Duty: The previous agreement was predicated on the application of the Federal Labor Standards Act (FLSA). Subsequent to that agreement, a case captioned *Alden v. Maine* has been ruled upon by the Supreme Court. The implication for us is that the FLSA does not apply to state employees. We can use this decision to our benefit by re-negotiating a fair compensation package for Beeper Duty regarding the disruption to our lives caused by having to be available to respond within a certain time.

Tuition Reimbursement: PANJ has brought this up at previous negotiations sessions, and it was always rejected with the argument that no other state employees had this benefit. PANJ has found that state employees in the Department of Environmental Protection now have such a policy, and we have presented a proposal based on their language. If any of our members become aware of policies or agreements in this area, please obtain copies of same and send them to the PANJ office.

Pay Increase for Advancement: The negotiation team has not forgotten those who advanced to Senior Probation Officer without additional compensation. This language was left to be negotiated in a successor agreement. PANJ will work to reach a compromise that will compensate both the current Seniors and those who have moved on to subsequent positions.

Performance Evaluation: Our officials continue to provide input from the members as this process evolves. The performance evaluation was and continues to be a negotiable subject.

Spokesman for the negotiation team is David I. Fox, PANJ Lead Attorney. He is ably assisted by Renard Brown, George Christie, Dwight Covalesskie, Deneen Hohman, Karen Morse, John Morton, Susan Ormsby-Cuozzo, Anthony Persico, Peter Savage and the Chairman of the committee, Peter

Tortoreto. Our team has done well in the past. Further progress can be made only if the membership stands with us and supports the efforts of the team, when they are called upon to do so.

The Professional Supervisors Union, PANJ's "other" bargaining unit, is in the midst of lengthy negotiations to conclude its second contract with the Judiciary since we became state employees on January 1, 1995. Approximately twelve sessions have been held, with the pace quickening as both sides recognize the importance of resolving important issues. Written proposals have been passed from labor to management and back, with modifications in proposals continually made. Beeper Duty and Job Opportunities have been the topics of recent debates, but union rights, hours of work, health and safety, disciplinary actions and grievances, span of control (number of employees supervised), position classification, and performance assessment review and its corollary, appeal performance review, are yet unresolved.

Evaluations are of particular concern. In the supervisors' contract, there is no prohibition of a double rater or quota, and no allowance made for the burgeoning workload we have assumed in the Family, Civil, Criminal, and Probation Divisions, in the central office (Trenton) and the vicinages. We've had instances in which critical tasks have been added to the evaluation form without discussion, a determination made that no supervisor will get an "exceptional" rating, supervisors told what rating to give their staff members, little or no "coaching," and other abuses of a proper assessment system. While negotiations proceed, in February there will be 6-8 grievances pertaining to performance evaluations heard at step 3 in Trenton by the Labor and Employment Law Unit.

Progress in negotiations has been slow but steady. Your negotiating team secured a critical increase in salary in the previous contract. Now the negotiating team of classified and unclassified supervisors- representing several divisions and vicinages in all areas of the state-

faces a more difficult task. We must ensure that we have a safe work environment and a job that is relatively secure, whether we are employed in a progressive vicinage or one dominated by arbitrary and capricious, or adversarial, manager(s).

PANJ Members Form Educational Foundation

By John Morton, Editor

At the October Executive Board Meeting, President George Christie announced the formation of a new not-for-profit corporation called **Probation Association of New Jersey Education Fund, Inc.** This enterprise has been formed to foster and enhance educational opportunities for all members of the Probation Association of New Jersey by operating an annual training conference and providing subsidies to PANJ members for training and ultimately, higher education. The Education Fund, also called PANJ-E.F. subsequently held its first member meeting and selected a Board of Trustees and Officers. The Trustees are George Christie, Anne Dutton, Neil Elsasser, Stephanie Hennessey, Deneen Hohman, Karen Morse, John Morton, Christopher Nwankwo, Susan Ormsby-Cuozzo, and Peter Tortoreto. The Officers of PANJ-E. F. are Sue as President, Stephanie as Vice President, and Ann Rizzi as Treasurer.

The Trustees and Officers held their first meeting on December 13, 2000 and determined a budget for the organization. PANJ-E.F. is organized as a 501(c)(3) corporation under the IRS Code, which means that the corporation does not pay income tax and donations are tax deductible. Attorney Steven Holt from the office of Fox and Fox has assisted us in this initiative.

Closely linked to this endeavor is the **Probation and Community Justice Graduate Studies Program at Seton Hall University.** This curriculum will commence in the Fall of 2001. Seton Hall offers courses at many satellite campuses around the state. Seton Hall plans to survey our members in order to offer classes at times most convenient to us. Watch for the questionnaire in your regular mail.

Star Ledger Examines Probation

By George Christie, President, and John Morton

On December 17, 18, and 19, 2000, The *Star Ledger* ran three full-page editorials regarding the problems in the probation division. The articles placed blame squarely on the system and administrators, rather than the individual Probation Officers.

"In theory, probation is a tough-love contract between a judge and a criminal: The convict is spared a prison sentence, and in return agrees to conditions set by a judge, typically to attend drug treatment sessions, get a job, report regularly and pay fines.

The reality is something very different. Probation officers are overwhelmed with cases, and often have no treatment to offer. Their starting salaries are lower than toll collectors', and they spend much of their time doing paperwork in the office – leaving criminals free to roam."

The editorial had tough criticism for the leaders responsible for the probation system and the situation that it is in. Spending on probation has lagged far behind other departments, increasing at approximately one-third the rate of overall state spending. Innovation is described as "rare." Mario Papparozzi, head of the state Parole Board, asked "Where is the leadership?" as he was discussing the lack of positive changes around the state. George Kelling, a professor at Rutgers-Newark stated "There's a real failure of leadership." **Each year, people on probation are arrested about 23,628 times, which averages out to one every 22 minutes.** There is a statistic depicting a system that's

failing. These criminals are supposed to be monitored and the public expects better protection.

PANJ has been advocating change for many years, but our success has been limited. The Judiciary does not even include offender supervision or protecting the public in its mission statement, so it was difficult for us to rise as a priority to the "leaders." Perhaps the power of the press and the hearings called for by Senator Gormley will spark sweeping changes that will be better for the citizens and the Probation Officers who are trying to serve them, but are overwhelmed.

Part of PANJ President George Christie's response to the editorials follows: Even with the extensive coverage devoted to the issues included by Mr. Moran, there are several other systemic problems that were not mentioned. I would suggest additional solutions for our system's problems. Probation officers need the ability to share intelligence with police departments in New Jersey. There is an enormous amount of information dealing with drug and gang activity which warns the police of localized danger but this important information gets to probation authorities by accident, if at all.

Probation officers need to be trained in an approved police-training academy. When a probation officer, in the course of their duties, observes one of their probationers committing a crime that probation officer should be trained to make an arrest. They should also have the tools necessary to protect themselves as well as others.

Legislators have attempted to have a probation study commission established at the State House to investigate all the problems surrounding the probation system and present appropriate legislation to resolve these problems. The governor could begin by passing S950 and A1448, which would give probation officers the tools and training to defend themselves from the full range of threats to their safety. The Chief Justice and the Judiciary Administration oppose these bills, which illustrates the Judiciary's weakness on crime. Problems will continue unless the administration changes their position on the role of probation officers.

Reminders to Local Officials

By Ann Rizzi, PANJ Treasurer

This is just a short reminder to **keep me informed of any changes in the way your local treasuries process their funds.** I need to be informed of the name of all local treasurers and the address to which local reimbursement checks are to be mailed. Generally I have this information, but sometimes there are changes after a local election and I am not advised.

Please send all changes of this nature to me, Ann Rizzi, PANJ Treasurer, c/o the PANJ office in Brielle (address above). Providing this information in advance will prevent any delay in processing your local reimbursement checks.

Additionally, there is a new procedure regarding dues cards. **Dues deduction cards must now be signed off at the local Human Resources Office before they can be mailed to me through the PANJ Office.** Previously, many cards were lost or delayed for long periods because they were routed through the HR office in the counties, then to the HR central office, and then to Central Payroll. PANJ may still submit the cards directly to Central Payroll, but the local HR people must first sign them. Do not give the cards to HR for processing, or we'll be right back where we started. Local HR offices are to receive a letter detailing this practice soon.

Assembly Judiciary Committee Passes Law Enforcement Bill A-1448

By George P. Christie

On January 23, 2001, I testified before the Assembly Judiciary Committee on the Bill that would make probation officers law enforcement officers. It would also provide for training at an approved PTC program, and it would require training and arming of a limited number of officers.

The AOC appeared and, as usual, opposed the Bill. Their spokesperson indicated that the probation officers who are armed would impair the neutrality of the Judiciary. The AOC felt that a Probation Officer should find a police officer to accompany them if they feel threatened, which brought the ire of several of the committee members. The Judiciary indicated that they would not support the bill even if it became law.

After an extensive discussion the committee approved the A-1448 in a 6 to 1 vote and promised to find a way to have this law, when passed, enforced in spite of the AOC objections.

It was made clear to me that our legislators understand the issues and want to protect the public as well as our Probation Officers.