

P.D.D. No. 2006-3

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

In the Matter of

RARITAN VALLEY COMMUNITY COLLEGE,

Respondent,

-and-

Docket No. PD-2006-001

RARITAN VALLEY COMMUNITY COLLEGE  
FACULTY FEDERATION LOCAL 2375,  
AFT, AFL-CIO,

Petitioner.

SYNOPSIS

The Raritan Valley Community College Faculty Federation Local 2375, AFT, AFL-CIO 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 Raritan Valley Community College to deduct a representation fee in lieu of dues from the salaries of full-time faculty unit employees who are not voluntary dues paying members of the majority representative. The Commission Designee found that the Federation's petition met all of the requirements under the statute and rules and that the Federation was entitled to a Commission order directing the College to institute the deduction of the representation fee.

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Appearances:

For the Respondent, Gaetano M. DeSapio, attorney)

For the Petitioner, Weissman and Mintz, attorneys  
(Rosemarie Cipparulo, of counsel)

DECISION

On October 11, 2005, the Raritan Valley Community College Faculty Federation Local 2375, AFT, AFL-CIO (Federation) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Raritan Valley Community 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 faculty, full-time teaching assistants, librarians, counselors, coordinator of health services and chairpersons when performing teaching duties employed by the College whether under contract, on leave, employed or to be employed by the College;

but excluding department chairpersons, deans, assistant deans, associate deans, full-time administrative services personnel, managerial executives, classified personnel and adjunct faculty. 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 Federation 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, 2005, the College filed its response pursuant to N.J.A.C. 19:19-3.2(a). It opposed the petition. The College argued that less than half of the unit members are full dues paying members. The College defined the unit as the "Full-Time and Adjunct Faculty at Raritan Valley Community College", giving the impression that there are 420 unit members and only 139 dues payers.

In support of its argument, the College submitted two separate recognition clauses, one for full-time faculty, and one

for adjunct faculty, but combined them to support its case. The College's own submission shows there are 107 employees in the full time unit, 89 of whom are full dues payers, and 313 employees in the adjunct unit, 50 of whom are dues payers. The Federation's submissions showed there were 99 employees in the full-time faculty unit, 85 of whom were full dues payers.

If the petitioned-for unit were the combined full-time and adjunct faculty, the College would be correct that insufficient evidence was presented to justify a payroll deduction determination. The petition in this case, however, was for all full-time faculty as set forth in "Article I - Union Recognition Unit" as submitted by both parties. The Federation did not petition for adjunct faculty, nor rely on the recognition clause covering adjunct faculty.

Based upon the information submitted, I wrote to the parties on November 21, 2005 indicating that it appeared to me that the Federation represents two separate units, a unit of full-time faculty and a unit of adjunct faculty. I also indicated that the parties submissions showed that well more than 50% of the full-time faculty unit are dues payers and that, therefore, the Federation had established its entitlement to a payroll deduction of the representation fee in lieu of dues for that unit. The College was given until December 9, 2005 to submit any additional

information or additional argument regarding this petition. No additional information or argument was provided.

Based upon the information provided by the parties, I find:

1. The College and the Federation have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. The Federation is the majority representative of a collective negotiations unit consisting of all full-time faculty, full-time teaching assistants, librarians, counselors, coordinator of health services and chairpersons when performing teaching duties employed by the College whether under contract, on leave, employed or to be employed by the College; but excluding department chairpersons, deans, assistant deans, associate deans, full-time administrative services personnel, managerial executives, classified personnel and adjunct faculty.

3. Since the College's copy of the dues paying list of full-time faculty members is more recent, I accept that list which supports the Federation's petition.

4. Based upon the information provided, I find the full-time faculty negotiations unit consists of 107 employees, of which 89 (83%) are currently voluntary dues paying members of the Federation.

5. The Federation 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 Federation 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 full-time faculty unit employees who are not dues paying members of the Federation, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

ORDER

Raritan Valley Community College is **ORDERED** to institute a payroll deduction of the representation fee in lieu of dues from the wages or salaries of the full-time faculty negotiations unit employees who are not members of the Federation after being notified by the Federation that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

The College 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.



Arnold H. Zudick  
Commission Designee

DATED: December 15, 2005  
Trenton, New Jersey

A request for review of this decision by the Commission may be filed pursuant to N.J.A.C. 19:19-4.1. Any request for review must comply with the requirements contained in N.J.A.C. 19:19-4.3.

Any request for review is due by December 28, 2005.



# 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 11, 2005, the Raritan Valley Community Faculty Federation Local 2375, AFT, 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 unit consisting of all full-time faculty, full-time teaching assistants, librarians, counselors, coordinator of health services and chairpersons when performing teaching duties employed by the College whether under contract, on leave, employed or to be employed by the College are voluntary dues paying members of the Raritan Valley Community College Faculty Federation Local 2375, AFT-AFL-CIO and that the Federation 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 the Federation after being notified by the Federation that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

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Raritan Valley Community 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