

P.D.D. No. 2015-3

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-2015-004

NEW JERSEY STATE FEDERATION
OF TEACHERS AMERICAN FEDERATION
OF TEACHERS, AFL-CIO,

Petitioner.

SYNOPSIS

New Jersey State Federation of Teachers, American Federation of Teachers, 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 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 petition met all of the requirements under the statute and rules and that New Jersey State Federation of Teachers, American Federation of Teachers, AFL-CIO was entitled to a Commission order directing them 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, New Jersey State Federation of
Teachers, American Federation of Teachers, AFL-CIO,
Cindy Simon, President, Passaic County Community
College Chapter

DECISION

On May 1, 2015, the New Jersey State Federation of Teachers, American Federation of Teachers, AFL-CIO, (Federation) 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 adjunct faculty who have accepted teaching assignments for credit courses at Passaic County Community College in the current

academic year and who also taught at least one credit course during either the current or previous academic year; but excluding managerial executives, confidential employees and supervisors within the meaning of the Act; craft, non-professional, police, full-time faculty, casual employees, and all other employees employed by Passaic County Community College. 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 Federation 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 May 27, 2015, the Passaic County Community College filed its response pursuant to N.J.A.C. 19:19-3.2(a). The College confirmed that the Federation 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 Federation have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. The Federation is the majority representative of a collective negotiations unit consisting of all adjunct faculty who have accepted teaching assignments for credit courses at Passaic County Community College in the current academic year and who also taught at least one credit course during either the current or previous academic year; but excluding managerial executives, confidential employees, and supervisors within the meaning of the Act; craft, non-professional, police, full time faculty, casual employees, and all other employees employed by Passaic County Community College.

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

4. The parties have stipulated that the negotiations unit consists of 346 employees, of which 186(53.75%) are currently voluntary dues paying members of the Federation.

5. The Federation 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 New Jersey State Federation of Teachers, American Federation of Teachers, AFL-CIO 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 New Jersey State Federation of Teachers, American Federation of Teachers, AFL-CIO, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

ORDER

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 New Jersey State Federation of Teachers, American Federation of Teachers, AFL-CIO after being notified by New Jersey State Federation of Teachers, American Federation of Teachers, AFL-CIO that it has complied with the requirements of N.J.A.C. 19:17-3.3 and 4.1.

The Passaic County Community 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: June 23, 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 July 6, 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 May 1, 2015, New Jersey State Federation of Teachers, American Federation of Teachers, 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 all adjunct faculty who have accepted teaching assignments for credit courses at Passaic County Community College in the current academic year and who also taught at least one credit course during either the current or previous academic year are voluntary dues paying members of the Federation and that the Federation 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 New Jersey State Federation of Teachers, American Federation of Teachers, AFL-CIO after being notified by the Federation that it has complied with the requirements of N.J.A.C. 19:17-3.3 and 4.1.

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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

