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# INSIGHT

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## Unification Committee Resumes

by Peter A. Tortoreto, 1st Vice  
President

The State Unification Committee, a Council of the Judicial Bargaining Units and management, met for the first time since last year's elimination of the Performance Evaluation System. PANJ President, George P. Christie, had urged the continuation of this committee and of the committee's work to fulfill the promise of a truly unified Judiciary. PANJ is represented on this Committee by President Christie, PANJ Business Manager and now Supervisor, John C. Morton, Neil Elsasser, 2<sup>nd</sup> VP, Supervisory Unit, and Peter Tortoreto.

There were many issues both new and old on the agenda. Some of the issues on the table were specific to PANJ, other issues are shared by the

has filed numerous complaints and will pursue this issue with formal grievances.

Title Incursions occur when another bargaining unit member performs our duties, i.e. investigators doing PO work.

Bilingual Variant: This issue has yet to be fully resolved. Many officers do perform bilingual duty as a courtesy to the Judiciary and to their constituents, yet receive no extra compensation. This issue was touched on in the existing contract but has yet to be resolved to PANJ's satisfaction.

Transfer: The ability to transfer from Vicinage to Vicinage with the same salary and benefits is a healthy sign of a true state system. This has become problematic in many areas. PANJ has filed a Step Three Grievance stemming out of Sussex County. This grievance concerns the mistreatment of Officers already on-board who were not given the opportunity to transfer within the Vicinage. Preference was given to the newly hired Officer as opposed

JCAU. Some of the relevant issues are as follows:

After the elimination of the ratings for Performance Evaluations, the career progression aspect of the evaluation process remains as a tool for advancement to Senior PO and Master PO in the Case Related Professional Unit. This requirement of meeting the competencies along with a specified time in title make the Officer eligible for advancement to the next professional level.

Numerous grievances have emerged as Officers who have previously met all the competencies in past evaluations now find themselves shortchanged since the criteria has been changed by management unilaterally. PANJ

to the Officer(s) with Seniority. Opportunity to transfer, whether it be in the Vicinage or out, should be given to the Officers who have already proven themselves via the passing of the working test period and performance in their current assignment for a minimum of one year in service.

Parking: Those of us in Camden and Hudson Counties have long felt the disparity between the Vicinages with this issue. We have experienced the handicap when surrounding counties have paid parking in secured lots and we face the daily grind of paying for parking up to \$600 annually. This complaint was forcefully presented to the Unification Committee to be addressed.

For once the bureaucrats in Trenton may feel our pain when ten (10) acres of parking space in Trenton are sold to a developer and their parking is lost. Now is the time to address the situation for resolution simultaneously with those in Trenton.

On the local level in Camden, PANJ Representative Gilberto Velasquez has met with the TCA Michael O'Brien about this issue. Mr. O'Brien could not provide any immediate relief, however, he looks to long-term solutions when Probation is moved to a new facility in a few years.

In the meantime how about some relief, i.e. reimbursement or a stipend for our expenses others in the system do not have to bear. Just a few short blocks away the ISP Officers have a secured lot with paid parking. Where is the equity? A true state system would dictate parking be paid across the state evenly.

Safety : Again this issue has emerged for both the office and in the field. PANJ has pending emergent arbitration to be heard in early March by an independent arbitrator, Robert Glasson,

be on Friday, April 11, 2003. It will be held aboard The River Queen, a replica of a Mississippi Riverboat. The boat will leave from the Brielle Boat Basin promptly at 7:00 PM. The price of \$55 includes the cruise, dinner, open bar and DJ. The boat will cruise the Manasquan River, the Barnegat Bay and Point Pleasant Canal.

Spaces are limited so register early and avoid being disappointed. All proceeds from this boat trip will go to PANJ\_EF. Any questions, call the PANJ Office at (732) 223 \_ 1799.

Checks payable to PANJ-EF should be sent to the PANJ Office, United Professional Center, Building 2, 617 Union Avenue, Brielle, New Jersey 08730.

Boat Cruise Registration:

No of people: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

Email address: \_\_\_\_\_

Look for Information for these upcoming events:

8<sup>th</sup> Annual PANJ-EF Golf Outing \_ June 4, 2003

PANJ-EF Monmouth Park Outing \_ July 20, 2003

PANJ-EF Golf/Getaway Pocono Weekend \_

Sept. 28-29, 2003

# PANJ Contract Violations Upheld

by Peter A. Tortoreto

**Mercer County PANJ Local Rep., Kevin Farley, filed this grievance at the local level contending that management had no right to add new tasks to the Probation Officers of the Mercer Vicinage Family Division without first bargaining with PANJ prior to implementation. The new task included Probation Officers being forced to perform mail duties.**

**Management argued that the assignment**

regarding this vital issue to our officers' safety. Many counties have no security for probation meetings. In the Dover office of Morris County Probation, the home of the VCPO/Chairman of the State Safety Committee, there are no security measures such as metal detectors nor are there Sheriff's Officers for the officers' security in the office. PANJ filed a grievance there and it is proceeding to Arbitration.

With these issues are not yet resolved to our satisfaction, PANJ along with the other Judicial Unions have committed ourselves to addressing common matters via the Unification Committee.

At the conclusion of our meeting on January 21, 2003 the AOC's private attorney, Frederick Danser, suggested that this committee is no longer needed and further would move to have the committee disbanded. The reaction from PANJ after we got over the shock, dismay, and

disappointment of such suggestion was that the committee is needed, and that we are displeased and chagrined the AOC would consider such options. Divide and conquer. Sound familiar? The beat goes on.

**PANJ-EF  
Boat Cruise  
Tickets on  
Sale Now!**

by Ann Rizzi, Middlesex Co.

The Probation Association of New Jersey \_ Education Fund (PANJ-EF) is currently selling tickets for an evening boat cruise. The cruise will

was made consistent with "Gung Ho" principles, specifically utilizing a team problem resolution approach.

In a decision dated November 15, 2002, Hearing Officer Craig D. Bailey, Esq. upheld the union's position at a Step Three Hearing in Trenton, NJ. At the hearing, PANJ was represented by long time PANJ Consultant, John Warms; Kevin Farley, and Peter Tortoreto, First Vice President PANJ.

After 09/11/01 and the ensuing Anthrax incidents emanating in Mercer County, PO's were initially told to scan mail rooms for suspicious packages in a certain vicinage. PANJ was successful to eliminate this practice at the early outset. Citing safety reason and lack of specialized training the practice was halted immediately. However, later the inclusion of "mail duties" emerged as a requirement of PO's and SPO's in the Family Division of Mercer County.

The participation in this program was mandatory. PANJ states that management did not negotiate the implementation of the program/practice with the union. Under the program, one day each week a PO or SPO was required to pick up the mail for the Family Division, open the mail, stamp it in, and then deliver it to the employees in the unit.

PANJ asserted that the mail collection and delivery duties are outside the scope of the PO duties and unrelated to the PO title. PANJ further argued that the unilateral implementation of this program violated Article 28 of the Collective

## Why Study History?

by John Morton, Editor

In order to know where we're going we have to know where we've been. Almost everyone has heard the famous warning to those who fail to study history but do you know who wrote it? ***"Those who cannot remember the past are condemned to repeat it."*** *George Santayana* It never hurts to use some newsletter space to write about PANJ's background. A few counties have hired new people and some of us who have been around for a while need to be reminded of past events where our professional association has had a positive affect. PANJ has helped determine the direction for community corrections in our state and the public has shown, through their elected representatives, that they agree with us. I have inserted some interesting quotations; see if you can guess who said them. Their names will appear in the *INSIGHT* web version at [www.panj.org](http://www.panj.org)

The "longtimers" say that PANJ started out in 1904 as a professional association of Probation Officers in the first county to have them, Hudson. We have always been managed and driven by actual Probation Officers. PANJ spread to other counties and the main function became the annual conference. Through the early 1980's the Executive Board made several attempts to improve the lot of the officers but with few resources, their results were largely disappointing. At this time, Probation Officers and their supervisors had separate

Bargaining Agreement.

In his conclusion, Hearing Officer Bailey ruled that the unilateral implementation of this program of mail sorting and delivery duties performed by PO's as being unrelated to their normal case processing duties. Because management failed to negotiate with PANJ prior to the implementation of this program, the contract was violated under Article 28. Accordingly, management must cease and desist from this requirement of PO's to perform mail sorting and delivery duties. This assignment may resume if PANJ consents.

contracts with the 21 county governments. These agreements varied widely, as did their working conditions. Many counties were represented by AFL affiliates and the officers were not happy with their experiences.

*"Our cause is just, and a just cause is invincible." Mao Zedong*

In the 1980's, a group of officers with a different vision for PANJ were elected. They saw that PANJ could do more as a both a union and a professional association. In 1988, the PANJ Constitution was modified to encompass this vision and Cumberland County Probation Officers were the first to affiliate with PANJ for labor representation.

When the state takeover of the courts loomed, PANJ was in position to protect the rights

of all who moved from county to state. PANJ then became the statewide labor representative for all Probation Officers, and we had an agreement to represent the Professional Supervisors with the Communications Workers of America, as a council. Negotiations became contentious and after CWA broke the agreement with PANJ, we went into an election for the supervisors and defeated CWA. At almost the same time, PANJ secured the first statewide contract for Probation Officers that included pay equalization and protected our titles. Some counties had been working 40 hours per week. PANJ was the first to reduce this to 35 without a loss in pay. Contracts for the supervisors were not far behind.

*"Never never never quit." Sir Winston Churchill*  
*"These are my politics: to change what we can; to better what we can..." Robert Louis Stevenson*

Since the state takeover, PANJ has strongly advocated to give members the tools and training to enable us to perform more effectively with greater protection. We have encouraged the legislature to pass laws as a means to that end. There is a national trend to give Probation Officers the ability to respond to the full range of threats to their safety. More states allow Probation Officers to be armed now than at any other time. It is unfortunate that court management in New Jersey does not share this view.

anyone else. No one disputes that there is much work to be done but PANJ is the way to make progress. The alternative is failure.

*"It is not the critic who counts, not the one who points out how the strong man stumbled, or how the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena; whose face is marred with dust and sweat and blood; who strives valiantly; who errs and comes short again, and again; who knows the great enthusiasms, the great devotions, and spends himself in a worthy cause; who, if he wins, knows the triumphs of high achievement; and who, if he fails, at least fails while daring greatly; so that his place will never be with those cold and timid souls who know neither victory nor defeat."*  
*President Theodore Roosevelt*

PANJ leaders know the "triumphs of high achievement," and they will continue to do so.



PANJ has improved its program of professional development by divesting this function to a separate organization, Probation Association of New Jersey \_ Education Fund (PANJ-EF). Training Conference attendance figures are on the rise and the quality of presentation has continued to improve. Anyone who heard the keynote of Texas' Judge Poe in 2001 can remember the inspiration he conveyed. Great things are possible when judicial figures support their fellow employees.

Probation Officers, others performing similar duties, and their supervisors have transformed themselves into an alliance with the ability to interact on an equal basis with management, the legislature, and other groups with comparable interests. Our efforts have produced positive results. This has only occurred because our members have worked together in PANJ. Those who participate understand that professionals represent themselves better than

Photographs from the 2002 PANJ-EF Conference in Atlantic City. Above and left to right are Peter Tortoreto and George Christie. Below are Deneen Hohman, Thea Condry, Ann Rizzi, Dottie Robinson, and Sue Cuozzo. (there are more photos on the website)

## **Legal Training Huge Success**

by Peter A.  
Tortoreto

PANJ  
Representatives  
experienced  
intensive  
training with the  
National Staff  
Organization at  
their Annual  
Conference. The  
training  
provided a  
unique  
experience for  
our PANJ  
Representatives  
to come together  
as a group away  
from our daily  
environment to  
focus upon Legal  
issues facing  
PANJ and our  
profession. The  
issues included  
were Grievances,  
Discipline,  
Arbitrations,  
Employee  
Rights, Labor  
Management  
Relations,  
Building  
Unionism,  
Contractual  
Negotiations,  
and  
Supervisory/Line  
Staff Relations.

This years'  
trainees included  
five supervisors,  
four line staff,

passed the  
Assembly on  
May 6, 2002 and  
has been referred  
to the Senate  
Law and Public  
Safety  
Committee for  
consideration.  
PANJ supports  
the legislation  
and is working  
on movement in  
the Senate.

Assembly Bill  
584, sponsored  
by  
Assemblywoman  
Watson-  
Coleman, would  
allow all persons  
on probation or  
parole to vote  
and require those  
respective  
agencies to

and PANJ  
President  
George P.  
Christie.

Pictured above  
from left to right  
are David  
Yennior, Debra  
Yeich, Glen  
Moton, Carmelo  
Velasquez,  
Gavin  
Cummings,  
Deneen Hohman,  
George Christie,  
Dwight  
Covaleskie, and  
Caroline  
Parsons-Kane.  
Not  
photographed  
was Peter  
Tortoreto.

## **LEGISLATIVE UPDATE**

by Stu Martinsen and Rob Nixon

On Lincoln's Birthday, February 12, 2003, several members of the PANJ legislative committee met at the PANJ office to discuss various legislative concerns. Also in attendance at the meeting was PANJ President George Christie and public affairs counsel Rob Nixon. Several bills were discussed as priorities for PANJ for the remainder of the legislative session.

assist them in this process. This bill is on second reading in the General Assembly. PANJ has opposed the legislation as a complicated and unnecessary mandate.

PANJ is also monitoring the upcoming judicial budget and meeting with legislators to educate them as to the duties and functions of probation officers. We believe that this education process is critical to protect interests as we continue to work to reform probation in New Jersey. PANJ also intends on testifying at the Joint Budget and Appropriations Committee hearings on the Judiciary budget.

Concerning the matter of public law 2001, Chapter 362, Probation Officers are now allowed by law to act as law enforcement officers and carry a firearm. Further, the law requires that all Probation Officers complete a self-defense training course as approved by the Police Training Commission. The Judiciary remains opposed to this legislation and has not only failed to implement the law but has also sued the State of

Assembly Bill 1172, sponsored by Assemblywoman Previte, makes throwing bodily fluids at a Probation Officer an aggravated assault. The bill

New Jersey in order to declare the law unconstitutional. PANJ legal counsel David Fox is representing our concerns regarding the defense of this law, as is the Attorney General's office. PANJ appreciates the position of the Attorney General in support of the statute and PANJ continues to call on the Judiciary to implement the law.

Public affairs counsel Rob Nixon and PANJ President George Christie are also speaking to legislators and to the Governor's Office in order to resolve this critical issue as soon as possible. In addition, PANJ President Christie has authorized Rob Nixon and David Fox to begin the process of researching legislative remedies to the Judiciary's stonewalling, including a transfer of probation to the Executive Branch.

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