



## Probation Association of New Jersey

*Serving New Jersey Since 1904*

*An affiliate of the American Probation and Parole Association*

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## Conditional Appointment Update

Brothers and Sisters,

Recently, a number of Probation Officers received a notice of "Conditional Appointment for Current Probation Officers Pending Appeal Determination." Those of you who have received this letter are being directed to sign the Notice and acknowledge that you received the document. Please sign the document as directed. Your signature only means you have received the document.

If you are one of the affected officers, this update is for you. We'd like to provide you with the factual background of the case so that you do not receive inaccurate information from the rumor mill or from the AOC concerning why PANJ filed this piece of litigation and why we have continued the fight.

In December of 2011, the AOC submitted an application to the Civil Service Commission. The AOC was requesting to implement a pilot program to recruit and select titles within our Probation Officer Band Series through a noncompetitive process. PANJ responded by filing submissions to the Civil Service Commission supporting our argument that the implementation of the pilot program was in violation of the State of New Jersey's Constitution and various laws. In essence, the AOC's program in this matter eliminates competitive testing for the appointment of Probation Officers and replaces it with subjective selection methods, thereby undermining the open-competitive system required by the Constitution and various laws.

In June of 2012, the Civil Service Commission approved the pilot program for 1 year. The pilot program was supposed to run July 1, 2012 through June 30, 2013. The program did not commence until November 2012. In May of 2013, the AOC filed a request with the Civil Service Commission to make the pilot program permanent. PANJ objected to the transfer of the Probation Officer titles to the noncompetitive division of Civil Service. Subsequently in July of that same year, the Civil Service Commission approved the permanent reallocation of hiring and examinations to the complete discretion of the AOC. In August 2013, PANJ filed an appeal with the Superior Court of New Jersey, Appellate Division.

In July 2015, the Appellate Division reversed the order of the Civil Service Commission. The Appellate Division remanded the case back to the Civil Service Commission for further consideration. The Appellate Division was pointed in its decision. The Appellate Division mandated the Civil Service Commission to reconsider "the development of the type of factual record required for a meaningful evaluation of the of the AOC's proposal under the appellate statutorily and regulatory provision and

again most importantly the provisions of Art. VII Sect 1, Sect 1, paragraph 2, of the NJ State Constitution.”

The Civil Service Commission on Oct 20<sup>th</sup>, 2016 did reconsider their decision as directed but did nothing more than regurgitate their original decision. In November 2016, PANJ filed an appeal with the Superior Court of New Jersey, Appellate Division.

PANJ filed the appeal because the AOC has yet to provide a legitimate reason to eliminate civil service testing, as was required by the Superior Court of New Jersey, Appellate Division. The AOC failed to provide any evidence of why the longstanding and successful testing process is flawed, as was mandated by the Superior Court of New Jersey, Appellate Division. The Civil Service Commission should have transferred this case to an Administrative Law Judge through the Office of Administrative Law, as was suggested by the Superior Court of New Jersey, Appellate Division. The Appellate Division agreed with our belief that “in a fact sensitive case such as this one appears to be, the commission should seriously consider a transfer to the OAL for a hearing.” A hearing at the Office of Administrative Law would have provided both parties with a factual record which this case deserves.

PANJ has historically, and this case was no different, cooperated with the AOC to have an interim non-competitive selection process. In those instances, the selection process was a success. We sought to resolve this issue amicably with the AOC, but were unable to do so. It is of critical importance that PANJ protects its members civil service rights. The AOC’s actions are nothing more than a blatant attempt to eliminate Civil Service protections afforded to public employees.

We have been requesting to speak with the AOC with the intention to resolve this so that you are made permanent. Unfortunately the AOC has refused to speak with us about this issue. Our goal is to ensure that you are provided the protections that all civil service employees are entitled to. We are currently researching all available options to battle the change from permanent to conditional appointments.

We want you on the job. Your Local Union Rep’s want you on the job. Your fellow colleagues, your brothers and sisters want you on the job.

If you have any questions please reach out to us at the PANJ office.

In Solidarity,

Dwight Covalleskie,  
PANJ President

Ellen Cribbin,  
PANJ 1<sup>st</sup> VP Line Staff