

New Jersey State Policemen's Benevolent Association, Inc.

Organized 1896



Membership Over 27,000

President
FRANK J. GINESI

Office of the President
158 MAIN STREET
WOODBIDGE, N.J. 07095

Telephones
636-8860-61
FAX 636-0172

July 29, 1991

To: Frank J. Ginesi, President of the N.J.S.P.B.A.
From: Michael Sica, Chairman of the N.J.S.P.B.A. Correction Officers Committee *MS*

**RE: RESIDENCY REQUIREMENTS, LEGISLATIVE LAWS & BILLS AND
CREDIT OF TIME & SERVICES**

On Tuesday January 15, 1991 the NJ State PBA held a meeting at the Shore Casino in Atlantic Highlands. At that meeting the NJSPBA Correction Officers Committee was formed. On Monday February 25, 1991 the NJSPBA Correction Officers Committee held its first meeting at the State PBA office in Woodbridge. The delegates present at this meeting were myself, James Lambertson co-chairman, Micky Studia, Dave Zawacki and James Mc Namara.

The consensus from all committee members present was that the forming of the Correction Officers Committee was long over due. They wanted me to thank you for your time and consideration in this matter. The committee members present made many suggestions in how this committee could help all correction officers throughout the state.

The Correction Officers Committee met several times at the state office in Woodbridge and there were three major areas of concern at this time that need to be addressed. Those areas are:

1. Residency Requirement

The committee would like to see the residency exemption law 40A:14-122.1 that was enacted for police and firemen effective February 15, 1972 be amended to include County Correction Officers or all Law Enforcement Officers.
(copy attached).



2. Legislative Laws and Bills

The committee would like to see legislative bills to include Law Enforcement Officers instead of singling out one group as seen in the following bills S-1728 (S1420) Zane, A-3372 S-170 (S3338) /A-4313. (copy attached).

3. Credit of Time and Services

The Correction Officers Committee would like to see all Law Enforcement Officers be included for credit and time of service. (copy attached).

The Correction Officers Committee understands that many of these issues were dealt with one way or another in the past. We understand it is easier to enact laws or benefits for a small group of people than a large group like Law Enforcement. As you can see Correction Officers or some other faction of Law Enforcement was left out in the above mentioned areas. In trying to keep us all united as brother and sister Law Enforcement Officers, changes in these areas must be undertaken.

I would like to know your feelings on these issues and what course of action should this committee take to rectify the above mentioned matter. Should we have the State PBA attorneys look into these matters? Should we forward our concerns to the Legislative Committee so they can work on getting these amendments and bills sponsored? I would appreciate any help or advice you can give me concerning of same.

For any additional information please contact me at #1-908-527-1333 or on my beeper 1-201-564-6717. Thank you in advance and hope to hear from you soon.

cc: NJSPBA Correction Officers Committee

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February 13, 1992

To: The New Jersey State PBA Board of Delegates

From: Michael Sica, Chairman of the New Jersey State PBA
Correction Officers' Committee

RE: COMMITTEE REPORT

The New Jersey State PBA Correction Officers' Committee met on numerous occasions at the State PBA Headquarters in Woodbridge. The committee researched, then analyzed several legislative laws and bills that do not include correction officers, Sheriff officers or some other faction of law enforcement officers.

On July 29, 1991 the committee compiled a letter addressing our concerns to President Ginesi (copy attached). Several weeks later President Ginesi met with the committee to discuss our goals and main objectives as follows:

1. **CURRENT RESIDENCY LAW** - The current residency requirement 40A:14-122.1 was enacted into law on February 15, 1972 for police officers and firemen of any municipality in the State of New Jersey. This law does not include County Correction Officers or other law enforcement officers.

On Tuesday November 19, 1991 the Board of Delegates met at the Sand's Hotel in Atlantic City. A topic discussion at that meeting was the city of Bayonne's requirement that their police officers live within a 15 mile radius of the city of Bayonne.

Since that meeting the committee has sent Brad Brewster, who is the New Jersey State PBA lobbyist, a letter addressing our concerns. (Copy Attached). President Ginesi has assured the committee that the present law: 40A:14-122.1, will be amended to include all law enforcement officers within the State of New Jersey. Note: A copy of all letters and correspondence



from this committee will be forwarded to the New Jersey State PBA's Legislative Committee.

2. **Defense for members or officers in action or legal proceeding arising out of or incidental to performance of duties** - The current law and guidelines of 40A:14-155. clearly explains that whenever a member or officer of a municipal police department or force is a defendant in any action or legal proceeding arising out of or incidental to performance of duties, the governing body of the municipality shall provide said member or officer with necessary means for the defense of such action. If the municipality institutes disciplinary or criminal proceedings and said officer is vindicated or found not guilty of said charges then the municipality shall reimburse said officer's defense and expense.

This committee recommends that President Ginesi and the Legislative Committee amend said law to include all law enforcement officers. Those officers not covered by said law may be covered under their collective bargaining agreement.

This is an important issue to the new committee chaired by Bruce Polkowitz of the Law Enforcement Legal Protection Committee due to the fact that in order to keep the fund solvent it is essential to amend 40:A14-155 to include that all law enforcement officers be reimbursed when vindicated of all charges.

3. **LAW ENFORCEMENT OFFICER'S BILL OF RIGHTS -**

My committee believes there is a real need for a law enforcement officer's bill of rights. Currently the Legislative Committee is working on a police officer's BILL OF RIGHTS. If this bill is not amended to include all law enforcement officers, the New Jersey State PBA will be faced with the same problems outlined in the above previous stated issues.

The need to lobby and sponsor a bill that benefits all law enforcement officers is essential to be cost effective to the New Jersey State PBA. President Ginesi is working on all the above issues to ensure that all members of the NJSPBA will be represented equally.

Respectfully Submitted,



Michael Sica
Chairman of the NJ State
PBA Correction Officers'
Committee

STATE OF NEW JERSEY

An act providing a bill of rights for law enforcement officers in
New Jersey.

1 Be it enacted by the Senate and General Assembly of the State
2 of New Jersey:

1 1. As used in this act:

2 a. "Law enforcement officer" means any person who, in his
3 official capacity, is authorized by law to make arrests and who
4 is a member of (1) the New Jersey State Police or Corrections
5 (2) any municipal police department (3) any County Law Enforcement
6 Agency (Police, sheriff, corrections) (4) any State University police.

7 b. "Investigating committee " means a committee comprised of
8 members of a law enforcement agency which is authorized to hold
9 a hearing of a complaint against a law enforcement officer and
10 which consist of not less than three members who have had no
11 part in the investigation or interrogation of the law enforcement
12 officer.

13 c. "Hearing" means any meeting in the course of an investigatory
14 proceeding, other than the interrogation, at which no testimony
15 is taken under oath, conducted by an investigating committee
16 for the purpose of taking or adducing testimony or receiving
17 other evidence.

1 2. A law enforcement officer has the same rights to engage in
2 political activity as afforded to any citizen of this State. This
3 right to engage in political activity shall not apply to any law
4 enforcement officer when he is on duty or when he is acting in his
5 official capacity.

1 3. Whenever a law enforcement officer is under investigation or
2 subjected to interrogation by a law enforcement agency, for any
3 reason which could lead to disciplinary action, demotion, loss of
4 pay, or dismissal, the investigation or interrogation shall be
5 conducted under the following conditions:

6 a. The interrogation shall be conducted at a reasonable hour,
7 preferably at a time when the law enforcement officer is on duty,
8 unless the seriousness of the investigation is of such a degree that
9 an immediate interrogation is required.

10 b. The interrogation shall take place either at the office at the
11 command of the investigating officer or at the office of the local
12 precinct or police unit which the incident allegedly occurred, unless
13 otherwise waived by the law enforcement officer.

14 c. The law enforcement officer shall be informed of the name,
15 rank, and command of the officer in charge of the investigation, the
16 interrogating officer, and all persons present during the inter-
17 rogation. All questions directed to the officer under investigation
18 shall be asked by and through one interrogator.

19 d. No complaint against a law enforcement officer shall be in-
20 vestigated unless the complaint be duly sworn to before an official
21 authorized to administer oaths.

22 e. The law enforcement officer under investigation shall be
23 informed in writing of the nature of the investigation prior to any
24 interrogation, and the names of all witnesses and complainants.

25 f. Interrogating sessions shall be for reasonable and
26 shall be timed to allow for such personal necessities and rest periods
27 as are reasonably necessary.

28 g. The law enforcement officer under interrogation shall not be
29 threatened with transfer, dismissal or disciplinary action.

30 h. A complete record, either written, taped or transcribed, shall
31 be kept of the complete interrogation of the law enforcement officer,
32 including all rest periods. A copy of the record shall be available
33 to the officer or his counsel upon request.

34 i. If the law enforcement officer under interrogation is under
35 arrest, or is likely to be placed under arrest as a result of the
36 interrogation, he shall be completely informed of all his rights prior
37 to the commencement of the interrogation.

38 j. At the request of any law enforcement officer under interro-
39 gation, he shall have the right to be represented by counsel or any
40 other responsible representative of his choice who shall be present
41 at all times during the interrogation, unless waived by the law
42 enforcement officer. The interrogation shall be suspended for a
43 reasonable time until representation can be obtained.

1 4. No statute shall abridge now shall any law enforcement agency
2 adopt any regulation which prohibits the right of a law enforcement
3 officer to bring suit arising out of his duties as a law enforcement
4 officer.

1 5. No law enforcement agency shall insert any adverse material
2 into any file of the officer, unless the officer has an opportunity to
3 review, sign, receive a copy of and comment in writing upon the
4 adverse material, unless the officer waives these rights.

1 6. No law enforcement officer shall be required or requested to
2 disclose any item of his property, income, assets, source of income,
3 debts, or personal or domestic expenditures (including those of
4 any member of his family or household), unless such information
5 is necessary in the investigation of a possible conflict of interest
6 with the respect to the performance of his official duties or unless,
7 such disclosure is required by law.

1 7. If the investigation or interrogation of a law enforcement
2 officer results in the recommendation of some action, such as
3 demotion, dismissal, transfer, loss of pay, reassignment or similar
4 action which would be considered a punitive measure, then before
5 taking such action, the law enforcement agency shall give notice
6 to the law enforcement officer that he is entitled to a hearing on
7 the issues by an investigating committee. The notice shall state
8 the time and place of the hearing and the issues involved. An offi-
9 cial record, including, testimony and exhibits, shall be kept of the
10 hearing.

1 8. The hearing shall be conducted by the investigating commit-

2 tee of the law enforcement agency by which the law enforcement
3 officer is employed. Both the law enforcement agency and the law
4 enforcement officer shall be given ample opportunity to present
5 evidence and argument with respect to the issues involved. Both
6 may be represented by counsel.

1 9. Evidence which possesses probative value commonly accepted
2 by reasonable and prudent men in the conduct of their affairs shall
3 give effect to the rules of evidence recognized by law, and may
4 exclude incompetent, irrelevant, immaterial and unduly repetitious
5 evidence. All records and documents which any party desires to use
6 shall be offered and made a part of the record. Documentary
7 evidence may be received in the form of copies or excerpts, or by
8 incorporation by reference.

1 10. Every party has the right of cross-examination of the
2 witnesses who testify and may submit rebuttal evidence.

1 11. The investigating committee conducting the hearing may take
2 notice of judicially noticeable facts and, in addition, may take
3 notice of general, technical or scientific facts within its specialized
4 knowledge. Parties shall be notified beforehand of the material so
5 noticed.

1 12. Any decision, order or recommendation for action resulting
2 from the hearing shall be in writing and shall be accompanied by
3 findings of fact. The findings shall be expressed in a concise state-
4 ment upon each issue in the case. A copy of the decision or order
5 and accompanying findings and conclusions, along with written
6 recommendations for action. shall be delivered or mailed promptly
7 to the law enforcement officer or his attorney.

1 13. No law enforcement officer shall be discharged, disciplined,
2 demoted or denied promotion, transfer, or reassignment, or otherwise
3 discriminated against to regard to his employment or be threatened
4 with any such treatment, by reason of his exercise of or demand
5 for the rights granted in this act, or by reason of the lawful

6 exercise of his constitutional rights.

1 14. Any law enforcement officer who is denied any right afforded
2 by this act may apply, either individually or through his certified
3 or organized employee organization, to the Law Division of the
4 Superior Court for any order directing the law enforcement agency
5 to show cause why the right should not be afforded.

1 15. This act shall take effect immediately.

STATEMENT

This bill would statutorily establish a bill of rights for law enforcement officers in New Jersey.

It guarantees said officers shall have the same rights to engage in political activity as afforded other citizens of the State, provided they are not on duty or acting in an official capacity.

Additionally, the bill sets forth procedural safeguards which would have to be adhered to when any officer is under investigation or subjected to an interrogation which could lead to disciplinary action such as demotion, loss of pay or dismissal.

If an investigation or interrogation results in a recommendation for disciplinary action, the officer would be entitled to a hearing on the issues by an investigating committee comprised of those members of his agency authorized to hold such a hearing, including not less than three such members who did not participate in the original investigation or interrogation. Procedural safeguards would also be established with respect to hearings held by this investigating committee.

Any officer denied any right guaranteed in the bill could apply to the Law Division of the Superior Court for an order to show cause why said right should not be offered.

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February 15, 1994

TO: The New Jersey State PBA Board of Delegates

FROM: Michael Sica, Chairman of the New Jersey State PBA
Correction Officers Committee

RE: Committee Report

On Tuesday January 25, 1994 the NJSPBA Correction Officer Committee met at the State Office to discuss several outstanding issues concerning the best interests of Correction Officers throughout the state of New Jersey.

Senate Bill 1253 was enacted into law giving County Correction Officers law enforcement powers beyond their territorial limits of employment throughout the state of New Jersey. It is important for county correction officers to have law enforcement powers. It is equally important that while they are performing their law enforcement duties, they should be covered from tort liability claims.

The Committee has introduced proposed legislation to amend Chapter 248 N.J.S.A.2A:154-3. (Copy attached) This would protect correction officers and give them immunity from tort liability and shall have all of the pension, relief disability, workmen's compensation, insurance and other benefits enjoyed while performing said duties.

This Committee recommends that President Ginesi and the Legislative Committee also amend 40A:14-117 to include all county correction officers to be covered under said statute as law enforcement officers. The above statute gives county police officers, who are involved in a law enforcement action or legal proceeding arising out of their performance of duties, the right to have the necessary means for the defense of such action. If the County institutes disciplinary or criminal proceedings and said officer is vindicated or found not guilty of said charges, then the county shall reimburse said officer's defense and expenses.

Committee Report
February 15, 1994

-2-

The above amendments have been forwarded to Brad Brewster,
our PBA Lobbyist for review and necessary action.

The above report is respectfully submitted, thank you.

cc: President Frank Ginesi
The Members of the NJSPBA Legislative Committee
The Members of the NJSPBA Correction Officers Committee
Mr. Brad Brewster, NJSPBA Lobbyist

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1994

BY

1 **AN ACT** CONCERNING COUNTY CORRECTION OFFICERS AND
2 AMENDING 40A:14-117 ADD

3
4
5 BE IT ENACTED BY THE SENATE AND GENERAL ASSEMBLY OF
6 THE STATE OF NEW JERSEY:

7
8 1. 40A:14-117 IS AMENDED TO READ AS FOLLOWS:
9 40A:14-117 WHENEVER A MEMBER OR OFFICER OF A COUNTY
10 **LAW ENFORCEMENT AGENCY: COUNTY POLICE, COUNTY CORRECTION**
11 **OFFICERS, COUNTY SHERIFF'S OFFICERS, COUNTY PROSECUTOR'S**
12 **INVESTIGATORS, COUNTY PARK POLICE, ETC.,** DEPARTMENT OR
13 FORCE IS A DEFENDANT IN ANY ACTION OR LEGAL PROCEEDING
14 ARISING OUT OF OR INCIDENTAL TO THE PERFORMANCE OF HIS
15 DUTIES, THE GOVERNING BODY OF THE COUNTY, OR PARK
16 COMMISSION, AS THE CASE MAY BE, SHALL PROVIDE SAID
17 MEMBER OR OFFICER WITH NECESSARY MEANS FOR THE DEFENSE
18 OF SUCH ACTION OR PROCEEDING, OTHER THAN FOR HIS DEFENSE
19 IN A DISCIPLINARY PROCEEDING INSTITUTED AGAINST HIM BY
20 THE COUNTY OR PARK COMMISSION, OR IN A CRIMINAL
21 PROCEEDING INSTITUTED AS A RESULT OF A COMPLAINT ON
22 BEHALF OF THE COUNTY OR PARK COMMISSION. IF ANY SUCH
23 DISCIPLINARY OR CRIMINAL PROCEEDING INSTITUTED BY OR ON
24 COMPLAINT OF THE COUNTY OR PARK COMMISSION SHALL BE
25 DISMISSED OR FINALLY DETERMINED IN FAVOR OF THE MEMBER OR
26 OFFICER, HE SHALL BE REIMBURSED FOR THE EXPENSE OF HIS
27 DEFENSE.

28
29 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

30
31 **STATEMENT**

32
33 THIS BILL AMENDS 40A:14-117 TO INCLUDE ALL COUNTY
34 LAW ENFORCEMENT OFFICERS: COUNTY POLICE, COUNTY
35 CORRECTION OFFICERS, COUNTY SHERIFF'S OFFICERS, COUNTY
36 PROSECUTOR'S INVESTIGATORS, COUNTY PARK POLICE, ETC.
37 IN ITS CURRENT FORM THE LAW DOES NOT ACCORD ALL COUNTY
38 LAW ENFORCEMENT OFFICERS THE SAME COVERAGE AS PROVIDED
39 UNDER SAID STATUTE. THE NEW AMENDMENTS WOULD ENSURE
40 ALL COUNTY LAW ENFORCEMENT OFFICERS WHO BECOME A
41 DEFENDANT IN ANY ACTION OR LEGAL PROCEEDING ARISING OUT
42 OF OR INCIDENTAL TO THE PERFORMANCE OF HIS DUTIES ARE
43 COVERED AND THAT ALL COUNTY LAW ENFORCEMENT OFFICERS
44 WOULD BE COVERED IF ANY SUCH DISCIPLINARY OR CRIMINAL
45 PROCEEDING INSTITUTED BY OR ON COMPLAINT OF THE COUNTY
46 OR PARK COMMISSION SHALL BE DISMISSED OR FINALLY
47 DETERMINED IN FAVOR OF THE MEMBER OR OFFICER, HE SHALL BE
48 REIMBURSED FOR THE EXPENSE OF HIS DEFENSE.

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1994

BY

1 **AN ACT** CONCERNING COUNTY CORRECTION OFFICERS AND
2 AMENDING CHAPTER 248 N.J.S.2A:154-3 ADD PARAGRAPH 3
3 and N.J.S.A.40A:14-152.1
4

5 BE IT ENACTED BY THE SENATE AND GENERAL ASSEMBLY OF
6 THE STATE OF NEW JERSEY:
7

8 1. N.J.S.2A:154-3 IS AMENDED TO READ AS FOLLOWS:
9 2A:154-3 WHENEVER ANY COUNTY CORRECTION OFFICER HAS
10 BEEN CONFERRED WITH STATEWIDE POLICE POWERS AND IS ACTING
11 UNDER LAWFUL AUTHORITY BEYOND THE TERRITORIAL LIMITS OF
12 HIS EMPLOYING COUNTY SAID COUNTY CORRECTION OFFICER
13 SHALL HAVE ALL THE IMMUNITIES FROM TORT LIABILITY AND
14 SHALL HAVE ALL OF THE PENSION, RELIEF DISABILITY,
15 WORKMEN'S COMPENSATION, INSURANCE AND OTHER BENEFITS
16 ENJOYED WHILE PERFORMING DUTIES FOR SAID EMPLOYING
17 COUNTY.
18

19
20 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.
21

22 **STATEMENT**

23
24 THIS BILL AMENDS N.J.S.2A:154-3 AND N.J.S.A.40A:14-152.1
25 TO GRANT ANY CORRECTION OFFICER WITH TORT LIABILITY
26 PENSION DISABILITY WORKMEN'S COMPENSATION AND OTHER
27 BENEFITS WHILE ACTING BEYOND THE TERRITORIAL LIMITS OF
28 HIS EMPLOYING COUNTY IN ITS CURRENT FORM THE LAW ACCORDS
29 ANY MUNICIPAL POLICE OFFICER THE STATUTE HOWEVER DOES NOT
30 SPECIFY ANYTHING ABOUT COUNTY CORRECTION OFFICERS IN
31 PROVIDING PARITY FOR COUNTY CORRECTION OFFICERS AS OTHER
32 LAW ENFORCEMENT OFFICERS THEY WILL BE COVERED UNDER THE
33 SAME STATUTE.

ZAZZALI, ZAZZALI, FAGELLA & NOWAK

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

ONE RIVERFRONT PLAZA

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PLEASE REPLY TO NEWARK

February 2, 1994

Mr. Michael Sica, President
PBA Local 199
P. O. Box 204
Roselle Park, New Jersey 07204

Re: State PBA Correction Officers
Committee-Tort Immunity Legislation

Dear Mike:

I reviewed your draft legislation to add a section to Chapter 248 which was recently enacted to give full power of arrest to County Correction officers. Your amendment would effectively adapt the language in N.J.S.A. 14:152.3 which provides immunity from tort liability to municipal police officers. However, since Chapter 248 amended N.J.S.A. 2A:154-3, I suggest that your proposed legislation should also amend that statute by adding a new paragraph (c). For your convenience, I am enclosing a copy of Chapter 248.

If you have any questions, please call.

Very truly yours,

ZAZZALI, ZAZZALI, FAGELLA & NOWAK

By: 

Paul L. Kleinbaum

PLK/jas

cc: Mr. Frank Ginesi



Union County Correction Officers

Policemen's Benevolent Association

LOCAL No. 199, Inc.

Branch of N. J. State P. B. A.

P. O. Box 204

Roselle Park, New Jersey 07204

1-(908)-527-1333

October 5, 1994

To : Brad Brewster
Princeton Research Group

From : Michael Sica
Chairman NJSPBA Correction Officer's Committee

Re : AMENDMENT of 40A:14-122.1
RESIDENCY EXEMPTION LAW
ASSEMBLY BILLS No. 2212 and No. 1944

I have reviewed both assembly bills and noticed that both do not have provisions concerning restrictions on mile radius' residencies. Assembly bill No. 1944 is probably the better piece of legislation for the NJSPBA to back.

Amendments to the bill should state:

No local or county governing bodies shall pass an ordinance, resolution, rule, regulation, or order directive making residency therein or within a certain mile radius, a condition of employment for the purpose of original appointment, continued employment, promotion, or for any other purpose for any member of a police department and force or any member of any county law enforcement agency and any such ordinance, resolution, rule, regulation, order or directive within a certain mile radius in existence on the effective date of this act or passed hereafter shall be void and have no force or effect.

I believe that the above language should cover all of the concerns of the New Jersey State PBA membership. Please contact me, if you should have any questions concerning the above matter.

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NJ State PBA Correction Officers' Committee

October 25, 1996

Frank J. Ginesi
State PBA President
158 Main Street
Woodbridge, NJ 07095

Dear Frank:

In the Saturday, September 14, 1996 issue of the Civil Service Leader, (Copy Attached) there was an article on "New Title Creations". "The Department of Corrections has requested a new title for use in the operations and center control areas of correctional institutions. The functions of this title will be non-custodial and it will alleviate out-of-title work disputes."

I and the members of the Corrections Committee are strongly opposed to this. Once the new titles are created, it is a simple step to move them from the state to the county institutions. This is the first step in the privatization of jails and weakens the argument of the shifting of bargaining unit work, which was upheld by PERC in the City of Jersey City, 22 NJPER 251 (P27131 1996).

We must take whatever action is needed to stop the creation of these new titles. All correctional delegates should be made aware of these proposed new titles and they must file an unfair labor practice suit if these new titles become a reality. The unilateral shifting of bargaining unit work must not prevail.

Please advise me as to the course of action and disposition of the above matter. If you have any questions please contact me by beeper (201) 564-6722.

Benevolently,

Michael Sica
Chairman, NJSPBA COC

cc: Billy Saksinsky, Executive Vice-President
Michael Madonna, First Vice-President
Chairman of the NJSPBA Civil Service Committee
Members of the NJSPBA Corrections Committee

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NJ State PBA Correction Officers' Committee

January 4, 1997

Michael Madonna
State PBA President
158 Main Street
Woodbridge, NJ 07095

Dear Mike:

Over the years I have pointed out many inequities in the law that directly affects correction officers. One of the most recent items brought to my attention concerns the application of the forty-five (45) day rule. The Attorney General's Office advised the Merit System Board that the legislative history of the statute unfortunately does not support the position that it applies to county correction officers.

I received a letter from the law office of CALL & COVERT regarding the above 45-day rule. (Copy Attached) In the second paragraph of the letter from CALL & COVERT, Attorney Saponaro states:

The Merit System Board previously ruled *In the matter of Michael Bocknick* that the 45-Day Rule N.J.S.A. 40A:14-106a applied to a county correction officer.

This decision will be overturned in the most recent ruling not yet published by the Merit System Board. The Board will be ruling that Michael Butler, a correction officer, is not entitled to the benefit of the statute according to the Attorney General's office. I believe this case has statewide impact on all correction officers; therefore, the NJSPBA may want to file amicus curiae briefs to ensure that the case is handled correctly and will protect the rights of all correction officers.

I would like to set up a meeting with you to discuss what action is appropriate. Please contact me by beeper (201) 564-6717 at your earliest convenience. I understand that you are in the process of reorganizing the NJSPBA, but if we hesitate we might exhaust the time frame required to file briefs. Thank you for your time and consideration.

Benevolently,

Michael Sica
NJSPBA COC

cc: CO Committee File