



## Christie Programs Killing Negotiations

### Limitations, Dictates Reduce Areas for Discussion/Compromise

Peter A. Tirri, President

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Some call him the “savior” of the State, other call him words that cannot be printed here, but the Governor of the State of New Jersey has had his way with middle-class public sector employees in his first year. What makes it worse for these hundreds of thousands of workers is that the rules he has promulgated, and the Legislature has passed, will have a chilling effect on negotiations for years to come. And that is exactly what he intended.

With the economy a major issue all over the country, Christie has chosen to attack public sector jobs and employees as the primary reason that the State’s economy is in what he would tell us are desperate straits. His methods are simplistic, yet effective.

First, in order to get elected, he lied to the general public in general, and to specifically to public employees. Who can forget his open letter in which he said he would not attack the pension of those in the system? He led everyone to believe that the changes he intended to push would set a new paradigm for those who were not yet in the work force.

Feeling safe and secure, it is estimated that as many as 40% of NJEA members disregarded the organization’s concerns and voted for him. In an extremely close election, those votes pushed him over the top.

One of his first acts was to require payment of 1.5% of an employee’s salary to pay towards health benefits. This is clearly a negotiable item, which he stripped from union members’ rights to negotiate. Poorly designed, and clearly not thought out, the law forces payment levels based upon salary rather than premium costs. The result? A first year teacher with full

family coverage pays \$720 while a senior teacher, making \$96,000 for single coverage pays \$1,440. Had this been a negotiated rule, more equity most assuredly could have been negotiated, but there was never the opportunity to do so.

The “Governator” then limited future salary increases to not more than 2%. A 5<sup>th</sup> year teacher in Paterson receives a salary of \$49,692. An earned increment, based upon successful evaluations, would provide \$511 increment going into the next school year, without any other salary increase. Under the Governor’s mandate, the most that person can receive would be \$483 above that number for a total increase of \$994. During the last round of bargaining, a teacher going from Step 4 to Step 5 received a total increase of \$1,527. Christie’s mandate would cost that teacher \$533. Similar calculations are true for support staff members, all receiving less in salary than certificated teaching staff members.

Now the Governor proposes to raise the age for full pension to 65, eliminate the 9% increase in pension payments, increase staff payments to 8.5%. He is making the same demands to the legislature for all support staff members as well.

“The restrictions and mandates put in place by the Governor and the legislature significantly reduce the areas in which we can negotiate,” P.E.A. President Pete Tirri stated. “Left to our own resources, the economic trends have always dictated the kind of settlement that would be reached.”

“Heaven help us if we are limited to these figures and inflation comes roaring back.”



# Pete's Pitch

by Peter A. Tirri, President



## C'Mon Man!

One of Keyshawn Johnson's favorite sayings on ESPN's *SPORTSCENTER* seems to have stuck in my brain more and more as I listen to, and read, the propaganda being spewed by our favorite Governor on a daily basis. Frankly, I wish he had stayed in Disney World because it's clear that he wants to make our lives a living hell!

Christie is the master of the overstatement, the generalization, and there are many, many people probably including our colleagues, who are buying into them. And we need to worry about all of this every single day. For example:

### Failing Schools

Christie tells the public there are "200 failing schools in New Jersey" and they are hurting kids. Are there failing schools? Probably. Probably some in Paterson for that matter, but he forgets about several important points.

First, schools are judged by the federal No Child Left Behind standards established by Christie's role model, George Bush. The rules contained in this law call for special groups of children to pass as well as all student groups. The result? Special education students with significant learning disabilities are expected to test on grade level. Bilingual students, some of whom come to us with no formal education, and who leave to return to their home country only to return just before the test, are also expected to perform at grade level. Really? Some school systems have "Port of Entry" schools for their bilingual kids new to this country. Anna DeMolli tried to open one here. She was stopped. C'mon man!

### Teacher Tenure

Christie has said this is the single most important issue in New Jersey! Not our eroding infrastructure, not the failing economy, not unemployment, not getting people working again. Nope, teacher tenure!

He claims there are tons of "bad teachers" out there who are failing the children. Honestly, there are poor workers in every job; we know that, but he is simply lying when he claims that these teachers are protected by "lifetime tenure". What a crock!

Tenure is another name for the right to a fair dismissal procedure. That's all. A teacher who is charged has the right to challenge the allegations in a formal setting, with an unbiased neutral party hearing the case and making a decision.

Christie also lies to the public when he takes the "exception" the rule. He rails about the Paterson tenure case that took four years to complete. **THAT IS NOT THE NORM, AND HE KNOWS IT!** But by pretending it is, he makes people think it is, and therefore the system "must be fixed".

What he is really trying to do is to take the voice of the staff away from them. Without tenure, there would be no rights, because there would be no protection for "whistle blowers". "Teachers should be seen and not heard". Just come to work, do your job, and allow the management to intimidate, tread, stomp, trod and prance over you. Look at your administrators, now; look at what Glascoe did. Can you imagine what it would be like if they could do whatever without the protection of tenure? How many members would serve as P.E.A. Officers, or Executive Board members, or Delegates if there weren't protections in place? Very few and he knows it. He's trying to break our unions, so his buddies can run roughshod over us. C'mon man!

### Health Benefits

The reason salaries were low for educators was, to a large extent, because of the health benefits they received. Everyone recognizes that. Everyone also is aware of the fact that our salaries have increased since 1892, when apparently the Governor has fashioned his policies.

But we are not making anywhere near what other professionals are making, nor will we ever reach those levels of compensation. **He knows that too.** Additionally, we are the ones who stand in front of classrooms full of runny noses, sneezes, coughs, rashes and heaven knows what else. He now wants us to pay 30% of the cost of our benefits, while capping our salaries at 2%. Really? C'Mon man!

### Salaries

Cap them at 2%. Prevent unions from fixing salary guides that are disproportionate as a result of management refusals to do this in the past. That's because we make so much!!! None of his rich benefactors ever got that way by being an educator. While he gives them tax breaks, he's taxing us to death with extra fees, charges, deductions, and he's brilliant about it, creating warfare among the classes – but this is a civil war, where the middle class is fighting among themselves, and his rich friends are the winners! C'mon man!

We must stand for ourselves. We must let our neighbors know the lies he is spreading. There is no one who can permit Christie from bullying us. If we can't defend ourselves, who will? **C'mon man!**

# Refusal to Pay Increments Going to PERC Hearing

## District Wastes Valuable Dollars Avoiding Its Responsibilities to Staff



When members of the Association overwhelmingly approved the 2008-10 contract, the understanding was that earned increments would be paid going into the 2010-11 school year, even though the contract ended in June, 2010.

In the *Neptune Township* decision of the New Jersey Superior Court, payment of earned increments was prohibited at the end of three-year agreements. The Court reasoned that after three years, it was possible that no member of the Board of Education would remain on the Board, and therefore the Board, perhaps having no one who voted on the contract as a member, could not be held to the provisions.

P.E.A. spoke with Dr. Evans around the time that the contract was running out and asked if the increments would be paid. The Association was told that since Paterson continues to be a State Operated District, the District had written to the State Department of Education requesting approval. Apparently that request was either rejected or ignored.

After “12-month” Association members failed to receive their earned increments in paychecks of July 15 the Association filed an Unfair Labor Practice (ULP) requesting interim relief with the Public Employment Relations Commission (PERC) over the failure of the District to pay the earned increments.

After both sides presented their arguments the PERC hearing officer ruled in favor of the Association, consistent with the *Neptune Township* decision, and directing the District to pay the increment. The District has refused to comply and has filed an appeal to the PERC Commissioners. If they reverse the hearing officer’s decision then a hearing may be scheduled. While the attorneys from the NJEA Legal Network representing the P.E.A. continue to press for action in this matter, no date has been set for the Commissioners to review the case or make any final determination at this time.

“This is an unconscionable delay by the District. While gas prices and everything else in the economy continues to rise, our salaries have decreased as a result of Christie’s health benefits payment law” stated P.E.A. President Pete Tirri. “The District claims that the new fiscal realities should overturn the *Neptune* requirements, which is absurd.

If anything, these ‘new realities’ would double the mandate that earned raises be paid.”

Tirri continued, “We will continue to fight for payment of these increments. We meet our obligations to the District every single day. We expect the District to reciprocate.”

## Why Teachers Quit

By Kimberly Palmer

TeacherMagazine.org.

It wasn’t her teenage students who drove Meghan Sharp out of teaching—it was the crippling inflexibility of her administrators.

All the innovative curriculum ideas and field trips she proposed to engage her 10th grade biology students were promptly shot down, and she left the profession after just two years.

“I still enjoyed teaching, but it was a constant battle with the administration,” says Sharp, who worked in an urban district in northern New Jersey. “I had to do things like submit weekly lesson plans. There was a lot of bureaucracy.” She now goes by her maiden name and asked *Teacher Magazine* not to identify her old school because she works as an education policy analyst.

According to a recent report on teacher attrition by the federal National Center for Education Statistics, her predicament—and her departure—are common in the profession. Among former teachers who took noneducation jobs, 64 percent said they have more professional autonomy now than when they taught. Only 11 percent said they’d had more influence over policies at school than in their current jobs.

The survey, based on interviews with more than 7,000 current and former teachers, also found widespread problems with workloads and general working conditions, and it notes that the percentage of teachers abandoning the classroom continues to grow. Among public school teachers, that proportion reached 8 percent in the 2004-05 school year—up from 6 percent in 1988-89.

(See TEACHERS QUIT, page 9)

# JFK Block Scheduling Award to be Paid

After months of hearing, discussions and searching for information, the District and the Association have agreed on almost every payment issue related to the unilateral imposition of block scheduling at John F. Kennedy High School. Former Superintendent of Schools Michael Glascoe had attempted to circumvent the terms of the P.E.A. contract when he put a block scheduling program in place. The program, poorly designed and thrown at staff and students, created chaos in the building as students first wandered the halls without schedules, and then protested the program, their schedules, and the violence and vandalism that ran rampant in the building. Kennedy became the center of attention when a student video appeared on *YouTube* showing the students demonstrating while the former principal begged for order.

P.E.A. claimed that seven areas of the contract were violated, including failure to meet the terms of the contract with regard to consecutive teaching periods, having more than five (5) teaching periods and one supervision per day, an increased workload, and mandating more than one change in teaching station per day, scheduling of lunch periods, each teacher was to receive their schedule in June for the following year and that the Activity periods are a second daily duty free preparation by past practice. After eight days of hearing over many months, and the submission of four briefs by each side on this extremely complex matter, Arbitrator Joel Weisblatt ruled in favor of the Association and the staff in that the contract had been violated in all seven areas. He ordered both financial compensation and work time release to make staff members whole as a result of the violations.

All of the current and longstanding contract language was enforced and more detail was brought to the existing language. One of the most important rulings in the decision is that the contract language is based on daily workload not averaging. Specifically, the arbitrator agreed that the total high school instructional day was five periods with each period being 41 minutes long with the addition of one daily supervision period, excluding homeroom. In addition, he ruled that the activity period was actually a second duty free preparation period that each teacher is contractually entitled to since it had become a past practice.

It remained for the parties to agree on the specifics of the remuneration, and that lengthy review has finally been completed. P.E.A. has been advised that the financial remuneration, totaling in the tens of thousands of dollars, will be paid within the next

month. How duty free time will be returned to staff will be completed shortly as well. The case was presented by NJEA UniServ Representative Rich Locke. Research and evidence was gathered by JFK staff members Ed Lesser and Luis Del Gado

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# SDA CONTINUES TO DEFY LEGISLATURE

## AGENCY SEEKS TO LIMIT ROLE OF DISTRICTS IN SCHOOL CONSTRUCTION PROJECTS

### From the Educational Law Center

For close to a year, the NJ Schools Development Authority (SDA) has stopped all work replacing or renovating the worst school buildings in the state, in direct defiance of legislation enacted in 2008 authorizing funding for those projects, and even though the agency spent \$50 million in 2010 on salaries and overhead for over 300 employees.

Now the SDA is getting ready to defy the Legislature - again.

The issue involves a 2007 amendment to the Education Facilities Financing and Construction Act (EFCFA) authorizing urban school districts -- called SDA districts -- to oversee all aspects of school construction projects, just as all other districts in the state do. The Legislature passed the law to give these districts a direct stake in the planning, design and construction of their own school buildings, and to cut down on the expensive, top heavy SDA bureaucracy in Trenton.

In proposed rules to implement the new law, the SDA wants to limit the work that can be done by these districts to site acquisition and actual construction. The rules would not allow the districts to carry out the entire project, including the important planning and design work.

In comments filed on the rule proposals, Education Law Center (ELC) points out that legislators made clear they want local districts to be able to take on the entire project -- from planning and design through construction to completion. The comments warned that if the SDA adopts the rules as proposed, ELC will have no alternative but to file a second lawsuit to enforce compliance with the law.

ELC had to file suit in August to force the SDA and the NJ Department of Education (NJDOE) to prepare and publish these rules, as mandated by the Legislature. For two years, both agencies simply ignored a legislative directive that the rules be adopted by an August 2008 statutory deadline.

ELC also raises other legal issues and practical problems in [comments on the SDA rule proposal](#)

and [comments on rules proposed by the](#)

[NJDOE](#). These include:

- The SDA proposal to review districts' overall qualifications to manage facilities projects is

unnecessary and duplicative of what NJDOE is already required to do;

- The SDA is proposing to offer training and technical assistance to districts, but only after the district has gone through the entire process and has had its application to manage a facilities project rejected. Neither the SDA nor NJDOE are proposing to provide coordinated training and assistance to prepare districts to qualify in advance of an application, or to address any deficiencies identified in the NJDOE application process;
- The NJDOE is proposing that districts meet high benchmarks in every area of district monitoring, even on issues that do not relate to facilities, making it almost impossible for many districts to qualify to take on school construction;

"By creating onerous and arbitrary standards, and a burdensome process, these agencies are doing everything possible to discourage districts from even applying for the opportunity to do their own projects," said Elizabeth Athos, ELC Senior Attorney.

"The Legislature understood that school construction projects managed by districts are more efficient, more cost effective and more timely," Athos added. "It is in the State's and schoolchildren's best interest for SDA to follow this legislative directive."

In a related matter, ELC has sent a [letter to SDA CEO Marc Larkins](#) demanding that the agency begin work on the 50 projects affected by Governor Christie's decision to shut down all school construction over the last year. The letter makes clear that the State remains under court order to complete these projects, and that, if work does not commence promptly, ELC will have no alternative but to pursue appropriate legal action to provide relief for thousands of schoolchildren now trapped in dangerous, crumbling, and outmoded school buildings across the state.



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## A New Jersey Reckoning

January 7, 2011

For almost 40 years, the New Jersey Supreme Court has tried to fulfill its duty to enforce the education clause in the state Constitution by compelling the governor and Legislature to provide equal educational opportunity for public school students. In 2009, the court decided the state had finally devised a way to do that, through a formula that would give each student, especially in poor districts, a chance at "an unhindered start in life."

This week the matter was back before the court because New Jersey is spending 13.6 percent less on education than the state said was required. The governor is presenting this as an "unavoidable" consequence of "dire fiscal circumstances," but it is in fact a matter of choice. Eliminating a billion-dollar tax break for the state's wealthiest residents would all but solve the problem, but Gov. Chris Christie chose not to do that.

The Education Law Center has shown how the shortfall has reduced teaching, learning and, in some schools, safety, because of cutbacks in security. It means the state cannot provide "a constitutional education to all public school students."

The center took the issue back to the court. The right decision is clear. The shortfall in money and other defaults amount to "deficiencies of a constitutional dimension," which the court had warned would lead it to step in again. The justices should order the state to fully finance education as it committed to do.

In 1975, the court seemed to anticipate today's financing challenge. It found that any "theoretical conflict" in the state Constitution between "the strictures of the Appropriations Clause and the mandate of the Education Clause" must be resolved in education's favor. When the state failed to finance education at the level required, the court cut off state financing altogether.

The court now faces a politically charged decision. As bombastically as he seems to do everything, Mr. Christie is waging a battle against the court and what he calls its activism. (That has nothing to do with actual activism, but applies only to judges who rule in ways Republicans don't like.) If the governor were a

student of the court instead of its heckler, he would know the court's role here is judicially modest.

The state set the education standards that students must meet. The state decided how much money was needed to give each student the chance to meet them. The court's role is simply to assess whether, by those measures, current financing is adequate.

It would be natural for the justices to seek a unanimous ruling in a case this important, to underscore that the decision is being made by a coequal branch of government. The appeal of a unanimous ruling is most likely greater because of the governor's attack on the court. But the best reason for a unanimous ruling is the law. The court should order the state to solve this problem.



### New Jersey Governor Presses for "Education Reforms"

The New York Times (1/13, Hu) reports that New Jersey Gov. Chris Christie's (R) "tough-on-schools approach in a state that has zealously protected its public schools - and its teachers - has already put him at loggerheads with legislative leaders, unions and some parents in New Jersey.

And on Tuesday, the governor...used his State of the State address to push his education agenda further by calling for an end to teacher tenure, on top of his support for merit pay for teachers based partly on student achievement and adoption of a voucher like system that would give students in low-performing schools other options."

According to the Times, Christie's "latest salvo has placed New Jersey center stage in the increasingly rancorous national debate over education" and it "also increases pressure on teachers and their unions, which are under criticism nationally as educators, lawmakers and taxpayers try to lower costs and improve results."

# The Great Pension Debate

From the

**CourierPostOnline.com**  
FROM SOUTH JERSEY TO YOU

## N.J. pension shortfall balloons to \$53.9B

By JASON METHOD • STATEHOUSE BUREAU • 12/23/10

New Jersey now faces a \$53.9 billion long-term deficit in its pension system, a new state report shows, further demonstrating the imperiled status of the funds which are supposed to support 800,000 current and retired state and local government employees. The new figure for the pension system represents a roughly \$8 billion increase over last year's figure for what actuaries term is the unfunded liability.

"It shows not only has the problem gotten worse, but the trajectory is such that the deficit is much larger than we thought," said Michael Riccards, executive director of the Hall Institute in Trenton, a think tank devoted to state issues.

Riccards said the report would strengthen Gov. Chris Christie's call for across-the-board pension changes, and administration officials quickly reiterated that call. "Unchecked, the cost of this impossible burden will fall not just on the taxpayers of today, but on future generations of New Jerseyans," Treasurer Andrew P. Sidamon-Eristoff said. "It's crucial that we act now to protect public worker pensions and retirement benefits as well as the state's ability to fund critical services."

Christie, a Republican, has said at least twice this month that he expects pension reform measures to begin moving in the state Legislature next month.

However, state Senate President Stephen M. Sweeney, D-Gloucester, has said reforms will only move forward if Christie agrees to make a pension contribution of some \$500 million in the next state budget. That's the minimum payment that will be required under a law Christie signed in March.

If the state were to fully fund its pension obligation, estimates show it would have to put some \$3.5 billion in, as of last year's budget. Last year, Christie skipped the payment as a way to cope with the state's structural budget deficit.

The state's long-term pension liability does not fall

evenly on all state and local workers. Teachers face the greatest threat, since the state has promised to pay the employer contribution to their pension fund but has largely skipped those payments for 10 years. The teachers' pension system faces a long-term deficit of \$24.5 billion. The pension fund for most state rank-and-file workers is also in deep trouble, facing a long-term deficit of \$9.4 billion against assets of \$10.3 billion.

State and local workers contribute to pensions from their paychecks, and municipalities in recent years have been paying their portion of the costs.

Public pensions are becoming the burgeoning financial crisis of the times, and New Jersey is frequently mentioned in national reports, along with Illinois and California, as facing among the worst deficits.

Some municipalities across the country - in states where municipalities fund their own pensions - are openly talking about declaring bankruptcy. One Alabama town has let their pension fund run dry and is no longer paying retirees, the New York Times reported this week. States are not allowed to declare bankruptcy, however.

As bad as the numbers are, some experts have contended the situation is worse, because the state assumes it can earn an average of 8.25 percent a year on its investments. In the past ten years, it has earned an average 3 percent a year.

Christie's office contends that if the governor's reform plans are not carried out, the pension system will face a \$181 billion deficit in 30 years. It says that if his reforms are passed, that deficit would only be \$23 billion, but the state has not released a report to detail those savings.

Riccards said the state will face even more difficult pension numbers soon because more and more workers are getting close to retirement age. "The demography is working against them," he said. Riccards, who has written extensively about the state pension woes, also noted that that state's pension funds have dropped more than \$10 billion over the course of the past decade because pension payments have exceeded contributions.

That will make it harder for the pension system to build itself up, even with good returns on investments, he said. "We've got ourselves a problem that is terribly compounded."

# N.J. Democratic leaders propose overhauling troubled pension system



Published: Friday, January 07, 2011, 6:09 PM

By [Matt Friedman/Statehouse Bureau](#)



Aristide Economopoulos/The Star-Ledger Senate President Stephen Sweeney, left, talks during the press conference while sitting next to Assembly Speaker

Sheila Oliver, in this November 2010 photo.

**TRENTON** — Democrats say in order to save the state's troubled pension system, they need to take it out of the hands of elected officials.

In a proposal released today, Senate President Stephen Sweeney and Assembly Speaker Sheila Oliver called for a fundamental restructuring of the system, modeling it after private sector funds. The idea, not yet written in bill form, would give public employee unions more say in how their pensions are administered while making workers give concessions.

"It's creating a whole new pension system," said Sweeney (D-Gloucester). "We're blowing up the system that exists to create one that's going to eliminate politics."

The state's pension system is underfunded by \$53.9 billion, up \$8 billion from one year ago, according to the Department of Treasury. That's partly because the state has either skipped payments or only paid partially into the system over the last decade.

"We'll have better planning, more accountability, more affordability for taxpayers and a system that's based on economic reality," said Oliver (D-Essex).

The announcement comes just days in advance of Gov. Chris Christie's Tuesday State of the State address, in which he's expected to push his own proposals to reform the pension system.

The major changes the Democrats proposed:

- Replace the current oversight boards with joint labor/management boards for each of the pension systems. The boards would be made up of an equal number of union and state officials, who would decide

who would manage the fund's investments and determine the rate employees and employers pay into the fund.

- Employees and employers would have to pay more into the pension system if its fiscal health declines. Sweeney, a general organizer for the International Association of Ironworkers, said his union members agreed to pay \$2 more per hour to keep their pension system going.

- Workers would either forgo a 9 percent pension boost they got 10 years ago, or keep it but pay more into the system.

"To put it simply, if public workers want a higher pension, then they'll have to pay more for it," said Oliver.

- Those with less than five years of service at the time of the new law's enactment would no longer get cost of living adjustments. Workers with more than five years would be eligible, but would have to pay a higher rate to get them.

Sweeney said the governor and Legislature should not be trusted to determine the specifics about what benefits should be. He noted the 9 percent pension bump workers got in 2001.

"When Acting Gov. (Donald) DiFrancesco did this enhancement, it was with an eye towards being elected governor. Let's get everyone out of it and make pensions be managed the way they're supposed to be," he said.

In September, Christie proposed rolling back the increase, changing the formula on how pensions are calculated to make them less lucrative, and raising the retirement age.

Public workers unions briefed on the plan said they were willing to make sacrifices, but stressed that the state needs to start contributing to the system again.

"The bottom line is that we understand and acknowledge that something has to be done to deal with the pension system in New Jersey," said New Jersey Education Association spokesman Steve Baker. "We cannot continue with the status quo of no funding, no funding, no funding, and expect that the system will recover."

# Christie holds off on pension payment

By BOB JORDAN • New Jersey Press Media • January 13, 2011

**TRENTON** — Gov. Chris Christie in his State of the State speech Tuesday called the public employee pension system "antiquated and unsustainable," but Democratic lawmakers said an overhaul won't do any good unless the Republican governor restarts funding to the program. Senate President Stephen Sweeney, D-Gloucester, and Assembly Speaker Sheila Oliver, D-Essex, last week rolled out a package of reforms to cut benefits and revamp how the system is governed and how its money is invested.

Sweeney also said the state this year should contribute some \$500 million toward the pension system, as agreed to under a law passed early last year. The state has largely skipped pension payments for 15 years. But Christie failed to acknowledge the Democrats' effort in his speech.

"This legislative leadership has given pension reform to this governor," said Assemblyman Lou Greenwald, D-Gloucester. "Let's have a realistic conversation and a reality check that no reform can take place when the governor refuses to make a pension payment."

Christie noted a recent study found that pension funds of 11 states will be out of money by 2020, with New Jersey among the group. Christie said reforms must include raising the retirement age, curbing cost-of-living payout increases and ensuring "a modest but acceptable contribution from employees toward their own retirement system."

"Finally if we can make real reform a reality, the state must also begin to make its pension contributions," Christie added.

Sweeney said the reforms he and Oliver proposed should have prompted the governor to cut the check by now. "We already did the reforms. He needs to sign the check," he said. The Legislature has yet to take action on the newly minted Sweeney-Oliver proposal.

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## Important pension information for NJEA members

Published on Thursday, January 6, 2011

You may have seen recent news reports regarding New Jersey's public employee pension system. Specifically, Senate President Steve Sweeney is expected to make an announcement tomorrow regarding his plans for a pension system overhaul, while Gov. Christie is expected to roll out yet another set of pension proposals in his State of the State address on Tuesday. Some media outlets have been speculating about what the proposals will entail, and NJEA has been in discussions with legislators and others regarding what to expect from both Sweeney and Christie.

More importantly, we have been carefully studying the pension system ourselves for many months. We have met with actuaries in order to understand the magnitude of the issues the system faces. We have also asked them to study what steps are necessary to ensure the long-term health of the system and the future security of our members who are in the pension system. We have met with attorneys to make sure we know what our members' legal rights are with regard to their pensions and any proposed changes to the system.

We have also met with legislators and discussed our concerns about the pension system. We have not come to any agreements with legislators or final conclusions about the best way to resolve the problems caused by both the economy and the state's irresponsible funding practices. However, we will continue to pursue meetings with legislators in order to be part of the discussion and to advocate for solutions that protect both the stability of the pension system and your long-term security. We believe those solutions should come only from cooperation and mutual effort, and should not be simply imposed.

We understand that pension security is a top priority for our members. That is why it is – and will always remain – a top priority for NJEA. We will continue to do everything in our power to protect the pension fund and the security you are counting on for your retirement. We know that there are no easy solutions for fixing a system that has been so badly neglected by the state and so severely battered by the economy.

(See NJEA STATEMENT, page 9)

## **NJEA Statement**

(Continued from Page 7)

We also believe that the "shared sacrifice" we hear about so often must really be shared: the state must step up and take responsibility for its pension obligations. The state's failure to make any contribution for 13 of the last 17 years is the primary reason we face this crisis, and responsible funding must be the foundation of any real reform.

As we continue this effort, we need your help. **Please contact your legislators and ask them to tell their leaders to meet with NJEA leaders to discuss the issue of pensions.** Our 200,000 members must have a place at the table, and your voice must be heard and respected as we all grapple with this significant challenge.

The next few weeks and months should be very busy ones on the pension front. We will keep you informed of developments as they occur, and we will fight tirelessly to protect your best interests as we work for real, sustainable and lasting solutions to the problems our pension system faces.

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## **Senate Dems unlikely to adopt Gov.'s changes to sick leave bill**

By [Darryl R. Isherwood](#) | December 16th, 2010 - 11:21am

Senate Democrats say they likely will not adopt the changes called for in Gov. Chris Christie's conditional veto of a bill that would limit payouts to local and school district employees for accrued sick and vacation days. State Sen. Paul Sarlo, (D-Bergen) who sponsored the bill in the senate said the bill had bi-partisan support and received no criticism from the front office as it made its way through the legislature.

"I do not intend to revisit the sick leave bill," Sarlo said Thursday. "The bill received bi-partisan support and there was consensus from all involved including (organized) labor. The administration never opposed it during the legislative process and it appears they are opposing now just for the sake of arguing with the legislature."

The current bill would cap accrued sick leave payouts at \$15,000 for employees hired after the bill is signed. Employees hired before the enactment would cease accruing additional time.

Under the bill, also sponsored by Assemblywoman Pamela Lampitt (D-Camden) in the assembly, vacation time would no longer accrue indefinitely, but would expire after a year if not used. But in his veto message, Christie told the sponsors the bill does not go far enough.



"I start with this simple, common sense proposition: sick leave is to be used when you are sick, not as a supplemental retirement fund paid for by the taxpayers for people who already have taxpayer funded pensions," the veto message said. "While I recognize the sponsors' efforts to address public employee benefits, this bill does not sufficiently remedy the gaps in current law that require taxpayers to continually fund unreasonable payouts to public employees."

Christie's plan would prohibit compensation for sick days accumulated after the date of the bill and require accumulated sick and vacation days to be used before newly accrued days, a move that would continually reduce the number of days to be paid out upon retirement.

The new bill also require a doctor's note or physical exam by a doctor of the employer's choice for any employee using six or more sick days in a row, rather than just for employees hired after the bill is signed. The note or exam would be required in all years of employment rather than in just the final 12 months as the current bill calls for.

Christie's plan would also prohibit the payout of accrued sick and vacation days to any employee under indictment for a crime related to their public office.



# Three N.J. districts struggle to regain control of schools from state despite problematic statute

By Star-Ledger Staff



William Perlman/The Star-LedgerNewark's Oliver Street School. The state takeover of Paterson, Jersey City and Newark schools was intended to be temporary.

With a series of takeovers from

1989 to 1995, New Jersey seized control of its three biggest school districts in a bid to stamp out local corruption and financial mismanagement. The power grab was supposed to be temporary — just long enough to whip the Jersey City, Paterson and Newark districts into shape.

A half-dozen governors later, the state's road map to end its unprecedented takeover seems endless, mired in missed deadlines and unattainable goals that make it unlikely the three districts will ever fully regain local control, education experts and legislators say.

As a result, tens of thousands of parents in the state's three largest cities still have no say in how their children's public schools are run.

"Having people 50 miles away responsible for our children's lives, it's like out of sight, out of mind," said DeNiqua Matias, 29, whose 9-year-old daughter attends Ivy Hill Elementary School in Newark. "The community in Newark is beginning to feel more strongly that we're not getting the attention we deserve from Trenton."

Even some legislators who helped draft the 2005 statute that established how districts get their autonomy back say the system needs to be changed. One of them, state Sen. Ronald Rice (D-Essex), says he plans to hold hearings about the law soon. "We have to go back and revisit and tweak the statute," Rice said. "Like everything else, you get a brand-new car, you have to take it to fine-tune it."

State Department of Education officials said they're already reviewing the statute — known as Quality Single Accountability Continuum or QSAC. "We are also trying ... to (make) the new QSAC law more consistent with ... the original intent of the law," said Rochelle Hendricks, the state's acting education commissioner, during testimony to the legislature's Joint Committee on the Public Schools in October.

Despite multiple reviews and lengthy evaluations over the past three years, none of the state-run districts has regained complete local control.

Jersey City, taken over by the state in 1989, won back the right in 2007 to have an elected school board that has legal power to approve its own budgets and hire its own superintendent. But it can't hire or fire administrators or teachers, make any major repairs or changes to its schools or even write its own curriculum.

Newark, where the state took control in 1995, regained authority over its spending and has an elected school board. But the board is advisory only, meaning it can't make decisions about its buildings or hire or fire staff, including its own superintendent.

In Paterson, which lost its educational autonomy in 1991, the school board is completely advisory; it has no control over any aspect of how the district operates.

Critics say two major reasons have caused the slow progress: The state uses benchmarks that cannot be met, and its evaluation is too cumbersome and bureaucratic to be effective. "The whole area of establishing local control is in chaos," said Paul Tractenberg, a Rutgers University law professor who founded Rutgers-Newark Institute on Education Law and Policy. "It's a system that's hardly the best practice model."

While dozens of other districts in recent years have failed to meet the same criteria, they have been allowed to devise their own improvement plan and to retain control, state education officials said.

The Legislature created the series of goals in the statute as a way to monitor the state's public schools and as a strategy to end its takeovers of individual school districts. Working off a list of hundreds of indicators covering every aspect of school administration and student performance, districts must score above 80 percent in five categories and show sustained progress to gradually end state control. The reviews, usually conducted once every six months, are intended to help districts focus on areas they need to improve, but scores can vary wildly.

During two evaluations in 2009, Newark lost 20 to 30 points in three categories — even though the tests were done within a 10-month span. "

(See LOCAL CONTROL, Page 10)



# Local Control?

(Continued from Page 8)

When the reviewers come in, our evidence may be deemed insufficient," said Valerie Wilson, the Newark school business administrator. "If I don't have the evidence, even though I can assure you I've done something, it doesn't count for anything."

Some educators say the three districts fail the state's evaluations because they aren't scored fairly. For example, in the instruction category, which largely assesses student achievement, none of the three districts has come close to scoring above 80 percent.

Newark never comes close because it must enroll hundreds of students each year who score far below their grade levels. Superintendent Clifford Janey said even if those students improve gradually, their incremental progress doesn't count in the state's system. "In order to get a full score in instruction, the district must have every one of its schools meeting (a federal standard). If we are showing growth from year to year, it does not count. It's an all-or-nothing proposition," Janey said.

The QSAC should offer partial credit when most students pass state exams, said David Sciarra, executive director of the Education Law Center. Under the current system, they receive no points. The state Department of Education "should immediately ... come up with alternatives that are more realistic, helpful and appropriate," he said.

Despite the system's drawbacks, a few school board members said the QSAC system has merit.

"As a diagnostic tool, it's pretty good," said Carol Lester, a Jersey City school board member who added that the periodic reviews of the district's progress help keep administrators on task.

For others who are seeking change, it may come soon. Rice, chair of the Joint Committee on Public Education, said he hopes to hold more hearings on the statute in the new year.

Meanwhile, the burdensome reviews will continue.

In January, Essex County's executive superintendent will evaluate Newark's scores. Paterson, which scored above 80 for the first time in three areas during state testing this past June, has a self-evaluation under way. Jersey City had disappointing scores during its last evaluation, which was released in November, and is in the midst of creating improvement plans.

"Here we are, almost six years later," said Sciarra, an education policy expert. "Legislators who enacted the law back in 2005, they must have thought by now all three districts would be returned to local control."

By **Rohan Mascarenhas** and **Jessica Calefati**/Star-Ledger Staff © 2011 NJ.com. All rights reserved

# NJEA plans to fight Gov. Christie over plan to eliminate teacher tenure

By DIANE D'AMICO, Education Writer press of Atlantic City.com

The New Jersey Education Association, while admitting changes are needed, stands ready to fight for teacher tenure, the core job protection it says has helped make New Jersey's schools among the best in the nation.

But on Tuesday, New Jersey Gov. Chris Christie called for its elimination, saying tenure has become a handicap to providing children with a quality education. "Teaching can no longer be the only profession where you have no rewards for excellence and no consequences for failure to perform," Christie said in his State of the State speech. "The time to eliminate tenure is now."

A report released Tuesday contains material that supports both claims. The annual "Quality Counts" report by Education Week ranks New Jersey's education system seventh in the nation, with a grade of B-minus. The national average was a C. New Jersey got high marks for providing public preschool, decent funding and having a high percentage of students graduate high school and go on to college.

But the state got its lowest grades in the "teaching profession" category, earning a C for its accountability for teacher quality and evaluation, and an F for incentives such as merit pay for high performance, or bonuses for teaching in high-need schools.

In September, Christie named a task force to recommend how best to evaluate teachers. Their report is due March 1. On Tuesday he reiterated he wants to reward the best teachers, based on merit. He also demanded that layoffs be based on merit and not merely on seniority.

Any changes, however, would have to be made by law and could take months to implement as school officials grapple with the prospect of even tighter budgets and potential layoffs. School districts are also still bound by the terms of local teacher contracts.

Sen. Theresa Ruiz D-Essex, Union, chairwoman of the Senate Education Committee, is preparing a bill to revise tenure laws. She did not return calls for comment Wednesday.

(See TENURE, Page 12)

# Former school official pleads not guilty to misconduct and forgery charges

From

**NorthJersey.com**

Friday, January 14, 2011

BY JOHN PETRICK, STAFF WRITER

The Record

A retired Paterson school district employee was arraigned in state court Thursday on charges that she stole more than \$102,000 by hiring her own firm to work for the district and then fraudulently billing the district for that work.

Anna Taliaferro, 73, formerly of Paterson and now of Virginia Beach, Va., pleaded not guilty to charges of official misconduct, a pattern of official misconduct, tampering with public records, forgery and misconduct of a corporate official.

In her position as districtwide coordinator of the Paterson Resource Center before she retired in 2008 and moved to Virginia, Taliaferro participated in conferences geared toward making parents in the district better at parenting, according to prosecutors. She was also president of the non-profit corporation New Jersey Association of Parent Coordinators, prosecutors have said.

She was indicted Dec. 14 by a Mercer County grand jury after a three-year state Attorney General's Office investigation. That probe led to charges that between February 2003 and April 2007, she falsified records by making untrue statements on annual School Ethics Commission disclosure statements. The indictment alleges that Taliaferro falsely claimed that she held no interest in any business organization that contracted with the Paterson Board of Education, even though the NJAPC did.

The indictment also asserts that Taliaferro created the false impression that the NJAPC was a business entity independent of her, when she in fact benefited from the district's business. She also allegedly used school district employees and equipment for NJAPC business.

Between February 2003 and July 2007, Taliaferro allegedly stole \$102,226.81 from the school district by creating false impressions on one of more fraudulent invoices submitted to the district.

The indictment further alleges that between June and July 2007, Taliaferro deposited a check from the NJAPC for \$25,000 that she knew had been forged.

"She did a lot for the people of Paterson and Passaic County, and we ask that people give her the benefit of the doubt. These are just allegations," Taliaferro's

lawyer, Miles Feinstein of Clifton, said after the proceedings.

The case is apparently a complex one, Feinstein indicated in court. "Both the attorney general and I agree a trial on this matter would take months," he said, in telling the judge he was still weeding through evidence to determine if he will continue on as counsel for the long haul.

Feinstein said 150 pages of documents have been shared with him by the Attorney General's Office in connection with the state's case against Taliaferro, and that there are 70 boxes of documents more.

State Deputy Attorney General Richard Queen did not oppose Feinstein's request that state Superior Court Presiding Criminal Division Judge Marilyn C. Clark lower the \$200,000 bail, set by a Mercer County judge upon Taliaferro's indictment last month, to \$85,000.

Clark required the defendant to remain in New Jersey until bail is posted. Taliaferro must post bail by Jan. 24 or be taken into custody.

Taliaferro told the judge she will be staying alternately in Clifton and Paterson with her two daughters until she posts bail and returns to Virginia.

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## *Do You Know Who Your State Legislators Are?*

Tenure – Pensions – Health Benefits – Bargaining Rights and many other subjects are Christie's Targets for elimination.

*We're going to need you to contact your legislators to keep our benefits.*

Look at pages 17 – 22 in your P.E.A. calendar for names, addresses, telephone numbers and email addresses.

*You won't have time to look around when it comes time to make contact!*

