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PLEASE RESPOND TO LIVINGSTON OFFICE

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April 5, 2005

VIA FAX & REGULAR MAIL: (609) 984-3631

Ms. Marjorie Schwartz, Deputy Commissioner
New Jersey Department of Personnel
44 South Clinton Avenue
P.O. Box 313
Trenton, NJ 08625

**Re: Proposed Interim Non-Competitive Treatment of
Judicial - State Title of Probation Officer - Bilingual
Made by Christine A. Danilo of the Judiciary**

Dear Deputy Commissioner Schwartz:

As per our March 29, 2005 letter to you re: the above, we represent the Probation Association of New Jersey (PANJ) which represents all of New Jersey's Probation Officers including those in the title of Probation Officer - Bilingual.

As we promised in the attached March 29 letter, we now provide you with the "labor" input of PANJ with regard to the proposals in the March 10, 2005 letter to you from Christine A. Danilo of the Judiciary. A copy of that letter is also attached. That letter make a number of requests. One of them which is the second of two listed requests is that there be an "interim non-competitive appointment window for the large number of employees in various vicinages who have been appointed to that title provisionally."

PANJ opposes this use of the interim non-competitive process!

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PANJ has in the past opposed efforts by the Judiciary to relax the standards for qualification for the title of Probation Officer. At that time in 2001, the Judiciary sought to eliminate the need of a college degree along with a mandate for specialized courses in addition to that degree. The Department of Personnel agreed with PANJ and refused to remove these all-important requirements.

The Judiciary has, over PANJ's objection, successfully eliminated the continuance of the career service titles of Principal Probation Officer 1 and Principal Probation Officer 2 so that all new appointments to the positions, which were provisionally filled only in career service titles, are now in the title of Team Leader, which for practical purposes is totally outside the career service testing process. Team Leader, therefore, is an unclassified title. The latter effort by the Judiciary had the impact of stripping permanent status and in many cases fundamental due process hearing rights, from those in the title of Team Leader, and particularly those without a background of permanent PPO 1 or PPO 2 status.

Further, the Judiciary has existing contracts with PANJ which cover and include the title of Probation Officer - Bilingual. The status of Bilingual Probation Officers is a key topic in the negotiations with the Judiciary, including the fact that problems in motivating existing Probation Officers who perform such work, without the specific title designation, as well as those who perform the work with the title designation, result because they receive no special pay for that job. Without question, this failure is what has caused any lag in the Judiciary's hiring process for that title.

Obviously, seeking a test for that title, will not interfere with the current operation and the use of provisionals.

In other words, granting the Judiciary's request for an interim non-competitive exam would only help to fulfill the goal of diminishing the sanctity and need of the Department of Personnel competitive examination process. This would be tragic. We disagree with the Judiciary's recitation of the facts, therefore, in Paragraph 2 of its March 10 letter. There are large numbers of individuals who are qualified for and should be allowed to compete by way of open competitive examination or otherwise in the "available competitive pool." The Judiciary's inaction in this connection and its failure to make the position attractive with the payment of a stipend which has been paid for many years in county government, is a major cause of this self-imposed failure. PANJ, during negotiations, has constantly put a high priority on the need for developing attractiveness for this position by the Judiciary because of the nature of the Probation population. Addressing the needs of the diverse population of probationers has always been primarily a PANJ issue, which has not been satisfactorily met by the Judiciary.

The Judiciary should not be allowed to avoid its legitimate obligations with regard to testing by use of the: "interim non-competitive" process to grant permanent positions in view of all of this historical background.

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At a minimum, we urge that there be a meeting with representatives of PANJ and the Judiciary and you and your representatives on all issues although our position remains and will remain then, absent satisfactory proposals from the Judiciary, that there should not be an interim non-competitive appointment process for this.

At that meeting, we can address all of these issues including the Judiciary's requests in Paragraph 1 of its March 10 letter for a special examination for Probation Officer - Bilingual.

We also are somewhat concerned that the Judiciary developed this proposal to you without any initial meetings about it with PANJ. PANJ is not "copied" on the March 10 letter, and only became aware of the application on or about March 29 when I submitted my first letter to you.

Very truly yours,



DAVID I. FOX

DIF:brm.
2640.00
Enclosures

cc: Mr. George P. Christie, President, PANJ (VIA FAX: 732-223-8363)
Christine A. Danilo, Chief, Personnel Placement & Classification Unit
Joseph H. Orlando, Esq., Chief, Labor and Employee Relations Unit
Mr. Peter Tortoreto

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PLEASE RESPOND TO LIVINGSTON OFFICE

Ms. Marjorie Schwartz, Deputy Commissioner
New Jersey Department of Personnel
44 South Clinton Avenue
P.O. Box 313
Trenton, NJ 08625

March 29, 2005

Dear Ms. Schwartz:

We have received the attached March 10 letter to you from the Administrative Office of the Courts with regard to a request for an immediate examination for "Probation Officer Bilingual" and for interim non-competitive appointments.

We represent the Probation Association of New Jersey (PANJ), which is the exclusive representative pursuant to the New Jersey Employer - Employee Relations Act for all Probation Officers including Bilingual Probation Officers employed by the Judiciary.

In the past where interim non-competitive appointments have been requested, the position and input of PANJ has been sought and even required by the Department of Personnel.

We are reviewing the letter to you from the Administrative Office of the Courts and will be prepared to set forth our position within one week.

Very truly yours,


DAVID I. FOX

DIF:brm.
2640.0022306
Enclosure

cc: Christine A. Danilo, Chief, Personnel Placement & Classification Unit
Joseph H. Orlando, Esq., Chief, Labor and Employee Relations Unit
Mr. George P. Christie, President, PANJ (VIA FAX: 732-223-8363)

ADMINISTRATIVE OFFICE OF THE COURTS STATE OF NEW JERSEY

PHILIP E. SARCHSMAN, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

CHRISTINA P. HIGGINS
DIRECTOR
OFFICE OF MANAGEMENT & ADMINISTRATIVE SERVICES

BROOKS DURBIN
ASSISTANT DIRECTOR
HUMAN RESOURCES



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March 10, 2005

Ms. Marjorie Schwartz
Deputy Commissioner
New Jersey Department of Personnel
44 South Clinton Avenue
P O Box 313
Trenton, New Jersey 08623

Dear Deputy Commissioner Schwartz:

The Probation Officer bilingual eligible lists are currently exhausted for all but a few Judiciary locations. Unfortunately, although the few remaining vicinage eligible lists may appear to provide sufficient numbers of eligibles for a full certification list, we believe these local lists are deceptively inflated since the same eligibles are counted multiple times if they are interested in multiple locations. Additionally, many of these eligibles have not passed the bicat test at level 2 yet, making it likely that the total number of viable eligibles on the list may be reduced even more. According to our records only 22 bilingual eligibles remain on the list over all. For many of our vicinages, where a large number of positions require bilingual facility, this is inadequate to cover current or future needs.

Given the nature of Probation Officer work, which requires extensive training to develop both technical expertise and soundly in dealing with a myriad of court related social issues as well as specialized immunizations to protect our work force for health and safety reasons, hiring into the Probation Officer title is costly for the Judiciary. Therefore, the Judiciary would like to avoid the need to hire provisionals altogether but especially in bilingual titles since these positions require specialized bilingual skills and many of the local lists for this title are exhausted or near exhaustion.

With these considerations in mind the Judiciary is asking for the following relief:

1. The Judiciary is requesting an immediate examination announcement for Probation Officer Bilingual uncoupled from the need to also announce the general Probation Officer title. Our reasons for requesting this are twofold. First, we are hopeful the announcement, eligibility review, testing and list issuance process can be expedited if the announcement is focused on the specialized bilingual title since this recruitment pool is generally smaller and the logistics of test administration are easier. To further speed the process, we would also like DOP to consider alternative types of testing such as structured interviews or unassembled examinations in concert with an expedited bicat testing program. Second, the existing lists for the general Probation Officer title are robust and do not expire until July and September of 2006. To avoid eligible complaints that a new announcement might generate and to prevent future lists from growing stale before they are utilized, our preference

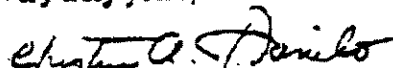
MAR 22 2005 14:16 FR A O C HUMAN RESOURCES609 292 3430 TO 917322238363

is to hold the general Probation Officer announcement and recruitment process in January of 2006 with lists issued in May or June 2006 nearer to when the current Probation Officer lists expire and next year's college seniors are close to graduating.

2. The Judiciary is also requesting an interim non-competitive appointment window during the 6-12 month period it normally takes to produce a new eligible list. This is to avoid the necessity of appointing provisional employees for all of the reasons stated above while we wait for a new Probation Officer bilingual list to be issued. Since the Probation Officer bilingual list has historically been exhausted long before the general Probation Officer list despite our targeted recruitment efforts, I believe this request meets the conditions stated in the NJ Administrative Code regarding interim non-competitive appointments. In fact, multiple aspects of the Code are met; specifically, the specialized requirement for bilingual skills limits the available competitive pool of candidates with the appropriate skill sets, reducing the practicality of the testing process; the current and historical difficulty of recruiting as demonstrated by the small size of the Probation Officer Bilingual lists compared to the large size of the Probation Officer lists, despite simultaneous postings, and associated advertising and recruitment efforts; and the growing need within the New Jersey Court system to serve New Jersey's increasingly diverse population by providing a bilingual workforce. In some of our vicinages, over 30% of the work force are now required to be bilingual.

Enclosed is a Vacancy Announcement Request Form (VARF) to initiate our request for Probation Officer Bilingual. A positive response to our need for an interim non-competitive appointment window until new lists are produced for our 15 vicinages would be greatly appreciated. In considering our request, please keep in mind that the bicat testing process would still be required, therefore ameliorating any possible concerns that prospective appointees be subject to testing procedures as are regular Probation Officers. As with other similar requests relating to the Probation Officer title we are sharing our proposal with labor.

Very truly yours,



Christine A. Danilo
Chief, Personnel Placement & Classification Unit

CAD/cr
Enclosure

c Christina P. Higgins
Brooks Durbin
Joseph Orlando
Elizabeth Van Marter
Maraha Weinstein
John Kraus

Draft 04/04/97 Vacancy Announcement Request Form (Open Competitive)

FoxPro Log Number: _____

Title: Probation Officer Bilingual Title Code: 77221c

Jurisdiction: United States Jurisdiction Code: JUA

Department: Judiciary Need to fill position by: ASAP

Contact: Christine Danilo Chief, Personnel Placement & Classification
Sindy Odas Administrative Supervisor

Date: 2/24/05 Telephone: 984-5421 Fax: 953-4248

Full Time / Part Time Hours per week: 35 Salary From: \$35,974.24 To: \$58,095.30

Number of Vacancies: future vacancies Number of Provisional Appointments: _____ Total number of positions to be filled: future vacancies

RESIDENCY ORDINANCES? Yes No

Open employment to: Municipality County Contiguous Counties State United States

SPECIAL REQUIREMENTS: Equipment Operated: Yes No Equipment: _____

License/Certification Required: Yes No License/Certification: _____

I certify that there are not at least three (3) promotable eligibles serving in the next lower appropriate title(s).

Under the License/Certification Program, the Appointing Authority acknowledges sole responsibility for recruitment and advertisement of this vacancy.

A.A./Designee: Christine Danilo Title: Chief, Personnel Placement & Classification
Christine Danilo

***** TO BE COMPLETED BY DEPARTMENT OF PERSONNEL *****

CERTIFICATION DATA: Employment list (special employment, promotional, open) in existence? Yes No

Symbol(s): _____ Eligible Lists to be certified: Yes No

ANNOUNCEMENT DATA: Test in the system: Yes No Symbol/Closing Date: _____

NAACP Consent Decree Jurisdiction Special Recruitment Needs: _____

TESTING PROGRAM: Rapid Reassessment Automated Unassembled Examination License/Certification

High Volume Continuous Testing Police & Fire

SPECIFICATION DATA: Specifications Under Revision Yes No Approved Internet Specification Attached: Yes

Appointing Authority Name, Address, Telephone, and Fax Number: _____

CSR: _____ Team: _____ Phone: _____ Out: _____