

P.D.D. No. 2015-1

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

In the Matter of

MORRIS COUNTY PARK COMMISSION,

Respondent,

-and-

Docket No. PD-2015-001

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS LOCAL 469,

Petitioner.

**SYNOPSIS**

International Brotherhood of Teamsters Local 469 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 Morris County Park Commission 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 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 Park Commission to institute the deduction of the representation fee.

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Appearances:

For the Respondent, Morris County Park Commission  
Rich Vitale, Deputy Executive Director

For the Petitioner, Law Offices of Timothy R. Hott,  
P.C. (Timothy R. Hott, of counsel)

**DECISION**

On December 23, 2014, the International Brotherhood of Teamsters Local 469 (Local 469 or Association) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Morris County Park Commission (Respondent or Park Commission) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of Assistant Manager - Arena, Assistant Manager - Golf Shops, Farm Superintendent, Golf Course Superintendent, Recreation Superintendent, Refrigeration Engineer (fully certified/

licensed), Superintendent of Historic Speedwell, Superintendent of Buildings, Superintendent of Construction, Superintendent of Environmental Education, Superintendent of Historic Sites Education/Fosterfields & Cooper Mill, Superintendent of Horticultural Education, Superintendent of Horticulture, Superintendent of Maintenance, Superintendent of Maintenance/Historic Sites, Superintendent of Natural Resources, Assistant Superintendent of Construction, Assistant Superintendent of Environmental Education, Assistant Superintendent Golf Courses, Assistant Superintendent of Natural Resources, Curator Collections & Exhibits, Historian, Refrigeration Engineer, Skating School Administrator, Second Assistant Golf Courses, Construction Trades Supervisor employed by Morris County Park Commission; but excluding employees in the positions of Executive Director, Deputy Executive Director, Assistant Deputy Director, Director Engineering Services, Director Golf Courses, Director of Historic Sites, Director Natural Resources, Director Park Maintenance, Director of Recreation, Assistant Director Finance, Assistant Director Engineering/Land Resources, Assistant Director Personnel, Chief Operating Engineer, Manager Building and Construction, Craigmear Manager, Food & Beverage Manager, Manager of Golf Courses, Manager of Morris County Visitor Center, Manager Historic Sites, Manager Horticulture, Manager Park Maintenance, Manager Sports

Arena, Marketing and Communications Manager, Office Manager, Project Manager, Purchasing Agent-Manager, Systems Manager, Confidential Employees, all members of the Morris County Park Police, all part time employees and all employees within the bargaining unit represented by the International Association of Industrial Workers, Local 1. 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 Morris County Park Commission. 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 469 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 **January 6, 2015**, the **Morris County Park Commission** filed its response pursuant to N.J.A.C. 19:19-3.2(a). The **Park Commission** confirmed that **Local 469** 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 **Park Commission** and the **Local 469** have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. **Local 469** is the majority representative of a collective negotiations unit consisting of Assistant Manager - Arena, Assistant Manager - Golf Shops, Farm Superintendent, Golf Course Superintendent, Recreation Superintendent, Refrigeration Engineer (fully certified/licensed), Superintendent of Historic Speedwell, Superintendent of Buildings, Superintendent of Construction, Superintendent of Environmental Education, Superintendent of Historic Sites Education/Fosterfields & Cooper Mill, Superintendent of Horticultural Education, Superintendent of Horticulture, Superintendent of Maintenance, Superintendent of Maintenance/Historic Sites, Superintendent of Natural Resources, Assistant Superintendent of Construction, Assistant Superintendent of Environmental Education, Assistant Superintendent Golf Courses, Assistant Superintendent of Natural Resources, Curator Collections & Exhibits, Historian, Refrigeration Engineer, Skating School Administrator, Second Assistant Golf Courses, Construction Trades Supervisor employed by the **Park Commission**; but excluding employees in the positions of Executive Director, Deputy Executive Director, Assistant Deputy Director, Director Engineering Services, Director Golf

Courses, Director of Historic Sites, Director Natural Resources, Director Park Maintenance, Director of Recreation, Assistant Director Finance, Assistant Director Engineering/Land Resources, Assistant Director Personnel, Chief Operating Engineer, Manager Building and Construction, Craigmear Manager, Food & Beverage Manager, Manager of Golf Courses, Manager of Morris County Visitor Center, Manager Historic Sites, Manager Horticulture, Manager Park Maintenance, Manager Sports Arena, Marketing and Communications Manager, Office Manager, Project Manager, Purchasing Agent-Manager, Systems Manager, Confidential Employees, all members of the Morris County Park Police, all part time employees and all employees within the bargaining unit represented by the International Association of Industrial Workers, Local 1.

3. The list of dues paying members attached to Local 469's petition is substantially accurate.<sup>1/</sup>

4. The parties have stipulated that the negotiations unit consists of 17 employees. Local 469 contends that 14 individuals (82.3%) are currently voluntary dues paying members. The Park Commission claims that only 13 individuals (76%) are voluntary dues paying members of Local 469. I need not resolve the precise

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<sup>1/</sup> The Park Commission's submission indicates that one of the voluntary dues payers on the Local's list "cancelled union dues" effective on January 2, 2015, subsequent to the filing of the petition.

numbers since it is undisputed that more than the requisite 50% of the employees included in the unit are voluntary dues paying members of Local 469.

5. **Local 469** 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 469** 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 **International Brotherhood of Teamsters, Local 469**, 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 **Morris County Park Commission** 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 **Local 469** after being notified by **Local 469** that it has complied with the requirements of N.J.A.C. 19:17-3.3 and 4.1.

The **Morris County Park Commission** 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 Park Commission'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 Park Commission has taken to comply with this order.

  
\_\_\_\_\_  
Gayl R. Mazuco  
Commission Designee

DATED: February 24, 2015  
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 March 10, 2015.





# 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 December 23, 2014, International Brotherhood of Teamsters Local 469 filed a Petition for Payroll Deduction Determination-Representation Fees. The Commission conducted an investigation and determined that a majority of employees in the Assistant Manager-Arena, Assistant Manager - Golf Shops, Farm Superintendent, Golf Course Superintendent, Recreation Superintendent, Refrigeration Engineer, Superintendent of Historic Speedwell, Superintendent of Buildings, Superintendent of Construction, Superintendent of Environmental Education, Superintendent of Historic Sites Education/Fosterfields & Cooper Mill, Superintendent of Horticultural Education, Superintendent of Horticulture, Superintendent of Maintenance, Superintendent of Maintenance/Historic Sites, Superintendent of Natural Resources, Assistant Superintendent of Construction, Assistant Superintendent of Environmental Education, Assistant Superintendent Golf Courses, Assistant Superintendent of Natural Resources, Curator Collections & Exhibits, Historian, Refrigeration Engineer, Skating School Administrator, Second Assistant Golf Courses, Construction Trades Supervisor employed by Morris County Park Commission; are voluntary dues paying members of International Brotherhood of Teamsters Local 469 and that International Brotherhood of Teamsters Local 469 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 International Brotherhood of Teamsters Local 469 after being notified by Local 469 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and 4.1.

Docket No. PD-2015-001

Morris County Park Commission  
(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