

# Presidential Newsletter

## January, 2003

### PROBATION OFFICER COMMUNITY SAFETY ACT

PL 2001, Chapter 362

By George P. Christie

On January 7, 2002 Governor Donald DiFrancesco signed into law the Probation Officer Community Safety Act that created the Probation Officer Community Safety Units. This law required training for all Probation Officers in a program approved by the Police Training Commission and it called for the training and arming of at least 200 officers statewide.

In spite of the Judiciary's opposition, Legislators and the Governor showed they believe that Probation Officers are law enforcement officers and need to be better trained and equipped to perform their dangerous tasks. New Jersey is in the top ten among the states with the highest number of people being supervised in the community on probation.

In April 2002 Judge Richard Williams, Administrative Director of the Judiciary, had a private law firm file suit in Superior Court (Mercer) for Declaratory Judgment claiming the law is unconstitutional. The AOC believes that as law enforcement people, Probation Officers would come under the direction of the Attorney General, which would impair the independence of the separation of powers. In May 2002, PANJ was named as an intervener. The Attorney General hired a private law firm to represent the States' position and vowed to support the law vigorously. PANJ filed the matter in Federal Court in order to obtain a fair and impartial hearing but the case was returned to State Court. We now have a separate lawsuit pending at the federal level.

In January the State Judge hearing the case, Assignment Judge Feinberg, will decide if PANJ should be a defendant in this case instead of an intervener. Judge Feinberg had already released the legislative leaders and renamed the State of New Jersey as the defendant. PANJ believes we are entitled to all the rights of a defendant in this matter. The Judiciary's failure to implement this law may be a violation of the safety clause of our contract.

This case will, no doubt, be heard in many proceedings over the upcoming months, but it may be the most important battle that Probation Officers and Supervisors will face. These are costs that we must bear. This law will change the way Probation

Officers are viewed and will include them and their supervisors in the law enforcement community, and will provide them with the benefits of same.

## **NEW COMPETENCIES FOR ADVANCEMENT**

By

George P. Christie

PANJ played a major role in eliminating the performance evaluations, which plagued us for several years. The performance appraisals were wrought with problems and may have been discriminatory. Now, everyone is paid for performance without exception. The second part of the old performance evaluation was the competencies for advancement to the next level within the band. These competencies were separate and apart from the evaluations and they were not removed when we ended the evaluations. However, PANJ continuously attempted to discuss these competencies with the desire to make the goals more realistic and easily attainable.

In the last part of 2002 the Administration changed the competencies by instituting a new set of criteria, which they believe were more generic and more easily reached. PANJ expressed concerns about the new system in terms of the fact that all competencies must be met to advance to SPO, which was a major change from the old system. PANJ was also concerned with some of the language of the new competencies, possibly making them unattainable. PANJ wanted to be sure that all officers keep a competency once it has been met. Finally PANJ wanted to be sure that where an officer believes that he or she is being unfairly rated that a grievance can be filed.

The Administration believes that the competencies and the criteria for advancement are not negotiable. We have learned that some local administrators have said that PANJ agreed to these new competencies but PANJ has not agreed to this new system. PANJ does not want this new competency plan to become a new form of evaluation system.

After a meeting with the Administration and PANJ leaders from the Supervisory and Case Related Professional groups it was agreed that we would look at the results of the career progression system to determine if people were not receiving the necessary competencies who either had them in the past or who are being treated unfairly. If problems are detected PANJ intends to grieve the individual cases and stress the need to make an improved and fair system for advancement. PANJ also believes that the Administration should agree to increase the number of Master Probation Officer Positions from the existing 100 to at least 200.

**DUES INCREASE TO BE IMPLEMENTED IN 2003**

By John Morton and George Christie

The PANJ Executive Board reviewed the recommendations of the Finance Committee at the regular meeting on December 19, 2002 and voted to increase the dues by four dollars per pay in order to maintain and improve services for 2003. This amount is still below the dues that a starting Probation Officer would pay to another major union which charges its members 1.15% of their pay, per year. (There are rumors that this same union will be raising its dues percentage to 2% soon.)

Several factors caused PANJ to operate with a deficit in 2002. The total number of members decreased during the year due to employees taking the buy-out and not being replaced. While revenues were below projections, expenses increased dramatically. PANJ has continued to provide legal representation at a level that members of other unions never experience. We have used attorneys to defend the rights of our members, the result being that we have saved jobs and mitigated the consequences for them in numerous ways. No other union in the Judiciary takes more cases to arbitration than we do. Costs of legal representation increased more than 38% for the supervisory unit.

PANJ is the only organization that takes a stand for the legal rights of Probation Officers. The Probation Officers Community Safety Act has been challenged in Superior Court by our employer. The defense of this legislation is an expensive prospect but it directly affects every member of PANJ. Also, PANJ is empowered by statute to collect representation fees from non-members. Last year, PANJ was required to defend the organization's rights which resulted in more legal expenses.

PANJ leaders are constantly working on ways to improve service to our members. The PANJ Office in Brielle has become a busy place, with numerous requests for service each day and thousands of records that must be maintained. PANJ-EF, our educational foundation, has also been operating out of the office. PANJ will answer this need by improving our equipment and increasing our staff. Our Finance Committee is centralizing their activities at the PANJ Office and we are escalating the involvement of our accountant, Harris Olen. Mr. Olen will now be in a position to provide PANJ with reports that go beyond what our current Constitution and By-Laws require. Of course, the PANJ Finance Committee will continue to provide the Executive Board with monthly financial statements and reports of expenditures.

PANJ is not changing our flat dues structure, which means that everyone pays the same amount for the same service. The dues enlargement is small in light of the raises that PANJ has secured for the members, which extend into 2004.