



The Fraternal Order of Police

Atlantic Lodge # 34 Inc.

P.O. Box 992

Mays Landing, New Jersey 08330

CERTIFIED MAIL RRR

TEL: [609] 226-0977

GEORGE HEBERT

PRESIDENT

FAX: [609] 879-0119

JEFFERY CREIGHTON

VICE PRESIDENT

02 January 2009

Sean Thomas, Director
Atlantic County Public Safety
Division of Adult Detention
5060 Atlantic Ave.
Mays Landing, N.J. 08330

Dear Director Thomas:

I am writing to you as President of FOP Lodge #34, and under the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq., and the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. As you know, I have written to you, and we have spoken concerning the County's decision to install third bunks in the cells. I view this as raising a serious health and safety issue for the corrections officers who FOP Lodge # 34 represents, and as violating the health and safety provisions of the contract.

Sean Thomas, Director
Atlantic County Department
of Public Safety
02 January 2009

Page 2

I have filed an OPRA request with the New Jersey Department of Corrections, and received the following letters (copies enclosed):

- Letter dated 06-29-05 from Gary Merline, then-Director Atlantic County Department of Public Safety Division of Adult Detention to Devon Brown, Commissioner, New Jersey Department of Corrections seeking a waiver of N.J.A.C. 10A:31-3 and approval of installation of additional bunks in the dorms.
- Letter dated 10-03-05 from then-Director Merline to Commissioner Brown requesting approval to utilize triple bunks in the dorms.
- Letter dated 02-03-06 from Acting Commissioner Hayman to then-Director Merline denying approval to triple bunks and suggesting ways to avoid overcrowding.
- Letter dated 03-17-08 from then-Director Merline to Commissioner Hayman requesting that the DOC allow, among other things, the use of triple bunks.
- Letter dated 05-28-08 from Commissioner Hayman to then-Director Merline denying approval to triple bunks and suggesting ways to avoid overcrowding.
- Letter dated 06-23-08 from you as then-Acting Director Atlantic County Department of Public Safety Division of Adult Detention to Commissioner Hayman outlining measures taken to avoid overcrowding and reiterating the need for triple bunking.
- Letter dated 07-03-08 from Commissioner Hayman to you indicating that the Department of Corrections does not endorse triple bunking and cannot support the County's application for a rule exemption.

Sean Thomas, Director
Atlantic County Department
of Public Safety
02 January 2009

Page3

In short, the correspondence shows that the County has repeatedly applied for or sought approval from the Department of Corrections for permission to install triple bunks and the Department of Corrections has repeatedly denied the County's requests.

As you are aware, the County has already purchased and is in the process of installing the additional triple bunks in the cells. I am writing to you pursuant to the Conscientious Employee Protection Act, and, in particular, as required by N.J.S.A. 34:19-4 to bring "the activity, policy or practice in violation of a law, or a rule or regulation promulgated pursuant to law to the attention of a supervisor of the employee by written notice." By this letter, I am giving the County two weeks to remove the newly-installed triple bunks. I view this as a reasonable and responsible opportunity to correct the activity, policy or practice.

As you can expect, I have sought the advice of counsel in sending you this notice. In the event the County fails to remove the bunks by January 16, 2009, I will contact and officially notify the Department of Corrections of the County's failure to remove said bunks. I will also take appropriate legal action to protect and vindicate my rights should the County, its agents and/or officers attempt to or take any retaliatory actions against me.

Thank you for your immediate attention to this matter.

Very truly yours,

George Hebert, President, Fop Lodge #34

*Cc: Keith Waldman, Esq. (w/ encl.)
James Ferguson, County Counsel (w/ encl.)
Myron Plotkin, Labor Consultant (w/ encl.)*