

# INSIGHT

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## Regarding Directive 14-06

By George P. Christie, President

In August 2006, the Judiciary disseminated Directive 14-06, which implemented the new Probation Field Safety Standards. The Judiciary disseminated and implemented the Directive and Standards without any prior negotiations with PANJ and in retaliation for PANJ's vigorous efforts over the years to increase Probation Officer safety in the field. These new Standards, among other things, required all field Probation Officers in Adult Supervision, for the first time, to make home inspections on Probationers. To make matters worse, the Directive and Standards took away our Officers' statutory rights to arrest probationers, search probationers and to seize contraband because these are allegedly "law enforcement" functions.

PANJ immediately protested the Directive and Standards because it placed officers in greater danger and rendered them powerless in the field. We thereafter sought discussions and/or negotiations with the Judiciary but leadership refused to talk to us about these important issues. As such, we were forced to file an Unfair Labor Practice Charge with the Public Employees Relations Commission (PERC) in September 2006 to get the Judiciary to the negotiation table on this important issue.

After an exploratory conference at PERC, we sought to have the Directive and Standards held in abeyance so that the parties could meet to discuss these important issues and safety concerns. We also sought to have the Directive and Standards put on hold so that the AOC, as we requested, could allow all field Probation Officers to complete the new training program called "Tactical Probation Officer." The AOC agreed to meet and discuss our concerns but would not put the Directive on hold. The AOC was satisfied to continue to place Probation Officers in harms way, offering little to no training and no coordinated plan of cooperation with New Jersey Police Departments.

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## PROBATION UNION HAILS RABNER APPOINTMENT AS STEP IN STRENGTHENING JUDICIARY, PROBATION SYSTEM

Press Release by President Christie

Calling it a positive step in the right direction for the state's Judiciary, the Probation Association of New Jersey (PANJ) today applauded Governor Jon S. Corzine for appointing Attorney General Stuart Rabner as the next Chief Justice of the New Jersey Supreme Court. An estimated 2,800 Probation Officers and supervisors are under the jurisdiction of the Administration Office of the Courts that Rabner will oversee.

In response to Governor Corzine's appointment, George P. Christie, president of PANJ, released the following statement:

*"In recent eras of the court, Probation Officers have struggled to be acknowledged by the Judiciary as front line soldiers in dealing with potentially dangerous offenders in the community supervision system. Contrary to the opinions of some court administrators, Probation Officers supervise individuals who have committed violent crimes and have long criminal records.*

*"Our union looks forward to working with Chief Justice-designee Stuart Rabner to develop safe community supervision practices that protect not only our neighborhoods but the Probation Officers in them every day. His track record of thoughtful professionalism gives up hope that he will see probation services as an integral component of the Judiciary.*

*"Many gang members who pose an increasing threat to our communities are serving probation sentences because of plea bargaining agreements. We are optimistic that this safety concern and others will be properly addressed during under the Rabner era of the court"*

(DIRECTIVE, from page 1)

In May 2007, after unsuccessful meeting with Judge Carchman over these important issues, and a full ten months after the Directive was issued, PANJ, under the direction of 1<sup>st</sup> Vice President Peter Tortoreto, filed an Amended Unfair Labor Practice Charge and an Order to Show Cause to have the Directive and Standards temporarily held in abeyance until PERC made a final determination regarding our claims against the AOC.

**On June 1, 2007, PERC Commission Designee Don Horowitz granted PANJ's Order to Show Cause in part and ruled that the AOC must talk to PANJ on these negotiable health and safety issues.** The AOC, however, filed a motion for leave to appeal and for an emergent stay with the Appellate Division about a week later seeking to overrule PERC's decision simply because it did not want to "talk" with PANJ. The Appellate Division immediately denied the AOC's motion and told it to go back to PERC for any further relief. The AOC has now filed an application for reconsideration with PERC and has also requested a stay of the June 1, 2007 Order, which did nothing more than require it to negotiate/talk with PANJ, until PERC makes a determination as to the application for reconsideration. PERC, despite our opposition, granted the request for a stay until PERC's next scheduled meeting on June 28, 2007. We will, of course, vigorously oppose the AOC's application for reconsideration.

What makes all of this so frustrating is that no one is ordering the AOC to agree or change anything with regard to Directive 14-6, but merely that it should negotiate with PANJ. The disgraceful thing is that the AOC is refusing to meet and discuss safety concerns raised by the 2800 members of its workforce. Its arrogance is overwhelming from my perspective. The AOC issued a poorly conceived Directive and Safety Standards, and lacks the courage to admit that it was simply a shameful idea.

**LEGISLATION INTRODUCED TO  
TRANSFER PROBATION TO THE  
PAROLE BOARD,  
PROVIDE POLICE POWERS TO  
PROBATION OFFICERS**

**By: Elizabeth A. Meyers, vice  
president, Nancy H. Becker  
Associates**

After working for several months with the new chairman of the Assembly Law and Public Safety Committee Gordon Johnson (D-Bergen), two pieces of legislation that would drastically improve probation

services in New Jersey have recently been introduced. The first bill, Assembly Concurrent Resolution 266 (ACR-266), would create a ballot question calling for a constitutional amendment that would transfer all probation functions from the Judiciary to the State Parole Board. A companion measure, Assembly Bill 4360 (A-4360) would grant Probation Officers law enforcement powers. As a pair of bills, these measures address the two key concerns of the Probation Association of New Jersey (PANJ): moving away from the jurisdiction of the Judiciary and providing Probation Officers with the authority needed to appropriately carry-out their duties.

The "transfer bill" has been crafted carefully to ensure that all members of PANJ are protected in a transfer of oversight from the Judiciary to the Executive Branch. The legislation would establish a Bureau of Probation in the State Parole Board consisting of Probation Officers, professional supervisors, case workers, and case-related employees involved in the system. Moreover, the legislation protects the union's ability to negotiate through the collective bargaining process. It is encouraging that prime sponsors of this bill include Chairman Johnson, Chairwoman of the Assembly Homeland Security and State Preparedness Committee Joan Quigley (D-Hudson), and Assemblyman Alfred Steele (D-Passaic). Vice-chairman of the Assembly Law and Public Safety Committee Nelson Albano also has signed on as a co-sponsor of the measure.

While moving a constitutional amendment through the Legislature is typically more difficult, legislative counsel with the Office of Legislative Services determined that moving from one branch of government to another requires an amendment to the constitution. Even if a traditional piece of legislation transferring probation services was signed into law, it would have likely faced legal challenge in the same manner as the "Probation Officer Community Safety Act."

The second measure, Assembly Bill 4360, would place Probation Officers on par with corrections officers, parole officers, and investigators in the Department of Corrections who have law enforcement powers. The measure would bestow upon Probation Officers the ability to act as officers in the "detection, apprehension, arrest and conviction of offenders against the law." This measure was drafted based upon research conducted by Chairman Johnson, who is joined by Assemblyman Lou Manzo (D-Hudson) as a co-prime sponsor, during his review of the "transfer bill." It was his idea to craft this second bill as a companion to the transfer bill.

In the coming months, PANJ will need to meet with members of the State Legislature to seek senate

sponsors for both of these measures as well as garner bi-partisan support. PANJ also will need to seek the support of Governor's Corzine's office and the State Parole Board. Since the Supreme Court's decision last year, PANJ leaders have met with several officials in the Governor's office and Administration. However, it will be important to take their temperature once again now that there are specific pieces of legislation introduced for their consideration. PANJ also will need to meet with members of the Legislative Leadership in both the Senate and Assembly who will have significant influence over the fate of both measures.

We also are planning on communicating with the public about the importance of these measures during National Probation, Parole and Community Supervision Week (July 15-21, 2007). Our arguments for the support of these measures will be simple: transferring probation services to the Parole Board and conferring police powers upon officers is in the best interest of public safety.

The full text of the transfer bill and police powers bill can be found via the State Legislature's website [www.njleg.state.nj.us](http://www.njleg.state.nj.us). If you have any questions about these bills, feel free to call George Christie or myself at any time.

### **Bullet Proof Vests**

By Ellen Cribben, President, Local 113

Monmouth County has hired more Probation Officers in every division including several new Officers in the Adult and Juvenile divisions. The procedure for securing a vest in Monmouth, since the inception of our current Collective Bargaining Agreement, has been to submit our requests in writing. New Officers have submitted their requests in writing, but have been told that they were not going to be receiving vests due to budgetary restraints. They were told they should be going out in the field with senior officers. Probation Officers realize that there are inherent risks with their jobs, but fully expect to be given the resources to do the job.

A short time after Officers were told they weren't getting vests and were still mandated to perform field work, the vicinage sent out an email asking if employees wanted to turn in their comp time for money. How is there money to pay out comp time but not to secure much needed vests?

I know that the vest issue is not a statewide problem, just in some select counties, such as Monmouth and Camden. In Monmouth this issue was brought to the table at the Labor Management Committee meeting and was told this is a statewide issue and not up for discussion at the local level. So now the ball is in the AOC's court. The AOC says we already have the resources to do out jobs effectively,

and to comply with the new 14-06 safety directive. If vests are part of those resources, why don't Monmouth and Camden have vests for all of their field officers? In 2 other counties it's raining vests. Any Officer who requests one gets one. In addition, in one of those counties if you do not have a vest you are not mandated to perform field work. What does it take for the AOC and individual vicinages to realize that vests are a necessary resource that should not be dictated by budgets? It is a matter of life or death!

## **Change is in the Air Pension Reform Ideas Become Reality; New Chief Justice Confirmed**

By Rob Nixon, Princeton Public Affairs Group

For nearly two years and through two separate study groups the Governor and the Legislature grappled with the problems of New Jersey's high property taxes. Swept up in that debate were pensions and benefits provided to public employees and elected officials. After hours of debate and numerous proposals, the end result of that effort are now starting to become real.

In one of their first attempts to pass "reform" legislation based on the recommendations of the Joint Legislative Committees that studied the property tax and benefit issues, the Legislature passed Senate Bill 17. The legislation originated as the implementation of a significant number of recommendations from the Joint Legislative Committee on Public Employee Benefits. However, as the bill that preceded Senate Bill 17 was being finalized, Governor Corzine sent a letter to the Legislature requesting that a significant number of those recommendations be removed from the bill draft and that the bill apply only to elected and appointed officials. The Governor argued that many of the proposals on pensions and benefits should be a matter of collective bargaining only. Senate Bill 17 was then drafted, passed overwhelmingly and signed into law in May.

The only proposal in Senate Bill 17 that impacts PANJ and all public employees is the change in the rate for pension loans. The rate, which had been 4%, is to be increased to a "commercially reasonable" rate set by the State Treasurer. However, the Treasurer's Office has delayed implementation of this new rate until January 1, 2008. Pension loans can still be taken at the 4% rate until then. Any current outstanding loan will remain at 4% after 2008 and until it is paid off.

However, the most critical impact on public employee benefits in PERS came as a result of the negotiations between the Corzine Administration and the CWA. The recently ratified agreement adopted



many of the recommendations originally proposed by the Joint Legislative Committee on Public Employee Benefits including capping "pensionable" salaries (for new employees), increasing the contribution rate for PERS, changing early retirement and retirement ages (for new employees), changing the SHBP and requiring contributions for health care. Most of these requirements require legislative change.

The Legislature took up the benefit reform effort once again and they moved legislation, Assembly Bill 5005/Senate Bill 3004, to implement the CWA agreement quickly on June 18 and June 21, 2007. The legislation impacts PANJ members in many ways. For example, the increase in the pension contribution into PERS from 5% to 5.5% will not take effect for Judiciary employees until July 1, 2008. The rate takes effect for all other PERS employees on July 1, 2007. However, the requirement that employees pay 1.5% of their base salary toward health benefits will impact PANJ members despite the fact that you have not negotiated your next contract according to legislative staff. This effort, in advance of PANJ's own negotiations with the State, establishes the baseline discussion the State will bring to the table for collective bargaining and legislative matters on pensions and health care into the future.

The Legislature, with all 120 seats up for re-election this year, recessed for the summer following the early passage of the FY 2008 State Budget. They are expected to remain in recess until after the November election after which they will return for a "lame duck" session for the consideration of bills.

Perhaps the most significant event facing PANJ members now, and possibly for decades, is the confirmation of a new Chief Justice. Stuart Rabner, formerly Assistant U.S. Attorney, Chief Counsel to the Governor and Attorney General, was nominated to replace retiring Chief Justice Jim Zazzali. His confirmation to be Chief Justice was swift, loaded with praise and not unexpected. PANJ has developed a good working relationship with the next Chief Justice over the last two years on a number of legislative and public safety issues.

## Portrait of a Professional

By Bradley J. Fairchild, Southern Regional Vice President, Supervisory Unit

*"The fruit of the spirit is love, joy, peace, gentleness, goodness, and faith."*

I Corinthians

The Probation profession has always attracted individuals who believe in the possibility of changing lives and futures. The spiritual engine that drives many of our most dedicated colleagues is often deeply rooted in religious faith. Such

characteristics shine brightly and vibrantly within Atlantic County Senior Probation Officer, Thea Condry.

Mrs. Condry grew up in Atlantic City and attended Atlantic City High School. She later attended Atlantic Community College and was awarded a BA in Political Science from Rutgers University in 1980. Thea was appointed as a Probation Officer in Atlantic County in 1981 and was originally assigned to CCMO where she wrote Pre-Sentence Investigations. She later worked in Juvenile Probation and the Children in Court section of the Family Division. Since 1999 Thea has been assigned to the Adult Supervision Unit. Thea particularly enjoys supervising Adult Probationers because she relates to the individual struggles of her clients and she can impose meaningful consequences that can positively change behavior.

Included in her many accomplishments during her 25 year career was the appointment as a Team Leader in the Family Division, the selection to a Specialized Caseload in PTI, and being elected as Vice President of PANJ Local 107. Thea was also elected PANJ Parliamentarian for the state organization in 2004.

Mrs. Condry believes that Probation Officers must have increased safety training so they can be adequately prepared to supervise clients in an environment that become increasingly dangerous. She also laments the fact that automation has become the dominant feature of Probation in the Twenty-First century.

A person of deep religious conviction Thea says following the teachings of Jesus Christ is the central and most influential force in her life. During her professional career Thea has received guidance and inspiration from numerous officials in the Atlantic vicinage. Of particular significance are Charles Morvay who hired Thea in 1981, Bob Richardson who offered critical motivation when Thea was a provisional employee, Florine Alexander who gave Thea the opportunity to be a supervisor, and long time friend Susan Hargis.

In her spare moments Mrs. Condry dedicates her time to the Grace Assembly of God Church in Atlantic City. She presently serves as a Minister and attends Christian Woman retreats. She is also presently attending Global University through the Urban Bible Center she is very excited

about a missionary assignment that will take her to Zambia, Africa in 2008. Thea and her husband George, who is also a minister, plan future ministry trips together.

Thea Condry has a fierce inner drive and compassionate spirit which is dedicated to helping her community and profession. Her sense of mission and purpose is source of strength for her fellow PANJ members she will be an inspiration to her fellow Officers in Atlantic County and across New Jersey for many years to come.

## IN SEARCH OF A UNIFIED JUDICAIRY

By Brad Fairchild – Southern Regional Vice President, Supervisory Unit

PANJ would like to wish Chief Justice James Zazalli all the best in his upcoming retirement. His years of dedicated service to the Judiciary and to the citizens of the state should serve as a model and inspiration to all those in public service.

PANJ is also extremely pleased about Governor Jon Corzine's appointment of Stuart Rabner as the next Chief Justice. Since serving as Gov. Corzine's Chief Counsel and Attorney General, Mr. Rabner has quickly established himself as a man of unquestioned integrity and intelligence. PANJ is hopeful that the appointment of Mr. Rabner will signal the beginning of a new era of healthy and productive labor – management relations. In recent years management's relationship with labor in the Judiciary has deteriorated significantly. We hope Mr. Rabner's fresh perspective will facilitate the return of civility and respect.

PANJ remains hopeful that this selection could result in some of the major changes that are required to make "Judicial Unification" a reality and not empty rhetoric. Strong leadership from the State Judiciary is necessary to implement the reforms necessary to wrestle the autonomous and almost 'sovereign' status that some vicinages have fought hard to establish and maintain. PANJ has become disillusioned with the determination of particular vicinages to completely disregard standard practices such as progressive discipline and tolerant labor management relations.

Compounding our problems is that when PANJ seeks the assistance of the State Judiciary, vicinages resist any direction, because recognizing state authority would be conceding the empires have lost power and independence. Particularly frustrating are instances when labor can clearly indicate that a management decision is flawed, vicinages refuse to concede because the issue is never the issue at hand; the real issue is the questioning of vicinage authority.

The sad result is when some managers are wrong they insist on their authority to remain wrong, even if doing the right thing is just and fair. For some managers a disciplinary hearing is not a search for the truth, but an opportunity for "another notch on the belt" by letting labor know they have the power to punish.

There are vicinages who work with labor in the interests of their dedicated employees. Other vicinages, however, have drawn "an Iron Curtain" across their borders to resist any state authority. This behavior must be addressed or a State Judiciary will remain an impossible dream.

The time has come for the State Judiciary to establish control of its own system. The guiding principle should be that the vicinages work for the AOC, not the AOC working for the vicinages which is the present perverse state of affairs. PANJ has high hopes that our new Chief Justice will take firm control of the vicinages and end the excessive and sometimes abusive behavior of our "renegade republics". *Thirteen long years have passed and the 2,800 members of PANJ are still waiting for the State to take over !!* We hope our new leader will hear this plea. There is much we can accomplish if we can work together.



PANJ Supervisor's Local 212 awarded its 2007 Presidential Scholarship to Julie Lapatka, daughter of member Barbara Allen. Julie graduated from Mountain Lakes HS and will be attending Salve Regina University in Rhode Island this Fall.