

# INSIGHT



PUBLISHED BY THE PROBATION ASSOCIATION OF NEW JERSEY  
OFFICE ADDRESS: UNITED PROFESSIONAL CENTER, BLDG. 2, 617 UNION AVE • BRIELLE, NJ 08730

ISSN 1065-7800

MARCH 2012

WWW.PANJ.ORG

## MEDCO GRIEVANCE STATUS

By Dwight Covaleskie, First Vice President, Line Staff

P

ANJ filed two grievances on behalf of the PANJ Case Related Professionals and PANJ Supervisors, in 2010 regarding contract violations and changes implemented by MEDCO, as to prescription drugs.

There was an Arbitration Award involving certain Executive Branch employees which is applicable to aspects of the PANJ Grievances.

After carefully reviewing the decision, Janet Zatz Share, Assistant Director of Human resources for the Judiciary, determined that it involved virtually identical issues as those presented in the Executive Branch and is therefore dispositive of those matters. Accordingly, the Judiciary requested that Pensions and Benefits implement the Arbitrator's decision and established procedures for reimbursement of out of pocket expenses for those covered under the grievances.

The determination by Arbitrator Wiesblatt, was that the substantive changes in the prescription drug program were to be reversed prospectively and that members who had additional costs resulting from changes should be made whole upon submission of proofs of such additional costs. As to the specific situation involving prescription drugs, this would mean that to the extent that such members purchased such prescription drugs and were required to make the entire payment for them, these members would be reimbursed for the amount of purchase, less any deductible which would have been applicable.

Pensions and Benefits are currently determining how to implement the award regarding our members and others who may have filed a grievance in this matter.

We will provide all represented employees with the information as soon as it is made available to PANJ.

Some employees have had changes with the Dental Program and both units are working to resolve these matters as quickly as possible.

We have other Arbitrations pending a hearing, including Schedule Changes, Safety and many other issues. PANJ continues to advocate on behalf of its members.

Please feel free to contact your regional representatives or myself regarding any questions that you may have. They are; Patrick Barrea, SRVP; Kevin Farley, CRVP; Daniel Bergin, NRPV; or myself through the PANJ Office at 1-732-223-1799

***In addition, please refer to the PANJ.org for regular updates as well as, on FACEBOOK under the Probation Association of NJ.***

# *Supervisor Update - - "No Absence of Malice"*

**By Brad Fairchild, First Vice President, Supervisors Unit**



For many years the primary concern of Judiciary Supervisors has been the arbitrary application of contract Article 9.8 which gives the Judiciary the "non reviewable" right to remove a supervisor without reason or cause. When this provision was originally negotiated between the late Chief Justice Wilentz and PANJ in the 90's it was with the understanding that this provision would allow the Judiciary to transfer a supervisor from one position to another but not to terminate the supervisor's employment. In the early years of "unification" this rule was applied occasionally but was consistent with the original intent.

Unfortunately time has seen the Judiciary completely abandon the original intent of this rule and now Supervisors are increasingly subject to 9.8 removals. The impact on individuals is devastating. PANJ did negotiate several contracts ago a clause that allows supervisors who have a previously classified title to return to that position when the Courts impose a 9.8 removal. The economic hardships to individuals who have been subjected to the rule however, have now become so extreme as to be unconscionable. A recent 9.8 removal saw a supervisor take a \$40,000 annual loss in pay. How many of us could withstand such a blow and not have a crushing impact on our families and well-being?

PANJ is not advocating the repeal of 9.8 but it should be applied appropriately, fairly and within its original intent. All too often this rule has been imposed in order to avoid the disciplinary process. Instead of hearing both sides of a situation, interviewing witnesses, and determining in a professional and dispassionate manner the Judiciary simply destroys a career without a semblance of fairness or justice.

The Judiciary may believe that their technical interpretation of the Supervisors contract gives them the right to apply it as they do currently. PANJ asks that the Courts be less obsessed with beating up this union and more concerned with doing the right thing. Where else in state government are individuals dismissed from their positions after decades of outstanding service without being given a reason? How can this approach be anything but destructive in the Courts quest to recruit younger Judiciary staff to apply for supervisor positions when these potential applicants see how easily and unfairly their careers can be destroyed?

Sometimes doing the right thing requires a reevaluation of prior assumptions. PANJ believes the Judiciary should reassess its determination to impose its will on this union and become more aware of how this attitude is impacting morale and the future of the individuals who make the union and Court run on a daily basis. PANJ concedes we do not have the right answers all the time but we are not always wrong as is the view of the Judiciary. Evidence of how dysfunctional our labor management processes has become is that PANJ has not won a decision decided by a Judiciary Hearing Officer in over 10 years. We embrace the concept of "give and take" which is the essence of labor-management relations, this philosophy must return in order for us to give the 9000 members of the Court family the kind of personnel system they deserve and respect.

## OFFICIALS

**George P. Christie**  
President

**Dwight Covaleskie**  
First V.P., Line Staff

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

**Stephanie Hennessey**  
Second Vice President

**Daniel M. Bergin**  
Northern Regional V.P.

**Kevin Farley**  
Central Regional. V.P.

**Patrick Barrea**  
Southern Regional V.P.

**Carmelo Velazquez**  
Northern Regional V.P., Supervisor's Unit

**Gavin Cummings**  
Central Regional V.P., Supervisor's Unit

**Glen Moton**  
Southern Regional V.P., Supervisor's Unit

**Dorothy Robinson**  
Recording Secretary

**Susan Ornsby-Cuozzo**  
Financial Secretary

**Jacqueline Guarini-Sheehan**  
Treasurer

**Linval Lewis**  
Parliamentarian

**Ellen Cribbin**  
Sergeant-at-Arms / Business Manager

## REGIONAL REPRESENTATIVES

**Region 1**  
Anne Dutton, Morris  
Bridgett Patillo, Essex  
Anthony Persico, Morris

**Region 2**  
Edda Burry, AOC  
Michael LaCosta, Hunterdon  
Susan Smith, Middlesex

**Region 3**  
A. Francis Nunan, Cape May  
Greg Wolf, Salem  
Susan Lively, Cumberland

# A Message From The President

Brothers and Sisters,

I hope this edition of the Insight finds you well. As we quickly approach spring we have many issues to talk about, both within our union and within the Judiciary. The annual PANJ-EF Golf Outing is scheduled for May 7th, contract negotiations will begin this year for both the Line and Supervisor Units, we have seen significant progress on our new building and hope to be in it in a couple of months.



We are in the midst of a few arbitrations that will affect your safety at off-site reporting, dress code issues, and overtime or comp-time rules. We also have two pending lawsuits filed both at the Federal level and at the State level with respect to our pensions, cost of living, and healthcare. Our attorney has included updates on that legislation in this Insight. We also have pending legislation on our Transfer Bill that is being monitored very closely by our lobbying firm.

I hope to see many of you at the golf outing, but in the meantime to check our website, and Facebook page for important updates.

In Solidarity,

*George Christie*  
President

# A Message From The Editor

Brothers and Sisters,

Each day we see in the news our probationers committing violent new offenses. Although the Judiciary will tell you that our probationers are on probation for non-violent offenses, we know otherwise. The Judiciary has not shared with us as a union statistics on recidivism rates, if they are even keeping those statistics. As an organization we have been keeping track of these violent new offenses, but we need your help. We are asking that when you become aware of current probationer's new offenses that you fill out a Judiciary Incident Report form, which can be found on the info-net or on the PANJ website. Once you fill out the form share it with your immediate supervisor, and send it to your Vicinage's Work Place Violence Liaison. If you could then send the report without the probationer's name, since that is confidential, so we can track it as well. If you have any questions please call the PANJ office at 732-223-1799.

In Solidarity,

*Ellen Cribbin*  
Editor

# 10TH ANNUAL PAN JEF GOLF OUTING



**MAY 7, 2012**  
**MERCER OAKS**  
**1 pm**  
**SHOTGUN START**

# *Probation Association of NJ 17th Annual Golf Outing*

**Date: May 7, 2012**

**Place: Mercer Oaks Golf Course,  
785 Village Drive West, West Windsor, New Jersey**

**Time: 1:00 PM Shotgun start, Lunch served at 11:30**

**Cost: \$125. (Includes lunch, tokens, golf, cart, open bar cocktail party,  
dinner, prizes & souvenir gift)**

**No Refunds – Rain date to be held at later date**

**All Are Welcome!!!**

**All proceeds will go to the PANJ, Educational Scholarship Fund**

**Any questions, call PANJ at (732) 223 – 1799**

For directions go to:

<http://golfmercercounty.com/golf/proto/golfmercercounty/directions/directions.htm>

## **Registration Form**

**Send checks payable to PANJ EF to: PANJ Golf Outing, 617 Union Avenue  
Suite 2-20, Brielle, New Jersey 08730 no later than April 20, 2012**

**Contact Person \_\_\_\_\_**

**Address \_\_\_\_\_**

**Phone \_\_\_\_\_ Email \_\_\_\_\_**

### **Foursome:**

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

**Yes, I would like be interested in sponsoring a hole at the cost of \$100**

**Name of Sponsor \_\_\_\_\_**

**Total Amount Enclosed \_\_\_\_\_**

## *Litigation Update*

### **By David Fox, ESQ. Fox and Fox LLP**

This is an update on the litigation which is pending involving the elimination of the Cost of Living Allowance, (COLA) increase for retirees and the lawsuit challenging the validity of the law which requires over four years reimbursement for health benefits up to 35% of the premium in our case beginning July 1, 2012.

PANJ along with the FMBA, the Newark Firefighters Union and Morris Council No. 6, AFL-CIO representing Morris County employees, have a lawsuit pending in the State Court in Burlington County seeking to have the law in question declared unconstitutional. This was originally brought in the Mercer Vicinage but because certain Plaintiffs were supervised by the Assignment Judge there, it was transferred to Burlington County. At the present time, the matter is scheduled for oral arguments and will probably have a decision then or shortly thereafter, on March 30th 2012 in Burlington County before Judge Marc Baldwin. The litigation against the State is being represented by the Attorney General and the Legislature.

In the COLA litigation which was in the Federal District Court in Trenton, almost all public sector employees are Plaintiffs. PANJ's position has been that this piece of litigation should have been in State Court, although the action remained in Federal Court because of the position of the other Plaintiffs involved. The Federal Court litigation has been dismissed by Judge Thompson based upon the constitutional amendment requiring that this type of case be in State Court. It appears now that the Plaintiffs have taken the position that the matter should be started in State Court and we expect that this will be done shortly since it appears that no appeal of Judge Thompson's opinion will be made.

It appears that the Supreme Court will possibly determine the appeal of the State by the end of March from the decision of Judge Feinberg that the statute requiring the payment of 35% of the premium over four years is unconstitutional as to law judges. This supports PANJ's position.

## *Atlantic City Honors Dr. King with a March*

### **By Thea Fitzpatrick, Health and Safety Co-Chair**

On Monday January 16, 2012, it was a cool, crisp, sunny day in Atlantic City, NJ. Many people from all stations in life gathered in front of the Martin Luther King, Jr. Westside Complex school to honor the pioneer for whom the school was named.

The crowd was jovial but respectful. There was peace and order in the air; everyone was anticipating a wonderful event. We all gathered together and held hands while a prayer of thanksgiving was offered by Rev. Eric McCoy. The organizers of the march, the local branch of the NAACP, then announced the order that the marchers would be placed. All were cooperative and compliant.

We began marching to the beat of one of the local youth drill teams as we held flags and pictures of the Rev. Dr. Martin Luther King, Jr. We were all grateful to be there and have the opportunity to show our love and respect for the man who was the symbol of civil rights in this country.

Everyone was there; community leaders, dignitaries, clergy, youth groups, businesspersons, and we all were together on one accord, marching and remembering all that Dr. King symbolized and sacrificed for us all.

We continued to march along on the street named after this great leader until we came to the Civil Rights Memorial Garden, where dignitaries spoke words of encouragement and purpose.

The large group then returned to their marching order and proceeded to the church where a program honoring Dr. King was to be held. The entire event was inspiring and also encouraging; it exemplified what we can do as a community when we get together for a common goal. Isn't that the lesson that Dr. King taught us? Senior Probation Officer Thea Fitzpatrick also serves in the capacity of Minister of the Grace Assembly of God.

# *Arizona Now Infected*

## **By Dane Baratti, Sr. Probation Officer**

Just when it appeared that the outbreak of the anti-union bug, which had been spreading this time last year across the Midwest like an airborne strain of Mad Cow Disease, was beginning to fizzle out, Arizona now appears to have been acutely infected with the disease.

In February of this year, Arizona Republicans released a bill even more virulent than that proposed in 2011 by the now politically expiring Wisconsin governor Scott Walker, and passed by a host of Wisconsin legislators, many of whom are now also in the terminal ward, if they are not already politically dead.

Now, Arizona governor Jan Brewer, already suspected of a neurological disorder since her petit mal seizure during the 2010 gubernatorial debate, wants to strip Arizona public employees of their grievance rights so that they can be summarily fired without so much as a hearing. In February of this year, the Senate Government Reform Committee passed four bills aimed at banning the collective bargaining rights of all Arizona public employees, including police and firefighters, allowing special action against any state agency where collective bargaining occurs, eliminating automatic payroll deductions for union dues, and prohibiting public employers from compensating employees for union activities. [1]

Once again, it appears as though the public employee is being blamed for yet another state's fiscal shortcomings. Of course, the worst part of this blatant scapegoating is that it so clearly conflicts with the facts: Why is that a state like North Carolina, where collective bargaining by public employees has been banned since 1959, is staring at a 10% budget deficit for 2013 while a state like New York, where public employee unions are as prolific and effective as any, is expecting a 3.5% deficit? Could it be that the true blame for these state deficits lies elsewhere? [2]

Wisconsin legislators recently pushed through a law which forbade local governments from pooling their resources in order to cut costs on local public works projects, mandating instead that these local governments outsource such projects to the private sector. Sounds like a good idea. After all, the private sector is "absolutely famous" for providing services to the government cheaper and more efficiently than any public agency with their vastly overpaid public employees, right?

Wrong. What happens is something more like this: Private sector entity Century Fence shells out \$112,000 in donations to Wisconsin lawmakers, including Scott Walker, Rebecca Kleefisch, and Dan Kapanke. Century Fence is awarded a contract for routine maintenance work along a stretch of Outagamie County highway at five times what it would have cost Outagamie County had it been allowed to continue a long-standing reciprocal agreement which it maintained with Calumet County wherein the two counties essentially traded off the costs through a barter arrangement. Thus, what would have cost the taxpayer's \$500 to \$700 for a paint striping project by its public employees, ends up costing the taxpayers \$3,935 for a lone-bid contract with private sector entity Century Fence. [3]

Arizona Governor Jan Brewer accepted \$60,000 in contributions from associates of the Corrections Corporation of America (CCA), the nation's largest private prison firm. Not surprisingly, her campaign manager and senior policy advisor Chuck Coughlin runs a consulting firm that lobbies for CCA. [4] One can only imagine what influence CCA had in the passing of the controversial Arizona SB1070 law given the potential windfall of state contracts it stands to receive for privately-run immigration detention facilities, never mind the cost to the Arizona taxpayers for these facilities. Of course, the most pernicious threat presented by such privatization is actually toward the civil liberties of Arizona citizens as incarceration becomes an increasingly lucrative private enterprise.

The notion that public employee unions are somehow responsible for the fiscal problems of any state in America may be the most insidious lie ever sold to the American people. With the entire disturbance Scott Walker created in Wisconsin last year with his assault on public employee unions, the fact of the matter is that Wisconsin public employees were actually undercompensated by 4.8% compared to private employees. [5] Unfortunately, Arizona has apparently succumbed to the same bizarre delusion as Wisconsin.

1. Leigh Owens, 3/1/12, Huffington Post, [http://www.huffingtonpost.com/2012/03/01/arizona-union-rights-koch-brothers\\_n\\_1311243.html](http://www.huffingtonpost.com/2012/03/01/arizona-union-rights-koch-brothers_n_1311243.html)

2. Pat Garofalo, 2/1/12, THINKPROGRESS <http://thinkprogress.org/economy/2012/02/01/416342/arizona-republicans-abolish-unions/>

3. Wisconsin Democracy Campaign, 11/2/11, Democratic Party of Wisconsin, <http://www.wisdems.org/news/press/view/2011-11-a-case-study-in-republican-pay-to-play-government-11>

4. Cell Out Arizona, 7/20/11, Arizona Daily Star, <http://tucsoncitizen.com/cell-out-arizona/2011/07/20/arizona%E2%80%99s-private-prison-pay-to-play-scandal-widens-chair-of-house-appropriations-committee-appropriated-by-geo-group/>

5. Jeffrey H. Keefe, 2/10/11, Economic Policy Institute, [http://www.epi.org/publication/are\\_wisconsin\\_public\\_employees\\_over-compensated/](http://www.epi.org/publication/are_wisconsin_public_employees_over-compensated/)

# PANJ-EF

## **By Dotty Robinson, Recording Secretary**

It has been a little over 3 months since our last PANJ-EF Conference. Time certainly flies by! I'd like to thank everyone for participating at the Conference, and to let you know that our food bank donation with your help was greatly appreciated and helped many people.

The Conference Committee has already met to get the ball rolling on this year's Conference. We will be at Bally's in Atlantic City again this year, and we are hoping to increase our attendance. We will start sending information out in July, but save the date now.

We always welcome new officers, and supervisors, it's a great venue to meet your fellow officers from all around the state. The conference is sanctioned by the AOC and you will be given training credit for your attendance, while learning more about our job.

The PANJ-EF Annual Golf Outing is coming up on May 7th. It will be held at the Mercer Oaks Country Club with a 1 o'clock shotgun start. Registration costs \$125.00 per golfer, which includes 18 holes of golf, a golf cart, lunch, dinner, a bag of golf goodies, and door prizes. The proceeds fund the PANJ-EF Scholarships at our Conference. These Scholarships are available to all members' children, grandchildren, and nieces and nephews.

We are asking that each Local make a donation to the Golf Outing in the form of a hole sponsor at \$100.00 and a \$25.00 cash donation to buy door prizes. We appreciate all the support we get from our Locals to make this day a success. Your Local Presidents have the Golf Outing information, but you can also find the registration on our website or our Facebook page.

## THE FUGITIVE SAFE SURRENDER PROJECT ATLANTIC CITY, NJ IN APRIL, 2012

### **By Thea Fitzpatrick, Co-Chair Health and Safety Committee**

In April 2012 a tremendous and far reaching event will occur in Atlantic City, NJ at my church, Grace Assembly of God and the Atlantic City Convention Center. The event is called "Fugitive Safe Surrender" and it is being implemented by the New Jersey Attorney Generals Office, in tandem with the US Marshals, Atlantic County Sheriffs Dept., along with numerous law enforcement agencies and service organizations.

The premise of the program is as follows: people with bench warrants, no matter what kind or from what court, can safely turn themselves in, into a safe haven (in this case, Grace Assembly of God Church). They are then identified, asked some questions, and then are transported to the AC Convention Center for processing, court, and in most cases, released with all warrants rescinded and satisfied. The success of the program in mere numbers is outstanding. Thousands of people showed up at the two prior Safe Surrenders, and stood in lines for hours, with no incidents.

People will first come to Grace Assembly of God to turn themselves in: it has been proven that people feel safer and more comfortable surrendering in a church setting. There is a large law enforcement presence; numerous police departments, sheriffs, marshals will be there at the church and convention center to keep order, along with numerous trained volunteers. They are then transported to the AC Convention Center for processing. They will be identified, and their warrants located in the system. They will then go before judges of all courts; Superior, Municipal, Family, Child Support, and have all their bench warrants cleared. Some people with serious crimes may still be put in jail; however the majorities are not. At the last Fugitive Safe Surrender over 4,000 people turned themselves in and only 20 went to jail.

There were two prior Safe Surrenders in New Jersey; Northern New Jersey and Central New Jersey. This is the Southern area project, which includes resources from five counties; Atlantic, Cape May, Gloucester, Cumberland and Salem counties. You will soon begin to see the advertisements and publicity for the project. Hundreds of volunteers are needed to help this program run smoothly; training for volunteers will be announced in the near future.

I am a Minister at Grace Assembly of God in Atlantic City and I have been designated by my Pastor, Rev. Dr. Winston Broomes Sr. to be the contact person in relation to the Fugitive Safe Surrender Project. As more information is given to all agencies and authorities involved, I will keep you informed.

Senior Probation Officer Thea Fitzpatrick also serves in the capacity of Minister of the Grace Assembly of God.

## Pension Maximization Information



Allow us to show you how to maximize your pension and still provide protection for your spouse or other designated beneficiary utilizing life insurance. This can be designed with guaranteed death benefits.

To schedule a complimentary comprehensive consultation please contact:

Nikki Giancola  
Urbano & Associates Insurance Agency, Inc.  
35 North Main St.  
Marlboro, NJ 07746  
732-761-0380