

PRINCIPLES OF AGREEMENT BETWEEN CWA AND THE STATE OF NEW JERSEY, DHS, DYFS

It is understood by the parties that the terms of this agreement shall not be construed to supercede the settlement agreement between the State and Children's Rights, Inc.

Preface

The Communications Workers of America, AFL-CIO ("CWA" or the "Union") and the State, recognizing the critical importance of working in partnership to ensure the safety of children, enter into the following Principles of Agreement (the "Agreement"). Only through a genuine cooperative effort of the workforce and management will there be a new beginning for the children, families and communities of New Jersey. The success of the Reform Plan is intrinsically linked to the establishment of a stable, experienced cadre of frontline workers and supervisors. To realize this vital objective, the Agreement addresses issues, which directly impact the ability of the workforce to protect children and the ability of management to attract and retain quality child protection services workers.

A. Caseload Limitations

The parties to this Agreement recognize the need to maintain a degree of flexibility with regard to the caseload limitations set forth in section A below, which may mean, on occasion, exceeding the caseload limitations to ensure child safety.

[Note: The following limitations are based upon current MVR requirements. If MVR requirements are changed, caseload limitations will be discussed with CWA.]

1. Caseload limits [to be implemented in accordance with Section A(4) below.]

a. Caseworkers assigned to Intake Units:

- (1) The limitation will be eight (8) new referrals per month and two (2) new referrals per week.
- (2) The limitation will be twelve (12) pending investigations.

b. Caseworkers assigned to On-going Units:

- (1) The limitation will be 15 families.
- (2) The limitation will be ten (10) children in out-of-home placement.
- (3) The limitation will be twenty-five (25) children when there are ten (10) children in out-of-home placement.
- (4) The limitation will be two (2) new families per month.

c. **Supervisors:**

The limitation for supervisors will be five (5) caseworkers and one (1) aide.

d. **Time Parameter Study**

When management conducts a study relative to the time parameters concerning good case practice, the union will be invited to participate in the development, data collection function and evaluation of that study.

2. **Caseloads in excess of 25 children:**

a. When any caseworkers in local offices are assigned more than twenty five (25) children, union representatives and management will meet monthly to review caseloads that exceeded twenty five (25) children during the course of the preceding month. When the parties agree that a caseworker cannot fulfill the case practice requirements, the following options are available: (a) establishing a caseload reduction plan; (b) temporarily suspending new caseload assignments; or (c) reassignment of the case(s).

b. This provision will not be effective until July 1, 2007.

3. **Reporting Requirements**

a. A monthly report will be issued to CWA identifying caseworkers whose caseloads exceed the limitations in section A(1). The report will contain the following information:

- (1) For each caseworker, the worker's identification number, title, office and unit;
- (2) The identification number and title of the caseworker's immediate supervisor;
- (3) For caseworkers in on-going units, the number of families assigned to the worker, the number of children in out-of-home placements and the total number of children assigned;
- (4) For caseworkers in intake units, the number of open investigations;
- (5) The reason(s) the limitation was exceeded; and
- (6) The steps that were and/or will be taken to bring the worker's caseload within the limitations within fourteen (14) days from the date the limitation was exceeded.

- (1) By dates to be determined by the Panel, at least 80% of the intake and on-going caseworkers in the remaining counties will have caseloads of 17 or fewer families.
- (2) By dates to be determined by the Panel, the caseload limitations set forth in section A(1) above will be in effect in the remaining counties.

B. Case Practice Changes

Before the new case practice required by the DYFS Reform Plan is implemented in local offices, 80% or more of the intake and on-going caseworkers will have caseloads of 17 or fewer families.

C. CWA-Represented DYFS Worker Functions

DYFS workers will continue to have ultimate responsibility for ensuring that children are safe and for addressing the child protective services issues in the investigation, in the home and in the permanency plan. Under the reformed system outlined by the Plan, the functions performed by DYFS workers will include, but not be limited to, the following:

1. DYFS workers will perform all screening and investigative functions. CWA will be provided with a monthly report containing the following information: (a) the number of cases screened by the Central Screening Registry (CSR); (b) the number of cases referred by the CSR for investigation; (c) the number of cases referred by the CSR to the Children's Behavioral Health System; (d) the number of cases referred by the CSR for assessment of family problems to vendors and/or county welfare agencies; (e) the number of cases referred to the Children's Behavioral Health System, vendors and county welfare agencies that are subsequently investigated within six months of the initial referral.
2. DYFS workers will be responsible for conducting the Safety Assessments and for developing safety plans. Providers and community groups will be trained in the identification of risk factors, with the expectation that when risk factors are identified they will immediately make a report to the Child Abuse Hotline.
3. Family Team Meetings conducted for open DYFS cases will be the responsibility of DYFS workers. DYFS workers will be trained to conduct Family Team Meetings and will generally facilitate such meetings. While there may be times when individual cases call for other family team members to facilitate such meetings, on those occasions the DYFS supervisor or worker will be responsible for selecting the facilitator consistent with good case practice.
4. DYFS workers will be responsible for the on-going supervision of the family and will conduct the MVR. There may be times when individual service providers

- b. A monthly report will be provided to CWA identifying workers with caseloads in excess of twenty-five (25) children. The report will contain the following information:
 - (1) The information in subsections a(1) – (3) above;
 - (2) For each caseworker the parties agree is unable to fulfill the case practice requirements as per Section A(2) above, the steps taken to reduce the number of children assigned to that worker.

4. Enforcement of Caseload Limitations

- a. If a dispute arises as to the provisions of this Agreement during the first 18 months following the approval of the DYFS Transformation Plan, the Union and management will make good faith efforts to resolve the dispute and achieve the limitations set forth in Section A(1) above. If the parties cannot resolve the dispute, the Union may notify the Child Welfare Panel (CWP) of the dispute. Notification to the CWP will not involve a dispute as to the caseload of an individual worker. Upon notification of a dispute, the CWP may investigate and seek to resolve the dispute. The CWP may convene a meeting with Union and management representatives as part of the investigation and/or to facilitate a resolution of the dispute.
- b. Prior to the conclusion of the court ordered monitoring period, procedures for the enforcement of caseload limitations will be agreed to by the State and CWA.

5. Implementation of Limitations

The caseload limitations and other terms of this Agreement will be fully implemented in all counties by July 1, 2007.

- a. In Essex, Camden, Mercer and Passaic counties, a caseload reduction plan will be implemented beginning at a date to be determined by the Child Welfare Panel.
 - (1) By a date to be determined by the Panel, at least 80% of the intake and on-going caseworkers will have caseloads of 17 or fewer families.
 - (2) By a date to be determined by the Panel, the caseload limitations set forth in section A(1) above will be in effect.
- b. In the remaining counties, at dates to be determined by the Panel, a caseload reduction plan will be implemented.

will also see children in the home and such visits will be included as part of the required visitation period. However, the minimum visitation requirement will be at least monthly and will be conducted by the DYFS worker.

5. DYFS workers will continue to perform the work they currently perform with respect to adoptions and permanency planning.
6. The functions currently performed by case practice specialists, litigation specialists and other CWA-represented specialists will continue to be performed by CWA-represented DYFS workers.
7. In the event regional office functions are decentralized and transferred to local offices, functions currently performed by CWA-represented DYFS workers in those offices will continue to be performed by such workers.
8. With respect to foster care, DYFS workers will supervise and be responsible for the placement of children in foster homes and will continue to perform the MVRs in connection with those placements, except where there is a conflict involving a DYFS worker.
9. DHS workers will continue to license foster homes and ensure the safety of children placed in foster homes.

D. Career Advancement, Training and Education

1. Promotions

DYFS supervisory titles will continue to be filled through promotions of DYFS workers within the civil service system. Any proposed changes in civil service rules due to the accreditation process will be negotiated with CWA prior to implementation.

2. Education and Training

- a. Tuition reimbursement, leave to participate in approved degree programs, possible stipends for educational advancement and degrees, and other career development opportunities implemented in conjunction with the Reform Plan, will be made available to workers represented by CWA. The terms of such programs, including the procedure and criteria for participation in the programs, will be negotiated with CWA.
- b. CWA designated representatives will sit on the Training Academy and Training Consortium committees to develop a MSW curriculum appropriate for Office of Children's Services staff.
- c. A clerical career ladder will be developed by DHS in conjunction with

CWA. The terms of this program will be negotiated with CWA.

E. Hours of Work

[The provisions of this section will not impact on the State Central Registry.]

1. Local or district offices will be selected for a pilot worker-directed flextime project.
 - a. The goal of the project is to provide expanded hours of operation while providing workers with greater control over their work schedules. At the selected offices, units of on-going and intake workers will meet with their supervisors and management to determine the additional times staff needs to be available for family team meetings and other client services.
 - b. The parties will agree to a specified number of hours per week to be designated as core hours during which all unit members will work. The remaining hours will be flex hours.
 - c. Workers and supervisors will agree in advance upon weekly work plans to schedule flex hours.
 - d. The flextime project will be jointly evaluated by DHS and CWA in three (3), six (6) and nine (9) months to determine whether or not it provided expanded hours for servicing clients, reduced the need for overtime, and increased worker satisfaction.
 - e. The parties recognize that the provisions of this pilot program are subject to DOP approval.
2. From July 1, 2004 through December 31, 2004, data will be collected on SPRU and after-hours referrals. This data will be reviewed by CWA and DHS to determine how to most effectively and economically address after-hours investigations

F. Proposed Changes to CWA-represented Titles

1. Any proposed changes to titles represented by CWA will be discussed with CWA and good faith efforts will be made by the State to reach agreement on any changes in titles, job duties or qualifications.
2. All wage rates for new titles or for titles with changed responsibilities must be negotiated with CWA in compliance with all applicable provisions of the parties' collective negotiations agreements and of Title 11A, the Civil Service Reform Act.

G. ARC Transition Plan

1. Current ARC workers will be given first preference to fill Adoption Specialist positions as the ARCs are phased out.
2. CWA shall have a seat on the Adoption Advisory Committee.
3. The State will meet with CWA to discuss returning the paralegal work to DYFS.

H. Impact on Workers

No worker will be demoted or suffer a reduction in pay as a result of the Reform Plan.

I. Stress Reduction and Cooperative Labor Relations Programs Change in Culture

1. The parties will engage in continuing discussions to address issues of job stress, including but not limited to the establishment of an independent EAP.
2. A cooperative labor relations model will be used to address labor-management issues.

J. It is understood that the State will contract with PRN to close up to 3000 cases.

**On Behalf of the State of New Jersey,
Department of Human Services, Division
of Youth and Family Services**

**On Behalf of the Communications
Workers of America, AFL-CIO**

James M. Davy, Commissioner

Larry Mancino, Vice President,
CWA, District One

Dated:

Dated:

Signed 4/2004