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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)]

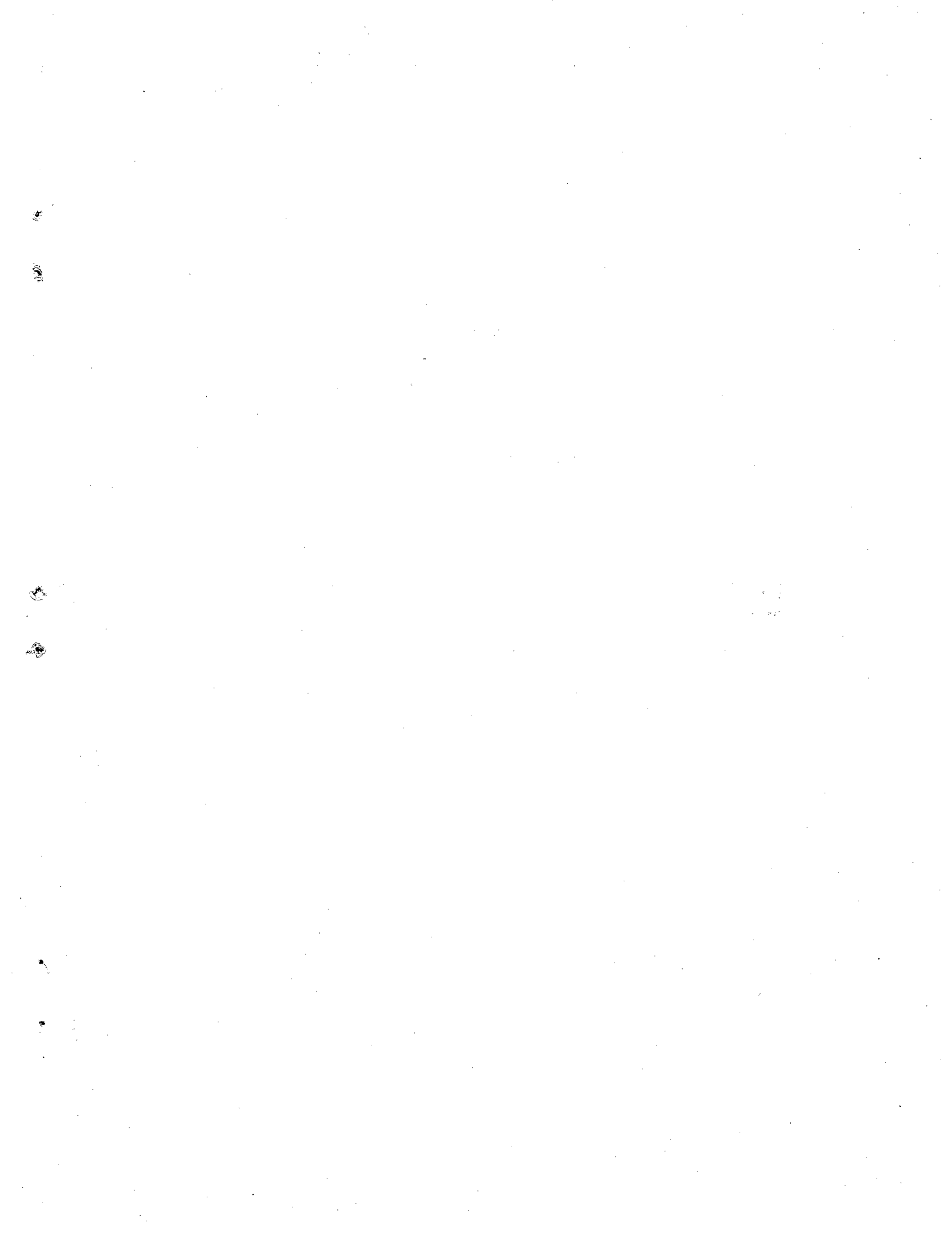
Held:
June 30, 1965
Court House Annex
Elizabeth, New Jersey

MEMBERS OF COMMITTEE PRESENT:

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

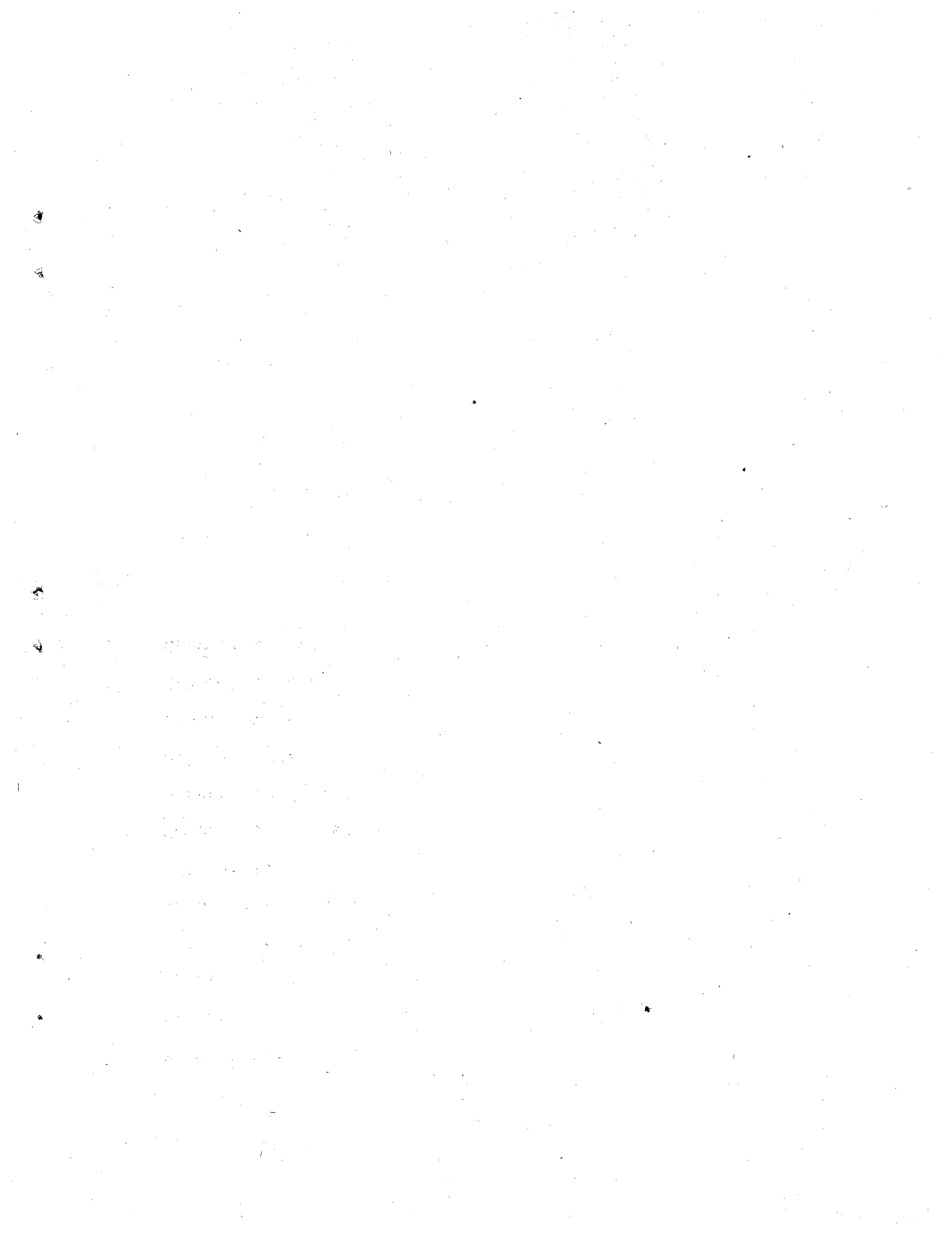
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ASSEMBLYMAN FRANK X. MC DERMOTT [Chairman]: Gentlemen, we are calling this meeting to order. The purpose of this meeting as you know is to investigate the complaints of the men regarding the personnel policies and practices of the New Jersey Turnpike Authority. The investigation is conducted under Assembly Resolution No. 17, which passed the Assembly on May 24, 1965, the purpose of which was the creation of a Special Committee of the General Assembly to consist of three members to be appointed by the Speaker. The Speaker has appointed the three members. One of the members is Mr. Nicholas St. John LaCorte of Union County, to my right. The second member is Mr. Joseph Doren, Assemblyman from Middlesex County, to my left. And I am the Chairman of this Committee. My name is Frank McDermott, Assemblyman from Union County.

The purpose of our meeting is to investigate and to report back to the General Assembly the personnel policies of the New Jersey Turnpike and the complaints arising from these policies as applied to you men.

We have a considerable turnout here today and I would ask you gentlemen that you refrain from any demonstrations in order to expedite this hearing. As you can see, the testimony is going to be recorded. It will be reviewed and our recommendations to the Legislature will be based not just on what we hear here today, but we anticipate having future hearings, hearing more complaints from you men and also to call to a hearing various officials of the Turnpike Authority itself.

The resolution in the Assembly was not introduced until after there was a preliminary investigation. The preliminary

investigation started after I was given a list of complaints by one of the toll collectors. One morning I used the Turnpike and through my window was passed a sheet of grievances. They related to the recently enacted or proposed enacted personnel policies of the Turnpike. Coming home later that evening, the same incident occurred. I then made a personal investigation. I received copies of letters from Mr. Flanagan, the Executive Director of the Turnpike, to you men.

I would like to mention for the record some of these letters. The first letter was dated April 27, 1965, on Turnpike Authority stationery and addressed to "Dear Fellow Employee." It was signed by Mr. William J. Flanagan as Executive Director. In the letter it is stated: "A committee composed of several staff members of the Authority has completed its preliminary draft of a new statement of personnel policies. A meeting has been scheduled for this morning, to which have been invited various representatives of employee groups who have expressed their desire to attend for the purpose of discussing these new policies. They are being presented at this time to give these representatives an opportunity to review these policies and offer comments and suggestions. All employees are invited to offer suggestions concerning personnel policies and may do so in writing to me or to the Personnel Director. Several of the new and/or revised policies are outlined in some detail in the attached synopsis. These policies have not received the formal approval of the Authority and are still in the preliminary stage, but do represent an effort to improve substantially the Authority's relationship with its employees."

This letter was followed up by another letter of May 10, 1965, also signed by Mr. Flanagan, which is addressed to "All Turnpike Employees."

[Reading] "I am writing this letter for two reasons. First, I want you to know that I personally apologize on behalf of the New Jersey Turnpike Authority to the pastor of St. Thomas Catholic Church, scene of last Saturday evening's Spring Fling Dinner and Dance for the senseless picketing of the church grounds by some of our employees who are members of the Hoffa union. The other union on the Turnpike did not participate.

"If you are among the 800 who attended, I am sure you had a most enjoyable time, as did several of the pickets who later joined the fun inside the hall.

"Secondly," - and this is the important statement - "last week I talked with more than 50 collectors and maintenance employees and heard 50 versions regarding the Authority's labor policy." Inherent in that statement is an indication that there is a certain confusion as to the policies. "After listening to your comments, I can understand why you are confused and possibly angered over what you have heard. I can understand too the importance of bringing the facts to your attention. I jotted down most of the questions that were asked and I am sure that you will be interested in the answers. You will find them enclosed."

Attached hereto is a five-page question and answer mimeographed sheet.

Subsequent to that the resolution was introduced, but it was not passed in the Legislature until May 24th. There was

a demonstration by some pickets in front of the State House on the day that this resolution was introduced, May 17, 1965. There were some 200 employees who demonstrated, protesting the policies of the Turnpike.

Subsequent to that, I received a letter addressed to me personally from Mr. William Flanagan. The letter is dated May 20, 1965.

[Reading]

"Dear Assemblyman:

"The Associated Press has reported your sponsorship of a resolution to create a legislative committee for the purpose of investigating Turnpike personnel policies. The Associated Press further reported you introduced your resolution after reading a leaflet distributed by the Teamsters' Union at one of our toll booths.

"I am not writing to discuss the merits of the matter, but instead to ask you if you will kindly forward me a copy of the leaflet upon which you made your judgment and also the location of the toll area at which it was distributed."

I did not answer Mr. Flanagan's letter for the very obvious reason I did not want to give him that information as to which one of you gave me the leaflet.

That gives you the background of the resolution. We are here today to listen to your testimony and to take action upon it.

There have been numerous people here who have signed up to testify. What we are endeavoring to do in order to facilitate this hearing is to have several members come up first. We will

pick you out of order. Then we will give all of you who have signed an opportunity to present your views to substantiate what the others have said, to embellish upon it or to say anything that you feel differs from the prior testimony.

The first witness is Mr. Frank Morro.

F R A N K P. M O R R O, testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Morro, as I stated earlier your testimony will be recorded. Will you please give your full name for the record. A Frank Peter Morro.

Q And what is your position with the Turnpike? A Maintenance man in the Plumbing Department.

Q And how long have you been employed by the Turnpike? A Thirteen Years.

Q And Mr. Morro, do you have some complaints to make about the present personnel policies and practices of the Turnpike? A I have a number of complaints and I have them listed categorically. I will start with the problem of selection and assignment of personnel as far as promotions are concerned, which I consider to be favoritism and nepotism. Recently there were a few promotions as far as Assistant Foremen were concerned and some of them were never even listed as far as the promotions were concerned.

Q When you say "listed," you mean job posted? A Right.

Q Do you have job posting on the Turnpike? A Well, this is one of the discrepancies of the policy. We do at times and we do not have it at times.

Q You mean despite the fact that there is supposed to be job posting, it is not adhered to at all times?

A That's right.

Q Will you please continue. A One of the instances was recently when they selected four Assistant Foremen for what they called a Northern and a Southern Division and four men were selected. This took quite a while. I think it was about a four- or five-month period. There was supposed to have been interviews and there was a number of fellows that had requested to be interviewed as far as this promotion was concerned. Some of the fellows were interviewed. Some were sent letters that they were not satisfactory as far as being in a supervisory capacity. Others weren't even notified at all as to what their standing was and the promotions were made in that vein. Then immediately after that --

BY ASSEMBLYMAN DOREN:

Q Just one minute so we can all keep the record straight. I would suggest that he give one complaint and then we all ought to be able to ask questions and go to the second complaint because I don't think we will all remember the complaints unless we took shorthand. Do you have any objection to that?

ASSEMBLYMAN MC DERMOTT: No. You don't mind, Mr. Morro, that we question you on each point?

THE WITNESS: I'd like that better because it would probably get in my mind a littler clearer.

ASSEMBLYMAN MC DERMOTT: Do you have any questions on this particular point? [No questions.]

Q On the selection and assignment of personnel - you

said that was one of the complaints - and also in respect to promotions, now what has been the policy of the Turnpike in the selection and assignment of personnel? A Well, this is the problem. Like I mentioned, there is no set policy. It is supposed to have been posted in each area where these assignments are going to be --

Q When you say "supposed," where did you get the information from that it was to be posted? A Well, it was done. In prior practice, it was done at times.

Q But they would post the jobs or the promotions that were available. Is that what they do? A Right. This is only in the Maintenance Department I am speaking of.

Q Then after they posted, did they make an announcement that anybody interested or anybody who thinks they are qualified submit their name or something? A Sometimes.

Q When did they do it and when didn't they do it? A Well, like I just mentioned with these four individuals who were selected, immediately after that three or four more promotions were made.

Q When did this first complaint happen? A This one just happened recently. But they have been happening all the while since I am there.

Q Now you say the four Assistant Foremen were selected for the Northern Division. A No. Two for the Northern and two for the Southern.

Q Two for the North and two for the South. And what has been the policy in selecting these four men? Did they go up in rank on seniority or what was it? A No. They just

posted the job and like I said, they gave interviews to some and they sent letters to others that they were not qualified and some were not even notified. This is what happened.

Q You say they were not notified. They were not notified of the -- A To the extent of their request to be promoted.

Q What do you suggest? Our job is to find out how we can make everybody happy. You fellows have been working there and perhaps maybe we can convince the Turnpike or enact legislation. What is your suggestion on how this could be corrected? A Well, my suggestion would be to give everyone a fair and equal opportunity to prove whether they are qualified or not.

Q Regardless of seniority? A Well, you would go with the senior man first, I would assume. You would take the senior men who had requested this promotion and give them a trial period like you do in any other job posting.

Q There is no examination given in this, is there? A Well, now this is another inequity that they have. Some people do have examinations, written and orally.

Q But in your Maintenance Department, can you have an exam there really that would be fair to all you fellows? A No, we don't.

Q Could you have an exam, do you think, that would be fair? A I think we could, yes. I think we could have an exam. I think it would be nice if it was even posted.

Q You fellows would prefer an examination rather than having men selected on a seniority basis? A Well, with

seniority, you also have to have qualifications, I would assume, and I think that would probably be the best method of selection.

Q First you have seniority, then if he is the top man and he gets the top mark, he gets the job. A Right.

BY ASSEMBLYMAN MC DERMOTT:

Q Incidentally, do you know whether or not these exams are given to civil service employees in the Maintenance Department? A We don't have any --

Q You are not civil service, but what about the other employees of the State in maintenance; do they have examinations? A I think they have what they call a qualifying list for examinations. You have to bid or so-called request to get on this list as far as I know.

BY ASSEMBLYMAN DOREN:

Q The four men subsequently selected as Foremen in these two sections, were they qualified men? A Were they qualified in my opinion?

Q Yes, to do the job. A No.

Q Why not? A Well, some of the fellows selected were never on the road as far as working as a regular maintenance man. Some of these selections were clerks, janitorial personnel, building custodians.

Q But a foreman would necessarily have to have some qualification on leadership, wouldn't he? A I would assume so, yes.

Q Do you feel if he were a clerk and he were made a foreman and were put on the road, if he had the leadership to guide men and the men liked him and he was able to lead them

without any difficulty, he would be qualified? A Yes, I think that is one of our biggest problems, getting the leaders.

Q But the fact you say they were not on the road - assume they had been on the road, do you feel that they would have been qualified then because of their ability to lead men?

A I think they would have an all-around idea of what the procedures are and how they are in practice.

ASSEMBLYMAN MC DERMOTT: Mr. LaCorte has a question.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Morro, what are the duties of a maintenance man?

A A maintenance man generally - there is no specific duty as far as one job is concerned. It is an all-around - it is a job of an all-around nature, like cutting grass, fixing guard rails and in the winter we have snow plowing and taking care of ice and snow conditions and we have accident scenes where we have to get on an accident scene and handle the traffic and any debris that occurs. As far as trades, we have trades in the maintenance department. We have what we call a general wage scale for every trade. Everybody is supposed to have gotten the same amount of money as far as their increment pay is concerned. We have plumbers, carpenters, electricians, painters, auto body men, auto mechanics and we have a general listing of all the trades as far as maintenance is concerned.

Q Now these four foremen that were appointed, were they appointed to be foremen of specific trades such as automobile maintenance or carpentry or were they foremen over all trades?

A Well, the four that were selected through the posting procedure were general road foremen.

Q What are the duties then of road foremen? What trades would they supervise? A They would just supervise the maintenance men in their capacity of fixing guard rails, cutting grass, snow plowing, laying asphalt at the time. - now I understand there is a new department - general sweeping of the roadway and work of a general nature.

Q Were they required to have any special skills?
A As far as operating machinery?

Q Yes. A No.

Q Driver's license? A Yes, the requirement was a driver's license.

BY ASSEMBLYMAN DOREN:

Q Just to get it clear in my notes - I thought you said the four that were selected were clerks - some were clerks - and they were never on the road. Then you just told Mr. LaCorte that they were road foremen. A Well, this is their job. After they were promoted, they were called road foremen.

BY ASSEMBLYMAN MC DERMOTT:

Q As I understand your testimony on this point, despite the fact that these newly-appointed foremen had never worked out on the road, they were appointed foremen nevertheless supervising men who had worked out on the road. That was their principal function. A True and some of the men who were previously selected before these four didn't even have seniority. They were selected by - I guess we will get into the patronage angle - they were selected on who they know. That's why it takes so long to select a man. Sometimes we go for six or seven months after these postings, if they are posted.

BY ASSEMBLYMAN DOREN:

Q Who were the four men that were selected?

A Recently?

Q Yes. A Mr. Zwoenchek.

Q How would you spell that? A Z-W-O-E-N-C-H-E-K.
Norman Stoop - S-T-O-O-P, John Giordano, and Norman Mc Daniels.

Q Do you know how long they had been with the Turnpike?

A These fellows were there quite a while. The first two were there over ten years and the last one was over ten years and the third one was there about, I'd say, six to eight years. But prior to the selection of this group, there was a foreman selected who was a building custodian. His name was Frank Hefferman. This fellow wasn't with the Turnpike too long, about five years, I would say - four or five years - and he was in charge of taking care of the building in Secaucus.

BY ASSEMBLYMAN MC DERMOTT:

Q As a custodian? A Right.

Q And what was he promoted to? A Assistant Foreman of the maintenance in the North - District 6. Prior to this time, I'd say about six years ago, we had aggrieved these same type of incidents and I believe the settlement of the grievance at that time was that the Authority has the right to select supervisory personnel and, I'll be frank, they stated then that it was in their opinion more or less graciousness on their part of posting at times.

Q You mean that the Turnpike did not have to post as a matter of policy or practice? A No.

Q It was something that they did on their own?

A Sometimes and sometimes not.

BY ASSEMBLYMAN DOREN:

Q I am confused on this particular complaint as to just how this policy was set up and whether or not it is something you need legislation on. I read this case. You are familiar with it. I see your name on it. It was a restraining order. How long ago was that case? I see October --

A October of '63.

ASSEMBLYMAN MC DERMOTT: This is Judge Wick's decision?

ASSEMBLYMAN DOREN: Yes.

Q That was never appealed, was it? A It was appealed. An appeal was made and then dropped. There was supposed to have been a companion case as far as I know. But as to what it was, I couldn't enlighten you on it.

Q This thing is still in effect, I assume, this injunction. A That's another one of our problems. We don't know.

Q It has never been reversed, has it, the court order? A I was under the impression that an injunction was only for a specific amount of time.

Q I see where the Court finds - this is Judge Wick speaking - "that the employees of the New Jersey Turnpike and the defendant labor organization, their officers, agents, servants and employees have no right to incite, organize, conduct or participate in any strike, slow-down or impediment to work against the plaintiff New Jersey Turnpike, that any such conduct is violative of the Constitution of New Jersey." Then it further

goes on to say that "neither does the Turnpike have the right to engage in collective bargaining with its employees or their chosen representatives." This is what the Judge said. I am just reading something. A I would like to explore that a little more.

Q What was this case all about? I don't have the details of it. What was the case about? A This involved a dispute between two unions who demanded recognition as far as representation for the majority of the employees were concerned. It was assumed at the time of the injunction that there was going to be a strike. The one union was enjoined, which was the Teamsters' Union, and the other union was - I don't know what.--

ASSEMBLYMAN MC DERMOTT: They were not similarly enjoined.

Q Local 1511. A But the decision of the judge stated that the Authority has the right to make up policy or enter into any agreement it sees fit. The sole decision is up to them. So it does not deter them from agreeing with anything with the employees.

Q That is the purpose of this hearing, to see whether we can pass some legislation or what can be done in this situation. A I think it is needed.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Morro, you made mention in your original remarks that the assignment and selection of personnel for promotion was in your opinion based on favoritism and nepotism.

A Right.

Q Can you pin down specifically cases of favoritism or nepotism? A Right.

Q Let's take the first one, favoritism.

A Favoritism involves people posting for these jobs, not getting the job for reasons that somebody has, the slang word that the fellow's use, employee's use, a "gumbar" on the outside. This means that irregardless of your qualifications or service record, if somebody knows somebody, they will get the job and in many cases the formality of posting is just an appeasement attitude. In other words, it is done, but the selections already have been made.

Q You mean somebody in authority knows the man who wants the job? A That's right. Many times rumors circulate pretty wildly on the Turnpike and names are mentioned and it has proven to be fact.

BY ASSEMBLYMAN MC DERMOTT:

Q You mean authority within the Turnpike or possibly public officials outside the Turnpike? A Public officials, committee men, senators, assemblymen, leaders - political leaders.

BY ASSEMBLYMAN DOREN:

Q Do you have anything concrete on that or is this just a rumor? A Well, I can mention one case specifically - Mr. Richard Lynch.

ASSEMBLYMAN MC DERMOTT: Are you talking about Assemblyman Lynch?

THE WITNESS: No. I am talking about a maintenance man, Richard Lynch.

ASSEMBLYMAN MC DERMOTT: A maintenance man.

THE WITNESS: Yes. I didn't realize the similarity.

I just happened to pick him out.

Q What about him? A After these four fellows I mentioned prior were selected, there was a lot of turmoil created after the selection and immediately after that - I'd say a month later - this fellow was selected to be an Assistant Foreman of no specific area and he was selected. It was never posted.

Q You say that was a political promotion? A I would say it came through Hudson County.

Q How would you know that? A How would I know?

Q Yes. A It was mentioned to me by some people that were involved. I know it's only hearsay, but take it for what it's worth. It actually happened.

BY ASSEMBLYMAN MC DERMOTT:

Q Did this Mr. Lynch come from Hudson County?

A Bayonne, New Jersey.

BY ASSEMBLYMAN DOREN:

Q That's Hudson County. A There was no inkling of any promotion, I might add to that. No one knew that there was going to be any.

Q Was he competent and qualified? A Is he competent and qualified?

Q Yes. A I'd say he was and I'd say he still is.

BY ASSEMBLYMAN LA CORTE:

Q How long has he been with the Turnpike Authority?

A Ten years.

BY ASSEMBLYMAN DOREN:

Q Have you ever, yourself, sought a promotion?

A Have I ever sought a promotion?

Q Yes. You have been there 13 years. A No, I haven't.

Q You never wanted anything? A No. Oh, I've posted on jobs within the bargaining unit. I have had my problems there, but I finally made it. That's why I'm a plumber's helper. It took me three years.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Morro, you mentioned four gentlemen before who were selected for appointment to Foremen. Would you say that any of these men obtained his job on the basis of favoritism or nepotism? A Well, I don't have any proof, but I would say that at least two out of the four.

BY ASSEMBLYMAN MC DERMOTT:

Q Who were the two? A Zwoenchek and Giordano.

BY ASSEMBLYMAN DOREN:

Q And that was based on what you heard around the employees? A That's right.

BY ASSEMBLYMAN LA CORTE:

Q In that respect Zwoenchek - is he related to anybody in authority in the Turnpike? A No. I think he got his appointment through Middlesex County.

Q And Giordano? A He got his appointment through Essex County.

Q Now are you considering their appointments on the basis of favoritism or nepotism? A Giordano, I'd say on

both.

Q What makes you come to that conclusion? A Well, there was recently printed an article that he got it through the help of this foreman, Tom Smith. That's how he was supposed to have gotten it, gotten on the Turnpike to begin with.

BY ASSEMBLYMAN DOREN:

Q Who is Tom Smith? A He's a foreman in the Northern Division.

Q He recommended him? Is that what happened?

A Right.

BY ASSEMBLYMAN LA CORTE:

Q Well, that's not nepotism. He is not related.

A Well, I don't know whether he is or not. It might be some vein there.

BY ASSEMBLYMAN MC DERMOTT:

Q Is this Mr. Smith active in politics? A Yes, I believe he is.

Q Do you have any idea of his connection with politics?

A No, I don't.

BY ASSEMBLYMAN LA CORTE:

Q How about Zwoenchek? A I would say he got his --

Q Is favoritism or nepotism involved? A I would say favoritism.

Q On what basis? A I'd say on a basis that there was someone else in line before him and he got it because he went to see somebody.

Q Well, how would there be someone in line before him

if there were not any established policies? A Well, like I mentioned, seniority would be a factor there. You see, prior we used to select from areas, seniority in areas; in districts a senior man used to have first crack or in divisions, he used to have the first crack. This time they just picked at will throughout the Turnpike.

BY ASSEMBLYMAN DOREN:

Q Six months ago? A Yes.

Q Before that, they always used -- A -- they always used specific areas and seniority.

Q And your group would be happy with the seniority policy? A I would. I mean, they would.

Q -- provided the men are qualified. A Right.

Q How do you determine whether he is qualified other than by an exam? A Well, I would say that you would have an impartial committee decide as to the qualifications.

Q By "impartial committee," who would be on the committee? A I would say representatives of the employees and personnel and administration.

ASSEMBLYMAN MC DERMOTT: Do you have any further questions on that?

ASSEMBLYMAN DOREN: This is only one complaint. He has more.

ASSEMBLYMAN MC DERMOTT: I know.

THE WITNESS: We have a case of Frank Postizzi. We have had a few fellows quit on account of this selection.

BY ASSEMBLYMAN DOREN:

Q Because he was selected, they quit? A Yes.

Q What was he selected as? A Northern Division Foreman for the Electrical Department.

Q How long had he been with the Turnpike? A I'd say ten years or better.

Q Why did the men quit? Was it because they were not selected or was it because of Postizzi himself? A I would say it was on account of both, both reasons that you just gave.

Q Could you elaborate what you know about it? A Well, his brother happens to be the general attorney for the Turnpike Authority.

Q He is the general attorney? A Right. And this selection was also made without knowledge of the employees or posting there too.

Q That is posting that the job is going to be available and anybody interested, come and see us and make application. That's what you mean? A Right.

Q Is Postizzi a qualified man? A In my opinion he is qualified in this particular area, but there are two areas in the Electrical Department.

Q What are the two areas? A One is toll electrician and one is power electrician.

Q The fellows that take care of -- A The fellows that take care of the recorders for the toll booths. Then you have what we call a power electrician who handles the big lines coming from the streets.

Q Now why did these four men quit, if you know? A I didn't say four.

Q Well, whatever you said. A I said a few.

Q Who were the fellows that quit? A One fellow was Charles Madison. Another one was Joe Petrella.

Q They quit because they felt that they were entitled to promotion, is that it? A Right.

Q How long had Madison been --- A Well, not that they were entitled to the promotion. I would say that they were entitled to some consideration.

Q Do you know whether they had been considered for the job? A No, they weren't. I'd state that.

Q You mean they just wake up one morning and Postizzi is the Foreman, is that correct? A Right.

Q And it is posted that he is the new Foreman on the electrical group. A Right.

Q How long had they been on the Turnpike, Madison and Petrella, before they quit? A Madison was there about the same amount of time as Postizzi and Petrella was there, I would say, two or three years.

Q How long was Postizzi there did you say? A About ten years.

Q Would you say Madison had more qualifications than Postizzi? A Yes, I would.

Q In both branches? A Both, yes.

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Morro, do you have anything further to add on this point of favoritism in promotions? A Well, yes. We have a fellow named Harry Lewis who was a clerk in the Electrical Department in Hightstown and he has been with the Authority, I'd say, about eight to ten months and he was promoted

to Administrative Assistant.

BY ASSEMBLYMAN DOREN:

Q Of what? A -- which was never posted.

Q Administrative Assistant of what? A I don't know.

Q Where does he come from? A He comes from Central Jersey somewhere - Riverside.

BY ASSEMBLYMAN MC DERMOTT:

Q That's in Burlington County. Do you claim that he had some political influence? A I think he lives near Richman.

Q Richman who? A Grover Richman.

Q Who is Grover Richman with regard to the Turnpike? A He is general counsel.

BY ASSEMBLYMAN DOREN:

Q Just because he happens to live there, you wouldn't say -- A No. You asked me where he lived. Did he know anybody there? And I said "yes."

BY ASSEMBLYMAN LA CORTE:

Q Do you know anything about Mr. Lewis's qualifications in administration? A I don't think there are too many of us that know Mr. Lewis.

Q Well, this could be possible. You are in maintenance. Mr. Lewis may have -- A He was in maintenance prior to this appointment.

Q Then he was appointed to Administrative Assistant in what field of endeavor, do you know? A In the clerical department.

Q What is the nature of his work? A I think it is supervisor of payrolls and work orders and that general nature.

Q Do you know if he had any special schooling in administrative work? A No, I don't. I don't know that.

Q Do you know what his educational qualifications were? A I don't know that either.

Q How old a man was he? A I'd say he was in his early 50's.

Q Do you know what his prior background was in prior jobs, the type of work? A My understanding was, which I don't have any facts to base it on - was that he was a private employee of the State.

MR. ALBERT BENVENUTO: He was a lieutenant of guards of the Kaiser Metal Products of Bristol, Pennsylvania.

He was also a juvenile judge in Riverside, I think.

ASSEMBLYMAN MC DERMOTT: Juvenile judge?

MR. BENVENUTO: For juvenile delinquents and stuff like that - Juvenile Court.

BY ASSEMBLYMAN DOREN:

Q Every complaint that you have given us apparently is on the procedure followed by the Turnpike. That's your grievance. A Generally speaking, I would say so.

Q But as far as Lewis is concerned, Mr. LaCorte asked you several questions. He was a clerk before and now he has been promoted to Administrative Assistant in the clerical department, right? A Right.

Q As to his qualifications, you don't know? A I couldn't say whether he was qualified or not.

Q Why did you single him out? Was there any particular reason? A Because we have had clerks there for over ten years who we feel have the qualifications to do the same job and there was no consideration given to them.

Q Who in particular did you have in mind? A Well, in particular, I would say Cummings.

Q Cummings? A Cummings. I can't think of any names right offhand.

ASSEMBLYMAN MC DERMOTT: But there are several men.

THE WITNESS: There are quite a few men in that department.

Q Well, how would you be familiar with the clerical part of this operation of the Turnpike as a maintenance man in the plumbing department? How would you know of other names of men that may have been more qualified in the department that you are not even in? A Well, I have been there for quite a few years.

Q In the office? A On the Turnpike itself. I have been there quite a few years.

Q These clerks don't go on the road. They operate out of an office some place, right? A Right.

Q How would you know just what the qualifications are that are required for these jobs and why Cummings would be a better man than Lewis? A Well, prior to the men all being placed in one particular area, we all used to have our own department clerk and it used to be all different departments had their own particular clerks for their branch and you get to know when a fellow is pretty good from associating with him every day.

Q Would you know their ability in their particular job?

A Yes, you would know their ability because many times we have to fill out forms and so forth and they are required to assist.

Q How about the payroll department? Are you familiar with that? You say Lewis is in that now. Would you know what the procedure and the qualifications are in the payroll department?

A No, I wouldn't.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Morro, is your principal complaint with respect to Mr. Lewis the fact that he had had only eight to ten months seniority with the Authority and that there had been no posting for the job? Those are the two principal complaints with respect to this particular man?

A Yes, I would say that would be so. In the same vein, we have what we call promotions in the bargaining unit.

BY ASSEMBLYMAN DOREN:

Q Promotions in the bargaining unit?

A As far as from one department to another or from one classification to another classification without going into a supervisory capacity and that there is generally practically the same way I explained these here. I mean, they are posted and sometimes they are not posted. We have fellows that don't even have any seniority at all that even while they are on probation get specific jobs in different classifications where we have men there ten to twelve years who are not even considered.

Q But over all would you say the seniority policy has been followed up until recently?

A Well, I would say

it has never been followed until recently.

Q Oh, it is followed now? A Yes. Not fully, but --

Q There was an improvement on it, right?

A Well, since we have started these demonstrations and so forth, I'd say it was.

BY ASSEMBLYMAN MC DERMOTT:

Q You mean it is very recently you are talking about?

A Yes, within the last month or so.

BY ASSEMBLYMAN DOREN:

Q Do they consult with the men in the various departments as to who should be promoted? A No, they don't. The selections are made and we don't have too much to say about it. We can put in grievances, but I'll get into that later.

ASSEMBLYMAN MC DERMOTT: Do you have anything further on this point, Mr. Morro?

THE WITNESS: If you want some of the names of these fellows --

ASSEMBLYMAN DOREN: I think it would be helpful.

THE WITNESS: We have a fellow in District 5, which is Elizabeth, St. George.

BY ASSEMBLYMAN DOREN:

Q Is that his name? A George St. George. He was given this classification of mechanic over and above a man with ten to twelve years' seniority.

Q Which man was that? A Frank Barrese.

Q Barrese? A B-A-R-R-E-S-E.

Q How long was St. George with the Turnpike if you know?

A Five months if it was that many.

Q How long was Barrese with them? A Fourteen years.

Q As what? A Maintenance man.

Q You say he was classified as a mechanic. What does that job entail? A That's automotive mechanic, taking care of cars, trucks and different vehicles.

Q He knows something about fixing-- A -- motors.

Q Do you know what he did before he went to the Turnpike? A He worked for the City Service Oil Company.

Q As a mechanic? A No, pumping gas.

Q What district are you in incidentally? A I'm in the Northern Division Plumbing Department. We call it building maintenance.

BY ASSEMBLYMAN MC DERMOTT:

Q What do you attribute is the reason for his rapid success? A Well, I feel that he was given that job through the help of Mike Ventola who is the supervisor for the City Service Oil Company.

Q City Service Oil Company - do they have a complete monopoly of the gasoline stations on the Turnpike? They do.

BY ASSEMBLYMAN DOREN:

Q You had nothing concrete from him. Did he say that to somebody? A No. We have another fellow whose name is --

BY ASSEMBLYMAN LA CORTE:

Q May I ask a question on that? You said he was a friend of Mr. Ventola? A V-E-N-T-O-L-A.

Q Michael? A Right.

Q And his position was -- A -- supervisor for the Northern Division of the City Service Oil Company on the Turnpike.

THE WITNESS: We have another fellow named Kennedy - I don't know his first name - he hasn't been here that long. He was given a mechanic's job in District 6, Secaucus. He came right off of the selection list. His father happens to be a State Police Lieutenant. He got the job.

BY ASSEMBLYMAN DOREN:

Q He was promoted? A To mechanic, District 6, Secaucus.

Q Do you know what he did before? A He's only about 21 years old or 23 years old. I don't know what he did.

Q You don't know his educational background?
A I don't know anything about the fellow. All I know is that he got it through his father.

Q How do you know that? A He told us.

BY ASSEMBLYMAN LA CORTE:

Q He is a foreman? A No, he's a district mechanic in Secaucus, District 6. This is a selection in a bargaining unit classification.

Q Now is a mechanic's job a promotion or are they all classified as mechanics? A Well, all mechanics are in their own classification, but the wage structure is different than a regular maintenance man. It's a promotion as far as wages in the trade are concerned.

Q Is it customary for maintenance men to be promoted or put into the classification of mechanic? A Well, this is one of the problems that we have run into. It is not customary. We'd like to have it customary, but it isn't.

Q Now you feel that the work is sufficiently similar as a mechanic and as a maintenance man to permit the promotion of a maintenance man to mechanic? A Well, that problem was resolved we thought by having a maintenance man assist a regular mechanic whenever needed, which would give him an opportunity to gain some knowledge of the workings of a mechanic. When an opportunity arises to go for this - to select this higher rate, he would have experience and knowledge, which was never decided on.

Q Were there postings on these appointments to the job of mechanic? A Yes, there was.

Q There were? A There were postings, yes.

Q Were the men given an opportunity to apply? A Yes, they were.

Q Do you know whether anybody applied in the instance where Kennedy made his application? A Yes, I do, a fellow named Martin Meyers who was there eleven years.

Q In the work as maintenance -- A He assisted the previous mechanic who retired.

Q I see. A -- for about six years.

ASSEMBLYMAN MC DERMOTT: There is a gentleman here who seems to want to say something. What is your name, sir?

MR. NATHANIEL BOUCHELLE: Nathaniel Bouchelle.

As a mechanic in the district - I am a foreman mechanic in District 3 and a mechanic in the district is not the same as in the shop. You don't overhaul motors, transmissions and so forth. It's more maintenance, like greasing, changing oil, fixing lights, windshields wipers and minor repairs. It wouldn't require the knowledge of overhauling engines, transmissions and so forth. Many times in snow storms and emergencies, there is a maintenance man who helps you and does just about the same as you do. What he's talking about - when it comes time for a promotion, you were O.K. when we needed you, but now you're not good enough.

BY ASSEMBLYMAN LA CORTE:

Q Was there a reason given why this gentlemen of whom you spoke who had about ten years' seniority was not given the job of mechanic in place of Mr. Kennedy? A No, no reason given. He was sent a nice "thank you" letter, I assume, for applying. That's what he got for his ten years.

BY ASSEMBLYMAN DOREN:

Q Well, you don't know why he didn't get the job, do you - Martin Meyers? A I am not in the administrative position to say. I think that would be up to the administrators to decide. I don't know. They have their own reasons.

BY ASSEMBLYMAN LA CORTE:

Q What was that man's name? A The one that wasn't selected?

Q Yes. A Martin Meyers

BY ASSEMBLYMAN DOREN:

Q Did you say you had another name? A We have

a fellow named John Moldavan who applied for the position of mason about three years ago. Up until the time of his applying for this higher classification, there was never any tests given as to the requirements or experience of the applicant and the fellow was hired from the outside again as a mason.

Q Who was that? Do you know his name? A He has left the Turnpike.

Q If you don't know -- A Edward McCall.

Q What did Moldavan do prior to coming on the Turnpike? Do you know what his occupation was? A He did work for a builder.

Q In what capacity? A Foundations and so forth. As far as his all-around experience, I don't know.

Q You don't know whether he is qualified or not? A Well, I would say he was qualified for this particular category.

Q Muldavan? A Yes. Now just recently they established a new paint crew which takes care of bridges. There was selected five men. Four of the five had quite a bit of seniority. The fifth, who was here about six months, was promoted to painter when the other guys were kept as assistants.

Q You mean the fifth man was only with the Turnpike for six months? A Right.

Q His category now is painter, is that it? A With a higher rate of pay, right.

Q What's his name? A Alegretto. A-l-e-g-r-e-t-t-o.

Q Do you know whether any other people had applied for the job? A All five applied for this particular job.

Q There were five jobs, five men applied and five men got it, right? A No. One got the painter and the other got painter's assistant or whatever they call it. I don't even know what they call it. I think it is painter's assistant - apprentice painters or something.

BY ASSEMBLYMAN MC DERMOTT:

Q What do you attribute his promotion to? A Well, his is a little more involved. I would say favoritism on the basis of he did painter's work - he painted a whole building in Secaucus - while he was a maintenance man and we have painters that are supposed to do that and he was shown favoritism on selection to this painter's job.

Q What county does he live in? A And he wasn't paid for being a painter when he painted the building.

Q What county does he live in? A I don't know where he is from. But favoritism entered into his selection.

BY ASSEMBLYMAN LA CORTE:

Q On what basis? A On the basis that we have had an agreement where if a man performs a certain classification for a specific amount of days, he would be paid the rate of that classification, which wasn't done in this instance because the man did not aggrieve it.

BY ASSEMBLYMAN DOREN:

Q What agreement are you referring to, a verbal agreement? A Well, we had an agreement with the Turnpike as

far as wages, working conditions and classifications were concerned, but it is pretty loosely adhered to on account of Judge Wick's decision, I would say.

BY ASSEMBLYMAN LA CORTE:

Q Who was the agreement between? A Between Local 1511, AFL-CIO, and now it is carried on by the Teamsters' Local 723.

Q Is this agreement actually in effect now between the Turnpike Authority and the local? A It has been stated many times that they would follow the old agreement until another policy is put in its place. But it is pretty loosely adhered to.

Q What is the agreement that is now in existence that we as hearing examiners or members of the Assembly hearing this would apply your testimony to with respect to policies?

A It's a memorandum of understanding signed in 1961.

MR. HOWARD GOLDBERGER: We have a lot of this background material. I am sorry I haven't put my name on the list to testify. I am an attorney for the Teamsters' local. I will be glad to testify on this material, including the legal implications we have concerning it. While Mr. Morro can continue --

ASSEMBLYMAN MC DERMOTT: Then we will withhold that question until you appear later on. What is your name, sir?

MR. GOLDBERGER: Howard Goldberger.

BY ASSEMBLYMAN DOREN:

Q What local are you with, which one? A Right

now I am affiliated with the Teamsters, Local 723. I was a past president of Local 1511.

Q What about these painters? What local are they in - the ones that just got the selection, the new group, the five men that were selected? Are they with the Teamsters or which group?

A I would say the majority are with the Teamsters. There might be one --

Q What about Alegretto, is he with the Teamsters Union?

A I'd say he is with the Teamsters.

Q Well, he is or he isn't. A He is, yes.

BY ASSEMBLYMAN MC DERMOTT:

Q Do you have any further complaints under this heading of favoritism?

A Well, I think I covered the majority of it. There are probably some I have missed. But I'm sure I'll recall them later.

Q And what is the next subject that you'd like to testify to?

A I'd like to testify to the manner of transportation as far as employees working procedure is concerned.

MR. BATTAGLIA: Mr. Chairman, I might be out of order, but I'd like to make a suggestion here that we have some toll collectors who have to be back on the job by 3 o'clock and I think a few of them have some pertinent testimony to give. I don't know if we are going to have any future hearings, but if we are not, I would suggest we get them on the stand because maintenance could be here all day.

ASSEMBLYMAN MC DERMOTT: Well, I think we can complete Mr. Morro's testimony.

THE WITNESS: Well, I can give a general outline of some of the problems.

ASSEMBLYMAN DOREN: If you feel you want a little time - and that's what we are here for - but I see nothing wrong in just having him sit down and having him come back after we hear the toll collectors. We might as well accommodate them.

ASSEMBLYMAN MC DERMOTT: Well, there's one subject I think we ought to talk about and that is with regard to grievance handling because a lot of the statements that he made indicate that they can't grieve or they can't present their side of the story.

ASSEMBLYMAN DOREN: He's going to be around all day; the other fellows aren't.

You don't have any objection to that, do you? If we hear the toll collectors, do you think that would interfere with what you have to say?

THE WITNESS: In the interest of harmony and unity, I would step down.

ASSEMBLYMAN MC DERMOTT: All right, Mr. Morro. We will reserve some time for you later on.

THE WITNESS: Thank you.

ASSEMBLYMAN MC DERMOTT: Mr. Eldred Harris.

[Discussion off the record.]

E L D R E D H. H A R R I S, testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Harris, would you state your full name for the record?
A Eldred H. Harris, Toll Collector, Northern

Division.

Q Mr. Harris, how long have you been an employee of the Turnpike? A Ten years.

Q And have you been a toll collector all these ten years? A The entire time.

Q Would you please tell us what your problem is? A Well, I have to bring up a very touchy subject. Number one, I have to accuse the Turnpike of being biased.

Q When you say "biased," in what respect? A In their entirety. If you will observe as you ride through the Turnpike, you will find colored toll collectors, but you look below the surface and you will find no other colored until recently. They hired a colored engineer. I don't know whether this was due to this investigation or not. But in ten years I have sent down approximately three men who I know were qualified for maintenance and they were offered toll collection to be in the public eye, I imagine. And I, myself, applied for the electrical department and I went to the School of Electronics in Newark and nothing there.

Q You have never been given any consideration for appointment? A No. The nearest thing to it, I was told if I accepted it, I would have to take approximately a \$25 a week pay cut. I'd have to go back to the starting rate and lose seniority, which in my opinion is ridiculous.

Q And there are no members of the Negro race who are maintenance men? A There are not. Well, in the southern end I believe there are two or three. The exact number, I don't know. But one of them happens to be Jersey Joe

Walcott's brother, so you can get a connection out of that.

Q I don't think we need it stated for the record who Jersey Joe Walcott is. A No, I don't believe so. Neither in the electrical department, plumbing, maintenance, secretarial work, administrative - none - a big, fat zero. And whenever this is mentioned - it has been mentioned in past unions - it has been sidetracked and this is the first time the opportunity has been brought to bring it to light.

Q When was this colored engineer hired? A It was in the last Turnpike paper so the exact date of this hiring, I don't know, but it was within the last month.

Q Are there any members of the Negro race employed in clerical positions? A Not to my knowledge.

Q Would you say this was due to the fact that it is a planned discrimination or is it because there haven't been people who have applied for the job? A Well, I can't say it is a planned discrimination, but I can also say it is not due to the fact that applications were not made because I, myself, took one fellow personally who I knew was qualified to operate practically anything with wheels for a maintenance job. He was tested, passed the test and immediately offered toll collection, which he didn't want. I recommended that he not take it.

BY ASSEMBLYMAN DOREN:

Q Well, was there a job available in maintenance that you know of? A Well, since the test was given to him, there have been other persons hired. There have been other persons hired for maintenance.

Q But you don't know as to their qualifications in conjunction with his qualification? Do you know whether they are better men or more qualified? A That I would have no proof to. But I would assume in a period of ten to thirteen years, surely someone of the colored race would be qualified for some job down there. If he drove to New Brunswick, I am quite sure he can drive a grass-cutting machine.

Q Has anyone applied for grass cutting? A Well, I believe Mr. Morro stated maintenance covers a variety of jobs and it would cover mainly, I believe, driving skills.

Q You don't disagree that a man that is hired for the job should be qualified regardless of color. A I do agree to that. I definitely agree to that.

BY ASSEMBLYMAN MC DERMOTT:

Q Have any complaints been made on this point to the Turnpike Authority officials? A An attempt was made through the Union, Local 1511 - this is some years ago - and an answer was never forthcoming from our union representatives.

BY ASSEMBLYMAN DOREN:

Q Well, do you know who represented the union in making that attempt and with whom this attempt was made?

A The first person I approached on that was Thomas Collins who was subsequently promoted to supervisor.

Q And Tom Collins was to contact -- A -- was to contact the Authority.

Q Do you know whether he did or not? A He would say, "We are getting around to it." It's always getting

around to it.

Q That was Tom Collins and he was the supervisor at the time. A No he was promoted to supervisor after his office of union president. That seemed to be standard practice. The union president after he finished his office, he somehow became a supervisor of 1511, not 723.

BY ASSEMBLYMAN MC DERMOTT:

Q Has this happened in many cases? A Yes, several cases.

Q Can you cite those cases? A Yes. Joe DeFinis, former union president; Frank Farrell; Aldonna Friel; Al McCloskey; Walter Anderson.

BY ASSEMBLYMAN DOREN:

Q These fellows all got promotions after -- A -- after their presidency of 1511. Preston Thomas, who is now Assistant Section Chief; Frank Adams - he made control supervisor. He was vice president of 1511. And our latest promotion was Dan Donohue who was made Assistant Personnel Manager after his presidency in the union. Now what their qualifications were, I am not prepared to say.

BY ASSEMBLYMAN MC DERMOTT:

Q How long is the office of the presidency, a year? A Well, approximately a year, but that is determined by the men through elections. I mean, there is no limit to the length of time you may be a president.

Q Well, it sounds as if almost everybody who was president got promoted? A That's the exact thing, yes. There are some exceptions, but the exceptions are very few.

BY ASSEMBLYMAN LA CORTE:

Q How are they on seniority, these gentlemen?

A That would be pretty hard to say. I would say the majority of them have fairly good seniority.

Q By that, you mean that -- A I would say better than eight years in the majority of the cases.

Q And when they were promoted, were they promoted to positions that were in line with the positions that they had held prior to that; for instance, a mechanic, promoted to a foreman of mechanics? A In most of the cases they were promoted within the departments they were in. There again we had the case of promotions without posting. Whereas, if a man may be qualified, there is no proof of his qualification over a man who was not asked to participate in the selection.

Q You say they were promoted without posting?

A Without posting - that's right. After they are promoted, the posting goes up - these are your supervisors.

BY ASSEMBLYMAN DOREN:

Q That apparently is the biggest gripe, isn't it?

A That is one of the main gripes.

Q No posting. A No posting and no job testings. In some cases, after working with a man, I feel that you may know him better than the Authority would know him and in several cases you know men are definitely not qualified through their own relationship with the public and fellow employees and there again comes the outside - the belief of outside help that has spread through the Turnpike because it

is the belief of the majority of the employees that if you have a fairy godmother or a fairy godfather on the outside, it's a major asset.

BY ASSEMBLYMAN MC DERMOTT:

Q When you say "fairy godmother or fairy godfather," are you talking about somebody in politics? A I am speaking of political influence on the outside.

BY ASSEMBLYMAN DOREN:

Q Do you know of any specific incidents? A Well, I can state --

Q Not hearsay. A -- it's a very awkward thing to use names. I think that's a reluctance on the part of the majority of the fellows who will testify. You are testifying against a friend, even though he got a job through outside help. But I overheard one collector, who is now a radio man, telephone - was it John V. Kenney in Jersey City? I wanted to get his first name right - and ask for help in getting a job with the radio department. I don't begrudge him the job. I think he is qualified for it. But this is just to prove that there is outside help and it is the old case of "I helped campaign to get you in; we'll look out for you in the next election." I am standing right in the booth listening to this conversation.

Q Whom was he talking to? A He was talking to - I assume it was John V. Kenney on the other end of the phone because that's the office he called and the name was John this and John the other. John could be someone else.

Q He told you he was calling that office? A Well,

he admitted to me that he did get help from John V. Kenney. I suppose I'll have to change my location of where I am working.

Q What job did you have before you went with the Turnpike? A I worked for Ronson's Art Metal.

Q Have you ever done any electrical work? A Yes, I worked for Bendix Aviation Television Corporation.

Q Doing what? A As a television repairer and installer. I worked for Allen B. Dumont Distributors as a television technician.

Q Have you had any experience on the toll machines? A No, but by the same token neither has some of the men they have hired for the position.

Q But you would have accepted a position which put you in line for promotion? A Yes, I would have.

Q -- on the job training -- A Yes, I would have. I had the basic background so I felt that that was an initial start.

Q Wouldn't you have to take a loss then in salary if you changed jobs? A I believe a fair loss would be in line for the probationary period. I feel that would be in line. But loss of seniority and going back to a starting pay that would require me four years to get back to what I am making now would be pretty hard to swallow. It would be a promotion as far as I am concerned because we work rotating shifts around the clock. The electrical department is straight eight-hour shifts with Saturdays, Sundays and holidays off.

Q You mean you lose seniority even though you have

been there eight years just because you change your position?

A Yes. The only seniority that would count, I believe, according to the Turnpike policy, would be in the hiring and firing over a period of years. Say they needed a reduction in force. Then my seniority would count. Seniority would count also as retirement. But as far as salary is concerned, anyone who goes on a probationary period into another department goes back to the starting rate and works for three or four years to get back to approximately what they are making now, which automatically discourages transfers.

BY ASSEMBLYMAN LA CORTE:

Q How long ago did you make application for transfer?

A When I applied for the job, I applied for the electrical department and was given tolls. I knew no better then. Last year, I called the Personnel Director and placed an application for an opening that I knew was coming up and that's when I was advised that I'd have to take the pay cut and in other words, discouraged in general.

Q Was that the only time you had made application to go into the electrical department? A Well, they have some procedure that it's almost impossible for a toll collector to go into the branch of the electrical work I want because it involves the time-stamping machines and the recording machines of the transactions that are processed and they feel that - this is more or less hearsay - but this was told by an electrical foreman - that you are now friends with the toll collectors and you have the ability now, if you go to the electrical department, to beat the Turnpike out of money. So

to go from tolls to the electrical department, they feel you could tamper with the machines and work in conjunction with the toll collector and build yourself a swimming pool or something.

BY ASSEMBLYMAN DOREN:

Q Can it be done? A I imagine it could be done. But wherein do you stop trusting a person?

Q I am just asking a simple question. A Yes, it can be done. It can be done without their help.

Q You mean, they can regulate the machine? A You could destroy records - alter the machine so that it doesn't record properly. But there again --

Q You say it has been done. A No. I say it could be done without the help of the electrical department. Therein they have to rely in the trusting of the toll collectors.

Q But then you said it's being done anyway without -- A No, no, no.

Q The fellows laughed out there. A No. It could be done without the toll collectors. That's what makes it so ridiculous that they --

Q How could it be done? A Well, I imagine if a fellow wanted to, he could arrange transfers of tickets, which I believe was the case of an employee dismissed for that. He was stealing tickets from one interchange and taking them to another and substituting tickets. There again, if a fellow is going to steal, he'll find a way.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Harris, did you make an application for any

other electrical work, other than the toll booth work?

A No, I didn't. I am not qualified to do high-powered wiring.

Q Do you know whether anyone else who has been in toll collecting has made application for this electrical work and what the result of this application was? A No, I am not aware of anyone else, only my own personal case.

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Harris, how many members of your race are presently toll collectors? A The exact figure, I don't know, but I would estimate approximately 35 to 50. That I have no way of knowing and maybe not that many. I am not sure.

Q Do you have anything further to add? A Yes, I have. In the course of working, there are several small details that probably won't be brought out in this case because you'd overlook them - but we have several major factors, such as the inability to get personal relief on the job, which has been mentioned to the supervision several times. There is no additional coverage. If a man has to answer the call of nature, his workload is then thrown onto other men because you can't stop traffic for personal relief. If he happens to be sick, it's just tough. And we find that it might be damaging to your health to have to remain uncomfortable for a period of two hours until the traffic slows down that you may go take care of a natural instinct.

Number two, the juggling of meals to satisfy or to facilitate the handling of traffic rather than hire additional personnel to fill in these lanes. We have empty

lanes and when a man goes to his meal period, there again you have a backup of traffic - men getting abuse from the patrons. The Turnpike demands a great degree of accuracy in handling money and under those conditions it is almost impossible when you are handling approximately 300 cars an hour, any denomination of bills, any classification of tickets - it's practically impossible to be accurate and a nickel error counts against you the same as any other error. And there again comes up the point system that the Turnpike has established. Each error you make is a point against you. If you are out sick, it's a point against you. At the end of the month they total up these points and if you were neither sick and fortunate enough not to make too many errors, you have had a good month and you won't go on probation. But any man, no matter what length of time he has been on the Turnpike, can be placed on six months probation due to this point system.

BY ASSEMBLYMAN DOREN:

Q Does he get a reduction in pay? A He is placed on six months probation without the reduction in pay, but by the same token, he would not be granted a pay raise if one was forthcoming during that period of time.

BY ASSEMBLYMAN MC DERMOTT:

Q Does this happen frequently? A It happens quite often in the Northern Division under the Section Chief Joe Widony and the record of men fired in his area for not being able to maintain suitable points far exceeds those who are fired in the Southern Section of the pike under Bob Ramsen, which was brought out by one of the senior collectors who

resigned his job as senior collector because of what he termed unfair treatment and he had a meeting with the Turnpike Authority and he explained a lot of these things to them. This point system jeopardizes a man's job no matter how long he is there. They force an unusual amount of work because they won't hire additional men to cover the lanes and the accuracy and the workload can't coincide. Now I understand they have established a system whereby if a man is out sick eight days, that's eight points against him, and he will be warned that any repetition of his illness could cause disciplinary action, which to me is somewhat ridiculous. They have sent letters to men who are in T.B. homes, lying on the bed with heart trouble - your services with the Turnpike are hereby terminated as of such and such a date - which is a very cheerful thing for a fellow with a family to get. One of our worries is: What is to become of a toll collector - and we can get no satisfaction from the Turnpike - toll collector or maintenance man if he should suffer a severe illness? Regardless of your service, you are automatically dismissed after the period of sick leave which is not guaranteed by them.

BY ASSEMBLYMAN DOREN:

Q How many days sick leave? A That we are trying to establish.

Q You don't know? A We don't know.

BY ASSEMBLYMAN MC DERMOTT:

Q You mean you have no idea? A No, we have no idea. Some people think it's thirteen. I heard last night that it's eight. If you happen to be in a hospital and you have

maintained a good attendance record over a period of years, I think they will carry you three months, I believe it is, and then after that, lot's of luck.

BY ASSEMBLYMAN DOREN:

Q Do you have any insurance or anything like that?

A No, we don't pay into unemployment compensation nor do we get sick benefits from that. We have no insurance policy that would cover an illness of that sort.

Q Does your union have any? A Our union un-

fortunately hasn't been recognized and we haven't been able to get going to any degree and the only money you have available to you would be your retirement money and if you withdraw your retirement money, there again you have automatically terminated your services with the Turnpike. When you withdraw your retirement money, that's it.

BY ASSEMBLYMAN MC DERMOTT:

Q Can you borrow against your retirement? A You

can borrow up to 50 per cent.

Q With interest? A With interest. But the

majority of the fellows here - I believe the maximum amount they would be able to borrow would be \$600 or thereabouts.

BY ASSEMBLYMAN DOREN:

Q Are you required to have a medical certificate

when you are out for any particular illness? A Any period after three days in Tolls. There again you hear the one-day, two-day, three-day. It is at the discretion of the supervisory as to how many days you are entitled to be sick. The only thing you can successfully do is die. There is no problem there.

BY ASSEMBLYMAN MC DERMOTT:

Q Let me go back so this is clear to the Committee. You say that you may have between eight and thirteen days' sick leave. A Yes.

Q Does that mean you get your pay while you are out sick? A That means you get your pay while you are out sick.

Q But at the end of the eight- or thirteen-day period, you don't get paid any more. A If you are not a hospital case, you will probably get a visit from supervision to determine how ill you are. Then whether they carry you further on sick, again remains to their discretion. If you have been a good boy, you get the pay. If you weren't --

Q Well, when you say you get the pay, is it full pay after that? A Yes, it's full pay. They'll carry you three months if you are seriously ill.

MEMBER OF AUDIENCE: Not everybody. I can testify to this matter.

[Witness continuing] Not everyone. That's one of the drawbacks. Not everyone will be carried three months.

Q In other words, it is really up to the independent discretion of the supervisor. A That's right. Well, not our immediate supervisor, but those above him, whoever they may be.

Q Well, when you say that, who would be the gentleman in the toll collection division to make this decision?

A Well, the toll collection in my section, Bob Ramsen would be the first level in determining whether he figured the person

was a chronic sick person --

ASSEMBLYMAN DOREN: -- or whether he was goofing off?

[Witness continuing] -- or whether he was goofing off or otherwise.

Oh, yes, in line also with this, with this sick policy, in the event you happen to be sick and a blizzard comes along, you will not be paid for a sick day unless you obtain a doctor's certificate because they feel that if you call in sick during a blizzard or if you have heard a blizzard is coming, that you called in sick in order to avoid the blizzard, which is an utterly ridiculous way of thinking. If you call in on a holiday, it's accepted with reluctance. You are not supposed to be sick on Saturday, Sunday, holidays, snow storms. In fact, if you don't come to work when all transportation is at a complete standstill, nothing is moving, your salary is docked for not appearing at work.

BY ASSEMBLYMAN DOREN:

Q What happens when you do call in sick, say, on a holiday or a storm? There has to be a replacement for you.

A Yes, there has to be a replacement.

Q Who would that replacement be? A They have a list, a rotating overtime list, for calling them. They will call a person in.

Q A fellow that has been working all day may have to come back? A A fellow that is working all day may -- well, that would be to his discretion whether he comes back or stays because you can refuse, but you jeopardize your chances

for any consideration for future promotions. They list you as uncooperative if you refuse to come back. In fact, I think this latest directive stated that they were going to try to require overtime, compulsory overtime.

Q Do you get paid extra for overtime? A Time and a half.

Q How about holidays if you work overtime?
A Holidays would be double time and a half, time and a half plus your holiday pay though.

BY ASSEMBLYMAN LA CORTE:

Q Is holiday pay different from the ordinary pay?
A Yes, it is - time and a half.

Q Holiday pay is -- A -- time and a half plus your day's pay or double time and a half. As a whole, it's double time and a half.

Q Double time and a half for holiday pay. A Yes. If you are off, you get a straight day's pay.

BY ASSEMBLYMAN MC DERMOTT:

Q Do you have anything further you'd like to tell us, Mr. Harris? A Vacations - they have some standard procedure whereby a man who is on the Turnpike ten years receives a three-week vacation. They also have a cutoff date for some unknown reason that up to a certain point any man who is hired after this cutoff date, regardless of whether his tenth year falls this year or not, will not get his three weeks. I missed my three weeks' vacation by three days. I will have to work another year before I am entitled to my three weeks' vacation.

BY ASSEMBLYMAN DOREN:

Q How could you correct that? Somebody would always be hurt, wouldn't they? A Well, no. Anybody who has been there ten years - ten years is ten years.

Q Ten working years? A Ten working years is ten working years. A cutoff date is unfair to those who come after this date and when they have finished their ten years.

Q What is the cutoff date? A September 30th. I started October 3rd.

BY ASSEMBLYMAN MC DERMOTT:

Q When was this put into effect? A This has always been in effect. They juggled the cutoff date. At one time the cutoff date was in June. The 1st of July started a new time. So now this time the cutoff date is in September. So we are working closer to January 1st.

MR. WILLIAM C. DIEHL: Mr. McDermott, could I say something, please? I was hired the same day as Mr. Harris. I am in that same situation for three days as far as vacation is concerned. And if it is possible - I have to get some sleep to go into work tonight - I have something to say on sickness and how they work things which might go along with what he was stating.

ASSEMBLYMAN MC DERMOTT: Well, in order to have some orderliness - we will get you on - but we have to finish with Mr. Harris.

THE WITNESS: If that's all on vacation, I only have

one other thing and that's the safety hazard that we have on the Turnpike of working Midnights. We have a condition of a man at Interchange 14B who works alone at night. This man could suffer a heart attack - he could be held up - killed - and no one would know until the meal relief shows up to give him his lunch. Now they say we have a radio there and we are to call for assistance. But I think it is a little ridiculous. If someone has a gun shoved in your face, you are going to reach for a radio? The same thing applies to most of the smaller interchanges. When a man goes to his lunch, you have approximately - 2, 4, 6 - about \$800 outside there in the lanes with one man on duty and no recourse for help whatsoever other than this radio, which in itself is a borderline of suicide.

BY ASSEMBLYMAN DOREN:

Q How often do the troopers come through? A There is no standard checking. At one time they used to do radio checks. But as for a visual check, sometimes you may not see a trooper more than once a night.

Q Do you feel on these slow stations, if a trooper were instructed to come periodically at certain times, that would correct the situation? A It would be to our advantage. It would be to our advantage. But there again, the thing that would be of most help to us would be an additional man or men to cover these meal reliefs and to forbid them from having one man work alone at an interchange with the temptation of money around like that. With the dope addicts and the teen-age

hoodlums you have running around now, it's an easy mark. They ride through every night and they see one man there on the toll booth and they know the money is there. So for the sake of health and safety -- There again on the interchanges that have one man or two men working, personal relief is based on a time thing rather than the person's need. You may have a need at 10:30 at night, but you know your first relief won't be until one o'clock in the morning. So you just suffer your discomfort or leave the other fellow with traffic backed up all over him and destroy his chance for accuracy. And the man that is my himself, he has no chance at all unless he calls for help or relief and if there is someone available, they'll come down.

MEMBER OF AUDIENCE: May I add to that?

ASSEMBLYMAN MC DERMOTT: No, I'd rather hold it.

Q These complaints that you are testifying to today, were they ever brought to the attention of anyone in the Turnpike that you know of? A Yes.

Q To whom? A To the supervisors themselves. They are our first step.

Q To your supervisors. A Yes.

Q What do you have - a policy that you must first go to the supervisor? A Yes, you have to go through the full chain of command.

Q And whether he goes on up to the director or whoever is up to him? A That is one of the things that has happened with a lot of our grievances. They get to the first or second level and then they disappear.

Q Well, do you know whether the supervisors are telling the higher echelon as to what these gripes are about? Do you know? A You have no way of knowing.

BY ASSEMBLYMAN MC DERMOTT:

Q Don't you get any report back on your grievances?

A The only reports you get back usually don't pertain to grievances. They'll tell you they're getting to them - they're getting to them.

Q Who tells you that? A The supervisor. You

have to turn it in to the first level supervisor. On some occasions you can call the section chief - they're working on it. You get the slow stall job on these. You can't prove that they are not working on them and you can't prove that they are working on them. After a while, the entire Turnpike personnel falls into a state of hopelessness. You figure, well, what's the use, and I think that's the way the majority of the men feel now - what's the use?

BY ASSEMBLYMAN DOREN:

Q Do you know if any of these complaints that you have made actually reached the head office by your supervisor? Do you know of your own knowledge? A No.

ASSEMBLYMAN MC DERMOTT: He may not be in a position to answer that.

Q I am just asking whether he would know or not.

A No, I wouldn't know offhand. See, a complaint of that nature shouldn't have to be a grievance of personal relief. It's an act of nature.

Q I know, but it's still an important thing. A It

is an important thing. But as to how far they go, even our union president can't determine how far the grievances or complaints have gone.

ASSEMBLYMAN MC DERMOTT: Is there anything further, Mr. Harris?

THE WITNESS: No, that's it.

ASSEMBLYMAN MC DERMOTT: Thank you very much for your testimony.

[Discussion off the record.]

ASSEMBLYMAN MC DERMOTT: Gentlemen, with regard to personal relief, we would like to take a five-minute recess.

[Five-minute Recess]

ASSEMBLYMAN MC DERMOTT: Gentlemen, there is a problem here with regard to one interchange, Deepwater, and what we have decided to do is to call the three men from the Deepwater Interchange who have been here this morning - to call them immediately and hear their testimony so they can get back to cover the interchange. We realize, of course, they are not going to get back at three o'clock, which is their reporting time, but arrangements are being made by the Turnpike officials who are here to hold over the other men, if possible. So with that, we will call Frank Homan.

MR. GOLDBERGER: Do you have some idea of your schedule, sir?

ASSEMBLYMAN MC DERMOTT: Well, we will take a luncheon break and then come back this afternoon, Mr.

Goldberger. Now it is quite obvious that we aren't going to be able to conclude this hearing in one day. I realize you are a busy attorney. If you would like to come back in at another hearing, we might be able to excuse you today or would you prefer to stay today and testify?

MR. GOLDBERGER: I would prefer to get it over with because I don't know when the next hearing will be and where I will be at the time.

MR. HOMAN: We could step down and let him go on.

ASSEMBLYMAN MC DERMOTT: I think we have to take care of this particular matter right now with the people from Deepwater.

MR. KENNEY: What we would like to have is a list of those who are required to be here to testify so that we can call the toll department and advise them of the changes that they will have to make. The other men who are scheduled for later on today, I am afraid will have to report for duty if they are not to actually testify at the hearing.

ASSEMBLYMAN MC DERMOTT: Well, if we take a luncheon break, we can come back at two o'clock. How many men here will be willing to testify after two o'clock?

[Discussion off the record.]

F R A N K L. H O M A N, testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Homan, will you state your name for the

record? A Frank L. Homan.

Q And what is your position, Mr. Homan? A I am a toll collector.

Q And how long have you been employed by the Turnpike? A Thirteen years, going on fourteen.

Q And would you please tell us why you have come here today and what you are going to testify about?

A One thing is the safety program. They were supposed - the Turnpike was going to put out a safety program. We have one man at the Deepwater Interchange who has already been hit twice. His name is Frank Straun. He is a supervisor. He has been hit twice by automobiles tearing into the interchange under careless driving conditions. I requested through the ERIC program sometime ago - requesting that they operate radar at the end of the Turnpike coming into the toll booths in each direction, that is, from approaching the Delaware Memorial Bridge to southbound, approaching the toll booths from the Turnpike. But nothing has ever been done about it. I received a note back thanking me for sending in a suggestion, but that was as far as it has gone.

Now during foggy weather - as you know we are in the center of the highway - the traffic rolls off the Delaware Memorial Bridge at a high speed because these tractors and trailers are loaded with many tons of steel and what have you. When they come down, they ride their brakes as they come down the bridge. As they come down, many times their brakes fail. They don't slow down until they get to the toll booth. Then they are ready to throw their brakes on. It is the same way

with the buses and also with passenger cars. We feel if there was some safety program instituted whereby they could work this enforcement program upon entering and also exiting the Turnpike, it would impede these people who have no thought of safety for anyone else and in the meantime would help all concerned.

BY ASSEMBLYMAN DOREN:

Q Don't you have a speed limit? A Oh, yes, positively, but that's all - it's a sign.

Q Nobody follows through on it? A No.

BY ASSEMBLYMAN MC DERMOTT:

Q There is no enforcement you mean? A I don't see where there is. I am speaking now to the approach of the toll booths on either end. Now during foggy weather, no one can see you out there. You are in the middle of the highway in a fog shrouded condition. Of course, they have instituted a new system now - that is, this past year - whereby they close the Turnpike off when it gets too bad and they put a blockade down at the first exit where you come off the Memorial Bridge, which helps.

Second, the sanitation of the booths and the rest rooms are sort of falling behind. When we had the maintenance maintained by the Turnpike maintenance department, we had a very clean condition. As it stands now, the booths are pretty dirty. There are some places that haven't been cleaned for months.

Q Who cleans them now? A The New Brunswick Window Cleaners, contractors. This is an outside contractor.

Q What's the name of this outfit? A New Brunswick Window Cleaners.

Q How long have they had this contract? A Sir, that I couldn't tell you exactly. I do not know. But it has been a year - at least a year or two. You come inside - they take the mop - sometime if you are ever down there, stop in - it has been soured for quite a while and they just take and slosh it around. The urinals smell pretty nasty. They don't put in any disinfectant - no cakes or anything to take the odor away. You can see yourself the urinals, how they are building up with this offensive odor.

Q Is this throughout the Turnpike?

MEMBERS OF AUDIENCE: Yes.

THE WITNESS: Secondly, one man - I was here - I had ten years' service - one man, his name was Aaron Sherman, he received three weeks' vacation before myself and he did not have ten years' service. And, if I am not mistaken, I think he was secretary or treasurer of AFL-CIO, 1511. That's the old union everyone has been speaking about. My friend here, he spoke about it also, that the presidents have made promotions.

BY ASSEMBLYMAN DOREN:

Q Is anybody here from 1511? A I think Mr. Cleary was. I think he was a member.

ASSEMBLYMAN DOREN: Is there any member of 1511 here? [Member of audience raised his hand.]

THE WITNESS: This didn't set well with me at all because I had the service in and I didn't receive it. He

received the three weeks before I did and he didn't have ten years' service. And this man told me with his own mouth at the Administration Building that he received the three weeks vacation ahead of time.

BY ASSEMBLYMAN MC DERMOTT:

Q What's his name again? A Aaron Sherman.
I put in a grievance on this and it came back to me it was just a mistake.

[Witness continuing] Next, I would like to know, not only for myself, but for my fellow employees, just what is our position? Are we State employees or are we not?

Q Why do you make that statement? A Well, we have been trying to find out for a good many years, sir, just exactly what are we. Who are we governed by? Are we State employees? Are we private employees or just what is our position as far as benefits go?

ASSEMBLYMAN MC DERMOTT: I can't answer that now.

ASSEMBLYMAN DOREN: I think you are set up by statute. I think you are --

THE WITNESS: I have asked the question and I was told that it is an autonomous agency.

ASSEMBLYMAN DOREN: That's right. That's what I would say.

THE WITNESS: Autonomous agency - but what does that explain to the average man such as myself?

ASSEMBLYMAN DOREN: I think it simply means this, that the Turnpike Authority is set up by statute and the members of the Turnpike Authority are the ones that

supervise and run the Authority, although they are selected by the Governor with the consent of the Senate and that is something that they run by themselves.

THE WITNESS: Well, again, sir, what does this revert back to? Does this revert back to private enterprise or does it revert back to State statute?

ASSEMBLYMAN DOREN: It was created by statute.

ASSEMBLYMAN MC DERMOTT: I think before we make any statement on that, we ought to have the hearings concluded. All right, sir?

THE WITNESS: Fine. Next, we feel that we would like to see any openings for maintenance or toll posted at all interchanges and maintenance districts. That is, if a man - there's a new position being put into effect or a man to be hired, regardless of whether it is a toll collector to be hired or a maintenance man to be hired, it should be posted at all places of employment where the Turnpike employees work.

BY ASSEMBLYMAN DOREN:

Q I don't get that. Suppose I wanted to get a job as a toll collector, you mean that -- A -- if there is an opening.

Q [Continuing] -- before they could hire me, they -- A That's correct. If there is an opening --

Q On a new position? A -- on a new position - if they need a new toll collector, then I feel and several of the other men feel, it should be posted and giving the men in maintenance, if they feel that they would like to apply for that

job with seniority rights the right to be able to apply for that position if there is an opening.

Q Doesn't a maintenance man make more than a toll collector? A No, sir.

Q He doesn't? A Maybe the ones with skilled craft, heavy operators, maybe they do. That I can't tell you. But I know that several of our fellows at Interchange 1 are putting in for transfers for maintenance division. They are requesting it to get away from toll and I feel if there are openings in the toll division, then the maintenance men, if there are any there who would be interested in the job, they should have first choice.

BY ASSEMBLYMAN LA CORTE:

Q Are the qualifications for toll collector more stringent than they are for maintenance man or vice versa?

A Well, sir, that I couldn't tell you because I don't know. Possibly at New Brunswick they could tell you and give you a more specific answer on that.

BY ASSEMBLYMAN DOREN:

Q Well, he is trained for maintenance, isn't he?

A Well, he comes in also, sir - take, for instance, we just received a new man who just came in - I think he has been in four days or possibly five days. He came in from the outside. They just put him in the booth as a toll collector. That's all.

Q But I mean, a man in the maintenance department has some qualifications, hasn't he? He has to know something.

A Well, he can be taught.

Q That's what I mean. But they have taught some of these men that are in maintenance. Now what do you want? Do you want them to take them out of maintenance after they have taught them a trade, say, or something? A No. I say if a man requests - if he wants to better himself, if he feels that he can better himself by this request to the position of toll collector, then I feel he should have the right to make this request.

Second and next I should say, some toll collectors have had three weekends off since the first of the year at Interchange One; others have gone as high as seven weekends off. Some have had three; some have had four; some have had five.

BY ASSEMBLYMAN MC DERMOTT:

Q What do you say accounts for this difference in treatment? A Well, now, I will say this: This case here is adjustment of scheduling. If we had more men, which we need, then these men here, the low man with three - now I have had three weekends off since the first of the year. One man has had seven. As far as seniority goes, no one at Interchange One has any more seniority than I. Also I requested a list from the supervisor.

BY ASSEMBLYMAN LA CORTE:

Q I'd like to get back to that. I don't follow you. How can there be such a wide discrepancy of three to seven? A Sir, that I can't tell you because we have asked for improvement in the scheduling system for a good many years and it doesn't seem to do any good.

Q So far as you know, does this refer only to Toll Booth One or is the discrepancy -- A I can't say for the rest of the Turnpike, sir. I can say for Deepwater, Interchange One.

MEMBER OF AUDIENCE: Generally it's the same pattern.

BY ASSEMBLYMAN DOREN:

Q How many days have you had off so far this year, would you say, either for sick call -- A I couldn't make a guess at it. But I do know that the supervisor come out not too long ago. One of the fellows wanted to sign a grievance and one of the supervisors, he just made a list up and he come out and had these fellows listed. According to his - I'm going only by Supervisor Meekam who also was an officer in 1511, who is a supervisor. He brought this out and he showed me. That is how I come to see that I had three weekends off this year and some had - he had them listed - some had three - some had five - some had seven. As the case goes, sometimes you work one day. Then you work five days. Then you have one day off. Then you work five more. You can actually work - I forget the total number of days - seven different shifts. Besides this, we also have seven different shifts. That is, three to eleven, eleven to seven, seven to three. We have ten o'clock in the morning; that's 2B -- 2A rather. That's ten o'clock in the morning to six at night. We have 2B, eleven in the morning to seven at night. We have 2C, which is two o'clock in the afternoon to ten at night. We have a 3A, which is six o'clock at night till two

in the morning. And there is a possibility that we can work --

MEMBER OF AUDIENCE: There is 1C and 3A.

[Witness continuing] We don't have that, but some other places do have 1C and 3A, which would make nine different shifts.

BY ASSEMBLYMAN LA CORTE:

Q Do you have a pattern with respect to the shifts that you work over a month? A If the schedule is set up for a month's period.

Q Well, what I am driving at is: Is it likely that you will be on seven different shifts during a month?

A Oh, yes, you could be on seven different shifts in a month. You can work four different shifts in one week.

BY ASSEMBLYMAN MC DERMOTT:

Q You mean once you go on a shift for a particular week, it can be switched? A May I show you - I have my schedule I have to keep; otherwise I wouldn't know how I work.

Q Well, when do they tell you you are switching to another shift? A Well, it is posted a month ahead of

time. Now may I show you this? Now this 2 is a day work. Now these two days are day work. I am off two days. I jump across here and then I work three more day work. Then I am off two days. Then I work one, two, three, four, five three-to-eleven shifts. Then I am off two days. This is a good schedule, believe me. I am not being smart. I'm telling you this is a good schedule. Then I work one, two, three, four,

five days three to eleven. Then I am off one day. Then I work three. I don't know what I'm going to work back here. Oh, over here it is. One day off here - then I jump here. Five days there. Then one day off. But this is a very good schedule.

BY ASSEMBLYMAN DOREN:

Q It's a five-day week, isn't it? A A five-day week.

BY ASSEMBLYMAN LA CORTE:

Q Well, you show now a pattern in that week - well, I guess that was about a three-week period -- A A four-week period.

Q -- a four-week period. You show a pattern there of only two shifts. A Three shifts, three's and two's.

Q Three's and two's. A I guess that was all on this particular one. I picked a very good one. I don't have an old one. I threw the old one away. This particular one has just two shifts. That's just day work and three to eleven this month.

Q I am concerned about the regularity in shifts. A man is on, let's say, eight to four if he were a police officer or maybe four to twelve for a solid month or a fireman. Do you have a pattern of one or two shifts which will not deviate for a period of a month? A No.

Q Two weeks on and two weeks off or four weeks on, four weeks off? A They have a position where they drop you. You proceed down the list and each month they move the man up and it proceeds around that way. You could come in and

you could work a 2A shift today and a 2B shift tomorrow and a 3 shift the next day and such as that. You could work five days of one shift. Then you could be off and come in that night for a Midnight shift. That would be your day off and that would be your only day. Then you would work five Midnights, come off and only have one day off. Then you go right on to five or you could go on to three or four split shifts.

BY ASSEMBLYMAN MC DERMOTT:

Q Are you charging any favoritism in the assignment of shifts? A I am not charging any favoritism. My main project here today is to bring to you the things that exist with the idea that possibly the Turnpike and also you gentlemen here could eliminate some of these situations and make it a better place to work because we all need a job. We all, most of us, have families and if the conditions are better where a man's morale is picked up, I think he will do a much better job rather than if you had a person to harass you or feel depressed, I may say.

Q Do you have anything further? A I think that's all. I certainly appreciate your time.

ASSEMBLYMAN MC DERMOTT: Thank you very much, Mr. Homan. Mr. Andrew Glendon.

A N D R E W G L E N D O N, J. R. testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Glendon, will you give us your full name?

A Andrew Glendon, Jr.

BY ASSEMBLYMAN DOREN:

Q Where are you from? A Pennsville, New Jersey,

Interchange One.

Q Is that where you live too? A Yes, sir.

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Glendon, how long have you been an employee of the Turnpike? A Six years.

Q Would you please tell us why you came to testify here today? A My testimony is more or less along the same lines as Frank. I'd like to add about these shifts. Many times I work four different shifts in one week with not enough time off, possibly a day off, before you start these shifts and a day off after. And we have what is known as a 3A shift at Deepwater. I don't know whether all the rest of the interchanges have the same thing or not. This shift runs from six o'clock Sunday night until two o'clock Monday morning. Now in the past we have had a grievance on this and I think it was the American Arbitration Association awarded us an extra three hours' pay for working this shift because it goes into another work week. And recently I received a letter in the mail - the same token for everybody else in toll - that the Turnpike Authority was going to modify, they call it, this 3A shift into a different work week so that they would not have to pay the extra money on this 3A shift from working two weeks. In fact, what I believe they wanted to do was change the work week.

Q Do you remember the date of this arbitration award?

A I would say it has been a couple of years. I don't know exactly.

BY ASSEMBLYMAN DOREN:

Q Are you a toll collector? A Yes, sir.

Maybe somebody else in the audience could remember when it was awarded.

MR. BATTAGLIA: Two years.

BY ASSEMBLYMAN MC DERMOTT:

Q And now you are not going to get the extra three hours' pay.

A According to the last letter we received from Mr. Flanagan, he stated they were going to modify the 3A shift and include it in the work week.

Q And you were awarded three hours' pay - that's straight-time pay - for the two hours that were over and time and a half --

A I think it was three hours at time and a half. I think the week ends at eleven o'clock Sunday night and I think we were awarded three hours' pay at time and a half because it was going into Monday morning. I think that's the way it was.

Q And they are doing this unilaterally on their own; they haven't consulted you men about this, your representatives?

A The only consultation I have ever heard was the letter I got from Mr. Flanagan.

Q Do you have that letter here? A No, I don't, sir.

Q When did you receive that letter? A I would say it has been about a month ago now. Maybe somebody else here has a copy of that letter.

Q Anything further? A That's all I have, sir.

BY ASSEMBLYMAN DOREN:

Q Let me ask you one simple question: Prior to going with the Turnpike, what did you do? A I was in the insurance business.

Q How did you get your job with the Turnpike? A I went to see a politician.

Q Whom did you see? A It's no secret. I saw the State Senator from Cumberland County in Bridgeton. His name is Robert Weber. He's the man that wrote a letter in my behalf to get on the Turnpike.

Q You have been working ever since? A I've been working ever since.

ASSEMBLYMAN MC DERMOTT: Do you have any more questions, Mr. Doren?

ASSEMBLYMAN DOREN: No.

ASSEMBLYMAN MC DERMOTT: Thank you very much for coming here to testify.

THE WITNESS: Thank you.

ASSEMBLYMAN MC DERMOTT: The next witness is Mr. John Slovak.

J O H N S L O V A K testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Slovak, will you state your full name for the record, please? A John Slovak.

BY ASSEMBLYMAN DOREN:

Q Where are you from? A Carney's Point, New Jersey.

BY ASSEMBLYMAN MC DERMOTT:

Q Do you work at the Deepwater Exchange?

A That's correct.

Q Before we wait for the other question, how long have you been employed by the Turnpike and who got you the job?

A Six years, sir, and I'll have to admit John Waddington - I went to see John Waddington and he wrote a letter in my behalf.

Q You are talking about Senator John Waddington of Salem County?

A That's correct, sir.

BY ASSEMBLYMAN DOREN:

Q Have you seen him about a promotion?

A I have had that in mind, sir. But I don't particularly care for that type of a ---

Q And would you please tell us why you came here today to testify?

A Well, I am going to tell you now, sir, the other two gentlemen from Deepwater took quite a bit of wind out of my sails here because they covered most of the things I intended to cover. However, I do have some generalities here that I think should be brought out. The entire situation -- I want you to understand I am speaking from the viewpoint of Interchange One. What goes on on the rest of the road, I have no idea at all, other than hearsay. At Interchange One we have a basic help problem and I believe that is the basic problem that causes all the other trouble. For one thing, we are involved in service to the public here, I believe, in running cars through the interchange, and it seems the policy of the Turnpike supervisors down there that when

the traffic is running very heavily - it doesn't seem their policy to want to get men there to handle it more than it does being afraid to call the men to come into work. In other words, they seem to be more interested in not calling a man in rather than calling a man in to facilitate the traffic flow. This naturally puts a tremendous load on the rest of the collectors. It also involves a safety factor. I don't know whether any of you gentlemen have ever had -- well, I know you have -- had dealings with the public, but I don't think you have had it in the same vein we have because, let me tell you, the average motorist can get pretty darn mad when he is waiting in a row of cars for about fifteen minutes at a time. Sometimes we have them backed all the way up to the grass and, believe me, when they come through, they can be very irate. They can be very discourteous. In fact, I have had some of them throw money at me and this goes on constantly. This is not just a mediocre thing. This is consistent. You also are the recipient of some very obscene phrases, believe me. Of course, you understand, this type of person is part of the general public and you get all kinds.

BY ASSEMBLYMAN MC DERMOTT:

And this is because the supervisors won't call in relief? A This is a basic help problem. Supervisors are more interested in not calling a man in than they are in getting the men in to facilitate the traffic flow. As the net result, the collectors at the interchange have to take the beating from the public. They have to take the pressure and it may be hard for a person to understand that doesn't work at the job, but that pressure alone can get very, very hard at times - I

mean, especially on a busy day. Now I will say they do eventually call men in. They are actually forced to. When they have no other alternative, they will call a man in. Now you'll have the situation where the Turnpike supervisors will say, "We call them in and they don't come in." Well, that basic reason is all behind scheduling, just what Mr. Homan brought out when he first came up here. When a man works the kind of schedules we work and he gets one single day off, he isn't too inclined to be ready to rush into work on that day off because of traffic conditions, which is understandable. But that too goes back to the basic help problem. I think this whole thing could be alleviated simply by adding the necessary help to handle the traffic flow. Understand, I am not speaking about a small interchange like number two or a small interchange like number five. I am speaking about our interchange, which is at the end of the road and a very busy one.

Q Do you know how many cars pass through your interchange in a day's time? A Well, you have got entry and you have exit. I can give you the average figure that will go through a single man's lane in eight hours' time on exit. I would say the average would run around 1500 in an eight-hour period on exit. Of course, sometimes you will have as high as 1900, depending on how busy a day it is. Other times, maybe you'll have much less, depending on whether it's a week day or whether it is in the wintertime or the summer. However, right at the present time, we have a very heavy traffic flow constantly, even on week days. It's very busy.

these are not in the nature of complaints. But it seems like everybody on the outside always has the opinion that the toll collector has a gravy job, an easy way of life, because what does he do? - he collects money and hands out tickets, a very easy job. But I'd like to bring out a few other points too; not to speak about the constant pressure of traffic flow due to insufficient help, we also have noise level and, believe me, it's fantastic with the trucks coming in and out. We have fumes and sometimes they can almost asphyxiate you, which, of course, not much can be done about. I just want to point out it's not as easy as some people think.

Q Haven't they ventilated some of these booths?

A No, sir. And we do work out in all kinds of weather because the heating system in those booths in the wintertime - they heat. As soon as you open the door and the cold wind comes off the Delaware, all the heat is gone. But the point I want to bring out on this - the reason I brought these particular points out - is this: Their sick policy - I believe you have already had this discussed before - they have a very stringent sick policy. They would not like to have anybody sick. Of course, any organization would want that. But here's the situation - I believe it's the occupation itself that causes a lot of sickness. Number one, you have to realize that we are in contact with a great number of the public during a day. You have to realize we handle money that that public has handled. You have to realize there are viruses and germs on that money. You have to realize we are out in

Q That's about two cars a minute, you say?

MR. HARRIS: It's 300 cars an hour.

A The point I am trying to bring out, sir, is the fact that we do handle a tremendous workload. That we do.

BY ASSEMBLYMAN DOREN:

Q How many are on duty at one time?

MEMBER OF AUDIENCE: It's seven hours in the booth, not eight.

THE WITNESS: It is seven when you count out the half hour for lunch and two fifteen-minute break periods which you are allotted during an eight-hour shift.

Q How many booths do you have there? A Down at Deepwater we have ten booths. But it's very, very rarely all ten are open, with the exception of a really bad holiday rush on a holiday. Ninety-nine per cent of the time, you usually run no more than four exits and two entries during the day and the men down there, one of their prime gripes, so to speak, is this Midnight shift on entry. It's fantastic down there. The trucks back up 30 to 40 trucks at a time on entry and they only have one man on the whole night - one entry that is.

BY ASSEMBLYMAN MC DERMOTT:

Q Do you have any automatic car-dispensing machines on entry? A Not at Deepwater as yet. We have heard rumors to the effect that they intend to install some, but we haven't seen them as yet. As far as the job itself is concerned, I think nobody has even mentioned the job conditions as yet and

all kinds of weather. You have to realize we are breathing in diesel soot from these diesel trucks and fumes. It is very understandable that a man sooner or later is going to get sick. I mean, the occupation itself causes the sickness, I would say; not in all cases, of course, there are exceptions to the rule. What I am trying to point out is that this should be considered; whereas, it is almost entirely disregarded.

Q Do you know how many sick days you get a year?

A No, sir, I don't. It has never been actually stipulated to the amount, not officially.

BY ASSEMBLYMAN DOREN:

Q How many days, would you say? A I have

heard of cases where a man has been paid three months and I have heard of other cases where a man hasn't got - he's gotten a shorter time than that. But I don't know the exact circumstances on that.

BY ASSEMBLYMAN MC DERMOTT:

Q Do many men at the Deepwater Exchange get sick during a year's period? A I would say that under the

circumstances they have a very, very good level of sickness there because myself - I'll tell you the truth - I don't know myself how many days I have had off sick this year. I know it hasn't been any more than five. It may have been six, but no more than six at the most. And I don't know what the nature of it was. I went to the doctor and he keeps telling me it's a virus and he tells me that I am subjected to these viruses as part of my job, that I am in contact with the public

constantly. And I believe quite a few of the other men at Deepwater - they come up with this virus situation too.

Then you are called in and they say, "How come it is you always have the virus?" They want an explanation of this.

Q Are you going to complain too about the sanitation of the booths and lunch rooms? A That isn't in the nature of complaints, sir. In fact, I consider it constructive criticism because personally between you and me, I believe the Turnpike Authority is getting taken for a ride by this outfit. They are under contract to them to do a job. The job is not being done. The booths are so dirty and the windows are so bad that we have to go out and wipe the windows off ourselves at times in order to see the cars coming in.

Q Was it like this when it was under the maintenance of the road itself? A No, sir. When it was under the maintenance department, we had two men come down from the maintenance department every day and that place - well, I wouldn't say it was kept spotless - but it was kept in a very good and orderly manner compared with what it is now.

Q And that's the New Brunswick Window Cleaners? A That's right, sir. That's not a specific complaint; that's merely constructive criticism. I think they'd do much better to make some other arrangement.

Now as far as the safety goes, it wasn't until but about two months ago - I am not sure of the exact time element there - I'd say about two months ago - that we even had flashlights in the booths and the only reason they brought them out then was because we had a power failure and it blacked

everything out and the men were working in the dark in the middle of the night - they couldn't see what they were doing - so they brought the flashlights out finally.

Now the safety factor involved in this is the fact that you have two entry lanes usually running and at night time after darkness falls, you have a situation there where we have varied duties to perform. We have to stop house trailers when house trailers are banned. We have to stop illegal hookups, which are hooked up illegally. It's part of our duties, which we attempt to do to the best of our ability. But in the middle of the night when it is dark and you go out there without a light because only one entry booth has a safety light - the other one doesn't - in other words, one fellow is protected, but the other fellow has to take his chances out there. I say that we should have a better safety factor.

Also, these people that drive this road - they are not altogether what you would call safe and sane drivers. There are a lot of them that are fine and a lot of them that are not. We have had one supervisor out there that has been run over two times and I forget how much time -- When was the last time he was run over?

MEMBER OF THE AUDIENCE: Not too long ago.

Q Was he given sick leave? A Oh, yes. I am not arguing anything about that point. I am just pointing out the safety factor there. Some of these people will come right through a lane, a closed lane, knock the cone in the air and just keep right going through. If any man happened to

be walking across, that would be it. The thing here that could alleviate this, I think, with some more constructive criticism - I think if a trooper was assigned down to these main interchanges like Deepwater, say, even one day a month and during that month any reckless drivers he saw that were doing anything like that, give them a summons. The word would get around the grapevine and these people would stop running through the toll interchange like that because this is a problem and it can get very dangerous at times.

Q Mr. Slovak, do you have anything else to add?

A I have nothing else to say unless you have any questions.

ASSEMBLYMAN MC DERMOTT: It was very enlightening and I appreciate your coming. Thank you very much.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Slovak, do you have any concern about favoritism with respect to promotions? A Sir, as far as that goes, I believe that has been more or less thoroughly covered by some of the other gentlemen who have already testified. I have no particular individual complaints on that. Most of my criticism here is merely constructive and that's the vein I wanted to keep it in. I didn't come here to try to nail anybody to the wall and that's my attitude toward it.

MR. HARRIS: If I could just take a moment, you mentioned the machines that they might install at Deepwater. That's one of the most horrible things that ever happened to the New Jersey Turnpike, the installing of that machine. Number one, the machine

cannot handle the traffic a man can. Number two, every truck on the road knows he can get on the New Jersey Turnpike through a machine. That is the worst thing. We have seen them come off there so drunk that they are just able to hold a ticket. Now it is not the fault of the troopers. The troopers can't be everywhere. The machine is at our back. We can't see their mannerisms. If they have no brakes, they use the machine. If they are drunk or if they have one headlight, they use the machine. If the rear end is falling off of the car, they use the machine. They know there is no way of controlling them then. Maybe a trooper can catch one or two on the Pike. But that one or two that might get away may kill you, may kill your family or us.

Also at night, we lose a man due to that blessed machine. When a truck comes through, we have to operate over top of the machine. The machine doesn't recognize car nor truck. So in the long run we lose, the State of New Jersey loses and the general public loses.

ASSEMBLYMAN MC DERMOTT: You are claiming it's a safety problem.

MR. HARRIS: It certainly is. Every drunk who can hold a ticket goes through there.

ASSEMBLYMAN MC DERMOTT: Gentlemen, we will call one more man to testify. Then we will take a short luncheon break and then start again this afternoon.

Mr. Lyons, would you please come forward.

W I L L I A M L Y O N S testified as follows:

My name is William Lyons, Edison, New Jersey. At present, I am unemployed, on terminal leave from the Turnpike. My problem pertains to --

BY ASSEMBLYMAN LA CORTE:

Q Mr. Lyons, you live in Edison. How long were you with the Turnpike? A Eight years this June.

BY ASSEMBLYMAN MC DERMOTT:

Q When did you leave? A Well, I was put on terminal leave as of April of this year.

BY ASSEMBLYMAN LA CORTE:

Q What was your position? A Well, I was with maintenance. My problem pertains to sick leave.

BY ASSEMBLYMAN MC DERMOTT:

Q Go ahead, Mr. Lyons. A In November of 1963 while attending a Turnpike Christmas party, District Christmas party, I had a heart attack. As of November 18, 1963, I was put on six months' leave of absence without pay while in the hospital.

BY ASSEMBLYMAN DOREN:

Q This April? A No, of 1963 - November of 1963.

BY ASSEMBLYMAN MC DERMOTT:

Q When was the heart attack? A The 16th of November, 1963.

BY ASSEMBLYMAN DOREN:

Q When were you put on terminal leave? A November 18th of 1963, I was put on six months' leave of absence without

pay.

BY ASSEMBLYMAN LA CORTE:

Q I don't understand it. You had a Christmas party in November?

A Yes.

Q That early?

A We have it early on account of the snow.

Q O.K.

A In January of 1964 I took another heart attack and was immediately put on another six months' leave of absence by the Turnpike without pay. Now this is eleven months I was out all told and did not receive one penny from the Turnpike, not one penny from unemployment, not one penny from disability and not one penny from social security.

BY ASSEMBLYMAN MC DERMOTT:

Q Are you people covered by workmen's compensation?

A No, we are not.

Q You mean, if you get injured on the job --

A Oh, yes, we are covered by workmen's compensation, yes.

But during that eleven months I received nothing. Well, I was given a back-to-work slip as of September 8th, 1964.

I brought it to the Turnpike and they sent me to the Turnpike doctor, Dr. Gorog, and he examined me and they did not call me back to work until October 26th, which is almost two months later. They said I couldn't go back on the job I had so they gave me a job as janitor down in central shops at a cut of \$800 a year base pay plus about \$1200 a year overtime, which comes to close to \$2,000 a cut that I had to take when I took this job down in central shops. Well, the job was too

much arm work for a man that has been out eleven months with a heart attack. All it was was in the carpenter shop, electric shop, the plumbing shop, the paint shop, offices, men's rooms, locker rooms and the annex. Well, it wasn't the first week or the second week that I was back that I had to go down to clean the annex and they had me up on ladders cleaning ventilators, they had me taking books off of high shelves and they had me turning chairs over. Well, it wasn't long doing this type of work that I blacked out on the job and was rushed to Princeton Hospital where I remained for seven days and then they let me go home. It wasn't a heart attack. It was what they call angina.

Well, I returned to work after the seven days at home. I returned back to work and instead of lessening my job, they gave me more offices. They opened a new building down there which has approximately six or seven more offices.

BY ASSEMBLYMAN MC DERMOTT:

Q Excuse me. Were you examined by the Turnpike doctor when you reported back to work after the angina attack?

A Yes, I was. Not after the angina attack, no.

Q He didn't examine you then?

A No, he did not.

Well, they gave me these more offices. Then they gave me a professional buffing machine to clean these offices. They got panicked. This was on a Thursday; they wanted to move in Friday. So they put me in there all by myself with these desks in the middle of the floor, with this big, heavy buffing machine and told me to clean it up. Naturally, I

complained, but it didn't do any good until I got help that afternoon. Then it wasn't too much -- it was on February 4th of this year, at about two o'clock in the afternoon, I asked to go home, that I didn't feel well. So the assistant - I had my own car there, but I knew I was coming down with another heart attack so I asked to be taken home. The assistant foreman drove me to my front door. He asked me if I could make it all right and I said, yes. Well, fifteen minutes later I was on my way to Perth Amboy Hospital under oxygen with another heart attack. This was on February 4th. On February the 5th, my wife receives this special delivery letter. It states as follows:

[Reading] "Dear Mr. Lyons: A report was submitted to me concerning your sudden illness of February 4th, 1965. I plan to refer this report to Dr. Gorog for a review. Until he has an opportunity to review it, please do not report for work until I advise you of the Doctor's opinion as to this recent illness. If possible, please attempt to keep the appointment scheduled with Dr. Reitman on Monday afternoon, February 8, 1965."

This appointment with Dr. Reitman was something that was set up between Mr. Kenney and Mr. Hayden. In other words, they wanted me off the Turnpike so they were sending me to New Jersey Rehabilitation. Well, the first thing New Jersey Rehabilitation said to me is, they couldn't understand one State agency referring an employee to another State agency. They said it looked like the Turnpike was trying to avoid a compensation case. Well, then --

Q Are you talking about workmen's compensation?

A Workmen's compensation, yes.

Q Had you ever been advised by anyone in the Turnpike Personnel Department that you might be eligible for workmen's compensation?

A No, sir, I haven't.

Q But you did receive several of these attacks while working on the job?

A The last two were on the job.

Q Did you ever consult an attorney to determine whether or not you had any right --

A As of yet, no.

Then on March 23rd of 1965, I received this letter from Mr. Kenney: [Reading]

"Dear Mr. Lyons: As indicated in our telephone conversation of last week, your benefit coverage will extend to December 31st, 1965. During this period, the Authority will: (1) continue to pay the cost of your hospitalization and medical surgical insurance and the cost of hospitalization and medical surgical insurance covering your dependents; (2) pay the entire cost of your group life insurance that you are carrying under the Turnpike Authority Prudential Group Life Plan; (3) continue to pay the entire cost of your Group Major Medical Expense Plan; (4) continue to pay our contribution into the Public Employees' Retirement System, provided you wish to continue to pay in your own contribution to build up annuity during your leave of absence. In addition to the above, you may continue to make payments to the Public Employees Retirement System as has been outlined in previous correspondence. This is not necessary and perhaps your financial position will

not permit it. This payment of \$21.18 per month is not necessary to insure the various life insurance provisions offered under the pension system. When you are feeling better, I suggest that you stop in to see me or, if you prefer, I will visit you to discuss various other aspects of disability benefits. Please call at any time if I can be of assistance. - Mr. Kenney."

Well, sir, I tried New Jersey State Disability, New Jersey State Unemployment. I went to Social Security. Social Security said you have to be ill for six months and then totally disabled after that, not able to work after that, before you can collect any Social Security. In other words, the public employee cannot collect anything once he is put on a leave of absence or discharged from the New Jersey Turnpike. And in my situation, I go looking for a job and I tell them I have had heart attacks and nobody wants you. So my wife is working two jobs and before long I am going to have her down ill. This all bears back to a little incidence that happened down at Mr. Howard Hayden's office.

Q Who is Mr. Howard Hayden? A He is the supervisor - Director of Maintenance. This happened while I was a shop steward in 1511. I was in there on a third level grievance with Mr. Al Donafrio and Mr. McCluskey and while sitting there, Mr. Hayden said to Mr. Donafrio and Mr. McCluskey, "Haven't we discussed this before and shelved it until November of this year." This was about in April. And Mr. Donafrio and Mr. McCluskey said, "Yes, Mr. Hayden, that's true, we have." And here they brought me down there on a third

level grievance and in the next breath Mr. Hayden turns around and says, "You know, Lyons, you are a trouble maker." He says, "If I want to get you, I can see that you are out of a job tomorrow." McCluskey and Donafrio are listening to this and they are not saying nothing. And now I come to find out that McCluskey and Donafrio are with management. They've been pushed up the ladder.

Q Were they members of Local 1511? A Local 1511.

Q And you were a member of Local 1511? A I was the shop steward in Local 1511 for three years.

Q You blame your present problem on the fact that you were a militant shop steward? A Yes, I was. I filed grievances when necessary and as far as my sickness, I can lay a lot of it to the way we had to work out there. During snow storms - during the snow storm, if you remember, of 1961, I worked 106 hours.

Q Straight? A Straight. That was 66 hours' overtime and 40 hours of my workweek. And during that time every now and then you'd be able to catch maybe two hours' sleep and that would be on a concrete floor. There was no other place to sleep. They had no cots or anything at that time. And as far as eating, you ate at their discretion, not when it was time to eat and you could be dead tired and come in off the road and the foreman would say to you, "Well, make two more trips around and then you can take a rest." Well, two more trips around was close to a hundred miles that they were sending a tired man out to drive. And during that

storm I got hit by a tractor and trailer and I hit two people myself.

BY ASSEMBLYMAN LA CORTE:

Q How many hours did you say you worked?

A One hundred and six hours that week and the following week I worked 96 hours, 56 hours' overtime plus my regular pay for 40 hours.

Q In that 96 hours, you had a two-hour break?

A Every so often, you might get a two-hour break. I won't say you did. And when you did get it, you had to sleep any place you could find. There were no provisions for sleeping, no provisions for eating. I just want to bring this all out to let you know that the public employee that does get sick, that is serious in any way, that he cannot collect anything anywhere.

BY ASSEMBLYMAN MC DERMOTT:

Q You mean the Turnpike employee. A The Turnpike employee.

Q There is a distinction. We don't know yet whether you are public or private. A Right. I will say one thing. I was in the hospital twice before I took these heart attacks. I was operated on for hemorrhoids and then they had to take all my toe nails off because I picked up a fungus.

Q On the job? A I don't know whether it was on the job. I couldn't prove it. But the Turnpike did pay me while I was out those times.

Q This was before you had the runin with Mr. Howard

Hayden? A That's right.

Q Do you have anything further? A That's
all I have to say.

ASSEMBLYMAN MC DERMOTT: Thank you very much for
coming, Mr. Lyons.

Gentlemen, we will take an adjournment until two
o'clock. We will start again at two o'clock sharp.

[Recess for lunch.]

AFTERNOON SESSION

ASSEMBLYMAN MC DERMOTT: I am sorry for the fact
that we are a few minutes late. It seems that the elevators are
rather new and not properly synchronized. Mr. La Corte and
I went up and down twice before we got to the basement. I am
sure it was not plotted that way.

What I would like to do at this time is to determine
how many more of you would care to testify. Many of you were
here this morning. You have heard the testimony of those
who preceded you. If you cannot amplify on it or bring in
something new, then you might wish not to testify. If you can
add to it and bring in new testimony, then my all means we
want you to testify. Now my statement to you in this manner
is not to discourage you from testifying - we want you to -
but, as you can realize, this hearing could go on indefinitely
and we wouldn't be able to solve anything. What we want to do
is to find out what the problems are and then interview the
officials of the Turnpike and see what can be done.

I have here a list of you gentlemen who did acknowledge
this morning your willingness to testify. Let me call your

names to see if you are still here and whether or not you wish to testify.

Mr. Frank Morro - you will be willing to come back on the stand, right?

MR. MORRO: Yes.

ASSEMBLYMAN MC DERMOTT: Mr. Lewis Newman - do you still wish to testify?

MR. NEWMAN: Yes, I do.

ASSEMBLYMAN MC DERMOTT: Mr. Ralph Mattiello.

MR. MATTIELLO: Yes, sir.

ASSEMBLYMAN MC DERMOTT: Do you wish to testify?

MR. MATTIELLO: Yes.

ASSEMBLYMAN MC DERMOTT: Jerry Battaglia.

MR. BATTAGLIA: Yes.

ASSEMBLYMAN MC DERMOTT: We will call you first.

Mr. James D'Agostino - do you wish to testify?

MR. D'AGOSTINO: Yes.

ASSEMBLYMAN MC DERMOTT: Guido Egizi.

MR. EGIZI: In view of what Frank Morro testified - I believe he's going to cover a number of things and he has already covered some. You have our names here, another fellow and me.

ASSEMBLYMAN MC DERMOTT: Robert Cream. [No response.]

Albert Benvenuto, do you wish to testify?

MR. BENVENUTO: Yes.

ASSEMBLYMAN MC DERMOTT: Edward Sheenan.

MR. SHEEHAN: Yes, sir.

ASSEMBLYMAN MC DERMOTT: Charles Balaza, do you wish to testify?

MR. BALAZA: Yes.

ASSEMBLYMAN MC DERMOTT: Anthony Kozierowski.

MR. BATTAGLIA: Strike that.

ASSEMBLYMAN MC DERMOTT: Frank Pastore, do you wish to testify?

MR. PASTORE: Yes.

ASSEMBLYMAN MC DERMOTT: Mr. Goldberger - Howard Goldberger, the attorney.

MEMBER OF AUDIENCE: He hasn't come back yet.

ASSEMBLYMAN MC DERMOTT: John A. Nufrio.

MEMBER OF AUDIENCE: He had to go to work.

ASSEMBLYMAN MC DERMOTT: Are there any who are here now who wish to testify who weren't here this morning?

MEMBER OF AUDIENCE: As we go along if the subject is not brought out, I would like to testify. If it's brought out, I'll bring it to your attention and excuse myself. Up to now it hasn't.

ASSEMBLYMAN MC DERMOTT: Anyone else?

MR. CAROLLO: Do you have my name on there?

ASSEMBLYMAN MC DERMOTT: No, I don't. If I didn't call it out, I don't have it.

MR. CAROLLO: My name is Frank Carollo. I am the business representative of 723.

ASSEMBLYMAN MC DERMOTT: Very good. And you wish to testify?

MR. CAROLLO: Yes, sir, I do.

ASSEMBLYMAN MC DERMOTT: Mr. Goldberger, you will wish to testify later on this afternoon, won't you?

MR. GOLDBERGER: Yes.

MR. BATTAGLIA: I'd like to yield to our attorney.

ASSEMBLYMAN MC DERMOTT: All right. Mr. Goldberger, would you like to testify now?

ASSEMBLYMAN DOREN: Is Mr. Lyons still here?

MR. LYONS: Yes.

ASSEMBLYMAN DOREN: Could I just ask you one question before we go on? You said that you had to sleep on some floor while you were working because there was no place to go, is that right?

MR. LYONS: That's right.

ASSEMBLYMAN DOREN: Where was that, sir?

MR. LYONS: That was at maintenance district 4.

ASSEMBLYMAN DOREN: When was that approximately?

MR. LYONS: That was in 1961 and '62 and before.

ASSEMBLYMAN DOREN: During a snow storm?

MR. LYONS: During snow storms.

H O W A R D A. G O L D B E R G E R testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Goldberger, would you state your full name for the record, please? A Howard A. Goldberger, 1180 Raymond Boulevard, Newark, New Jersey.

Q And will you state your purpose for being here today and what your association is with these men? A Yes. I am attorney for Local 723, International Brotherhood of Teamsters, a union which has been designated as the repre-

sentative for a number of employees on the Turnpike, both in the toll collection department and the maintenance department.

BY ASSEMBLYMAN LA CORTE:

Q 723? A Yes.

BY ASSEMBLYMAN MC DERMOTT:

Q How long have you been the attorney for this teamster local? A For the local itself, approximately nine years.

Q How long has the Teamsters been representing the employees on the Turnpike? A About two years.

Q Therefore, you were working for the Teamsters at the time that they first represented the men. A Yes, I was on retainer with the local at the time.

Q And you are familiar with the policies and practices and the experiences of the men? A I am very familiar with a substantial portion of the background and the operations of the Turnpike and its policies with respect to its employees and unions.

Q Very good. Would you please tell us your purpose in being here today, Mr. Goldberger? A My primary purpose is to attempt to bring before the public and your Committee our problems and, when I speak of "our," I am talking about the employees themselves, with respect to employment in this pseudo-public relationship that we are supposed to have.

When I first became acquainted with the Turnpike Authority, it was at a time when they had an agreement between it and Local 1511 of the AF of L-CIO. While that agreement

was clothed with some concept of being a statement of employee policy, the practice was at that time for it to be considered a collective bargaining agreement as between Local 1511 and the New Jersey Turnpike Authority. At the time that we got involved in this, some reference was had to the suit before Judge Wick. An affidavit was prepared which sets forth in detail the background that had transpired prior to the arrival on the scene of the Teamster Union and the previous relationship between other unions and the Turnpike Authority. I have a copy of that affidavit which I will be glad to leave with your Committee so that you can peruse it at your pleasure.

The important thing that I want to point out was that prior to our appearance, there was recognition by the Turnpike of unions for the purposes of collective bargaining. The affidavit that I have is by Frank Morro who was a prior witness at this hearing and who was also an officer of Local 1511, from 1959 to 1961 as shop steward, and then commencing April 1962 as president of the local. I think Mr. Morro was the one exception that the men referred to as not having been promoted to a supervisory position.

Q Mr. Goldberger, was there ever an election held?

A Yes, sir. There have been elections held in the past.

Q Who conducted the election? A Just let

me refer to this affidavit for a second.

Q Yes. A On December 14, 1960, an executive

order of the Turnpike Authority was issued and it is recited in paragraph 9 of the affidavit, wherein it was stated that

it was impossible to ascertain the true representative of the employees and wherein it was also held that a determination should be made immediately as to the identity of the labor organization "representing a majority of the employees of the Authority" and that such determination can only be fairly made by the holding of a free and democratic election.

Pursuant to that executive order, an election was held under the conduct and aegis of the Honest Ballot Association and that was held on June 12, 1958, and it was certified by the Honest Ballot Association that Local 1511 had been designated by a majority vote of the employees as the collective bargaining representative.

Q Excuse me a moment. I must be confused in my dates. You say the election was held on June 12, 1958?

A Yes.

Q And what was the date of the executive order?

A The executive order that I referred to was December 21, 1960. That was a subsequent order. I am trying to find the original order.

The original ballot was held June 12, 1958 by the Honest Ballot Association and Local 1511 was designated as the collective bargaining representative.

Q How many unions were on that ballot at the time?

A I think it was Local 1511 and Local 575 of the International Brotherhood of Teamsters.

Subsequently in 1960, pursuant to the executive order I have just referred to, another election was held. I

am sorry I can't put my specific paragraph in order here. At any rate, the contract which was the result of the election expired December 31, 1963. Prior to that time, Local 723 had written to the Turnpike Authority requesting an opportunity to present evidence of its majority status as representative of the employees on the Turnpike.

Q Excuse me a moment, Mr. Goldberger. This contract that expired on December 31, 1963, was that a result of negotiations when Local 1511 won the election in '58?

A Yes, it is.

Q Was this a five-year contract? A No. It was a contract that expired in 1960 and a new contract was entered into, I believe, in 1960.

BY ASSEMBLYMAN LA CORTE:

Q My question, Mr. Goldberger - 12-14-60 was the date of the executive order for an election? A Yes, sir.

Q An election was held. A Yes, sir.

Q Which union became -- A 1511.

The contract which was the culmination of negotiations between the parties - I am not sure whether the Committee has these little booklets. One would be for the toll collection department and one for the maintenance department.

ASSEMBLYMAN MC DERMOTT: We don't have it for the maintenance department. I have a booklet for the toll collectors.

THE WITNESS: Well, I have one for the maintenance department which I will submit with this affidavit.

ASSEMBLYMAN MC DERMOTT: Very good.

THE WITNESS: You will just ignore whatever writing is on it.

ASSEMBLYMAN MC DERMOTT: Yes.

[Witness continuing] It is interesting to note, however, that there was recognition in these agreements that there was a possibility that the unions had a right to strike because in paragraph B of Article 8 on page 17 of the maintenance agreement, there appears the following clause: "Union and employees of the Authority it now represents agree that it and they will neither conduct, participate in or support any strike, slow-down or other impediment to work before December 31, 1963." The Authority agrees not to lock out the union or the employees it represents before December 31, 1963. Now we argued before Judge Wick at the injunction proceeding that there was recognition in the past by the Authority of the right of the employees, whether we call them public, quasi-public or something else, to strike. And I believe that the Committee is interested in what their status is in order to determine what the labor policy should be for this organization.

I call your attention to the fact that the statute setting up the Turnpike Authority states therein - that's NJS 27:23-1 et seq., but particularly 27:23-5(1) - recites "to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act." Consequently by a scope of the legislative act, the Authority is given the right to enter into all contracts and agreements including those of employment. I don't see where there could be any escape from

the right of this agency to enter into an agreement with their union for the purposes of collective bargaining when the very right is given by way of statute.

The same act also applies in that it provides in NJS 27:23-5 (m) that the Authority shall have the right to employ such employees as it deems necessary and to fix their compensation and to promote and discharge them without regard to Title 11 of the Revised Statutes, which is probably the civil service act. They have the right to charge tolls without being subject to the supervision of the State. And they are given full discretion to employ such employees as may be required under 27:23-9 and 27:23-14, respectively.

Now all of these various clauses in the statute give to the Authority quite broad power to operate within the confines of its own economic situation and to charge such tolls and to increase their revenue as may be necessary in order to relate their fixed problems of accounting and their fixed problems of cost to the income that they are receiving. Consequently, to permit this agency to engage in collective bargaining would not be the kind of problem that would be faced by the normal State agency whereby in order to promote the fiscal problems required, you would have to go through the Budget Department and everything else. Here where a problem of accounting is required in so far as economics is concerned, it would be just the same as a private business; they would have to evaluate their income against their cost for labor, evaluate whether or not they had a problem in so far as achieving sufficient income to meet the costs that are

necessary and then work out a budget on that basis. It doesn't necessarily mean that what labor demands is what labor is going to get. But at least you have a relationship between an employer and an employee which gives the employee an opportunity to sit across the table from the employer and express their consideration of what their labor is worth as opposed to the employer's opportunity to express to them what their considerations in so far as economics are concerned.

There seems to be some consideration by our courts that because our Constitution provides that there is a distinction between public and private employees in so far as their rights under the Constitution, whereby private employees are given the right to bargain collectively and public employees are given the right to present proposals and grievances through representatives of their own choosing, that by the very same token there is deprived something of public employees. The bulwark of our argument is that merely because the Constitution doesn't say that you have the right to bargain collectively, that in each situation you may or may not have the right to bargain collectively and particularly is this true where you have an agency which is created by statute which gives that agency the right to enter into contractual relationships not only with its employees, but, of course, with all people doing business with it. So under the circumstances of this particular case and this particular agency, the fact remains that we could enter into an agreement with the Authority for the purposes of employment. We may or may not have the right to strike. That would depend on a lot of other circumstances

and I am not going to devote any argument or discussion to that. But merely because we have the right to bargain collectively does not mean that we have concomitant right to strike and I think that once we rid ourselves of that problem, we can face the situation a little bit more realistically without having a lot of flag waving and a lot of charges hurled at people that by entering into a contractual relationship, we thereby are giving up our right to prohibit strikes.

BY ASSEMBLYMAN DOREN:

Q I don't want to interrupt you, but the case you were referring to, the one Judge Wick decided - what did you do with that case? Did you take it up? A We filed a notice of appeal and we did not feel that we ought to take this case further because of labor's concern in general with an adverse decision coming down at a time when we thought that we could do more through the Legislature frankly and through public opinion. This was a lower court decision, of course, a decision by the Chancery Court. There was a companion case that was supposed to go up concerning welfare board employees and we had hoped that that case would go up on appeal and that we would be able to have a favorable decision on that.

Q This injunction apparently that they received is still binding then, isn't it? A Well, let me say this: First of all, the injunction proceedings came up in a no man's land as far as I am concerned. I don't know how it happened to come up in Camden except that people that use the Turnpike live in Camden. We don't know why it arose down in that vicinage, but under any ordinary circumstances it would have been venued

at least in Middlesex County before a Middlesex vicinage.

Nevertheless it came down to Camden.

BY ASSEMBLYMAN MC DERMOTT:

Q Who were the attorneys for the Turnpike?

A Grover C. Richman who resides in Camden and has his office in Camden. Whatever relationship caused the case to come up down there, I don't know.

BY ASSEMBLYMAN DOREN:

Q As one attorney to another on these restraining orders, you can go to any judge.

A You can go to any judge and ordinarily, as an attorney, we would pick a judge that we would consider to be favorable to what we were looking for if we have the right to go to any vicinage. But under ordinary circumstances, you would feel that the vicinage that this case would be venued in would be the vicinage where it would be mostly ^{concerned} with it. At least with the offices being in Middlesex County in New Brunswick, we would expect that the judge who would hear the case would be in Middlesex County or at least if it is an injunction against Local 1511, which has offices in Newark, or against 723, which has offices in Passaic, perhaps we would find a judge in that vicinage rather than in the southernmost part of New Jersey in Camden County.

Now the original preliminary restraint that came down was ridiculous and I say that with all due respect and I think I just about said it to the court.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Goldberger, it would be my thinking, Mr. Chairman, that rather than go into this background, we get

down to the nub of what we are concerned about --

A All right.

Q [Continuing] -- present problems, complaints and what has been done about them that you as an attorney have knowledge of.

BY ASSEMBLYMAN MC DERMOTT:

Q May I just ask a question? This order that came down - was this a permanent injunction? A There was a preliminary order that prohibited us from publicizing in any fashion near any residence as a matter of fact of any employee of the State, which prohibited us, for example, from picketing in front of the State House to publicize our problems, something that Mr. McAllister when I was down there didn't seem to have any problem with. He could charge the courts with being in conspiracy for all kinds of things while public employees were not permitted to do so. It was so broad that it made it impossible for us to live even. At any rate, the final injunction was a permanent injunction enjoining us from engaging in any strike. That portion of the injunction applied only to Local 723, IBT, and those acting in its behalf.

Q Was Local 1511 a party to the action? A Local 1511 was a defendant. The judge held that Local 1511 had not threatened strike action and accordingly that portion of the decision would not apply to it. However, the balance of the decision wherein the court held that the Authority had no right to enter into collective bargaining with a union applied to Local 1511 as well as Local 723 and that portion of the

decision which held that no exclusive bargaining representative could be selected for all employees applied to Local 1511 as well as Local 723.

BY ASSEMBLYMAN DOREN:

Q Is this binding upon your organization right now, this injunction? A It is my feeling that a permanent injunction does not go beyond six months.

BY ASSEMBLYMAN MC DERMOTT:

Q There is some law that says it stays on until removed from the books. A It is my feeling that it doesn't go on beyond six months, according to court rules.

BY ASSEMBLYMAN DOREN:

Q Before we go into the complaints, you also stated that under the laws that exist - and I supposed naturally we'd be interested in this - the reading of the statute is that they may - it is not mandatory upon them though, is it? - to bargain with you and enter into an agreement with your local or any local. A This is true of any employer whether he be private or public. There is nothing mandatory about it; it is permissive.

Q If they don't want to do it, they don't have to? A This is true even of a private employer. There is nothing mandatory about entering into negotiations.

Now you have listened to a number of employees and you will hear a lot of others and by and large what you are hearing are in the nature of grievances. And I don't think that you would hear these grievances in this fashion before this hearing if there had been an opportunity for us to

validly present our grievances to the agency who was employing us. In other words, you are now becoming the sounding board whereas this should have really come before the Authority. We should have had a vehicle which would expeditiously handle these problems that are being presented to you. It was for that reason that Local 723 was requested by an overwhelming majority of employees to represent them in their dealings with the Authority because heretofore there had been little, if any, opportunity for presenting grievances.

In the affidavit that I am going to present, you will see our correspondence with the agency whereby we requested an opportunity to present our grievances and to present proposals prior to the decision of Judge Wick.

BY ASSEMBLYMAN MC DERMOTT:

Q Did the Teamsters Local 723 ever engage in a representation election?

A For this union? For this

group of people?

Q Yes. A We asked for it.

Q They wouldn't give it to you? A They would not give us that right, no, sir. We asked for an opportunity to demonstrate the cards of the people who had indicated that they desired to be represented by Local 723.

BY ASSEMBLYMAN DOREN:

Q What was the reason given? A For denying it to us?

Q Yes. A There was no reason given other than that the Authority was reviewing its policy. That is also

reflected in the correspondence and this affidavit. Copies of my letters are included to the agency.

My personal opinion was - and I said so in the letter - that they felt that in this situation Local 723 of the Teamsters would be far too militant for their purposes and they would prefer to stay with Local 1511. And I think that what has transpired since bears out the suspicions that we had earlier. We think, for example, that this case before Judge Wick would have never come up if we hadn't entered into the picture. If we hadn't entered into the picture, you would have an agreement between the parties again probably of the same kind and probably operated and controlled and utilized as it has been in the past. Our entry into the picture changed it completely and called upon them to ask for this determination. This is our feeling and the best proof that we can demonstrate is that they had entered into these agreements prior to our appearance and then suddenly when we advised them that we had the majority of the employees and we offered to show them the cards, we offered to come down to Trenton and ask for a meeting, they suddenly turned around and started this declaratory judgment suit.

Q Is there an agreement existing now between the Turnpike and any other union? A There is an agreement existing as it existed up until December 31, 1963. The Authority agreed that they would keep in effect that agreement pending their determination of the policy of the Turnpike Authority.

Now after the decision of Judge Wick, for about two and a half or three months, we requested meetings with the

Authority for the purpose of presenting our proposals and grievances. We were finally accorded a meeting on May 28, 1964. I was present at that meeting and I have a copy of the transcript which I will present to you if you desire it. We entered into this large, beautiful room that they have at the Authority, well-furnished and having all of the facade of the ease and plush and pleasure, and we sat around this large table and we spoke into a microphone, literally speaking, or rather to a court stenographer, who took down everything we said. When I begged for a response from the gentlemen who were listening to me, who would be Mr. Compton, Assistant to the Executive Director; Mr. Postizzi, the Senior Attorney; Mr. Kenney, Director of Personnel; and Lillian M. Schwartz, the Secretary - I was advised that their purpose for the meeting was merely to take down what we desired by way of proposals, transmit it to the Authority for decision and we will be advised subsequently what their decision is. I attempted to goad them into some type of a rapport so that we could establish some ground rules by which we were going to operate. But it was just as if I was sitting before my own dictating machine, talking into the machine for some future correspondence that my girl would get out. The response was nil and this was the type of arrangement and relationship they hoped to established with a union which they knew to represent almost 75 to 80 per cent of the employees.

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Goldberger, when they referred to taking it

up with the Authority, is there a particular body within the Authority that they had reference to? A Yes. They have what would be similar to the board of directors of a private business.

Q Is that the Turnpike Commission? A The Turnpike Commissioners, themselves.

Q Have you ever heard anything from the Turnpike Commissioners? A Yes. I was going to get to that. After this meeting of May 28, 1964, when we presented our proposals under the Constitution and under the decision of the court for the purpose of having the Authority know what we as representatives of the employees and therefore in turn the employees desired, it was not until April 28, 1965, almost one year later, that we finally heard from the Authority as to the outcome of our proposals. During that one-year time, we had written, phoned, talked to personally any number of people on the Authority requesting some response to our proposals and why they had gotten lost in this great vacuum, I don't know. But I do know that we never got an answer from them until April 1965, at which time a meeting was called - I think there was some testimony a letter went out to the employees saying certain representatives were invited - and we were presented with the proposed new Turnpike personnel policy, without any opportunity for us to discuss it, without any opportunity for us to be heard, without any opportunity given to us to hear the arguments of the Authority as to why they were changing their policy.

They put out a mimeographed sheet which they

presented to the employees with the letter announcing a new policy statement was going out and they embellished it with a lot of statements about what they were giving away which they hadn't given away before. They forgot to add what they were taking away, which was a heck of a lot more than they were giving and that's the letter of April 27, 1965, wherein a synopsis of proposed personnel policies was attached. Do you have a copy of that, sir?

ASSEMBLYMAN MC DERMOTT: Yes, I do, Mr. Goldberger.

[Witness continuing]

Well, one of our problems has been that of achieving an end to a grievance, a problem having come before the membership and then going before the Authority. It does us little good, as you can see, after a year wait of presenting proposals - it does us little good to complain and have nowhere else to take our complaint for final resolution. Consequently, we had obtained the obligation by the Authority that they would continue to arbitrate as they had under the prior agreement. We had an arbitration involving, I think, three or four employees who had either been discharged or suspended or also thrown back in rate because of failure to achieve points. I don't know if you have heard anything about the point system.

During the course of that arbitration, it was abundantly revealed that the point system is an archaic system of evaluating employees' relative merit and that it was an unfair system and that it was the worst kind of tool for exercising the favoritism that you have heard so much about.

The conclusion of that arbitration was a settlement whereby all of these employees were restored to their various statuses. At the conclusion, I was advised that the Authority doesn't think it should go through this kind of thing any more and that they were seriously considering revising their policy so as to eliminate the right to arbitrate. I almost laughed in their faces because I couldn't think of anything that would be more destructive to any type of relationship, as minor and harmonious a nature it might be, as the revision of the policy so far as arbitration is concerned.

Sure enough, on April 28, 1965, they came down with a policy which eliminated the arbitration procedure so that now our only means of obtaining an answer to our grievances is to go before some committee made up of supervision of the Authority who will have the final say as to whether or not a grievance is legitimate or not. And how many of those cases we will be able to win, I can guess right now as being zero.

BY ASSEMBLYMAN MC DERMOTT:

Q The membership of this committee would be purely Turnpike staff employees? A I am not sure whether it would be Turnpike staff employees with some employees from the Turnpike, but I do know - I do remember - that the majority of the members of the committee would be supervisors. So it didn't make any difference - it's like the Republicans and Democrats - if you have a minority committee, you stand nowhere.

ASSEMBLYMAN DOREN: With which I am very familiar.

ASSEMBLYMAN MC DERMOTT: I hope he remains familiar with it.

THE WITNESS: I am advised by one of our members that there are all supervisors on this committee.

Q All supervisors? A Yes.

[Witness continuing]

You have heard, of course, that they took away this extra pay that the men had achieved by virtue of arbitration. That was as a result of a clause in the old agreement which provided that the workweek shall start with the number one shift on Monday and what they did now was make the workweek as any 40-hour period over a five-day period so it didn't make any difference whether it was Sunday or Monday, thereby eliminating the premium pay the men had been earning.

There are any number of changes. I could take any single page on this proposed policy statement and show you where the men have had eroded rights and benefits which add up not only to dollars and cents, but add up to important fringe benefits which have been built up over a number of years, all under the guise of promoting improvements for the employees. And it is this whole kind of sham and facade that characterizes the entire relationship of the Authority with its employees. It is sham. It is facade. You walk into that building and you walk up to the executive offices and you feel like you are in the couch of luxury. Once you strip it aside, you find that you are being conned, you are being taken, and all it is for the purpose to induce you that "we are real nice guys - this is a nice thing we've got - let's go along with us - let's take it easy." Then we find that they are picking our pockets while we are sitting in these deep, luxurious couches.

Now this is the entire attitude.

We have had a complete restriction on our right to present grievances. We have presented grievances. We have had them stalled on us. We haven't had answers from the Authority. We have nowhere to go short of some type of concerted activity and, of course, as you know, our opinions may differ, but there is an injunction hanging over our head with respect to concerted activity.

Now one of the glaring things about the Authority - you have heard comments about favoritism - it's very difficult to pinpoint favoritism as such - x employee over y. We do know that the tool is present in the hands of the Authority to utilize favoritism as it sees fit in this point system. I have copies of the point system as it had been in effect and the so-called changes that they have made and you will see that very little change - if you care to study it later, I will leave it for you also - has really been made.

The fact remains that the points are predicated on quality of work, for example, with gradations for the type of work that you do - ability to learn, cooperation, judgment and common sense, personality, personal appearance, capacity to develop contacts with patrons. All of these things are subjective tests, not objective, but subjective. So if we have a supervisor who likes employee x because he is non-militant or because he belongs to 1511 as opposed to 723, why he loads up on the subjective aspects. There are all of these gradations of characterizations which give an opportunity to any particular supervisor to either grade an employee down

or grade an employee up. I had one employee tell me that he was graded down for personal appearance because he wears white socks. Who sees socks in a toll booth, I don't know. But according to the supervisor, he shouldn't wear white socks, despite the fact the man had brought in a slip from a doctor saying he had athlete's foot and had to wear white socks. Yet this man was graded down for appearance.

They have a point system whereby they evaluate variations in cash deposited as opposed to cash that is supposed to come in according to the number of axles. We pointed out that the axle count is subject to being mishandled because of the treadles being out of function, the sheets of metal that trucks and various vehicles go over.

With respect to money, the toll collector's procedure is to bag the money at the end of his shift. Then it is taken by a Brinks or some armored car, deposited down in a bank. What happens to the money after it leaves the employee's hands is unknown. We were told that it is the responsibility of the employee regardless of what happens, and yet we have had a year or a year and a half ago an employee of the armored car indicted for taking \$2500. We could have employees of the bank collecting money who may need 35 cents for cigarettes, for example, just taking 35 cents out. Yet we are chargeable with that loss.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Goldberger, do the toll collectors who give a bag of money to Brinks or whatever the agency is receive a receipt for the bag? A For the bag, but not for the

money. The slip is put in the bag itself.

BY ASSEMBLYMAN DOREN:

Q Is it a locked bag? A A locked bag.

Q They have the key? A The Brink people have the key as well as the people down at the bank.

BY ASSEMBLYMAN LA CORTE:

Q You say the employee is then responsible for shortages? A Yes, sir. And the responsibility is entered into this point system, so that if there are shortages, he is charged a certain number of points for those shortages, or if there are overages, he is charged with a certain number of points.

BY ASSEMBLYMAN DOREN:

Q What is your recommendation in that? A Well, I recommended to the agency - and I think they agreed with me - that there be a complete overhaul of this point system so that responsibility would be traceable to the individual rather than left up in the air and that there be elimination of the subjective point evaluation. We have had people fired for subjective points whereby a foreman determines on any one of these categories that he didn't have the capacity to develop, he didn't have personal appearance that they required - and it could be a shading of one point, but it is enough to fire an employee or hold him back in grade so that he doesn't get the increment that he would be entitled to and then he has to wait another six or nine months before he gets that increment. And always hanging over his head, is the possibility that he will be discharged or disciplined.

BY ASSEMBLYMAN LA CORTE:

Q How would you evaluate a man periodically if you didn't use a system such as this? A Well, I don't say that a system such as this is bad. I do say that this system, for one thing - and I am far from being a psychologist or an employee relations manager - but I do know that in private employment, there are far better means of evaluating an employee's service to an employer for one thing. Second of all, if we have no way of challenging the validity of this, then the employee is purely on the mercy of the employer in this case and regardless of the best system in the world, if it has built into it either subjective or objective tests which an employer willingly decides to utilize any way he sees fit and we can't challenge it, then we are left in the air. We have nothing to go by. It doesn't make any difference if you have the finest system in the world. If it is not being applied or if we don't have the right to challenge the method of application, then it is no good to us.

Q Do you know whether there are stated periodic re-examinations of men and what the intervals are? A Yes, there are stated periodic -- I think it is every six months that they are checked.

Q In other words, the point system is put into effect and followed up every six months by a report by the supervisor? A Theoretically. But for this arbitration that we had, we wouldn't have been able to pick up any number of mistakes being made, literal mistakes being made by a supervisor in counting the points, no less in applying the point

system, but in just counting the points themselves. And but for the right to intervene by arbitration - and these had been brought up before during the grievance procedure - but for the right to intervene by arbitration, these employees would either have been fired or held back in grade for any number of months without any right of appeal. This is the reason we want to have the right to have some type of final result given to us by somebody of impartiality and I see no reason why, even if these employees are considered public employees - why through the New Jersey State Board of Mediation, for example, we couldn't have an agency to handle arbitration for public employees. In that way, we would not be reposing according to the fears of the agency, for example, on independent, outside people, the right to make determinations for a State agency.

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Goldberger, was there a conviction in this case of the Brinks man? A Oh, yes, I believe so.

Q There was a conviction. A Oh, yes.

Q From the testimony that must have come out at the trial, did the Authority go back and change the rating of the men who may have been charged with shortages as a result of this testimony? A No.

Q They did nothing about going back? A I don't know if anybody had been charged with shortages and I am pretty sure that they didn't go back. They have never gone back and corrected any of these records unless we have gone through some type of arbitration proceeding.

MEMBER OF AUDIENCE: Mr. Chairman, in order to enlighten you as to what Mr. Goldberger is trying to explain to you gentlemen, I have a letter here pertaining to the point system which was taken up before me in the form of a grievance. One of the employees had received a letter that he was put on probation six months prior to this letter here.

ASSEMBLYMAN MC DERMOTT: Well, is this on the point system?

MEMBER OF AUDIENCE: Yes.

ASSEMBLYMAN MC DERMOTT: Well, let's bring it up later on in testimony.

MEMBER OF AUDIENCE: All right.

[Mr. Goldberger continuing] You heard earlier about absences and pay for absences. What you didn't hear is that built into the point system is a point valuation for absences so that even if a man is injured at work, for example, and is out of work for x number of days, each day that he is out he builds up points against himself for the purpose of evaluation as to whether or not he is going to get a raise or be retained in employment

BY ASSEMBLYMAN DOREN:

Q Regardless of the nature of the injury or the cause of injury? A Regardless of the nature or cause. There are any number of inherent evils in this point system and I think there was implied agreement with the union as to these evils and what was said to us was that the agency was attempting to find some answer and come up with some

solution. But I say if they come up with the most perfect system in the world, unless we have the right to challenge the application of that system to the particular individual, the system itself does no good for the employee if it is applied discriminatorily, for example. We have no right to challenge it under the system as proposed because we would not have the right to take the case to arbitration or to some impartial agency for determination.

Q Don't you think as a result of the findings of the judge in this case that the Turnpike is complying with the opinion of the judge? A No, sir.

Q Why not? A Because the judge said and the Constitution says that we have the right to present not only proposals, but grievances. The right to present grievances means the right to take those grievances down the road to culmination and if we don't have the right to present grievances so that we get a final answer by a legitimate, reasonable individual who can come to a conclusion with respect to that grievance, then we have no right whatsoever and, if we have the right to present proposals in May of 1964 and not get an answer until April of '65, we have no right to present proposals. They are paying lip service to us, but that is all.

BY ASSEMBLYMAN LA CORTE:

Q Can't you say that the proposals that were presented in April of '65 were the answers to your request of May, '64? A Yes, a year later.

Q What you are complaining about is the interval of time that elapsed? A Certainly.

Q But nevertheless you did get their answers, that is, the Turnpike Authority's answers, to your requests of May, '64?

A Yes. That is why I say we are being paid lip service. They gave us an answer.

Q That's my point. And the delay was one thing that you object to. Now then you object from there on in to the content of the policy.

A Yes, the content of the policy, the delay. It does us little good to present proposals to a microphone, for example. We weren't even given the opportunity to sit down and discuss the reasonableness, to persuade or dissuade, to understand their attitude. Now we were presented with this thing and they said, "We'll listen to you." After they presented these proposals in May of '65 or April of '65 - they'll listen to us. But again it will be an exercise in futility because we are not talking to the Committee, itself, - to the Turnpike Authority Commissioners. We are talking again to a sounding board who will receive what we say and maybe transmit it to the Authority.

BY ASSEMBLYMAN MC DERMOTT:

Q Has a formal request ever been made of the Commissioners to sit in on any of these hearings?

A We have asked on any number of occasions.

BY ASSEMBLYMAN DOREN:

Q In writing?

A In writing, yes, for an opportunity to present our proposals to those who have the right to pass on those proposals, to answer us. Perhaps they are completely right in everything that they say, but they don't talk to us you see.

BY ASSEMBLYMAN MC DERMOTT:

Q Did they answer your letter? A Oh, yes, they answered my letter. They said, "We are considering - we are considering - we are considering."

Q Who signed the letter? A Mr. Flanagan.

Q But he is not a Commissioner. A No, but he is the Executive Director of the Authority. Theoretically, I suppose, he sits in with the Commissioners to determine policy. Theoretically also, I am sure that he has a lot to say as to what would transpire in so far as personnel policies are concerned. We would welcome an opportunity to sit down with the Commissioners. We think, for example, that all of the publicity that the Authority gets in waving diplomats off the Turnpike does little good in so far as the Authority itself is concerned if they cannot once and for all cure their own morale problem for their own employees. And the turnout that you have here is indicative in only small amount of the type of problem that they are faced with and I told these employees before and I have told them before Judge Wick that we do not have involuntary servitude in this country, that they can quit their jobs whether they do it individually or collectively - quit their jobs. And I have told this to Mr. Flanagan. There is no reason why they should have to operate under the yoke of oppression that they have here now.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Goldberger, do you have any specific instances of favoritism or nepotism to which we have had testimony before?

A Myself specifically?

Q Yes. A I have heard any number of particular cases recited to me with names. Honestly, I don't remember a single one.

BY ASSEMBLYMAN DOREN:

Q Did you investigate any of them to check into the merit of them, whether they did exist? A No, because the facts that were given to me indicated clearly to me that there was favoritism. Sure there is favoritism. There has to be favoritism in the system that they have.

Q Let me ask you this: You were trying to set up something with the Turnpike on the point system as you testified and you didn't like the way it worked out. You were representing 723; is that correct? A Yes.

Q What about the other union, 1511? Did you talk to them to see whether or not what you had in mind was agreeable to them because whatever policy was set would be for everybody working for the Turnpike. Is that correct?

A Yes, sir. 1511 and 723 came to this meeting in April when this policy statement was issued. For the first time unity came to a union because 1511 and 723 both agreed that this was ridiculous. At least from 1511's point of view for the first time they recognized what this Authority was and what it was doing - how it was using them as a carpet to step on all of the employees. And we together walked out of that meeting. We have agreed that we would have our own election as between Local 1511 and 723 and we both agreed as between us that if the majority of the employees select

Local 723, 1511 would walk away from this picture and if the majority of the employees select 1511, 723 would walk away from this picture, and we would thereby present to the Authority a one-union unified front for representation purposes. The details were worked out last week, I believe, were they not?

MEMBER OF AUDIENCE: Just about.

[Mr. Goldberger continuing] In so far as the point system itself is concerned, I am sure that even those remaining in 1511 recognize the weaknesses in the point system and the necessity for changing it.

BY ASSEMBLYMAN DOREN:

Q The only thing is to work it out where it is agreeable to your union and their union - 1511 rather - and the Turnpike because it would be very difficult. If they worked out a deal with 723, it would have to apply to 1511 and 1511 may not agree to what you want. A 1511 - of course, if this election turns out, we will have no problem with 1511. I am sure though - and I certainly can't speak for 1511 - but I am sure that they would agree on any improvement as an improvement rather than what they have got now because what they have now is nothing. It just reposes everything in the Authority and gives little opportunity, if any, to challenge what the Authority does and you can see how this is destructive of morale, of status and of human dignity because here you have employees who theoretically are public employees or quasi-public employees and we would ordinarily assume that they have some aegis which would protect

them and they have nothing. They really have nothing. They are the most insecure bunch of people I have ever run across. This is the first time that they are able now to stand on two feet and voice their feelings as to their employment and many of them are doing it out of sheer courage. Again this facade - we had Mr. Postizzi standing up and saying, "We'll give everybody who wants to testify the time off." When they go back, they are going to have their ears pinned to a wall. I am not kidding myself about it and neither are they. Then we have a change in the position - "Well, only those who are going to testify and we want to know their names. Then maybe we can't use anybody - we won't be able to get replacements." This is characteristic of this Authority. They will do something for publicity purposes - make a grandiose gesture up here and hit you right from behind the next minute. That is what has been happening all along. So when you talk about security of employment, they have none. When you talk about human dignity, they have none. They come to their job with hat in their hand. I don't care how they get their job. They have a right to use political patronage. There is nothing wrong with this. But they come to the job with hat in their hand and they have to keep their hat in their hand the rest of their lives and this is what is wrong. For this State in this age of enlightenment to have employees so insecure, there is certainly something completely wrong with the operation of our business.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Goldberger, in this respect, do you know

whether these men have sought civil service status?

A I do not know. I don't know whether it would be applied to them.

ASSEMBLYMAN LA CORTE: It is just a question because they are public servants.

BY ASSEMBLYMAN MC DERMOTT:

Q How do you classify these employees? A I classify them as being private employees of a public agency. But whatever their classification is, of course, you understand that my position is that their employment and the ramifications of that employment stem out of the statute which created the Authority and I verily believe that that statute gives the Authority the right to enter into an agreement with these employees. Now that doesn't mean, of course, that we can be contemptuous of the decision of Judge Wick. But I think that there is plenty of room for our Legislature, for example, to provide for this type of a situation. As a matter of fact, from a practical point of view you and I know that any number of local agencies, county agencies, are being recognized for the purposes of collective bargaining - teachers, various other groups - and they are getting along. They are not getting along wonderfully, but nobody expects relationships of this kind to be wonderful. But at least they are getting along, not being met with a constant brick wall - "We have a decision which says we don't have to do this." This is what is destructive of this relationship.

President Kennedy entered into a program for

Federal employees which establishes the right of employees to organize and to bargain and that doesn't mean the right to strike. It does mean the right to organize. It does mean the right to enter into an agreement with the agency. It does mean the right to challenge the action of an agency through arbitration. Fundamentally, this is what we are looking for.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Goldberger, do you know what status with respect to collective bargaining employees have on other turnpikes, such as the Pennsylvania and the New York Thruway - these other agencies which are separate and apart from the state by virtue of being an authority? A Well, of course, I am not familiar with the statutes which would establish those authorities and whether or not they are as embracive as ours or as exclusive as ours. There are some agencies whereby they have collective bargaining agreements with the Teamsters, for example. Whether it has been tested out in a particular state, I don't think so. I don't think there has been any court decision on them. There are other agencies other than turnpike agencies where there are collective bargaining agreements.

Q Port Authority - do you know? A Well, let's say this - for example, we represent employees of the parking lots of the Port Authority who are under direct agreement with the Port Authority itself, an agreement which is so embracive as to provide for almost exclusive control over employment policy as between the parking lots and the Port Authority. We have been able to negotiate for these employees.

Q Could you - I think I would appreciate it - could you give us some assistance with respect to some research you might do on this point? It might be interesting.

A I will have our International Education Department, our research department, run down whatever they can find on agreements between various unions and various state agencies. Do you want it exclusively for turnpikes?

Q Well, I just thought of them.

ASSEMBLYMAN MC DERMOTT: Of the same nature.

ASSEMBLYMAN LA CORTE: Public authorities.

MR. GOLDBERGER: All right.

ASSEMBLYMAN DOREN: I don't see why we have to put him to all that trouble. I think we can write letters and get the information ourselves.

MR. GOLDBERGER: Well, I think our International will do it.

ASSEMBLYMAN MC DERMOTT: They will do it as a public service.

MR. GOLDBERGER: Yes, they will. Surprisingly enough, we do a lot of public service.

ASSEMBLYMAN MC DERMOTT: I'd rather use their money than public funds.

MR. GOLDBERGER: I don't think we could match our bank account with that of the Authority. We might be able to do it with the State, but not with the Authority.

ASSEMBLYMAN MC DERMOTT: Let me point this out, Mr. Goldberger, that this Commission that has been set up to investigate this has no funds whatsoever.

MR. GOLDBERGER: We appreciate that.

ASSEMBLYMAN MC DERMOTT: And we are just grateful that your organization is willing to supply us with this research.

MR. GOLDBERGER: We are glad to do whatever research that you feel is necessary not only in this field, but in any other field that you request. I assure you we will be impartial and we will give you whatever we can find.

BY ASSEMBLYMAN MC DERMOTT:

Q In your research in supplying us with the sort of agreements that the Teamsters and other unions have with authorities of a similar nature, would you please include the Port Authority? I'd appreciate having a little more information on that. It is closest to home. A Yes. I again remind you that that agreement is with the parking lot concessionaire, not with the Port Authority itself. However, the leasing agreement between the parking lot concessionaire and the Port Authority gives almost exclusive control over employment practices to the Port Authority.

BY ASSEMBLYMAN DOREN:

Q You would have to know the structures of the various authorities to see whether or not they would apply with our laws that exist. That is why I was wanting to obtain from someone -- A For example, if the Port Authority feels that an employee for honesty reasons is not one that they want to have, they call up the parking lot concessionaire and say, "Get rid of employee Jones."

Q Maybe the law is different. That's what I want to know. I would like to see the statutes which permit and maybe provide for these policies. I mean, the fact they do it doesn't mean we can do it. We may have to supplement with new laws. A Yes.

BY ASSEMBLYMAN LA CORTE:

Q That's correct. That's my thinking. And if you will also see whether anyone else uses, as you classify it, this onerous, unfair point system or what standards they use to evaluate their employees for purposes of promotion and so forth. A Well, one of the things I might call your attention to, which would reflect what we have been arguing, in the decision of Norwalk Teachers Association versus the Board of Education, 138 Connecticut 269, 83A, Second, 482, the Supreme Court of Connecticut denied the right of teachers to strike. However they did say: "The union may organize and bargain collectively for the pay and working conditions which it may be in the power of the board of education to grant." The same argument was presented before - in fact, this case was cited before Judge Wick - the same argument that was used before Judge Wick was used in that case and the court held that as long as there is power within the board, within the agency, to create or take away rates of pay or working conditions, that within the framework of that power collective bargaining can be had. It is only when you get beyond the scope of the authority of the particular agency where you run into a problem.

And when we have an all-embracing statute, as we

do, creating the Turnpike Authority, which gives them the right to enter into contractual relations, which gives them the right to enter into employment agreements, then I say that we have the right, just as any private citizen, to come before them and say, "I'll sell you a load of gravel," or "I'll sell you my services, providing you do x, y and z for me." And in fact, isn't that what any private supplier of goods or labor -- isn't that what New Brunswick Window Cleaning is doing - entering into an agreement for labor? They are supplying on a subcontract the labor for performing the cleaning operations for the Authority. And if the Authority has the right to enter into that agreement, don't they have the same right to enter into an agreement with me as an employee of the Authority, whether I be "me" individually or I be all of us together? This is what I say is our right.

Now if I say to them, "I want the pie in the sky and the moon," which is beyond the scope of their authority, then they can rightly say, "We can't talk with you on that because that is beyond our authority." But within our relationship as employer and employee, within our relationship as supplier and purchaser of labor, certainly I have the right to make demands for the type of services I am performing.

ASSEMBLYMAN MC DERMOTT: Mr. Goldberger, do you have anything further to say?

MR. GOLDBERGER: No, nothing else, sir.

ASSEMBLYMAN MC DERMOTT: Are there any further questions? [No response.] Thank you very much,

Mr. Goldberger.

MR. GOLDBERGER: You are very welcome. I will leave with you these exhibits later on after I collate them and I will get the research for you.

ASSEMBLYMAN MC DERMOTT: The next witness will be Mr. Battaglia.

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

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Battaglia, will you give your full name for the record? A Gennaro Battaglia.

Q How long have you been an employee of the Turnpike? A Six years.

Q And what is your position? A Toll collector.

Q Would you please tell us your purpose in coming here today? A Of course, I am a little handicapped.

This has been stored for six years and I don't know where to start. And, of course, I have been handicapped --

BY ASSEMBLYMAN DOREN:

Q You have been preparing this for six years?

A Yes, sir. And, of course, I have been handicapped following our distinguished attorney. I am going to try to do the best I can. Me sitting here reflects just about everything you have heard up to date. I can testify to it personally. Furthermore, Mr. Doren, for your information, everything I am going to testify to I have proof to through correspondence and it is not hearsay. And if you have the time, I'll stay here to Doom's Day.

What we have out here - and I'd like to consider myself a second-class citizen because that's the way I have been treated for six years, nothing more or nothing less - a second-class citizen.

You have asked the question, Mr. Doren, a number of times as to whether the Authority knows what is going on in effect, and I am here to tell you I have correspondence by the carload telling me that they do know it's going on and they just refuse to do anything about it.

What we have out there, gentlemen, is a monster that I think has been created by you people sitting at this table, by what you said, Mr. Doren. It is an autonomous agency.

ASSEMBLYMAN DOREN: We didn't set this up.

We are younger fellows.

ASSEMBLYMAN MC DERMOTT: It's a lot older than we are, Jerry.

[Mr. Battaglia continuing] Well, whatever it may be - but this is a monster out there and it is an autonomous agency by your own admission, Mr. Doren.

ASSEMBLYMAN DOREN: It was set up by Driscoll, I think.

[Mr. Battaglia continuing] Then he is the culprit. He created a monster.

Another thing, Mr. Doren, you have been elaborating on is this decision handed down by Judge Wick.

ASSEMBLYMAN DOREN: I'll tell you the reason - I thought maybe a lot of the problems you have now -

that their hands were being tied by the decision.

[Mr. Battaglia continuing] Right. That's fine. But let me tell you now, their hands are not tied. They just refuse to do anything about the problems that we have out there and, lord knows, we have tried to create some sort of harmony between management and labor. We have tried. Every day that goes on, right now, right this minute, these people who are responsible for the administration of the Turnpike are violating this decision. They are violating our Constitution. They are violating decisions set down by arbitrators. They are violating our working agreement, our existing working agreement.

BY ASSEMBLYMAN LA CORTE:

Q We are going to be here quite a while and if we could get specifics --

A Well, when I make a statement, Mr. LaCorte, you tell me what you want specifics on.

Q Let's get specifics with respect to their violations of agreement. Maybe that's a good place to start.

A Well, they violate the agreement by the grievance procedure. They have a certain amount of time after a grievance is submitted to set up a hearing and give you an answer on that specific grievance. Not once in my tenure as a union official have they adhered to this part of the provision in the grievance procedure.

BY ASSEMBLYMAN MC DERMOTT:

Q Are you an officer of the union? A Yes.

Q Which union? A 723.

Q And which position do you hold? A Executive board member.

Q And as such officer, would you have knowledge of the grievance procedures and the answers that are given as a result of grievances? A Yes, sir.

Q You would have personal knowledge? A Yes, sir.

Q All right. A I have the evidence. They have taken more time than they had to issue these answers. The grievance procedure, per se, is a farce because we have what we know as four levels in the grievance procedure. When you get your first answer at the first level, you can assume that the next three will be the same, identical, almost verbatim, in the chain of command.

Q Can you give us specific instances now so that if necessary and we have to question the Turnpike officials, we can go to these specific cases?

A You mean, do I have one grievance where I have four answers?

Q Yes, the same answer. Do you have any where you went to arbitration where the arbitrator reversed the decision? For instance, you stated if you get an answer at the first level, you may as well have a mimeographed copy all the way up. A Right.

Q Do you have any one where you got an answer at the first level - it was mimeographed all the way up - and then it went to arbitration and the arbitrator reversed it?

A No. There is no instance where an arbitrator reversed it.

MR. GREAR: My case.

[Mr. Battaglia continuing] Oh, yes, I have a case right here, Bill Grear.

Q Tell us about that case. A Well, this is one of the cases that our attorney testified to.

BY ASSEMBLYMAN DOREN:

Q What's the name? A William Grear.

Q What was that about? A He was fired from his job as a toll collector.

MR. GREAR: I think I could tell you probably better.

ASSEMBLYMAN MC DERMOTT: All right. Let's interrupt your testimony.

W I L L I A M G R E A R, testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q Would you give your testimony, Mr. Grear?

A My name is William Grear. I live on Dixontown Road in Medford, New Jersey. That's the southern part of the State. I worked for the New Jersey Turnpike Authority as a toll collector. I worked for four and one-half years. Every six months I would get my increment. There was a lapse of increment increase on the half after the fourth year. I was supposed to go on vacation on January 2nd or thereabouts when I received --

BY ASSEMBLYMAN DOREN:

Q What year? A 1964. [Continuing] -- when I received a letter from the New Jersey Turnpike Authority

that after the last day of my vacation, I was finished. - I didn't have a job anymore.

Well, we had taken that grievance procedure. A year later it came up and it had been through the third stage in usually the regular time and I was laid off on June the 12th or January the 12th, 1964. And I had to draw all my money out of the pension fund and everything else because we didn't have any workmen's compensation and you couldn't get unemployment. So what I did was, I went up and drew out the money that I had given for my pension fund and I figured I had x dollars there and that I was supposed to receive so much per cent interest on my money, but when I got there I found out that if you don't work five years, you don't collect any interest. Your interest really don't start until the fifth year you are there.

Well, I spent all that money and finally I got a letter from 723. I had correspondence with Local 723 and I was a member of the union. And when I received a letter that they had a meeting set up at New Brunswick, I felt that it was just a lot of baloney, that it had never happened before. But when we got up there, we walked in and everything was done very orderly. Our attorney, Mr. Goldberger, represented me and we got the case on the road and it took four days. I think it was four days before the case was finished. We had three other cases to come after this case was finished. So just before the arbitration was to be turned over to the arbitrator - and he stayed four days - the Turnpike threw up their hands and said they wanted to have a meeting. So they

called our attorney and they went in and they had a meeting and they came out and they told me that if I would sign this paper, they would give me all my seniority rights back, that the other three men that was to be tried would not be tried, and that I would have my job back and I would go back to the Turnpike on a six months probationary period.

Q Did you get back pay too? A It came time that when I signed, the statement was that the only reason I would get my job back if I would sign that I would not accept the back pay. So I had to sign --

BY ASSEMBLYMAN MC DERMOTT:

Q What date was this? A That was a year later.

Q I mean approximately. Was it January, 1965? A When I come back on the Turnpike, it was May - May 1st or May 15th.

Q Of this year? A Yes.

Q Wait a minute. Was the arbitration just before your coming back? A Yes, sir, it was just before I came back.

Q A week or so? A Oh, it was two weeks, I guess.

Q April of '65 you had this arbitration? A Yes. And I came back on the Turnpike and, I mean, good is good and bad is bad, but since I have been back there everything has been good. I have gotten letters from them telling me how good I am and every month the supervisor goes over my records with me and tells me that I've got plenty of points to spare

and keep up the good work and keep going on. Everybody has been good to me. I don't have anything to gripe about. This is just what has happened.

BY ASSEMBLYMAN DOREN:

Q What was the firing of you and the three men for?

A For me, it was because I was one of the first men that was ever evaluated on the point system and I had six months of my work on their old system and six months on the new system and the new system has to be evaluated for a year. So everything that I did wrong for six months, they just doubled it by two and that's how they got it for a year. That's the honest to God's truth. They projected it. If I made a dollar mistake, they'd say it was \$2. That's how they done it.

BY ASSEMBLYMAN LA CORTE:

Q Did you wear white socks? A I didn't wear white socks. I was one of the best toll collectors they got. They know it. I handled more traffic at that interchange than anybody that they had there.

BY ASSEMBLYMAN DOREN:

Q Well, you are happy now, aren't you? A I'm happy. I'd like to get my back pay, but I don't know what's going to happen.

BY ASSEMBLYMAN LA CORTE:

Q Which interchange was this? A Number six.

BY ASSEMBLYMAN MC DERMOTT:

Q Where is that? A That's at Florence. It goes into the Pennsylvania Turnpike.

Q In Burlington County? A That's in Burlington County.

Q Have you seen your Senator? A I don't have a Senator; he's a Republican.

ASSEMBLYMAN DOREN: I've got to agree with you.

Q Mr. Battaglia, would you continue, please?

BY ASSEMBLYMAN LA CORTE:

Q Well, I have a question with respect to that. Did this grievance procedure go up through three levels that you know of? A That's correct. It went up through the three levels and then after the fourth level, we won. But at the other three, it was turned down. That was the last time. That's the time that Mr. Goldberger told you - that was the last time they would have any arbitration. That was the last.

BY ASSEMBLYMAN MC DERMOTT:

Q That was an arbitration? A That sure was.

BY ASSEMBLYMAN LA CORTE:

Q Now during that period of time, do you know whether the Turnpike Authority adhered to the time limits for each progressive step in the grievance procedure?

A Pardon me?

Q During this period of time, before you received the final award of the arbitration, did the Turnpike Authority meet the time limits for each level of the grievance procedure?

A No. It was always a long time between because there was so much confusion between 1511 and 723. Why it took a year's time, they tell me, is because Judge Wick, you know, handed

that case down. That's why it took so long. Everything was in confusion and I was hanging up high.

Q You were caught in the middle. A That's the way it was.

Q Even your Senator couldn't help you then.

ASSEMBLYMAN MC DERMOTT: Mr. Battaglia, would you continue, please.

G E N N A R O B A T T A G L I A, resumed the stand and testified as follows:

It seems like Mr. LaCorte and Mr. Doren and I guess yourself, Mr. McDermott, are interested in specific personal problems and again I think I am living proof of what the Authority has made of this monster, so to speak.

I am on the Turnpike officially six years. I didn't want to go into personalities, but it seems that it is pertinent. I think I am a good example and I might as well use it. I am on the Turnpike six years. Actually I was fired once and I was put on probation four times. In fact, as of this moment, I am on probation. The repercussions following my testimony, I don't know, but my conscience would have it no other way. I might be fired when I leave here. But it would be worth it if you gentlemen can rectify some of the inequities that you are hearing about. But I was fired the first year I was on the Pike. The reason given was my work record. But when I had a fourth level hearing on the firing, my supervisor, Mr. Widony, admitted - and, of course, in my testimony, I felt as though I was being discriminated against because I was active in the union. I have

always been a trade labor man. And he admitted to his superiors that he did in fact at my six months probation hearing mention the fact that I was active in the union and that I'd better smarten up. He admitted this much and I give him credit for being a man and admitting this because otherwise I don't think I'd be here today. It was only on his testimony that he admitted he made this statement to me that I was put back on the Pike or else I don't think I would have been put back. I respect him to that point and no more. He did admit, although we were alone in the room, that he told me that the reason that I am being fired is because I am active in the union. He admitted this.

Well, to make a long story short, they finally put me back on the job as a new man, no seniority, so that you can see we are making progress. Five years later at least they are giving the seniority back. But I come back with no seniority - I lost a year - no back pay and was put on probation again. Well, the six months probation I failed again, again because of the point system. I put in a grievance and a month later I won that grievance. A year later I was put on probation again. I put in a grievance again and won that grievance. The third year I was put on probation again. I put in a grievance and won that grievance. Now this is the fourth one coming up and this is the one where they can fire me. This is my last six months. That's coming up immediately after the first of the month. It's due July, the first. So the results of that, I won't know.

But this is the kind of practices that I have been

subjected to in six years with the Turnpike. I have correspondence here to prove whatever I am telling you.

BY ASSEMBLYMAN DOREN:

Q You say you won your grievance. Would that be as a result of arbitration? A No.

Q An arbitrator or would it be on one of the levels? A Right. You see, in my opinion, I presented such a strong case that I think they knew it would be ridiculous to let it go to arbitration because I am pretty well versed in this kind of stuff and I presented a pretty good case and I imagine they didn't want to take me on. I'll be blunt with you.

ASSEMBLYMAN DOREN: I can see the reason.

BY ASSEMBLYMAN LA CORTE:

Q Mr. Battaglia, in each instance that the grievance was filed by you, had you had an evaluation by the same supervisor? A I don't know what you mean, sir.

Q Well, you failed the point system apparently on these three different occasions that you speak of. A Yes.

Q Was it the same supervisor in each instance who made his evaluation of your work? A The point system, you mean?

Q Right. A Well, let me elaborate a little more on that. Up until two years ago we had no point system. It was only through the efforts of our local that we finally obtained at least a point system whereby it would be basically something to go on. Before that, they used to send you a letter and say, "You haven't met the necessary requirements." Then when you asked what the necessary requirements were, they

would tell you that they were running the Turnpike and they didn't have to tell us what the necessary requirements were. This is what we were subjected to.

Then, of course, I seen the need for at least an improvement over this method and the inequity that it involved and consequently some union members and myself proceeded to try to force the Authority into having some sort of a point system, which, I think, two years ago they finally implemented a point system.

BY ASSEMBLYMAN DOREN:

Q Was that as a result of negotiations with anyone?

A Through labor management meetings that we used to hold.

Q And you had part in the conference, representing the employees, when this point system was set up two years ago?

A Right.

Q And it was agreeable to you? A No, no.

Let me elaborate on that. It was a point system that they implemented. They said, "Here it is, boys. You have been asking for it - you have been pressuring for it - here it is."

Q Did you object at that time to the point system?

A Strenuously, strenuously. In fact, I have a grievance on it that's waiting for arbitration now and I have the correspondence for it.

BY ASSEMBLYMAN LA CORTE:

Q In other words, you were not in favor of the point system when it was imposed? A Right, as it was drafted. We thought it had a multitude of inequities.

BY ASSEMBLYMAN DOREN:

Q Parts were good and parts were bad. A Well,

I would say it was all bad. And I pleaded with them - I have recent correspondence pleading with them. I realized the fact that you do need some sort of a guide. There is no question about that. I pleaded with them to sit down with a committee of the union and a committee of management whereby we could come up with an equitable program agreeable to both sides.

Q What are some of the suggestions you have for us on the point system? A I can give you one I drafted.

Q Can you leave a copy? A Yes, sure, and I received no answer on that. One very important inequity I would like to emphasize right now - in fact I sent Mr. Flanagan a letter on June 18, 1965 - stemming from this article he had in the Newark Star Ledger of June 17, 1965, about the point system of the motorists. He seems more concerned with the motorists than he does with his own workers. This is dated June 18, 1965: [Reading] "Mr. Flanagan - In an article released by your office which appeared in the Newark Star Ledger on June 17th, you expressed your concern with the following inequities in the present motorist's point system and your desires and suggestions for the remedy of same. Number one, the system is negative in its approach. Number two, it fails to provide an incentive in the encouragement of safe driving. Number three, it works a hardship on those people who suffer a loss of income and often their jobs. Number four, the present system discriminates against drivers who must use their licenses to earn a living. In summation, Mr. Flanagan, you expressed your

desire to have motorists who consistently observe traffic laws to be given credits under the same point system.

Mr. Flanagan, let me state here and now that every inequity as outlined above by you is comparable to the present point system now being implemented by the New Jersey Turnpike Authority and is responsible in part for the present chaotic condition within the toll department. As proof of this may I suggest you obtain a letter I forwarded to Mr. Leshner on January 18, 1965." I'd like you to take that date down, gentlemen. Maybe you'd like to see that letter - January 18, 1965.

"In addition to Grievance No. 375, in which we stated our position as to the inequities as contained within the point system, you will find almost verbatim the exact language as your article to the press, namely, discrimination, negative approach, hardship on all collectors, and most important, Mr. Flanagan," - and this is the point I want to make - "the failure of this point system to offer any credit points for working entry lanes. May I emphasize the fact that you can lose points on entry, but cannot gain anything." That's when you are handing out the tickets and we do that once or twice a week. "In view of the concern you projected relative to the motorist's point system, I urge you to review the Turnpike point system in its entirety. Be advised that as in the past our committee will be available to lend any assistance in this most important matter."

I received no acknowledgement of this, as the rest

of it. I have a briefcase full of correspondence. In fact, I sent one letter that I received an answer from the Governor and never received an answer from Mr. Flanagan and I will read that one if you'd care for me to.

BY ASSEMBLYMAN LA CORTE:

Q I'd like you to get specific, Mr. Battaglia --

A On what?

Q [Continuing] -- because there are a lot of witnesses that want to testify.

BY ASSEMBLYMAN DOREN:

Q Do you have letters that you have written and answers that you can leave with this Committee? A I can leave you everything.

Q And then we can get them photographed and return the original. A Sure.

Q It would save time and they would be self-explanatory. A O.K. We'll do that. Well, now we will get down to the basics. I think what most of the men would like to know and I think you gentlemen can provide the only answer: What are we? Like I said at the outset of my testimony, I consider myself a second-class citizen and I think it is up to you gentlemen to get a clarification as to just what we are. Mr. Wick says we are public employees and he left it at that. What are we entitled to? Are we entitled to speak our minds or are we supposed to just keep quiet? Tell us. Then maybe we can do it. But I think this is the clarification that definitely needs the emphasis of you people.

Now, of course, the rest of it here - coercion and intimidation - I've been through it all. I have correspondence to prove it and we won't go into it. Mr. Doren, you said you want the correspondence.

Q Yes. We could read it and save time. A Then what you can do is take down the headings - this is what I am testifying to. There is a tremendous amount of coercion, harassing and intimidation on the Turnpike, especially to union officials and especially to unions they'd rather not tolerate.

Another thing that the supervision staff encourages out there is embezzling and lying. They make embezzlers out of you through their policies and they make liars out of you through their policies and I'll elaborate on that.

Now the embezzling part - we have what is known when you open up a lane as a tour fund. Now each interchange works different in handling these tour funds. In other words, the tour fund is what you start with for the day. At my interchange it is \$200. In any case - and I am speaking through personal experience of my own here - it happened about a year ago - no, it's about two years ago - where I went in and sold the supervisor a roll of change. In other words, it was excess change and he was to give me a five-dollar bill for it and I was to deposit it in my receipts. But I had been on my fifteen-minute break. He gave me the five-dollar bill for the roll of dimes and I put the five dollars in my pocket, of course, intending to put it back when I went back to my booth. When I went back, it got a little busy

and I went home with the five dollars. But I noticed it after I watched the late show and I went back the next day and told my supervisor about it. Well, he told me the procedure. But in the meantime, one of the old hands on the Turnpike had told me, "Jerry, you made a mistake. You should have kept the five dollars because what is going to happen now - they'll give you a five-dollar shortage for yesterday and a five-dollar overage today when you put it in. Now if you kept the five, you'd be in five and you'd only have five dollars shortage for the day before." But, of course, I wouldn't have it that way and I told the supervisor and he told me what to do.

Q Who was that supervisor? A That credited me with the shortage and overage?

Q Yes. A Mr. John Cullinane. He is the Northern Division Director.

BY ASSEMBLYMAN LA CORTE:

Q In other words, that cost you points.

A By being honest, it cost me. See, in other words, I would have only had five points. It is a point for each dollar. If I kept that five - this is what the Welsh school man was trying to tell me - if you'd kept the five, you would only have had five points. But by turning it in, now you'll have a five shortage for yesterday and a five overage for today. So I wouldn't have it any other way and I turned it in. Sure enough, when my rating came up, I sat across the table from Mr. Cullinane and he said to me, "Jerry, you had two big money errors last month, both for five dollars." I said to him,

"Mr. Cullinane, are you referring to the one that I reported and made out the necessary papers to cover this incident?" He said, "That's right." I said, "Well, do you think it is fair that I should be charged with this other error?" And to make a long story short, he said that's the way it was and that's the way it's going to be, and that's the way it was. Consequently I was knocked down on the rating for that six-month period because of these two big money errors.

Now I say it encourages embezzling. That was five dollars. It could be fifty. It could be one hundred. It could be anything. I would certainly be a fool to jeopardize my job if it happened again by turning it in. I would certainly be a fool. I think I at least owe it to my family to have some job security. And if this is what they encourage and this is what their practices tell us to do, then I certainly am going to adhere to it until it is changed.

Now as far as lying - any questions on that?

Any questions on the embezzling?

BY ASSEMBLYMAN LA CORTE:

Q Is that the only instance in which it happened to you? A Yes.

Q Do you know whether a similar instance as this has happened to other men who were toll collectors? A I don't know for a fact. But I do know this, that Mr. Cullinane told me this is the way it is and that's the way it was.

Q Are there any other instances where there is a double charge for points? A Well, of course, I submitted a grievance on double jeopardy, so to speak, and just recently

is when they changed it. In other words, you take a bank slip error; you are suspended a day for a bank slip error. It is a paper error - in other words, in addition. Now if you make a certain amount of them - two or three of them - you are suspended a day without pay. That would also be held against you on your rating system, the money involved and the fact that you made a paper error, a bank slip error. So I claimed that this was double jeopardy. You were losing a day's pay and then they were charging you with it when it was your rating period and certainly lent support to them leading you to the door. So recently they have admitted that this is one phase where they would admit that it needed changing. And to my knowledge, they have.

BY ASSEMBLYMAN DOREN:

Q What is the policy now? A It won't be charged on the rating system. You'll still get -- No, in fact the suspension has recently been rescinded.

BY ASSEMBLYMAN LA CORTE:

Q Have they changed their policy with respect to the double point system on an overage and a shortage?

A No, sir.

Q That is still in effect? A Yes, sir.

Now, as far as lying, again I am going to speak from experience because I was part of the case and I represented the party involved. I think that it has been testified to that when there is any resemblance of snow in the air and Mr. Cullinane or somebody down there feels it is necessary to call it a state of emergency or snow emergency, then they send

out word that all supervisors are to notify the men who call in sick that day that they must substantiate that sickness with a doctor's certificate or be docked the day, which, of course, in itself is asinine because it might be snowing down here and where a guy is living it is not snowing, which we projected to them. In any event, this one day this man called in sick and he was a tremendous attendance man. He was a very good attendance man, sincere, dedicated. It just happened to be snowing when he called in sick and he was told that he had to bring a doctor's certificate. Well, he told the supervisor over the phone that he had doctored himself and, therefore, wouldn't be able to substantiate his sickness with a doctor's certificate. Consequently he came in to work the next day and the supervisor came up and told him that it would be best for him to put it on paper, something which is know as a UO, an unusual occurrence report, which he proceeded to do, elaborating that he had in fact doctored himself and wouldn't be able to substantiate it with a doctor's certificate. He submitted it. About two weeks later, another supervisor was sent up to this man and said to him, "Did you get that doctor's certificate?" He said, "I already submitted a UO." And he said he wouldn't answer any more questions until I was informed of what was going on.

So I was brought into the case and brought up to date and I contacted this supervisor and told him that what he was doing in effect was asking this man to perjure himself. He has already submitted a written report that he doctored

himself and this supervisor asked him after the written report to substantiate his sickness with a doctor's certificate. He didn't care how he got it as long as he got it. In other words, they didn't want to hurt this man by docking him a day. "Get us a doctor's certificate and we won't dock you the day." Of course, we wouldn't hear of it. Consequently, he was docked the day. We submitted a grievance at the first level and I don't know what happened to this man, but anyway he approached me and said he wanted to drop the grievance - whether he was threatened --

BY ASSEMBLYMAN DOREN:

Q Who was the supervisor involved? A You mean, asking for the UO?

Q Yes. A Or asking for the doctor's certificate? Well, the first one involved was Frank Romeo who asked him to submit the written report. Now his supervisor who has the same authority came up two weeks later and asked --

Q Who was that? A Larry Best. That's Mr. Cullinane's brother-in-law.

Q Who was the fellow involved in this incident? A Joseph Namais. Consequently Collector Namais dropped the grievance after the first-level hearing. And I might add while I am on this subject that there are a lot of collectors out there - and you'll have to take it from me, gentlemen - who are absolutely fraught with fear of even the word "union," the word "grievance," because they know what they can be subjected to. You see, they make an example

out of people like me. I am a living example of what they can do to a man. I withstood it, I don't know how, but I withstood it. But, of course, a lot of men feel as though they wouldn't be able to withstand it so they figure they'll let well enough alone. What they do here is - they instill fear in these men at the outset of their employment. I don't know how they do it, but you can see it if you have any contact with these men.

Again, speaking generally, I feel as though the reason that we are at an impasse as we are now is because of the police method, the Gestapo method, that is implemented by the supervision staff, the regimentation that they demand of us. All these things add up to the present condition that we find ourselves in in our aim to go to someone, to find someone that is going to come to our aid.

Q What does a man get as a toll collector after his third year? How do the increments run? What do you start off at? A I don't know the exact figures.

Q Approximately what do you start off with and how fast do you go? A \$5,000 and then they go up to \$6,000 in four years, year increments.

Q Then what happens? A That's it.

Q Six thousand is your maximum? A Yes, sir.

Q That's for a toll collector? A Toll collector, right.

BY ASSEMBLYMAN LA CORTE:

Q You have made some statements which I think you should try to amplify. When you say that there are Gestapo

methods and coercion methods, specifically what are these that you can point to so that we as a committee can give them some consideration? A Well, let me answer that question with a question, Mr. LaCorte. I sat here and testified to the fact that I was told that my first six-month increment that because of my union activity I was going to be fired and that I'd better smarten up. Need there be more testimony on my part?

Q Yes, in my opinion there should because you happen to be one man who is active with the union. I don't know how many other members of the department or how many other members of the personnel are active. My point is that this is an instance with you. Is it an instance with all the personnel or a great portion of the personnel?

A A great portion, especially the union officials.

Q With the union officials? A Yes, sir. Let me tell you this, Mr. LaCorte, if I may - let me interject this: You will never know how many men have been coerced or intimidated because they don't have the guts to sit where I am right now.

Q I understand this and I appreciate your honesty for giving it to us because this is so important to us. But when you speak of coercion and you speak of Gestapo methods and you speak of regimentation, can you give us some instances to point to because when we ask questions of the members of the Turnpike Authority and their staff, we would like to be specific in the questions we ask them?

A I'll tell you what I'd better do. I'd better leave you my

whole file because for me to --

ASSEMBLYMAN DOREN: Let's make that part of the record, what you leave us.

MR. BATTAGLIA: Yes, I'll be glad to, to prove what I am testifying to. I'd be glad to.

MEMBER OF AUDIENCE: We have a fellow that belonged to the National Guard who was intimidated and coerced.

ASSEMBLYMAN LA CORTE: If there are other witnesses who will testify along those lines, that would be fine.

BY ASSEMBLYMAN LA CORTE:

Q I want to ask this gentleman too, you will recall Mr. Morro mentioned favoritism and nepotism. I wonder whether Mr. Battaglia can testify as to the same. I am trying to get these complaints categorized into specific areas with specific instances.

A Well, I think to a certain extent I can as far as nepotism is concerned. I definitely think there is a case of it in the case of Mr. Cullinane and Mr. Larry Best, Mr. Larry Best being Mr. Cullinane's brother-in-law. I definitely don't think the man is qualified for the job.

Q Who is not qualified? A Mr. Best. I don't think Mr. Cullinane is for that matter.

Q Which positions do they hold? A Mr. Cullinane is the northern division supervisor of tolls and Mr. Larry Best is assistant section chief.

Q On tolls? A On tolls, northern division,

under Mr. John Cullinane.

Q So that I may get this again in proper perspective, this hearing concerns itself with the toll collectors and the maintenance men - anyone else in the Authority? A Well, that would be the only one that I would be able to testify to. Of course, I have definite proof as to my position on that and correspondence. In fact, that was the answer I got from the Governor on that one specific point, which I will be glad to leave.

ASSEMBLYMAN MC DERMOTT: Well, any further questions? [No response.] We can call some other witnesses.

Mr. Battaglia, are you through with your testimony? You are going to leave us this correspondence.

MR. BATTAGLIA: Can I bring a couple of more points up quickly?

ASSEMBLYMAN MC DERMOTT: Yes.

MR. BATTAGLIA: Can I request to be called back to the witness stand at a later date?

ASSEMBLYMAN MC DERMOTT: Right. That would be fine. We would like to get a couple of more witnesses.

MR. BATTAGLIA: All right. Just let me say, in violation of these valid documents that I mentioned before, the Authority has violated these documents in suspending and firing men without hearings. It's being done constantly. They are not isolated cases. They are being suspended and fired without hearings.

BY ASSEMBLYMAN DOREN:

Q What are some of them - for what reasons?

A A number of reasons and a number of cases which I will be glad to leave with you.

Q You will leave them. A Yes. Health hazard - I think we have gone through enough of that, but I just wanted to say this much: I want you people to know where we eat in the majority of interchanges. We eat off counting tables that we count our money on in rooms that are infested by ants and rats with rat poison all over the place and ant poison all over the place. I think the rest I am going to leave so that I can be better prepared at a later date.

ASSEMBLYMAN MC DERMOTT: Very good. Thank you very much, Mr. Battaglia.

ASSEMBLYMAN DOREN: You are going to leave that with the secretary.

ASSEMBLYMAN MC DERMOTT: Leave it with Mr. Alito.

Gentlemen, we are going to take a short five-minute break.

[Short recess.]

ASSEMBLYMAN MC DERMOTT: Gentlemen, we will have to conclude this hearing at 4:30 this afternoon, but we have scheduled another hearing and that hearing is scheduled for July 21st, beginning at ten o'clock, at the Middlesex County Court House, New Brunswick.

Mr. Doren will make arrangements with the Middlesex County Court House to secure a room.

MEMBER OF AUDIENCE: What happens when they come

out with these new policies? Do we have to wait another month before we get any hearing on it?

ASSEMBLYMAN MC DERMOTT: On your policy?

MEMBER OF AUDIENCE: The Turnpike is coming out with a new work policy.

ASSEMBLYMAN DOREN: We are in recess anyway.

ASSEMBLYMAN MC DERMOTT: You take that up through your representatives.

ASSEMBLYMAN DOREN: We don't go back in session until November.

ASSEMBLYMAN MC DERMOTT: You must take that up through your representatives. If they don't handle that, then you come back to this Committee and tell us your problem.

[Discussion off the record.]

ASSEMBLYMAN MC DERMOTT: Is Mr. Lewis Newman still here?

L E W I S N E W M A N, J. R., testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q Mr. Newman, what is your full name?

A Lewis Daniel Newman, Jr.

Q How many years have you been an employee of the Turnpike? A Five and one-half years.

Q What is your position? A Maintenance man.

Q Will you please tell us --

BY ASSEMBLYMAN DOREN:

Q Where are you from? A Bordentown, New Jersey, Burlington County.

[Mr. Newman continuing] Well, this happened while I was in toll. It was due to my military obligations in the National Guard.

Q What date approximately are you referring to?

A I guess it would be in 1960.

Q What month? A I couldn't say what month - all year long. I was supposed to attend weekend drills and I was docked my pay and I was court martialed due to the fact they told me I had to be at work and I had to forget the Guard.

BY ASSEMBLYMAN MC DERMOTT:

Q Didn't you notify them in advance that you were going to be absent? A Yes, sir, and they told me it didn't make any difference. I had to come to work first.

BY ASSEMBLYMAN DOREN:

Q What is that, a weekly affair? A Monday nights and one weekend a month.

BY ASSEMBLYMAN MC DERMOTT:

Q What do you mean you were court martialed, by the Army? A Yes, sir. They said the National Guard come first and I was supposed to be at the drills and after so many drills, you get court martialed.

Q You mean, you went to work instead of going to the drills? A Yes, sir.

Q And you were court martialed? A Yes, sir.

Q Did you explain to the National Guard?

A Yes, I did. I was still court martialed.

Q Did you make this a matter of grievance with the Turnpike? A Yes, I did.

Q What happened? A Nothing.

Q Well, did it go through any grievance steps?

A Frank Morro handled it for me. One other thing - I was injured in 1963 at Camp Drum. I was taken off the payroll and not given pay for two weeks.

BY ASSEMBLYMAN DOREN:

Q Were you working the two weeks? A No, sir, I didn't work at all.

BY ASSEMBLYMAN MC DERMOTT:

Q Are you through with your military obligation now? A Yes, sir, after I transferred into maintenance. They continued to harass me all along and they kept telling me my hat was on wrong under the point system - something like that - my hat was on wrong - I didn't measure up to the supervisor's standards.

BY ASSEMBLYMAN LA CORTE:

Q Were you a member of the National Guard before you took the job? A Yes, sir.

Q Did you tell your employer at that time when you took the job that you were a member of the National Guard? A Yes, sir.

Q Did you tell them at that time that there would be times when you would have to attend National Guard duty? A Yes, sir.

Q [Continuing] -- and that it would require your being absent from work? A Yes, I did, sir.

Q What did he tell you? A He said, "We'll see what we can do when the time comes up."

Q Did you ever go back to see him? A I went to the section supervisor, Costello. Of course, he is retired from the Turnpike now.

Q What did he say? A He said there was nothing he could do. He said I have to come into work or lose the day's pay or come to work and get court martialed.

BY ASSEMBLYMAN MC DERMOTT:

Q How did you get your job on the Turnpike?

A Through Congressman Edward Koenig.

Q That's Assemblyman Koenig.

BY ASSEMBLYMAN DOREN:

Q Following that thought - when you first went to work for them - that was five and one-half years ago - when was the first time that you had to leave work to go to the National Guard and was it a work day? A Yes, it was a work day. It was a Monday.

Q Did they say anything about it then? A They wouldn't let me off; I had to come to work. I missed a drill.

Q What about the next time? A I was scheduled from three to eleven and I missed a drill again.

Q Then when were you court martialed? Was it as a result of those two absences? A No, sir. This went on for quite a few years. I kept telling them at the Guard what was happening. They said, all right, they was going to go along with me for a while and see if we could get it straightened out. After a while, being it didn't get straightened out, they just court martialed me down in Camden, New Jersey.

BY ASSEMBLYMAN MC DERMOTT:

Q Did you get a dishonorable discharge?

A No, sir.

Q What happened? A To tell you the truth

I was a Pfc and I ended coming out a recruit at six months.

BY ASSEMBLYMAN DOREN:

Q You were lucky. A Yes, sir.

MR. BATTAGLIA: Mr. Chairman, may I add something very pertinent to this testimony in accordance with our agreement?

ASSEMBLYMAN MC DERMOTT: What does it say?

MR. BATTAGLIA: It says: "Excused absence is any absence having Authority approval. Absences with pay shall include the following:" And number five says, "Military field training as a member of the Armed Forces of the United States, National Guard or other New Jersey State Guard."

ASSEMBLYMAN MC DERMOTT: What article?

MR. BATTAGLIA: Article F, Paragraph 5.

ASSEMBLYMAN DOREN: When was that in effect?

MR. BATTAGLIA: It's still in effect.

ASSEMBLYMAN DOREN: When was it first in effect, what year?

MR. BATTAGLIA: 1960. This is still in effect.

ASSEMBLYMAN LA CORTE: Mr. Battaglia, are you saying that that agreement was in effect at the time that Mr. Newman is testifying to?

MR. BATTAGLIA: Right, sir, and I am saying this

is another one of their violations.

BY ASSEMBLYMAN DOREN:

Q Did you go to grievance? A Yes, I did, sir.

Q What happened? A I was put on probation by the Turnpike. I was charged - like they say, the point system - I was charged each day I was sick or hurt at Camp Drum. I was charged with a total of 30 days, the two weeks that I had the field training plus the two weeks after I come back and I was injured. I brought in a doctor's excuse and everything.

Q Every other week, you'd have to go for a weekend. Is that right? A Sometimes only maybe once a month or one month you might have four Monday night drills.

Q Four Monday night drills. That would be four days plus a weekend? A Occasionally. A year before I got out, it was one weekend a month.

BY ASSEMBLYMAN MC DERMOTT:

Q Do you have any other incidents that you want to tell this Committee about? A Yes, sir. Now there is this TA 60 form you fill out. If you make a writing error of \$50 or more you lose a day's pay even though all the money is accounted for, which I think is quite unfair.

BY ASSEMBLYMAN LA CORTE:

Q What is a TA 60? A That's a form you make out for your deposits.

MEMBER OF AUDIENCE: It's called an unusual occurrence.

Q That's the UO that Mr. Battaglia testified to? A It's a bank deposit slip. If you make just a writing error, you lose a day's pay.

BY ASSEMBLYMAN MC DERMOTT:

Q You mean, in addition? A That's right, sir.

MR. BATTAGLIA: That has just been recently rescinded.

ASSEMBLYMAN DOREN: Then we now have no problem with that one.

ASSEMBLYMAN MC DERMOTT: So that one has been taken care of.

MR. BATTAGLIA: Through this investigation, I might add.

Q Do you have any other incidents that you want to tell us about? A I was harassed through the whole time. They put me on probation just before I come in the Maintenance and they didn't notify me until about two o'clock at night while I was on this 3 A and they told me about twelve o'clock Midnight that I was transferred into Maintenance the following day.

BY ASSEMBLYMAN DOREN:

Q Well, what were the points for? A Well, for being sick. That's about it. I had 28 days and that was enough to put me over.

BY ASSEMBLYMAN MC DERMOTT:

Q Let me get this clear in my mind. Did you get points for being out ill because of an injury you suffered on National Guard drill? A Yes, sir.

MR. BATTAGLIA: He went away two weeks up at Camp Drum and he got hurt.

THE WITNESS: Also I come in contact with a baby

that had meningitis and they sent me home. They said they didn't know whether they were going to pay me and I wish they did, but yet they charged me with the four days.

Q They sent you home? A Yes, they sent me home and they still charged me with the four days.

BY ASSEMBLYMAN LA CORTE:

Q Why did they send you home? A Because they didn't know whether I could be contagious or not by being in contact with a baby that had meningitis.

Q They charged you with four days? A Yes, sir, against my record.

Q They charged you points? A Yes, sir.

Q Did they dock you in pay too? A No, sir.

BY ASSEMBLYMAN MC DERMOTT:

Q Anything further, Mr. Newman? A The only reason I was transferred into Maintenance was because I dropped my grievance against the Turnpike. They said if I dropped the grievance, they would transfer me into Maintenance, otherwise I would be dismissed from the Turnpike Authority.

Q You were transferred to Maintenance for dropping your grievance? A Yes, sir.

Q Did you want this transfer? A Yes, sir, I had put in for it after a year on the Turnpike. But they told me I was a good collector at the time.

BY ASSEMBLYMAN DOREN:

Q You wanted to go into maintenance? A Yes, sir.

Q You knew though you would take a loss in pay?

A Yes, sir.

Q Any particular reason? A Because of the National Guard, sir.

Q Is that all day work in Maintenance?

A Yes, sir, all day work.

Q They don't have a night shift on Maintenance?

A No, not yet.

ASSEMBLYMAN MC DERMOTT: Any further questions?

[No response.]

Thank you very much, Mr. Newman.

The next gentleman is Ralph Mattiello.

R A L P H M A T T I E L L O, testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q State your name, please. A Ralph Mattiello, Division of Tolls, Toll Collector.

Q How long have you been employed by the Turnpike?

A Five years.

Q And what is your specific complaint? A Well, most of the things that I had wanted to submit were covered by my colleagues, my co-workers, and pretty well too, just the way I would have submitted them.

BY ASSEMBLYMAN DOREN:

Q Do you have anything additional? A Oh, yes. That is why I am sitting here, sir. First of all, accusation of a toll collector - that's any toll collector.

Q I'm afraid I don't understand. A But personally mine.

Q Accusation of a toll collector? A Yes, but

personally mine. I received a letter from the Turnpike, not in the mail - one of these letters that was submitted to the Turnpike from a patron who claims he was short-changed. Now we don't keep these copies because they have to be returned to the Authority. Now this was May 19, 1963. The contents of that letter were: "I entered Interchange 4 with a tandem truck tractor-trailer, exited at Exit 14," - correction, Exit 11. "I gave the toll collector a five dollar bill. The toll was \$1.90. I received ten cents change. When you check your day's receipts with this collector, naturally the collector's number is on the receipt. I would appreciate you sending me my \$3 reimbursement." Now when I read this letter - it's the first time I am reading it - in the right corner on the bottom of the letter is a little statement, "Check this man's record - 55 cents short for that day." Everything was fine until I read the little inscription in the lefthand corner on the top. The letter from the patron seems authentic. Something smells here. Gentlemen, I trembled when I read that. That was a direct accusation that I actually took the money. Possibly I did without knowledge and he was short-changed. But most likely I did not.

BY ASSEMBLYMAN DOREN:

Q Wouldn't it have shown in the receipts that you were over? A As I said before at the bottom right-hand corner was an inscription that my day's receipts showed 55 cents short for the day.

Q Where it should have shown \$3 over? A It should have shown \$3 over if my day's receipts were correct for

the day, but I was 55 cents short. In other words, I had an error of 55 cents toward that day. That was a terrible thing. I didn't like that at all. That was two years ago.

Q What happened? A Nothing. They never said to me whether they sent him the money.

Q No action was taken against you? A No action was taken. But what I am trying to bring out, the first time I am reading this letter, these inscriptions were on it. I wouldn't mind if they approached me with the letter first and then put the inscriptions on later. But with the inscriptions on, that was terrible.

BY ASSEMBLYMAN LA CORTE:

Q How did you get the letter? Was it in an envelop?
A No, through one of the supervisors.

Q Did the supervisor discuss this with you at all?
A No, he didn't. He just handed it to me and said, "Sign it."

Q Sign what? A The letter - one of the copies.

Q In other words, you signed that you had received the letter?
A That's right, that I had read the letter.

Q Was there any request directed to you for comments on the letter?
A No.

Q Did you tell the supervisor what happened or that you recalled the incident or didn't recall any incident?

A I told him that very same day. Naturally after I read it about five times, I said, "What are these inscriptions on here?" He said, "Don't bother with them. They don't mean nothing."

Q Were you docked points for this? A Oh, no, not that I know of.

BY ASSEMBLYMAN DOREN:

Q They believed you? A No.

Q Nothing was done? A No, they didn't believe me. Evidently they believed the patron with that little inscription in the lefthand corner on the right - the lefthand corner on top.

Q Why should you feel so badly? It was investigated and nothing was done about it. Apparently they believed you.

A It was the manner in which they approached me with the letter. That's what I don't like. And it must have happened to other collectors.

BY ASSEMBLYMAN MC DERMOTT:

Q Do you have anything further? A Yes, sir.

Now we have our rating system the first six months, then every year after until four years when your full time is up - you get the full rating - your full increment. My two-year rating, everything went fine as far as appearance, errors, this and that, until it came to turning over the sheet and it says, "Mattiello, you are having poor cooperation with the Turnpike." I says, "Why?" I says, "I never used profanity to any supervisor. I never yelled at them. I never said no to them. I just said yes to them." "Oh, yes, you did. You refused overtime." Now I got marks for poor cooperation because I refused overtime. I feel 40 hours a week is my sufficient time to put in and if I feel I want to put 40 hours in or more, it is to my discretion.

BY ASSEMBLYMAN DOREN:

Q Even though it is an emergency? A Even though it's an emergency.

BY ASSEMBLYMAN LA CORTE:

Q Do you have another job? A Oh, no.

Q This is the only job you have? A I feel 40 hours a week is enough for anybody.

Q You have just this job as toll collector, no other job? A No, no other job.

Q No other income? A No. But we do need more money so those who have two jobs don't have to work two jobs.

Q Well, it is pretty difficult to have two jobs with this shift work, isn't it? A Sure it is, but some have to do it to compensate for their needs.

BY ASSEMBLYMAN MC DERMOTT:

Q Anything further, Mr. Mattiello? A Like I said before, everything else was covered, just those two items.

ASSEMBLYMAN MC DERMOTT: Very good. Thank you very much, Mr. Mattiello. I appreciate that.

Gentlemen, we are going to close this hearing now as I announced a half hour ago. Our next hearing will be July 21st at the Middlesex County Court House and those of you who weren't able to testify today, including Mr. Frank Morro, whose testimony was only given in part, we would appreciate your attending at that time. The hearing will commence at ten o'clock in the morning.

MR. BALAZA: I'd like to ask one question. I have

taken a day off without pay to testify. I can't afford to take another day off without pay to testify because I have a family to support.

[Discussion off the record.]

ASSEMBLYMAN MC DERMOTT: All right. We will hear you now.

C H A R L E S B A L A Z A, testified as follows:

BY ASSEMBLYMAN MC DERMOTT:

Q What's your name, sir? A Charles Balaza.

Q How long have you been employed by the Turnpike?

A Approximately three years.

Q What is your job? A Maintenance man.

Q What is your specific complaint? A Well, right at present what I'd like to bring out is a few factors on safety plus working conditions. Number one, I'd like to bring out, at present I'm sandblasting and spray painting and we have asked, the man I'm working with now - I've personally asked the supervisors if they can get us new equipment, such as a new mask because the one we have now is like a Mickey Mouse mask. When you put it on, all the sand comes underneath the hood. And incidentally we have a face mask that we put on ourselves to keep from inhaling the dust. Now as far as putting goggles on, we try to put goggles on also even though we have this Mickey Mouse mask to prevent the sand from coming into our eyes. So far the only thing we have gotten - I should say, I have gotten - was nothing but a promise. Although the job is dirty, I am not complaining about that. I'm willing to

do the work. And I have asked for some glasses. Now I might get nailed on this. But I have brought eye pieces here which are distorted. Now I have complained about this and, if you gentlemen will take a look at it --

Q Were these taken from actual equipment that you work with?

A This is actual equipment, a slide that you put in for the glass to keep the sand from getting into your eyes. These glasses are distorted. Take a look at them. They give you a terrific headache. I feel like a dope addict by taking aspirins. I have complained about this, but to no avail. The only thing I got was a promise. Now they may get a new mask in first. I don't know.

Q Are these lenses removable? A Yes, sir, they are.

Q And how frequently do they replace them?

A That depends on how much sand hits the glasses.

BY ASSEMBLYMAN DOREN:

Q Don't you request the new item when it gets to a point that it is affecting you? A Yes, sir. This I have done. The only thing I have been getting is a promise.

Q You have three there. Where did you get them?

A These three, which are supposed to be good items - I am willing to show you so you can take a look and see how distorted they are.

Q Were they ever used? A No. These were not in use.

Q And they are still distorted? A You can see the waves in them.

BY ASSEMBLYMAN MC DERMOTT:

Q Who are they purchased from? A I don't know who they are purchased from. Now the few scratches on them, most likely I have done myself. But the point I want to bring out is how distorted they are.

Q You don't know who supplies the safety equipment?

MEMBER OF AUDIENCE: I made a few of them.

ASSEMBLYMAN MC DERMOTT: Did you make these yourself?

MEMBER OF AUDIENCE: Not those right here. I believe they were made by the carpenter shop, but I have made some of them - whatever I could find out of the junk pile.

ASSEMBLYMAN MC DERMOTT: You mean there are sheets of plastic that are available?

MEMBER OF AUDIENCE: Just old scrap, anywhere we can find it. We have had that problem years ago sand-blasting and the State safety inspector stopped it. So now they started it up again, I guess without their knowledge.

ASSEMBLYMAN MC DERMOTT: Have you told the State Department of Labor about this?

MEMBER OF AUDIENCE: I am not on it any more. It didn't do any good anyway.

Q Did you? A No, sir. I felt if I have any kicks about any job, it is up to me to go to my superior.

Q Who did you ask? A I mentioned this to Mr. George Hondanish.

Q Who is he? A -- who was my foreman.

Q He is your foreman? A Yes.

Q You asked George Hondanish for new lenses and a new mask and what did he tell you? A Well, it's on order. Even with the mask that we have, I said, "Well, how about the glass itself so there is nothing to distort your eyes?"

Q How long ago did you ask him for this? A Well, from the time we were working.

Q Approximately? A Well, this year, when we started, I don't know. I'd say about a couple of months ago or somewhere around there.

ASSEMBLYMAN LA CORTE: Approximately?

BY ASSEMBLYMAN DOREN:

Q How many times have you asked him and not gotten any response? A Well, it's hard to say how many times I have asked him because whenever I talk to the man, he don't want to know nothing. But I'm keeping calm with him. But the thing is this - I'm getting sick from the thing - mentally - it hurts the eyes.

Now another thing as far as safety is concerned - during several snow storms which we have had - this has happened to me - and I've been on the road for quite a few hours, how many hours I don't recall, but I was so tired after working all day and all night and I was told by a foreman to make another run from mile 57 down to mile 69 and back on the shoulders.

Q When was this? A In '63 I think it was, somewhere around there if I recall correctly.

Q Has it occurred since '63? A Oh, yes. I'm

getting to this. Now what I'd like to bring out is this: I told the foreman - I said, "Pat - Mr. Sweeney - I'm very tired. I doubt if I can keep my eyes open and I'm afraid I may hit somebody." He says, "Oh, you look in pretty good shape. Make another run." So being new on the job, I wasn't there to make any impression. I just wanted to get along and I done everything I possibly could to get along with these people. And as I made this trip going down the Turnpike twice - on different occasions going down, I near ran into several different vehicles, and coming back on the southbound lane - oh, incidentally I was going northbound when I nearly run into the vehicles - coming back on the southbound lane, I near run off the ditch about once or twice and also near went into a vehicle.

Q Was it raining or snowing at the time? A No. It was pretty clear. He just wanted a touchup - touchup the shoulders, just clean them up.

Q Was this day or night? A This was in the daytime. I'll say in the morning if I'm not mistaken - between 10 or 11, somewhere around there. So when I finally seen him down at the interchange at Hightstown I said, "Pat, I'm not going to continue any more than what I have to right now. I'm going in the yard and I'm going to knock off because I can't see jeopardizing my life or the lives of the others on this road." So he kind of surprised me. He said, "O.K., Charlie. Take off."

Now the next occasion, I believe, was this last snow storm we had. We worked, if I'm not mistaken, about 18 hours, maybe a little more or a little less - I don't recall. After working all these hours, everything was pretty clear. I

pulled over to one side in the service area and I more or less laid down to get a little rest. Who opened the door no sooner I laid down, but Mr. Hondanish. He said, "What are you doing laying down?" I said, "I'm resting. I'm very tired. I can hardly keep my eyes open." He said, "Well, gee, what's going to happen if some of the big wheels come down?" I said, "I'm not interested in any big wheels. I'm interested in my safety and the others on the road." So this didn't go over big with him. And as far as work is concerned, now where it was originated, I don't know, but it did come from the office right where I work at District 3 - we were known, myself and two others were known as the Gold Dust twins. If you want a dirty job done, a hard job done, get the Polocks over there - get Charlie. Now I don't mind work and I've worked. I feel if I work for a man, I work for him whether I like him or dislike him and personally if I dislike the man, I still work for him. But this same man - I am referring to Mr. Hondanish - I tried to work with this man to a great extent and every time I tried to work for him to put out -- I'm not looking for no flowers. But the thing is - he is never satisfied with what I do. Now if anybody else has any complaints, let them speak for themselves.

BY ASSEMBLYMAN MC DERMOTT:

Q Do you have anything further, Mr. Balaza?

A Well, I'll just drop it there. I think I have said enough.

BY ASSEMBLYMAN DOREN:

Q If you have anything else, go ahead. A Yes, I have one right here. I don't know if I was held over or

called in - it was a rainy, wintery day. Rain had covered the road and formed ice over it.

Q When was this approximately? A I think it was this last season. I don't know whether it was '63 or '64. I don't remember. But I do remember what happened. There were four men left behind on this job. There was myself, a fellow by the name of Franco, Stillwell and Lockwood. We were sent down near - what do they call it now - Interchange 6, down near the extension. There are quite a few intersections there. Franco and I, we went out on the road sanding these roads. And during this day - well, Franco was driving and I was on top of the truck and it was very, very cold. Not realizing that my back was exposed, I was getting a draft there - this was taking place now. So we sanded the roads down and when we came back to the shop we asked the foreman, if I am not mistaken again I think it was Mr. Hondanish - and who was in the shop but these two other fellows. They are watching TV. I'm under the impression that they were taking the next run of sand down and give us a little break and let them go on down to Interchange 8 and sand down that area, the ramps. But instead, we were told to put some calcium lotion or whatever it is, this chemical into the sand. This is inside of the shop. I am working on these heaters and I come up with a sweat. Instead of staying back and resting a little bit, once again Mr. Franco and myself were sent out down to Interchange 8. What took place? The next day I tried to get up out of bed. I laid flat back on my back. So I was out of work for about two or three days - I don't remember. Now I'd been to the doctor and it's good to bring a doctor's slip

in. I found this out later. Now how true this is, I don't know. But if you bring in a doctor's slip, this more or less clears you of any goofing off, if that's the term you want to use. But instead nothing was said. I was out many times sick and I could have proved this by a doctor's slip and it doesn't count against you. But I was never told anything about this.

But the main thing is - what I'm trying to bring out is: Why should two men stay behind and the other two men are out there working?

Q You mean if you get a doctor's certificate, you get no points? A No, we don't work on the point system in Maintenance.

Q You don't work on the point system? A Not that I know of, sir. But as far as records is concerned, I understand something about a record, if you have a doctor's slip, that this shows that you are not trying to goof off.

BY ASSEMBLYMAN MC DERMOTT:

Q Anything further, Mr. Balaza? A Well, this was told to me - I believe there is a man right here right now and a friend of mine also down in the shop - he's not present here - but it was mentioned by the same foreman if you are not in the clique --

BY ASSEMBLYMAN DOREN:

Q Who is the foreman? A Mr. Hondanish.

BY ASSEMBLYMAN MC DERMOTT:

Q What's the clique consist of? A I don't know, sir. It's beyond me. I mean, I'm there to work for the man

and I appreciate the job that these people have given me. Where is a man 40 years of age - I'm 44 right now - I had a hard time getting a job after I retired from the service. I was fortunate to get a job with these people. I appreciate them giving me a job, but I don't believe in being stepped on, not when you are trying to work for a man.

BY ASSEMBLYMAN DOREN:

Q Did you ever go above Hondanish to complain?

A I am sure Mr. Casey might have known about it.

Q Did you ever go above your supervisor? A I don't like to complain to anybody higher because I don't know whether it would do any good or not. This - I believe I may have been in error. I believe if it was taken up some place that something would be done. But I like to keep it to myself.

BY ASSEMBLYMAN LA CORTE:

Q When you men in the Maintenance Department work long hours as a result of a snow storm, are you given credit in the future for the time spent in working these hours?

A Not that I know of.

Q Do you receive time and a half pay? A Well, the way it is worked here. Our work day starts at eight o'clock in the morning and ends at 4:30. If an emergency should arise, from 4:30 on till eight o'clock the following morning - at eight o'clock - that you get paid time and a half. Am I correct in that?

MEMBER OF AUDIENCE: Right.

[Witness continuing] But right after that when eight o'clock

comes, from eight o'clock to 4:30 again, you get straight time, see.

ASSEMBLYMAN DOREN: O.K. Thank you.

ASSEMBLYMAN MC DERMOTT: Thank you very much.

The meeting is concluded.

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