

SPECIAL NEGOTIATIONS ALERT

TO: PANJ Case-Related Professional Unit Members (Probation Officers, Senior Probation Officers, Master Probation Officers, and Others)

FROM: President George Christie, 1st Vice President Dwight Covaleskie (Negotiating Committee Chairperson)

SUBJECT: SPECIAL REPORT ON NEGOTIATIONS

DATE: December 22, 2008

IMPORTANCE: HIGH

COMMENT: PANJ AT IMPASSE WITH JUDICIARY. JUDICIARY SEEKS TO REVOKE AND END COMPETENCY-BASED PROMOTIONS FOR PROBATION OFFICERS AND WILL APPOINT NO ADDITIONAL MASTER PROBATION OFFICERS.

The 2,000 Line Staff Unit members, including Probation Officers, Senior Probation Officers, and Master Probation Officers throughout the State have been without a contract since July 1, 2008. PANJ's negotiating committee has been negotiating major contract issues with the Judiciary for more than nine months. The committee is headed by President George Christie and 1st Vice President Dwight Covaleskie.

On October 20, 2008, a four year agreement was reached. The Judiciary reneged on that agreement on November 12, when it presented PANJ with a new agreement which contradicted and gutted the earlier settlement. In the revised new agreement, it revoked retroactive pay raises (to July 1, 2008) and refused to continue, as to Probation Officers (Basic Level), Senior Probation Officers

(Journey Level), competency-based promotions after a working test period. There are approximately 650 Probation Officers and another approximately 1,300 Senior Probation Officers negatively affected. No other judicial group or state government group has given up or been required to give up this kind of movement and the salary progression which accompanies it. This advancement procedure is approved by the Department of Personnel and was part of a settlement of a federal lawsuit ten years ago which involved discrimination and improper payroll inequality. For more than ten years, Probation Officers have been able to advance to Senior Probation Officer and thereafter to Master Probation Officer. The Senior Probation Officer movement is now obtained after five years.

The Judiciary claims that the career advancement and competency system is now illegal, despite being approved by Chief Justice Robert Wilentz and the Department of Personnel.

PANJ's attorneys are filing Unfair Practice Charges against the Judiciary with the Public Employment Relations Commission charging, among other things, failing to implement a negotiated agreement as well as improper interference with the collective bargaining process.

In addition, PANJ is filing an Impasse Notice with the Public Employment Relations Commission which will require the appointment of a mediator and thereafter a fact-finding procedure by a third party which will result after hearings, in recommendations as to the settlement.

PANJ has been offered a 13% pay increase over four years that is tied to a proposal for a payment of 1 ½% of salary towards the cost of health care insurance. PANJ has recognized the current economic outlook and is prepared to agree to raises accepted by other employee groups, as well as the contributions to employee health care. However, other matters now sought by the Judiciary would significantly, as to large numbers of Probation Officers, reduce or eliminate even these compromised wage proposals.

While no cost-of-living increases will occur during the impasse, all existing provisions of the lapsed contract will remain in effect, including a 4.15% step increase due in January 2009. PANJ members will remain in their existing health care plans until a new contract is achieved, at which time, issues of retroactivity and of payment of the 1.5% contribution to health care premiums will be addressed.

The 13% pay raise over four years as well as the 1 ½% contribution for health care insurance annually, translate to annual pay increases below the nation's annual inflation rate.

Also at issue are the Judiciary's effort to limit the grievance and discipline procedures, on call or standby time for officers outside their regular workweeks and days, and on weekends and holidays, increasing the number of Master PO's, bilingual matters, parking, safety, and many other issues, some of which were modified as a result of the settlement on October 20, 2008.

PANJ officials have proposed cost-saving measures which would require higher recruiting standards and other procedures, all of which have been either rejected or ignored.