

P.D.D. NO. 2004-7

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

In the Matter of

CUMBERLAND COUNTY COLLEGE,

Respondent,

-and-

Docket No. PD-2004-3

CUMBERLAND COUNTY COLLEGE
TECHNICAL ASSISTANTS ASSOCIATION,

Petitioner.

SYNOPSIS

The Cumberland County College Technical Assistants Association 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 Cumberland County College 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 Association's petition met all of the requirements under the statute and rules and that the Association was entitled to a Commission order directing the College to institute the deduction of the representation fee.

P.D.D. NO. 2004-7

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

In the Matter of

CUMBERLAND COUNTY COLLEGE,

Respondent,

-and-

Docket No. PD-2004-003

CUMBERLAND COUNTY COLLEGE
TECHNICAL ASSISTANTS ASSOCIATION,

Petitioner.

Appearances:

For the Respondent, Dr. Marie Tiemann, Assistant Dean
of Human Resources

For the Petitioner, Julie G. Brenner, NJEA Field
Representative

DECISION

On October 16, 2003, the Cumberland County College Technical Assistants Association (Association) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Cumberland County College (College) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all full-time and part-time (more than 30 hours per week) technical personnel employed by the College; but excluding all other 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 College. 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. The Association 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 November 17, 2003, the College filed its response pursuant to N.J.A.C. 19:19-3.2(a). The College confirmed that the Association 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 College avers that the Association's demand for the deduction of representation fees in lieu of dues was withdrawn during the course of negotiations.

The investigation has revealed the following:

1. The College and the Association have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached requiring such payments. In Gloucester County Special Services School District, P.D.D. No. 2004-005, 29 NJPER ___ (¶ 2003), I found that the withdrawal of petitioner's proposal to institute a representation fee in

lieu of dues which had been submitted during the course of negotiations did not result in a waiver to file a petition for payroll deduction determination and obtain an order directing such deductions. Under the similar facts presented in this case, the same holding obtains.

2. The Association is the majority representative of a collective negotiations unit consisting of all full-time and part-time (employed more than 30 hours per week) technical personnel including technical assistants employed in the following categories: technician I, technician II, learning assistant and technician III, and teaching assistant and technician IV employed by the College; but excluding all other employees.

3. The parties agree that a majority of employees included in the collective negotiations unit are voluntary dues paying members of the Association.

4. The Association 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 the Association 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 the Association, subject to compliance

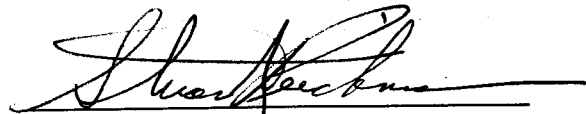
with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

ORDER

Cumberland County College 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 the Cumberland County College Technical Assistants Association after being notified by the Association that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

The Respondent 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.



Stuart Reichman
Commission Designee

DATED: November 25, 2003
Trenton, New Jersey



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 October 16, 2003, the Cumberland County College Technical Assistants Association 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 and part-time (employed more than 30 hours per week) technical personnel including technical assistants employed in the following categories: technician I, technician II, learning assistant and technician III, and teaching assistant and technician IV employed by the College are voluntary dues paying members of the Association and that the Association 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 Cumberland County College 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 the Association after being notified by the Association that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2004-003

Cumberland County College
(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