

10 R628  
19 65a  
v3

VOL. III

PUBLIC HEARING

before

SPECIAL COMMITTEE OF THE GENERAL ASSEMBLY  
TO INVESTIGATE PERSONNEL POLICIES OF THE  
NEW JERSEY TURNPIKE AUTHORITY [created  
under Assembly Resolution No. 17 (1965)]

Held:  
October 4, 1965  
Assembly Chamber  
State House  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

- Assemblyman Frank X. McDermott [Chairman]
- Assemblyman Joseph C. Doren
- Assemblyman Nicholas St. John LaCorte

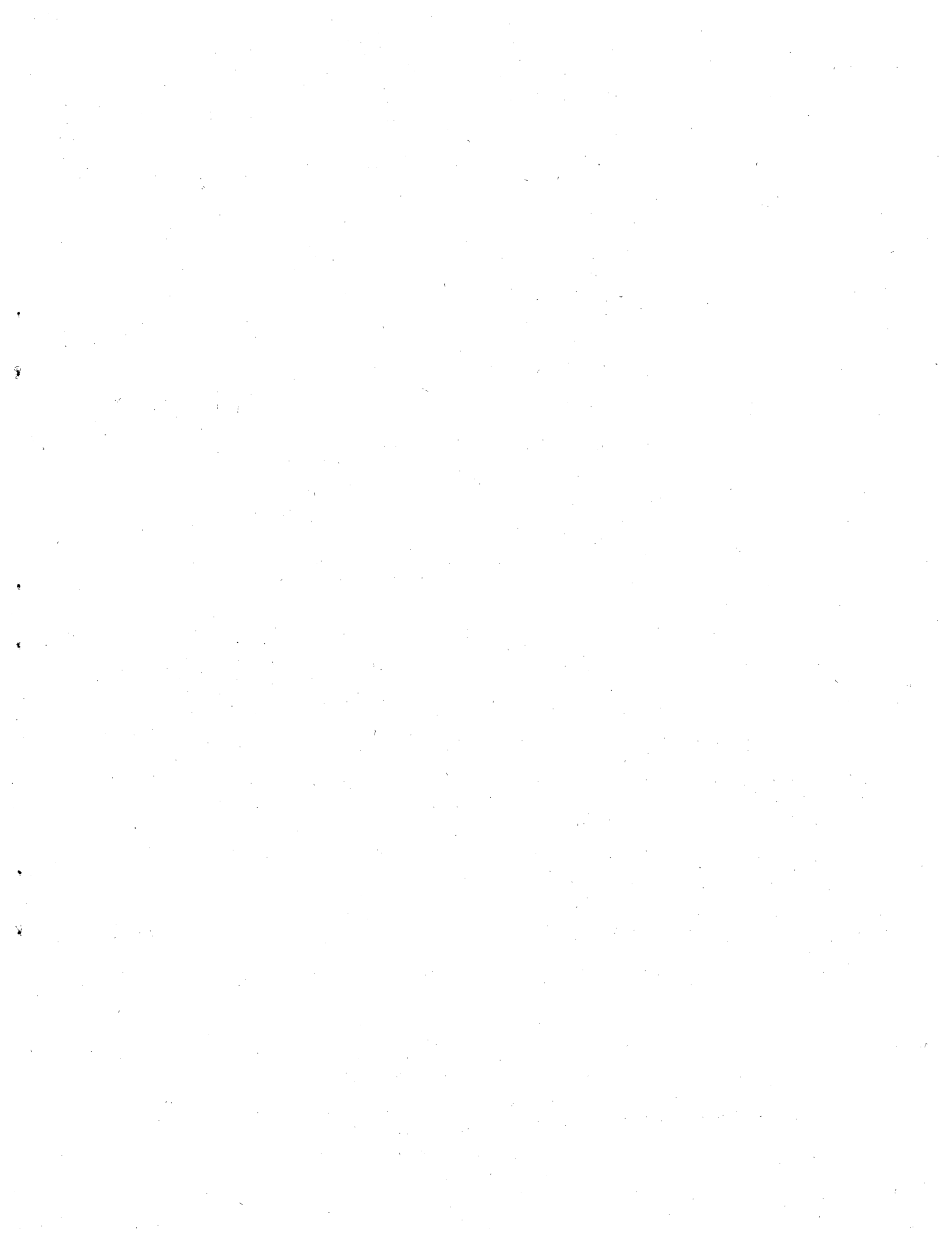
\* \* \* \* \*

**New Jersey State Library**



I N D E X

	<u>Page</u>
William J. Flanagan	1
John P. Leshner	43
Walter Anderson	64
Frank Farrell	72
Joseph Morecraft	85
Robert F. Kenney	91
Howard S. Heydon	104
Gennaro Battaglia	112
Samuel Bardach	118
Frank B. Morro	126



ASSEMBLYMAN FRANK X. McDERMOTT [Chairman]: As Chairman of the Special Assembly Committee set up to investigate the New Jersey Turnpike Authority's personnel policies and practices, I call to order the third session of this investigation.

There were two previous sessions, one in Elizabeth and the second one in Middlesex County Court House. The third one is being held here in the Assembly Chamber and it is the intention of this Committee that this is the final hearing after we take testimony from the Turnpike officials to hear their side of the story. In the first two hearings we heard the complaints of the men and now we wish to hear the other side of the coin from Turnpike officials - Mr. Flanagan, Mr. Morecraft, Mr. Anderson and Mr. Leshar. The first witness that we will call today will be Mr. Flanagan the Executive Director.

For the record, please note that the members of the Special Investigating Committee present are Assemblyman Joseph Doren, Assemblyman from Middlesex County; Assemblyman Nicholas St. John LaCorte, Assemblyman from Union County; and myself as Chairman, Frank X. McDermott from Union County.

Mr. Flanagan, will you please identify yourself for the record.

W I L L I A M J. F L A N A G A N: My name is William J. Flanagan, 15 Reservoir Avenue, Jersey City, New Jersey, Executive Director of the New Jersey Turnpike Authority.

ASSEMBLYMAN McDERMOTT: Mr. Flanagan, as you know, we've had two previous hearings at which time the complaints

of the Turnpike employees were aired. At both of these hearings the Turnpike sent observers - Mr. Kenney, the Personnel Director, and Mr. Postizzi, Counsel to the Turnpike Authority.

Are you aware of all of the complaints and grievances that were brought up at this hearing through the conferences you may have had with these two representatives at each of the hearings?

MR. FLANAGAN: Well, Mr. Chairman, we had requested stenographic transcripts and naturally we are willing to assume the financial responsibility for them. We did not receive them. We only have the notes of the two observers, whatever they were able to get on paper, whatever they believed to be pertinent, so, therefore, we do not have the complete testimony of all of the witnesses. We do have, as I mentioned, the notes of Mr. Kenney and Mr. Postizzi and whatever newspaper accounts there have been of the hearings.

ASSEMBLYMAN McDERMOTT: I will agree with you, Mr. Flanagan. We don't have the transcripts either. They are just presently being printed, I'm sorry to say. However, these hearings were very well attended by the men. Their complaints were numerous. We even limited the testimony because a lot of it became repetitious after a while. But it became quite evident to the Committee that there was something wrong with the personnel policies and practices of the Turnpike as applied. Do you have any idea what is the basic cause of this disagreement?

MR. FLANAGAN: Mr. Chairman, the Turnpike Authority is an industry much like any industry located in the State of New Jersey or any state in the nation. Our industry is somewhat unique in that we are not all under one roof. Communication on a road that is 131 miles long is not as simple as communication, let's say, in the General Motor's plant or Lockheed or Alcoa. This is one of the basic difficulties in this industry, the lack of good communication.

We have made several attempts to overcome that. The most recent attempt has been the selection of a four man labor relations committee made up of four Turnpike employees with considerable length of service, with union experience, to go out on the road each day. They have but one simple instruction and that instruction was to be fair. Each of them are hear and each of them will testify to that if they be required to do so.

We hope that this will overcome the fault of what we would hope to be thorough communication so that these men may report back. They make a written report each day for me. I meet with them every Monday morning, usually from two and a half to three hours to discuss the happenings of the previous week. We do hope in this way to overcome the lack of communication which is basically no one's real fault. It's set up by the geography and the very nature of the industry.

But in commenting upon your comment of the testimony which has been adduced by the Committee, I know that generally there have been complaints concerning the point

system in toll collection. Mr. John Leshar who is Director of that Department is here today to testify. There have been complaints regarding the promotion procedure in maintenance and certain practices in the maintenance department and, although he had not been invited to testify, I have Mr. Howard Heydon the Director of the Department here and I hope the Committee will hear him this morning. And since the Committee is investigating the personnel policies of the Turnpike, even though he had not been invited to testify, I have Mr. Robert Kenney the Personnel Director for the Turnpike Authority here this morning and I hope the Committee will hear him and ask him whatever questions they believe to be pertinent to his department.

ASSEMBLYMAN DOREN: I want to ask, since they were not here and there is no record, there was one particular complaint, as I recall, - on the anniversary date, so far as eligibility for vacation, what is the policy of the Turnpike on that?

MR. FLANAGAN: Well, it had been the policy of the Turnpike to set two anniversary dates, each one six months apart from the other. This led to an orderly process in arriving at vacation schedules. However, in the new personnel policy which has been adopted by the Authority as of July 1, we have recognized now the date of employment, since this, apparently, was a source of irritation to the employees.

ASSEMBLYMAN DOREN: Now, who is the one responsible for setting up the point system on the Turnpike? What

individual?

MR. FLANAGAN: You mean the point system regarding toll collectors. This is the only point system which is on the Turnpike.

ASSEMBLYMAN DOREN: Yes.

MR. FLANAGAN: Mr. Leshar, the Director of Tolls, with his supervisory staff, has worked out this point system and Mr. Leshar will testify in detail to the point system, how the points are obtained, etc., and what they mean.

ASSEMBLYMAN DOREN: Now there was also some testimony - just bear with me - this was a Mr. Harris - is that name familiar to you?

MR. FLANAGAN: We have a Commissioner who is Mr. Angus Harris.

ASSEMBLYMAN DOREN: I believe a gentleman took an exam for Dispatcher and I believe his testimony was pertinent to the extent that he claimed that there was discrimination to colored people on the Turnpike. What have you to say as to that?

MR. FLANAGAN: I recall in viewing the general report of the testimony that there had been a charge by an employee that there was discrimination in the Turnpike Authority in that we hired Negroes for work in toll collection but not in the maintenance department. I believe this was testimony in the first hearing of the Committee.

Now this itself, on the very nature of the testimony, is certainly a ludicrous charge because those who do

discriminate, who practice discrimination, whether it be racial, religious, or any other form of discrimination, do so with a bitterness that is absolute. So if there were any discrimination on the part of the Turnpike Authority at all, it would be absolute. But the very testimony of this particular witness said, and he is a Negro who is an employee, - he said that we have Negro employees only in the toll collection department but not in other departments. Now, this is like trying to jump into a swimming pool and keeping your trunks dry.

Actually, the facts are that we have Negro employees in both the toll department and the maintenance department.

ASSEMBLYMAN DOREN: Going back to the grievance procedure, you say four men have been placed on the road to bring the complaints back to whom?

MR. FLANAGAN: Well, I must explain first that under the previous bargaining agreement, that is prior to Judge Wick's decision, we had a four step grievance procedure. The four steps - of course, they originated in the field and the employee filed his grievance, it was heard by his foreman and then if the answer was not satisfactory it then went to a division supervisor, or someone of equal rank; if that wasn't satisfactory, it went to the department head and if the third step proved to be unsatisfactory to an employee then it went to a committee which consisted of Mr. Kenney, Mr. Haydon and Mr. Compton. They heard the grievance and made a recommendation to the Executive Director and if that was still unacceptable then there followed

arbitration if it was desired by the employee.

Since July 1 we have sought to streamline that procedure so that grievances would be speeded up so that the employee would get a ready answer, and we eliminated two of the steps so that a grievance now, since the policy has been adopted as of July 1, - a grievance now is filed by an employee and it's heard in the field by his immediate supervisor. If the answer is not satisfactory to the employee then the four gentlemen I referred to earlier, who report directly to me, - they are on the road every day - visit that particular toll area or the maintenance district and see the employee and ask him to set a convenient date to have whichever witnesses he feels are necessary and they hear the grievance. They then make a recommendation to me. If the recommendation is accepted by me, I so notify the employee. If it's rejected by me the employee is also notified. And then, in keeping with the terms of Judge Wick's decision, we refer to advisory arbitration for the employee, should he be dissatisfied with the recommendation of the grievance committee.

ASSEMBLYMAN DOREN: Well, how many grievances would you say you receive under the new system, say per week or per month?

MR. FLANAGAN: Since the system has been in effect, July 1, I don't know of any new grievance which has been submitted. The four men have been hearing and clearing up whatever grievances were pending prior to the adoption of the policy on July 1.

ASSEMBLYMAN McDERMOTT: Excuse me, Assemblyman Doren, but I would like to ask a question. Weren't there some discharges since July 1? I remember reading in the newspaper about some men who were discharged.

MR. FLANAGAN: Yes, they were. But this wasn't on a grievance.

ASSEMBLYMAN McDERMOTT: Did these men file a grievance about their discharge?

MR. FLANAGAN: These men, through their union representatives, asked to waive the grievance procedure and proceed to arbitration.

ASSEMBLYMAN McDERMOTT: And has the matter gone to arbitration as yet?

MR. FLANAGAN: No, the matter has not.

ASSEMBLYMAN McDERMOTT: When was the date of discharge?

MR. FLANAGAN: I'm not clear on the date of discharge but I would say approximately three to four weeks ago.

ASSEMBLYMAN McDERMOTT: Three to four weeks ago?

MR. FLANAGAN: Yes, that's right.

ASSEMBLYMAN McDERMOTT: Has the arbitrator been selected as yet?

MR. FLANAGAN: No, Mr. Chairman, the arbitrator has not been selected. The men were so advised, the union representatives were so advised that we would not proceed with arbitration until the prosecutor, to whom the case had been referred, had completed his investigation.

ASSEMBLYMAN McDERMOTT: In other words, you are not going to have an arbitration hearing on the discharges within the near future.

MR. FLANAGAN: I wouldn't say that. It would all depend on when the Prosecutor has completed his investigation. I would assume that the Prosecutor, who has been in touch with General Counsel, would not wish any of the testimony divulged before the subjects are brought before the Grand Jury.

ASSEMBLYMAN McDERMOTT: Well, you realize, Mr. Flanagan, that in private industry a discharge is looked at very seriously and when a man is discharged they streamline the entire grievance procedure so that the arbitrator hears the case as soon as possible. This man is without pay, his family is suffering, and there's an open issue. And even in cases in industry where a man has been accused of theft and the case is pending before the Grand Jury the arbitrator will still, nevertheless, hear the case. Is there any reason why different treatment should be given to Turnpike employees?

MR. FLANAGAN: Mr. Chairman, I would like now to defer to General Counsel who has handled this matter since its inception.

ASSEMBLYMAN McDERMOTT: Well, I will be glad to hear this answer, Mr. Richman.

GROVER C. RICHMAN, JR.: These five individuals, to whom you referred, were given an opportunity to resign which they refused to accept and were discharged, I believe,

about three weeks ago, possibly a little longer than that. The basis of the discharge, which I don't intend to elaborate upon because it is the subject matter of a police investigation and I don't think it would be in the best interest of that investigation to go into the details here, nor do I think - and I feel this very strongly - that the details of these charges should be gone into before an arbiter. This is a criminal matter pending a police investigation. It is not fair to the prosecution or to the men themselves to have these charges aired publicly or privately until the criminal investigation has come to some sort of a determination.

ASSEMBLYMAN McDERMOTT: But an arbitration, Mr. Richman, is a private matter and it can be kept right within the doors where the arbitration is heard.

MR. RICHMAN: Mr. Chairman, there are no such things as private matters. When you bring witnesses before an arbiter in the presence of the union representatives and of the defendants themselves it no longer is a private matter. As you can understand, it might be very detrimental, in fact it would be very detrimental to bring certain necessary witnesses to the attention of these defendants unless the prosecutor would so indicate and he has not.

ASSEMBLYMAN McDERMOTT: This has never been a problem in private industrial arbitrations because there it's felt that a man is in limbo while he has been discharged. In the case of these men I think it would be very difficult for these men to seek other employment because they have a black spot on their record. There would be few employers

who would want to hire a man who was fired for, let's say, alleged dishonesty. And until that record is cleared this man is unemployable.

MR. RICHMAN: But I think you are --

ASSEMBLYMAN DOREN: Pardon me, General, -

MR. RICHMAN: Yes, sir.

ASSEMBLYMAN DOREN: I think the last time - and you can correct me if I'm wrong but I think we agreed that we were not going to go into this criminal aspect for the very reason that the General here is testifying. Now, I think it's an unusual case. This is a criminal matter. I've handled a lot of union work myself where there were criminal matters and I think it's a policy set by the various plants. I know several plants that wouldn't proceed either with the grievances until the prosecutor had made a determination because when you go into arbitration you've got to reveal all the evidence and if you don't have the evidence there the man is going to be restored and it's a question of whether the prosecutor wants you to reveal everything and expose your case. I think that's the real reason behind this.

ASSEMBLYMAN McDERMOTT: This is a very unusual procedure on the basis of my experience of some 14 years.

MR. RICHMAN: On the basis of my experience in law enforcement it isn't at all unusual, it's quite ordinary.

ASSEMBLYMAN DOREN: I think it works to the advantage of both sides.

ASSEMBLYMAN McDERMOTT: As I see it right now, these men who were discharged are just in the state of limbo until such time as the prosecutor takes action or decides that no action will be taken. Is that correct? There would be nothing done.

MR. RICHMAN: There will be nothing done so far as the Turnpike Authority is concerned without the prosecutor's approval. We don't have it.

ASSEMBLYMAN LA CORTE: What happens if the Prosecutor does not bring - the Grand Jury doesn't bring an indictment?

MR. RICHMAN: The general course. We'll proceed.

ASSEMBLYMAN LaCORTE: By arbitration.

MR. RICHMAN: Sure.

ASSEMBLYMAN LaCORTE: Is there any time limit within which you'll go into arbitration?

MR. RICHMAN: No, we would want to do it as rapidly as possible. We've had some difficulty with the union in the past not making timely requests for arbitration but we would certainly hope that this would be disposed of immediately.

ASSEMBLYMAN LaCORTE: Has this been the policy in the past, Mr. Richman?

MR. RICHMAN: To go to arbitration?

MR. LaCORTE: Yes.

MR. RICHMAN: Yes.

ASSEMBLYMAN LaCORTE: Have you had matters such as this before?

MR. RICHMAN: We've had discharge cases in arbitration.

ASSEMBLYMAN LaCORTE: Which had been referred to the --

MR. RICHMAN: No.

ASSEMBLYMAN LaCORTE: This is the first time one is going to the Grand Jury.

MR. RICHMAN: That's right.

ASSEMBLYMAN LaCORTE: Or the prosecutor's office.

MR. RICHMAN: That's right.

ASSEMBLYMAN McDERMOTT: In previous discharge cases, how long has it taken for the case to go through the grievance procedure and finally be determined by the arbitrator? What period of time?

MR. RICHMAN: Well, I can't give you a very accurate answer as to that. It has taken in some cases a considerably length of time. I can recall one case over a year. But, unfortunately, the previous agreement had no limitation of time during which the union could ask for arbitration and, therefore, these things dragged on and dragged on and we could not force them to arbitration because it wasn't up to us, it was up to the union to request arbitration. I think after arbitration is requested then often a considerable length of time expires because of inability, number one, in some cases to agree on the identity of the arbitrator and because of the necessary mechanical details with the Association.

ASSEMBLYMAN McDERMOTT: Well, there was one case that was told to us - I don't remember the name of the individual involved, but if I remember correctly the testimony

was that it took about 18 months before this man went to arbitration.

MR. RICHMAN: That could be one of the cases to which I just referred.

ASSEMBLYMAN McDERMOTT: And would you attribute the delay in this case to the union inactivity in pressing their grievance?

MR. RICHMAN: I would think so.

ASSEMBLYMAN McDERMOTT: Thank you.

Mr. Flanagan, you mentioned that you now have a new system of advisory arbitration. What do you mean by advisory arbitration?

MR. FLANAGAN: Mr. Chairman, Judge Wick's ruling indicated - and I don't like to quote the Judge out of context but in general his ruling indicated that all decisions must be the independent judgment of the Turnpike Authority. Therefore, in an effort not to deny the men any benefit they may have had under previous grievance procedure, after consultation with the General Counsel and our Senior Attorney, we determined that we would continue arbitration but that it would have to be of an advisory nature. In other words, the arbitrator would advise the Authority of its finding, It would then be up to the Turnpike Authority to accept the advice of the arbitrator or to ignore it.

ASSEMBLYMAN McDERMOTT: Oh, in this case then the conclusions of the arbitrator are not final and binding on the Turnpike Authority, they are merely recommendations of findings. Is that it?

MR. FLANAGAN: Yes, sir.

ASSEMBLYMAN McDERMOTT: So that in this particular case of the men who were discharged, if and when the case does go to arbitration and if the arbitrators decide that the men should be reinstated, it could be within the discretion of the Turnpike Authority not to reinstate them.

MR. FLANAGAN: That's a possibility.

ASSEMBLYMAN McDERMOTT: I'm sorry I interrupted you, Mr. Doren, but I was very interested in this arbitration procedure.

ASSEMBLYMAN DOREN: Now under the present procedure do you get notification of every grievance or is it left in certain channels?

MR. FLANAGAN: The procedure or practices or what we intend the practice to be when grievances do reach this Committee, that when they are heard in the field, if they are not settled to the satisfaction of the employee then the foreman or immediate superior immediately forwards the grievance to the Personnel Department. The four men I mentioned earlier report every morning to the Personnel Department. They have office space within the Personnel Department. They would then pick up the grievance and immediately go to the employee in the field to establish a time and date for a meeting.

ASSEMBLYMAN DOREN: Then what happens?

MR. FLANAGAN: Then at that particular time and date they would listen to the testimony and then make their recommendations immediately.

ASSEMBLYMAN DOREN: I see. But there's a recommenda-

tion made on every grievance?

MR. FLANAGAN: There will be a recommendation made on every grievance.

ASSEMBLYMAN DOREN: Under the present system there will be a recommendation made on everyone that complains?

MR. FLANAGAN: Yes, sir.

ASSEMBLYMAN DOREN: And will that reach your office?

MR. FLANAGAN: Yes, sir. And this should considerably cut down the time for a grievance to be adjudicated.

ASSEMBLYMAN DOREN: There is one thing, and I don't know whether you are the one to give me the answer on this point system. I understand that under the present point system, which has been changed since these proceedings have been going on, employees are entitled to 10 days sick leave. Is that correct?

MR. FLANAGAN: That doesn't concern the point system, Mr. Doren. That is one of the new provisions in the personnel policy adopted July 1, 1965.

ASSEMBLYMAN DOREN: It's still 10 days, is that correct, that he's allowed?

MR. FLANAGAN: Yes.

ASSEMBLYMAN DOREN: Why is he given 3 points if he's out 10 days which he's entitled to?

MR. FLANAGAN: Well, I would like to defer, for the purpose of clarity, all questions concerning the point system to Mr. Leshner.

ASSEMBLYMAN DOREN: All right. Thank you, sir.

I have no further questions.

ASSEMBLYMAN McDERMOTT: Mr. Flanagan, since this flying squad was instituted, exactly what was the date that it was instituted?

MR. FLANAGAN: July 1.

ASSEMBLYMAN McDERMOTT: July 1. Have there been any other discharge grievances outside of the men we just discussed?

MR. FLANAGAN: No, sir.

ASSEMBLYMAN McDERMOTT: Do you have any idea of the number of grievances that have been filed since July 1?

MR. FLANAGAN: To my knowledge there haven't been any grievances filed. There have been some disagreements or misunderstandings in the field which these men have settled on the site or on the spot.

ASSEMBLYMAN McDERMOTT: Since July 1 until the present time there have been no new grievances initiated.

A Not to the knowledge of the committee, not to my knowledge, - the committee I speak of is these four men.

ASSEMBLYMAN McDERMOTT: So actually it looks like things are looking brighter on the Turnpike since July 1.

MR. FLANAGAN: I would hope that they would, sir.

ASSEMBLYMAN McDERMOTT: To get back to your July 1 policy, subsequent to that a release was put out by Teamsters Local No. 723 dated July 27, 1965, in which they make certain charges there and, leaving out some of these charges, they have a statement in here that they want to analyze for the record certain major gains and accomplishments

that were set forth in this July 1, 1965 policy, and here's what they say and I wonder if you would correct any errors that they may have in here. They claim that this July 1 policy has eliminated check-off of union dues, is that correct?

MR. FLANAGAN: The July 1 policy didn't do that. The check-off of union dues was eliminated more than a year ago.

ASSEMBLYMAN McDERMOTT: So there can be no check-off of union dues.

MR. FLANAGAN: To answer your question, there is not presently any check-off of union dues.

ASSEMBLYMAN McDERMOTT: And they also mention here that these new rules abolish impartial and binding arbitration. Of course, you've discussed advisory arbitration, did you ever have conclusive arbitration prior to July 1, 1965?

MR. FLANAGAN: We had binding arbitration prior to that time but that was prior to Judge Wick's decision. We're attempting to follow the ruling of the Court. This wasn't any independent judgment on the part of the Turnpike.

ASSEMBLYMAN McDERMOTT: Oh, so now actually they no longer have this binding arbitration.

MR. FLANAGAN: That's right, for the reason I just mentioned.

ASSEMBLYMAN McDERMOTT: Has Judge Wick's decision ever been appealed in the Appellate Division? Do you know that, Mr. Richman?

MR. RICHMAN: Yes, the Union did take an appeal.

from Judge Wick's decision but failed to prosecute it and it was dismissed.

ASSEMBLYMAN McDERMOTT: So the ruling of the trial judge is now the law under which you operate on the Turnpike.

MR. RICHMAN: Yes, it's final, yes.

ASSEMBLYMAN McDERMOTT: Another charge they made is that the July 1st rules give the Director of Tolls and Maintenance unprecedented power to suspend or fire employees at their discretion. Is that a true statement?

MR. FLANAGAN: Well, I don't see how that could be true in light of the grievance procedure that I just mentioned to you.

ASSEMBLYMAN McDERMOTT: Except for the fact it goes back to this bit on advisory arbitration vs. compulsory, you still have the discretion, regardless of what the findings of arbitrator are, to decide any which way you want in the case.

MR. FLANAGAN: That's right. But the inference here and the inference on the part of some of the employees has been that the Authority would attempt to use this to wilfully fire or dismiss or penalize any employee. Actually we made the provision for advisory arbitration because it has not been provided for in Judge Wick's decision and we felt this was a way to continue the provisions of arbitration. Now, several of them probably assume that no matter what the arbitrator says the Turnpike Authority wouldn't agree with it and that is not so.

ASSEMBLYMAN McDERMOTT: They make a charge here

that this new grievance committee that you have appointed is a Turnpike controlled one. How did you select the members of this committee?

MR. FLANAGAN: I selected the members of this committee without recommendation from anyone. They were personal selections by me. I didn't want anyone to influence their selection at all. I saw people who had lengthy experience on the Turnpike and, first of all, I wanted two from tolls and two from maintenance. In terms of experience, the least experience of any one of these four men is 12 years of employment. All have previously held union offices so that they can view the problem from the field, from the union side, and from management's side and, therefore, make a just decision.

ASSEMBLYMAN McDERMOTT: Were any of these people who were appointed, who had union experience, were they ever members of this Teamster Local 723?

MR. FLANAGAN: That, Mr. Chairman, has also been a point of discussion. People say, or rather employees say that this is a difference between Local 723 and Local 1511. The only difference is numbers. The individuals, the personalities, the employees haven't changed at all. Everyone belonged to Local 1511 on the Turnpike. They didn't bring in any new employees to create Local 723. They are the same employees. They changed their local. Some members joined Local 723, some stayed in 1511. So I don't think it's important that they have designation of one number or the other. I attempted to find 4 individuals that I thought

could handle this job well and the day I sat down with them I told them if they didn't handle it well, it was our understanding at that moment that they would return to their former position without any penalty or loss in seniority or benefits.

ASSEMBLYMAN McDERMOTT: But specifically none of these four men had ever been a member of Local 723, although they had been members of Local 1511. Is that correct, none have been Teamster people?

MR. FLANAGAN: I only know that one of them is listed on Judge Wick's decision but someone told me that was in error, as being in local 723, Alexander Donafredo was listed on the title page of the suit as being in Local 723 but this did not influence my decision to select these four men whether they were in either of these locals.

ASSEMBLYMAN McDERMOTT: Is Donafredo a member of the new grievance committee?

MR. FLANAGAN: Yes, he is.

ASSEMBLYMAN McDERMOTT: Then they make a further charge that the Turnpike has now imposed a compulsory overtime provision. Is that true?

MR. FLANAGAN: The overtime provision isn't compulsory, as the men well know. How could you make an overtime provision compulsory? They are arguing with a provision which had been in their previous bargaining agreement when they operated under collective bargaining. This was already in there. They're referring to a penalty, not a penalty, a reprimand or some sort of disciplinary action for not accepting

overtime. Well, now, it's necessary to have overtime to run the road because traffic is unpredictable and no one knows what will cause a sudden surge of traffic at any given time, so sometimes it is absolutely necessary to have overtime and if people continually refuse that overtime, you can see how the Turnpike would be hampered.

ASSEMBLYMAN McDERMOTT: If a man does refuse overtime, does he lose some points under your point system?

MR. FLANAGAN: The point system only applies to the toll collection department. There is overtime in the maintenance department. There is a point score for cooperation but I would say that his refusal would have to be constant, it would have to be flagrant, it would have to be deliberate.

ASSEMBLYMAN McDERMOTT: There is no point system in the maintenance department?

MR. FLANAGAN: No, sir.

ASSEMBLYMAN McDERMOTT: How do you discipline those men or how do you rate them?

MR. FLANAGAN: The men truly aren't disciplined. They're rated according to their skills. When it's time for promotion these things are taken into consideration.

ASSEMBLYMAN McDERMOTT: Why wasn't this point system equally applied to all employees within the Turnpike?

MR. FLANAGAN: Well, because the Toll Department is unique in its setup, the record-keeping, the direct dealing with the public, etc. That's the only reason we have this point system in toll collection.

ASSEMBLYMAN McDERMOTT: I see. Now, they also make a charge that their guaranteed lunch period has been eliminated. Is there any basis for this charge?

MR. FLANAGAN: I don't know what the basis of that charge is. Perhaps Mr. Leshner or Mr. Heydon can testify to that.

ASSEMBLYMAN McDERMOTT: Right. They also say that there has been an elimination of a guaranteed break period. Is this true?

MR. FLANAGAN: Not to my knowledge. Every employee receives his break. He may not receive it at the exact time each morning or each afternoon but that's only because of the conditions of the job.

ASSEMBLYMAN McDERMOTT: They have something in here about the Turnpike has eliminated the lock-out provision. What do they mean by lock-out?

MR. FLANAGAN: I don't know what they mean by that.

ASSEMBLYMAN McDERMOTT: They also charge that you've imposed rotating shifts in maintenance.

MR. FLANAGAN: I beg your pardon, sir.

ASSEMBLYMAN McDERMOTT: They state that the Turnpike has imposed rotating shifts in maintenance.

MR. FLANAGAN: Well, there was one job title, I believe, that they are referring to. They would prefer, and probably from their viewpoint it would be advantageous to prefer it, that you have the single shift and you would continue to pay overtime. The maintenance people sought to impose a businesslike procedure, instead of overtime,

going to separate shifts.

ASSEMBLYMAN McDERMOTT: Incidentally, on this reduction of overtime, there have been some statements made that it appears that the use of part-time collectors has not been just to relieve the load of permanent employees but it has actually cut into their earnings each year. Do you know anything about this charge?

MR. FLANAGAN: I'd like to know how it has cut into their earnings.

ASSEMBLYMAN McDERMOTT: Well, I've been informed that there was a 3-A shift that was taken away from the permanent collector and given to a part-time collector, and this was on Interchange No. 10 where normally these men used to work Sunday work and they would get extra pay for Sunday work. It is their charge that each of these men who have worked on that Interchange, as a result of putting on a part-time man, has lost approximately \$60 a year.

MR. FLANAGAN: If that's a specific charge, it should be referred to Mr. Leshner, and I think too that the names of the employees who made the charge should also be made known to him so that he might possibly tell you how much overtime they had an opportunity to earn in that year.

ASSEMBLYMAN McDERMOTT: They also state in this pamphlet that the Turnpike Authority has failed even to offer a pittance cost-of-living increase. When was the last general increase that was given to the Turnpike employees?

MR. FLANAGAN: A year ago last January.

ASSEMBLYMAN McDERMOTT: That would be January, 1964?

MR. FLANAGAN: Yes, sir.

ASSEMBLYMAN McDERMOTT: How much was the general increase at that time?

MR. FLANAGAN: I don't recall the total increase but it was an hourly increase and I assume it was in the neighborhood of \$300, if my memory serves me right. But in speaking of cost-of-living increases, etc., the Turnpike Authority canvasses all other members of the Toll Road Industry through the International Bridge-Tunnel and Turnpike Association, and in the Toll Road Industry, and I speak now of toll roads, not bridges and tunnels because bridges and tunnels only employ a handful of collectors, - but in the toll road industry the Turnpike salary schedules are the highest in the industry in the United States. We would like to keep them the highest. Until recently, even though we're not a bridge or a tunnel and our force is much greater, we kept pace with the New York Port Authority. They recently granted an increase to their collectors but it should be pointed out that none of their collectors has yet reached the maximum salary. So it is, in effect, a theoretical or a paper increase which will be there for them when they reach the maximum.

But we have in our employ over 300 employees who have been with the Turnpike 10 years or longer, and we have another 300 or so who have been with the Turnpike 5 years or longer. So that these people, I would assume from that length of service, intend to stay with the Turnpike. I might also mention, as long as you are speaking of salaries, that

the benefits we afford the employees match or exceed any of the benefits in any of the toll roads in the United States. We have a provision, recently adopted in this July 1st policy, of 26 weeks at half pay for someone who has exceeded his sick leave. No governmental agency has that, no other toll road has. This is only one of the benefits. I'm not here to enumerate all of the benefits but only to answer your questions concerning previous testimony on the charges which have been made against the Turnpike Authority.

ASSEMBLYMAN McDERMOTT: Well, if I understand what you just said correctly, there are a great number of employees already at their maximum so that if you had any cost-of-living increase or general increase they would receive the immediate benefit of it.

MR. FLANAGAN: Yes, they would, surely.

ASSEMBLYMAN McDERMOTT: And there has been no raise since January of 1964.

MR. FLANAGAN: Not since January of 1964, that's right.

ASSEMBLYMAN McDERMOTT: And do you run this continuing survey of what other turnpikes are doing?

MR. FLANAGAN: Yes, we do. This goes on every 6 months. There's a canvass every six months.

ASSEMBLYMAN McDERMOTT: Do you ever look at what the cost of living might be in New Jersey, as such.

MR. FLANAGAN: Yes, our Personnel Director does that too.

ASSEMBLYMAN McDERMOTT: Does that influence your decision?

MR. FLANAGAN: Yes, it does.

ASSEMBLYMAN McDERMOTT: Is there anything presently under consideration for a possible general increase?

MR. FLANAGAN: Well, we haven't reached budget time yet. Actually, we have some budgetary limitations which aren't generally known. Our road is owned by the people who bought the bonds to build it. We have no control over the funds. Surely we administer the funds but the funds are not ours. We are not like the State Highway Department which receives an appropriation from the taxpayers, etc. We have to submit a budget to the trustees for the bondholders. The trustees for the bondholders must approve the budget before we can administer it. We haven't yet reached the time of the year and this will come within the next month or so. When we do sit down on a departmental budget our budget must not exceed a certain percentage of our income. This is all laid out in the bond indenture, the rules of a contract between the Authority and the people who put up the money to build the road.

ASSEMBLYMAN McDERMOTT: This financial setup of the Turnpike Authority, according to the complicated financial structure do you then regard the employees as public or private employees?

MR. FLANAGAN: Of course, they have already been judge to be public employees and Judge Wick's decision indicates that they are public employees.

ASSEMBLYMAN McDERMOTT: I see. So now they are public employees but you work under a different financial structure because of this type of bonding indebtedness.

MR. FLANAGAN: Because of the unique --

ASSEMBLYMAN McDERMOTT: They, therefore -- I guess I better ask this question of your Counsel. They, therefore, come under Article I, paragraph 19 of the Constitution with regard to their rights.

MR. RICHMAN: True.

ASSEMBLYMAN McDERMOTT: And if I remember that correctly, they have the right to organize.

MR. FLANAGAN: No, they do not.

ASSEMBLYMAN McDERMOTT: They have no right to organize?

MR. RICHMAN: They have a right to present their grievances and proposals. That's all. As distinguished from private industry which does have the right to organize and bargain collectively, they have no right to bargain collectively.

ASSEMBLYMAN McDERMOTT: No, but they do have the right to present their grievances.

MR. RICHMAN: Through a representative of their own choosing.

ASSEMBLYMAN McDERMOTT: Right. And that, of course, would imply that they have to have a union or some organization.

MR. RICHMAN: It could be a union, it could be a hundred unions, it could be a friend, it could be anyone,

under the Constitution.

ASSEMBLYMAN McDERMOTT: I see. Then implied in there too is not only the right to be heard but for the differences to be resolved, isn't that correct?

MR. RICHMAN: No, I don't think that is correct. I think the Constitutional limitation is a limitation to the right to present grievances and proposals. I think I'm right in that because all of the logic of the court's decision in this and other cases has indicated that the government as such, the State government and its various branches and its agencies and its instrumentalities of which this is one because it serves a governmental function, cannot be found by collective bargaining and their only duty on their part under our present Constitutional provision is to listen to the presentation of grievances and proposals, and that is as far as the Constitutional obligation goes.

ASSEMBLYMAN McDERMOTT: Well, doesn't it sort of make a mockery of the Constitutional provision that they can present their grievances but that's the end of it?

MR. RICHMAN: No, it doesn't make a mockery of it at all because it may sound to some people not realistic but I don't think it makes it a mockery in any sense of the word. But you have to recognize this in the area in which you are because if it were otherwise then the power of the State and the sovereign power of the state and instrumentalities could be defeated by groups of private individuals. That, of course, is the philosophy behind this constitutional provision. That's why it was distinguished as between

private and public industry. And it's essential to the dignity of the State and its powers of functioning, that it cannot be controlled by groups of private individuals. That's why they have no right to strike.

ASSEMBLYMAN McDERMOTT: Well, I think we all grant the fact that public employees do not have the right to strike but in what respect, General, would it be impinging upon the sovereignty of the State of New Jersey to have employees given the right to have their grievances finally adjudicated?

MR. RICHMAN: Because, for example, let me say this, suppose the head of a department listens to grievances and proposals that are presented to him; he then issues a statement of policy which may grant some of them and which may deny some of them. He can do that but it is not a statement of policy in the form of binding commitment that would have any effect, for example, upon his successors or could have really any effect upon him as times change and conditions change. So that when you talk about industry, say you will give them a three year contract and these are the commitments. You can't do that in government under this provision. You cannot bind the government. You can try to help them and give them what you think is right but you cannot bind the State.

ASSEMBLYMAN McDERMOTT: Well, didn't President Kennedy by executive order permit collective bargaining? He went so far as to permit collective bargaining within the Federal Government. And if my memory serves me correctly, the Post Office Department was one of the first to initiate

a program under this executive order where they actually have formal grievance procedures. I agree with you that there is no right to strike but now the Post Office employees have the right to have their grievances heard, processed and finally determined.

MR. RICHMAN: Well, of course, the simple answer to that is that the Post Office employees are not governed by the Constitution of the State of New Jersey.

ASSEMBLYMAN McDERMOTT: No, but they are governed by a Constitution.

MR. RICHMAN: But there is no similar provision in the Constitution of the United States as the one we are now talking about in our Constitution.

ASSEMBLYMAN McDERMOTT: Yes, but wouldn't you say the United States Constitution is applicable to all the employees whether they are State employees --

MR. RICHMAN: And also is the New Jersey Constitution applicable to all the employees in New Jersey.

ASSEMBLYMAN McDERMOTT: Well, do you think it is a deprivation of the State employee's rights to have their grievances finally adjudicated while on the other hand Post Office employees can have their rights.

MR. RICHMAN: I don't think it's a matter where my opinion is of any importance. The Constitution of the State of New Jersey exists. It has these provisions and the provisions as to public employees are not the same as the provisions as to private employees. Now, if we don't like this we have methods of changing the Constitution but until

we do or until some court says other than the courts have said to date, this is the situation in New Jersey.

ASSEMBLYMAN McDERMOTT: Well, you know there has been a bill in the legislative hopper for the past three years to implement the provisions of Article 1, paragraph 19, and set up formal grievance procedures. Would you, therefore, say that in your legal opinion such a bill would be unconstitutional?

MR. RICHMAN: I couldn't judge that unless I saw what the bill attempted to do, frankly.

ASSEMBLYMAN McDERMOTT: Well, what it does, it just sets forth a typical grievance procedure that you have in the industrial --

MR. RICHMAN: I would think that it could very well be constitutional if it's within the bounds of the language of the Constitutional provision. If it exceeds it, I think it would be unconstitutional.

ASSEMBLYMAN McDERMOTT: But there is a possibility that by legislation we could implement the provisions of Article 1, paragraph 19.

MR. RICHMAN: I think that's possible.

ASSEMBLYMAN McDERMOTT: Could we do it by executive order of the Governor?

MR. RICHMAN: Oh, I'm not prepared to say that, no, sir.

ASSEMBLYMAN La CORTE: Mr. Chairman, I have just a couple of questions. I was amazed when we started out, Mr. Flanagan, back in June with the number of members of

the Turnpike toll collectors group that attended the meeting and again, later on, I think our next meeting was in July. I don't know whether your new policies established July 1 are going to be the answer to all the complaints but their complaints were quite broad. They went all the way from the application of the sickness policy to nepotism, to unclean working conditions, to delayed culmination of grievances, to poor safety conditions, and so forth. And it led me to believe that somewhere along the line the policies that we have pursued in the past have not been satisfactory, to say the least, to the men who are working for the Turnpike. And it made me stop to think as to how were these policies formulated, who formulated them, who had the experience in personnel work to do this? Let's say that's all water over the dam now. Whatever transpired under the old Turnpike policies that led to so many grievances in such a broad field, let's just say that is gone, that time, that era is gone. But in the development of your new policies as of July 1, 1965, who worked on those to make certain that we can eliminate all the grievances, all the complaints that took place under the old policies?

MR. FLANAGAN: Mr. Assemblyman, first of all, let me say that it's apparent that you've assumed that all of the previous testimony has been based upon fact. We don't have a copy of the transcript, as I stated earlier, to determine whether it's based on fact or not. And for that very purpose I brought with me today the staff members who could best answer those questions and I would appreciate it

greatly, and so would the Turnpike Authority Commissioners as well, if you would have individual questions for individual departments concerning previous testimony.

Now, just to complete the answer to your question with regard to the July 1 policy adopted July 1, this is a policy which was worked on for several months. It was worked on by the staff. We invited each of the unions who represent employees on the Turnpike to participate. There were representatives of the Clerical Department, the Engineering Department, the professional trades, etc. All were requested and almost all attended. Some of them had better attendance than others but for every meeting every one of those units I mentioned was notified and usually appeared with the exception of one of the unions.

ASSEMBLYMAN LaCORTE: I think part of the problem, as I read through it, is that possibly those that are in the management end of the Turnpike or the administrative end of the Turnpike were not sufficiently knowledgeable in personnel practices. Now, this is no criticism of Mr. Flanagan or any one individual, I'm saying this collectively. Their grievances were so broad that it seemed to me maybe we should have hired outside council in management relations or personnel relations to review the entire policy. Very frequently someone taking an objective look at a situation can come up with something that's more beneficial than the man who is in there every day who can't see the trees for the forrest. And I'm concerned that this basically, as I saw it, was the principal problem involved. And now I am wondering whether under your new personnel policies

we are taking into consideration that what we've done in the past has not been satisfactory to the men in the collecting end particularly, and what are we going to do to avoid this in the future.

MR. FLANAGAN: Mr. Assemblyman, once again you are assuming that whatever you heard was factual. Is there anything in that book as you read it that appears to be unfair to any employee?

ASSEMBLYMAN LaCORTE: Well, as I read the book, for instance, I don't know whether tests will be accorded to someone who wants to go into the maintenance department from the toll collecting section - are there tests given as to whether a man is qualified to be an electrician or qualified to be a plumber or such things as that?

MR. FLANAGAN: Why, of course, tests would be given in the various trades.

ASSEMBLYMAN LaCORTE: Are they written tests established and are the men aware of these? Because this was part of the argument that they gave. We don't know why a man became a maintenance man from toll collection, he's just picked. Now, what is the objective standard he can look forward to if he wants to --

MR. FLANAGAN: There are no specific skills required to be a maintenance man. Surely you must have a general knowledge of maintenance work and perhaps have performed maintenance work in the past, but I think you are referring to the skills, that is, electrician, carpenter, mason, etc.

ASSEMBLYMAN LaCORTE: Right.

MR. FLANAGAN: Well, certainly there are tests given for those positions.

ASSEMBLYMAN LaCORTE: Are they written tests?

MR. FLANAGAN: Yes a written and, of course, they go beyond written tests, an actual test of performance.

ASSEMBLYMAN LaCORTE: Well, in other words, you give them a problem to work on? In other words, he would have to work on an electrical problem before he's appointed?

MR. FLANAGAN: Yes, that's right.

ASSEMBLYMAN LaCORTE: This is what I'm driving at.

MR. FLANAGAN: Right. Or a mason would build a wall or a sample of a wall, etc.

ASSEMBLYMAN LaCORTE: Two men testified that they had no basis for knowing any of this procedure. One man in particular, I think, Mr. Harris, testified that he didn't know why a man was picked to be an electrician and he himself had been in this particular field for four or five years and they had gone over his head.

ASSEMBLYMAN McDERMOTT: Is this the radio operator?

ASSEMBLYMAN LaCORTE: Yes.

ASSEMBLYMAN McDERMOTT: A dispatcher, wanted to be a dispatcher.

ASSEMBLYMAN LaCORTE: Wanted to be a dispatcher.

MR. FLANAGAN: These dispatchers, incidentally, receive an actual testing, they had a testing for voice, diction, etc.

ASSEMBLYMAN LaCORTE: Then there was another

question -- this is a question that I have to raise with respect to your new policy. If a man is moved from one department into another, does he lose his Turnpike seniority?

MR. FLANAGAN: You mean, if he moves from the toll collection department into the maintenance department? or vice versa?

ASSEMBLYMAN LaCORTE: Yes, right.

MR. FLANAGAN: Yes, he does. This has been a matter of controversy for a long time and we thought that this was the fair way to apply the program. If you were a maintenance man and you had some 7 or 8 years' experience and yet I wanted to move in from tolls - I was going to now come in and wipe out all of your previous experience.

ASSEMBLYMAN LaCORTE: Well, suppose you came in with 13 years in tolls - you now come into maintenance with no experience whatever, no seniority at all.

MR. FLANAGAN: This is one of the reasons why we are reluctant to transfer toll collectors into maintenance to avoid this particular problem because of the reluctance of the people in maintenance, that is, the employees in maintenance to accept a provision such as the one you suggest.

ASSEMBLYMAN LaCORTE: Well, if this continues to be a thorn in the side of those who work for you, then you will have to reconsider this policy, I presume.

MR. FLANAGAN: Yes. We don't say, Mr. Assemblyman, that what you read in the book, the policies adopted July 1, 1965, are absolute, that these will solve all of our problems. We realize that by the application of them there may be some

problems arise that would have to lead to these particular paragraphs being amended, or sections to be amended.

ASSEMBLYMAN LaCORTE: Well, what you are saying is, experience will tell whether the July 1 policy will prove to be a success.

MR. FLANAGAN: Yes, it will. But getting back to the competence of the people who devised that policy, I have the utmost faith in their experience and in their ability to devise it. Actually the basis for that book was the former bargaining agreement. We worked from that.

ASSEMBLYMAN LaCORTE: I can understand that and yet the former bargaining agreement was apparently unsatisfactory if what we heard here in June and July has any bearing at all on it.

MR. FLANAGAN: Mr. Chairman, I regret that we didn't have, and that you don't have the transcript of the testimony. From the notes that Mr. Kenney and Mr. Postizzi brought back much of that testimony was hearsay testimony accepted by the Committee. That's why I would like you to have - if you have a specific question regarding a specific instance or a specific employee, to ask the question of Mr. Heydon - he's here with all of his records of the employees who were mentioned in the testimony, and so is Mr. Leshner and so is Mr. Kenney and Mr. Compton who worked on the grievance committee before July 1.

ASSEMBLYMAN LaCORTE: Well, Mr. Flanagan, if we have to go back to ask specific questions to get specific answers we'll be here till Doom's Day.

MR. FLANAGAN: Well, we might be here till Doom's Day but you've attached great significance to what has been told you by an employee without giving the Turnpike Authority the opportunity to provide you with the factual information.

ASSEMBLYMAN LaCORTE: Well, that's not so. What I think you have to understand is this, we have attached significance to the fact that there must have been 200 people at our first meeting --

MR. FLANAGAN: So that if I brought 300 people today you would be greater impressed.

ASSEMBLYMAN LaCORTE: They were complaining about their working conditions which covered a broad scope of activity. Now, we tried as best we could to eliminate all hearsay, and Mr. Postizzi was here and will have to testify to that, and when there were men here testifying they testified, so far as we knew, of their own knowledge. But the thing that bothered me, as a member of this Committee, was that their complaints covered the entire gamut of their personal life on the Turnpike from, as I said, working conditions, cleanliness in the booths, to the application of sick benefits, promotions, nepotism, - you name it. So I'm concerned that if these mistakes were so before in their minds, how do we correct the situation for the future?

MR. FLANAGAN: Well, is the purpose of the hearing to correct the mistakes in their minds or to adduce factual testimony for this Committee to report back to the Legislature?

ASSEMBLYMAN LaCORTE: The purpose of this Committee is, if necessary, to suggest and recommend legislation to

correct the conditions that is applicable to the Turnpike that is for the benefit of the general public of the State of New Jersey as well as the employees working for you.

MR. FLANAGAN: Then if that is the purpose, Mr. Assemblyman, I respectfully submit that you should hear the testimony of the individuals I previously mentioned. I don't doubt that some dissatisfaction exists with certain employees in a matter which may be personal to themselves, whether it be real or imaginative. However, whatever that matter is, if you are going to report back to the Legislature with a factual report of the findings of the Committee, then I think it's your duty to review those particular instances, at least the ones you feel to be serious or important, with the people who are in the room.

ASSEMBLYMAN LaCORTE: Then you are suggesting that if we have specific questions, we'll go to another area, and you have given me the answer that so far as the development of the personnel policies of the Turnpike, effective July 1, 1965, they were developed by the Turnpike personnel only.

MR. FLANAGAN: No, they weren't developed by the staff of the Turnpike, that is, the executive staff of the Turnpike only.

ASSEMBLYMAN LaCORTE: I didn't say that. The personnel of the Turnpike only. In other words, you didn't go to any outside management or consulting firm. You made your policies based upon the activities of people who work for the Turnpike.

MR. FLANAGAN: We based our activities on our

policy upon the knowledge and the ability of the people who work for the Turnpike because we have complete faith in their experience and ability to formulate such a policy. We didn't believe that outside help was necessary.

MR. RICHMAN: Maybe I could be helpful, in connection with that July 1 policy.

ASSEMBLYMAN LaCORTE: Sure.

MR. RICHMAN: That July 1 policy, as I recall it, very largely re-enacts the previous bargaining agreement that was entered into, as I recall it, in 1961 before Mr. Flanagan, I think, came with the Turnpike Authority.

Now that particular 1961 agreement was the result of long protracted collective bargaining, long meetings held with union representatives. And that agreement, which was a collective bargaining agreement, - God forbid, I have to admit it, it shouldn't have been but it was - was the agreed policy of the employees, the union and the Turnpike. So it wasn't just devised by management. The basis of the July 1 policy was born in 1961 in a collective bargaining long, long series of meetings.

ASSEMBLYMAN LaCORTE: Well, Mr. Richman, this is just my problem. Now, in spite of that unhappy situation that developed, we have now developed another policy which reinstates the former policy.

MR. RICHMAN: Well, it doesn't reinstate it in its entirety but many things are in there which were in the former policy because these were things that we felt, and I think justifiably so, were things about which there

was no quarrel between management and union. They had all agreed upon them.

ASSEMBLYMAN McDERMOTT: Mr. Flanagan, you mentioned earlier in your opening remarks that there is a problem of communication on the Turnpike because of its geographical extension. Have you given any consideration to hiring outside consultants because as you well know this problem of communication is one that troubles industry too, and there are management consulting firms which specialize in the problem of getting the message down to the employee and the message back up. Have you given any consideration to hiring such an outside consultant?

MR. FLANAGAN: No, we haven't sir. I believe that the four man committee as presently operated has done much to improve the communications over the length of the road. They are now in daily contact with all of the toll plazas, with all of the maintenance districts, with the men, whether they be working in the field or in the districts, they have done much to improve the communications on the Turnpike. Right now I would say that should they continue to improve at the rate that has been shown since its inception on July 1 we will have overcome the problem of communication.

ASSEMBLYMAN McDERMOTT: Well, from your own testimony you said these men were picked from the staff. This has become quite a problem, as I said, generally speaking in industry and there, although they have some pretty high priced executives they still nevertheless go outside to hire independent people and this is what I am bringing to your

attention that if you have a problem it might be best sometimes to seek outside help and not just look within. You can't always do it.

MR. FLANAGAN: Well I believe, Mr. Chairman, if the situation arises in the case where these men cannot perform or they cannot continue to satisfactorily perform as they have already shown, then perhaps some consideration at that time should be given. However, I don't believe it's warranted right now.

ASSEMBLYMAN McDERMOTT: Are there any further questions? (No questions.)

Mr. Flanagan, thank you very much for coming today to testify. We appreciate your cooperation.

MR. FLANAGAN: Thank you, Mr. Chairman, and members of the Committee.

ASSEMBLYMAN McDERMOTT: The next witness is Mr. Jack Leshner. Mr. Leshner, would you please identify yourself and your position with the Turnpike.

J O H N P. L E S H E R: My name is John P. Leshner. I am Director of Tolls on the New Jersey Turnpike and I have been that since its inception, and my home is at 650 Barrymore Street, Phillipsburg, New Jersey.

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Leshner, you have heard the comments made today by the members of this Committee that in our first two hearings we received a tremendous number of protests about the personnel policies and practices, particularly in the

Toll Collection Department. As Assemblyman LaCorte said earlier there were about 200 people at the first hearing and about 150 at the other and they were all particularly irate. What do you think, in your opinion, is the cause of this unrest among the employees in your Department?

A I wasn't aware that there was that much unrest. There is one possibility that some of this could be generated by two different groups trying to establish themselves on the Turnpike. Certainly that doesn't tend to make things very quiet.

Q You say you weren't aware of the unrest. You realize --

A Not to that point, no. I would certainly not expect in any type of industry or any facility such as ours that you wouldn't have a reasonable amount of gripes. Now there is a difference between a gripe and a grievance. I think we all tend to gripe once in a while and we get it off our chests and go on doing a good day's work.

Q You realize, of course, that many of your employees formed a picket line in front of the State House in May to protest the practices in your department. You realize that, don't you?

A Oh, yes. I realize how many of those are stimulated.

Q Well then it's your opinion that this is just a tempest in a teapot more or less?

A I have no reason to think that it's anything unusual, no.

ASSEMBLYMAN DOREN: Mr. Chairman, I think in all fairness to the witness we should go to specifics so that he can answer. These are

general statements and I wanted to, before I forgot, ask him specifically on this point system. I think that caused the biggest dissention. Is that correct.

ASSEMBLYMAN McDERMOTT: Yes.

Q What I wanted to determine was what in your opinion was the problem. I see now that in your opinion there really isn't a problem, it's just normal --

A I think a good deal of this is blown up all out of proportion. I would be very happy to discuss this point system, if that's what you want, although we call it a merit rating system.

Q We are more interested in the over-all problem on the Turnpike and it's employees rather than just one part of it. And I'm glad you testified as to what is your opinion of this unrest.

BY ASSEMBLYMAN DOREN:

Q Under the new presently established merit rating, it's my understanding that a person is allowed 10 days sick leave per year, is that correct? A He's allowed 10 days per year sick leave for which he is paid full pay.

Q Correct. A Now that doesn't say that there will only be 10 days with full pay for that year because this is accumulative.

Q I'm bringing this out because -- A He could have 150 days if he hasn't been sick before and he's been with the Turnpike for 15 years. He could have built up a reservoir of sick leave of 150 days and he could draw

on it.

Q Why does he get 3 points if he is out 10 days? Why wasn't the 3 points given on the 11th day instead of the 10th day?

A This was just a system that we devised. This so-called point system is not new. There has been a rating system, I would say, for the last 8 to 10 years on this Turnpike. There has always been a merit rating system. That's the basis of yearly increments. On their anniversary dates their work records are reviewed during the first four years of their employment. After four years they have reached the peak of their salary bracket. But in order to be eligible for it they must not only put the time in but they must accomplish so much in the way of a merit rating system. It's not just automatic.

Q Is our merit rating the same as for other Turnpikes throughout the country?

A No. I like to think we are probably the forerunner. I have been to quite a few bridge and tunnel meetings and they just about brainwash me every time I'm there. They are all instituting some method. Some of them penalize collectors who are short, make them make up the difference and give them no credit for any overages at all. Now we make no penalties on that at all.

Q Mr. Leshar, I would like to get an answer to my question as to the reason why we don't pick up the 11th day for the 3 points rather than, as you have at the present time, you say the 10th day. You say you are giving 10 days sick leave but if you take 10 you get 3 points. Why don't you start on the 11th day?

A Because a man's

attendance is part of his work record. Naturally if he takes his 10 every year he is a less desirable employee to us than a man who is very seldom sick and when he is it's usually something of a serious nature. You have all types of sick leave. I think you are aware of the fact that if you just don't feel good and you want to roll over in bed and you call in or someone else calls in and you just don't come in, you're replaced by another time-and-half and this generates - somebody called in for overtime, the next thing too much overtime and then somebody else is griping, we have to work too much overtime. Actually the amount of overtime worked out there comes to about 3.2 in a year of their working hours which, I think, will figure out to maybe 65 hours spread over a whole year.

Q Also I think there was some testimony, the Committee can correct me. that on entry there is no gain of points, you don't get any advantage by being on entry but you can lose points on entry. Is that correct?

A I don't know how you can lose points.

Q Well, if you give out the wrong slips, say it's a bus and he gives out a card for a car, he would be chargeable with that, wouldn't he? A He's charged with giving out a wrong classification ticket, yes.

Q But he gains nothing if he's 100% right while he's there.

A I would like to point out that we could put entry in but if we do all we are doing is dealing with another mass of figures which only clutter up the place and you would adjust your point system accordingly. Now,

each one of these collectors rotates. He works twice as many exits as he probably works an entry lane because usually it takes two exit lanes to handle as much traffic as you get through an entry lane. So that they all rotate through these various types of duties. So it doesn't make any difference whether you put in the entry figures or whether you leave them out. They are all being treated and weighed under the very same conditions. And all the information we use in merit rating these chaps is factual information produced by our own data processing equipment. They make the record, we don't. All we do is tabulate it.

Q How many do you have in the employ of the Turnpike at the present time, men? A I would say there's about 350 collectors and about 70 more in the management personnel.

Q What is the total of all the people, regardless of position, on the Turnpike? A I believe the Personnel Department could better answer that than I. I know we have the largest department.

Q And what is the base pay when a person first comes into your employ on tolls? A The starting rate is \$4800 a year.

Q As a toll collector? A That's right. And over a four year period it goes up to six thousand six.

Q And then where? A That's it. You reach the maximum in 4 years if your work is satisfactory.

ASSEMBLYMAN DOREN: That's all.

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Leshar, going back to the point system, we heard testimony that a collector one day had \$5.00 worth of change that he changed into a \$5.00 bill and that through happenstance he forgot to put the \$5.00 bill in the till, he put it in his pocket and when he got home he discovered that he had this \$5.00. When he went back to work the next day he intended to return the \$5.00. According to his story he was charged, under the point system, for a \$5.00 deficit the first day and when he tried to return the \$5.00 he was told not to do it because he would be charged with points for an overage the next day. Nevertheless he did it and I understand that he got points for both instances. Is this your understanding of the system? A No.

That's entirely false.

Q That's entirely false? A Yes. I have the records here to show that he was never charged with it. He was charged one point for a tour fund error. I think if the same man made the same mistake the next time he would be better off if he put the \$5.00 in his pocket. He would have been charged with 5 points if he had done that. He got the smallest amount of points he could get on it and it was a tour fund error. That's what he was charged with. So the statement is completely wrong.

Q How many points did he get for that?

A He got one point, not ten as he said. And I have the facts here if you want to look at this.

BY ASSEMBLYMAN LaCORTE:

Q That one point was on the basis of --

A Of a tour fund error, that's all.

Q What do you mean by a tour fund?

A They are given so much money in cash when they start out, to make change. You know, you may get a \$20.00 bill the first minute you are in the booth.

Q And he was short \$5.00. A By experience we set it up in various denominations so that they are able to take care of any situation. Then maybe after they're working for three to four hours and they've taken enough money in that tour fund is picked up and gotten ready in the right denominations for the next shift. So it was in the process of putting this tour fund together that the \$5.00 overage or shortage, whatever it was, developed, and it was corrected the next day. This is not infrequent.

Q Was one point eliminated for having corrected it?

A It was just a tour fund error. No, he was charged one point.

Q He was charged one point. A Not ten as he claimed.

Q Well why charge him any if he put the money back?

A It was still an error and it should have been caught. The next one might be \$100 but it's still one point. There's another thing there. You'd be surprised how many people don't bother to check it. They are just in a hurry to get away and take the other fellow's word for it.

Q With respect to this point system, this man was under the belief he had lost 10 points. Does he have the right or do the men have the right to go over their point system charges or deficit credits? A They certainly do.

Q Is that worked out on a formalistic basis? How is it worked out? A He goes to his supervisor if he wants to see the record. They're available. We've never denied anyone access to the records. There are certain records that we can't reproduce and issue to everyone but they have access to any record they want to see, and they're given a copy of their merit rating. It's discussed with them and if they have any objections they have recourse.

Q Are they given monthly records of their point system standings? Is there some method whereby a man can have this given to him without his having to go to a supervisor, through the main office and then filter on back? A Well, unfortunately, this record is accumulative over a yearly basis. So that, as you say, could it be given to them monthly, it's an incomplete report at that time. He could have one bad month and very easily make it up in the next month or two months.

Q But at the present time there is no established policy for the Turnpike to give the man periodic statements as to his standing on the point system. He must request it.

A Only if it gets very bad and then usually we send him a little note and say he better shape up on this item or that item, you're kicking it around a little bit.

Q It might be - I'm making this as a suggestion - that this point system - you've been with this now for several months, several years - this was the subject of a considerable amount of grievance and if there is some way of working it out so that you can get back to the men how they are being charged for points and under what circumstances, you might save a lot of headaches.

A I think a copy of this was made available to you --

Q Yes. No, I'm talking about -- A -- it is darn near self-explanatory.

Q Well, you see Mr. Flanagan mentioned, and I can understand the problem, communication. In this instance I think communication, that is, a piece of paper going to this man periodically might solve your problems or their problems which become your problems. A Well, of course, at the end of each month the tabulated record is shown to them and they sign for it, that they have seen it, and that's how they balance out in their money for the month.

Q I'm talking about points now. Their complaints were points, not tabulated records or anything but points. That's all they're worried about, the point system.

A We have some very happy individuals out there with that point system. It's worked out very well for them. I would guess that I can't name more than two or three people in three years who have been separated by this merit rating system. I think that's a pretty remarkable record for that many people. And don't forget we are dealing with human beings out there on this Turnpike, and money. They are two

pretty important objects to be dealing with.

Q I have never lost sight of the fact that we have to have the money to take care of the problem --

A And the people. You can't rough them up too much.

Q The only concern I have here now is that something should be done to work out a more harmonious relationship. And if a piece of paper periodically will do it, it certainly would seem to me to be smart business to do it.

A You'd be surprised how many notes go out to these people to alert them and let them know how they're making out. They're not working in the dark.

BY ASSEMBLYMAN DOREN:

Q Well, they're told, aren't they? A Oh, sure. Certainly.

Q But they don't get the official letter form.

A No news is good news, you can bet on that. There aren't too many out there that we have any problems with. Why they are scared of this point system, as you call it, I don't know. This is not new in merit rating, it's 8 or 9 years old, in fact it's been modified over the years. You wouldn't believe it but we have fellows we are hiring who at the end of six months with the Turnpike are getting points way beyond what we require for a four-year man. They make it with no trouble at all. Anyone who flunks this rating system that we have today, there's got to be something wrong with the man.

BY ASSEMBLYMAN LaCORTE:

Q If you have 250 people at a meeting and almost all

of them were unanimous about the point system, something is wrong with the point system possibly; if not the system, the way it's being communicated to the men. There is some problem here that we're not reaching, apparently, because this came out in two hearings, Mr. Leshner, that this point system was a prime gripe of these men and you told me now that one man was completely unaware of the fact that he only had one point charged against him instead of ten.

A I didn't say he was unaware. I said it was a misstatement. I'm not so sure that he was unaware because he's been around here too long.

Q Do you know if it was brought to his attention --

A Yes.

Q -- that only one point was charged against him?

A Yes. I think there's probably a memorandum to that effect.

ASSEMBLYMAN LaCORTE: Thank you.

BY ASSEMBLYMAN DOREN:

Q Just one question, and this has been brought out in the testimony. It just dawned on me that I think one of the complaints was if you handled 10,000 cars you had the same penalty under the point system as you do if you only handled 500 cars, say in a week. Is that so, sir?

A No. Each interchange establishes its own average figure, the average production. We have taken every collector's record out there that was ever with us, dried it out, set it up - we just didn't pick this out blind. There was a pile of work that went into establishing this type of

system. But when it comes to an interchange, they establish what the average collector will turn in. Then if a man handles more cars than that, he gets a credit.

Q You say that but apparently the men who work for you are not aware of it. A Oh, yes, they are, every one of those boys. This was explained to them and is available to them and they get a copy of it.

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Leshar, the men also brought up a point that they don't understand either. It had to do with this question of overcharges. There was testimony given that in one instance a man received a \$20.00 bill from a motorist who was in a hurry, the toll for that motorist was \$1.00, that they turned in the \$19.00 and they don't know what happens to this money thereafter. What does happen to excess funds that are picked up in this regard?

A In the first place, he made two copies of that report. He sent the money into my office and the other copy went into the accounting department. They know that money was sent in by the copy they get. Once a month I clean this out, list it as miscellaneous revenue and forward it to our comptroller. Now the very item you refer to, I have a copy here which shows the date and the amount that was sent to the comptroller along with other various items. Also a copy of the collector's report when he sent it in.

Q So this money goes back into the general fund.

A It goes into the general fund, miscellaneous revenue, right.

Q What is the turnover of personnel in your department each year? A It's been a little heavy, I would say within the last 6 to 8 months. Whether we are in better shape in New Jersey now with unemployment than we've ever been, I don't know, but we find so many young fellows just work maybe 2 or 3 months and they are just taking that while they are looking around for another job. They hesitate to like shift work, let's say, or work nights, and this is a continuous operation, 24 hours a day every day in the week. A lot of people don't like weekends and holidays but that's the nature of our operation.

Q You keep records of this, don't you, of the turnover? A Oh, yes.

Q Well, what is the percentage of the turnover? A I think possibly our personnel director could give you a better picture of that than maybe I could.

Q Well, you stated it was high. A It's been high recently, yes.

Q Have there been many requests for transfers from your department to the maintenance department? A Oh, yes. This is not unusual. You'll find some chaps as they get along in life maybe they've raised their family or their wife is working, and in the maintenance department they have a job during daylight hours and Monday through Friday and they have the weekends to themselves and no longer need the higher salary. Normally they move over and take a decrease in pay just because they want some home life.

Q Yes. But isn't it more of a laborious job when they move over to maintenance than toll collection?

A No, I wouldn't say so. Don't forget you're handling a toll lane and when they're coming at you you have to take care of them, whereby if you are out on the Turnpike I think you have more choice of just how fast you want to work or how important it is. When they're coming at you in a toll lane you're kept fairly busy.

Q I just can't see an older man moving over to a maintenance job that requires a lot of buggy-lugging and physical exertion while picking coins is not such a physical exertion.

A You're on your feet 8 hours a day and, sorry to say, human nature being what it is that's why some of our collectors probably do rough up a patron once in a while because some patrons rough up a collector too. And when you're dealing with the public it goes both ways and it's pretty hard to control your temper at times.

Q Is the turnover in your department considerably greater than the turnover in the maintenance department?

A I would say so, yes, because I think it's a much more difficult operation and I think it's recognized in the salary brackets accordingly. You're on your feet all day, you're dealing with the public, you're confined to a booth, you've got the fumes of buses and trucks and the noise and what-not.

Q Do you have promotion from within the ranks to supervisors from the toll collectors?

A Always. That's

the only way they are promoted.

Q I see. Well, what sort of standards or tests do you employ in your promotion policy? A We

usually like to look a fellow over anywhere - we wouldn't even think of promoting anyone that had less than six years of experience with the Turnpike. The first thing we look at, did he have a fairly decent work record because he's not going to be in a very good position to talk to somebody else about their record if his wasn't so good when he was made a supervisor. That's how it is - how does he conduct himself, can he handle other people, and that sort of thing. There are many attributes you have to look at when you're making a man all at once a supervisor to a party he was working with the previous day.

Q Do you have any instances where supervisors don't like the work and request to go back into the --

A We've had, I would say, maybe two or three cases where it was either a matter of health or his nerves wouldn't take it. He just couldn't all at once adapt himself to the fact that he was supposed to take over now and run the interchange and run the people that he had been working with the day before. And this goes both ways. I've known fellows who were buddies and one fellow is promoted and the next day the other fellow wasn't even talking to him, let alone congratulating him.

Q So you do get this tendency to go back.

A Oh, you'll find once in a while a fellow just can't adapt himself to it.

Q Just one final question on this sick leave bit. There is a case involving a gentleman by the name of Robert Mulligan who was out for 2 days, he doctored himself, and when he came back he was docked pay for the two days. He said that he had no doctor's certificate, obviously, but he was told that he had to get a doctor's certificate. And even after he said that he had doctored himself it was insisted by the personnel department that he get a doctor's certificate. There has been testimony that it seems to be the policy of the Turnpike that just as long as a man gets a doctor's certificate he gets paid but they've got to have something in the file that he has a doctor in attendance whenever he's sick. A No. Do you know the background to that absence?

Q I only know that Mr. Mulligan was out two days and stated that he had not been under a doctor's care and even after he stated that he received a letter, August 11, 1965, in which they ask him to send in a doctor's certificate, which sort of implies, look, why don't you go out and get your family doctor to have a certificate made up and we'll pay you and that's the end of the case.

A Mr. Mulligan's name came up on a rotation list for overtime. He reported in and worked 8 hours prior to his regular tour of duty, which meant that he put 8 hours in at time and half time, then when it came time to start his regular tour he went home sick from the job. There was no indication of him being sick at all while he was working this 8 hours overtime prior to the start of his regular

shift. Now this was a peculiar situation. It only happened two or three times before and in most cases it's a nice way to get a day and a half's pay and still have the day off. All we asked him to do was to bring in a doctor's certificate and he got his back up and refused and later we find out that he hadn't even been to a doctor. Now this seemed kind of strange for a man who had already worked 8 hours, then went home sick and then took the next day off. All we did was ask for a doctor's certificate.

Q But that isn't normal operating procedure, is it?

A No. Only in cases where they establish a pattern. For instance, a man who's always off after pay day or the man who is scheduled off two days and takes the third day off, where they are hooked up together and the first thing you know over the years these create a pattern.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Lesher, I think you said, in your opinion, the toll collection job was much more difficult than the maintenance department.

A Certain types of maintenance. I think you would agree that anyone who was out there possibly cleaning up the pike, for instance, picking up papers and things like that, there's no time element there or no concern if he misses a couple of pieces of paper, but there would be if we didn't have enough collectors in a lane or he took too long on his lunch break or something like that.

Q Then how do you account for the fact that maintenance men's salary, grade D, Grade E, they are all in

excess of the toll collectors?

A Aren't they in

the crafts?

Q Sir?

A They are in the crafts, are they

not

Q Well, a landscaper, I presume a landscaper is in

the same situation as anyone else.

A You're getting

into the skilled category.

Q Well now, isn't a landscaper a lawn cutter or a

man who picks up the papers on the Turnpike?

A Well

a landscaper doesn't cut the grass out there, they are regular maintenance men who do that. However, I think the Director of Maintenance can probably talk better on that subject.

Q I presume, if this is so, that all of those listed

under salary grade D on page 35 of your personnel policy

booklet get the same pay, \$6180 a year.

A Excuse

me. Now maybe I can follow you better.

Q Page 35.

A Yes. Now, which one are you

referring to.

Q Well, you mentioned landscaper. Does he get \$2.97

an hour or \$6180 a year?

A If he's there 4 years

I would say that he does. He's in the same class with a

carpenter, electrician, and so forth. You are now talking

about the crafts.

Q Now, if you turn to page 36, on the other side,

the next page, the toll collector, whom you say have the more

difficult job in many instances than these other men, gets only

\$2.89 an hour and \$6006 a year.

A Yes.

Q Maybe this is a problem that we are having that we

ought to re-evaluate.

A Well, I think, as Mr. Flanagan said, we are at the top now. I think we are paying more on the Turnpike than any other toll facility as such, that is a toll highway.

BY ASSEMBLYMAN DOREN:

Q There are specialties too in maintenance, aren't there?

A Yes, there are special jobs and a number of those jobs are limited. Furthermore, we have higher qualifications for obtaining a toll collector's job than you have on an ordinary maintenance job.

BY ASSEMBLYMAN LaCORTE:

Q You have higher qualifications? A Yes.

Q Well then you ought to pay them more money.

A Well, I say higher. They have to have a high school education or its equivalent. You're dealing in counting money and you're making out reports, and so forth, which the average maintenance man does not do.

Q Well, it would seem then that we may be in reverse. Maybe this is part of our problem. Maybe this is why so many men want to get out of toll collecting, they're not getting enough money.

A Well, I think there are many reasons, and probably no two alike.

Q You see, all these men want to get in - from toll collecting they want to get into maintenance, now one of the reasons, I presume, is that maintenance is more a five day week than toll collecting. Is that correct?

A It's a Monday through Friday job, as a rule, which is desirable.

Q Correct. Then another good reason is that they

get more money at the end of the week than if he stays in toll collecting. A Not unless he's in the skilled class.

Q Well, no, a landscaper gets the same thing --

A Well it's a skill.

Q What does a landscaper do?

A I would rather have you take it up with the Director of Maintenance but in my opinion I think what he does is plant and take care of plants and planting and so forth. And I wouldn't think the ordinary man who cuts the grass there would be qualified to take some of these other jobs in landscaping.

Q There is no other classification for that type work.

A He's a maintenance man, a grass cutter.

Q Maintenance man 2, maybe, on page --

A Maintenance man 1, I would guess.

ASSEMBLYMAN LaCORTE: All right. Thank you.

ASSEMBLYMAN McDERMOTT: Any further questions?

(No questions.)

Thank you very much for appearing here today, Mr. Leshar.

We will take a few minutes break. Our Secretaries do a very fine job and we ought to give them an opportunity to rest.

(Recess)

(After Recess)

W A L T E R    A N D E R S O N, called as a witness, testified as follows:

BY ASSEMBLYMAN McDERMOTT:

Q     Mr. Anderson, will you please identify yourself and your position with the Turnpike?            A     My name is

Walter Anderson, Toll Plaza Supervisor, Northern Division.

Q     How long have you been with the Turnpike?

A     Since November, 1951.

Q     How long have you been a supervisor?

A     Since July 1, 1962.

Q     So you have been a supervisor these past 3 years?

A     Yes.

Q     Are you familiar with the problems that the toll collectors have with regard to their personnel practices on the Turnpike?            A     I was on the Executive

Board of the Union before I was promoted.

Q     Well, you know in our two previous hearings there appeared to be considerable unrest and uneasiness about these personnel policies. Would you say, as a consequence, there has been a loss of morale among the employees of the Turnpike, particularly those whom you supervise?

A     As far as supervisor, there is a loss of morale.

Q     Are you talking about the supervisor or the men?

A     The toll plaza supervisor that I'm in now for the past 3 years, I find a loss of morale.

Q     Among the supervisors?            A     Yes.

Q What's the reason for that? A Well, we have different - going into different categories, you lose your seniority rights, and so forth.

Q When you say you lose your seniority rights, what do you mean by that? A Well, I just sent Mr. Kenney a letter to have a meeting with him on seniority in supervision. What we get on seniority more or less is vacation pick, and so forth, and the new personnel policy doesn't mention supervision at all.

Q You mean this new personnel policy does not apply to supervisors? A Only where it says. It doesn't have anything about seniority in there at all.

Q So supervisors have no seniority if we carried out this -- A I don't know. That's what I'm going to talk to Mr. Kenney about.

Q Well do you have any understanding of your pay raises? Is that told to you? A No. We start at a certain amount. I know by asking what the starting pay and what the maximum pay is but we have no idea when we reach maximum.

Q Well, aren't these rates posted anywhere or given to the supervisors? A No.

Q What is the starting pay of a supervisor?  
A \$5896.

Q \$5896? What's the top pay? A \$8153.

Q And what is the annual increment? A For the past few years that I've been involved in it it's been around \$200.

Q \$200 a year? A Yes.

Q And does every supervisor get the same increment?

A No.

Q You mean there are some supervisors that may get more than the \$200? A Yes.

Q And some who get less than \$200? A Yes.

Q To your knowledge, what is the range of increments?

A \$200 is the average. The range, there is none, from my understanding. It's never been explained to me.

Q Well, what is your belief as to the reason why there was this difference in treatment among supervisors?

A We have a merit rating system similar to the toll collectors. We get so many points and this is what they base the increment on.

Q I see. Well, are they told during the course of the year that their work performance is not satisfactory so that they have an opportunity to do something about it?

A We get a rating in May and again in December. Sometimes the one in May is cancelled out of the one in December. You get the one rating.

Q So you mean although there are provisions for two maybe only one may be actually taken? A Yes, sir.

BY ASSEMBLYMAN DOREN:

Q But you are told during the course of the year - if you do something wrong, you're told verbally, aren't you? You may not get it in writing but somebody will tell you, look you didn't do a good job yesterday. You're told, aren't you?

A Oh, yes.

Q Although it's not in writing? A That way, yes.

BY ASSEMBLYMAN McDERMOTT:

Q What sort of training is given supervisors when they are promoted from toll collectors? A Myself I had a day and a half at number 11 interchange.

Q Do you work then under the supervision of another supervisor? A I had 4 hours a day under another supervisor.

Q You administer the point system, don't you? A No, I have nothing to do with it.

Q You have nothing to do with it? A No.

Q Do you understand the point system? A Somewhat from asking about it. I couldn't give you the specific amount of points for each category.

Q You mean, you're not given a supervisor's manual telling you in detail about the point system? A No.

Q Well suppose a man comes to you, Mr. Anderson, and says, "What happens if I am a few dollars short?" or "What happens if I take more sick leave than usual?" How do you answer this question? A If I know, like I said, by asking I found out and I know this certain instance, I'll tell him; if I don't, I have to go to my next supervisor, the section chief.

Q Suppose a man has a grievance, does he take it up directly with you? A No.

Q Well, we had testimony here by Mr. Leshar, who is the Director of the Toll Collection Department, and he was

trying to differentiate between grievances and complaints. When a man has a complaint who does he go to first if he doesn't go to you? A He may complain to me

but the first step of a grievance is to the section chief.

Q Is the section chief? A Yes.

Q So although you are close to your man you have nothing to do with working on grievances or complaints.

A No. Well, complaints, if he had a complaint he could complain to me but I would still have to get the answer off the section chief.

Q You have no authority whatsoever to settle it?

A No.

Q We heard testimony about this excessive turnover in Turnpike employees, particularly in the last 6 to 8 months. Do you have any idea from your experience as supervisor what the turnover rate may be? A No, not over all

the Turnpike. In our section we've had, I think it's 3 men resign within one day or two days, just lately that is.

Q What is the reason for their resignations?

A Shift work. They didn't know there was that much involved in the job. Their first training is when they come to the interchange.

Q Had they been told about this when they were hired?

A I don't know.

BY ASSEMBLYMAN DOREN:

Q What's your pay at the present time?

A My pay is \$6830 a year.

BY ASSEMBLYMAN LaCORTE:

Q What specifically is your job? A Take care

of the plaza and make sure the men get --

Q What does that mean, take care of the plaza?

A Well, keep the traffic moving, keep lanes open, move one man from one side to the other, give the collectors their lunch breaks, handle any incident to a patron or anything like that.

Q Are you at a particular plaza for the full working day or full night that you're working? A On the midnight shift we move around to various interchanges but normally I'm at one interchange for 8 hours.

Q Do you substitute for a man who goes off for lunch? Is that the way that works? A No.

Q You don't. You don't handle the public at all? A I handle - to keep traffic moving - if a patron complains, a toll collector refuses to pay or something like that they send them to me.

Q Well, I understand you don't get in on the grievance procedure at all, do you? A No.

Q Do you advise the men to file a grievance procedure if you are not able to handle a particular problem or is that beyond your scope? What do you do so far as the grievance procedure is concerned? A A man has a complaint I would refer it to the section chief and if the section chief didn't resolve it there then it would probably go to grievance.

Q But you don't know? A I don't know.

Q Then you are nowhere in the chain of command with respect to handling grievances. Is that about right?

A That's right.

Q Now are you responsible for the supervision of the booths in which these men are working and the rest rooms that they utilize and lunch rooms and so forth?

A I don't understand what you mean by supervision.

Q Well, are you responsible for the maintenance of these or reporting the conditions of these booths or rest rooms?

A We have a cleaning force that comes on during the day shift and the day shift supervisor, whoever he happens to be, it could be me or - we rotate shifts too - whoever he is would be in charge of whether they cleaned up or not.

Q Do you direct the men to clean up these work areas?

A Yes, I do.

Q There has been considerable complaint that the maintenance work around the booths, the cleaning work around the booths and the rest rooms and lunch rooms has been below par, below standard. Do you have any opinion on this?

A Some days - I don't know how many men they are supposed to have but they usually have 4 or 5, some days there's only 3 and they rush through it.

Q Would you say the conditions are clean or dirty?

A I'd say they're not clean.

Q Not clean. A As far as dirty, I don't know what the set up is for cleaning the inside of the booths. They just did it in Woodbridge. The inside of the booths at number 10 are dirty.

BY ASSEMBLYMAN DOREN:

Q Have you reported that to anybody? A No.

Q You're a supervisor, aren't you? A We make out a cleaning report every week, 7 days, what they do and what they don't do. It's reported on here.

Q But just using your adjectives here, you've never told any of your superiors that somebody isn't doing a good job? A In the past I told them.

Q And sometimes they can't clean the booths, I assume, they're too busy. Isn't that right? A Sometimes the men refuse to let them in.

Q The men themselves? A Yes.

Q Why? A They just don't want to lock everything up.

BY ASSEMBLYMAN LaCORTE:

Q Is this true of the rest rooms too? A No.

Q The complaint has been that the conditions have been dirty. What is your opinion on that if you are responsible for this condition in the area in which you work?

A We've had more than one cleaning outfit on and in my opinion they're not satisfactory.

ASSEMBLYMAN LaCORTE: I have no further questions.

ASSEMBLYMAN McDERMOTT: Any other questions?

ASSEMBLYMAN DOREN: No.

ASSEMBLYMAN McDERMOTT: Thank you very much, Mr. Anderson for appearing here today and giving your testimony.

Mr. Frank Farrell, please.

F R A N K F A R R E L L: called as a witness, testified as follows:

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Farrell, would you please identify yourself and tell us what your function is as a Turnpike employee?

A My name is Frank Farrell, Union Hill Road, Englishtown, and I'm a member of the Labor Relations Committee.

Q Of the Turnpike? A Of the Turnpike, yes.

Q This is a committee that was formed when?

A Effective as of July 1.

Q And how many members of this Committee are there?

A Four.

Q Are you the Chairman of it? A No, sir, I'm not.

Q Who is the Chairman? A There is no Chairman.

Q You are four all on the same plane? A That is correct.

Q Did you apply for this job? A No, I did not.

Q You were selected by the Turnpike? A That is correct.

Q Would you please explain to us what the whole purpose of this grievance committee is and how you function.

A Well, number one, our first function is to implement the second area of the grievance procedure, and it's after a man has taken a grievance or a problem to his immediate supervisor, if he's not satisfied at that level he writes up a

grievance on a form - the supervisor writes up a grievance on a form and processes it to the personnel director.

Q Excuse me. You said the supervisor writes it up? We just had testimony that the supervisor has nothing to do with the grievance.

A Well according to the grievance procedure, if a man is aggrieved and the supervisor is involved and the supervisor must also fill out a grievance form.

Q You heard the previous testimony, did you not?

A I would say that this form comes mostly from division supervisors or a section chief rather than a toll plaza supervisor unless he is involved in some personal matter with the individual.

Q Oh, I see. But normally speaking it's never initiated lower than the level of section head, is it?

A Section chief or division supervisor, yes.

Q And what is the usual period of time from the initiation of the grievance until you get at it?

A I would say several days. It should be directed immediately to the personnel director and he directs it immediately to us upon his receiving the grievance.

Q Well, you are presently working on grievances that were filed prior to July 1. Is that not correct?

A That is correct.

Q Are you working on any grievances that have been filed subsequent to July 1?

A We just had 2 handed to us the other day, one of which is in the legal staff's hands right now for a legal interpretation, and another one

we are investigating at the present time.

Q What is the nature of these grievances?

A One is a veteran. Under the present agreement it states that for veterans who are called by the Veterans Administration for an appointment, you give them a day off with pay. Now in this man's case --

BY ASSEMBLYMAN DOREN:

Q Well, what's the other grievance?

A The other grievance is a patron's complaint and a man being suspended.

BY ASSEMBLYMAN McDERMOTT:

Q And you just said, though, that it only takes several days from the time a grievance is submitted until you get at it. You've only had two grievances so this several days is only based on two grievances. Right?

A Yes.

Q What have you been doing then all this time that there have only been two grievances? A Well these are the first two grievances filed under the present personnel policy. Prior to that - prior to that our function was out in the field where every day we visit interchanges and maintenance areas, talk to the men and find out what the problems are, analyze them and if it's within our scope to make a recommendation to the Executive Director we so do.

Q Then there was also testimony earlier here that you are working on clearing up a backlog of grievances.

Is that correct, Mr. Farrell? A There were about 7 or 8 grievances that we have handled, yes.

Q Seven or eight grievances? A That's right.

Q So actually this four-man grievance squad now has only about 10 grievances to concern itself with. Is that correct? A I would say that's a fair number.

Q And you spend full time working on this grievance committee? A Yes. Full time other than as I say we're out in the field also.

BY ASSEMBLYMAN DOREN:

Q Well that's where you put most of your time in, on the field, and then if you get a grievance --

A Unless we get a grievance. A grievance would supersede any field problem.

BY ASSEMBLYMAN McDERMOTT:

Q Well what do you do exactly in the field?

A Well we talk to the men at the interchanges and find out what their problems are, what their gripes are and we analyze them amongst ourselves and we make recommendations to the Executive Director as such.

Q But you can only make recommendations after a formal grievance has been filed, isn't that correct, Mr. Farrell?

A Not from the men in the field. If they take a problem to us before a grievance is filed we generally work on it.

Q Well you have a twofold system of grievance, one where you have formal grievances filed and the other where you go around and solve grievances that haven't been filed. Is that correct? A Not necessarily grievances, any

kind of a complaint. It doesn't have to be in the field of a grievous nature.

Q You work 40 hours a week at this? A Yes, I do.

Q What's the attitude of the men toward this new grievance committee? A In the beginning there was probably a little reluctance on their part. I think now we've established ourselves and we find more and more every day individually people are coming to us with little problems and over-all problems as well.

Q Do you consider this an improvement over the old procedure? A Very definitely, yes.

BY ASSEMBLYMAN LaCORTE:

Q Why? A Because I think it expedites the entire matter. Here you have a three-step grievance procedure. Prior to that you had a five-step grievance procedure.

Q What are the three steps? A The three steps now, the man takes it up with his immediate supervisor, from there it comes to this committee and from there it goes to arbitration.

Q Well where does the section chief come in? A The immediate supervisor is the section chief and that is the immediate supervisor.

Q So that it goes from the section chief to you -- A Directly.

Q -- to arbitration. A Absolutely.

Q Are the men informed as to the procedure involved

and the steps to be taken? A Very definitely. Each man has a book issued to him and if there's any question in his mind we'll be willing and able to give it to him.

Q You mentioned before an agreement. You're really now talking about the booklet -- A Personnel policy, yes.

Q That is, July 1, 1965 booklet. A That's correct.

Q So far as these men are concerned, they know that their rights and obligations are contained within this booklet. Is that correct? A Absolutely.

Q What is your background, Mr. Farrell?

A I had 13 years with the Turnpike, 13 years as a toll collector. I also had in the neighborhood of 5 or 6 years as an executive board member of a union at one time.

Q And what about the other 3 gentlemen that are with you? What's their background. A Theirs are all similar to mine. They've had active participation in the union either on the executive board or some area of that nature.

Q Are they toll collectors? A Myself and Rubitone are toll collectors and the other two men are from the maintenance department.

BY ASSEMBLYMAN DOREN:

Q You say you've only had two grievances since July 1? A Under the new policy, yes.

Q Do you know how many you had prior to that or wouldn't you be in a position to know? A I wouldn't

be in position to say, no. You mean that we have handled?

A Yes. A Six or seven.

Q Over a period of what time? A Over 3 months.

BY ASSEMBLYMAN LaCORTE:

Q To whom do you report? A Directly to the Executive Director.

Q Mr. Flanagan? A Yes, sir.

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Farrell, as a former union official, do you believe that a man has the right to be represented by union council? I'm talking about a union representative when he's called into an official's office? A Very definitely.

Q Well, I know of a case where a man by the name of Grabowski was called into Mr. Leshner's office, told to report on August 9, 1965. He was not told the reason why he was being called in so he asked for union representation. This was denied by Mr. John Cullinane. Do you know about this grievance? A Yes.

Q Well, do you think this is a proper way for a Turnpike official to proceed when a man asks for union representation? A There were elements within that grievance. I believe the man that he requested to be present -- who was the man requested to be present, is that stated there?

Q Yes. He requested a Mr. Gennaro Battaglia.

A Oh, he was at interchange 10 at the time this man was requested to appear in New Brunswick and from our investigation

there was some kind of a misunderstanding between Mr. Cullinane and New Brunswick as to whether or not this man was supposed to be there or not. It seems that the International or the union representative was on the phone at the time and it was quite an involved deal.

Q Well, are you in on this now, this grievance?

A No.

Q But you do believe the man has a right to representation.

A Absolutely.

Q And then there's one here with a Mr. Tuttle that was filed prior to your coming on the scene, April 6, 1965, in which Mr. Tuttle had received a warning letter and he objected to the warning letter and termed it malicious and threatening. Are you familiar with this grievance?

A Yes.

Q Although Mr. Tuttle filed this grievance on April 6th of this year he just received an answer from a Mr. Compton dated September 20, 1965 which merely states that "Forwarded herewith is a completed grievance form dealing with your contentions that letters received from the New Jersey Turnpike Authority were damaging to your character. Subject grievance has been reviewed by all parties concerned and the findings were that no attempt has been made which were designed to be damaging to your character or honesty. The letter was merely an attempt to bring to your attention those areas of your work performance which needed improvement. Accordingly the grievance is denied." You are familiar with the final resolution?

A Yes.

Q You realize that September 20th is about five and a half months time from the initial filing of the grievance.

A We received that grievance in July of this year.

Q You received it in July? Do you remember the date you received it in July? A Not offhand, no.

Q There is no date on here as to when you came on the scene, Mr. Farrell, but you received it sometime in July, right? A That is correct.

Q So approximately two months or two and a half months passed before, even with your new flying grievance procedure, it was resolved. A That's right because when we took over this here particular aspect of the job we were new at it ourselves, number one; number two, we had to come up with new forms on which to direct our grievance findings to the executive director and such, and we had a meeting with Mr. Tuttle on that I imagine about two weeks ago, in that area.

Q Well, is there anything you can do to really streamline this? A From this point on they are streamlined, as we are functioning now.

Q I see. A We were handed, as I say, about 6 or 7 past grievances which we had to work on and in conversation with Mr. Battaglia we got to work on them immediately. We couldn't get our new forms situated and straightened out and our own operation streamlined. His view was to get the main grievances out of the way and then to work on grievances such as that which do not pertain to a

man being suspended or something of that nature.

Q Are you presently working on these discharge matters that are being held in abeyance from arbitration?

A Not presently, no.

Q Would you go in on a discharge grievance from now on? A A discharge grievance, yes.

Q What do you think it would take in period of time from the institution of a discharge grievance until it finally went to advisory arbitration, excluding the cases that are pending now? A Well from our handling it, with

a man giving it to his immediate supervisor one day and talking it over with him, that would certainly take a day or two. After that, if he's not satisfied and feels that he's further aggrieved he would put it in writing as well as the supervisor and our Committee would receive that grievance intact from the personnel director. I would say then we would go in and have a hearing with this man on it, on the grievance. That may take several days depending on what shift the man is working and whether he's off or not.

Q Well, what would you figure? A I would say a week.

Q A week from the time the grievance was initiated until it got through your committee. A That's right.

Q Then from your committee where would it go?

A To the executive director with our recommendation on it.

Q Right. And then from the executive director where would it go, advisory arbitration? A If the man

was not satisfied the arbitrator would be notified of this.

Q What do you figure this whole matter could be resolved in a period of 4 weeks, 6 weeks? A Well to our level it shouldn't take anymore than a week. How long it takes to contact the arbitration people and set --

Q You don't know anything about that. A -- up a meeting, I wouldn't know.

ASSEMBLYMAN DOREN: It may take a long time. I've got news for you. I've been in them.

THE WITNESS: It would? Then my answer would be a long time.

ASSEMBLYMAN McDERMOTT: Thanks for giving him the answer, Mr. Doren.

ASSEMBLYMAN DOREN: You know it too.

ASSEMBLYMAN McDERMOTT: Well I move them fast because my client has to pay if there's reinstatement.

ASSEMBLYMAN DOREN: That's because you represent employers.

ASSEMBLYMAN LaCORTE: I have a question of this gentleman.

BY ASSEMBLYMAN LaCORTE:

Q I'm a little confused. You said it's a three-step procedure. I go through your grievance handling procedure as set forth on page 25 and in the first instance the employee discusses with his immediate supervisor his grievance or complaint, one; two, if it's not settled then it is placed in writing on appropriate form with the supervisor; three, it goes to the personnel director and the personnel director then

forwards it to you - that's four - and you make your investigation; you then submit your review or your investigation to the executive director - that's five - then it goes to arbitration - that's six. So actually it's a six-step procedure and not a three-step procedure. A Well it could be dealt out that way as 6. You could probably do the same with the old five-step.

Q The only reason why I'm saying this is, if you think it's three and I see it's six, and the men who work think maybe it's nine, then there's total confusion.

A It doesn't come out to six. It comes out to the man and his advisor goes in directly to the personnel director. He doesn't handle any - his office on that, he merely --

Q Look, it's in black and white, Mr. Farrell. I can't argue with you. Whoever drew this up has it that it's 6 steps.

ASSEMBLYMAN DOREN: Yes, but you're counting by two's.

A Right. According to the way you count, it's six.

ASSEMBLYMAN LaCORTE: It's through different people.

ASSEMBLYMAN DOREN: No, it's the same --

THE WITNESS: There's three people involved.

ASSEMBLYMAN LaCORTE: Well, I'm willing to learn because if I learn maybe they'll learn.

Q How does it work? A It's the man aggrieved and his supervisor.

Q Right. A From there it goes to the

personnel director who only handles it right to us. There's no loss of time in that area. From the supervisor to the personnel director, directly to our committee.

Q The personnel director takes no action on it at all other than to note it on a piece of paper? - show a record of it?

A He probably shows a record of it that he has received the grievance from the field.

Q All right. In other words, it's got to be sent someplace for something to be done with that procedure, with that piece of paper, that complaint.

A If they do that. I don't know what the procedure is. I'm assuming they would.

Q Well, what's the point of sending it - well, I can't argue with you. It goes to the personnel director, is that right?

A That's right.

Q So that actually then this page 25 with respect to grievance handling is the bible and these steps are the only steps involved in the disposition of a grievance.

A That is correct.

ASSEMBLYMAN LaCORTE: Thank you.

ASSEMBLYMAN McDERMOTT: Thank you very much, Mr. Farrell for appearing here today and giving your testimony.

THE WITNESS: Thank you, gentlemen.

ASSEMBLYMAN McDERMOTT: The next witness is Mr. Joseph Morecraft.

J O S E P H M O R E C R A F T, JR., called as a witness testified as follows:

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Morecraft, would you identify yourself and tell us what your position is with the Turnpike Authority?

A Joseph Morecraft, Jr., Dunellen, New Jersey. I am one of the three members of the Turnpike Authority, or Commissioner, and at the present time Chairman of the Authority.

Q How frequently do the various commissioners meet?

A Well, they have two meetings a month but there is scarcely a week that they don't have a conference or something like that once or twice a week.

Q During the conferences or your official meetings are personnel problems ever discussed? A Oh, yes.

Q Were you ever made aware of the conditions that allegedly were in effect with regard to your personnel policies? A Well, Mr. Chairman, any detailed,

irate, particular complaint or a grievance may not be discussed but the over-all picture, drawing up the policy, is always approved by the commissioners, yes, sir. But I will say this, I think that out of 900 to 1,000 employees that we have fairly good relations, at least we are striving for that, and maybe over the past -- remember this was organized in 1948, at least the statute was enacted, and we got under operation in about 1951, so we've had about 12 or 13 years, and we hope we are learning as we go along.

Q Well, do you share the attitude of Mr. Leshner that the present problems that broke out this spring are just more

or less a tempest in a teapot?

A No. No

grievances or complaints are a tempest in a teapot and I don't know if there's anymore of recent date, if that's what you mean, than there have been right along. We've had conditions the last five or six years which caused us considerable concern and we probably learned from those incidents and tried to adjust to those conditions and I hope that we have improved our relations and communications with our people.

Q Did you or any of the other commissioners take part or review this new employee policy?

A Yes, sir.

Q You did. You went over it thoroughly prior to its enactment on July 1.

A Well, I'll say this is a culmination of probably ten or twelve years of study and additions and changes, and this was the final acceptance. Now you say detailed, no. We have to depend upon our personnel and we try to depend upon the heads of our departments and then assume that - we have confidence in them, we question them, we don't always agree with them, but this is - yes, we are aware of those regulations, Mr. Chairman.

Q Well, Mr. Morecraft, at several of our prior hearings, and again it was brought up this morning, the men have complained particularly about the dirty conditions about their booths and about the locker rooms. It is my understanding that this work is not done by Turnpike employees. Is that correct?

A That's right.

Q Who is it done by?

A Mr. Chairman, I don't want to say that I am familiar with all the details of the operations of that kind because the three members of

the Commission are obligated and our work is to look after finances, conditions and engineering features, and so forth. However, I'll say this, that several years ago, maybe four or five years ago, the commissioners made an inspection of all the maintenance areas, of the toll booths and so forth, and we found they were not in a satisfactory condition, and they were then being taken care of by our own personnel. We decided to make a change to see if it would improve conditions and we advertised for labor to do that work.

Now, we have been under the impression that there has been an improvement, and if there hasn't been an improvement we'll look into it and see what other changes we can make. We've tried to improve that.

Q Do you know the name of the contractor?

A We have two, I believe.

Q Well, the reason I mention that, I have here a clipping from the Perth Amboy Evening News of September 15, 1965, which mentions the fact that the Authority agreed to exercise the first of two renewal options of contracts with the New Brunswick Window Cleaning Company for janitorial services in the north and south portions of the toll highway. The contracts are for \$46,400 and \$33,240 per year. Then the article goes on to state, "Authority Chairman Joe Morecraft, Jr., after hearing a staff report that the New Brunswick firm's services have been satisfactory, commented, 'We'll have to make an inspection someday.'" You are aware that New Brunswick Window Cleaning Company is the concern.

that does it? A That's right.

Q Are you also aware that there have been these complaints about the service, Mr. Morecraft? A Well, no, I was not aware of that until one of your hearings. This was part of the information that was imparted to you and one or two of our staff who were present made notes of it and I saw the notes. That was my first knowledge of this.

Q Well you realize that sanitary and clean working conditions are important. A Yes, sir.

Q Have you made any inspection since the New Brunswick Window Cleaning Company has taken over? A Well, superficial, that's all. I walk through them or something like that. But we haven't made a thorough inspection because this has just come up in the last few weeks.

Q But the contract was renewed. A That contract was renewed prior to my or the other commissioners having any knowledge of this.

BY ASSEMBLYMAN DOREN:

Q Is that put out on bid? A Yes, sir.

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Morecraft, you realize that the purpose of this hearing is to investigate the complaints to determine if there's any merit to them, and that if necessary legislation should be adopted. Do you have any opinion on what kind of legislation should be adopted? A No. I have no recommendations at the present time. I think the bill, the statute forming the Turnpike Authority was a well thought out document and that it has applied to the operation very well.

I'll say this, that it's a pretty tight document and that the commissioners have very little leeway for judgment. For instance, our finances are funneled into the bond trustees and we have to make up a budget subject to their approval and the approval of our consultants and then we have to requisition for that at one-twelfth of it each month. Any repairs, any additions or any improvements we have to make must be presented and confirmed or approved by our consultants and also our bond trustees. So that there isn't a great deal of freedom that we have beyond the statute itself.

ASSEMBLYMAN McDERMOTT: Any questions?

ASSEMBLYMAN LaCORTE: No. I'd like to make one comment, if I may, Commissioner.

THE WITNESS: Yes, sir.

ASSEMBLYMAN LaCORTE: In view of the nature of the complaints that we've had addressed to our Committee in our last two hearings when the working men themselves were before us, I think your Commission should consider very seriously hiring an outside firm to look into your over-all policies with respect to handling the grievance procedures, as well as the safety conditions, as well as the working conditions. It's just a suggestion.

Sometimes we in our own families, because of long acquaintance with a problem, - we've always done things this way and, therefore, there's no reason to change. Sometimes a fresh look from an outside source can be of assistance.

Many of the complaints we had we tried to eliminate on the basis of the fact that they were hearsay and we cut those out in every instance where we could. Three of us are lawyers so we wouldn't stand for too much hearsay. But, nevertheless, if the rub is there, there's a problem. And it would seem to me that the State of New Jersey, as well as the Turnpike Authority itself, might benefit if we make certain changes and one of the ways we might make them is by following this approach and having someone else look into the picture.

Now I would presume that this would be something that the Commissioners would direct with the complete assistance and cooperation of your Administrative Director, Mr. Flanagan.

This is no criticism of the individual, Mr. Flanagan, or the men under him. It's just a situation where if there is any merit to what they say it might best be determined by someone other than ourselves, such as our family of the Turnpike Authority, to look into it.

As I said, they ran the gamut, from the sickness policy to cleanliness, to safety, nepotism, to no established procedures that the men knew of with respect to the availability of promotions. The testimony was that they had no objective standards that they could see as to why a man would receive a promotion to maintenance or some other job. So far

as they knew it was because, as somebody said, he had a goomba - meaning he had a friend in court who gave him the job. Now if this is so, possibly we can correct that, sir.

THE WITNESS: Well, Mr. Assemblyman, I will present to the Commissioners your suggestion and I know it will be discussed and have consideration.

ASSEMBLYMAN LaCORTE: Thank you, sir.

ASSEMBLYMAN McDERMOTT: Thank you very much, Mr. Morecraft, for appearing here and testifying today.

(Discussion off the record.)

ASSEMBLYMAN McDERMOTT: Mr. Kenney, please.

R O B E R T P. K E N N E Y, called as a witness, testified as follows:

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Kenney, will you please identify yourself?

A My name is Robert P. Kenney, I reside in South Plainfield and I'm Personnel Director of the Turnpike.

Q Mr. Kenney, I, as Chairman, did not send you a letter requesting you to be here today but we are very happy to have you and I know Mr. LaCorte has some questions he would like to ask of you. But in view of the fact that you have asked to take the stand, I would like to hear what you have to say.

A Well, Mr. Flanagan indicated that some of the statements made at the last hearing, which I attended along with Mr. Postizzi, were

accepted by the Committee and I think that in reviewing some of those statements we found that they were not in all cases accurate.

I don't want to comment on them individually but there are a few that perhaps deserve some attention.

A Mr. Lyons, who is presently on a temporary disability leave with us, did talk to the Committee about his situation and I was rather concerned about it because he began his testimony by saying that on November 16th of 1963 he suffered a heart attack and was placed on leave of absence without pay on November 18th. Certainly I would want to indicate to this Committee that the Authority's policy is not as described by Mr. Lyons. He failed to indicate that prior to November 16th he had been absent for 50 days with pay in that calendar year, and also that in the years prior to 1963 he had an absence record which had become progressively worse.

But the statement, such as he made it, did not lead, I don't believe to a very clear picture of the situation.

We had an incident, I believe by Mr. Sheenan, whereby in response to a question by either Assemblyman LaCorte or Assemblyman Doren - he was asked how many hours overtime he worked in 1964 and I believe his answer to that was 500. I think the record will show that. He was also asked what his earnings were in 1964 and I think he indicated \$5800.

Actually the facts in that situation are that he worked less than half of the 500 hours that he indicated and he made over \$6100 in 1964.

I bring these points to your attention only as a few of the illustrations of the comments made by various people who testified and which seemed to me to be accepted by your Committee.

Q Well, when you say accepted by our Committee, we accepted them at that particular point. We have said all along that we would give the Turnpike officials an opportunity to present their side. I'm sure that there are no Committee members that have any particular bias in this matter.

A I also would want to refer to an incident which was described by a Mr. Harris, I believe you --

ASSEMBLYMAN LaCORTE: May I interject for just a moment?

THE WITNESS: Certainly.

BY ASSEMBLYMAN LaCORTE:

Q My notes on Mr. Lyons were that he was with the Turnpike for 8 years and in November, 1963 he had a heart attack. November of 1963 at a Christmas Party of the Turnpike he had a heart attack. On November 18, 1963 he was put on 6 months leave without pay. A That's correct.

Q In January, 1964, he had another heart attack and he's on leave without pay. A That's correct.

Q Now his principal objection was not the fact that he was without pay at this point but that he gets no disability pay, no sick pay whatsoever, no unemployment compensation, no social security. In other words, his complaint was not with respect to an action of the Turnpike per se but, here I am sick and no place to turn to, I have none of

the benefits of other people in industry. This is, I think, what he was driving at. A Yes. I do think that he failed to state in his testimony the extent of the Authority's sick pay.

Q Prior to that time? A Prior to that time, which I think led to a wrong impression.

Q As my notes indicate, he said, I can't get relief from any government agency at any time now and I can't get a new job, because of his illness. And this is the problem that he was faced with. All right. A I think I began to mention a situation regarding Mr. Harris who claimed racial discrimination in hiring. Naturally this is my area and I wanted to bring to the attention of the Committee that I did talk with a Mr. Tom Collins, who he claims to have spoken with concerning this situation in order to remedy it and Mr. Collins has no recollection of the incident. I do not have a recollection of it either. And since the Personnel Department was mentioned, I would like to bring that to your attention.

Q Now, with respect to that, my notes indicate that he said there are no Negro maintenance men except for 2 or 3 in the southern district. Is that correct?

A That is correct. It isn't 2 or 3, it's 4 or 5 in the south and we do have a gentleman in the north also.

Q Then the other was, there are no Negroes in any part of the Turnpike Authority building, I guess he meant, because he said, clerical or otherwise. This was his complaint. A That isn't correct. We do have a

Negro in the administrative office and the Negro was with us at the time of Mr. Harris' testimony.

Q And these other maintenance men, other than the 2 or 3 he mentioned, were also with you at that time. This was back in June of 1965.

A Yes, sir. Well, with the exception of a service area attendant who has been hired since that time.

BY ASSEMBLYMAN DOREN:

Q Well, how many have applied? Would you know how many have applied for jobs?

A No, we don't keep records of that. Of course, the applications themselves don't indicate that so only through a personal interview would we be able to keep a tabulation.

Q After he submits his application, if you feel he's qualified, you call him in.

A Right.

Q That's the only time you know the color.

A That would be right.

Q Go ahead.

A Well, I'm open to your questions; I just wanted to raise a few illustrations on some of the testimony that has taken place.

Q How many days sick leave is a person entitled to? Say, he's ill and he's out of work for 5 weeks, does he get paid?

A Well, I think - it is an individual situation. I'll try to explain it briefly. We have recently adopted a policy, and it's explained in this book, whereby we gave a man ten days credit for each year of employment. We then subtracted from that accumulation, that credit, the number of days he had been absent from work due to illness.

He then came up with a net credit. In some cases, as I think Mr. Leshner indicated, we have some people with 125 days accumulated sick leave credit.

Q And they could use that if they got a serious illness.

A Yes, right, if they have a serious illness.

Q They don't lose it at the end of the year.

A No, they do not. And also it has a feature whereby at the time of retirement we will pay them, not a sick leave separation as such but one-half of the accumulated sick leave days. We do have some employees, because of an extremely poor attendance record, who have no sick time at all, at this writing, and we have in addition some 8 or 9 people on temporary disability which pays 26 weeks at half pay. Mr. Lyons is among that group at the present time.

Q How many employees are there in the Turnpike?

A Well, we range anywhere from 1,000 to 1,100, depending on the season. We have a little over 1,000 right now.

BY ASSEMBLYMAN McDERMOTT:

Q How many of these are part time, Mr. Kenney?

A I would say - in the toll department or in--

Q Yes. A I would say about 35, in there.

Q 35. And how many are in your entire toll department?

A Well, including our supervisory people, we have almost 450.

Q So it's about 8 percent part time employees.

A I'd have to figure that.

BY ASSEMBLYMAN DOREN:

Q And you have more in the summer, during vacations.

A Oh, yes. We add about 65 each summer.

BY ASSEMBLYMAN McDERMOTT:

Q The employment of part-timers doesn't hurt the job opportunities for full-timers, does it, Mr. Kenney?

A I would say not. The reference to the 3-A shift really is to give some of the part-timers the undesirable shift. That shift runs from 6 o'clock in the evening till 2 in the morning, on Friday, Saturday and Sunday, at least, when we employ the part-timers. We employ part-timers over the week-ends.

Q Do you advertise for people? How do you get your personnel?

A Well, we do advertise for some jobs in newspapers, the New York Times, Newark Evening News, Trenton papers, depending on the positions. Most of the time those would be skilled jobs within the operating group, but for engineers, and so forth, we advertise.

Q Well, the only reason we ask that question, you were present at the hearings and, of course, you heard Assemblyman LaCorte say today that you had to have a goomba, and we asked several people at the suggestion of Assemblyman Doren how they got their jobs and they mentioned a rather considerable number of Democratic officials. Are there many referrals by public officials?

A Yes, we receive a lot of referrals from all locations in the State. Of course, the referral is merely an introduction to the Turnpike and to the Personnel Department, and certainly

has no real magic significance. These people must qualify on the basis of tests and have the experience required for the position that's available. I think a good number of people have placed more significance on that referral than really --

Q Well don't tell the politicians that.

MR. RICHMAN: I think they already know it from some of the complaints I've had.

BY ASSEMBLYMAN LaCORTE:

Q Mr. Kenney, how long have you been personnel director?

A January 1, 1959, six and a half

years.

Q Is that your educational background, personnel work?

A Yes. Prior to coming with the Turnpike I had been in the personnel field with the General Electric Company.

Q I see. How long were you there?

A A year

and a half.

Q What position did you hold?

A I was in

employee relations training.

Q Who else is with you in the personnel department on the management level?

A I have a Mr. Daniel

Donahue who is with me. His title is assistant to the personnel director. His basic duties involve the employment of what we call the hourly work force operating group.

Q Are you responsible for the development of tests for each of the men that come on the job or is that someone else's job?

A The testing which we use in

toll collection - these tests have been obtained through the Psychological Corporation and Wonderlic who are well known testing services. The tests used in the maintenance department have been developed within the maintenance department by supervision; but for the toll collection applicants these are tests that are fairly standard to industry.

Q There was considerable complaint about the men being unable to go from toll collector to maintenance and that those that did move from toll collector to maintenance very often were moved not because of their knowledge but for some other factor. Do you think you can improve the image that has been created by having a different testing procedure for the maintenance department?

A As vacancies occur in maintenance, any job that would represent a promotion is bid, and the maintenance personnel bid on these jobs. It usually becomes known to toll collection people that these positions are available and we now provide a form on which they can bid on a job.

Q What do you mean by bid on a job? Make application for the job?

A Yes. In the maintenance department we have a formal posting which goes up on all bulletin boards and it cites the requirements and qualifications necessary.

Q Why would you not also post these job openings so that the collectors may be apprised of these openings?

A Well, one of the reasons that we have not done that is that there's a serious time lag involved. It takes us a considerable period of time to post a job, to wait for the

posting period to end and then, following that, to investigate the applicants, to interview them and test them. We have felt that following the examination of the maintenance persons that we were then open to go to the outside for this position, and this has always been the procedure for as long as I can remember and was part of the bargaining agreements which we had.

Q Well, that's just the thing I spoke to Mr. Morecraft about. Something you have done for so long apparently is one of the biggest rubs that these men have. Maybe this should be reviewed.

A Well, I think we have reviewed it. We have stated for the first time in this new policy a procedure dealing with inter-departmental transfers. Prior to this there was nothing whatever in the old bargaining agreement which provided for a transfer of this type and I would say over the years we've transferred only a handful of people. Now we have transferred in the last three or four months upwards of, oh, seven or eight people from tolls into maintenance. We have asked that these people make known their desires for transfer in advance of a posting.

Q How do you let them know that? Is there a bulletin that goes out to all employees?

A No, there is no bulletin. We have a house organ which is published monthly but it does not carry this type of information in it.

Q But your problem is communication with these people, as I see it, and if you don't give it to them by bulletin or by mail, if the monthly communication doesn't fall at the

right time, datewise, you're going to miss again, so far as they're concerned.

A That's right.

Q It would seem, from the way I gather the complaints from the men that we are stultifying anyone's ambition to better himself if going from collecting to maintenance is a better job.

A We have said in this policy, right in the very first sentence dealing with inter-departmental transfers that persons interested will submit requests in writing, stating the position desired and their qualifications for the job. That doesn't give a detailed procedure but it does tell them that this is what they should do if they are interested.

Q On the other hand, if a job opens up, if you set up what the requirements are for the job and let everybody in the organization know of its availability, then they have no complaints. They have no basis for complaint if you will post the job qualifications and that they are available and let every man in the organization know it, if this is worthwhile doing. It would seem to me that it might be because it was one of the biggest gripes they had.

A I think now, with the exception of one or two people, we have answered this question for the majority of our people.

Q I see there are two men in the personnel department - you and another gentleman. Is that correct?

A Yes, that's right.

Q Who is responsible for the execution of the policy set forth in this booklet effective July 1, 1965? Is it you or Mr. Flanagan or some other gentleman?

A I would

say that every supervisor on the Turnpike is responsible for the proper execution of this policy. And if they are not executed in the proper way then it would be brought to our attention.

Q You have Mr. Leshar here who is in a different area completely. Does any of the grievance procedure go through him? A Not in any formal way, no. I would say, in fact I'm quite certain that the grievance team does talk to Mr. Leshar about grievances which concern his department.

Q This is effective July 1. A Right.

Q Prior to that it wasn't -- A Well, prior to that Mr. Leshar was the third step of the grievance procedure, the department head was the third step and he sat down on each grievance and handled it himself.

Q Now that's no longer so. A That's correct.

Q Is that correct? A That's correct.

Q Does this gentleman that works with you as your assistant - does he have the same background you do in personnel work? A No. I would say that his background is more along the lines of experience with the Turnpike. I think he has ten or twelve years experience, since 1951 or '52, I believe, as a toll collector.

Q As a toll collector? A Yes, sir.

ASSEMBLYMAN LaCORTE: That's all I have.

BY ASSEMBLYMAN DOREN:

Q Let me ask you this. There was some question raised with Mr. Leshar - how many people do you have employed as landscapers? A I believe we have ten.

We have landscapers and landscape apprentices working within our horticultural department.

Q But who is the chief of that department?

A We have a horticulturist who is the chief.

Q And what are his qualifications? A He is a graduate in agriculture from the University of Rhode Island. He has been with the Turnpike, I would say, more than 10 years. He is also directing, at the present time, our Neighborhood Youth Corps project which involves about --

Q The reason I asked this, the Assemblyman suggested doesn't he cut the grass or something. A Well, I would say that landscaping has progressed beyond that and our people in the landscaping section do not really cut grass, their work is more in the ornamental line than the grass.

BY ASSEMBLYMAN LaCORTE:

Q You mean they pick the flowers instead of planting them? A I would say they plant them and care for them.

Q They pick the flowers to be planted. They choose the flowers to be planted.

BY ASSEMBLYMAN DOREN: They are the architects. A That's right. I would say Mr. Grimm is in that category of being an architect.

BY ASSEMBLYMAN LaCORTE:

Q Who cuts the grass? A Our maintenance men who are in salary grades --

Q Maintenance man 2, salary grade is \$5520?

A No, maintenance man, salary grade b, \$4320 to \$5400.

Q Right. To \$5400. A Right. He is what we consider our semi-skilled worker.

ASSEMBLYMAN LaCORTE: All right. Thank you.

ASSEMBLYMAN McDERMOTT: Any further questions?

(No questions.)

Thank you very much, Mr. Kenney for appearing here and testifying.

Mr. Heydon, do you wish to testify?

H O W A R D S. H E Y D O N, called as a witness, testified as follows:

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Heydon, will you please identify yourself and state what your position is with the Turnpike Authority?

A My name is Howard S. Heydon, East Brunswick, New Jersey. I am Director of Maintenance for the New Jersey Turnpike Authority.

ASSEMBLYMAN DOREN: I didn't get the title, sir?

THE WITNESS: Director of Maintenance.

Q You have asked to testify here today, will you please tell the Committee your reasons for wishing to do so?

A My particular concern was some of the points brought up by one or two of the witnesses particularly with regard to posting and the selection of jobs for promotion within the maintenance department.

There were a number of statements made which seemed to indicate to me a confusion - a confusing picture might have been given to the Committee relating to the posting of jobs

and the filling of jobs from within our operating group as opposed to the filling of supervisory jobs.

As a matter of policy, both in accordance with our prior agreement with the union's, Local 1511, bargaining agreement in particular, and since then in our present policy we post formal procedure for all openings to be filled within the maintenance department. These are posted. Tests are administered. The senior being qualified - the senior man among those qualified, of these applicants, is given the job.

This has been a very rigid policy. I know of no deviation from this policy as long as I have been in the maintenance department.

In other cases, those of supervisory positions, we have, where there was a large group of potential candidates, posted a notice on the bulletin boards saying that there were openings - simply saying there were openings for these positions, and that those interested might submit an application. This is particularly true in a situation such as assistant foreman within the district where there may be a pool, a large pool of people. We make every effort to promote from within the Turnpike rather than going outside, so we seek to tap this pool.

BY ASSEMBLYMAN LaCORTE:

Q Where are the postings made, Mr. Heydon?

A The postings for the supervisory positions, sir?

Q No, the maintenance positions. A On the bulletin boards in each district or shop.

Q Does every man have access to that bulletin board

in the ordinary course of his working day? A Yes, he does.

Q Well, where would that be located - these bulletin boards? A Well it's right within his shop, each work location.

Q I'm not talking about a maintenance man, I'm talking about toll collectors? I'm talking about a toll collector. Does he have the opportunity to see every day, in his working day, any postings with respect to the openings in the maintenance department? A No, sir.

ASSEMBLYMAN LaCORTE: Thank you.

BY ASSEMBLYMAN McDERMOTT:

Q You heard, though, that many of the collectors want to move over to the maintenance department. How then do they find out about these jobs? A If we are speaking of skilled jobs or jobs which may be open to potentially skilled individuals in the toll collection department, I would assume that they would find it out from others. We do not publicly advertise everywhere. Our obligation, our first principle is to fill from within the department and applicants are first taken from within the department.

Q What about the fact, though, that all of these toll collectors seem to favor the maintenance department? What is your belief as to the reason for that?

A I have no idea, sir.

Q You have no idea? What's the turnover in the maintenance department? A I don't really

know by any precise figure. I would say two or three percent.

Q Would you consider that rather small?

A I think it's reasonable.

Q So the maintenance department is now the more desirable department on the Turnpike, isn't that so?

A I don't know, sir.

Q What do you do when a man bids from a toll job over to a maintenance job? What sort of consideration do you give him?

A If we are filling for a skilled position, he would be given an opportunity to take the test, whatever test had been established for welder or mechanic or whatever it might be. And if there was no one within the maintenance department qualified, then he would be given an opportunity and if he were qualified he would take it. If there were several people who were qualified, the senior man would have it.

Q Well, then, if a toll collector and a maintenance man score the same on a test, they both have equal seniority, or thereabouts, you would give preference to the maintenance man. Is that correct?

A Yes, sir.

Q Would the same situation be the case if you had a more senior toll collector who did equally as well on the test? would you give consideration then to the maintenance man with less seniority?

A Yes.

Q You still would give it to the maintenance man?

A Yes. We fill from within the department first.

Q Well isn't this somewhat unusual, because in most

industrial plants today don't they consider a man's seniority is dating from the date of hire rather than the date that he's assigned to any particular department? A I'm

now aware of usual industrial practice to that effect, sir. We have felt that this was a sounder approach in that it gave the departmental seniority some significance.

Q Regardless of whether or not he's worked on the Turnpike X number of years, it's departmental experience that counts? A Yes. This has been expressed to us on a number of occasions by both formal and informal labor representation that this was the desire of the majority of the men.

Q Mr. Heydon, the point system does not apply to your employees, does it? A No, sir.

Q Why is that? A Well, we don't have any precise measures or methods of measuring our employees in the same fashion that the toll collection department does.

Q Do you think that this difference in the application has had an effect upon the morale, the low morale of the toll collectors compared to the morale of your people?

A I couldn't say, sir.

Q You couldn't say? But your men are not bothered by this point system. Do you think that contributes to their somewhat higher morale? A I don't know.

Q You couldn't say. A Right.

ASSEMBLYMAN McDERMOTT: Thank you.

Did you have anything further?

ASSEMBLYMAN LaCORTE: I have something specific.

BY ASSEMBLYMAN LaCORTE:

Q There was one complaint in particular about a man by the name of George St. George of Elizabeth who had five months seniority and was classified as a mechanic over and above a man who had 14 years seniority as a mechanic. Can you explain that one?

A I believe that the statement that he had 14 years seniority as a mechanic is an incorrect statement. He had 14 years seniority with the Turnpike.

Q How much as --

A No seniority as a mechanic, sir. There were applications taken for the position of district mechanic. I believe the man to which reference was made was a Mr. Varese. He applied for the test, was given the test, this being his third time to take that particular test. He failed it again and Mr. St. George passed the test. Mr. Varese has since then applied for another position and has been appointed as a carpenter having successfully passed that test.

Q Then there was a gentleman by the name of Kennedy who was given a job as a mechanic over a gentleman by the name of Myers who had had about 10 years as an assistant mechanic. Do you know about that one?

A Mr. Myers, again, did not have 10 years as an assistant mechanic. He had a considerable period of seniority within the department and Mr. Kennedy did not. Mr. Myers had also failed a number of tests and failed this one, specifically.

Q As a mechanic?

A Yes.

Q Were these automotive mechanic jobs?

A Yes.

BY ASSEMBLYMAN DOREN:

Q You say he didn't pass the exam? A He did not.

BY ASSEMBLYMAN LaCORTE:

Q Is this the written exam that someone was mentioning before? A A written and demonstration, yes, sir. He had, incidentally, failed several previous tests.

Q How about a Mr. McCall who was appointed to a job over a man by the name of Mr. Muldoven who had about 10 years experience, a mason. A That was again a matter of failing the test. Mr. Muldoven took the test and, as a matter of fact, scored very low on it, and we appointed Mr. McCall.

Q And then there was a painter by the name of Allegretto who had been with the Turnpike for six months and he received an appointment to painter over 5 men who had been assistant painters, prior to that, and apparently had more seniority. A I know of no one who had been assistant painter prior to that time. This application relates to -

Q Or painter's assistant. Painter's assistant is what the testimony was. A I'm not aware of that in anyway, sir. I have the specific file here if you would like to go into the details on that. I may summarize it this way. We posted for a new position, one which had not previously existed, that of bridge instructor painter. We had no personnel on the Turnpike that we knew of that had ever done this sort of work. At the same time, in our posting we offered to appoint as apprentice anyone interested in the

job if they would apply. Therefore, the entire staff of the maintenance department, the entire body of the maintenance department had an opportunity to take this test. The scores were then graded by a fairly large group of people. We even had an outside consultant, as a matter of fact, review that particular test both in its preparation and its administration so that we could be as sure as we possibly could that we had a fair application in this test. The others did not pass the test, they did not even come that close. Mr. Allegretto was the only one in that group that did pass the test and accepted the position of bridge instructor painter. All of the other applicants were offered the opportunity to become apprentices with the potential of this promotion and training on the job at our expense in the interim.

Q What is the nature of the test that you give to painters, a bridge painter, a structure painter? I presume that could be a shed, a structure painter.

A A structures painter, yes, sir. This is primarily having to do with mixing and handling of paints, thinners, compounds, materials and equipment, scaffolding and rigging, and ability to climb is a very important feature.

Q Willingness to climb. A Willingness to climb. These things were administered both in a written test and in a physical performance out on the job - climb up there and see how it goes.

ASSEMBLYMAN LaCORTE: All right. Thank you.

ASSEMBLYMAN McDERMOTT: Any further questions?

(No questions.)

Thank you very much, Mr. Heydon for appearing and testifying today.

We have now concluded the testimony on the part of the New Jersey Turnpike officials, is that correct? There are three other witnesses that want to testify and I understand very briefly so if we could continue for the next ten minutes we might be able to conclude this hearing today.

Mr. Battaglia.

G E N N A R O B A T T A G L I A, called as a witness, testified as follows:

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Battaglia, will you please identify yourself and state your position with the Turnpike Authority?

A My name is Gennaro Battaglia. I reside in Edison, New Jersey and I'm a toll collector with the New Jersey Turnpike Authority.

Q Mr. Battaglia, you have previously testified in another hearing. You have requested from this Committee, though, the opportunity to come here today and to make an additional statement. Do you wish to make a statement about the testimony that's been given or do you have another statement that you wish to make? A Well, all

told, Mr. Chairman, I think I would take about 10 minutes of your time. I would like to elaborate on just three points of testimony already given by the Turnpike Authority, three pertinent points, points which you people sitting on that side of the table have tried to emphasize. All told it

would take me about 10 minutes, if you will allow me this time.

Q Well, let's do our best. A Number one would be suspensions involving five men. I want to set the record straight. Mr. Flanagan and Mr. Richman did not know the exact amount of time that has elapsed since these men were fired. The actual date was Friday, August 13th, and it's now 7 weeks and 2 days.

I submit, gentleman, that in my opinion this is indicative of the concern that the Turnpike Authority shows for the men and their families. This could very well go on to be 7 years and 2 days.

Number 2. Mr. Flanagan testified that he would like some specific - he would like a specific incident of where a man's salary was cut and I would like to direct his attention to a letter that he sent to all employees in November, 1963, where he guarantees us that while a court action was pending - he guaranteed there would be no cut in salary. Just recently, up at interchange number 10, the 3-A shift was taken away from the permanent men who have been working this shift for quite a number of years and was given to a part-time collector who does not receive the overtime benefits. This actually resulted in the pay of permanent collectors at interchange number 10, a total of \$60.00 per year per man or approximately \$1200 a year for the whole interchange.

He also stated, Mr. Flanagan, that is, also testified that in his opinion there was no provision whereby there was

forced overtime. And again I would like to direct his attention to a directive issued by the Turnpike Authority dated July 16, 1965, in which it states specifically, "collectors are expected to perform a reasonable amount of overtime if physically capable. It is expected that job refusals and non-availables should not exceed acceptances by a greater ratio than three to one. When these occur those men will be notified that they are expected to extend greater cooperation on overtime assignments. In order to avoid an unsatisfactory cooperative record or subsequent disciplinary action."

Gentlemen, I submit that if this is not forced overtime, I don't know what is.

Finally, gentlemen, I would like to make some suggestions. After being a part of this hearing, I think I have two very good suggestions as far as I'm concerned, and I'm speaking, I believe, on behalf of every Turnpike employee.

Number 1, I would like, I would suggest and I would hope that a transcript of this hearing is turned over to Governor Hughes so that he can act accordingly.

In addition, I am urging you gentlemen to recommend to the Legislature, in a bi-partisan fashion, an effort to support the passage of some sort of legislation which will restore to us our status as first class citizens.

BY ASSEMBLYMAN LaCORTE:

Q What are you recommending? A Something, gentlemen, similar to Bill A-27 which I believe has been submitted by the Assembly, in particular, Assemblymen Lynch,

Sweeney and Farrington.

ASSEMBLYMAN DOREN: Just a minute. Aren't you going to give him an answer as to where that bill is?

ASSEMBLYMAN McDERMOTT: Yes, I have here a letter from the Law Revision and Legislative Services and it states here that "As you know, A-27 was not released from the Assembly State Government Committee as of the date of the summer recess. According to the Legislative Index, no formal move was made by the sponsors of the bill to have it moved this year."

THE WITNESS: What was that date on that?

ASSEMBLYMAN McDERMOTT: The date of what? This letter is dated September 28, 1965. It was sent to me by Mr. Arthur S. Applebaum, Senior Research Associate, and he states that the sponsors of that bill had made no formal move to release it from Committee.

ASSEMBLYMAN DOREN: Of course, bills are removed from Committee without any request.

ASSEMBLYMAN McDERMOTT: There is additional data here that last year there was a similar bill and again there was no effort made to move it from Committee and, further, there was a bill in 1963, when the Assembly was controlled by the Democratic Party and that bill was never moved out of Committee.

If you would like to look at that --

ASSEMBLYMAN DOREN: I'm just saying that you didn't move it. There was no reason. Mr. Chairman, you've had this baby with you for many months and we were still in session and if you thought that it was such a good bill you should have had your boys bring it out of Committee.

ASSEMBLYMAN McDERMOTT: If you remember correctly, --

ASSEMBLYMAN DOREN: We didn't have the problem then with the Turnpike. We knew nothing about these men - their grievances, but since you were receiving all the mail I think it was incumbent upon you, in all fairness to the employees of the Turnpike - if you thought it was a good bill you should have brought it out yourself if you wanted to do a job for them.

ASSEMBLYMAN LaCORTE: Mr. Doren, this problem has been going on for years and you've overlooked it.

ASSEMBLYMAN DOREN: This has not been going on for years. The Turnpike problem has just come up in the last few months when we were just going into recess.

ASSEMBLYMAN McDERMOTT: Well, this problem is of many years' vintage, Mr. Doren. Perhaps you weren't aware of it.

ASSEMBLYMAN DOREN: Well, I'm aware of anything --

ASSEMBLYMAN LaCORTE: Mr. Chairman, may I suggest that we get back to Mr. Battaglia.

ASSEMBLYMAN DOREN: You got all the letters, I didn't get any letters.

ASSEMBLYMAN McDERMOTT: Well, that's the situation right now. The sponsor hasn't moved the bill.

THE WITNESS: I have that data down. Thank you, Mr. Chairman.

(continuing) And in light of this controversy I just heard, I would like to emphasize again that this be a bi-partisan attempt.

ASSEMBLYMAN DOREN: I told you my position on the bill.

(continuing) And, gentlemen, in closing, on behalf of all Turnpike employees, I'm appealing to you - please restore our status as first class citizens, please help us.

ASSEMBLYMAN McDERMOTT: Thank you very much.

BY ASSEMBLYMAN DOREN:

Q Just let me explain one thing, Mr. Battaglia. Being a lawyer, and I've done some criminal work, you emphasize the fact that the five men that were suspended - You know when you go before a grievance committee, I assume they have a stenographer there and, of course, the defendants would have to testify, and sometimes a lawyer isn't too anxious to have his defense exposed and then later on maybe when he gets indicted he has to testify again and they have this transcript and it's a little difficult. So it works both ways, whether

it's helping him or harming him by not having this grievance heard. I want to say that as a lawyer who's done some criminal work. A I am well aware of that, Mr. Doren.

Q It's an unfortunate situation. A Right. And I reiterate, at a meeting held with Mr. Richman when these men were fired, I wasn't there to defend their guilt or their innocence, I was there to defend their right to a fair hearing. And I think that's quite correct since we deserve at least that, and this is what I'm appealing to you gentlemen for to try to help us regain.

ASSEMBLYMAN LaCORTE: It would appear, Mr. Doren, that these men who have been fired or suspended would have the right to waive --

ASSEMBLYMAN DOREN: Suspended.

THE WITNESS: Fired. Excuse me for correcting you. Fired, not suspended.

ASSEMBLYMAN LaCORTE: But if they want to go to arbitration proceedings and take the consequences which may flow from it, that's their responsibility.

THE WITNESS: Is that all, gentlemen?

ASSEMBLYMAN McDERMOTT: Thank you very much, Mr. Battaglia.

The next witness is Mr. Sam Bardach.

S A M U E L B A R D A C H, called as a witness, testified as follows:

unions of public employees and their right to collective bargaining. This material has been compiled by the Research Department of the American Federation of State, County and Municipal Employees, AFL-CIO.

The turmoil involved among private workers - craft and industrial - during the early decades of the twentieth century was different from what prevailed among employees in the public sector. Here the great drive was not to establish unionism but to attempt to concoct and install a device which would provide security and wipe out the spoils system which characterized all levels of public employment. Strides had been made towards this end in the Federal service, and people began to attempt to extend it at the level of state governments and its subdivisions. The early endeavors of the first local unions, which later became part of AFSCME, were so directed. Once civil service was instituted in a jurisdiction, efforts of the union were aimed at the improvement of the system itself and then towards the improvement of wages and working conditions.

I guess I can go on and on with this but it's just in the pudding, like they say. What we actually need in this State of ours is the right for a public employee to sit down and bargain collectively and bargain in good faith. Many days we did sit down and bargain, whether it was in good faith it's hard to say, but eventually - I should say, it doesn't seem that way today.

We had a memorandum of understanding prior to the one that you have now, that policy now out on the Turnpike.

At many meetings this past year we've asked the Authority to knock out that point system. We've asked them to go to the field and have its own people in its own jobs.

We now have this labor relations committee. Their endeavor is to try to straighten some policies out but we still need that union out there to have the last say.

We are trying, with your help, to get this across to the public employees. We're asking your Committee and all committees that may be formed now or later to recognize that the public employee is an employee being stepped on slowly.

Thank you.

BY ASSEMBLYMAN DOREN:

Q You've done some research, what states have corrected the situation? A Well, in the states that have that, you'll find that Massachusetts, Delaware, Connecticut, New York, - now Connecticut, for example, adopted it recently, in 1965, a law compelling public employees to recognize the labor unions once the labor unions have demonstrated that they represent a majority of the workers.

In Delaware, it's the same thing. In fact they have given moreso in the law - arbitration and grievance. You speak of arbitration. Arbitration is a costly and very long thing. Most of our problems we feel can be handled and can be done within a matter of two weeks, three weeks, if both parties can see eye to eye and not deviate from one word to another word.

BY ASSEMBLYMAN LaCORTE:

Q Are you saying, Mr. Bardach, that your problems have not had a sympathetic ear? A No, they are not. In some instances I would have to say yes, they've been sympathetic, in other instances it hasn't been sympathetic in this respect that sometimes the individual who I would say is on a low level wouldn't handle it the way he would normally or should handle it. We feel that some of those subordinates are not indoctrined enough to know what actually the problem is out there and they pass the buck.

Q You say those in position of administration who should be listening to your problems are not knowledgeable enough sometimes to settle the problems. Is that what you're saying? A That's true.

Q Well now, I understand that this may be corrected by virtue of this labor relations committee that's just been formed, this four-man team. Have you had any experience with them? These men come right out of the maintenance department and toll collections.

A That's true, they do. And as far as my experience with them, no, because a president of a local would not go see them. I feel that upon my integrity as a union leader I don't need them.

Q All right, then, who would you expect to talk to?

A To the heads of departments.

Q All right. Are they not knowledgeable enough of your problems? A Oh, they're knowledgeable,

yes, they're knowledgeable of the problems but I say the problems sometimes should be resolved prior to the meeting up there. The men underneath them are not knowledgeable of what actually prevails.

Q Well now we just said that we've appointed - not we, the Turnpike Authority has appointed a labor relations committee that's knowledgeable to handle that situation.

A In their eyes, yes.

Q In your eyes? A No.

Q Why not? A Well, I always felt this way, anybody that's being paid to represent can't give you a just answer.

BY ASSEMBLYMAN McDERMOTT:

Q You mean when they are paid by the employer they can't do a job for the employee. Is that it?

A I don't think so.

BY ASSEMBLYMAN LaCORTE:

Q So that you don't envision any beneficial effect coming out of this step? A Yes, it will establish a stronger need for a union.

ASSEMBLYMAN LaCORTE: All right.

BY ASSEMBLYMAN McDERMOTT:

Q Just one final question, Mr. Bardach. In your experience on the Turnpike is the situation worse now under this July 1 -- A The situation is much better now.

Q Under the July 1, 1965 rules? A Well, we'll have to give that a little more time to work out

before we actually know. But in prior days - we've come a long way through the efforts of AFSCME in bringing about working conditions favorable. I must say this that the Turnpike's ear hasn't been deaf all the time. The situation's created right now between another faction, you know, between us. Now that's neither here nor there but it has hurt in some respect, trying to gain control I guess is what you call it. However, perhaps some people may not feel that we were the ones that could actually do what they wanted to be done. However, if you stop and think that in 1951 and 1952 we never had a memorandum of understanding. Around 1954 I think, if my memory serves me correctly, - until prior to this we did sit down and have a statement of public employees relations, the policy, up until 1961, which it ran out in 1963. We did make a lot of strides, a lot of gain. But I say it has to be through a union's effort and management's effort, no in-betweens.

ASSEMBLYMAN McDERMOTT: Any further questions?

(No questions.)

Thank you very much for testifying, Mr. Bardach, and I would appreciate that copy. I never received the original. There are some letters I don't get, Assemblyman Doren.

Thank you.

The final witness is Mr. Frank Morro.

F R A N K B. M O R R O, called as a witness, testified as follows:

BY ASSEMBLYMAN McDERMOTT:

Q Mr. Morro, would you please identify yourself, spell your name for the stenographer? A My name is Frank B. Morro - M-o-r-r-o, and I'm employed by the Maintenance Department of the New Jersey Turnpike Authority.

Q You had previously testified but your testimony was interrupted. Would you care to continue from that point?

A Well, before my testimony was finished the last time I was going to get into the problem of the Turnpike practice of hiring outside contractors. At the time that they took the maintenance men out of the toll booths there were some gripes at the time that the maintenance department was not sufficiently maintaining the cleanliness and other requirements desired. But since that time seeing what's being done by the outside contractor many supervisory employees have also complained that these men are not doing a job. At the time we protested the fact that we were losing employment. We used to do all the interchanges and sometimes we did the lanes. We lost both of those projects to outside contractors.

And then about three years ago, when Mr. Howard Heydon took over the maintenance department, they hired outside contractors for snow removal on the basis that the road must be kept open for the traveling public and to make sure that there was no delay in the snow or otherwise --

Q Mr. Morro, is your complaint about the hiring of outside contractors the fact that it takes work away from

you or is/<sup>it</sup>a two-fold complaint that they are not doing their job as properly as the employees would have done it?

A I maintain both factions. I maintain that the maintenance men if they were kept at the interchanges consistently, I mean the same man, instead of moving the guys around, if I was there one day and put somebody else there the next day naturally I'm not going to clean up the previous fellow's leftovers. If they would maintain a strict maintenance schedule for a specific individual, he would probably have a lot better cleanliness and more efficient work being done. Whereas in some instances supervisory foremen, because they got mad at a guy for something they'd put him out in the cold to teach him a lesson.

BY ASSEMBLYMAN LaCORTE:

Q Do you maintain the booths, the restrooms, the lunchrooms, lockerrooms are not being kept adequately.

A I maintain it.

Q You say they are not clean? A They're filthy.

Q Well the testimony has been that they are adequate, they are clean. A I don't pull any punches. I'm telling what I hear.

Q Can you mention specifically which areas or which toll booths? A I'd say interchange 10 is a rat hole. They got rat poison all over the place.

Q Well that should be. If there are rats there should be rat poison. Now, is it clean? A It's filthy. They don't clean that either, I'm in the plumbing

department and we have to clean out what we call pits where the water condenses into these sewers and pumped out. They used to have screens over these pits but now the maintenance guys - I mean the outside maintenance guys - sweep all the dirt in there and we have to go around every month and clean it up.

Getting back to the contractors on the snow, we were told that when they came on the Turnpike that no maintenance man would lose any working hours by their action in plowing the snow. And we've protested that a number of times in grievances and it fell on deaf ears. And now, just recently, about September 15th, there was supposed to be some maintenance work done on the road, repatching the road up in Bergen County, around Ridgefield, and the maintenance men all went out there with their equipment and all and Mr. Chivone was already there digging up the road and these maintenance men didn't know nothing about it until they got there and they were told to go back.

Q Who is the biggest contractor on the Pike today?

A Mr. Chivone. He does all the patch work and curbing and all that kind of stuff, and we're gradually losing out.

Now, in Mr. Flanagan's letter he stated that we wouldn't lose any money, we were getting overtime - some kind of an average, I forget the percentage, and each man was averaging \$1200, or something. And we used to work in the service areas on Saturdays and Sundays and holidays, the maintenance department. That was premium pay. Now he eliminated that and hired some fellows for \$1.50. They

work around the clock. I don't mean all shifts, I mean Saturdays and Sundays and holidays are included and there's no premium. So, we've lost that money too. And we keep getting jacked up in our retirement and hospitalization and all those other benefits and we're getting money taken away from us in other places. And the men don't realize it because it's such a gradual thing, it's been happening for the last 6 or 7 years.

And that's one of the biggest gripes going on right now.

I don't know if it's been mentioned before, but I feel that it's going to hurt us in the end and the toll collectors are going to suffer the worst because everything's getting automated. And in the papers they're going to separate the Turnpike for trucks and cars. And you can get a cup of coffee with sugar or without sugar for a dime and I don't see why a guy can't pay his toll for a car with the same type of machine. And we'll be out of work there too.

BY ASSEMBLYMAN McDERMOTT:

Q You are concerned then about the job opportunities.

A We are losing employment and I don't know why because --

Q Then your main concern here today is the fact that the number of job opportunities for maintenance men is constantly shrinking. Is that it? A That's right, or they're being recategorized, if that's the proper word, into lower brackets and it's the same type of work being done by the same people.

Q Do you have any other points that you wish to

address yourself to?

A I had one but I forget

it.

BY ASSEMBLYMAN LaCORTE:

Q Mr. Morro, when you first testified you suggested that there be examinations and seniority as the basis for promotion for anybody.

A That's right.

Q Well you heard testimony today that that is the basis on which the Turnpike has been operating.

A Maybe that's the impression that's been created in the upper echelon but it isn't the case. I'll take Mr. Myers, particularly because you like specifics, - in district 6 we had a mechanic by the name of Cecil Sisco - this fellow Kennedy took this Sisco's job after he retired. Prior to Sisco's retirement he used to get sick a lot and this Mr. Myers done his job. In other words, we have to fill out a work form every day, what we do. He filled out these forms, he done the job, the equipment was on the road, and I'd say he done this for over a year, and still, because this fellow's father is a State Trooper - I think he's a Captain Kennedy - this guy got the job. St. George never took the test. I'm sure that our fellows take tests but they flunk the test but they do the work. I'm not trying to draw any innuendoes here.

Q You're saying that Mr. Myers had done the job for a year --

A He's done it for five or six years.

Q But when the job was open he didn't get the job, it went to someone else.

A That's right. He didn't pass the test. And on the work orders which we have to fill out, we make out - it's a regular form and you sign

your name on it after what you categorize your work - and he filled out these forms, he'd done all the reports on the vehicles and he never was taken off the job.

ASSEMBLYMAN LaCORTE: Mr. Kenney, would that have been in your area, your responsibility?

MR. KENNEY: Mr. Heydon can testify to that.

ASSEMBLYMAN LaCORTE: Mr. Heydon?

MR. HEYDON: I thought I explained that.

ASSEMBLYMAN DOREN: He explained that.

ASSEMBLYMAN LaCORTE: It's a little different now. The man had been doing the job for over a year. We didn't know that.

ASSEMBLYMAN DOREN: He said he flunked the test.

MR. HEYDON: I just want to show the Committee the test scores of the several tests which were involved. These are not published results. We keep the results confidential so that no particular individual will be injured. We simply announce whether or not someone has passed or failed.

ASSEMBLYMAN LaCORTE: Well, why wouldn't you reveal that? In Civil Service they reveal the results of the tests that are given.

MR. HEYDON: We feel it is better not to, so that no one has any feeling cast over them about whether or not they were good or bad. By the same token, since we don't promote to the most qualified individual, as long as the man passed the test, that's

sufficient. And there are many times when there are people with substantially higher scores with less seniority and they don't get the job. So that as long as we have this form of system, we think it's better to keep the scores confidential.

ASSEMBLYMAN LaCORTE: Has there been any complaint on the part of the men to you that they want the scores publicized?

MR. HEYDON: No, sir. There has been no complaint to me or to anyone, to my knowledge, about any of these test applications.

ASSEMBLYMAN LaCORTE: Then why would you have a man take a test if he's been doing the job satisfactorily for a year?

MR. HEYDON: I didn't say that he had, sir.

ASSEMBLYMAN LaCORTE: All right.

THE WITNESS: While we're on the subject of the tests, I would like to elaborate on the Chief Mechanic's attitude toward these tests. He has stated on numerous occasions - I don't have the witnesses here to back me up - I know it's only hearsay on my part - that he couldn't pass this test himself because they ask for a combustion -- percentages of cylinders, and we don't do that type of work in the districts. We don't take a motor down. All major maintenance is done by the central shops in Hightstown. We do mostly preventive maintenance and minor maintenance on the vehicles

in the districts. And the test given to these fellows is considerably above the work that they're required to do. So in all fairness to the Authority and the men, I don't think the test is even fair.

ASSEMBLYMAN McDERMOTT: All right. Thank you very much, Mr. Morro for testifying here today.

Unless there is anything further, the Committee will now conclude its third and final hearing.

Thank you very much, gentlemen, for appearing and testifying today.

(Hearing concluded)

