

P.D.D. No. 2006-7

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

In the Matter of

TOWNSHIP OF PARSIPPANY-TROY HILLS,

Respondent,

-and-

Docket No. PD-2006-005

AFSCME COUNCIL 52, LOCAL 2867, AFL-CIO,

Petitioner.

SYNOPSIS

AFSCME Council 52, Local 2867, 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 Township of Parsippany-Troy Hills 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 AFSCME's petition met all of the requirements under the statute and rules and that AFSCME was entitled to a Commission order directing the Township to institute the deduction of the representation fee.

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Appearances:

For the Respondent,
DeCotiis, Fitzpatrick, Cole & Wisler, LLP
(Stacey D. Adams, of counsel)

For the Petitioner,
Kathleen Mazzouccolo, attorney

DECISION

On February 14, 2006, AFSCME Council 52, Local 2867, AFL-CIO (AFSCME) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Township of Parsippany-Troy Hills (Township) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all regularly employed supervisory employees supervising blue collar employees employed by the Township as defined by the collective agreement; but excluding all managerial executives, confidential employees, police, fire, craft employees, professional employees, non-supervisory employees, employees in other negotiations units, white-collar supervisory

employees, all other employees employed by the Township of Parsippany-Troy Hills. 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. AFSCME 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.

Pursuant to N.J.A.C. 19:19-2.1, AFSCME served the petition on the Township. The Township responded by letter of March 24, 2006. It did not oppose the petition and its evidence though slightly different than the petitioners, confirmed that a majority of employees are dues payers.

The investigation has revealed the following:

1. The Township and AFSCME have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.
2. AFSCME is the majority representative of a collective negotiations unit consisting of all regularly employed supervisory employees supervising blue collar employees employed

by the Township as defined by the collective agreement; but excluding all managerial executives, confidential employees, police, fire, craft employees, professional employees, non-supervisory employees, employees in other negotiations units, white-collar supervisory employees, all other employees employed by the Township of Parsippany-Troy Hills.

3. The list of dues paying members attached to the Township's response to the petition is deemed accurate.

4. The negotiations unit consists of 20 employees, of which 18 (90%) are currently voluntary dues paying members of AFSCME.

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

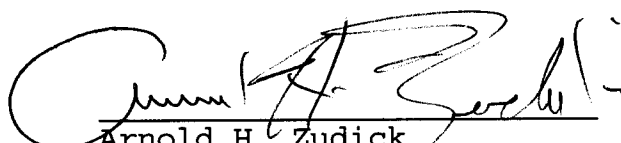
ORDER

The Township of Parsippany-Troy Hills 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 AFSCME Council 52, Local 2867,

AFL-CIO after being notified by AFSCME 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.



Arnold H. Zudick
Commission Designee

DATED: April 27, 2006
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 May 10, 2006.



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 February 14, 2006, AFSCME Council 52, Local 2867, 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 regularly employed supervisory employees supervising blue collar employees employed by the Township as defined by the collective agreement are voluntary dues paying members of the Township of Parsippany-Troy Hills and that AFSCME 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 AFSCME after being notified by AFSCME that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2006-005

Township of Parsippany-Troy Hills
(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