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NJ Executive Branch October Bargaining Report

10/23/2015

Dear Sisters and Brothers,

This is the third Bargaining Report we have sent out for the Executive Branch. You can find the other two reports here: <http://cwanj.org/state-worker-contract>.

The 8 State Worker Local Presidents, the New Jersey Area Director, and our Legal Counsel, talk regularly and meet at length at least monthly to review the status of all Collective Bargaining issues, even though we are not in active negotiations with the Christie Administration.

As you have heard before, the Bargaining Committee decided that since the Administration failed to notify us of its intent to bargain, we are maintaining our position that the Contract has not expired, but rather, as the Contract language clearly states, that the Contract is extended for another year. After considerable discussion among ourselves, and with the National Union, we are convinced that Governor Christie is not going to negotiate a fair contract with us, especially while he is campaigning for President and trying to demonstrate how hard he can be on unions and workers. Given that we believe we are correct about the Contract language, we see no reason to go to the Table to consider Christie's concessions. We would rather wait and try to bargain a fair contract without concessions, than have our contract be a pawn in the Governor's political campaign.

The Christie Administration Illegally Stopped Increments

On June 30, 2015, however, the Governor announced that he would not pay our increments or continue paying Clothing Allowance because in his view, the Contract had expired. While Clothing Allowance is historically not paid after Contract expiration – that is not true about increments. Two years ago, however, the Christie-packed Public Employee Relations Commission overturned 40 years of decisions and stopped increments after Contract expiration – obviously leading to coercion during the bargaining process. That case is on appeal at the New Jersey Appellate Court. But even that terrible PERC decision, should not have applied to the Executive Branch of the State and Christie should not have denied our increments.

CWA and the PBA filed a lawsuit about the fact that increments were stopped even though increments are part of the State Compensation Plan and the Civil Service law says that the State cannot make changes to the State compensation Plan without the Agreement of the Unions. The case was heard in Superior Court by Judge Jacobson on October 13. It is now being briefed.

In addition, CWA filed two grievances: one that alleges that it is a violation of the Contract to deny increments because the Contract had not, in fact, expired, and a second grievance alleging that it is a violation of the Contract to change the State Compensation Plan without union agreement. The State is trying to stop those grievances from going forward, and they have "scoped" them and they are trying to get the Christie-packed PERC

Commission to say that these aren't matters that can be grieved. It would be outrageous for PERC to not permit these grievances to go forward, but under the Christie Administration down is up and up is down, so stay tuned.

Don't Give Up:

We know that it is extremely frustrating waiting for legal decisions, especially when we are often waiting for decisions from a tribunal that is packed with the Governor's puppets, but we either do that, or we leave these terrible precedents out there for all time. CWA has taken more matters to court under the Christie Administration than under any other Administration – and when we have gotten before a fair judge, and not a Christie packed Commission or Supreme Court, we have won far more often than lost. (We won all of the challenges to our MOA, we won the 2011 Day After Thanksgiving Case, we won the pension case in Superior court and lost at the Supreme Court, for example.)

We fought the Christie "Tool Kit". We fought his current Pension and Health Commission plan to put us in a 401K pension plan. We are fighting "Job Banding." There isn't anything that this Governor has done, that we haven't stood up to. And we are standing up now.

Over the next several months, we will work with allies in the Legislature and other Unions to put a Constitutional Amendment on the ballot to protect our pensions. It is going to be difficult, but we know that we have no choice. If we don't get the pension funded, it will go broke. Please speak with you shop steward about this campaign. We will need everyone's help to win it.

The Concession Stand is Closed

We can't afford any more concessions! We can't afford what we are paying for healthcare! We can't afford the increases in pension payments! And we need a raise. But fairness to hard working State employees isn't part of the Christie Agenda. He wants you to pay more for healthcare and get a lesser healthcare plan. He wants to put you in a 401K and have you make all of the contributions and have the State pay nothing.

We know that both fighting and waiting for fairness is frustrating. The nearly 6 years of this Administration, sometimes feel like a lifetime. But the answer isn't to rush into a concessionary contract. We would rather keep fighting for important issues like pension and our rights, and bargain a fair contract later, than waste energy banging our heads against a wall of Christie Concessions.

We hope that you appreciate our strategy and we appreciate your continued support. We will continue to issue regular Bargaining Reports and update our members on Teletown Hall Calls, meetings with Shop Stewards, and Worksite meetings.

In Solidarity,

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Patrick Kavanagh
Local 1032

Gaye Palmer
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Local 1038

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