

P.D.D. NO. 2004-2

STATE OF NEW JERSEY  
BEFORE A DESIGNEE OF THE  
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF MORRIS (MORRIS VIEW NURSING HOME),

Respondent,

-and-

Docket No. PD-2003-11

MORRIS COUNCIL NO. 6, NJCSA, IFPTE, AFL-CIO  
(MORRIS VIEW NURSING HOME SUPERVISOR'S UNIT),

Petitioner.

SYNOPSIS

Morris Council No. 6, NJCSA, IFPTE, AFL-CIO (Morris View Nursing Home Supervisor's Unit) filed a petition for payroll deduction determination pursuant to N.J.S.A. 34:13A-5.5 and N.J.A.C. 19:19-2.2 requesting that the Commission order the County of Morris (Morris View Nursing Home) to deduct a representation fee in lieu of dues from the salaries of employees who are not voluntary dues paying members of the majority representative. The Commission Designee found that Council 6's petition met all of the requirements under the statute and rules and that Council 6 was entitled to a Commission order directing Morris View to institute the deduction of the representation fee.



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Appearances:

For the Respondent, John R. McGill, Director of Labor  
Relations

For the Petitioner, Fox and Fox, attorneys, Craig S.  
Gumpel, of counsel

DECISION

On June 13, 2003, Morris Council No. 6, NJCSA, IFPTE, AFL-CIO (Morris View Nursing Home Supervisor's Unit) (Morris Council 6) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the County of Morris, Morris View Nursing Home (Morris View) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all full- and part-time classified, permanent and provisional supervisory employees employed by Morris View; but excluding all other professional employees, managerial executives, confidential employees as defined by the Act and all



other employees excluded from coverage under the collective negotiations agreement and all non-supervisory employees. The petition was filed pursuant to N.J.S.A. 34:13A-5.5 and N.J.A.C. 19:19-2.2. Proper service was effected upon the County. The law authorizes the Commission to conduct an investigation and to order a payroll deduction of representation fees in lieu of dues if a majority of employees in the negotiations unit are voluntary dues paying members of the majority representative and the majority representative maintains a demand and return system as required by N.J.S.A. 34:13A-5.6. Morris Council 6 has filed documents in support of its claim that a majority of employees in the unit are voluntary dues paying members of the union and that it maintains the required demand and return system.

On July 8, 2003, Morris View filed its response pursuant to N.J.A.C. 19:19-3.2(a). Among other things, Morris View confirmed that Council 6 proposed instituting the collection of representation fees in lieu of dues for non-member unit employees but no agreement had been reached at the time the instant petition had been filed.

The investigation has revealed the following:

1. Morris View and Council 6 have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached requiring such payments.



2. Council 6 is the majority representative of a collective negotiations unit consisting of all full time, part time classified, permanent and provisional employees including adult day care supervisor, assistant chief engineer, assistant director food services, assistant head cook, assistant laundry supervisor, assistant maintenance superintendent, assistant manager food services, assistant payroll supervisor, assistant supervisor patient accounts, building service supervisor, buyer, food service manager, general supervisor building services, head cook, maintenance superintendent, patient activities coordinator, payroll supervisor, recreation program specialist, senior buyer, supervising account clerk, supervising clerk typist, supervising hairdresser, supervisor boiler room, supervisor food services, supervisor of patient account, supervisor laundry, supervising security guard and transportation supervisor employed by the County of Morris (Morris View Nursing Home); but excluding administrator, assistant administrator, assistant executive housekeeper, chief engineer, comptroller, coordinator of volunteers, director of dietary, executive housekeeper, principal personnel technician and all professional employees, and other managerial executives and confidential employees as defined by the Act, as well as those employees excluded from coverage under the contract by written agreement of the parties.





3. The parties have stipulated that a majority of employees in the negotiations unit are currently voluntary dues paying members of Council 6.

4. Council 6 maintains a demand and return system as required by N.J.S.A. 34:13A-5.5(c) and 5.6.

Consequently, having found that Council 6 has satisfied the conditions mandated in N.J.S.A. 34:13A-5.5 and N.J.A.C. 19:19-2.2, I find that it is entitled to the receipt of a representation fee in lieu of dues from unit employees who are not dues paying members of Council 6, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

ORDER

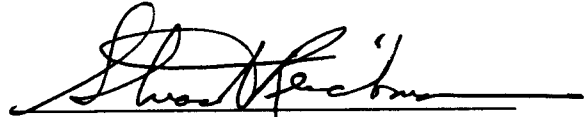
The County of Morris (Morris View Nursing Home) is ORDERED to institute a payroll deduction of the representation fee in lieu of dues from the wages or salaries of the negotiations unit employees who are not members of Council 6, after being notified by Council 6 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

The County must post in all places where notices to employees are customarily posted, copies of the attached notice marked as Appendix "A." Copies of such notice shall, after being signed by the Respondent's authorized representative, be posted immediately and maintained by it for at least sixty (60)



consecutive days. Reasonable steps shall be taken to ensure that such notices are not altered, defaced, or covered by other materials.

Within twenty (20) days of receipt of this decision, notify the Commission Chair of the steps the Respondent has taken to comply with this order.

A handwritten signature in black ink, appearing to read "Stuart Reichman", written over a horizontal line.

Stuart Reichman  
Commission Designee

DATED: July 25, 2003  
Trenton, New Jersey





RECOMMENDED



# NOTICE TO EMPLOYEES

## PURSUANT TO AN ORDER OF THE PUBLIC EMPLOYMENT RELATIONS COMMISSION AND IN ORDER TO EFFECTUATE THE POLICIES OF THE NEW JERSEY EMPLOYER-EMPLOYEE RELATIONS ACT, AS AMENDED,

### We hereby notify our employees that:

Pursuant to N.J.S.A. 34:13A-5.5, the Public Employment Relations Commission must order a public employer to institute a payroll deduction of a representation fee in lieu of dues from the wages or salaries of employees in a negotiations unit who are not members of the majority representative if a majority representative petitions the Commission to conduct an investigation and the investigation shows that a majority of negotiations unit employees are voluntary dues paying members of the majority representative and that the majority representative maintains a demand and return system as required by N.J.S.A. 34:13A-5.5(c) and 5.6.

On June 13, 2003, Morris Council No. 6, NJCSA, IFPTE, AFL-CIO filed a Petition for Payroll Deduction Determination-Representation Fees. The Commission conducted an investigation and determined that a majority of employees in the collective negotiations unit consisting of all full time, part time classified, permanent and provisional employees including adult day care supervisor, assistant chief engineer, assistant director food services, assistant head cook, assistant laundry supervisor, assistant maintenance superintendent, assistant manager food services, assistant payroll supervisor, assistant supervisor patient accounts, building service supervisor, buyer, food service manager, general supervisor building services, head cook, maintenance superintendent, patient activities coordinator, payroll supervisor, recreation program specialist, senior buyer, supervising account clerk, supervising clerk typist, supervising hairdresser, supervisor boiler room, supervisor food services, supervisor of patient account, supervisor laundry, supervising security guard and transportation supervisor employed by the County of Morris (Morris View Nursing Home) are voluntary dues paying members of Council 6 and that Council 6 maintains a demand and return system as required by N.J.S.A. 34:13A-5.5(c) and 5.6. Accordingly, the Commission has ordered the County of Morris (Morris View Nursing Home) to institute a payroll deduction of the representation fee in lieu of dues from the wages or salaries of the negotiations unit employees who are not members of Council 6 after being notified by Council 6 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No.

PD-2003-11

County of Morris  
(Morris View Nursing Home)  
\_\_\_\_\_  
(Public Employer)

Date:

By:

This Notice must remain posted for 60 consecutive days from the date of posting, and must not be altered, defaced or covered by any other material.

If employees have any question concerning this Notice or compliance with its provisions, they may communicate directly with the Public Employment Relations Commission, 495 West State Street, PO Box 429, Trenton, NJ 08625-0429 (609) 984-7372

