

P.D.D. No. 2010-3

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

In the Matter of

COUNTY OF MORRIS,
(MORRIS VIEW NURSING HOME),

Public Employer,

-and-

Docket No. PD-2010-003

DISTRICT 1199J NUHHCE,
AFSCME, AFL-CIO,

Petitioner.

SYNOPSIS

District 1199J, NUHHCE, AFSCME, 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 County of Morris (Morris View Nursing Home) 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 District 1199J's petition met all of the requirements under the statute and rules and that District 1199J was entitled to a Commission order directing the County to institute the deduction of the representation fee.

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Appearances:

For the Public Employer,
Allison Stapleton, Labor Relations Manager

For the Petitioner,
Oxford Cohen, P.C.
(Arnold Shep Cohen, of counsel)

DECISION

On November 30, 2009, District 1199J, NUHHCE, AFSCME, AFL-CIO (District 1199J) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the County of Morris (Morris View Nursing Home) (County) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all full time, part time, classified, permanent and provisional employees in the negotiations unit described as: Adult Day Care Worker, Assistant Buyer, Assistant Supervisor Building Services, Assistant

Supervisor Food Service, Assistant Cooker, Barber, Boiler Operator, Building Maintenance Worker, Chauffeur, Clerk Typist, Computer Operator/Senior Accountant, Cook, Data Entry Machine Operator, Electrician, Electricians Helper, Food Service Worker, Hairdresser, Institutional Attendant, Laundry Worker, Linen Room Attendant, Maintenance Repairer High Pressure License, Painter, Plumber/Steam Fitter High Pressure License, Plumbers Helper, Principal Timekeeper Receptionist, Principal Clerk Typist English/Spanish, Principal Payroll Clerk, Principal Account Clerk, Principal Clerk Typist, Recreational Therapy Aide, Seamstress, Secretarial Assistant, Senior Adult Day Care Worker, Senior Recreational Therapy Aide, Senior Linen Room Attendant, Senior Receptionist, Senior Boiler Operator, Senior Painter, Senior Laundry Worker, Senior Stock Clerk, Senior Building Maintenance Worker, Senior Storekeeper, Senior Institutional Attendant, Senior Timekeeper, Senior Chauffeur, Senior Seamstress, Senior Hairdresser, Senior Medical Records Clerk, Senior Clerk Typist, Senior Account Clerk, Senior Food Service Worker, Senior Employee Benefits Clerk, Senior Maintenance Repairer, Stationary Engineer, Stock Clerk, Storekeeper, Telephone Operator, Timekeeper Typing and Ward Clerk employed by the County; but excluding employees in the positions of Administrator, Assistant Administrator, Building Service Manager, Chief Engineer, Comptroller, Coordinator of Volunteers, Director of Dietary, Executive Housekeeper, Principal Personnel Clerk

Typist, Principal Personnel Technician, Secretarial Assistant to the Assistant Administrator, Senior Personnel Assistant, managerial executives, policemen, confidential employees, professional employees and supervisors as defined by the New Jersey Employer-Employee Relations Act, as well as those employees excluded from coverage under this contract by written agreement of the parties. 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. District 1199J 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.

The County has not contested the list of dues paying members attached to District 1199J's December 7, 2009 submission.

The investigation has revealed the following:

1. The County and District 1199J have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. District 1199J is the majority representative of a collective negotiations unit consisting of Adult Day Care Worker, Assistant Buyer, Assistant Supervisor Building Services, Assistant Supervisor Food Service, Assistant Cooker, Barber, Boiler Operator, Building Maintenance Worker, Chauffeur, Clerk Typist, Computer Operator/Senior Accountant, Cook, Data Entry Machine Operator, Electrician, Electricians Helper, Food Service Worker, Hairdresser, Institutional Attendant, Laundry Worker, Linen Room Attendant, Maintenance Repairer High Pressure License, Painter, Plumber/Steam Fitter High Pressure License, Plumbers Helper, Principal Timekeeper Receptionist, Principal Clerk Typist English/Spanish, Principal Payroll Clerk, Principal Account Clerk, Principal Clerk Typist, Recreational Therapy Aide, Seamstress, Secretarial Assistant, Senior Adult Day Care Worker, Senior Recreational Therapy Aide, Senior Linen Room Attendant, Senior Receptionist, Senior Boiler Operator, Senior Painter, Senior Laundry Worker, Senior Stock Clerk, Senior Building Maintenance Worker, Senior Storekeeper, Senior Institutional Attendant, Senior Timekeeper, Senior Chauffeur, Senior Seamstress, Senior Hairdresser, Senior Medical Records Clerk, Senior Clerk Typist, Senior Account Clerk, Senior Food Service Worker, Senior Employee Benefits Clerk, Senior Maintenance Repairer, Stationary Engineer, Stock Clerk, Storekeeper, Telephone Operator, Timekeeper Typing and Ward Clerk employed by the County; but excluding Administrator, Assistant Administrator,

Building Service Manager, Chief Engineer, Comptroller, Coordinator of Volunteers, Director of Dietary, Executive Housekeeper, Principal Personnel Clerk Typist, Principal Personnel Technician, Secretarial Assistant to the Assistant Administrator, Senior Personnel Assistant, managerial executives, policemen, confidential employees, professional employees and supervisors as defined by the New Jersey Employer-Employee Relations Act, as well as those employees excluded from coverage under this contract by written agreement of the parties.

3. The parties have stipulated that the list of dues paying members attached to District 1199J's petition is accurate.

4. The facts show that the negotiations unit consists of 252 employees, of which 134 (53%) are currently voluntary dues paying members of District 1199J.

5. District 1199J maintains a demand and return system as required by N.J.S.A. 34:13A-5.5(c) and 5.6.

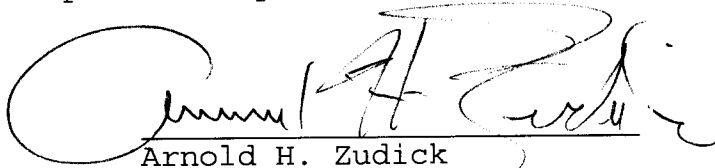
Consequently, having found that District 1199J has satisfied the conditions mandated in N.J.S.A. 34:13A-5.5 and N.J.A.C. 19:19-2.2, I find that it is entitled to the receipt of a representation fee in lieu of dues from unit employees who are not dues paying members of District 1199J, subject to compliance 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 (Morris View Nursing Home) 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 District 1199J after being notified by District 1199J 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: January 20, 2010
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 February 1, 2010.



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 30, 2009, District 1199J, NUHHCE, AFSCME, 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 Adult Day Care Worker, Assistant Buyer, Assistant Supervisor Building Services, Assistant Supervisor Food Service, Assistant Cooker, Barber, Boiler Operator, Building Maintenance Worker, Chauffeur, Clerk Typist, Computer Operator/Senior Accountant, Cook, Data Entry Machine Operator, Electrician, Electricians Helper, Food Service Worker, Hairdresser, Institutional Attendant, Laundry Worker, Linen Room Attendant, Maintenance Repairer High Pressure License, Painter, Plumber/Steam Fitter High Pressure License, Plumbers Helper, Principal Timekeeper Receptionist, Principal Clerk Typist English/Spanish, Principal Payroll Clerk, Principal Account Clerk, Principal Clerk Typist, Recreational Therapy Aide, Seamstress, Secretarial Assistant, Senior Adult Day Care Worker, Senior Recreational Therapy Aide, Senior Linen Room Attendant, Senior Receptionist, Senior Boiler Operator, Senior Painter, Senior Laundry Worker, Senior Stock Clerk, Senior Building Maintenance Worker, Senior Storekeeper, Senior Institutional Attendant, Senior Timekeeper, Senior Chauffeur, Senior Seamstress, Senior Hairdresser, Senior Medical Records Clerk, Senior Clerk Typist, Senior Account Clerk, Senior Food Service Worker, Senior Employee Benefits Clerk, Senior Maintenance Repairer, Stationary Engineer, Stock Clerk, Storekeeper, Telephone Operator, Timekeeper Typing and Ward Clerk are voluntary dues paying members of District 1199J and that District 1199J 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 District 1199J after being notified by District 1199J that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2010-003

County of Morris (Morris View)
(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