

P.D.D. NO. 2004-14

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

In the Matter of

COUNTY COLLEGE OF MORRIS,

Respondent,

-and-

Docket No. PD-2004-010

FACULTY ASSOCIATION OF THE COUNTY
COLLEGE OF MORRIS, AFFILIATED
WITH NJEA,

Petitioner.

SYNOPSIS

The Faculty Association of the County College of Morris, affiliated with N.J.E.A. 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 County College of Morris 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 it 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, Robert A. Stoto, Director of Human
Resources

For the Petitioner, Julie Giordano Brenner, NJEA
UniServ Field Representative

DECISION

On February 13, 2004, the Faculty Association of the County College of Morris, affiliated with NJEA (Association) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the County College of Morris to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all full time teaching faculty, full time instructional assistants and full time lecturers employed by the College; but excluding employees in the positions of president, dean, associate dean, assistant dean, adjunct

faculty, librarian, director of library services, supervisor of technical services research services, instructional media center supervisor, reference librarian, graphic artist, catalog librarian, librarian assistant, audio-visual producer, T.V. producer, technician, equipment coordinator, department chairperson, division chairperson, assistant chairperson, counselor, counselor evaluator, and all clerical, maintenance, cafeteria, and security personnel, all managerial executives, confidential employees, and all personnel with supervisory or administrative authority. 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. 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 April 19, 2004, the College filed its response pursuant to N.J.A.C. 19:19-3.2(a). The College confirmed that the 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 full-time teaching faculty, full-time instructional assistants and full-time lecturers employed by the County College of Morris; but excluding president, dean, associate dean, assistant dean, adjunct faculty, librarian, director of library services, supervisor of technical services research services, instructional media center supervisor, reference librarian, graphic artist, catalog librarian, librarian assistant, audio-visual producer, T.V. producer, technician, equipment coordinator, department chairperson, division chairperson, assistant chairperson, counselor, counselor evaluator, and all clerical, maintenance, cafeteria, and security personnel, and all managerial executives, confidential employees, and all personnel with supervisory or administrative authority.

3) The parties have stipulated that a majority of employees in the collective negotiations unit are currently voluntarily dues paying members of the Association.

4. 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.

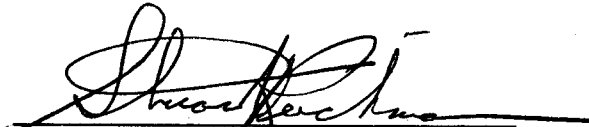
ORDER

The County College of Morris 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 Faculty Association of the County College of Morris, affiliated with the NJEA 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.



Stuart Reichman
Commission Designee

DATED: April 26, 2004
Trenton, New Jersey



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, 2004, the Faculty Association of the County College of Morris, affiliated with the NJEA filed a Petition for Payroll Deduction Determination-Representation Fees. The Commission conducted an investigation and determined that a majority of employees in the collective negotiations unit consisting of all full-time teaching faculty, full-time instructional assistants and full-time lecturers 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.

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County College of Morris
(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