

P.D.D. No. 2013-2

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

In the Matter of

PASSAIC COUNTY COMMUNITY COLLEGE,

Respondent,

-and-

Docket No. PD-2013-001

PASSAIC COUNTY COMMUNITY COLLEGE
ADMINISTRATORS ASSOCIATION,

Petitioner.

SYNOPSIS

The Passaic County Community College Administrators 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 Passaic County Community College 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 College to institute the deduction of the representation fee.

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Appearances:

For the Respondent, Passaic County Community College,
Steven M. Rose, Ed.D., President

For the Petitioner, Ron Topham, NJEA Consultant

DECISION

On February 13, 2013, the Passaic County Community College Administrators Association (Association) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Passaic County Community College (College) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all regularly employed administrative personnel including: Admissions Representatives, Assistant Directors, Managers, Coordinators not preceded by Academic Rank, Counselors, Directors, Academic Advisors, Financial Aid Officers, Librarians, Media Specialists I

and II, Programmer-Analysts, Registrars/Director of Records, Assistant Registrars, Supervisors, Educational Specialists, Accountant, Executive Chef, Assistant Chef/Instructor, Director of Plant Operations, Coordinator of Student Accounts, Technical Assistant, Associate Director, Programmer and Associate Registrars. Coordinator, Fire Science; Coordinator, Veterans Affairs; Director of College Services; Director of Retired Seniors Volunteer Program; Director of Special Programs, Gym/Theater Manager; Systems Analyst; Tutorial Supervisor; Assistant Director of Educational Services; Educational Assistant; Assistant Director of County Services; Counselor/Coordinator; Auxiliary Services Manager; Superintendent of Buildings & Grounds'; Coordinator of Support Services; Director of County Services; Coordinator of Data Processing; Director of Administrative Data Processing; Coordinator (sic) of Advisement and Counseling; Research Associate; Assistant to the Accounting Manager; College Survival Skills Facilitator; Coordinator of Veteran Affairs/Foreign Students; Job Placement Counselor; Extension Center Supervisor; Accounts Receivable Manager; Purchasing Manager; Director of Testing and Tutoring; Director of Career Studies; Director of Science & Technology; Director of ESL and Bilingual Studies; Director of Communications; Director of Business Programs; Director of Student Development Services and Bursar employed by the College;

but excluding employees in the positions of President, Vice Presidents, Deans, Assistant Deans, Budget Manager, Payroll Manager, Assistant to the President, Director of Safety and Security, Director of Development, Director of Personnel/Labor Relations, Director of Institutional Research, Assistant to a Dean, Security Shift Supervisors, managerial executives, police, craft employees, confidential employees and non-supervisors within the meaning of the Act. 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 College. 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.

On March 8, 2013, the College filed its response pursuant to N.J.A.C. 19:19-3.2(a). The College confirmed that Association 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 investigation has revealed the following:

1. The College 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 administrative personnel including: Admissions Representatives, Assistant Directors, Managers, Coordinators not preceded by Academic Rank, Counselors, Directors, Academic Advisors, Financial Aid Officers, Librarians, Media Specialists I and II, Programmer-Analysts, Registrars/Director of Records, Assistant Registrars, Supervisors, Educational Specialists, Accountant, Executive Chef, Assistant Chef/Instructor, Director of Plant Operations, Coordinator of Student Accounts, Technical Assistant, Associate Director, Programmer and Associate Registrars. Coordinator, Fire Science; Coordinator, Veterans Affairs; Director of College Services; Director of Retired Seniors Volunteer Program; Director of Special Programs, Gym/Theater Manager; Systems Analyst; Tutorial Supervisor; Assistant Director of Educational Services; Educational Assistant; Assistant Director of County Services; Counselor/Coordinator; Auxiliary Services Manager; Superintendent of Buildings & Grounds'; Coordinator of Support Services; Director of County Services; Coordinator of Data Processing; Director of Administrative Data

Processing; Coordinador (sic) of Advisement and Counseling; Research Associate; Assistant to the Accounting Manager; College Survival Skills Facilitator; Coordinator of Veteran Affairs/Foreign Students; Job Placement Counselor; Extension Center Supervisor; Accounts Receivable Manager; Purchasing Manager; Director of Testing and Tutoring; Director of Career Studies; Director of Science & Technology; Director of ESL and Bilingual Studies; Director of Communications; Director of Business Programs; Director of Student Development Services and Bursar employed by the College; but excluding employees in the positions of President, Vice Presidents, Deans, Assistant Deans, Budget Manager, Payroll Manager, Assistant to the President, Director of Safety and Security, Director of Development, Director of Personnel/Labor Relations, Director of Institutional Research, Assistant to a Dean, Security Shift Supervisors, managerial executives, police, craft employees, confidential employees and non-supervisors within the meaning of the Act.

3. The list of dues paying members attached to the Association's petition is substantially accurate ^{1/}.

4. The Association contends that the negotiations unit consists of 99 employees, of which 65 (65.6%) are currently voluntary dues paying members of the Association. The college

1/ The Association claims that Deeanne V. Hackett and Jose A. Villalongo are voluntary duespayers, but they do not appear on the College's list of unit employees.

claims that the unit consists of 97 employees, of which 63 (64.9%) are currently voluntary dues payers of the College. I need not resolve the precise numbers since it is undisputed that more than the requisite 50% of the employees included in the unit are 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 Passaic County Community College 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 Passaic County Community College Administrators 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 College 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.

Gayl R. Mazuco
Commission Designee

DATED: April 10, 2013
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 April 22, 2013.



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 13, 2013, the Passaic County College Administrators 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 administrative personnel including: Admissions Representatives, Assistant Directors, Managers, Coordinators not preceded by Academic Rank, Counselors, Directors, Academic Advisors, Financial Aid Officers, Librarians, Media Specialists I and II, Programmer-Analysts, Registrars/Director of Records, Assistant Registrars, Supervisors, Educational Specialists, Accountant, Executive Chef, Assistant Chef/Instructor, Director of Plant Operations, Coordinator of Student Accounts, Technical Assistant, Associate Director, Programmer and Associate Registrars. Coordinator, Fire Science; Coordinator, Veterans Affairs; Director of College Services; Director of Retired Seniors Volunteer Program; Director of Special Programs, Gym/Theater Manager; Systems Analyst; Tutorial Supervisor; Assistant Director of Educational Services; Educational Assistant; Assistant Director of County Services; Counselor/Coordinator; Auxiliary Services Manager; Superintendent of Buildings & Grounds'; Coordinator of Support Services; Director of County Services; Coordinator of Data Processing; Director of Administrative Data Processing; Coordinato (sic) of Advisement and Counseling; Research Associate; Assistant to the Accounting Manager; College Survival Skills Facilitator; Coordinator of Veteran Affairs/Foreign Students; Job Placement Counselor; Extension Center Supervisor; Accounts Receivable Manager; Purchasing Manager; Director of Testing and Tutoring; Director of Career Studies; Director of Science & Technology; Director of ESL and Bilingual Studies; Director of Communications; Director of Business Programs; Director of Student Development Services and Bursar employed by the College 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-2013-001

Passaic County Community College
(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