



HETTY ROSENSTEIN
NJ Area Director

NJ Executive Branch December Bargaining Report

December 1, 2015

GENERAL NEGOTIATIONS UPDATE

CWA and the State have not held any bargaining sessions at this time. CWA continues to maintain our position that our contract was renewed for one year based on lack of timely notice from the State that it intended to negotiate a new contract. Under our contract language, if the State does not give notice, then the contract is renewed. Renewal of our contract would also mean that payment of annual steps is required. CWA contends that the State of New Jersey violated the law when it suspended increments for State employees after July 1, 2015.

INCREMENTS

Our challenge of the denial of increments is moving forward in three places:

1. There was a decision issued by the NJ Public Employment Relations Commission called "Atlantic County" that held employers can deny annual step increases after a contract expires. CWA's attorneys appealed the PERC action. It is this PERC decision that the State is relying upon in denying our increments. That case was argued before the Appellate Court on October 28 by CWA and other affected unions. We hope to have a decision on that case by the end of the year. If we win that case, (and if the Governor doesn't have an appeal that is accepted by the Supreme Court) that will resolve the increment issue across the State.
2. CWA filed a specific grievance that applies to us, because the State failed to request bargaining in accordance with the Contractual requirements, and that grievance is that our Contract has not expired but is extended for one year. With an extended Contract, regardless of the Atlantic case above, increments must be paid. The State is trying to stop that grievance from going forward (probably because there is no factual defense, it did fail to provide timely notice under the Contract) but we are taking all actions necessary to get it before an arbitrator.
3. We have a separate civil lawsuit, for State Employees only, that is pending before Judge Jacobson. This lawsuit covers NJ State employees, state law enforcement, and other unions who have been denied step increases after June 30, 2015.

None of these forums will give us a fast resolution, but we are fighting on all fronts to keep all our options open. We will keep you informed as to how the increment issue progresses.

WHAT ABOUT RAISES?

We have not held any negotiations sessions with the State. It is our assessment that in addition to protecting our position that our Contract has extended, any negotiations will be about political theater instead of real issues Governor Christie is running for President.

A few other Unions are at the Table with the Administration – in fact the State Police has been in negotiations for four years with the Christie Administration. NO RAISES AND ONLY CONCESSIONS ARE BEING PROPOSED BY THE CHRISTIE ADMINISTRATION. The only thing Governor Christie is interested in at this time is running for President and using public employees as a punching bag to do so.

WHAT ARE WE DOING?

Our concentration continues to be facing up to our greatest challenge: protecting benefits – particularly pension benefits for hundreds of thousands of active and retired workers and their beneficiaries. We are trying to save the pension plan! We have appealed the terrible New Jersey Supreme Court pension decision to the United States Supreme Court and we are pursuing a New Jersey Constitutional Amendment to protect the benefits, require the funding, and close any legal loopholes that would allow the State to skip its obligations.

Leadership from the 8 NJ State Worker Executive Branch Locals will be meeting on December 1 & 2 to get a full briefing and training on the Constitutional Amendment campaign and the internal membership drive that we are conducting. Your Local will be keeping your shop stewards and members informed and involved.

Our Bargaining Committee meets at least monthly to review all actions and to make decisions.

In addition, CWA conducts a regular Teletown Hall meeting for members where there is a full 30-minute report on all important matters. **The next Town Hall call will be December 16 at 7 p.m.** If you are on our phone list, you need only pick up the phone when you are called and listen to the call. If you are not on our phone list, you can get on the phone list by filling out your phone information here: www.cwanj.org/stateworkercall, or you can call into 888-409-5380 at 6:55 p.m on December 16.

In Solidarity,

Hetty Rosenstein, NJ Area Director

John Rose, CWA Local 1031

Patrick Kavanagh, CWA Local 1032

Gaye Palmer, CWA Local 1033

Adam Liebttag, CWA Local 1036

Ken McNamara, CWA Local 1037

Shawn Ludwig, CWA Local 1038

Lionel Leach, CWA Local 1039

Carolyn Wade, CWA Local 1040