

P U B L I C H E A R I N G

before

SENATE INSTITUTIONS & WELFARE COMMITTEE
Re: Correction Officers - Salaries, etc.

Held:
August 14, 1968
Assembly Chamber
State House
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

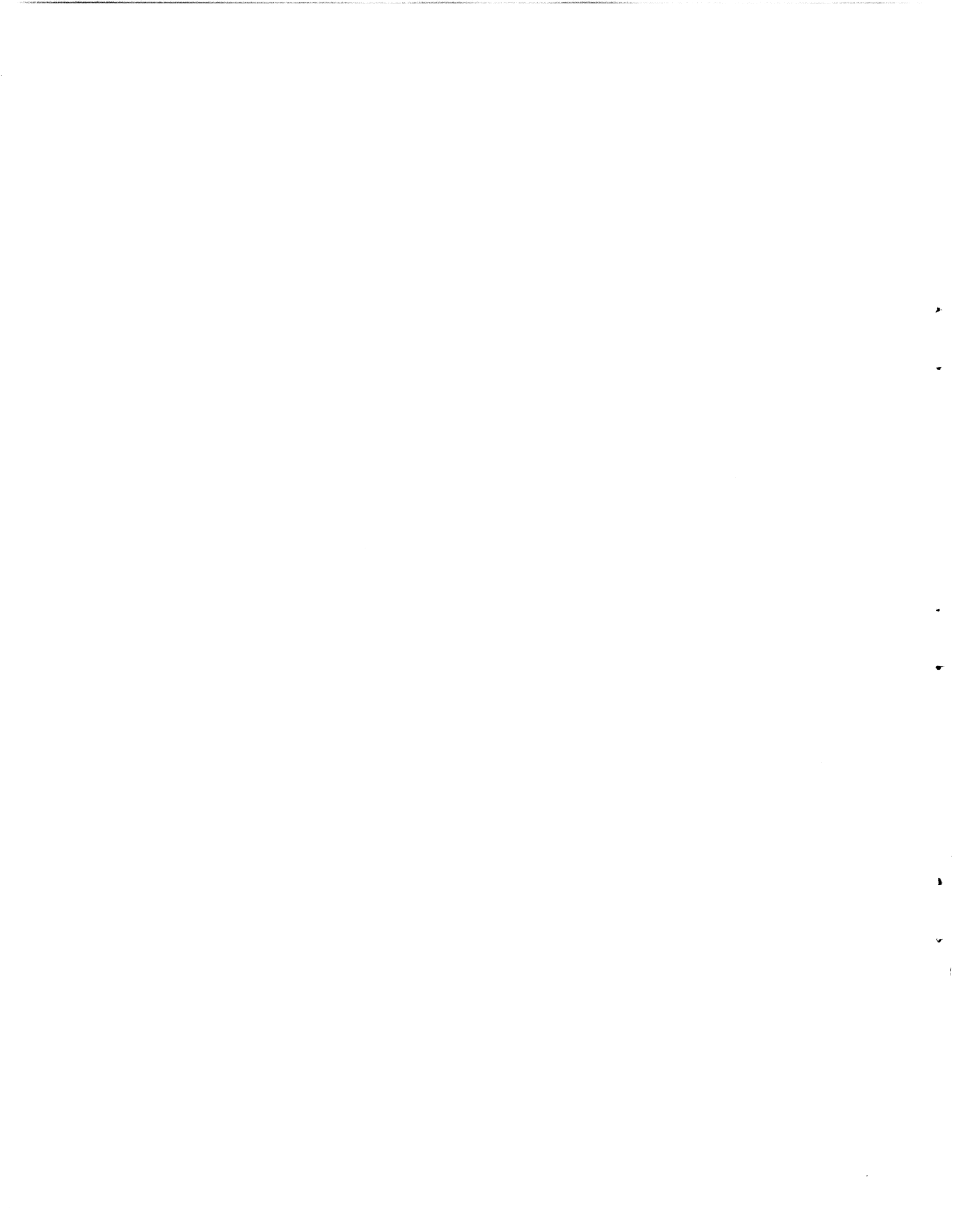
Senator Joseph J. Maraziti (Chairman)

Senator Garrett W. Hagedorn

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SENATOR JOSEPH J. MARAZITI [Chairman]: The meeting of the Senate Institutions Committee will come to order. Let the record show that there are present Senator Hagedorn and Chairman Maraziti. I have received word from a number of members of the Institutions Committee that they will not be able to attend because of vacation plans and other commitments. I realize that the month of August is not the best time to call a meeting of the Institutions Committee or any other Committee of the Legislature, but nevertheless it was important that we schedule this meeting because of the urgency of the situation.

Before calling on anyone to present his position, I would like to briefly go into the background that brought about the meeting here this afternoon. Several weeks ago approximately one-third of the prison guards in the State of New Jersey did not report to work for several days on the pretense that they were ill and could not report in. The Institutions Committee of the Senate felt that a very serious situation was created in the State and that something should be done. I communicated with the representative of the guards, Mr. John Scott, their attorney, and stated that the guards should return to work immediately and if they did not a meeting of the Committee would be called to inquire into whether or not the guards justifiably refrained from reporting for work because of illness. If they were genuinely ill, of course, nothing would be done. But if they were not ill and could not prove they were ill, the Institutions Committee could very well recommend permanent

discharge from the State service.

I did say to Mr. Scott that if they did return to work immediately, as they should, because there is no provision in the law permitting them to strike - it is against the law and against their oath - that I would certainly call a meeting of the Institutions Committee to listen to their position and consider it. I am very happy to report that we received full cooperation from Mr. Scott and from the guards. He reported to them and they consented to return to work and immediately began to report for duty.

So we have this afternoon a meeting of the Institutions Committee. The purpose of the meeting is to hear what the guards would like to tell us about whatever their position is. We also have here representatives from the Institutions Department and representatives from the Civil Service Department.

At this time I would like to ask Mr. John Scott if he could step forward to the desk in front here. You may proceed, Mr. Scott, and address the Committee as you see fit. You may read from notes, refer to notes, ad lib, or whatever is convenient for you.

J O H N S C O T T: Well, Senator, first, on behalf of my clients I want to thank you and the other member of your Committee for appearing here today to take time from your busy routine to listen to the problems that face my clients and also affect some of your constituents throughout the State.

Gentlemen, we are here today basically for two reasons,

one of which is to ask your indulgence to consider our request for an increase in salary. We have heretofore received a five per cent increase and we are here, gentlemen, because we feel on the merits of our case that we are entitled to a ten per cent increase. In relation to that, we say two things - one, and the least important, is that we were guaranteed this, we were assured, we were promised. I say "we," and I mean my clients and representatives of the various institutions were assured by the representatives of Civil Service that they would get a ten per cent increase. This was two days before the salaries were announced, and on announcement of the salaries we find they were only getting a five per cent increase, which was implemented in July.

As I have indicated, gentlemen, Senators, that is the least important - the fact we were assured we would get it.

Now just by way of clarification and to point out some of the background and the problems that confronted my clients, I think you gentlemen can appreciate that whenever a group or an individual is assured or promised something by someone in a representative capacity and the promises are not carried out, they have a feeling of bitterness, a feeling of betrayal; and such was the case here.

Now, more importantly, Senators, the reason why the men are entitled to the five per cent, notwithstanding the fact they were promised it by people in authority, is the fact that on the merits of their job and on the merits of comparable positions that are evaluated, they are obviously, in my judgment, entitled to it.

Now there are a few comments that I could make about a salary increase, gentlemen. It may seem somewhat trite, because I guess everyone says the same thing. For example, the cost of living goes up. Well, we all know this, and I am just repeating it for purposes of the record. It is true, however, that prices are going up. The other is the tax surcharge. It may not be of consequence to the Senators individually; it may not be of consequence to me, but let me assure you that to the men making six thousand dollars a year it is of consequence.

When we met, Dr. McCorkle had an interesting observation on this, and I don't mean this in a disparaging way. When the tax surcharge was mentioned to him, he said wryly that after all, gentlemen, I have to pay the tax surcharge and I don't get an increase. Well, that's true. But, gentlemen, when you are talking about men who make six thousand dollars and men who are perhaps in an executive capacity, the difference in the money they have to pay out is not for luxuries but for, as one guard put it, bread on the table. So here very definitely the cost of living, together with the tax surcharge, bite in to the take-home pay that these men have available to them and to their family.

We feel, Senators, that the job of the correction officer - and note they have been referred to as guards, and this is a change in concept and we would like to think that their pay scale would reflect a changing concept. They are not guards; they are not turnscrews, or turnkeys, or any other of a number of slang expressions. They are correction officers with an eye toward rehabilitation of the people who have been

placed in their charge.

I was interested, Senators, in going over the handbook of information and rules for the correction officers in the State of New Jersey. I am going to make this available to you and I am not going to quote at length from it; in fact, I'm probably not going to quote at all, so I won't bore you. It is put out by the Department of Institutions and Agencies and, gentlemen, it has in it some very fine language, some very high goals and purposes, and I think in reading this you will see, at least on the basis of what the Department would like to get, that a correction officer certainly is a dedicated or should be a dedicated and a trained, skilled individual. They are not just someone watching people in lockup.

Gentlemen, on the one hand this is the ultimate and the ideal. Unfortunately, the pay scale does not measure up to the ideal person that the Department would like to get.

So we ask your indulgence, gentlemen, in considering that these men are not guards, that they do perform a function - that they do perform a function of rehabilitation, that it takes integrity and courage, and a lot of other adjectives, but they are meaningful adjectives, because they are not, as you so often see in the movies, just fellows standing around idly while the present population proceeds with their daily life. They set examples for the men, and through their good example and sound discipline and rapport with the inmates they will rehabilitate, we hope, an increasingly large per cent.

Gentlemen, in an effort to evaluate the position of the guards and not just as a lawyer representing their interests,

I tried to evaluate some of the things they do each day. I've gone through the manuals and determined their practices and procedures and if you would, for a moment, just reflect with me some of the problems that they have: They are constantly on the alert. This is their job. They are constantly under threat of grievous personal injury to themselves, not only threats, Senators, but this comes to fruition too frequently. I'm not going to go through each and every assault but I'm going to say, gentlemen, that the number of assaults in the various institutions and the degrees of these assaults make the job of a correction officer in New Jersey an ultra-hazardous position. They are constantly being assaulted and I don't mean pushed and shoved. They are constantly being degraded. Now, let's be specific about what we mean by that. These officers who have in their charge people who have been committed for rehabilitation after having been adjudged guilty of a particular crime and sentenced pursuant to our court structure. Within the population of each and every prison, Senators, there are the most incorrigible, the most anti-social people found in our society; we hope, with time, a diminishing number. But the fact is, gentlemen, there is this hard-core group in most of the institutions that presents serious problems for the correction officers.

Let's be specific: I have before me a list of incidents totaling 285 between January 1 of 1968 and July 10th of this year, incidents at Bordentown involving inmates. They are replete with a discription of what went on, abuse to officers, destruction of State property, throwing of urine on the officers, and this has become the password lately for several of the

institutions. This degradation that people many times in maximum security who have nothing to lose - no further discipline in some cases, and in other cases their time in the hole as is indicated or their segregation is continued - this degradation goes on daily and, as we sit here now, is going on in Bordentown, because this is a big thing in Bordentown, to get a receptacle of urine or other excrement and throw it in the face of the officer. This is the degradation that is endured daily by the correction officers.

Now when things get a little more wild for the inmates, and I am talking now of the hostile, anti-social element, the element that makes the job of these men so very, very difficult, they take to assault, kick, beat, and maim the officers. I am not talking about isolated cases, gentlemen, because included in the 285 incidents I have referred to, we have got numerous assaults upon officers.

Report No. 18 here, Jerome Russell. He shoved an officer, "abuse to an officer." No movies for a couple of weeks on him.

Report No. 33 here, George Hubigus - "Abuse to an officer; threatened an officer; attacked an officer." He was segregated for a month as a result of that.

Then we get down to Report No. 100, "attacked an officer" - John Lane - two weeks in segregation.

Report No. 124 - "refused an order; refused another order; struck an officer," - confined to cell 5 days.

Report No. 145 - "punched an officer," etc.

These, of course, gentlemen, are assaults and injuries have resulted. In recent cases in some of the institutions we

have had serious injuries. We had a man recently at Rahway who, while sitting at a table in a mess-hall for officers, was struck in the eye by an inmate, sustaining permanent damage to his eye and 22 stitches in his face. He was sitting there.

We have had other people - Mr. Ralph Davis, presently in the death house in Trenton, stabbed an officer in the eye with a pencil - again, permanent damage.

We are not talking, gentlemen, just about pushing and shoving. There are numerous fights at the institutions and whenever the officers get involved there, they always get hit but they don't report it as an assault, because the two particular inmates are coralled and charged with fighting and it goes on their record, notwithstanding the fact that the officers trying to break up the melee are injured themselves. In fact there's an officer here today, gentlemen, who some years back was involved in that situation and sustained a cracked rib. There is presently pending an investigation, or at least there should be an investigation if there is not one under way right now, into the death of a correction officer within the last few months at Leesburg. He had his head bashed in during the evening and he died.

We are not talking, gentlemen, about isolated assaults. We are talking about assaults that are continuous and with a greater number and a greater degree of severity. Each and every day that these men go into work, Senators, they face the prospect of an assault upon them that will maim them, disable them, or in fact kill them.

I would ask your indulgence when you consider the type of

man and the high calibre that the handbook calls for and I am sure that Doctor McCorkle would like to hire. We have no question about his policy here. We are in complete agreement insofar as the dedication that should be that of a correction officer. What we have on the one hand, however, is a high-sounding purpose and a lot of things that say that the correction officer should really be a super person, but on the other hand we've got assaults, degradation and debauchery thrust upon these men. It's not easy, gentlemen, to be told that you should be dedicated and you should have purpose and should have courage and you shouldn't do this and you shouldn't do that, and then go in and be assaulted and spat upon and have abuse thrust upon you.

I am not going to get into the disciplining of the various inmates for the assaults that were committed upon the officers because that is a matter of policy and it is not our determination here to question policy per se. I highlight this, gentlemen, to show you that each and every day the correction officer walks in and puts his uniform on, he is not just there putting in time. He is putting his life and his very person right on the line.

When we compare the salaries with some of the other people who are civil service employees and, take for example, correction officers, and I'll have more to say about them later, or State troopers, we realize that the problem of the correction officer is so poignant because they are with their problem every day, every minute. I recognize the State troopers have a hazardous position, particularly because of traffic. They

are killed by psychopaths who roam the State, etc., but they are not submitted daily, hourly, and each minute, to the same degradation that the correction officers are. I seldom have heard of anyone abusing a State police officer and getting away with it. Many, many times, unfortunately so, the correction officers have the abuse heaped upon them and, for one reason or another, they have to take it.

Now, gentlemen, our request for the additional five per cent - and that's what we are asking for; we don't think that's unreasonable - that's not going to solve the problem of what's going on in the prison, and I don't mean to indicate to you that it will. But certainly it's going to more adequately and more justly compensate these men for the ultra-hazardous occupation that they are engaged in.

Now we've met with Doctor McCorkle and we've met with Mr. Farrell from Civil Service, and we have asked the specific question, assuming all other barriers were cleared, is there money available? And we got the answer in both cases, "We don't know." We recognize, gentlemen, that the complexities and the size of the budget we are dealing with might not be able to have an answer rendered immediately, but we certainly feel that somewhere along the line somebody should know whether there's money or not. I mean, if it takes an accountant, we should have an accountant to check this. We certainly feel that the department heads entrusted with spending the State's money should at some point be in a position to say to us, "There is no money," or "There is."

In connection with that, I note that the State Treasury

Department disclosed on Monday of this week that there was a sixty million dollar surplus from the current budget. Sixty million dollars, gentlemen, is a lot of money.

Now we initiated our move for salary increases despite this and not because of it. We are not here to you, Senators, saying we want more money because there's more money around; we want more money because there's a big pie and we want to share it. But this is incidental to our argument, because we have been trying to find out if there is more money, because obviously you can't get blood out of a stone. But we seemed to feel that there was money around and, of course, the budget report released Monday indicates that there is substantial moneys around.

I have a lot of other data, gentlemen, with respect to the assaults here that were committed upon the officers by the inmates.

SENATOR MARAZITI: At that point, could I interrupt you. Apparently you do have, I see, a compilation of assaults. I don't know - is that paper a list of the various assaults that you referred to? I think you said 265.

MR. SCOTT: Yes, sir. Senator, Bordentown was 285, which is a compilation, and the other institutions are written out in longhand.

SENATOR MARAZITI: I wonder if you could do this: I certainly want you to tell us about them but, at the conclusion of your testimony, could you consult with Mr. Mark Reifer, of Legislative Services, who is sitting here at my left, and you can arrange with him to Xerox a copy of your records so that we

may make them available to all the members of the Committee.

MR. SCOTT: Fine.

SENATOR MARAZITI: You may go ahead and tell us whatever you wish.

MR. SCOTT: Thank you. Senator, continuing, and I don't want to get into too much of the details because I recognize your position and time being a factor, but I do feel it incumbent upon me to point out some more of these assaults so that we are not just talking in a vacuum and we don't just think that this is something that you have to expect that goes on in a prison. We realize this is part of the correction officer's job. We realize we are going to have incidents. We say there are too many incidents and we say that the men should not be placed in a position to receive the bodily injury that they sustain weekly in the various institutions and not be adequately compensated for it. For example, gentlemen, in Rahway there was an officer named Wardell. Now he was attacked in the drill hall by a particular inmate and he was kicked and beaten, gentlemen, beyond recognition. Now the same inmate that did this job on Officer Wardell had been transferred from a maximum security segregated cell in another institution where he had, prior to that, attacked another officer and thrown him down the stairs.

SENATOR MARAZITI: Do you know what the other institution was? Was it the State Prison?

MR. SCOTT: Yes. I have that. It was Trenton, Senator. He was transferred from Trenton after beating Officer Wychevsky and pushing him down the stairs, and he was thereafter transferred.

SENATOR MARAZITI: Do you know how long after the assault,

the first assault -

MR. SCOTT: No, Senator, I don't. It is my understanding there was a period of confinement and segregation, and again let me emphasize I am not attacking the policy of transferring -

SENATOR MARAZITI: No, but we would like to know. I mean, I'm not attacking it either.

MR. SCOTT: There was a time intervening, Senator, and I don't know the exact time; my point being that this person of the most typical anti-social -

SENATOR MARAZITI: I wonder if you could assist the Committee and if you are able to determine - if you're not, contact either Senator Hagedorn or myself - the approximate length of time between the first assault and the transfer. Time could be important. It could be a considerable length of time and, therefore, it might have been justifiable, or a short length of time - transferred from a maximum security to Rahway -

MR. SCOTT: Well, there is maximum security, of course, at Trenton, and both minimum and maximum at Rahway. So that this man who perpetrated the assault at Trenton and was, after some period of time, transferred to Rahway, committed the assault and battery on Officer Wardell and, incidentally, when accosted -

SENATOR MARAZITI: The thing I am trying to get clear in my mind - maybe you do have a point and maybe you don't - is do you place any emphasis on the transfer? Is this relevant?

MR. SCOTT: That is not correct.

SENATOR MARAZITI: All right. In other words, there is maximum security at Rahway anyhow?

MR. SCOTT: Maximum and minimum. That is correct. I am not questioning the wisdom of the transfer per se. I am saying

that here is the case of a man who I believe is in for double life plus, one of the typically anti-social people who will never be rehabilitated but yet must be dealt with as a part of the population, one of the people who can beat Officer Wardell dislocate and pull out the shoulder socket of Lieutenant McDonald and then go on and kill or maim somebody else. He has to be dealt with, Senator. He's a part of the population. We have gotten beyond the stage where the men are thrown in the hole and ignored or beaten, etc., so he has to be dealt with and under our existing structure as dictated primarily by the judicial branch of government, great restraint is taken with respect to the handling of these inmates. Gentlemen, I think you can appreciate that these officers go in and start wading in, using physical force beyond the very minimum, they are subject to very severe repercussions, justified in some cases but in many more not justified. So it appears to be a one-way street with respect to the assaults that are thrust upon the officers. And, of course, gentlemen, more significantly to me is the degradation that goes on. When you come to a man's cell to bring him food or to carry on the necessary business and you are greeted with urine being thrust in your face, and this happens continually day in and day out, particularly in Bordentown -

SENATOR MARAZITI: Well, on that point, you mentioned it several times, and I do agree with you that no one should be subjected to indignities of that type or any other, do you know or is anyone in your group able to testify as to whether any remedial measures can be taken or have been taken in that connection? It doesn't seem to me that it should be a practice

that should go on. We know that it could occur from time to time. You cannot control all the actions of these inmates. They wouldn't be there if they weren't a problem, but -

MR. SCOTT: Well, Senator, whether measures can be taken or not - I'm sure there could be measures but then I think if I get into that area I'm getting into the policy making of the institution which I wanted to stay away from.

SENATOR MARAZITI: All right. Suppose you go ahead and then we'll come back to it. While you are on this question of assaults and indignities practiced on the guards, when you do give us the information, could you, if possible, break it down by the institution?

MR. SCOTT: Yes, sir.

SENATOR MARAZITI: Or whatever you have.

MR. SCOTT: Yes, sir, I'll be happy to.

SENATOR MARAZITI: I'm sorry I interrupted you.

MR. SCOTT: That's all right. I have with respect to Yardville and they have only been open since December of 1967, six officers who were assaulted there, all of which required treatment at the hospital on the premises. I think I have already mentioned the officer at Leesburg by the name of Heil who was murdered while -

SENATOR MARAZITI: What was the name?

MR. SCOTT: Heil - H-e-i-l. He had his head bashed in during the course of his employment and that case is - well, I don't know the status of it so I wouldn't want to comment on it. I assume it's still under investigation because it is a homicide and it is unsolved and no one has been indicted to

this point.

SENATOR MARAZITI: Do you know when this occurred?

MR. SCOTT: I would say without having a specific date, Senator, approximately three months ago. I have additional information, Senator Maraziti, on assaults, and I don't know, other than to bolster statistics, that they would be of help to you. If you want me to go into them, I will.

SENATOR MARAZITI: Suppose we do this: Suppose you - you are making a point - I understand the point, and I think it's well taken. The main point is that these men do not have here ordinary employment; they have extraordinary employment. Besides doing their work, they are subjected to bodily harm and indignities, even to the loss of life. Now I think, if you want to, if you can pick out any highlights you might have, you can talk about those, but it wouldn't be necessary for you to go into all the details, because I think you will give us a list in due course.

MR. SCOTT: All right, fine. I will close on this particular aspect quoting some figures regarding Annandale. For example, gentlemen, there were in the month of March 1968 349 infractions or incidents that got involved with the discipline program in that institution for the one month. Some of those were assaults on officers and others were fighting. As I indicated before, where an officer breaks up a fight, he is himself assaulted, but generally no assault charge is filed. He is hurt and is assaulted. Sometimes he might not know who struck him; sometimes, of course, this may be a smart way of getting to assault an officer without being charged with

responsibility for the act.

Needless to say, gentlemen, we are not talking here about statistics, we are talking about human beings, some of whom are before you today; they have families and every time they go in there, there is this risk, and it's not a remote one. Along with the safety and the ultra-hazardous occupation, I would like to call to the Committee's attention the problems they are confronted with in respect to court visits. As you Senators are aware, I am sure, you have a lot more convicts today going to court because of the increased latitude of their due process as construed by the courts. You have a great many more people leaving the prisons for what is called "post conviction relief," and you have a lot of men going out on the security details.

Now the requirements are that they go out on what is called "two on one" or "three on two." If you have one inmate going out, you must have two guards that accompany him. This sounds reasonable. However, because of the shortage in personnel and because the guards, as they are referred to - the correction officers - are not up to full complement, I don't think there is a man sitting in this room who has gone out on detail in the last year who has not gone out on a one on one situation. Now, gentlemen, this is the most ultra-hazardous. You are taking a man convicted, and it can be from a minor offense to a maximum one, and you are taking him out into the public, into a court, and you run the risk of his escape, for which you are subject to immediate suspension and an investigation; you are subject to perhaps an assault upon yourself, or a shooting of someone else. And, gentlemen, I don't know if you have ever seen the security measures in some of the courts, but

they are horrible. You gentlemen who may have been up in Essex County and seen people brought in there because of the inherent inefficiency of the court building itself can see that security is at a minimum. Hudson County, before they built the Court House, the new one, was horrible. Paterson today is even worse than Essex County.

SENATOR MARAZITI: How is Morris County?

MR. SCOTT: Morris County, Senator, is good but only because it's small.

SENATOR MARAZITI: How is Bergen County?

MR. SCOTT: Bergen County has no security corridors, absolutely none. No, I'm sorry. Bergen County does have security corridors and elevators, as does Middlesex. Gentlemen, what it boils down to is that the newer court houses have better security facilities and the older ones have poorer ones. With respect to Senator Maraziti's comment, some of the court attendants there in that particular court house are old enough to have been veterans of the Civil War, and I don't think they would do much toward apprehending anyone who escaped in that particular court house.

SENATOR MARAZITI: We don't have much trouble in Morris County.

MR. SCOTT: That's right. It's a very pleasant county, Senator, no question about that.

So, gentlemen, actually the problem here is one of taking your life in your hands and having your heart in your mouth when you go out on a court visit. This is a serious business. These men have to be taken out all the time because of their legal problems and hearings, and these men go out, young

fellows with families, wives, etc., and in the back of their mind must always be "Is some nut going to grab my gun today and blow my head off?" "Is somebody going to throw me down a flight of stairs?" "Am I going to be injured?" Constant alert. Gentlemen, it's one thing to do manual labor and dig ditches and it's another thing to work with your brain or to be a white collar worker or a sedentary worker. But to be under pressure and to be on constant alert each and every minute and each and every second of your job, in my judgment is a very, very difficult thing. You have to be constantly alert and I think the reason why you don't have more escapes and more attempts is a combination of good fortune and skilled and trained personnel; skilled and trained personnel, gentlemen, who are not comparably compensated when you consider other people in the Civil Service for their jobs and the experience that they have and the risks that they take.

In line with other jobs, I think I would like to mention the instructors. The instructors at the various institutions, Senators, work about four and a half hours a day. The correction officers work eight hours. The correction officers do not have Saturdays and Sundays off. They work Saturdays and Sundays. They do not have holidays off unless it happens to fall or coincide with their particular day off on that tour of duty or that week. Many, many times, too often in fact, the correction officers must assume the duties of the instructors. They take over for them, gentlemen, but they do not reap any of the benefits. We realize that instructors can be classified as skilled people. You may be paying for degrees. Some of them may have college

degrees. We recognize that. We don't say we should be paid the same as instructors or more. What we do say, gentlemen, is that when they, in the last six months, have received raises totaling 15 per cent and when their present starting salary is more than \$1,000 above that of the correction officer, we say that it is time to bring us to a position where we are comparable at least, comparable on a percentage basis, not comparable in absolute dollars. But they received 15 per cent and, for some unknown mysterious reason, the correction officers received only 5 per cent.

On the security thing, gentlemen - or one other thing before I close on that aspect: In going through a particular manual, I came across something that, when I thought about it, impressed me and I hope, gentlemen, it will impress you too. We are all familiar with the tower and the little parapet up on top of the wall, and we have all seen movies about the break and the guys up there, and so on. But I really wonder what it must be like to be up there and to do that work. I know I was first impressed with "Gee, the guy has a day off but whoever has that tour is not doing anything." I found I was completely misinformed about the nature, obligation and duties and the servitude of one who works in the tower. Now this man is not under constant personal threat as the other officers are each and every day, so to that extent he is probably safer. But just let me read briefly some of the duties of the officers in towers: "Officers in towers shall wear their sidearms constantly from the time of going on duty to being properly relieved. Furthermore, they are to carry their shotgun in hand at all times while

on duty. Note: If an officer must use toilet facilities, he shall inform Center by phone before and after using the toilet. Center will then alert adjoining towers. He will at no time leave the tower or catwalk adjoining the tower unmanned. If for some reason the officer must leave the tower out of earshot of the telephone, he must first request permission of the Center and report to the Center when back to the tower. The carrying of the following items to the towers will not be permitted at any time: Alarm clocks, travelers' clocks, alarm watches, radios, or any other device that can be used as an alarm. There will be no reading material at any time permitted in the towers with the exception of tower orders. If any reading material is found in the tower, the tower officer on duty when the material is found will be held responsible."

So, gentlemen, his particular personal safety may not be involved, but I sure wouldn't want to stay up there for long lengths of time under those conditions. I think again it's another occupational hazard.

SENATOR MARAZITI: How long do they stay in the tower?

MR. SCOTT: For his full tour of duty.

SENATOR MARAZITI: Eight hours?

MR. SCOTT: His full tour of duty. I mean, he may be relieved for breaks regularly scheduled, but it is the stringent conditions, Senator Maraziti, under which he must be up there on constant alert. Now, of course, the men who are down with the population, as it is called, the inmates, their job is not as boring, let us say, but then again they are with these people who can perpetrate assaults upon them, where if they are out on

court visits they are subject to the tightest type of security.

SENATOR MARAZITI: This may be incidental only, but since we are listening to it we may as well take cognizance of everything you have to say. It would seem that this is a condition that could be boresome and could be tiresome and also a condition that would lead to less security if a man is not on the alert, and if it is a hardship, and you have indicated it is, this is something that could be modified by modification of the rules, cut down the time to four hours or some reasonable time.

MR. SCOTT: Yes, Senator, we would hope that eventually recommendations would be made that would make the job of the correction officer easier. Our present posture of our argument is that under the existing structure their job is of such a hardship that they are obviously entitled to more money for the hardships and the risks that they are subjected to in connection with their job. Also, under the philosophy that is presently being utilized in correctional institutions throughout the country, you do attempt to rehabilitate. You just don't lock people up and throw the key away. To do that, you just don't have guards any more, you have people who are correction officers. These men, gentlemen, are trained. They have various courses that they undertake. Some recently were attending courses that for some reason were cancelled with a group therapy that appeared to have real promise, but it was cancelled.

Gentlemen, I was going through, and in my closing remarks with respect to the ultra-hazardous nature of their occupation,

there appears in one of these manuals two sections: one, your responsibility for a person who escapes, and very, very serious consequences can flow from that obviously, an immediate suspension pending an investigation, and ultimately you are going to have very serious problems unless you have a very, very good explanation as to why the person was not secured and did escape. Coupled on the other hand, or counter-balanced is the fact that if ever a break takes place in one of the prisons and one of these senior officers or superior officers is taken as a hostage by any inmate or group of inmates and an order goes out to the gate, "Open the gate," that order, gentlemen, is to be ignored, regardless of the situation. Now I wonder what we would feel like in that situation. If we have someone grab us and say, "We're going to break out and we want you to call the front gate and say, "Open the gate," and you say, "Well, I'm thinking of my wife and my family and I'm going to call the front gate and tell them to open it," and you know that in the manual it says, "Regardless of the circumstances that gate won't be opened." Gentlemen, these don't happen that frequently, but I'm sure it's in the back of their minds as to the circumstances that would surround such an escape or attempted escape.

I'll close with respect to the ultra-hazardous nature, gentlemen, because if we haven't convinced you at this point I don't think we are going to convince you at all.

On the vacation, Senators, just briefly, the present schedule calls for 14 days after the first year -

SENATOR MARAZITI: Would you repeat that, please?

MR. SCOTT: Twelve days after the first year and then over ten years you get three weeks, and over twenty years you get a month. I told you at the outset, gentlemen, I thought that that on its face needed to be revised, and I would suggest on behalf of my clients that, after completing the fifth year, three weeks vacation be the minimum, and four weeks after the tenth year, and five weeks after the fifteenth year. And again there, gentlemen, I don't think there is much of an argument I can offer on that; it just applies to your sense of inherent fairness and also as it is related to the ultra-hazardous nature of the job which these men undertake.

SENATOR MARAZITI: Could you repeat this for me. You recommend after the fifth year three weeks -

MR. SCOTT: I recommend after completion of five years - in other words, the initial vacation be maintained, but that after a period of five years a three week vacation be given; after ten years of service a four-week vacation; and after fifteen years a five-week vacation be given.

Gentlemen, I wish to thank you both again for your time. We appreciate your efforts in hearing us out, and if we can supply further information to you we will be happy to do so.

Thank you.

SENATOR MARAZITI: Well, Mr. Scott, on behalf of the Committee I certainly want to thank you not only for your appearance here today and the fine way in which you have presented your case but also for the cooperation that you have given the State in our conversations when the men were out. I consulted with Senator Hagedorn and we both took the position

that the guards should return, and we are happy to see that you cooperated with the position of the Committee and in my opinion were instrumental in having the guards return for the benefit of the security and I think also for the benefit of the guards.

Senator Hagedorn, do you have any questions you would like to ask of Mr. Scott?

SENATOR HAGEDORN: Not at this time. I have no questions.

SENATOR MARAZITI: Mr. Scott, I have a couple of notes here that you might help me with as to several points. You say that the guards received a 5 per cent increase.

MR. SCOTT: That is correct.

SENATOR MARAZITI: And this is for the year 1968-69, the current fiscal year?

MR. SCOTT: That went in on July 1st.

SENATOR MARAZITI: Right. And for that period, you would have liked a 10 per cent increase?

MR. SCOTT: Not what we would have liked, Senator, and I don't mean to be semantical - we feel on the merits that we would be entitled to that, yes, sir.

SENATOR MARAZITI: All right. Now - Senator Hagedorn?

SENATOR HAGEDORN: Didn't I understand you to say you were guaranteed ten per cent?

MR. SCOTT: That is correct, Senator, no question about that.

SENATOR HAGEDORN: By whom? Who could authorize a ten per cent guarantee?

MR. SCOTT: The Civil Service Commission; I understand

the Chairman of the Civil Service Commission indicated to representatives of the correction officers that they would be assured of a ten per cent increase as recently as two days before the salaries were announced. But, Senator, again I would say that is, we feel, the least significant reason why we should get it. We realize that a promise that someone makes is not binding on the powers that disburse the money, and I highlighted it only because we may get some of the background on the reaction that a group of people get when someone in authority says to them a particular thing and then that doesn't come to fruition. We feel that the 10 per cent, regardless of who may have promised it or what their authority may have been, is significant because it is justified based on what the men do and the comparable salary scale. And, in addition, as we find out now, there apparently is a lot of money some place.

SENATOR HAGEDORN: I just have one other question and that is the question of salary and also the question of the great number of assaults. Have these ever been called to the attention of the Commissioner or his subordinates and has it ever been discussed before?

MR. SCOTT: I can't answer that. As far as it being discussed, Senator, I was never aware of any discussion. I assume, in the normal course of reports and incident sheets that are made up, they are sent into the Commissioner's office and I assume he would have knowledge of them. I, myself, have had no discussions with them. And, again, at this point and at this juncture, we highlight these, not to attack policy but to say this is what these men are faced with every day;

this is what these fellows are going to be faced with when they go into work tomorrow on their next tour of duty. It's a pretty hazardous position to be in.

SENATOR HAGEDORN: Well, I can assume then, it probably has never been discussed before with the Commissioner or his office.

MR. SCOTT: I have no personal knowledge of it, Senator. I'm not hedging with you, Senator. I don't know, sir, whether it has been or not.

SENATOR MARAZITI: I am interested in the question asked by Senator Hagedorn in reference to a representation or a promise being made to the guards as to the ten per cent increase. Now were you there at the time -

MR. SCOTT: No, I am taking the representation of my clients, Senator, as attorneys do. I was not there personally.

SENATOR MARAZITI: Yes, I understand. I'm not questioning you.

MR. SCOTT: I just want to make it clear. I have no personal knowledge of it.

SENATOR MARAZITI: Your understanding is that this representation was made by a representative of the Civil Service Commission.

MR. SCOTT: That is correct, sir.

SENATOR MARAZITI: What is your information about the name of the person or persons who said this?

MR. SCOTT: Well, the head of Civil Service.

SENATOR MARAZITI: Who is that?

MR. SCOTT: Thelma Sharp, as far as I know.

SENATOR MARAZITI: Well, the gentleman who spoke to you, is he in the room now?

MR. SCOTT: Yes, he is.

SENATOR MARAZITI: At the conclusion of your testimony, perhaps you can ask him that question.

MR. SCOTT: Fine, Senator, fine.

SENATOR MARAZITI: So you didn't get the ten per cent. Are you able to tell us why not?

MR. SCOTT: No, Senator, we are not, because we had prior meetings with both Dr. McCorkle and with the Civil Service Commission, and, first of all, there was no recommendation, as I understand it, by Dr. McCorkle one way or another with respect to the correction officers. No position was taken pro or con. Civil Service indicated that that was one of the factors considered in not including the correction officers, but it was not dispositive. On our first meeting with Mr. Farrell, he said that he was sure there were facts upon which the Commission made their judgment and determination but he was not presently aware of what those facts were. Subsequently, he did correspond with me and indicate his position, and I refer to his first August 1st correspondence indicating that the Commission in its rejection of the request considered salary revisions from January 1959 up through June 29, 1968, for the following titles, and therein are quoted about ten or twelve various titles going from correction officer down through trooper and head juvenile officer, and it was felt by the Commission - and I am quoting now - "The Commission definitely came to the conclusion that there is no indicated

discrimination or neglect of the correction officer series throughout the various salary programs since 1959 and that the present salary ranges established as of 1968 compare favorably with the other related titles mentioned above." He goes on to state that we did get the ten per cent salary range revision two years ago and we were the only group that was similarly favored.

I must submit respectfully, gentlemen, I think that's a conclusion and is not substantiated by fact. So the answer to your specific question is that today I still don't know the specific reasons, if there be any, why the Civil Service Commission saw fit to grant a five per cent increase as opposed to a ten per cent increase. I have been unable to find out the facts upon which its decision was predicated.

SENATOR MARAZITI: At the time that the representation was allegedly made of a ten per cent increase, Commissioner McCorkle had made no recommendation one way or the other, yet the representation was made that there would be the increase.

MR. SCOTT: That's my understanding, yes. And additionally Commissioner McCorkle has advised us on several occasions, one in our conference with him and recently in correspondence, that he is evaluating certain data from the Bureau of Personnel to see the status of the correction officers. We don't know when this will be completed and, so far as we know, Dr. McCorkle is working on this study right now.

SENATOR MARAZITI: Do you know how the salary of the

correction officers in New Jersey compares with other States?

MR. SCOTT: I don't have those figures presently available.

SENATOR MARAZITI: I think you mentioned something about the starting salary at \$6,000, is that it?

MR. SCOTT: With the increase it's \$6,063, with the five per cent increase.

SENATOR MARAZITI: That's the minimum. Right?

MR. SCOTT: I'm sorry - \$6,300.

SENATOR MARAZITI: What is the maximum? Do you know?

MR. SCOTT: \$8200.

SENATOR MARAZITI: How many years?

MR. SCOTT: Twelve steps. I might say, Senators, on that particular last point, there are not many men around who are at their maximum. The attrition is so great that few officers reach the maximum.

SENATOR MARAZITI: How many years to reach the maximum? I missed that.

MR. SCOTT: Twelve, Senator.

VOICE FROM AUDIENCE: It's seven -

SENATOR MARAZITI: I would like to suggest that we certainly would be very happy to hear from you or anyone else, but to keep the record straight here and so that the stenographers don't become more overworked, I think we should limit it to the witness testifying.

MR. SCOTT: As a practical matter, Senator, the steps apparently are seven, but it takes, through the complexities of the salary organization, twelve years to reach one's maximum.

SENATOR MARAZITI: You did develop a point as mentioned previously about the susceptibility to injury that these guards are laboring under, and I know you are developing this in connection with establishing a point there should be more salary paid, but incidentally I am wondering if you are able at this time, either you or anyone in your group, to make any suggestion or recommendation about improving conditions. I know this is not the main thrust of our meeting today but we can't very well ignore it. I wonder if you have any recommendations or, if you don't have any now - this may not be a fair question to ask you; I know you are an attorney representing the group and are not in the prison; I mean, working there - so if you don't have recommendations, perhaps you can submit recommendations.

MR. SCOTT: Yes, Senator, I am sure, after speaking with the men closest to the problem, that they can make recommendations. Anything I might say, Senators, would only be a feeling.

SENATOR MARAZITI: Well, would you do this: In addition to exploring what should be done in the area we are talking about today in improving conditions, if it's possible and I'm not saying that it is - I don't know - but if you could submit, after consulting with your clients, to the Committee what you consider to be recommendations that would tend to cut down the number of assaults.

Now you referred also to the point that you don't know what disciplinary measures were taken concerning the inmates that committed the assaults - you have no knowledge -

MR. SCOTT: Senator, I may have misled you there. We

don't have all the specifics but the point we are making is that whatever disciplinary measures are taken in the present posture of penology are minimal and are not a deterrent to someone who manifests the most anti-social behavior, a person who is affected with some form of mental illness and, incidentally, you have hundreds of these men who are on some form of drug or tranquillizer to suppress their emotional problems. And when you have someone who is a double lifer, plus two, and he is the typically anti-social person that will not be subject to rehabilitation, he is a problem, and it's just such a person that beat up the two officers in one institution and then went to the other.

Now, of course, the other people who commit the lesser offenses that don't maim, cripple, or disable, they just destroy the morale. And I'd say this too, Senators: In speaking with these various representatives who are here today from the State institutions, the morale is not good; the morale is very bad with the men. They've kind of had it.

SENATOR MARAZITI: The morale is bad you think partly because of conditions -

MR. SCOTT: It's a combination of things, Senator Maraziti -

SENATOR MARAZITI: -Concerning their own personal safety and the indignities.

MR. SCOTT: The degradation they have to take and I guess, obviously, unless that is completely wiped out their feelings would be the same about that, but I guess if you are paid more money you can always grin and bear it and say, "This is my job, my livelihood."

SENATOR MARAZITI: Well, it's not only a question of pay though. I mean, if some of these items can be eliminated, they should be. We can understand that you are not going to have a tea party, but we can strive to improve conditions. Now, do you know if, when the guards make their report or complaint to a superior officer, this report is put down in writing by the superior officer?

MR. SCOTT: As far as I know, it is. There are incident reports made out; that is correct.

SENATOR MARAZITI: You have mentioned a number of our institutions, Mr. Scott, and we are interested in hearing from you, if you can tell us, if any one or two or more institutions stand out prominently so far as these occurrences are concerned that you speak of, these assaults and indignities.

MR. SCOTT: Senator, I've been able to find no trend, it seems to me, and this is the horror of the whole problem - it's uniform. There are uniform problems throughout. I mean, I'm sure that the people from Bordentown would feel that their situation is worse and so might the people from Rahway, but that's because they are personally involved. It seems to me that conditions are bad uniformly.

SENATOR MARAZITI: You asked a question at one point in your conversations with representatives of the State as to whether money was available, and I think you said you didn't get the answer.

MR. SCOTT: Well, we got the answer that they didn't know, and they would not be able to tell us until September 30th, which is probably a quarter, at which time -

SENATOR MARAZITI: Well, you were assured of a ten per cent increase.

MR. SCOTT: This was following the denial of -

SENATOR MARAZITI: Oh, following the denial. I see.

MR. SCOTT: The promise of the ten per cent came first and in fact there was a five per cent increase, and then there was the discussion with the Commissioner and also discussion with Mr. Farrell on behalf of Civil Service.

SENATOR MARAZITI: This is all following the denial?

MR. SCOTT: This was subsequent to the denial and in fact late in July and early in August, this took place.

SENATOR MARAZITI: Well, was it your understanding that the main objection at that time seemed to be a lack of money?

MR. SCOTT: Senator, I can't be candid with you because if I say anything other than that I didn't get an impression - I didn't know. I felt, and maybe it's because of the red tape or bureaucracy under which everything is operating, but we didn't get an answer. We asked the specific question: if all other avenues are cleared, is there money available for a five per cent increase over and above the one implemented? In other words, a total of ten per cent. And we didn't get a yes and we didn't get a no and, when asked is there money? - "we don't know."

SENATOR MARAZITI: Did you get an answer to your final inquiry? Were you awaiting information on an inquiry in July?

MR. SCOTT: Yes, we were. We were awaiting information and still are, for that matter.

SENATOR MARAZITI: Well, were you promised the information?

MR. SCOTT: We were told that we would get information upon which the Civil Service predicated their determination for rejection.

SENATOR MARAZITI: This was at the end of July?

MR. SCOTT: This was when we met first in Trenton, and I can give you the exact date on that. That was at the outset of our discussion, Senator, and it was indicated to us that we would receive the figures, and we did receive a communication that purported to be the figures that I previously alluded to, the August 1st correspondence, which I respectfully submit is a conclusion and does not contain the facts. Now I am looking for the date where we were in Trenton and conferred with Doctor McCorkle and Mr. Farrell. July 22nd, Senator, was the date on which we met.

SENATOR MARAZITI: Is that the date you were promised the 10 per cent?

MR. SCOTT: The ten per cent, according to my information, Senators, was promised before the salaries were announced, and it would have been some time in June, before I was involved in the picture at all. I have no personal knowledge.

SENATOR MARAZITI: Around June. And then on the 22nd of July -

MR. SCOTT: On the 22nd of July we met at my request with Dr. McCorkle and Mr. Farrell who were both gracious enough to give us time, at which time we discussed some of our problems relative to salary. I might say that none of the incidents referred to today were gone into. We were just there asking

about the increase and why it didn't come through, and was there money available? We didn't get answers, because Doctor McCorkle did not have facts available because his Bureau of Personnel had completed the study or was in the process of completing it and he had not time to study the study which they made or were making, and Mr. Farrell said that he was sure there were reasons upon which Civil Service predicated their denial but he couldn't tell just what they were on the 22nd. He did incorporate them in his letter of August 1st, which again - I keep saying it - but I don't see them as reasons, I don't see them as facts; I see them as conclusions.

SENATOR MARAZITI: What were the days when most of the men reported that they were ill? I'm trying to get -

MR. SCOTT: The chronology of it?

SENATOR MARAZITI: The approximate date. You say on July 22nd you did not receive what you considered as satisfactory information to you.

MR. SCOTT: Well, we were awaiting additional information, Senator. We got no -

SENATOR MARAZITI: After the 22nd. Were you promised it or just awaiting it?

MR. SCOTT: Well, let me state further, Senator, that realizing that the Civil Service Commission would meet on July 30th for their last meeting until September -

SENATOR MARAZITI: July 30th?

MR. SCOTT: Yes. I wrote to Mr. Farrell on July 23rd making a formal request to the Civil Service Commission to reopen the salary range revision insofar as it applied to the

correction officers. I also indicated that I would be willing to come to Trenton on the 30th to offer any information or testify with respect to the request to reopen. I received no communication in that regard and the next communication I received was August 1st, relative to the Commission's denial of the increase, and because it compares favorably with the other titles mentioned in Mr. Farrell's report. Some of those titles are, gentlemen, correction officer, carpenter, foreman carpenter, institutional trade instructors I and II, head cook, cottage officer, attendant for the criminally insane, assistant supervisor of attendants for the criminally insane, industrial manager, trooper, and other ranks in the State Police, juvenile officer Training School for Boys, etc.

SENATOR MARAZITI: Well, there is a statement there that it compares favorably with these categories.

MR. SCOTT: That is the wording, sir.

SENATOR MARAZITI: "Favorably," - does that mean it's about the same.

MR. SCOTT: I think Mr. Farrell should be asked that question perhaps, Senator. I wouldn't want to speculate.

SENATOR MARAZITI: Now one more point. This is August 1st. You received the letter August 2nd?

MR. SCOTT: I couldn't be sure. Thereabouts.

SENATOR MARAZITI: When did the men report -

MR. SCOTT: Senator, I don't have those specific dates. It's kind of a muddle in my mind, since I lost a lot of sleep about that time,

SENATOR MARAZITI: This is not essential. I won't press

you on it because I wouldn't want you to give me a date that may not be the correct date, although at this point I would like to state that whether or not the guards were satisfied or dissatisfied, whether they were justified or unjustified in their position, I wouldn't want it to appear that they were justified in taking the action they did because it is in violation of law and in violation of their oath. I would like to make it clear while we are on that point that that is not the reason we are holding the meeting. We are holding the meeting here to get information, although we do feel that you were instrumental in having the guards return to work.

Now with reference to Mr. Heil who was killed at one of the prisons, I think you made the statement that there doesn't seem to be any information as far as you know as to who might be responsible.

MR. SCOTT: Well, Senator, whether or not the State Police are making a continuing investigation I am not at liberty to say, but suffice it to say there have been no indictments or charges preferred in connection with the homicide while on duty.

SENATOR MARAZITI: This was three months ago?

MR. SCOTT: Yes. Now I can't say -- I don't know as a fact - it has been reported to me but it is hearsay that there is no investigation going on, and I want to make that clear to the Senators.

SENATOR MARAZITI: You mean, you don't know whether there is or not.

MR. SCOTT: I don't know that. It has been alleged and I don't know as a fact and I want to mention it to you in just that context. I don't know this for a fact myself. It may be an exaggeration -

SENATOR MARAZITI: I think you did use the language that as far as you know no one has been charged.

MR. SCOTT: Well, that is true. No one has been charged, but whether or not an investigation is continuing and what the nature and extent of an investigation may be, I'm not prepared to say.

SENATOR MARAZITI: Where did this happen? In Yardville?

MR. SCOTT: Leesburg.

SENATOR MARAZITI: Do you know the circumstances surrounding that?

MR. SCOTT: His head was bashed in -

SENATOR MARAZITI: Were any other guards present?

MR. SCOTT: There were none present. There was not a witness to the homicide in the sense of other officers being there. He was found murdered.

SENATOR MARAZITI: Where? Do you know?

MR. SCOTT: I don't know the details of that, Senator. I believe it was in an outside unenclosed area but I wouldn't be certain of that. He was on the premises, on the property of the State discharging his duties but I think it was an outside area.

SENATOR MARAZITI: Was it while he was on duty?

MR. SCOTT: Oh, yes, he was on duty. He was working at the time. He was on duty.

SENATOR MARAZITI: I think you said that the instructors received a 15 per cent increase?

MR. SCOTT: Total, Senator, since last January.

SENATOR MARAZITI: We will let that go by now. We are talking about 1968-69; it's a ten per cent increase.

MR. SCOTT: That is correct. They got a five in January and ten in July.

SENATOR MARAZITI: Now you say they started off with \$1,000 more?

MR. SCOTT: Roughly. I think the State Police -

SENATOR MARAZITI: They put in about four and a half hours you say?

MR. SCOTT: That's correct, Senator. Their day is about four and a half hours.

SENATOR MARAZITI: Although their qualifications call for more, do they not?

MR. SCOTT: In the sense of training and skill, yes. I think Doctor McCorkle made that clear. We don't have any argument. We don't say we should be brought up to the level of the correction instructors. We are talking about the relative positions of the two vis-a-vis their relative responsibilities and duties.

SENATOR MARAZITI: Do you know what the percentage of increase was for the prison personnel?

MR. SCOTT: Across-the-board? No, I don't.

SENATOR MARAZITI: In reference to the open gate call, you did stress that that might be a hazard for the guard if the gate doesn't open. I can understand that but if the guard

gives the order to open the gate, whoever has the custody of it would realize that the guard is cooperating with his captor.

MR. SCOTT: That's true, Senator, but think of the man who gives the order, knowing that it's meaningless.

SENATOR MARAZITI: Well, that's true. Of course, in connection with that, and this is not directed at you at all, because certainly you have been most cooperative, but I could say on that point - think of the other guards that were working at these prisons when the guards we are talking about today went out on strike, subjecting them to security hazards. I only reiterate that again and again to show that this is one reason why we wanted the guards back, not only to protect the prisoners but to protect the other guards and the general public. I am not saying this as a note of criticism to you or to anyone else. We are happy to listen to what has been said, and a great deal has been said.

MR. SCOTT: In line with that, Senator Maraziti, we recognize the problems with the State law and the Constitution and the oath of office that these men take. However, a reasonably intelligent man can be placed into a situation and backed into a corner where they feel they have no recourse from any action. I somehow feel, and again this is based upon things that were told to me, that they were caught up in a situation and because of the red tape and bureaucratic handling they just didn't get a fair and decent result, and maybe recommendations and legislation should be passed that would call for binding arbitration in a situation of this type, because it's one thing to say as representatives of the public, and you certainly do have this

obligation and the men are quite concerned with it too. that some of these institutions would, as they say, blow up. They don't want this to happen. Of course, when they get down to putting bread on the table and they see that they have no legitimate avenue to pursue, it does put them really between the frying pan and the fire.

SENATOR MARAZITI: Well, you may have a point there. Of course, there are other avenues of recourse and if they feel they can't make enough there, they shouldn't strike - they should find other employment.

MR. SCOTT: If we took that attitude, you see, then we could say, "Well, that's true of any employment," and we could discard any demand for any legitimate increase. We could say, as Harry Truman said, "If you don't like the heat in the kitchen, you better get out." That may be true of a political candidate but I don't think it's true of an employee who is supposed to be a dedicated, responsible, courageous individual, as the handbook says he must be.

SENATOR MARAZITI: Well, I certainly think that a great deal has been said in connection with the hazards of prison work, but I don't expect you to take any position against your client or your convictions. I just want to say again that I want to make it very clear that no one need get the notion that the thing to do if you want attention is to go on strike in this type of situation. This is a mere point.

Now I wonder if you could help us, Mr. Scott, and let me have the name of the gentleman, and ask the gentleman to step forward, to whom this alleged promise was made about the ten

per cent. I think this is an important thing. If he's here, we will just limit our questioning of him to this particular point.

MR. SCOTT: Yes. I'm wondering if we could take a brief recess.

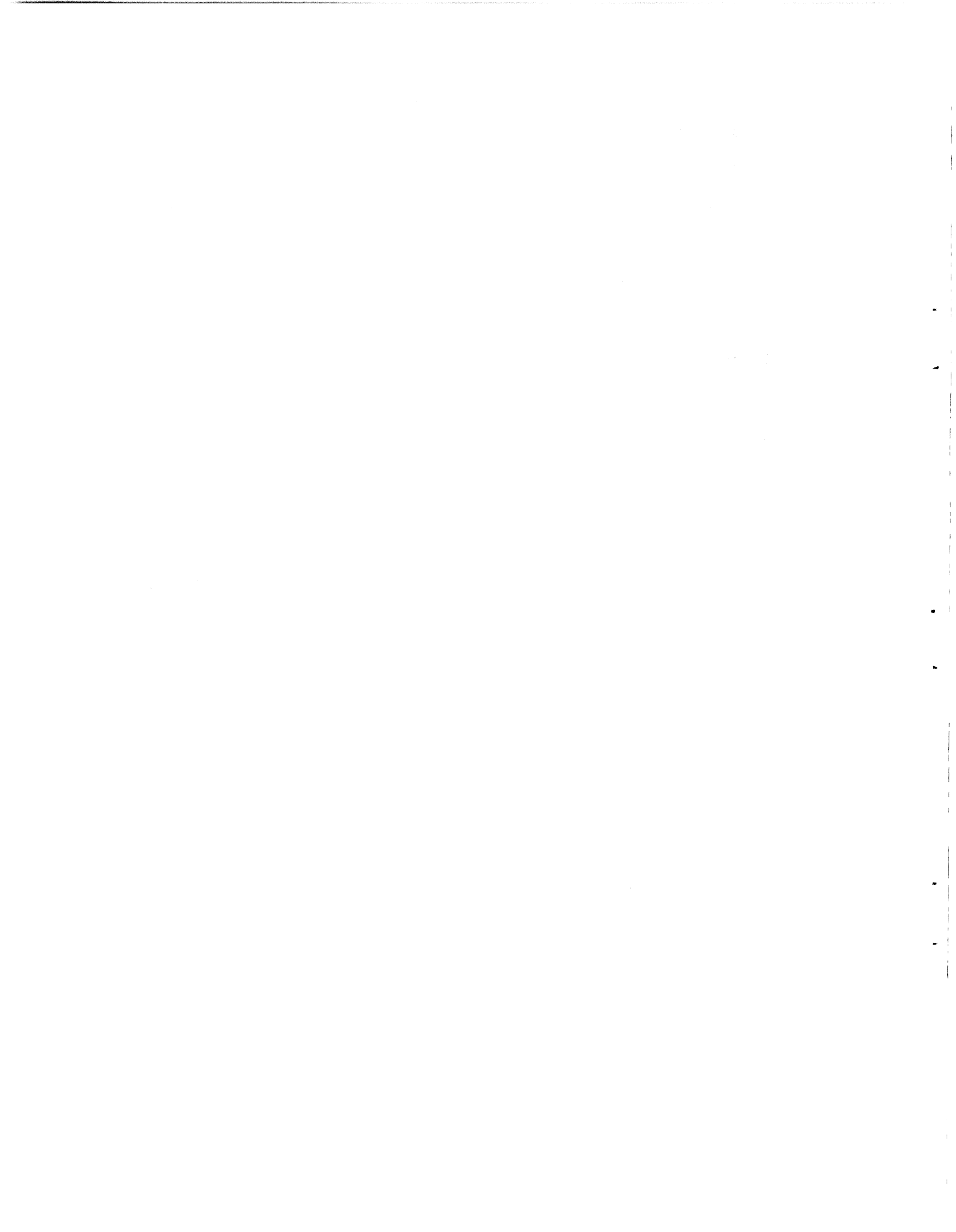
SENATOR MARAZITI: Yes.

SENATOR HAGEDORN: May I ask Mr. Scott one question. From all your testimony, am I correct in assuming that most of the difficulties that have been experienced in the last two weeks have been caused by a definite promise of a ten per cent increase which wasn't fulfilled?

MR. SCOTT: No, I don't think that, Senator. I think it may have been the so-called straw that broke the camel's back, but as I looked into the problems and tried to evaluate them and looked into the job of what a correction officer is, I think it goes far beyond that. It's an iceberg and conditions are, as I said, uniformly bad, and this may have been the thing that was the last straw. But it wasn't the thing that you could single out; it was just the last thing in a series of events that had taken place.

SENATOR MARAZITI: There will be a five-minute recess.

[R E C E S S]



(After recess)

SENATOR MARAZITI: The meeting will come to order.
Is Mr. Scott in the room?

MR. SCOTT: Yes.

SENATOR MARAZITI: Mr. Scott, could you make
available to us the gentleman's name, if you know?

MR. SCOTT: Yes, Mr. Frank Ginesi. Would you step
forward, Mr. Ginesi?

SENATOR MARAZITI: Will you give us your full name,
please?

F R A N K G I N E S I: Frank Genisi.

SENATOR MARAZITI: And what is your position?

MR. GINESI: Correction Officer, Rahway.

SENATOR MARAZITI: How long have you been a
Correction Officer?

MR. GINESI: 17 years.

SENATOR MARAZITI: You heard the testimony of Mr.
Scott in which he referred to a meeting with some officials
of the State concerning the increase that the guards might
receive. Were you present at that time?

MR. GINESI: Yes.

SENATOR MARAZITI: Where was that?

MR. GINESI: In Commissioner Sharp's office.

SENATOR MARAZITI: In Trenton?

MR. GINESI: Right.

SENATOR MARAZITI: And do you have the approximate
date? We don't need the exact date, the approximate date.

MR. GINESI: It was early in June.

SENATOR MARAZITI: In June of 1968.

MR. GINESI: Right.

SENATOR MARAZITI: Who else was there?

MR. GINESI: Attorney Perlman.

SENATOR MARAZITI: Perlman?

MR. GINESI: That's right.

SENATOR MARAZITI: Who is he?

MR. GINESI: He represented the PBA.

SENATOR MARAZITI: And he's an Attorney?

MR. GINESI: Right, from Trenton.

SENATOR MARAZITI: And what is your position with the PBA? Do you have a position?

MR. GINESI: PBA Delegate.

SENATOR MARAZITI: Is there any local number or is it statewide?

MR. GINESI: 105

SENATOR MARAZITI: 105. That's a statewide organization?

MR. GINESI: Yes.

SENATOR MARAZITI: And anybody else?

MR. GINESI: Mr. Ferraro, President of the PBA Local 105.

SENATOR MARAZITI: Ferraro?

MR. GINESI: Ferraro, F-e-r-r-a-r-o.

SENATOR MARAZITI: And he's also PBA Local.

MR. GINESI: That's right.

SENATOR MARAZITI: Another Delegate?

MR. GINESI: He's President of the PBA Local.

SENATOR MARAZITI: Oh, he's President. Is he here today too?

MR. GINESI: No, he isn't.

SENATOR MARAZITI: Anyone else that you can think of?

MR. GINESI: No, that's all.

SENATOR MARAZITI: Will you tell us, very briefly, the conversation as it relates to the percentage of increase, if any, and the extent of the alleged promise. That's all we want.

MR. GINESI: Well, we had approached Mrs. Sharp, we had written to her and we got this appointment, and we were talking about increases. We had been there earlier in the year to see Mrs. Sharp and Commissioner McCorkle. And when we got speaking to Mrs. Sharp, she related to us that there would be a ten percent raise for all State employees who did not receive a raise in January. And those who did receive a five percent raise in January would get five percent in July. So that would balance everybody off and everybody in the State service would have ten percent.

SENATOR MARAZITI: So you concluded from that, since you did not get the five percent increase in January you would get the ten percent in July.

MR. GINESI: In July, that's right.

SENATOR MARAZITI: Did she say that you would get this or she would try to get it?

MR. GINESI: No, they said we would get it, this is it.

SENATOR MARAZITI: Everybody in the State service would get it.

MR. GINESI: That's right.

SENATOR MARAZITI: No matter what kind of employment.

MR. GINESI: That's right.

SENATOR MARAZITI: And you felt yourself included in this group.

MR. GINESI: Right.

SENATOR MARAZITI: And you would be satisfied with this percentage.

MR. GINESI: Definitely.

SENATOR MARAZITI: No further questions. Thank you very much, Mr. Ginesi.

Commissioner McCorkle, I wonder if you could give us the benefit of your views.

Commissioner, before you begin, let me say that the Committee wishes to thank you for appearing here this afternoon. We appreciate your appearance and I would like to say publicly too that I know you cut short a trip, a vacation, to be here. It was not absolutely necessary for you to be here but we do appreciate your coming here and I'm sure the Committee will benefit by your views.

You have heard the testimony and you may testify in any way you desire.

L L O Y D W. M c C O R K L E: Well, just to get a few things in historic perspective perhaps, number one, the Department was called upon to make recommendations prior to July with reference to selective range revisions. The Department made recommendations to Civil Service. In July the new compensation plan was issued. The new compensation

plan, as I think Attorney Scott pointed out, carried with it the salary for correction officers and it was a five percent increase which all State employees received. There was no special selective range revision.

I might add that the Department's recommendations did not go beyond this point and it is further my understanding, although I was not present, that the Department's position was explained to representatives of the PBA.

The Civil Service action was taken. The difficulty around health occurred in Rahway in July, early in July, and I subsequently met with Mr. Scott and representatives of the Rahway officer group.

At that time there were two really pertinent points. The first point was the point that had to do with whether or not the Department planned to make any recommendations and I indicated to them at that time that we were evaluating the impact of the Civil Service actions. We would let them know within a reasonable period of time as to whether or not we had any specific recommendations and we would also let the other PBA groups, since they had also been in to see us, know and we would meet and review it. And I indicated to them what I thought would be a reasonable period of time and, as I recall, I said somewhere in the neighborhood of six weeks.

The second point is a point also to which Mr. Scott referred and that was the issue about funds. The only thing I could do - as I said to Mr. Scott, this is a very simple question but unfortunately there's no simple answer, at least from my point of view, and I pointed out to him, as regards the

120 account, which is the account for personnel, which would be the only available source of any surpluses within the Department of Institutions and Agencies' appropriations, I was called upon to meet certain fixed requirements - one had to do with the five percent selective range, turn-over balances and compensation claims. I indicated and I think made available to him, but I did not give it to him, a report that I made to the Board of Control on just this question and the kind of discipline that it would impose on the Department. I told him that certainly until we had an experience with our vacancies, with our recruitment and our retention of people, which would not be until the 30th of September, at which time we were going to make a subsequent review of our 120 and other accounts, we just simply could not say whether or not we would have any balances that would be available for raises.

That pretty much brings the matter up to the most recent illness situation when, as you know and it's been reported in the papers, of course, we had to move and go into the courts and get an injunction. So that is roughly where the problem is as regards the Department.

If you would like, I will go on and comment on one or two other things that --

SENATOR MARAZITI: Yes, feel free to comment on anything. I do feel that you are not only entitled to comment on what has been said but we, as a Committee, would like to hear your views.

COMMISSIONER McCORKLE: Well, I think there are two

things - one, the point made by Attorney Scott, I think, to the effect that Correction Officers have a difficult and complex job. I would certainly agree to that. I would also agree with Mr. Scott that from time to time it is a hazardous occupation.

I would further agree that you have as a result of a selective situation involved in the administration of criminal justice - you have incarcerated in institutions individuals that are more difficult, more disruptive and so on. I was, I might say, a little surprised at the implication of the large number of assaults. I was not aware that there were so many assaults and I was wondering perhaps if the number did not reflect the total number of disciplinary reports rather than the total number of assaults on officers. I would be surprised if there were that many.

The second point -- but this in no way, in my view, minimizes either the complex, the difficult and the occasionally hazardous jobs that correction officers do. I think they perform a service for the State of New Jersey and I would certainly agree that it's a service that should be compensated for and the correction officers should be provided the wherewithall to live a daily life that is commensurate with the contribution that they make to society.

The second point I would make is, in making recommendations - and I would suspect this goes not only as far as our Department is concerned but includes also agencies like the Civil Service, but I'll speak just for our Department. - in terms of making recommendations we have to be guided, really, by two central problems. One is the need to maintain some sort

of equity in terms of traditional relationships between various categories of personnel both within divisions and between the various components which make up the Department of Institutions and Agencies. So that traditionally one group of personnel has been compensated at this rate, based on classifications and surveys, and they have a relationship with other categories of people. And I think Mr. Farrell, in his letter to Mr. Scott, referred to this and to positions within the classified Civil Service to which correction officers most frequently are compared.

The second is, of course, the amount of funds available for any selective range revision and the total number of demands placed on the agencies recommending compensation schedules for State employees.

Now these are the factors. The only other thing that I could think of that I could add that might be germane and of some assistance is that we will certainly look into the situations to which Attorney Scott referred in his letter; we want correction officers to work in a situation where they can maintain their dignity and their self respect; we do not want to have a total situation where they are immobilized by any kind of anxieties, whether they relate to the inmates or in their reciprocal relationships with their superiors and with the persons who are responsible for the management of our correctional institutions. They occupy too sensitive and too strategic a point in the total structure for us to have that, so we will certainly look into these. My door and I know Mr. Wagner's door has been open to this.

In response to the question, have we ever discussed discipline, obviously on a number of occasions we have and from time to time they have brought to us aspects about general policies as they relate to discipline with which they had either questions or were in disagreement and hopefully we have at least in some instances, or my office, I will testify more specifically for, has tried to carry through. And this is important that any misunderstanding in this area be resolved and cleared up because we don't want it. We know that the people they have to care for, as you put it, Senator, it's not a Sunday school area and most people who are in institutions are not there for singing too loud in church, and they do pose a presenting problem that reflects their general lack of discipline, their inability to conform to rules and regulations, and I would be the first one to admit and to agree that the Correction Officer, because of his close physical proximity to them, is the person who sometimes is the object of abuse and villification and so on. I understand this. I respect the job that they do.

I want to say further that I think Correction Officers do make a contribution, they have made a contribution and I would want to carry with it that it has been sufficient that the suggestion that there is a kind of demoralization of a general character in our correctional institutions - I would hope that this is not true and that an examination of the facts would suggest otherwise.

SENATOR MARAZITI: Commissioner, I might observe now and compliment you too that you did serve as a Warden to

State Prison for a number of years.

COMM'R McCORKLE: I was at State Prison for a number of years when one of the rules referred to by Mr. Scott was put into effect, that when a superior officer is under the control of inmates his order be disregarded by anyone. I might add that was the result of a study by the superior officers and they recommended it for their own protection.

SENATOR MARAZITI: Let me say I think it's a good rule. There's no doubt in my mind about that. It's a good rule and I think Mr. Scott also agrees.

COMM'R McCORKLE: I think most of the officers here understand it's a necessary rule.

SENATOR MARAZITI: I don't think he disagrees with the rule, I think he wants to show the feeling that a guard might have and I understand it.

COMM'R McCORKLE: I would be the first one to agree that the guards have very, very difficult and very complex jobs and I would further agree with Mr. Scott that it doesn't matter if you're standing in a tower or if you are down running a wing. I think running a wing is in many ways, as he put it, it may be more exciting and less boring but it's a heck of a lot more difficult, but I would also agree with him that standing in the tower - and when he read our regulations, he read them accurately, - you must be alert, there's nothing funny about this.

SENATOR MARAZITI: Right. It does appear to me, without forming a definite conclusion, that perhaps that's a rule that might be considered being modified, that is where

you have one man in a tower for eight hours. This I pass on to the authorities, it may be wise to break it up to four hours.

COMM'R McCORKLE: We would be delighted, Senator, if somebody can come up with some recommendation in this area that operationally is implementable.

SENATOR MARAZITI: Well, it just does seem to me that you have to be very much on the alert there and certainly I agree that there should be no printed matter there either, they shouldn't read, but it's something to think about.

COMM'R McCORKLE: It's a very, very demanding job.

SENATOR MARAZITI: Well you did make an observation which I think merits checking into by the Committee, that perhaps this large number of incidents referred to may not all be assaults, they may be assaults or they may be reports of minor incidents. But this is something that the Committee will learn when Mr. Scott submits to us --

COMM'R McCORKLE: Yes, I would hope that this is true. I wasn't clear from his testimony whether there were 286 assaults at Bordentown or 286 conduct infractions.

SENATOR MARAZITI: Yes. Well, I do not know myself. I had the impression they were assaults or incidents serious enough to be very close to assaults. But rather than labor the point, and I see your observation, this is something we should determine, whether they were assaults or perhaps other incidents. Regardless of what they are, I don't want

you to feel that you must be in a position of defense here at all.

COMM'R McCORKLE: Oh, no. I don't feel that way and I don't feel - as Mr. Scott pointed out, he was not being critical of policies, whatever may have been his personal view.

SENATOR MARAZITI: Now I wonder if you could help with this next question. Now, it may not be a fair question to ask at this time, and if you need time and perhaps you do, you could let the Committee have it later. You did refer to a date around September 30th when you would be in a better position to determine the status of the accounts, the money accounts.

COMM'R McCORKLE: Money accounts, right.

SENATOR MARAZITI: Perhaps you would have a recommendation or perhaps you wouldn't. I don't know whether you want to answer that at this time. But I'm just wondering, you have about 665 guards, I'm not sure, something like that involved, it may be more. They do have a five percent increase and I'm wondering what kind of money we're talking about here if there's an additional five percent. Now, you may not have this information available now. If you want to hazard sort of a guess, you may; if you would rather not, then would you give to the Committee an idea, when you have the opportunity, of about how much more that means in dollars and cents.

COMM'R McCORKLE: Oh, we would prefer to supply that. It would be too hazardous to give it off the top of your head.

SENATOR MARAZITI: Yes. Well, I'm wondering what it

would be. Then perhaps on September 30th, or October 1, 2 or 3, you can give us an idea what the accounts may be.

COMM'R McCORKLE: Right. The only statement that I made to them was as to whether or not there would be any money available for any adjustments out of the Department's appropriation.

SENATOR MARAZITI: I know.

COMM'R McCORKLE: I didn't talk about anyone else because I can't talk for anyone else.

SENATOR MARAZITI: Without any commitment.

COMM'R McCORKLE: Right. I couldn't know until September 30th because the only place I have any flexibility is in my 120 account.

SENATOR MARAZITI: Right. So maybe you would let us have two figures - one, about how much money would be required if there were another five percent - this you could give us within the next week or so, perhaps, - and then after September 30th you may give us an idea, if any, of what there is. And may I say again, this is without any commitments or without any suggestions at all. It doesn't mean a thing. We're asking for these figures. I want to know what kind of money we're talking about.

Now just one more point, you heard reference to the prison guard who was found dead in one or near one of the prisons -

COMM'R McCORKLE: Leesburg.

SENATOR MARAZITI: Leesburg, yes. I don't want you to reveal any confidential information. Mr. Scott did say that

so far as he knew no one was charged with the offense. Do you want to say anything on this?

COMM'R McCORKLE: Well, as regards that particular crime, it, of course, was widely reported by us at the time. The Prosecutor in Cumberland County and the State Police were immediately notified. An investigation was conducted. Now what the status of that investigation is, I simply don't know. I know we cooperated with them. I know that, I believe, all inmates at Leesburg, which is a minimum custody institution, were interviewed and I think a number of them were agreeable to a questioning under a polygraph and apparently, to the best of my knowledge, nobody has been isolated as the assailant. Now who assaulted and was responsible for this tragic thing, I simply can't shed any light at all on that.

SENATOR MARAZITI: This was on the grounds but outside of the buildings?

COMM'R McCORKLE: No, this was a part of the Leesburg Institution, which is an unwalled institution and consists of a series of housing units and barns and so on, plus somewhere in the neighborhood of a thousand acres, and this officer as I recall it, and I think this is correct, was responsible for the surveillance of the outside buildings, and as he made his rounds he called in to the institution and I think sometime between one call and when they went out to check - when they went out to check they discovered that he was dead and his skull had been --

SENATOR MARAZITI: I take it there was no escape or disturbance at the time.

COMM'R McCORKLE: No, there was no escape, there were no escapes that had escaped from Leesburg either on that night or I think on the subsequent night or probably perhaps from the time that occurred. It really is one that if you speculate about it it taxes your imagination to figure it out.

SENATOR MARAZITI: Now you heard reference to the instructors working about four-and-a-half hours a day. Is that correct?

COMM'R McCORKLE: I would suggest that it probably varies from institution to institution but probably somewhere around four-and-a-half hours. Now what this refers to, of course, is that the inmates are in the shops these four-and-a-half hours so the actual operation of the shop is limited to four-and-a-half to five hours, maybe a little more in some cases and perhaps a little less in some others, but the instructor is there for an eight hour period. He is to be working on matters pertaining to the shop, he is to be conducting searches, as I recall, checking fire equipment, determining those things that are related to the movement of State Use products and not specifically involved in the manufacture of the items. But the actual inmates being in the shops, I think that's reasonably accurate.

SENATOR MARAZITI: Do you know if the instructors received a ten per cent increase, Commissioner, as referred to?

COMM'R McCORKLE: Well, there are grades of instructors. For instance, there are State Use trade instructors two and one, I believe. State Use Trade Instructor I

is a person responsible for a total operation like McCorkle would be in charge of the tailor shop in the New Jersey State Prison. And then there would be Trade Instructors II there. I think Trade Instructors II and Correction Officers are on parity as regards salary. I think that is correct.

The reference here is to Trade Instructor I. Whether or not he got fifteen percent last January, I don't know but I think that is accurate. This is one of the major points made by the officers and I might add one of the things we indicated to them we would take a hard look at.

SENATOR MARAZITI: You said fifteen percent.

COMM'R McCORKLE: That's what they stated, fifteen percent between January --

SENATOR MARAZITI: Oh, five percent and ten.

COMM'R McCORKLE: I think what the officers have reference to or what Mr. Scott had reference to - if I can clear up a point again - was the raise that took place in connection with a number of people in the Department at the time - if you recall, nurses were in the public eye about salaries, and I think Trade Instructors, Juvenile Officers and one or two other categories of people received raises; they got five percent then and then subsequently they got ten. That's the group their talking about.

SENATOR MARAZITI: All right, Commissioner.

Senator, do you have any questions?

SENATOR HAGEDORN: No.

SENATOR MARAZITI: I think Director Wagner is here and perhaps he can answer some questions relative to personnel.

Thank you again, Commissioner.

COMM'R McCORKLE: Thank you.

SENATOR MARAZITI: Director, will you let us have your full name and title.

A L B E R T C. W A G N E R: Albert C. Wagner, Director of the Division of Correction and Parole.

SENATOR MARAZITI: Well, Director, you may make any comments you wish. I have a question or two I would like to ask you but feel free to make any comments you desire. If you prefer to be questioned, I will proceed.

MR. WAGNER: I would like, I think, to make just one comment, Senator, that has to do with the observation that's been made here again and again with reference to the difficult and hazardous character of the work of the Correction Officer, and I want to say that this is an accurate kind of statement and one that deserves full consideration by your Committee.

The difficulty that's faced by all of us in correction is a very simple one so far as society generally is concerned. It wants us to do two things which are diametrically opposed to each other and do them at the same time. One of these is to punish the individual who has been in trouble and in some instances at least some segments of our society want us to punish very severely; and at the same time they want correctional institutions and other forms of correction, probation and parole, for example, to rehabilitate. This is a very, very difficult task, and the individual upon whom this falls in a very substantial measure is the correction officer.

He is the individual who is expected to maintain discipline, provide what punitive aspects there are involved in people being incarcerated, and at the same time he is expected to be rehabilitative, to do what he can to help this individual to lead a life so that he doesn't get into difficulty again on release.

I think the only other comment I would like to make has to do with the death of Correction Officer Heil at Leesburg. I think the Commissioner gave you what information you needed really but I only want to tell you that this investigation has been a complete one, a very intensive one on the part of both the County Prosecutor and the State Police, and continues.

Unfortunately, Mr. Heil was alone on duty at that time in an area where no other persons were about and he was assaulted, as a result of which he died, a most unfortunate event, and yet there is just no clue at this moment. Interestingly enough, there has been only one escape from this minimum custody facility since that time and this is on the part of an individual who couldn't possibly have had anything to do with it.

I think that's the only comment I have.

SENATOR MARAZITI: Now on this guard, Mr. Heil, he was alone and that was in accordance with regulations, I assume. He was not required to be accompanied by another guard, was he?

MR. WAGNER: No. There should be no inmates in that area at that time.

SENATOR MARAZITI: So it is not known whether it was an inmate or not an inmate.

MR. WAGNER: That's correct.

SENATOR MARAZITI: Now you explained, I think very eloquently, the difficult task of a correction officer really carrying out the function of our institutions, that is to combine, if possible, punishment and rehabilitation, almost a contradiction but not quite, and it is a difficult task. So I take it, in a sense, you might agree with Mr. Scott that the duties and obligations and responsibilities of a prison guard or correction officer - I like that title better -

MR. WAGNER: So do I.

SENATOR MARAZITI: - are difficult.

MR. WAGNER: I think this is true, Senator, not only, however, of a correction officer, it's true of all the personnel, you know, who are along with the officers locked behind the doors and the windows in the institution. It is true, of course, that the officers on the average, on the whole are in more daily minute by minute contact with inmates than are some of the other staff members, but all are subject to the same things.

SENATOR MARAZITI: Yes. Now, while we're on that point, you heard the testimony of Mr. Scott insofar as assaults were concerned, and I don't know whether anything can be done to minimize these. This is beyond our original scope, as far as the Committee is concerned, but it has come up. He repeated a number of occurrences that seemed should not reoccur. Now I do know that you cannot eliminate these problems.

It must be really quite a thing to work in one of the institutions and I know you will have problems. I'm wondering if it has to do with discipline or is it just something you can't do anything about. You may not be in a position to answer this because you may not be familiar with the particular situation at each of the prisons.

MR. WAGNER: I think that's true. I'm not close enough to be able to answer your question definitively at this moment. On the other hand, we would be perfectly happy, as the Commissioner has said, to look further into this when and if it is brought to our attention.

SENATOR MARAZITI: I wonder if you could direct yourself to that. I don't expect perfection. None of us do. And I certainly realize that conditions in a custodial institution are such that you would have occurrences of this type. But I suppose the more we can cut them down, the better it will be for everybody concerned.

Now you heard some reference to the 15 percent increase for Instructors. Is this your understanding that the instructors - or what is your understanding about the increase that the instructors received in either January or July?

MR. WAGNER: Actually, Senator, I don't have detailed information on this but, of course, others who are here in the room can give you that.

SENATOR MARAZITI: Do you have a chart giving us the comparative salaries of correction officers in the State of New Jersey and other states? Do you have that?

MR. WAGNER: Yes, we have such a chart.

SENATOR MARAZITI: Will you make it available to the Committee?

MR. WAGNER: I will be glad to make it available to you.

SENATOR MARAZITI: Mr. Mark Reifer will assist you in that regard. If you will let him have the copy, we will xerox it and send it to members of the Committee.

MR. WAGNER: Right.

SENATOR MARAZITI: Without reference to the chart, if you don't have it, are you able to tell us about how New Jersey stands with some of the other states. Do you have the chart available?

MR. WAGNER: I have it back here, yes.

SENATOR MARAZITI: Is this the chart?

MR. WAGNER: This survey does not include all of the states in the United States but it does include all of the states that are said to have "progressive programs" and which you would anticipate would have the higher salaries for correction officers.

The present salary of correction officers in New Jersey starts at \$6,366 and then, assuming that there are no changes in the maximum over the intervening period, the officer would attain in six steps, six annual increments, a maximum of \$8,274. This salary is exceeded by only one state at the present time and that is the State of California where the salary starts at \$7,008 and in four steps, four annual increments, goes to a maximum of \$8,520.

Now there is one other state that you might say is

above New Jersey, and in some ways is, and that is the State of New York. In the State of New York the beginning salary is \$6,535, which you will notice is slightly more than in New Jersey, and in five steps, five annual increments, goes to a maximum of \$8,010, which is \$264 less than in New Jersey. But in the State of New York, after you are in the service for ten years, there is a longevity increment, and at the end of ten years the salary goes to \$8,305, and at the end of another five years, that is the 15th year, it goes to \$8,600.

That is about where we stand. Pennsylvania starts at \$6,090 and goes to \$8,164. Massachusetts starts at \$6,349 and goes to \$8,034. And so it goes.

SENATOR MARAZITI: Thank you very much.

MR. WAGNER: I think I would like to say, of course, that I don't think we can measure the services of these men and other correctional employees by these dollars, Senator.

SENATOR MARAZITI: Yes. I agree with that.

Any questions, Senator?

SENATOR HAGEDORN: No questions.

SENATOR MARAZITI: Now I wonder if I could ask Mr. Farrell of the Civil Service Commission to step forward.

J O H N J. F A R R E L L: I am John Farrell, Chief Examiner and Secretary of the Civil Service Commission.

SENATOR MARAZITI: Mr. Farrell, we want to thank you for appearing here this afternoon. We appreciate your appearance.

I wonder if you would like to make a few general remarks. If not, I will be glad to proceed with several

questions.

MR. FARRELL: Let me first apologize for the absence of Commissioner Sharp, President of the Civil Service Commission. Commitments today have taken her out of the State.

I was glad to have cleared up by Frank Ginesi the fact that it was not John Farrell because the testimony of Mr. Scott may have confused you as to my making the commitments to him. I made no such commitments.

Let me further clear for the record that prior to today, which was a very casual meeting, today's meeting, I met once before with Mr. Scott and his group. They appeared at the Civil Service offices unannounced and asked to speak to me and I met with them that afternoon which was the day referred to in my letter, July 22. However, Mr. Scott and the group having met with so many people, I can see why he may have led you to some confusion as to what commitments were made by John Farrell.

I am Secretary to the Civil Service Commission and, therefore, my response on August 1 was as Secretary to the Civil Service Commission and I would like to read that letter in full and not in part.

SENATOR MARAZITI: Go ahead and read it.

MR. FARRELL: "Kindly be advised that your correspondence" - and this is addressed to Mr. Scott.

SENATOR MARAZITI: Excuse me. Do you have a copy of the letter that you could leave with us --

MR. FARRELL: Oh, yes.

SENATOR MARAZITI: So that it is not necessary

for the Secretary to copy this at length. I want you to read it into the record and then let us have a copy.

MR. FARRELL: Yes. "Kindly be advised that your correspondence of July 23 and 24, 1968, which you forwarded as an aftermath and in response to our meeting of July 22, 1968, was considered by the Civil Service Commission. I trust you understand that as of the time of the Civil Service Commission meeting of July 30 we still had no formal comment from Commissioner Lloyd W. McCorkle concerning your request to which you refer in your correspondence."

Mr. Scott at the meeting with me and also in his letter which precipitated this response mentioned that a study was being made by Dr. McCorkle.

"However, be that as it may, the Commission in its rejection of the request did consider the salary revisions from January, 1959, up through June 29, 1968 received by the following titles: Correction Officer" - Mr. Scott read these titles to you - "Carpenter, Foreman Carpenter, Institutional Trade Instructor II, Trade Instructor I," and so on down the line.

"The Commission definitely came to the conclusion that there is no indicated discrimination or neglect of the Correction Officer series throughout the varied salary programs since 1959 and that the present salary ranges established as of 1968 compare favorably with the other related titles mentioned above. It felt compelled to direct me to call your attention to the fact that in 1966 the Correction Officer series was the only group that received a ten percent range revision and salary increase at the time.

"The Commission expressed regrets and sees no other alternative in denying your request for the group you represent."

On August 5 I received a letter from Mr. Scott in which he asked to explain and, knowing of this meeting and our appearance I felt that that letter of August 5 didn't need a specific answer because it would probably be reviewed at this meeting.

But I wanted to make clear that, I would say, we have a very friendly relationship with the correction officer group, the PBA here. I personally do, I think. And certainly the meeting with Mr. Scott was a rather friendly one and one of exploration.

I want to go on record --

SENATOR MARAZITI: Well, on the letter, if I could clear up one point with you we could save a little time, I think.

In the letter you say that the salaries of the correction officers compares favorably with the other salaries of individuals. I think you mentioned --

MR. FARRELL: The other titles.

SENATOR MARAZITI: Yes. But are they comparable? What I'm getting at, I think you mentioned a carpenter, for example.

MR. FARRELL: Well, let me mention to you why that was listed. We have heard this afternoon the title of institutional trade instructor. He's a tradesman, basically. He may come out of the correction officer series

but he is a tradesman, he instructs in a trade, and we compare them in salaries with the other trades. And this is why carpenter was mentioned.

Now the correction officer and the trade instructor, grade II, as all other trades, carpenter, plumber, steamfitter, and so on, in State service are at the same salary range at the present time - \$6366 to \$8274.

The Correction Sergeant, which is a promotion title from Correction Officer, is at the same level as the Institutional Trade Instructor, Grade I, and that range is \$7369 to \$9577. So the Trade Instructor I is leveled at the Correction Sergeant. That, too, as Dr. McCorkle mentioned to you a minute ago, - the Grade I is actually a supervisory position, it's a rank position, just as Correction Sergeant is, and that's where the leveling goes on.

Our records show - this is what I wanted to mention - that the Civil Service Commission made a recommendation prior to last July, prior to July of 1967, that there was a need for a general raise of ten percent. We're on record. Now for reasons best known to the Legislature, it came out as a five percent, and that's all. We again in October reiterated the need for the ten percent, which had been reduced to five, for all employees. We reiterated in October of 1967 the need for the additional five percent, and if not back to July at least in January. This too was disregarded.

However, as you know, throughout the Appropriations Committee discussions, it finally came out, after their studies, as law that there would be a five percent retroactive

to January for all State employees with certain limitations because in the meantime certain groups, such as the Nurses, as had been referred to earlier, the State Troopers, the Motor Vehicle Examiners and the Motor Vehicle Inspectors, by special legislation, not by Civil Service Commission action but by special legislation, were treated to substantial raises and as a result they were made exceptions as far as any retroactive when the general five percent back to January 1 was to be applied.

But, generally speaking, the five percent was given to all State employees back to January 1. Now this was determined in July, or this was determined, if you will, in the latter part of June when the Appropriations Bill was signed and made law. Also in that Bill was selective range revision and that selective range amount, which originally was thought of in terms of \$2 million was reduced to some \$1,400,000.

Now this was supposedly to be applied selectively to re-establish relationships, if you will, that may have been distorted with the special ranges that had been assigned to certain groups, not only by the Legislature but by the Executive as well. And this was the attitude that we approached it with. It was not enough, obviously. It was \$1,300,000 or \$1,400,000.

And this is what I mentioned to Mr. Scott at the time I met with them, Mr. Scott and his group. However, I asked Mr. Scott to re-present his request for the additional five percent selective range revision to the Civil Service

Commission. The Commission did consider it on the basis of the nature of the letter that I mentioned.

Now let me point out to you, Senators, that since 1961 through 1968 the Correction Officer series, the Correction Officer, the Correction Sergeant, Correction Lieutenant, Correction Captain, have received 41 percent increase. This is factual.

In receiving their increases through the years, from 1961 through 1968, they were the only group in 1966 - and that's referred to in the letter -- they were the only group in 1966 that received any selective increment, any selective range revision and cash increment. The others received, if they were due it, a normal increment. But there was no selective range revision that year other than for the Correction Officers and there was a ten percent for the Correction Officers.

The Attendant, Criminal Insane, who by relationship established within Institutions and Agencies, are related, also have received in that time, 1961 to 1968, 41 percent, from 1961 to 1968. I grant you they received ten percent in 1968 but this was to bring them up in line with the \$6366 to \$8274 that the Correction Officers were receiving with only five percent.

Now this distortion obviously occurred in 1966 when they received ten percent, namely the Correction Officers, and the Attendant, Criminal Insane, for example, received nothing.

The Trade Instructors are recorded as receiving 40 percent increase in that period of time. Again a title and

group of titles related to the Correction Officers throughout Institutions and Agencies and carried on by ourselves in any salary study.

The Industrial Manager, for example, - now these are the State Use people and they too are working in and out of institutions, - they're recorded as having received in that period of 1961 to 1968 40 percent increase.

The Trooper is recorded in that period of time as having received 47 percent. However the 47 percent represents some legislative action and not Civil Service Commission action.

The Cottage Officer, which is of recent vintage in the Jamesburg area and I believe at Clinton Reformatory area and some of the other institutions related to the Prison complex, is 35 percent in that period of time, 1961 to 1968.

The Juvenile Officer, which is of recent vintage which is again out of State Home for Boys or the School for Boys, represents a 40 percent raise in that period of time, 1961 to 1968.

So the Commission in its deliberation in originally and re-examining felt that at this time two things had to be considered. First of all, the internal relationship - and Mr. Wagner has already talked on the external relationships - that is with the Correction Officer of other states, and we have even a more elaborate study which I will gladly make available to you in that connection.

These statistics that I've read are available to you for verification or what use you should choose to make

of them.

I must point out again the fact that the Civil Service Commission felt there was a need for a ten percent for all State employees, as of last July, not July, 1968 but July, 1967. However, over and above this, we didn't even consider selective range revision as a possibility. As it turned out, this was modified. The ten percent recommendation was modified to a five percent in January, five percent last July, and selective range revision.

Now these are the facts that we basically used and these are the statistics that we used in making a determination that at this time we felt that the Correction Officers should not get any further selective range revision at this time.

SENATOR MARAZITI: The Correction Officer did not receive any five percent increase in January of 1968.

MR. FARRELL: Oh, yes they did. They received the retroactive which was given in July but, however, it was retroactive to January. The retroactive payment in regard to this has not been distributed as yet.

SENATOR MARAZITI: Has not been what?

MR. FARRELL: Has not been distributed yet, the retroactive check, that has not been distributed. However, there was a great deal of publicity and State employees generally I think are aware of the fact that they are getting a five percent retroactive, those who did not get any during the year of 1967-1968.

SENATOR MARAZITI: In other words, there will be some who will receive - some Correction Officers who will receive

the five percent increment retroactive from July 1 back to January.

MR. FARRELL: That's right, from July 1 back to January. In other words, the range revision has been made effective, the five percent range revision has been made effective January 1, 1968.

SENATOR MARAZITI: This would be not all the Correction Officers.

MR. FARRELL: Oh, yes.

SENATOR MARAZITI: All of them.

MR. FARRELL: Yes, as far as I know. The Trade Instructors may not get any because they received an adjustment back in January when the Nurses got it.

SENATOR MARAZITI: And then all the Correction Officers will get and are getting their five percent increase from July 1 on.

MR. FARRELL: No.

SENATOR MARAZITI: No?

MR. FARRELL: No. They received no selective.

SENATOR MARAZITI: The retroactive.

MR. FARRELL: That's correct.

SENATOR MARAZITI: They received the five percent increase.

MR. FARRELL: That's correct.

SENATOR MARAZITI: Now what they are complaining about is --

MR. FARRELL: They received no selective range revision.

SENATOR MARAZITI: They didn't get the additional five that would make it ten.

MR. FARRELL: That's right.

SENATOR MARAZITI: From July 1 on.

MR. FARRELL: That's correct.

SENATOR MARAZITI: Now, the Instructors did get the ten percent.

MR. FARRELL: The Trade Instructors. But the Trade Instructor finds himself --

SENATOR MARAZITI: Did they get 10 percent or --

MR. FARRELL: They received ten percent in July, five retroactive and five in July.

SENATOR MARAZITI: Oh, they got five retroactive and five more. So it's ten percent, not fifteen.

MR. FARRELL: That's correct.

SENATOR MARAZITI: And they are getting the ten and I think you gave us a reason for that. Would you repeat that again briefly, why the Trade Instructors, you feel, should get the ten percent.

MR. FARRELL: In 1961 the Trade Instructors, Grade II, were at the same level and considered so, same level of responsibility and functioning, as the Correction Officer, and this was the thinking within Institutions and Agencies. They were the same. As the years went on, and particularly in 1966, this picture was distorted, this relationship, because the Correction Officers went ten percent when nobody else got anything, or none of the other related titles.

Now we used the selective range revision, limited though

it was, to re-establish the relationships that had been distorted throughout the period of time. That's the purpose of selective range revision.

SENATOR MARAZITI: I think you said that you felt that all State employees should receive a ten percent increase.

MR. FARRELL: That was the recommendation of the Civil Service Commission prior to July, 1967.

SENATOR MARAZITI: Well, would you say then they should receive the ten percent increase in July, 1968, too?

MR. FARRELL: No, but we felt that if that had been adhered to there would have been a five percent in July of 1968. In other words, if the ten had been given in July of 1967 --

SENATOR MARAZITI: For all employees.

MR. FARRELL: For all employees.

SENATOR MARAZITI: Then there would be a five percent for all employees in 1968.

MR. FARRELL: In July of 1968. And this would have been that 15 percent that --

SENATOR MARAZITI: But if that had been done wouldn't that have put the Correction Officers a little ahead of --

MR. FARRELL: Correct. But I must finish my thought, which I did finish earlier, but let me reiterate it. We talked of a ten percent across the board for all State employees, beyond that selective range revision, but we felt that the ten percent was so enormous, as far as funds were concerned, - this came to about 24 or 25 million dollars, if ten percent had been given, this is the round figure that I'm given anyway, -- the

Legislature saw fit to go into what they did, namely, five percent retroactive to January and a selective range revision which is not cash necessarily, it's a selective range revision.

SENATOR MARAZITI: Which is not what?

MR. FARRELL: Which is not cash, necessarily. And this is something that I think Mr. Scott may have misled you on when he said it takes 12 steps to get to the maximum. If we keep increasing the maximum it's conceivable that you never get to it.

SENATOR MARAZITI: Well the point I was trying to make, and I'm not sure that I'm correct, is --

MR. FARRELL: Well it's not easy, Senator.

SENATOR MARAZITI: If you had this ten percent increase over-all --

MR. FARRELL: And no selective --

SENATOR MARAZITI: Then in your mind the Correction Officer would be getting more than he should be getting. But your point is that there would be a selective factor in here that would take care of it.

MR. FARRELL: That's correct.

SENATOR MARAZITI: All right. I got that. Now one more question and then I'm through.

You've heard the testimony about the conversation that Mr. Ginesi and several others had with Commissioner Sharp. I take it you were not in the room at that time.

MR. FARRELL: I was not present. I mentioned to you that I had never met Mr. Scott except once before and that was at the meeting on July 22.

SENATOR MARAZITI: You were not in that room.

MR. FARRELL: Let me clarify something here that may take a moment.

SENATOR MARAZITI: Yes, will you. Let me put the question to you this way. In other words, what Mr. Ginesi is saying and his associates, is that Commissioner Sharp promised or represented there would be a ten percent increase. Now perhaps you can tell us about this.

MR. FARRELL: Mr. Scott mentioned it that day and Frank did too, Frank Ginesi, when they met with me that Mrs. Sharp - and he also mentioned I think that Assemblyman Gimson had made the commitment to them of ten percent. I didn't hear that name mentioned this afternoon, but when they talked to me they mentioned it.

SENATOR MARAZITI: I understood that too.

MR. FARRELL: Now there was a great deal of confusion as to the application of the range revision program and I think you are aware of that, having lived through some of the Senate sessions on the Appropriations Bill. And in all fairness to Commissioner Sharp, I could very well see, on the basis of our original recommendation of ten percent back to July, 1967, there were some strong feelings and a reiteration of it again in October by our Commission, that there were some strong feelings on her part that this was what was going to be accomplished.

So I am only trying to explain Commissioner Sharp's thinking in this area. However, I did not make such a commitment to them. I think you're aware of that.

SENATOR MARAZITI: No, I know that Mr. Farrell.

I want to say again absolutely I know you did not make the commitment and I do want to say too that no one here has said that, and I don't think that impression should be left. I don't have that understanding at all.

MR. FARRELL: I will go further, Senator, and indicate to you that I will ask Commissioner Sharp to, in writing, explain what her version of the conversation is.

SENATOR MARAZITI: I didn't get that. Please repeat that.

MR. FARRELL: I will ask Commissioner Sharp to write to you or send a note to you as to what her version of the conversation was.

SENATOR MARAZITI: Yes. I think that perhaps would be the best way to handle that. If she would either write the letter to me or have it sent to Mr. Reifer, Legislative Services, he can duplicate it and send it to members of the Committee.

Just one more thing. Do you have any idea in what part of June that meeting was held with Commissioner Sharp?

MR. FARRELL: I have not.

SENATOR MARAZITI: Was it the latter part of June?

MR. FARRELL: It seems a matter of confusion with Mr. Scott so I don't know. I met with him July 22, that I know.

SENATOR MARAZITI: All right. The point I have in mind, and we can determine that from the letter, is I am just wondering if that was after the adoption of the

Appropriations Bill and had to do really with a recommendation of the Commission or not.

MR. FARRELL: I have a feeling it might have been before the Appropriations Committee decided on the bill, before it was signed, Senator.

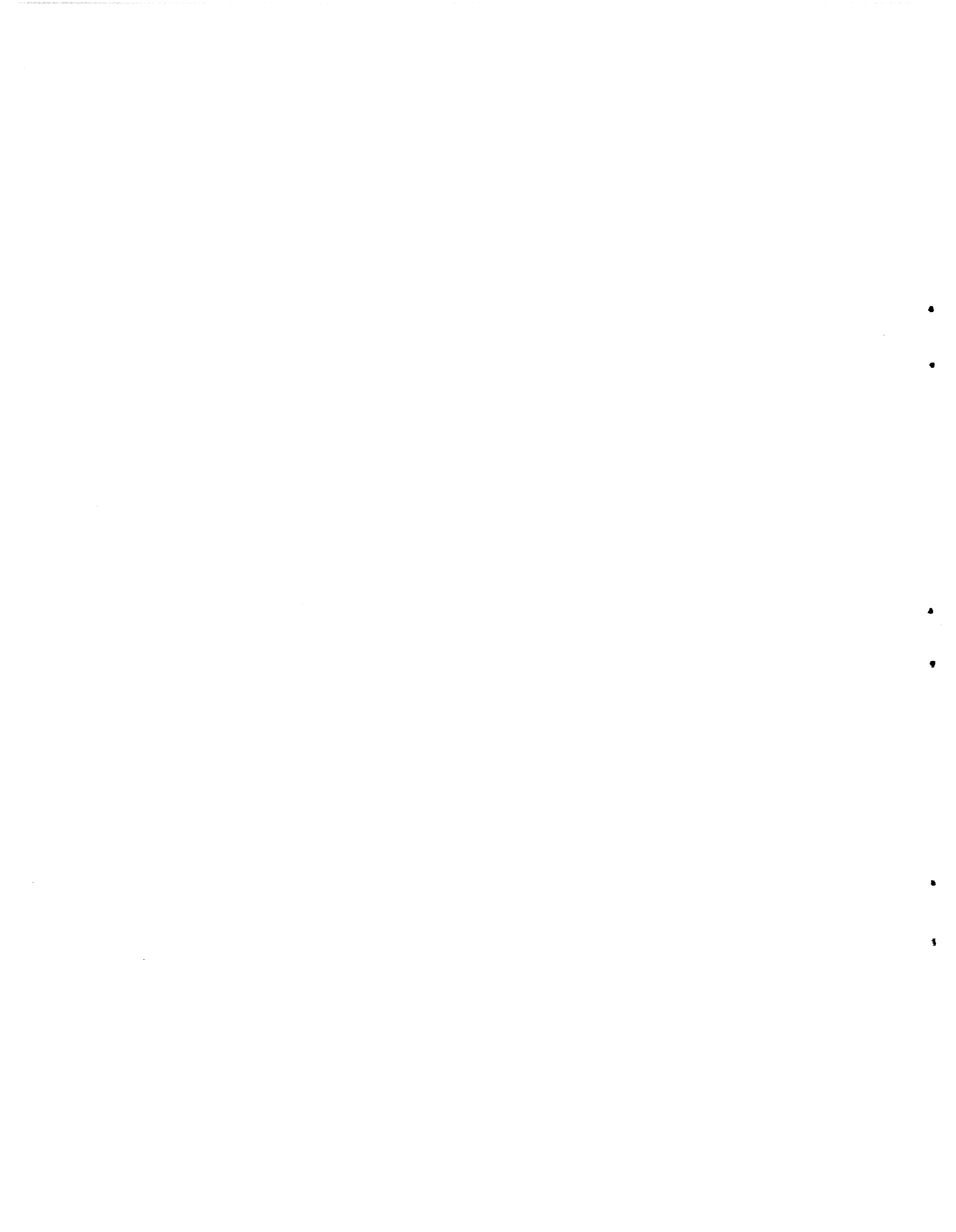
SENATOR MARAZITI: Thank you very much, Mr. Farrell. I have no further questions. We appreciate your appearing here and we appreciate your assistance and also what you have planned to send us.

MR. FARRELL: Thank you.

SENATOR MARAZITI: Is there anyone else who wishes to address the Committee? If not, let me say that we have concluded our testimony here and let me thank all of those who have attended. Let me say that a transcript of the proceedings will be available to anyone, you too, Mr. Scott, if you so desire it, and a transcript of the proceedings will be sent to the other members of the Institutions Committee and they will deliberate on what we have discussed here this afternoon.

Let me thank all of you who have attended for your cooperation and assistance. The hearing is adjourned.

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