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INSIGHT

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NEGOTIATIONS: GET READY, GET SET, GO

SUPERVISOR'S NOTEBOOK

by Peter A. Tortoreto, First Vice President

The new calendar year will be kind to PANJ Case Related Professionals. Our members will be paid a 2.5% Across the Board increase as well as the new 4.15% performance increment replacing the existing \$2,000 increment. The SPO maximum salary will be increased to \$71,000 after a special \$1,300 adjustment is implemented for those already at maximum. Also, Probation Officers with 5 years experience will be eligible for Senior promotions with a 5% pay increase. Our existing contract ends June 30, 2004. The performance increment will continue after January 2004 and other raises will be negotiated.

PANJ is now formulating various positions and articles for negotiations as we gather our proposals at the local level. Some of the issues currently being articulated are as follows:

Master Probation Officer: There is a need to make this Title more available. We need more Master Probation Officers and a better selection process whereas all Senior Probation Officers can be advanced automatically upon meeting the time in service and competencies. This would make this title more of a position as opposed to a mere designation.

Transfer Policy: Many of our members have voiced their displeasure at the lack of transfer requests being honored. In a true state system a transfer from vicinage to vicinage should not be so problematic. Those officers already on board (Continued on page two, column one)

by Neil Elsasser, Vice President - Supervisors

The time has come to begin our preliminary discussions and drafting of some of the main issues to be addressed at the negotiation table. This will not be an easy contract to settle in that many of the larger unions have already conceded on health benefits and years freeze on salaries. At this time we don't intend to be an agreeable part of that settlement without a fair give and take by management on many of our members' concerns. Some of these issues have been presented to me verbally as well as in writing.

1. Salaries/Wages/Caps on present bands
2. Monetary compensation for Special Projects/as well as better definition
3. Promotion and Advancement to CSS3 band/maintain this band
4. Additional protection rights for the unclassified supervisor
5. Sick Leave and Absenteeism (Code vs. Contract)
6. Involuntary transfer policy
7. Span of control/caseload sizes _ Director William's Guideline Hours of work-removal of the 2.5 incidental and occasional time clause - compensation for regular work beyond 35 hours when requested by management.

The above list contains only some issues under consideration at this time. I welcome any additional member input on the above as well as

any additional concerns that we should be addressing.
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(NEGOTIATIONS) should have some sort of priority/seniority to those newly hired off the street.

Beeper Pay for Beeper Duty: Many requests and proposals have been received regarding this issue. It appears that we need to demand some sort of flat rate and additional compensation pay at the time and one half rate. Our members are being inconvenienced being on-call for days if not weeks at a time with little compensation in many instances. What should the compensation be for being awakened during the night?

Safety Issues: Tools are still needed to do an effective job; cars, parking, cell phones, vests, proper training, better buildings and security in those buildings. At various times and places across the state our members are put at risk for illness and long-term health problems. This risk is from the very buildings we work in. A greater scrutiny of these conditions needs to be initiated in light of what is taking place in Camden with the displacement of Probation Officers and support staff for over six weeks due to Legionnaires Bacterium. This disease is considered life threatening. The Judiciary has an obligation to provide a safe and healthy work environment. This applies to both in the office and out in the field.

Bilingual & Educational Stipends & Tuition Reimbursement: During the past contract negotiations and during the equalization process PANJ had advocated for these stipends and will continue to press the AOC to fully recognize the value of bilingual staff as well as the benefit of advanced degrees. PANJ continues to support higher education as evidenced by the Seton Hall Program and the superior training offered at the annual conference.

Legal Issues: There needs to be an appeal process for minor disciplines. If the Judiciary decides to impose a penalty of up to five days for any infraction there is no process by which our members may appeal.

Arbitration for non-contractual grievances needs to be implemented. Unless a grievance has contractual violations it may not proceed to the Step 4/Arbitration Level.

Salaries: The professionalism of Probation Officers is in many aspects commensurate with the compensation earned by our professional staff, which means recruiting, attracting, and retaining

experienced and top quality personnel for these positions. This means not only a decent starting salary, but also a career oriented salary guide with higher maximum range.

These issues appear to be the most talked about between our members. However, this list may be growing as we approach the negotiation table. In putting together the team for negotiations we try to include members from different locations and from various and diverse experiences. In a sense everyone should and is represented at the table via our network of representatives. Thus far on the committee for Professional Case Related Professionals are: Dwight Covalesskie, Southern Vice President; Tracey Adamkiewicz, Central Regional Vice President; and Dottie Robinson, Northern Regional Vice President.

(SUPERVISORS) It would be helpful if you put these in writing along with how you would like to see it worded to either me and/or Brad Fairchild, 2nd Vice President. It is my intention at this time to seek new members to serve on the Negotiation Team. If you would like to be considered please advise.

During September the Executive Board will be voting on several amendments to the PANJ Constitution and By-Laws. I would like to thank Gavin Cummings, Chair of the Governance Committee, and his members for their hard work in returning many of the requests for a vote. The following amendments if passed will effect our Unit:

1. Three (3) new Regional Vice President positions.
2. Vice President of Supervisory Unit to serve as co-chair of the Legal Committee. Only supervisor members will vote supervisor issues that pertain to supervisors. Only line members will vote line issues that pertain to line officers. All members of the Legal Committee will vote joint issues that pertain to both units.
3. One Regional Vice President Supervisor and one Supervisor will serve on the Finance Committee
4. Vice President Supervisor will chair the Supervisor Negotiations.

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If the Executive Board approves the above along with other recommendations, final approval will be voted on by the General Membership during the November meeting to be held in Atlantic City at our PANJ Conference. The AOC has approved once again that supervisors may elect to attend either the PANJ Conference or the Judicial Conference. The decision to go to is up to the Supervisor. I look forward to seeing many of you at the PANJ Conference.

President Christie notes that any supervisor may obtain a current contract by contacting Neil or the PANJ Office.

THANK YOU

Dear Mr. Christie,

I would like to take this opportunity to thank you and the staff at PANJ for all your assistance with a recent grievance issue. The Association filed a grievance on my behalf regarding an issue of lack of compensation for Senior Title pay. Fortunately, the grievance was settled in my favor and I received compensation owed since the promotion to "Journey" in 1998. The continued efforts of PANJ working for its membership are greatly appreciated.

Sincerely,

Kathleen Spanarkel, MPO

Monmouth County

numbers of convicted criminals. PANJ has lawsuits, grievances and arbitrations pending for hundreds of Probation Officers who have been put at risk because they are not trained well enough, provided with proper self-defense protections and because of the failure to implement the Law by the Judiciary. In Essex County, Probation Officers had guns put to their heads and have been otherwise threatened while supervising probationers. In all other counties, similar occurrences have taken place.

Probation Officers are armed and given adequate self-defense training in virtually all states and in the federal courts in New Jersey but not by the New Jersey State Judiciary.

Arizona, where Probation Officers are also in the Judiciary, recently armed its Probation Officers. Kathy Waters, the head of Probation in Arizona and the President of the American Probation and Parole

Safety of Probation Officers and the Public

by George P. Christie, President

Thanks to the efforts of the legislature, the Governor, and PANJ, P.L. 2001, Chapter 362, requiring the arming of at least 200 Probation Officers in New Jersey became law on January 7, 2002. Unfortunately, the New Jersey Judiciary has refused to implement this Law as it is required to do.

This causes continued safety concerns for the public and Probation Officers. Probation Officers are required to supervise (in the field) large

Association supports the arming of Probations Officers and supports PANJ.

All of this has been presented to the Superior Court Law Division in New Jersey by PANJ and by the Attorney General of the State of New Jersey who supports PANJ's position seeking to enforce the law. Although PANJ has raised objections to a member of the Judiciary deciding the case in which the Judiciary, through the New Jersey Supreme Court and the Administrative Office of the Courts, has already made a determination not to enforce the Law, this objection has thus far been rejected. Nevertheless, a ruling is awaited on the application of PANJ and the New Jersey Attorney General to enforce the Law, by the Honorable Paulette M. Sapp-Peterson of the Superior Court in Mercer County.

On August 7, 2003, the *New York Times* reported that New York City Probation Officers now carry handguns. Two hundred ninety eight (298) Officers began carrying concealed 9 mm Glock pistols this year and five hundred fifty (550) Officers are scheduled to be authorized to carry guns. The following is a statement of the New York City Probation Commissioner. "You can't very well ask people to go in the communities, supervise probationers, arrest probationers, and not give them the tools to do the job."

PANJ will keep you advised on efforts to require the Judiciary to enforce the laws of the State of New

Jersey. We are also seeking additional

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legislative action at both the federal level and in New Jersey to require that the Judiciary provide adequate self-defense, including firearms, for its Probation Officers. We expect that a federal law will be introduced shortly requiring such self-defense in New Jersey and elsewhere.

PANJ AWARDS

~ PROBATION OFFICER OF THE YEAR ~

This award is given to the individual who has made significant contributions in the performance of his/her assignments. This person is recognized as an exemplary individual who has shown outstanding character and brought credit to our profession.

~ OUTSTANDING SUPERVISOR OF THE YEAR ~

This award is presented to an individual who has demonstrated leadership, understanding, compassion, and exemplary character. This person is also recognized for significant contributions to his/her fellow employees as a practicing professional.

~ JOHN AUGUSTUS AWARD ~

This award is perhaps the most prestigious of all presented by PANJ. Awarded in memory of the late John Augustus, who is considered to be the Father of Probation. This award is given to the person (not necessarily a Probation Officer) who has shown outstanding character at the local, regional, and/or state level, and brought credit and honor to the profession via participation or involvement in activities deemed beneficial to our profession. Submit nominations in writing by October 31, 2003 to the PANJ Office, c/o Stuart Martinsen.

Officers and support staff were relocated in the Camden Justice Complex for an extended period of time until the building could be cleansed, tested, and retested for the bacteria.

Legionnaires disease first surfaced nearly 27 years ago at the Philadelphia Bellevue Stratford Hotel when 33 people were killed by the deadly bacterium at a Legionnaires Convention. The bacterium was later named after the convention. The symptoms of this disease include flu-like pneumonia with chest congestion. Especially at risk are those with compromised immune systems, elderly and the very young.

A member of the Camden County Prosecutor's Office first became infected and as soon as the diagnosis was confirmed the Assignment Judge, citing extreme circumstances, immediately ordered all judicial staff out of the building. If he erred it would be on the side of caution. PANJ having the majority of the nearly 200 Professional Staff and Supervisors in the building took a lead role forming alliances with the other Unions to protect the interest and health of our members as well as our professional support staff.

PANJ attorney and consultant, Mark Cimino of Deptford, NJ was instrumental to PANJ and other Unions by gathering vital information from the County as to what chemicals were used in the cleanup and obtaining lease and contract information between the County and the owners of the Parkade Building. Other PANJ representatives who deserve recognition are as follows: Gilberto Velasquez, Newton Murphy, Don Elfreth, Lionel Maldonado, Sophia Peele, and Richard Twigg.

Judicial management has acted very responsibly and did do their best to keep the Unions informed of the many testing and retesting procedures. The Administrative Office of the Courts sent Steven Yang, the State Health and Safety Officer, down to Camden to assist the Trial Court Administrator, Michael O'Brien, and his Assistant, Deb Roberson. This was one time where Labor and Management were working closely together in an effort to protect the safety, health, and welfare of our members. The County of

HEALTH CONCERNS CLOSE CAMDEN OFFICES

by Peter A. Tortoreto, First Vice President

The Camden County Probation Division housed in the now infamous Parkade Building located in downtown Camden has been shut down for a six-week period by Order of the Assignment Judge Francis J. Orlando as the result of the deadly Legionnaires Bacterium.
Probation

Camden has the burden to provide office space for Judicial employees as mandated by the Judicial Unification Act of 1995. The Judiciary is

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considered occupants as opposed to a leasee. This third party relationship is somewhat confusing and required PANJ to seek redress on many fronts.

On Monday, September 15, 2003, employees were cleared to re-enter the building. PANJ will continue to push for better working conditions, regular cleaning and maintenance. During the period of time away from our offices all reporting was halted, however, due to the dedication, commitment, and professionalism of the staff, essential functions of the Court were continued. Vicinage Chief Probation Officer Robert Sebastian had high praise for his staff after enduring an ordeal of such magnitude and potential dire consequences.

aggravated assault to attempt to injure or cause bodily harm to a Probation Officer.

Also, U.S. Congressman Bill Pascrell is planning to introduce federal legislation to help develop national statistics on Probation Officer incidents that occur in the course of our duties.

Anyone interested in getting further information on these and other PANJ legislative issues can contact me at the PANJ office.

WANTED! REAL CAREER

LEGISLATIVE REPORT

by Stuart Martinsen, Legislative
Chairman

The PANJ rally held outside the Mercer County Courthouse on June 13, 2003 was a great success due to the participation of PANJ members from all parts of the state. Also in attendance were New Jersey State Troopers Fraternal Association President Ken McClellan, Assemblywoman Linda R. Greenstein, and Assemblyman Gary L. Guear, Sr., both of Mercer County. The rally was held to show support for the ongoing court battle with the AOC over the constitutionality of Public Law 2001, Chapter 362, which gives Probation Officers the ability to carry a firearm, enforce the laws of the state, and mandates self defense training for all Probation Officers by the Police Training Commission. As of this date, no decision has been made regarding this legal issue now before Mercer County Superior Court Judge Sapp-Peterson.

The week of July 13 to July 19, 2003 was declared Probation and Parole Week by Governor J. McGreevey thanks to the efforts of PANJ Public Affairs Counsel Rob Nixon. Every year, throughout the United States, this week is promoted by the American Probation and Parole Association in an effort to recognize the efforts of Probation and Parole Officers everywhere.

Assemblywoman Mary T. Previte of Camden is sponsoring legislation under A-1172 that would make it an

PROGRESSION

by Peter A. Tortoreto, First Vice President and

Bradley J. Fairchild, Second Supervisory Vice
President

The lack of real career progression is widely recognized as a critical issue facing all members of PANJ as we prepare for the next round of contract negotiations. Probation Officers, Supervisors, and all professional court staff have few opportunities to advance, which adversely impacts morale and contributes to continued adversarial labor/management relations in some vicinages.

The simple truth is that we believe more of our members deserve promotion and the present system of advancement is seriously flawed by a severe lack of objectivity. Continuation of the present system will result in a large percentage of our membership retiring in the position they presently occupy. This is unacceptable!

The failure to provide a system that has a clear and consistent path of advancement will have a highly negative impact on the future of the Judiciary. We have all observed that many well motivated and bright young people have been hired by the Judiciary in recent years. These individuals, however, will not remain in our system unless we provide more advancement opportunities and establish a system of promotion that is based on objective review of performance instead of obedience and personal favoritism.

We already know of several improvements that would greatly enhance career advancement. Expanding the Master title would give many Senior Probation Officers an additional and realistic career opportunity. Promoting Supervisors to a (Continued on mailing page)

aggravated assault to throw bodily fluids at a Probation Officer. This bill is pending a Senate vote at this time.

Further Assemblywoman Previte is putting forward legislation, which would make it an

(From page 5) higher range after a review of their service and accomplishment would be another improvement. We also **strongly** support restricting the selection of Supervisors to individuals only presently employed by the Judiciary and in specific titles.

We also know that many of our members may have creative and innovative suggestions for addressing the career progression issue. We want to encourage all PANJ members to submit ideas and proposals in the coming weeks. This is a critical opportunity to have a dialogue about an issue that will impact all of us for the rest of our careers. Contact any of the state PANJ Officers or call the office in Brielle at 732-223-1799.

SUPERVISORS MAY ATTEND PANJ-EF CONFERENCE

by George P. Christie, President

On August 5, 2003, the Administrative Office of the Courts issued a statement that supervisors would be permitted to attend the Conference of their choice consistent with operational needs. The PANJ Conference will fall again on the same days in November 2003 as the Staff College. As always, PANJ will continue to provide substantive training for Professional Supervisors.
