

P.D.D. No. 2010-7

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-2010-007

COMMUNICATIONS WORKERS OF AMERICA
LOCAL 1037,

Petitioner.

SYNOPSIS

The Communications Workers of America Local 1037 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 Local 1037's petition met all of the requirements under the statute and rules and that Local 1037 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,
Kevin Crawley, Staff Representative

DECISION

On April 28, 2010, the Communications Workers of America Local 1037 (Local 1037) 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 professional employees employed by Somerset County at the Richard Hall Community Mental Health Center located at 500 N. Bridge Street, Bridgewater, N.J. and those professional employees employed by Somerset County and assigned from the Richard Hall Community Mental Health Center to

the Somerset County Vocational Technical School and the Somerset County Jail and, the professional employees employed by Somerset County at the Psychiatric Emergency Screening Services facility located at the Somerset Medical Center 110 Rehill Avenue, Somerville, N.J.; but excluding managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, non-professional employees, police employees, casual employees, coordinators, and all other employees of Somerset County. 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. Local 1037 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), Local 1037's allegations are admitted as true.

The investigation has revealed the following:

1. The County and Local 1037 have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. Local 1037 is the majority representative of a collective negotiations unit consisting of all regularly employed professional employees employed by Somerset County at the Richard Hall Community Mental Health Center located at 500 N. Bridge Street, Bridgewater, N.J. and those professional employees employed by Somerset County and assigned from the Richard Hall Community Mental Health Center to the Somerset County Vocational Technical School and the Somerset County Jail and, the professional employees employed by Somerset County at the Psychiatric Emergency Screening Services facility located at the Somerset Medical Center 110 Rehill Avenue, Somerville, N.J.

3. I find that the list of dues paying members attached to Local 1037's petition is accurate.

4. Based upon the above information, I find that the negotiations unit consists of 77 employees, of which 46 (60%) are currently voluntary dues paying members of Local 1037.

5. Local 1037 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 Local 1037 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

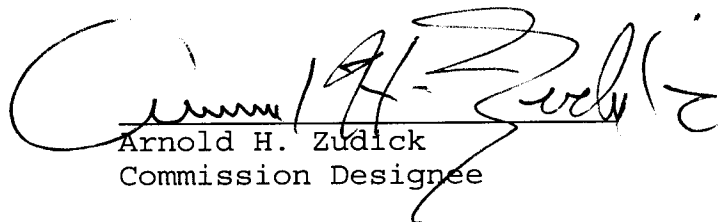
not dues paying members of Local 1037, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

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 Communications Workers of America Local 1037 after being notified by Local 1037 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: May 28, 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 June 8, 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 April 28, 2010, the Communications Workers of America Local 1037 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 professional employees employed by Somerset County at the Richard Hall Community Mental Health Center located at 500 N. Bridge Street, Bridgewater, N.J. and those professional employees employed by Somerset County and assigned from the Richard Hall Community Mental Health Center to the Somerset County Vocational Technical School and the Somerset County Jail and, the professional employees employed by Somerset County at the Psychiatric Emergency Screening Services facility located at the Somerset Medical Center 110 Rehill Avenue, Somerville, N.J. are voluntary dues paying members of Local 1037 and that Local 1037 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 Local 1037 after being notified by Local 1037 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2010-007

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