

P.D.D. No. 2008-2

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

In the Matter of

COUNTY OF MORRIS,

Public Employer,

-and-

Docket No. PD-2007-003

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, LOCAL 1040,

Petitioner.

SYNOPSIS

Communications Workers of America, AFL-CIO, Local 1040 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 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 CWA's petition met all of the requirements under the statute and rules and that CWA was entitled to a Commission order directing the County of Morris to institute the deduction of the representation fee.

P.D.D. No. 2008-2

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

In the Matter of

COUNTY OF MORRIS,

Public Employer,

-and-

Docket No. PD-2007-003

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, LOCAL 1040,

Petitioner.

Appearances:

For the Public Employer,
Allison Stapleton, Manager of Labor Relations

For the Petitioner,
Donald L. Klein, Executive Vice President

DECISION

On February 6, 2007, the Communications Workers of America, AFL-CIO, Local 1040 (CWA) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the County of Morris (County) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all regularly employed public safety and senior public safety telecommunicators employed by the County of Morris; but excluding managerial executives, confidential employees, supervisors within the meaning of the Act, police, professional employees, casual employees and all other employees employed by

the County of Morris. CWA filed its final supporting documentation on May 30, 2008. 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. CWA 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 March 15, 2007, the County filed its response pursuant to N.J.A.C. 19:19-3.2(a). The County confirmed that the CWA 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 County originally objected to the petition claiming there were no voluntary dues payers, but did not renew the objection after submission of the CWA's final documents.

The investigation has revealed the following:

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

2. CWA is the majority representative of a collective negotiations unit consisting of all regularly employed public safety and senior public safety telecommunicators employed by the County; but excluding managerial executives, confidential employees, supervisors within the meaning of the Act, police, professional employees, casual employees and all other employees employed by the County of Morris.

3. The County has not contested the list of dues paying members attached to CWA's May 21, 2008 submission.

4. The facts show that the negotiations unit consists of 26 employees, of which 25 (96%) are currently voluntary dues paying members of CWA.

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

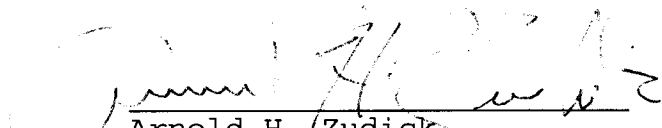
Consequently, having found that CWA has satisfied the conditions mandated in N.J.S.A. 34:13A-5.5 and N.J.A.C. 19:19-2.2, I find that it is entitled to the receipt of a representation fee in lieu of dues from unit employees who are not dues paying members of the County, subject to compliance with the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

ORDER

The County of Morris 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 CWA after being notified by CWA 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.



Arnold H. Zudick,
Commission Designee

DATED: June 24, 2008
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 July 7, 2008.



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 6, 2007, CWA Local 1040 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 public safety and senior public safety telecommunicators employed by the County of Morris are voluntary dues paying members of CWA and that CWA 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 CWA after being notified by CWA that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2007-003

County of Morris
(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