

INSIGHT

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In Memory of Probation Officer Miguel Torres

By Jill L. Potter
 Team Leader,
 Adult Probation Division

May 5, 2009, their efforts culminated with a fund-raiser, "Flacko's Fiesta" (affectionately named after his office nickname), at Hemingway's, in Seaside Heights, N.J. "Flacko's Fiesta" was conceived as a means to assist his family with any needs his nieces and nephew may have in the future with educational expenses. On a rainy Sunday night, over one hundred family, friends and PO's came out to Hemingway's to share in the memory of Miguel, while simultaneously raising approximately \$2,500. Hemingway's was more than generous by donating their restaurant and a fabulous buffet for the evening.

Miguel (Flacko) will forever remain in our hearts and memories, but he is tremendously missed and thought of often.



Miguel "Flacko" Torres

On March 28, 2009, Ocean County PO Miguel Torres succumbed to an aneurysm which felled him ten days earlier. The tragic and untimely passing of Miguel shocked his co-workers, as well as his clients. Miguel was only thirty years old at the time of his death, and left behind his parents, his siblings and 2 nieces and a nephew.

In the short three years he was a Probation Officer, he excelled at his work and strove to find the good in his clients. He would often, at the detriment to himself and his own work, assist his co workers with covering late night reporting, courtesy home visits, or by providing his much sought after Spanish language skills during client contacts. He adored his profession and independently put himself through school to obtain his degree without any assistance from his family. Once graduating, according to his sister Sheila, Miguel had one thing on his agenda, to become a Probation Officer.

Though his team's hearts were broken and it was a hard to face each day, a greater good arose from the tragedy. His team and fellow co workers rallied and on

"A Day Off for the Working Citizens" By: Ellen Cribbin

Labor Day is not just the mark of the end of summer or the beginning of football season, but it's a celebration of the strength of trade and labor organizations. As Labor Day approaches we as working citizens should remember why we have a day off. In 1882 the Central Labor Union of New York City wanted to create a day off for workers, and dedicate it to the social and economic achievements of American workers.

The first Labor Day was celebrated on September 5th, 1882 with a Labor demonstration and a picnic. The second Labor Day holiday was celebrated on the same date the following year. In 1884 the date was changed to the first Monday in September and the Central Labor Union urged other Labor organizations to celebrate a "workingmen's holiday." With the growth of Labor organizations the idea and celebrations spread. The first governmental recognition came during 1885 and 1886, which then prompted state legislation, with New Jersey being the fourth state in 1887 to pass a law declaring the holiday.

Our former Labor Brothers and Sisters proved a vital force, which gives us a higher standard of living today. So as we celebrate Labor Day let's remember the founders of much of our country's strength, opportunity, freedom, leadership and initiative – the American Worker. "Labor Day differs in every essential from the other holidays of the year in any country. All other holidays are in a more or less degree connected with conflicts and battles of man's prowess over man, of strife and discord for greed and power, of glories achieved by one nation over another. Labor Day...is devoted to no man, living or dead, to no sect, race or nation." Samuel Gompers, founder and longtime president of the American Federation of Labor.

PANJ Local 109 President Honors Retirees By: Peter A. Tortoreto

Local PANJ President Sophia Peele from Camden County recently has honored two PANJ members at the new Executive Campus located in Cherry Hill. Newton Murphy Senior Probation Officer and Joy Brooks Principal Probation Officer were given plaques of appreciation in the first ceremony at the new professional office.

Newton Murphy a long term Senior Probation Officer has worked in the Vicinage for 32 years having experience in the juvenile division, conditional discharge, community service and other varied functions. He was instrumental in the formation of the Local having been vice president for well over a decade. The department will be at a great trying to replace such an asset and valuable resource. Newton plans to take it easy and reflect upon his years of service and get involved with issues pertaining to the profession.



Sophia Peele, President Local 109 and Newton Murphy, retiree.

His wife Ella continues to work as a licensed Master Social Work. His daughter Teresa has inspirations to become a Probation Officer when she completes her education.

Another plaque was presented to Principal Probation Officer Joy Brooks for her 27 years of service to the vicinage. Joy supervised a varied unit consisting of community service, collection, regular case load and out of state transfer. Joy having a Masters degree from Rutgers University was highly valued for her knowledge and willingness to assist her staff in the daily assignments.

Joy had been involved in the Local Executive Board for many years. She was instrumental in the composition of the local bargaining unit from the beginning of judicial unification and beyond.

Both Newton and Joy are outstanding individuals and have made many sacrifices and contributions to their fellow colleagues and profession. Attending the retirement brunch was VCPO Louis R. Narvaez. By showing his presence he acknowledged the valued staff he is blessed to have working for him. We too at PANJ Headquarters acknowledge the valued staff and the professionalism they bring to our occupation.



Joy Brooks with her team.

In Memorial of a Legendary Labor Leader

By: Peter A. Tortoreto



From left to right: Janet Dixon, Dave Yennior, John Warms and Dottie Robinson

John Warms the legendary Labor Leader passed away on Saturday June 13, 2009 at the age of 71. John has served with PANJ since 1991 and functioning in many capacities. He provided skilled professional training to our Executive Board, represented many of our members in disciplines, grievances and has conducted negotiations of many PANJ Locals even prior to Judicial Unification in 1995.

Prior to his 32 year career with the NJEA as a field representative he held a position as educator in the Piscataway school systems. He was a History teacher and an avid reader in many diverse areas. He helped develop special national projects such as "Read across America" and establish Drug Free School Zones. More recently he was involved with "Operations Friends" who assisted in providing relief to Hurricane Katrina victims in Alabama.

There are many accomplishments during his career service of serving others who were less fortunate and the little guy (workers) in labor circles. John was active during the late 60's when the Public Employment Relations Commission Act (PERC) was created. He served his Township as a member of the planning board and also served a past term as Mayor of Montgomery Twp.

His involvement with PANJ was significant. Many of our most revered and accomplished Labor leaders in PANJ credit much of his influence on their success. Leaders such as George Christie, Dwight Covaleskie, Kevin Farley, Steve Wainwright, Frances Nunan, Debra Yeich, Ellen Cribbin and many others who had acquaintance with John valued his willingness to share ideas, and suggestions to establish PANJ as a Professional Association with collective bargaining rights.

At the viewing there were people represented from across the country. This was a spectacle to witness the impact he had on those paying last respects. John was along with others the founder of the National Staff Organization (NSO) a National Labor Union providing Professional Training to Professional Staff and representing Union Leaders. John served as the National President for 31 years. This organization provides Training to PANJ Officials on annually. Many of our local leaders have benefited from this advanced

training in labor/management, including the many supervisors i.e. Brad Fairchild, Glen Moton, Gavin Cummings, Carmelo Velasquez and others who have moved on to management positions.

At the Funeral Mass he was eulogized by former Chief Justice James R. Zazzali as a true, and genuinely caring labor leader unafraid to take on judges, lawyers and management for causes he believed were just. Zazzali expressed his respect for John through a life time of friendship, professional acquaintance and someone who grew up together on the streets of Newark.

John left behind his wife Peg of 42 years, three children and three grandchildren. He also left PANJ some lasting impressions and legacies such as a belief in yourself, courage to stand up for what you believe, and love and compassion for others. As one who has had the benefit of your time and experience for two decades I say with reverence may you rest in peace my friend.

Patience and Perseverance PANJ wins Pager Arbitration

By: Dwight Covaleskie,
First Vice President, Line Staff

Grievances take some time to wind their way through the hearing process. The Arbitration award to PANJ that was decided by Arbitrator Jeffrey Tener was decided on May 26, 2009. The grievance which precipitated the award was filed on September 26, 2006. However, while timely, the process does work.

The grievance which was filed, was due to an employee being denied payment for one hour, after being told by the Juvenile Detective, that he was in the middle of an interview and would return her call as soon as he finished the interview. The employee, after being unable to use her own time for one hour while awaiting a response from the Detective, was denied payment by the Vicinage for the time that the employee was engaged to wait.

Our colleagues that are assigned pager duty are subjected to calls at all hours. It is extremely inconvenient and disruptive to their personal lives. While one hour may seem insignificant, this award upheld our negotiated contractual rights. Arbitrator Tener directed the Judiciary to compensate employees assigned to beeper duty for all time from the receipt of the call until the call is resolved and to compensate the employee for one additional hour at time and one half compensation.

The Arbitration hearing was held over four days and PANJ was represented by Mark Ciminio, Esquire, on day one of the hearing and by Linsey Johnson, Esquire, from Fox and Fox, LLP, our general counsel, for the remaining three days of testimony.

The case involved a dispute between PANJ and the Judiciary in regards to the amount of time that eligible employees are entitled to be paid while on pager duty. Individuals, where only being compensated for time spent on the call and related paperwork, not time engaged to wait. This was in direct contrast to what PANJ had negotiated in the July 2001 to June 2004 contract. This system had been in place and employees were being compensated for time spent waiting until the Vicinage, without negotiations, after five years changed the process to limit the amount of compensation our employees are entitled to.

Testimony during the Arbitration Hearing was provided by President George Christie, David Fox, myself and the employees affected by the grievance.

Arbitrator Tener determined in most instances that PO's, SPO's and MPO's should be compensated for beeper duty from the time the call in received until the matter is resolved. However, we are not entitled to time in which officers know that they cannot do additional work on the case until a time in the future. (ie: when a Judge cannot be contacted until the morning)

This was a major victory for our employees and PANJ will continue to fight to uphold our contract and for the rights of our members and colleagues.

We have a number of other important issues either scheduled for arbitration or awaiting an arbitration date. These matters include Alternative Reporting Sites without weapon screening, Dress Code, and numerous other important issues.

PROBATION HISTORY

By George Christie

Today we talk about the high caseloads and workloads of probation officers the professional supervisors and how the situation needs to be changed to be more effective. We know that probation has been a salvation for many law breakers and provided untold savings for the states penal system.

In a book authored by a New Jersey probation officer, Lawrence Fitzhenry in 1968 we learned many things about the history of probation and the history of PANJ. Our founding fathers of probation in New Jersey enacted a law to create a probation system in 1900. This system was designed to offer an alternative to the courts and society on placement of criminal offenders. It was also their belief that a workable caseload should be no more than 50 offenders per officer. Of course we know that the ideal caseloads were not met for the most part as the caseloads are presently averaging over 180 per officer.

In a forward to "Probation and Social Adjustment", Rumney and Murphy, Rutgers University Press, 1952, the

Honorable Richard Hartshorne, former Judge, Essex County, and Federal District Court of New Jersey said in regard to probation limitations: "Ineffective probation will be a snare and a delusion. Should the public be endangered by those on probation, it is likely to reject probation altogether and demand a return to sole reliance on imprisonment with its admittedly high costs, higher rate of recidivism and inferior chance for the offenders adjustment to normal social life. Effective probation presupposes its administration by properly trained officers in numbers sufficient to guarantee adequate personal supervision and guidance of those in their charge. It would be penny wise and pound foolish for a community or a nation to set up a probation system which failed to meet these requirements."

Judge Hartshorne was attempting to tell our legislators and administrators to get the funding so that probation can be successful in its ultimate goal by changing the lives of people. Today almost 60 years later probation is still under-funded and there is still much more that can be done. The probation officers in New Jersey and the professional supervisors are truly doing a great job with the little resources that are made available to them. Can you imagine what effects that these men and women can have if the caseloads and workloads were manageable?

With Malice Toward All and Charity For None **By Brad Fairchild - First Vice President, Supervisory Unit**

The title of this article is not a slap against the great Abe Lincoln and his Second Inaugural Address ("With malice toward none and charity for all") which was an eloquent plea for reconciliation at the end of the Civil War. Mr. Lincoln's uncanny understanding of human nature was based on the belief that bitter adversaries can cross great divides to reconcile, but only if those with great power administer their authority in a spirit of mercy and reason.

Mr. Lincoln's approach sadly stands in stark contrast to how some of Judiciary's 9,000 employees are managed. For years "Progressive Discipline" training has been a mainstay of management training but how this philosophy is applied in some counties is sometimes arbitrary, mean spirited, and divisive.

Due to the fragmented vicinage system there is no oversight of vicinage decisions which can be driven by the personal passions of managers who are more concerned with obedience than fairness. PANJ acknowledges that there are many vicinages that are directed by enlightened and highly competent managers, but there are still too many other managers who insist on extremely punitive punishment in cases which involve minor infractions or no wrongdoing at all. Most distressing of all is that some of these same

managers will not accept anything less than the most extreme sanctions for staff that have no previous disciplinary history. There is nothing "PROGRESSIVE" with this approach!!

PANJ believes that there should be consequences for acts of misconduct. PANJ is also certain, however, that the process of finding the facts should be pursued with a "dispassionate" sense of justice in contrast to stacking the deck with a process that is many times skewed with gross conflicts of interest and personal agenda's. Unfortunately the Judiciary's style of managing too often is consistent with the growing hostility they have displayed toward PANJ. The treatment of PANJ during the recent contract negotiations was disrespectful and during some sessions outright contempt for some of our most dangerous responsibilities was demonstrated. At times you would think management's playbook was written by Jim Gearhart and his pals at FM 101.5.

The Judiciary has also indicated its indifference to serious safety concerns by arbitrarily canceling State Health and Safety meetings. Progress on critical issues such as examining 2008 Incident Reports and upgrading security at satellite reporting stations is stalled due to management's inactions.

Since the contracts were settled there have been several extreme management misinterpretations of key provisions of those contracts which have added to the spirit of hostility. Such behavior in a time of furloughs and threatened layoffs is a sad statement as to how labor relations have deteriorated. PANJ members have expressed the belief that instead of being lifted up we are constantly beaten down.

We need only to look at Mr. Lincoln's closing phrase of his first Inaugural Address for guidance on how labor management relations should proceed. He said we should not bend to our passions but should appeal "to the better angels of our nature". Such words make so much sense, but the question remains, when will we ever listen?

The Budget, The Furloughs and The Upcoming Election

**By: Elizabeth Meyers,
Capital Impact Group**

Before heading into the summer recess, the Governor and State Legislature approved the \$28.9 billion state budget which, for the second year in a row, was below the spending for the previous year. The national recession is clearly being felt here in New Jersey causing billions of

dollars in steep budget cuts and a handful of tax increases to close the multi-billion dollar budget hole.

Unfortunately, the budget included wage freezes and furloughs for state employees as a means of saving money in this budget. Despite some desire in the state employee union community to use the unexpected windfall from the Tax Amnesty program to eliminate these measures, the Governor and State Legislature decided to focus the monies on property tax relief. The property tax deduction program was maintained for households making less than \$250,000 while property rebate checks were reinstated for families making under \$75,000 per year

Specifics on the furlough program with respect to Judiciary employees are more readily available through the PANJ office. The general goal of the program is to reduce state costs this year without full layoffs of state employees. The program and wage freeze will be in effect through the end of the fiscal year budget closing in June of 2010. The on-going recession and state's fiscal climate will determine whether or not further cost-saving measures will need to be taken in next year's budget.

Once the budget had been put to bed, the Legislature adjourned for its customary summer recess. Because of the gubernatorial election and the election of the entire 80-member General Assembly, the Legislature will likely remain in recess until after the November election. During that time, we will be surveying the assembly candidates on issues important to PANJ and determine whether or not we will endorse or support their candidacy. Issues that will be critical to our endorsement will center on a candidate's support of the constitutional amendment legislation that asks voters to permit the Legislature to transfer the Division of Probation to the State Parole Board.

The "transfer" legislation will continue to be at the center of PANJ lobbying efforts during the summer recess as well as the late fall and winter legislative session. We continue to gain bi-bi-partisan support for the legislation as evidenced by Senator Steve Oroho (R-Sussex) and Assembly members Tom Giblin (D-Essex), Shelia Oliver (D-Essex), Alison McHose (R-Sussex) and Gary Chiusano (R-Sussex) all recently signing on as new sponsors of the legislation. There are a total of 16 members of the Legislature who have signed on to sponsor the legislation. We hope this growing support will continue leading us toward legislative approval later this year.

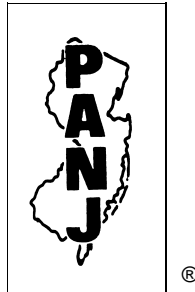
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FOR REGISTRATION FORMS CONTACT YOUR
LOCAL REPRESENTATIVE