

Newsletter

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Dateline: August 2018, Trenton New Jersey - The Fraternal Order of Police New Jersey Labor Council was founded to protect the rights and benefits of its members. Since 1998 the Labor Council has been the PREMIER non-profit, members-based, labor organization. Since our founding, we have negotiated hundreds of contracts, resolved hundreds of grievances and pursued an equal number of Unfair Labor Practices. As a member, you are entitled to representation in collective bargaining negotiations, as well as in workplace grievances. In recent years, there has been a systematic and determined effort by politicians to circumvent the collective bargaining process and to impose mandates upon all public employees that violate collectively negotiated agreements. In some cases, these mandates violate statutory law and must be fought in the court system.

The New Jersey FOP Labor Council is fighting those fights, and winning. It is important that all members know that this fight is ongoing and affects everyone who earns a weekly paycheck. As an organization, we will not rest until fundamental fairness is restored in the employment relations process.

Here's a sample of some recent accomplishments:

Negotiated agreements have been finalized in the following bargaining units, with highlights of the benefits: **Ogdensburg Borough**, a new compensation package, with double digit increases for a hybrid 12-hour schedule and a much improved healthcare program. **Burlington County Bridge Commission Police** have a new minimum starting salary of \$52,000, with 1.25% raises on existing steps and the ultimate elimination of steps, and a stipend for Chapter 78 contributions. That stipend ranges from \$2,500 and \$6,000 annually. **Salem County Sheriff's SOA** have a new 4-year deal that increases salaries 1.95% annually and increases time off for each member. In addition, the new contribution rate for Chapter 78 is now 50% of scale, or an average of \$6,200 reduction. **Washington Township SOA** have a new

5-year deal with average annual increases of 2.25%. Newly promoted Lieutenants and Captains will have a lower starting salary but will have annual 2.75% increases. **Somerset County Sheriff's SOA** have a new 4-year agreement with average annual increases of 1.85%. Important job protection language was added to the contract. **Bogota Lodge 161** has a new 5-year agreement that increases the top step 2% annually. Step movement through the salary guide was unfrozen, resulting in an average of 21% annual step increases. **Hammonton SOA** has a new 4-year agreement increasing salaries 9.68% over those years. Retirees under the new agreement will contribute only 1.5% of their retirement allowance for healthcare premiums. **Grievances and Unfair Labor Practice Charges have been filed for the following units: Mercer County Lodge 140** regarding the sheriff tampering with representation election. The case was settled with sheriff's office agreeing to refrain from future tampering. **Salem County Lodge 6** regarding a WDEA violation. **Hillside Lodge 80** for the towns refusal to negotiate. **Newark Lodge 12 Deputy Chiefs Unit** regarding a member who was denied rights and benefits found within their contract. The labor council sought and received retroactive relief for the members. The deputy chief had been demoted and denied comp time. The labor council succeeded in having him reinstated with full retro and a pension adjustment. **Hunterdon County Sheriff's Department Lodge 94** grievance on the county charging a member for sick time while on bereavement leave. The grievance was sustained, and the member was returned his leave time. **Penns Grove POA Lodge 6** has a pending ULP charging the borough with eliminating Officer In-Charge compensation without negotiation. The matter is pending and may be settled in contract negotiations. **Rutgers University Lodge 62** has a pending ULP relating to the university's refusal to negotiate in good faith and to provide required documentation to the bargaining unit. **Essex County College Lodge 99** was

improperly denied overtime opportunities and a grievance was filed.

EXPANSION

The Labor Council is proud to announce that we continue to grow and prosper. We now have over 1286 members in 85 separate bargaining units. The Labor Council is pleased to announce that these bargaining units have joined the Labor Council:

- * **Moorestown Lodge 109** *
both the POA and SOA
- * **Wanaque Lodge 145** *
both the POA and SOA
- * **Salem County Lodge 6**
Corrections Rank and File
Unit *

All of these brothers and sisters are in need of labor services and we believe that we are their best option.

Welcome.

We have also received many requests for information from former member units that are interested in returning, as well as from bargaining units that are new to the Labor Council.

We look forward to working with all.



**The Fraternal Order of Police
New Jersey Labor Council**
*"Protecting Those Who
Protect Others"*

Termination Protection

By James Sepp
Staff Representative, FOP NJ Labor

For those of you who work in Non-Civil Service departments there are special rights you have with the Public Employee Relations Commission (PERC). Hopefully this never happens but if one day one of your members or even you find out you have been served a notice of termination you should be prepared with the best information out there. It is better to be prepared and knowledgeable and never need this information than it is to scramble and try to figure out what your rights are.

We all should be very familiar with the New Jersey Attorney Generals Policy and Procedures on Internal Affairs. You do not have to be assigned to Internal Affairs to know the rules. You should know this policy inside and out. Not only will it help guide you and your lodge through some tough times, but it will also help you navigate your way around potential issues. Representing one of your own is one of the important tasks that we face as a Union. Making the right decisions at crucial times can make or break any situation we find ourselves in. PERC has a Special Disciplinary Arbitration Panel. Not many people are aware that this Special Disciplinary Arbitration Panel exists or how it works.

SUBCHAPTER 6. BINDING ARBITRATION TO REVIEW DISCIPLINARY TERMINATIONS, NOT INVOLVING ALLEGED CRIMINAL CONDUCT, OF NON-CIVIL SERVICE LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS.

§ 19:12-6.1 Purpose of procedures

(a) These procedures are intended to implement the provisions of P.L. 2009, c. 16, effective June 1, 2009, which allow law enforcement officers and firefighters employed by a law enforcement agency or department that is not subject to the provisions of Title 11A of the New Jersey Statutes, who are terminated based on a complaint or charges issued for disciplinary reasons not involving any alleged violation of law, to have the option of having their terminations reviewed by means of binding arbitration. Review through binding arbitration is an alternative to review through a proceeding in the Superior Court of New Jersey pursuant to N.J.S.A. 40A:14-22 pertaining to firefighters, and N.J.S.A. 40A:14-150 pertaining to law enforcement personnel.

(b) Arbitration pursuant to these procedures is available only in cases where termination is imposed based on a complaint or charges. These procedures are not applicable to review of terminations relating to a pending criminal investigation, inquiry, complaint or charge, whether implemented before or after criminal charges have been filed or when the disciplinary complaint or charge alleges conduct that would also constitute a violation of the criminal laws of the State or any other jurisdiction.

We all know someone who went through termination. The process to get your job back can be extremely long and costly. The costs go way past financial. Marriages, friendships and lives have all been lost or permanently altered due to the problems surrounding a termination. If there was a way to cut the time down and get right to a hearing that could potentially save a ton of problems for you and everyone involved. Well fortunately there is a process that you should know and become familiar with.

The Special Disciplinary Arbitration Panel is just the thing that can cut down on the months and years it could take to get your job back through traditional means. The factors surrounding your situation are the same, but the appointed panel will hear your case in a much timelier fashion and still leave options for appeal in the event you need them.

There are timeliness factors that you must be aware of to take advantage of the Special Disciplinary Arbitration Panel. **You must file with PERC within 20 days of being served your notice of termination.** Even though you still may be looking for an attorney and you may be taking advantage of any grievance procedures available you still must file the application for Special Disciplinary Arbitration Panel immediately to take advantage of what it has to offer. The 20-day timeline is strictly enforced, and you will lose your ability to remedy your situation in an expediate manner if not followed.

Although the FOP New Jersey Labor Council does not necessarily handle termination cases we are always available to assist you and get you started on the right path. This period in your life where everything seems to be upside down and your world is changing can be an extremely stressful time. Sometimes a few good answers and a point in the right direction will help you down your path to getting back on the job. The FOP New Jersey Labor Council is here to do just that, help our members when they need it the most. You can always give a call or drop us an email if you have any questions or concerns. The application for the Special Disciplinary Arbitration Panel and directions on how to apply can be found directly at: https://www.state.nj.us/perc/NJ_PERC_Request_for_Appointment_from_the_Special_Disciplinary_Arbitration_Panel.pdf or you can go online to the State of New Jersey PERC website and find it in documents.