



Probation Association of New Jersey

Serving New Jersey Since 1904

An affiliate of the American Probation and Parole Association

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August 4, 2017

Good Afternoon Brothers and Sisters,

This week the Supreme Court issued a long awaited decision for the Atlantic County FOP Lodge 34, Atlantic PBA Local 77, and Bridgewater PBA for the Unfair Labor Practice charges filed back in 2011. The charges were filed by both union Locals when the County informed them that while they are out of contract they would not be paying their step increases. PANJ along with every other public union in New Jersey has been eagerly awaiting for this decision.

We in particular have been waiting for the decision because we have a very similar position with respect to our salary progression payments. We do not have step increases like law enforcement, we have salary progressions within our band level. We currently are waiting a decision of our own on a joint Line Staff and Supervisor's unit grievance we filed when the Judiciary failed to pay us our progression payment this past January. That case was heard in front of a Judiciary Hearing Officer on July 7th. We anticipate having that decision back sometime in September.

Most of us have the same question, "how does the Supreme Court's favorable labor decision in those cases affect our salary?" Here's what we know; the Court limited their decision to the Collective Bargaining Agreement's language. They found the intent of the contract language in those cases to be clear enough to show that both parties intended the step increases to continue even after the contract expired. Our contract language (in both units) says, 'commencing on the first day of the second pay period *each calendar year...*' We do think that our language is also clear enough to show the intention of both PANJ and the AOC is to have continued salary progression payments after the expiration of our contract(s). Our grievance takes the argument one step further. We also relied on past practice. Each January when our contracts had expired we received our salary progression payments for anyone who had not reached maximum salary. In the Atlantic County decision the Court did not weigh past practice, because they found the contract language to be very clear. If our decision from the Judiciary Hearing Officer is not in our favor we will present our case on appeal to an arbitrator. We do believe an arbitrator will look at both the language in our contracts and past practice.

This situation is fluid for us, the Judiciary *has not* said that they will pay our salary progression payments upon a favorable decision for labor. They did say that they would take a look at the decision and see if it applies to us. The conversation with the Judiciary is not over because both units are in negotiations for a successor agreement(s) and we will more than likely be presenting our case again in front of an arbitrator.

We will keep you informed as we learn more.

In Solidarity,

Dwight Covaleskie, President
Ellen Cribbin, 1st Vice President, Line Staff
Gavin Cummings, 1st Vice President, Supervisor's Unit