

INSIGHT

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2008 PANJ Golf Outing Ann Rizzi



This year's outing winners: Don Schaeffer, Frank Lieb, Robyn McAlister, Brian O'Reilly.

The PANJ, EF Annual Golf Outing has been in existence for thirteen years. It is the major fundraiser for the PANJ, Educational Foundation.

This year's outing took place on June 25, 2008 at the Mercer Oaks Golf Course. Golfers arrived at approximately 11:30, had a hot lunch and hit some golf balls. The shotgun start was at 1:00 PM. After golfing, the golfers enjoyed a cocktail hour and a buffet dinner.

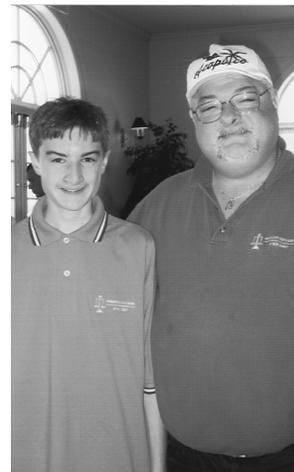
While dinner was being served, the winners of the tournament were announced. This year's winners were long time attendees, Frank Lieb, Robyn McAlister, Don Schaeffer and Brian O'Reilly. A raffle auction was also held during dinner.

This year's outing proceeds were over \$5,000. This money is used to finance the three scholarships that are awarded to PANJ members and their families each year during the PANJ, EF Training Institute held in November. The money raised at the outing is also used to offset the costs of the Conference.

Much of this money is raised through hole sponsorships. This year, the following locals sponsored holes: Bergen County PO's, Burlington County PO's, Burlington County Supervisors, Camden County PO's, Cape May County PO's, Cape May Supervisors, Essex County Supervisors, Hudson County PO's, Hudson County Supervisors, Hunterdon County PO's, Middlesex County PO's, Middlesex County Supervisors, Monmouth County PO's, Morris County Supervisors, Morris County PO's, Ocean County PO's, Ocean County Supervisors, Somerset County PO's, Sussex County PO's, Union County PO's. There were also many hole sponsorships made by friends and vendors of the Probation Association of New Jersey. Many thanks to all our sponsors.

Also, many thanks need to be given to Mary Israel of Middlesex County, Dorothy Robinson of Bergen County, Stephanie Hennessey of Mercer County, Sue Ormsby Cuozzo, Anne Dutton and Georgette Warren of Morris County for all of their help during the outing.

Look for information about the 2009 Golf Outing in early spring.



Michael Rizzi (left) son of PANJ Treasurer Ann Rizzi with Peter Tortoreto, Executive Assistant to the President at a prior PANJ golf outing

PANJ's Safety Grievance Sustained

By Peter A. Tortoreto,
 Executive Assistant to the President

In a binding decision dated May 15, 2008, State Hearing Officer, Craig D. Bailey, Esq., has sustained PANJ claims of safety violations in Vicinage 15 (Cumberland, Gloucester and Salem). On March 11, 2008, PANJ presented our safety grievances claiming the transportation of juvenile probationers to and from various programs lacks the security as well as Vicinage or State Policy to regulate standards. This is creating a safety risk for the officers who transport these juveniles in and out of state.

Debra Yeich, President of Salem County PANJ Local, testified under direct examination from PANJ's attorney, that the juveniles participating in these programs are not subjected to weapons search. In light of the

proliferation of gang affiliation among juvenile probationers and the risk of juvenile probationers carrying weapons, the lack of weapons screening creates a significant risk of harm to PO's and other juveniles who participate in these programs.

Bailey ruled that management must formulate a means or method to screen juveniles for weapons prior to being transported in state vehicles by PO's. He also eluded to his opinion that management should consult with the Judiciary's Health and Safety Officer to determine the necessary contents of a first aid kit and the necessary level of first aid and CPR training for PO's who are assigned these tasks.

In further discussion of this decision the Hearing Officer addressed the lack of medical release forms from the parent/guardian. He further wrote that PANJ's request for these forms could be beneficial in the event a serious medical condition needs to be disclosed, i.e., disclosure of allergies and/or other serious medical conditions.

The conclusion was ruled that the lack of weapons screening for juvenile probationers prior to being transported by PO's creates a foreseeable and unacceptable risk of harm in violation of Article 25 of the collective bargaining agreement. Furthermore, he found that the health and safety provision requires that the first aid kits available to PO's participating in these programs must contain equipment commensurate of the foreseeable risks associated with program activities.

Also present and testifying for PANJ position were Susan Lively, President Cumberland PANJ Local, Glen Corbett, Vice President Cumberland, Elizabeth Ramos, Cumberland, Jeff Burdsall, Vice President Salem Local,

MAJOR LEGISLATIVE PROGRESS

**by Brad Fairchild,
First Vice President, Supervisory Unit**

On June 23, 2008, under the sponsorship of Law and Public Safety Chairman State Senator John Girgenti and Majority Leader Stephen Sweeney, Senate Bill SCR118 was introduced in the New Jersey Senate. The Bill proposes that the citizens of New Jersey approve a Constitutional amendment that would transfer Probation functions from the Judiciary to the State Parole Board.

This legislation is significant because it has the endorsement Senate leaders and a bi-partisan group of Senate veterans that clearly indicate this initiative has widespread support. In addition to Chairman Girgenti and Majority Leader Sweeney, Democrats Nicholas Sacco, Brian Stack, Paul Sarlo, Fred Madden, Jim Whelan as well as Republicans Gerald Cardinale and Chris Connors have all signed on as Senate co-sponsors.

PANJ strongly believes that Probation Officers in New Jersey will never receive the training or support necessary to complete their jobs safely or effectively as long as Probation remains in the Judiciary. Many years of fighting with the Judiciary over the basic necessities of successfully managing probation supervision has firmly convinced PANJ

that the transfer in the only alternative that will provide for the safety of our Officers as well as enhance the safety of the communities and citizens of the Garden State.

PANJ will keep all members updated as SCR 118, as well as it's Assembly companion, ACR 147, moves through the committee process and later to both houses of the Legislature.

In Memorial by Peter A. Tortoreto

Camden County Senior Probation Officer, Janet T. Nicklas, age 36 of Runnemede, NJ, suddenly passed away on June 25, 2008. Ms. Nicklas was employed as a SPO in the Vicinage for over ten years. She had a passion for her job and especially for juvenile offenders whom she worked with for the majority of her employment. She was a beacon of hope to many in a city of despair. Janet was a graduate of Palmyra High School in 1989 and a Rutgers University Graduate in the class of 1994.

Her fellow colleagues gathered at her memorial services at the Sacred Heart Church in Riverton, NJ on June 30, 2008. The services were well attended by both management and her fellow colleagues. Janet was an asset to the profession and a proud member of PANJ Local 109.

Her sudden passing stunned the Department where she was held in high esteem. She will be deeply missed and remembered by all who had the opportunity to know her. She is survived by her parents Charles and Janet Nicklas of Palmyra, the love of her life, Juan Santiago of Runnemede and his daughter Johanna; and her dear sister, Jamie Nicklas. May God rest her soul.

PANJ Wins Sick Leave Injury Appeal

**by Peter A. Tortoreto,
Executive Assistant to the President**

A Senior Probation Officer from the Ocean Vicinage first filed an incident report 1/12/07 indicating while retrieving a sandwich from a refrigerator located in her supervisor's office, suffered a concussion and head trauma as a result of bumping her head. The EMT's were called and recommended medical treatment. The Officer was transported to Meridian Healthcare Clinic and transferred to Community Medical Center for treatment. The Officer was treated and diagnosed by a State authorized physician who authorized an out of work status.

The appointing authority represented by AOC Staff Attorney Thomas Russo denied Sick Leave Injury arguing the injury did not occur as a result of a specific work related accident or condition of employment as part of her duties as Senior Probation Officer. They also contended that the SPO was not working when the injury occurred even though she was holding work related documents in her hand at the time. The appointing authority further argued that the Officer had pre-existing conditions in which compounded the injury and

that she was not injured by a harmful work condition.

PANJ via our Attorney argued and submitted numerous documents in which support our contentions that our member has established her entitlement to sick leave injury. The Department of Personnel Acting Commissioner Hope L. Cooper and Director Henry Maurer agreed with PANJ that the burden of proof has been established by a preponderance of the evidence. Thus an order was rendered June 26, 2008 granting the Sick Leave Injury benefits from January 13, 2007 through May 20, 2007.

HEALTH AND SAFETY ISSUES

by Brad Fairchild,
First Vice President, Supervisory Unit

PANJ is closely documenting dangerous incidents involving our members across the state. In the last issue of Insight we reported that PANJ is compiling this information into an annual report which is submitted to AOC and management representatives on the State Health and Safety Committee. The individual incident reports submitted by our members at the local level are the key elements to preparing the study.

There are many different types of incidents that occur in our system. Among the most serious is when active probationers commit homicides. When compiling this information last year we found numerous cases involving active probationers committing first degree murders and so far this year the number of reported probationer committed murders is increasing.

PANJ members should file an incident report at the local level when they become aware that a probationer in their county has been charged with homicide, have been a victim of a homicide, or have committed an assault upon a law enforcement official. This information is critical to PANJ's advocacy for improving our inadequate training curriculum and for disproving the Judiciary's long held conviction that Probation Officers in New Jersey supervise non-violent first offenders.

Another critical issue that PANJ is attempting to address is the lack of compliance with Directive #14-06. Standard #13 of the Directive mandates that the Vicinage Chief Probation Officers are responsible for implementing a system of direct and regular contact between Probation and local police departments. It is an outrage that almost two years after this Directive was circulated, a majority of counties continue to ignore this policy which is critical in providing Officers a minimal degree of safety while they are conducting home inspections and home visits in New Jersey's most dangerous neighborhoods.

In May, AOC Administrative Director Phillip Carchman issued a Directive which was an Implementation instrument for the Model Court Security Plan. This policy statement requires that security (the presence of Sheriff's Officers) be provided at ancillary judiciary facilities. These facilities are defined as county owned or county leased buildings only.

Many counties have satellite probationer reporting stations that are in churches, private non-profit facilities, or other buildings that are not county owned or county leased. PANJ strongly believes that security must also be provided at all reporting locations or reporting at that building should be discontinued. It is extremely dangerous for Probation Officers to attempt to interview probationers while being blind to activity in the waiting area. Reporting stations without security can also become easy targets for gang members seeking revenge against rivals who they know are required to report to Probation.

PANJ understands that shutting down probationer reporting stations may result in fewer client contacts until adequate security can be provided. PANJ also strongly believes, however, that no Probation Officer should have to choose between their personal safety and compiling client contacts.

If PANJ members have safety concerns they should contact Dotty Robinson or myself or call the PANJ office at 732-223-1799.

Annual PANJ-EF Conference

by Dotty Robinson, Regional Representative

This is a SHOUT OUT to all you Be-Bop Babies, Hipsters, Sharks, Pink Ladies, Jets, and Wannabees!!!!!! The Annual PANJ-EF Conference is twisting (get it) your way. Once again in November, to be specific, November 23, 24, and 25, we will be rocking the halls of Trump Plaza in Atlantic City. The classes are booked, the teachers lined up, and registration is kicked off. All the info is available on the PANJ website at panj@verizon.net. We are looking for a great turnout to make this one of the best conferences yet. The theme this year is "Sock Hop to Hip Hop" so be prepared to dress the part at the Monday night festivities. I believe many of us remember the fun days of poodle skirts, saddle shoes, white bucks and duck tails. If you don't remember, rent "Grease" and join the fun. Now to get serious for a moment, this year the classes will all be automatically entered into PATHLORE so it will be most important to sign into the classes you attend to receive credit. As usual the classes will have moderators so if you are interested in helping out, please contact Thea Condry of Atlantic County to sign on. Probation Officer of the Year and Supervisor of the Year awards are being handled by myself, Dotty Robinson, so please send in your nominees to the PANJ office to my attention. I know there are some deserving individuals out there, so put your heads together and nominate, nominate, nominate. The PANJ-EF scholarships are also available and the application is on the website. If you have a child, niece, nephew, that wants to apply, there are three available: The Kimberly Cuozzo, Dwight Watson and Ethan Janowitz Scholarships. They are \$1,000.00 each and we love to give them out to deserving students.

More business, once again we are asking for donations for the raffles/door prizes from each local. \$35.00 is not that much to ask and we all enjoy winning; the past

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few years we have had almost 100% participation with some locals going above and beyond to giving/donating more than one prize. I can only say thank you very much (as I won an Appletini kit last year). Also, a new twist this year, the closing will be on Tuesday morning; we are hoping to encourage more people to attend to hear our fascinating closing speaker, and don't forget that's when we give away the \$500 in CASH, so please plan on attending. The entire Conference Committee works very hard every year to bring you the best conference we can. The scholarship money is raised from our Annual Golf Outing which is run so beautifully by Ann Rizzi. We had a great turnout this year even with our rain date, and I hope that next year even more will come out. You don't have to be a great golfer, not even a good golfer. It is closest to the hole shotgun start; I'm not really sure what all that means, but I know if you come and just ride around in a cart, enjoy the beautiful day, raffles, 50/50, and the incredible food the Mercer Oaks Golf Course puts out for us, you will have a good time. So next year when that information comes out about the outing, sign up, find at least one golfer, and come have a good time supporting the scholarships.

Lastly, everyone have a safe and happy summer, but remember to sign up early for the Conference to get our bargain rate.

Camden Judiciary Safety Issues Proceed to Arbitration

by Peter A. Tortoreto,
Executive Assistant to the President

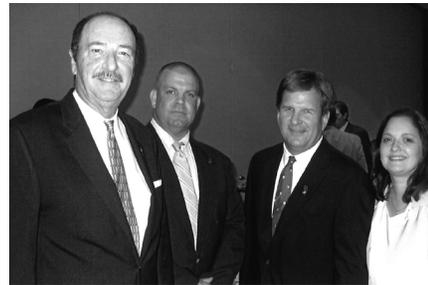
On June 26, 2008, the Public Employment Relations Commission (PERC) rendered its decision on the Camden Officer Safety Scope Petition. PERC decided to allow this matter to proceed to arbitration over the core issue of safety. In reaching its decision, PERC clearly indicated, "we are not convinced that should a violation be found, there are no remedies that would significantly interfere with the Judiciary's managerial prerogative to determine policy." This decision reaffirms PERC's position that safety, to a certain extent, can trump managerial prerogative to determine policy.

This matter evolved from a request from the New Jersey Parole Board Home Electronic Monitoring Unit to a Senior Probation Officer in Camden Vicinage. The request was for the Probation Department to allow the Parole Officers to serve the defendant with upgraded tier sex offender status and electronic monitoring device when the defendant reported in the Probation Office. This request was forwarded to the VCPO whose instructions at the last minute were to have the Parole Officers do this outside the Parkade Building in the dark of night and during a heavy reporting night with other defendants watching the events unfold. After the defendant reported, the Parole Agents and Sheriff's Officers waited outside the building to serve this defendant. Needless to say, an altercation ensued resulting in the emergency treatment of Parole and Sheriff's Officers. A riot could have

developed with dozens of defendants and bystanders observing.

The PANJ Local 109 believes this situation could have been avoided if like past practice full cooperation was extended to the outside agencies by allowing them to make this service and arrest if necessary in the Probation Office where there is a secure environment. Additionally, if the Probation Officer were allowed to communicate this information directly to this defendant, the resultant injuries may have been prevented.

The Public Employment Relations Commission has consistently ruled that matters involving matters of health and safety are arbitral as stated in the letter of agreement of 1994. PANJ's arguments have been upheld in that the Judiciary lacks consistent policy from vicinage to vicinage. Finally, PANJ argues that even if there are government policy considerations, there are health and safety issues of the employees that can be addressed in arbitration and that consideration of possible remedies can be addressed post-arbitration. We shall await the arbitration date to fully argue to merits of this matter.



Left to right: George Christie - President, Dwight Covaleskie - First Vice President Line Staff, Bradley Fairchild - First Vice President Supervisory Unit, Stephanie Hennessey - 2nd Vice President



Chief Justice Rabner with PANJ President George Christie



Left to right: Stephanie Hennessey - 2nd Vice President, George Christie - President, Christina Higgins - Ret. Dir. AOC Office of Budget Management, Bradley Fairchild - First Vice President Supervisory Unit



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