

P.D.D. No. 2010-4

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

In the Matter of

COUNTY OF SOMERSET,

Public Employer,

-and-

Docket No. PD-2010-004

SOMERSET COUNTY BUS DRIVERS
AND AIDES ASSOCIATION,

Petitioner.

SYNOPSIS

The Somerset County Bus Drivers and Aides Association 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 Somerset 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 the Association's petition met all of the requirements under the statute and rules and that the Association 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,
Beverly Hacker, Director of Human Resources

For the Petitioner,
Oxfeld Cohen
(Benjamin A. Spivack, of counsel)

DECISION

On March 24, 2010, the Somerset County Bus Drivers and Aides Association (Association) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the County of Somerset (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 nonsupervisory mini bus drivers, motor coach operators, in-home service workers, and transportation aides employed by the County; but excluding employees in the positions of managerial executives, confidential

employees, and supervisors within the meaning of the Act; professional employees, craft employees, police, casual employees, and all others employed by the County of Somerset. 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. The Association 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 did not file a response. N.J.A.C. 19:19-3.2(a). Therefore, pursuant to N.J.A.C. 19:19-3.2(b), the Association's allegations are admitted as true.

The investigation has revealed the following:

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

2. The Association is the majority representative of a collective negotiations unit consisting of all regularly employed nonsupervisory mini bus drivers, motor coach operators, in-home

service workers, and transportation aides employed by the County; but excluding managerial executives, confidential employees, and supervisors within the meaning of the Act; professional employees, craft employees, police, casual employees, and all others employed by the County of Somerset.

3. I find that the list of dues paying members attached to the Association's petition is accurate.

4. Based upon the above information, I find that the negotiations unit consists of 97 employees, of which 53 (55%) are currently voluntary dues paying members of the Association.

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

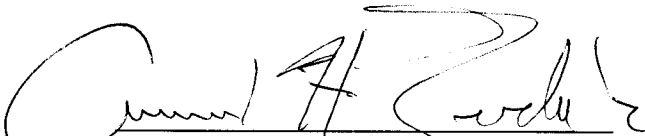
ORDER

The County of Somerset 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 the Somerset County Bus Drivers and Aides Association

after being notified by the Association 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 County'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 County has taken to comply with this order.



Arnold H. Zudick
Commission Designee

DATED: April 30, 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 May 10, 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 March 24, 2010, the Somerset County Bus Drivers and Aides Association 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 nonsupervisory mini bus drivers, motor coach operators, in-home service workers, and transportation aides employed by the County are voluntary dues paying members of the Association and that the Association 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 Association after being notified by the Association that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2010-004

County of Somerset
(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