

POLICE DEPARTMENT
CITY OF SOUTH AMBOY



GRIEVANCE FORM

EMPLOYEE'S NAME: Besner, Robert RANK: PTI

DATE OF FILING: 9/25/2019

FIRST STEP

NATURE OF GRIEVANCE:

On September 24, 2019 a department wide email was issued
changing my departmental seniority. The email reads that a
recent decision by the New Jersey Department of Personnel has
changed my departmental seniority status. Please provide me
with a copy of the decision or restore my departmental
seniority.

EMPLOYEE'S SIGNATURE: [Signature]

DATE FILED WITH ADMINISTRATOR: _____

DATE RECEIVED: 09-26-2019

CITY ADMINISTRATOR'S ANSWER:

Response Attached

CITY ADMINISTRATOR'S SIGNATURE: _____

DATE ANSWERED AND RETURNED TO EMPLOYEE: _____



City of South Amboy

140 North Broadway • South Amboy, New Jersey 08879

Phone: (732) 727-4600

Fax: (732) 727-6139

Memo

To: Robert Besner

From: Glenn Skarzynski 

cc: Darren Lavigne/Chief of Police
Steven Clark/South Amboy PBA #63
Francis M. Womack III, Esq.

Date: September 26, 2019

Re: Grievance

I am in receipt of your grievance dated September 25, 2019 in which you request correspondence received from the New Jersey Civil Service Commission changing your seniority status. Please be aware that I have no such correspondence in my possession nor has any request been made to effect a change in your status with the New Jersey Civil Service Commission on behalf of the City of South Amboy.

I also have in my possession a memorandum from Chief Lavigne [enclosed] indicating discussions were held relative to the manner in which he, in his role as Chief of Police, intends to make assignments based on a change in status reportedly awarded to Officer Dane O'Grady from veteran to disabled veteran. The document includes a notation that he spoke with you by telephone and that you agreed "not to contend" this decision. I have attached a copy of that document for your review.



South Amboy Police Department

140 North Broadway, South Amboy, NJ 08879

Non-Emergency: 732-721-0111

FAX: 732-721-1504

Emergencies: DIAL 911

DARREN C. LAVIGNE
CHIEF OF POLICE

Due to a recent decision by the New Jersey Department of Personnel a determination has been rendered changing Ptl. Dane O'Grady's status from Veteran to Disabled Veteran. This will have little impact on what has transpired in the past. Officer O'Grady has agreed to not pursue remedies for past inaccuracies. It should be noted that the City of South Amboy and The South Amboy Police Department are in no way responsible for any misclassification or error in placement of individuals on list. This is solely the function and responsibility of the States Department of Personnel.

As a result the Seniority list will be re configured as such:

Ptl. Dane O'Grady—— Disabled Veteran

Ptl. Robert Besner —— Veteran

Ptl. Alexander Miranda ——Veteran

The impact moving forward will be mainly in the Overtime, Road job, and Acting Sergeant areas. You have all been afforded Veterans Status and were compensated with enhanced placement on the hiring list. You were all hired at the same time from the same list. Your service to The United States Military has been and will continued to be acknowledged and appreciated.

Thank You Appreciatively,

Chief Darren LaVigne

Chief Darren LaVigne *Chief Darren LaVigne* 9-29-19 1018 HRS
Ptl. Dane O'Grady *PTL Dane O'Grady* 9/24/19 1018 HRS
Ptl. Robert Besner *SPOKE WITH VIA PHONE 9-23-19 AGREED NOT TO CONTEST D.L.*
Ptl. Alexander Miranda *PTL Miranda* 9/24/19 1018 HRS
PBA Officer Steven Clark *STEVEN CLARK* 9/24/19 1018 HRS

"The South Amboy Police Department is committed to Protect and Serve in partnership with our Community, and Consistently to maintain Honor, Integrity and Professionalism, while striving to Improve the Quality of Life in South Amboy."



GRIEVANCE FORM

SECOND STEP

EMPLOYEE'S ADDITIONAL COMMENTS TO ORIGINAL COMMENTS:

EMPLOYEE'S SIGNATURE: _____

DATE FILED WITH MAYOR AND COUNCIL: _____

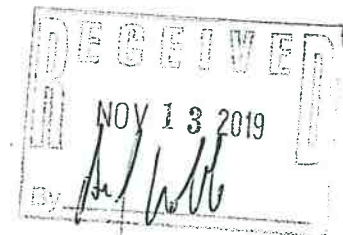
DATE RECEIVED: 10/17/19 *[Signature]*

MAYOR AND COUNCIL'S ANSWER:

See attached

MAYOR AND COUNCIL'S SIGNATURE: *[Signature]*

DATE ANSWERED AND RETURNED TO EMPLOYEE: 11/7/19



Law Office of Francis M. Womack III LLC



Memo from Francis M. Womack, Attorney, City of South Amboy

FMW 11/7/19

Re: PBA Grievances dated September 25, 2019

Dated: November 7, 2019

Two grievances have been received. The first is dated September 25, 2019 and was filed by Officer Robert Besner (Besner). The second is also dated September 25, 2019 and was filed Sgt. Brian Noble on behalf of PBA Local #63.

Besner's grievance requests that he be provided "a copy of the decision by the New Jersey Department of Personnel changing my department seniority status" or that his departmental seniority be restored. In a response dated September 26, 2019 Business Administrator Glenn Skarzynski indicated that no request had been made by the City to the Civil Service Commission for any change to Besner's seniority.

Sgt Brian Noble's grievance of September 25, 2019 states, "on September 24, 2019 agreement was reached between members of PBA Local # 63 and Chief LaVigne pertaining to several officers' department seniority. As per preamble, page 1 – 2, of the PBA #63 contract ("the contract"), all agreements reached must be between PBA #63 and the City of South Amboy. As per our contract, the agreement reached should be null and void".

On September 26, 2019 Business Administrator Skarzynski responded to Noble's grievance, stating, "I have in my possession a memorandum signed by the Chief of Police and countersigned by the President of PBA Local #63 addressing a seniority issue. The Agreement was neither conceived nor requested by the City of South Amboy and was executed in response to members of and the President of PBA #63. If the agreement is considered by you to be objectionable, I recommend that you discuss it with your collective bargaining unit and come to a consensus as to if you wish the agreement to stand or be withdrawn. Once the conclusion is reached the City of South Amboy stands ready to continue or vacate this agreement once PBA #63 as the "sole and exclusive representative" of all employees in the PBA bargaining unit ... reaches as a decision".

There has been no formal response to Mr. Skarzynski's memo of September 26, 2019.

Based upon the clear wording of the contract between the City of South Amboy and PBA Local #63, and in the absence of a mandate from the New Jersey Civil Service Commission, the agreement changing Department Seniority of three officers is not valid and is null. The agreement was not reached between appropriate designees of the City of South Amboy and PBA #63 as is required by the contract. The City of South Amboy agrees with the September 26, 2019 grievance filed by Sgt. Noble on behalf of the PBA. For the same reasons, the City concurs with the September 25, 2019 grievance of Officer Besner. The extra-contractual agreement altering the seniority of the three officers based upon a change of Ptl. Dane O'Grady's status from 'veteran' to 'disabled veteran' is not valid. The seniority of all officers remains as it was prior to September 24, 2019.

POLICE DEPARTMENT
CITY OF SOUTH AMBOY

GRIEVANCE FORM



EMPLOYEE'S NAME: NOBLE BRIAN RANK: SGT

DATE OF FILING: 9/25/19

FIRST STEP

NATURE OF GRIEVANCE:

On September 24, 2019 an agreement was reached
between members of PBA#63 and Chief LaVigne pertaining to
several officers departmental seniority. As per preamble,
page 1-2, of the PBA#63 contract, all agreements reached must
be between PBA#63 and the City of South Amboy. As per our
contract the agreement reached should be null and void.

EMPLOYEE'S SIGNATURE: Brian Noble

DATE FILED WITH ADMINISTRATOR: _____

DATE RECEIVED: 09-26-2019

CITY ADMINISTRATOR'S ANSWER:

Response Attached

CITY ADMINISTRATOR'S SIGNATURE: _____

DATE ANSWERED AND RETURNED TO EMPLOYEE: _____



City of South Amboy

140 North Broadway • South Amboy, New Jersey 08879

Phone: (732) 727-4600

Fax: (732) 727-6139

Memo

To: Brian Noble

From: Glenn Skarzynski 

cc: Darren Lavigne/Chief of Police
Steven Clark/South Amboy PBA #63
Francis M. Womack III, Esq.

Date: September 26, 2019

Re: Grievance

I am in receipt of your grievance dated September 25, 2019 in which you contend that an agreement reached between Chief Lavigne and PBA #63 should be null and void based on the preamble of the collective bargaining agreement.

The preamble states in relevant part "*The City hereby recognizes the PBA as the sole and exclusive representative of all employees in the PBA bargaining unit for the purpose of collective bargaining with respect to rates of pay, wages, hours of work, settlement of grievances, and other mandatorily negotiable conditions of employment*".

I have in my possession a memorandum signed by the Chief of Police and counter signed by the President of PBA Local #63 addressing a seniority issue. The agreement was neither conceived or requested by the City of South Amboy and was executed in response to members and the President of PBA #63. If the agreement is considered by you to be objectionable, I recommend that you discuss it with your collective bargaining unit and come to a consensus as to if you wish the agreement to stand or be withdrawn. Once that conclusion is reached the City of South Amboy stands ready to continue or vacate this agreement once PBA #63, as the "*sole and exclusive representative of all employees in the PBA bargaining unit...*" reaches as a decision.

The City of South Amboy has not requested from the New Jersey Civil Service Commission any change in seniority status for any member of PBA Local #63 nor have we received an official communication directing us to make any changes in that regard. In response to Officer O'Grady's request for review we did correspond with our NJ CSC representative in an effort to address his concerns about his veteran status. We have not received any direction from them to make any changes as a result of that dialogue.

GRIEVANCE FORM

SECOND STEP

EMPLOYEE'S ADDITIONAL COMMENTS TO ORIGINAL COMMENTS:

EMPLOYEE'S SIGNATURE: _____

DATE FILED WITH MAYOR AND COUNCIL: _____

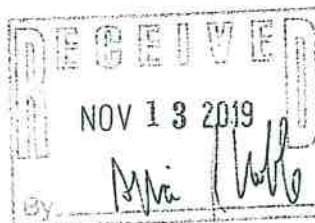
DATE RECEIVED: 10/17/19 *DBW*

MAYOR AND COUNCIL'S ANSWER:

See Attached.

MAYOR AND COUNCIL'S SIGNATURE: *DBW*

DATE ANSWERED AND RETURNED TO EMPLOYEE: 11/7/19



Law Office of Francis M. Womack III LLC



Memo from Francis M. Womack, Attorney, City of South Amboy

FW 11/7/19

Re: PBA Grievances dated September 25, 2019

Dated: November 7, 2019

Two grievances have been received. The first is dated September 25, 2019 and was filed by Officer Robert Besner (Besner). The second is also dated September 25, 2019 and was filed Sgt. Brian Noble on behalf of PBA Local #63.

Besner's grievance requests that he be provided "a copy of the decision by the New Jersey Department of Personnel changing my department seniority status" or that his departmental seniority be restored. In a response dated September 26, 2019 Business Administrator Glenn Skarzynski indicated that no request had been made by the City to the Civil Service Commission for any change to Besner's seniority.

Sgt Brian Noble's grievance of September 25, 2019 states, "on September 24, 2019 agreement was reached between members of PBA Local # 63 and Chief LaVigne pertaining to several officers' department seniority. As per preamble, page 1 – 2, of the PBA #63 contract ("the contract"), all agreements reached must be between PBA #63 and the City of South Amboy. As per our contract, the agreement reached should be null and void".

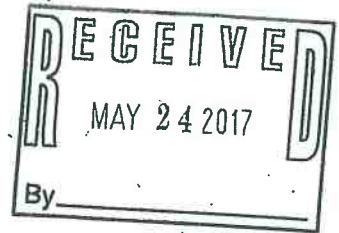
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Based upon the clear wording of the contract between the City of South Amboy and PBA Local #63, and in the absence of a mandate from the New Jersey Civil Service Commission, the agreement changing Department Seniority of three officers is not valid and is null. The agreement was not reached between appropriate designees of the City of South Amboy and PBA #63 as is required by the contract. The City of South Amboy agrees with the September 26, 2019 grievance filed by Sgt. Noble on behalf of the PBA. For the same reasons, the City concurs with the September 25, 2019 grievance of Officer Besner. The extra-contractual agreement altering the seniority of the three officers based upon a change of Ptl. Dane O'Grady's status from 'veteran' to 'disabled veteran' is not valid. The seniority of all officers remains as it was prior to September 24, 2019.



POLICE DEPARTMENT
CITY OF SOUTH AMBOY



GRIEVANCE FORM

EMPLOYEE'S NAME: PATRICIA KANECKE RANK: SGT.

DATE OF FILING: MAY 24, 2017

FIRST STEP

NATURE OF GRIEVANCE:

ON MAY 11, 2017 SGT. KANECKE SUBMITTED "D" SQUAD PAYROLL
WITH 17.5 HOURS OF LIEUTENANT UP GRADE. THE SUBMISSION
WAS DUE TO LT. MCABE BEING OFF APRIL 30, 2017, MAY 7, 8, 10
2017. THE CITY HAS ALWAYS AWARDED UP GRADES TO
PATROLMEN IN THE ABSENCE OF A SERGEANT, AS WELL AS
CAPTAINS IN THE ABSENCE OF THE CHIEF.

EMPLOYEE'S SIGNATURE: Patricia Kanecke SOA President

DATE FILED WITH ADMINISTRATOR: _____

DATE RECEIVED: _____

CITY ADMINISTRATOR'S ANSWER: ,

Please describe in detail the
duties you performed outside of
your normal duties that would
be performed by the Lieutenant.

CITY ADMINISTRATOR'S SIGNATURE: [Signature]

DATE ANSWERED AND RETURNED TO EMPLOYEE: 5/31/17

12/17 Denied without merit following submission
of Civil Service job descriptions in response
to City Administrator answer dated 5/31/17
At 1111 N. ...

GRIEVANCE FORM

SECOND STEP

EMPLOYEE'S ADDITIONAL COMMENTS TO ORIGINAL COMMENTS:

EMPLOYEE'S SIGNATURE: _____

DATE FILED WITH MAYOR AND COUNCIL: June 15, 2017

DATE RECEIVED: June 15, 2017

MAYOR AND COUNCIL'S ANSWER:

Grievance unresolved by City Council.

MAYOR AND COUNCIL'S SIGNATURE: _____

DATE ANSWERED AND RETURNED TO EMPLOYEE: _____

Rama Kemalle
July 13, 2017



POLICE DEPARTMENT
CITY OF SOUTH AMBOY



GRIEVANCE FORM

EMPLOYEE'S NAME: BREAN NOBLE RANK: SGT.

DATE OF FILING: MAY 24, 2017

FIRST STEP

NATURE OF GRIEVANCE:

ON MAY 11, 2017, I SUBMITTED MY SHEET PAYROLL WITH ELEVEN
HOURS OF LIEUTENANT UP GRADE. THE SUBMISSION WAS DUE TO
LT. M^CABE BEING OFF ON MAY 7 AND MAY 8, 2017. THE
CITY HAS ALWAYS AWARDED UP GRADES TO PATROLMEN IN THE
ABSENCE OF A SERGEANT, AS WELL AS CAPTAINS IN THE
ABSENCE OF THE CHIEF.

EMPLOYEE'S SIGNATURE: [Signature]

DATE FILED WITH ADMINISTRATOR: _____

DATE RECEIVED: 5/24/17

CITY ADMINISTRATOR'S ANSWER:

Please describe the duties you
performed outside of your normal
duties that would have been performed by
the Lieutenant. Please be specific.

CITY ADMINISTRATOR'S SIGNATURE: [Signature]

DATE ANSWERED AND RETURNED TO EMPLOYEE: 5/31/17

1/8/17 Denied without merit following submission
of Civil Service job descriptions in response
to City Administrator answer dated 5/31/17.
[Signature]

GRIEVANCE FORM

SECOND STEP

EMPLOYEE'S ADDITIONAL COMMENTS TO ORIGINAL COMMENTS:

EMPLOYEE'S SIGNATURE: _____

DATE FILED WITH MAYOR AND COUNCIL: June 15, 2017

DATE RECEIVED: June 15, 2017

MAYOR AND COUNCIL'S ANSWER:

Grievance unresolved by City Council;

MAYOR AND COUNCIL'S SIGNATURE: _____

DATE ANSWERED AND RETURNED TO EMPLOYEE: _____

Laura Kemas
July 13, 2017

LAW OFFICES
OXFELD COHEN, P.C.
A PROFESSIONAL CORPORATION

60 PARK PLACE, SUITE 600
NEWARK, NEW JERSEY 07102

TEL (973) 642-0161
FAX (973) 802-1055
OXFELDCOHEN.COM

1881 BROADWAY, 4TH FLOOR
NEW YORK, NEW YORK 10023
(212) 452-1215
PLEASE REPLY TO NEWARK

SANFORD R. OXFELD **

ARNOLD SHEP COHEN **

GAIL OXFELD KANEF **

RANDI DONER APRIL *

WILLIAM P. HANNAN **

BENJAMIN A. SPIVACK (1950-2012)

SAMUEL B. WENOCUR **

JOHN BRANIGAN, IV ***

BARRY FRANK **
OF COUNSEL

* MEMBER OF NJ BAR
** MEMBER OF NJ & NY BAR
*** MEMBER OF NJ & PA BAR

September 11, 2017

Stacey Kennedy, Business Administrator
City of South Amboy
140 North Broadway
South Amboy, NJ 08879

Re: South Amboy Municipal Employees Association

Dear Ms. Kennedy:



I am writing you in my capacity as attorney for the above Association. I recently had the pleasure of meeting with Robert Tierney and Anthony Olivieri, both of whom are disputing the salary they are now receiving as a Permanent Laborer 2.

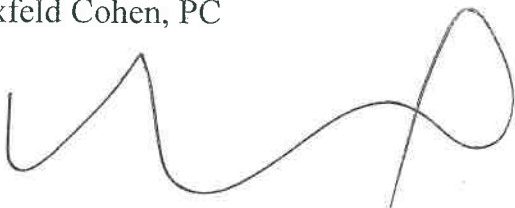
We believe that the way the City has treated these two violates the past practice between the parties and how individuals are paid upon promotion. I have been authorized by the South Amboy Municipal Employees Association to pursue this matter through the grievance procedure and to arbitration.

Accordingly, kindly accept this letter of grievance, and if you believe a meeting pursuant to grievance procedure would be beneficial, we will make ourselves available at your earliest convenience. If you believe a meeting is not beneficial, we are prepared to take prepare this case directly to arbitration, pursuant the terms of the Labor Agreement between the parties.

Another issue has arisen concerning Ted Hoff, who was going to be obtaining a disability pension. We believe that there should be no out-of-pocket payment from him to pay Medicare Part B premiums. He is not retiring and has reached the age of 65. We believe that the City's policies violate the Labor Agreement. The South Amboy Municipal Employees Association will prepare to discuss both of these matters if we meet.

Would you kindly let me know as soon as you can which procedure you prefer.

Very truly yours,
Oxfeld Cohen, PC

A handwritten signature in dark ink, appearing to be 'S. Oxfeld', with a large loop at the end.

Sanford R Oxfeld, Esq.

cc: Ann Mazanec, South Amboy Municipal Employees Association
John R Lanza, Esq.
Lanza & Lanza, LLP, 5 Main St, Box 2520, Flemington, NJ 08822

Laura Kemble

From: John R. Lanza <jrlanza@lanzaandlanza.com>
Sent: Thursday, September 21, 2017 10:46 AM
To: Laura Kemble; Angel Albanese
Cc: Fred Henry; Stacey Kennedy; Laura Mortara
Subject: FW: 9-11-17

Laura and Angel,
See the email string below.
Please advise as to the suggested conference dates.
I had copied Angel and Stacey on the original email.
John

JOHN R. LANZA, ESQ.
Lanza & Lanza LLP
5 Main Street, P.O. Box 2520
Flemington, NJ 08822
Tel: (908) 782-2600
Fax: (908) 782-4012
E-mail: jrlanza@lanzaandlanza.com

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From: Sanford Oxfeld [<mailto:sro@oxfeldcohen.com>]
Sent: Friday, September 15, 2017 9:45 AM
To: John R. Lanza
Cc: Ann Mazanec
Subject: RE: 9-11-17

Great and I appreciate the courtesy.
At 4:00 I am good on 10/30 and 11/1, 2.

Sandy Oxfeld
Oxfeld Cohen, PC
60 Park Place, Suite 600
Newark, NJ 07102
973-642-0161

From: John R. Lanza [<mailto:jrlanza@lanzaandlanza.com>]
Sent: Thursday, September 14, 2017 9:36 AM

To: Sanford Oxfeld <sro@oxfeldcohen.com>

Cc: Stacey Kennedy <kennedys@southamboyntownnj.gov>; Angel Albanese <albanesea@southamboyntownnj.gov>; Laura Mortara <lmortara@lanzaandlanza.com>

Subject: 9-11-17

Sandy,

I have forwarded your letter to the City requesting background information and data.

Please provide dates for a conference but in later October, since I start a 3 week jury trial on October 2nd. If you hold these grievances in abeyance until after our conference, I will accept the grievance/letter with the contractual time periods commencing then.

Please advise.

John

JOHN R. LANZA, ESQ.

Lanza & Lanza LLP

5 Main Street, P.O. Box 2520

Flemington, NJ 08822

Tel: (908) 782-2600

Fax: (908) 782-4012

E-mail: jrlanza@lanzaandlanza.com

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