



Probation Association of New Jersey

Serving New Jersey Since 1904

An affiliate of the American Probation and Parole Association

United Professional Center, Unit 2-20

617 Union Avenue, Brielle, NJ 08730

Phone (732) 223-1799 Fax (732) 223-8363

Website: www.panj.org

Ellen Cribbin

Business Manager

Officials

George P. Christie
President

Dwight Covalleskie
First V.P., Line Staff

Bradley J. Fairchild
First V.P., Supervisor's Unit

Stephanie Hennessey
Second Vice President

Daniel M. Bergin
Northern Regional VP

Kevin F. Farley
Central Regional VP

Patrick Barrea
Southern Regional VP

Carmelo Velazquez, Northern
Reg. VP, Supervisor's Unit

Gavin Cummings, Central
Reg. VP, Supervisor's Unit

Glen Moton, Southern
Reg. VP, Supervisor's Unit

Dorothy Robinson
Recording Secretary

Susan Ormsby-Cuozzo
Financial Secretary

Jacqueline Guarini-Sheehan
Treasurer

Linval Lewis
Parliamentarian

Ellen Cribbin
Sergeant-at-Arms

Regional Representatives

Region 1

Anne Dutton, Morris
Anthony Persico, Morris
Bridgett Patillo, Essex

Region 2

Edda Burry, AOC
Michael. LaCosta, Hunterdon
Susan Campbell, Middlesex

Region 3

A. Francis Nunan, Cape May
Susan Lively, Cumberland
Greg Wolf, Salem

Presidential Newsletter

January 9, 2012

Pending Important PANJ Litigations

There are several different courts involved in various claims.

State Court

There are major claims pending in the Superior Court Law Division in Burlington County. The litigants are Probation Officers, local employees, white and blue collar employees and public safety employees. It is sometimes referred to as the "Powell" litigation.

The major claim in this litigation is the challenge to the health benefit payments of up to 35% of the premium factored in over a four year period. The percentages are less if there is lower pay. The current health premium is approximately \$20,000 per year which could be an annual cost of approximately \$7,000 yearly only to go up as the premiums increase.

The summary of this litigation is that the 35% of premium is a hardship to public employees and is far different than the 1.5% of salary previously agreed to. This new 35% of premium fee can cost approximately 7% of salary. We also claim that since 400 judges were relieved of the health benefit payment because it was considered a cut in pay, it too should apply to Probation Officers and the other litigants.

The state has not had a hearing yet and it is pending.

Federal Court

A lawsuit was started in the federal court by PANJ, PBA, NJEA, CWA and other public sector employees. The primary claim is that there needs to be a challenge to the elimination of the cost of living allowance for retired employees.

The defendants in this litigation are the Legislature and the State of New Jersey. These are basically the same defendants as in the state litigation.

On December 12, 2011, Federal Judge Thompson, upon a motion of the New Jersey Legislature, dismissed all complaints against the legislature. The Judge based her decision on the 11th amendment to the U.S. Constitution which requires that state court claims, even though they involve federal issues, be brought to state court. The State of New Jersey has not had their case dismissed. If the federal courts dismiss all claims against the State of New Jersey, we will seek to move this issue to state court.

Judge DePascale Case

This is very supportive of PANJ's position that the legality of public law 2011, ch78 should be challenged. Simply speaking, it was ruled in state court that judges do not have to pay the health benefit costs because it is an illegal pay cut. The DePascale case is pending before the New Jersey Supreme Court.

Conclusion

PANJ leadership and its attorneys are doing everything possible to protect the rights of the members currently employed as well as those who have retired. We will keep you up to date on further hearings in the various courts.