

P.D.D. NO. 2004-12

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

TOWNSHIP OF HOLMDEL,

Respondent,

-and-

Docket No. PD-2004-004

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 32,

Petitioner.

SYNOPSIS

Office and Professional Employees International Union, Local 32 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 Township of Holmdel 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 Local 32's petition met all of the requirements under the statute and rules and that Local 32 was entitled to a Commission order directing the Township to institute the deduction of the representation fee.

P.D.D. NO. 2004-12

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

TOWNSHIP OF HOLMDEL,

Respondent,

-and-

Docket No. PD-2004-004

OFFICE AND PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 32,

Petitioner.

Appearances:

For the Respondent, Apruzzese, McDermott, Mastro &
Murphy, attorneys, (Robert T. Clarke, of counsel)

For the Petitioner, Steven M. Tully, Business Manager,
Secretary-Treasurer

DECISION

On November 7, 2003, the Office and Professional Employees International Union, Local 32 (Local 32) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Township of Holmdel (Township) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all blue-collar, white-collar and communications operators regularly employed by the Township of Holmdel, including assistant tax collector, purchasing clerk and recycling coordinator; but excluding employees in the positions of deputy clerk, court administrator, board of health secretary, planning board secretary, code enforcement officer, personnel

aide, administrative secretary, supervisor of accounts, welfare director/recycling coordinator, zoning officer/technical assistant to construction official, principal account clerk/finance, all managerial executives, confidential employees, police, supervisory employees within the meaning of the Act, professional employees, craft employees, and casual employees and all other employees employed by the Township of Holmdel. 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 Township.

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. On December 17, 2003, Local 32 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 December 22, 2003, Local 32 submitted proof of service of such documents upon the Township.

On January 20 and 28, 2004, the Township filed its response pursuant to N.J.A.C. 19:19-3.2(a). The Township confirmed that Local 32 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. The Township and Local 32 have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. Local 32 is the majority representative of a collective negotiations unit consisting of all blue-collar, white-collar and communications operators regularly employed by the Township of Holmdel, including assistant tax collector, purchasing clerk and recycling coordinator; but excluding employees in the positions of deputy clerk, court administrator, board of health secretary, planning board secretary, code enforcement officer, personnel aide, administrative secretary, supervisor of accounts, welfare director/recycling coordinator, zoning officer/technical assistant to construction official, principal account clerk/finance, all managerial executives, confidential employees, police, supervisory employees within the meaning of the Act, professional employees, craft employees, and casual employees and all other employees employed by the Township of Holmdel.

3. The parties have stipulated that the list of dues paying members attached to Local 32's petition is accurate.

4. The parties have stipulated that the negotiations unit consists of 50 employees, of which 26 (52%) are currently voluntary dues paying members of Local 32.

5. Local 32 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 Local 32 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 Local 32, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

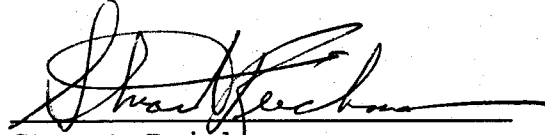
ORDER

The Township of Holmdel 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 Office and Professional Employees International Union, Local 32 after being notified by Local 32 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

The Township 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: February 26, 2004
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 November 7, 2003, Office and Professional Employees International Union, Local 32 filed a Petition for Payroll Deduction Determination-Representation Fees. The Commission conducted an investigation and determined that a majority of employees in the negotiations unit consisting of all blue-collar, white-collar and communications operators regularly employed by the Township of Holmdel, including assistant tax collector, purchasing clerk and recycling coordinator are voluntary dues paying members of Local 32 and that Local 32 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 public employer 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 Local 32 after being notified by Local 32 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2004-004

Township of Holmdel
(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