

P.D.D. NO. 2004-4

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

In the Matter of

RARITAN VALLEY COMMUNITY COLLEGE,

Public Employer,

-and-

Docket No. PD-2003-002

RARITAN VALLEY COMMUNITY COLLEGE STAFF
FEDERATION/AFT, LOCAL NO. 4143,

Petitioner.

SYNOPSIS

Raritan Valley Community College Staff Federation/AFT, Local No. 4143 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 Raritan Valley 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 Local 4143's petition met all of the requirements under the statute and rules and that Local 4143 was entitled to a Commission order directing the College to institute the deduction of the representation fee.

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Petitioner.

Appearances:

For the Respondent, Gaetano M. De Sapio, attorney

For the Petitioner, Dwyer, Canellis & Adams, attorneys
(Brian Miller Adams, of counsel)

DECISION

On January 14, 2003, the Raritan Valley Community College Staff Federation/AFT, Local No. 4143 (Local 4143) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Raritan Valley 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 classified employees employed by the College; but excluding security personnel and all support staff positions reporting directly to the college president, vice president and the director of human resources. 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 4143 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 February 4, 2003, Local 4143 submitted its demand and return system to us but did not provide proof of service upon the College. On February 10, 2003, we advised Local 4143 that it had not provided service of its demand and return system upon the College. By agreement of the parties, the College was provided with an extension to file its response until March 27, 2003. Subsequently, we reviewed Local 4143's demand and return system and raised certain questions as to the adequacy of that system. On May 30, 2003, Local 4143 submitted a revised demand and return system. On June 18, 2003, Local 4143 submitted a further revised demand and return system. On July 21, 2003, we advised Local 4143 that it had not submitted proof of service to us that the College had been supplied with a copy of its final, revised

demand and return system. We also advised the College that it would have 10 days after receipt of Local 4143's demand and return system to file its response. On August 21, 2003, we received confirmation from Local 4143 that the College was served with a final, revised demand and return system.

The College did not file a response pursuant to N.J.A.C. 19:19-3.2(a). Pursuant to N.J.A.C. 19:19-3.2(b), all allegations in the petition are deemed admitted as true.

The investigation has revealed the following:

1. The College and Local 4143 have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached requiring such payments.

2. Local 4143 is the majority representative of a collective negotiations unit consisting of all classified employees employed by the College; but excluding security personnel and all support staff positions reporting directly to the college president, vice president and the director of human resources.

3. The negotiations unit consists of 90 employees, of which 63 (70%) are currently voluntary dues paying members of Local 4143.

4. Local 4143 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 4143 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 4143, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

ORDER

Raritan Valley 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 Local 4143 after being notified by Local 4143 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.



Stuart Reichman
Commission Designee

DATED: September 15, 2003
Trenton, New Jersey



RECOMMENDED



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 January 14, 2003, Raritan Valley Community College Staff Federation/AFT, Local No. 4143 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 classified employees employed by the College; but excluding security personnel and all support staff positions reporting directly to the college president, vice president and the director of human resources are voluntary dues paying members of Local 4143 and that Local 4143 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 4143 after being notified by Local 4143 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2003-2

Raritan Valley 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