

A.B.D. No. 98-1

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION APPEAL BOARD

APPEAL BOARD DKT. No. AB-98-1

JOHN H. KIRNON,

Petitioner,

v.

SPORTS ARENA EMPLOYEES, LOCAL 137,

Respondent.

Petitioner pro se, **Jon H. Kirnon,**

For respondent, **Karl N. McConnell, Esq.,** (Greitzer & Locks,
attorneys)

DECISION AND ORDER

On July 7, 1997 John H. Kirnon filed a petition of appeal with the Public Employment Relations Commission Appeal Board ("Appeal Board"). The petitioner is employed by the New Jersey Sports & Exposition Authority and is represented in collective negotiations by Sports Arena Employees Local 137. The petition alleged that the respondent had not maintained a demand and return system as required by N.J.S.A. 34:13A-5.6 and had failed to provide him with financial information about Local 137's expenditures. On August 8, 1997, Local 137 filed an Answer asserting that Kirnon was a member of the Union as he had signed a dues authorization card and had never revoked that authorization. A copy of a dues authorization card with the petitioner's signature was attached.

On August 18, 1997, the Appeal Board wrote to the petitioner soliciting a response to the assertion made in Local

137's Answer that he was a member of Local 137. On August 25, 1997 Mr. Kirnon filed a letter with the Appeal Board which disputes that he was a member of Local 137. The letter asserts that when the petitioner began work in 1994, he was told he had to authorize a two per cent deduction from his pay as a "union representation fee." The petitioner also asserts that he was not allowed to vote on a February, 1997 contract ratification and that he had been denied certain union benefits.

On January 8, 1998, Local 137 filed a letter motion requesting that we dismiss the petition for lack of jurisdiction. On January 12, 1998, we requested that the petitioner answer the motion and provide evidence which supported his assertion that he was not a member of Local 137, and/or had revoked his membership authorization in accordance with N.J.S.A. 52:14-15.9e. On January 24, 1998, the petitioner sent a letter to the Appeal Board reiterating that he was a non-member, repeating the assertions made in his August 25, 1997 letter and adding that he had not been assessed certain additional dues and initiation fees payable by union members who had achieved "extra" status as employees. He further asserted that after he achieved "extra" status "this year" (presumably 1998), he "informed the union via written correspondence that I would not be joining."

We do not have jurisdiction over disputes between unions representing public employees and members of such unions about the propriety of the dues levied upon employees who authorized dues to be deducted from their salaries. See Joyce B. Eldridge, et al. and

CWA, A.B.D. No. 85-1, 10 NJPER 612 (¶15288 1984). Even if we were to accept as true petitioner's assertion that he was told in 1994, that he had to sign the card in order to work, petitioner himself acknowledges that this event occurred beyond the six-month limitations period. See N.J.A.C. 19:17-4.5. Once petitioner became aware that he had a choice of either remaining a member of Local 137 or paying a representation fee in lieu of dues as a nonmember, he could have taken steps to revoke his authorization.^{1/} As we have no evidence that the petitioner has revoked his authorization to have dues deducted from his salary and paid over to Local 137, we conclude that he was a member of the union during the period of time covered by his petition. We lack jurisdiction to hear any dispute he has with Local 137.

ORDER

The petition is dismissed.

BY ORDER OF THE APPEAL BOARD

CATHERINE FRANK-WHITE
Chairman

DATED: TRENTON, NEW JERSEY
February 17, 1998
ISSUED: February 18, 1998

^{1/} We note that the agreement between Local 137 and the New Jersey Sports and Exposition Authority distinguishes between "agency fees" and dues "check-off" and also contains an explicit reference to N.J.S.A. 52:14-15.9e.