

P.D.D. NO. 2005-1

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

In the Matter of

EAST ORANGE BOARD OF EDUCATION,

Respondent,

-and-

Docket No. PD-2004-015

IUOE LOCAL 68,

Petitioner.

SYNOPSIS

IUOE Local 68 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 East Orange Board of Education 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 68's petition met all of the requirements under the statute and rules and that Local 68 was entitled to a Commission order directing the Board to institute the deduction of the representation fee.

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Appearances:

For the Respondent,
Kenneth D. King, Assistant Superintendent for Personnel

For the Petitioner,
Mary E. Moriarty, General Counsel

DECISION

On June 15, 2004, IUOE Local 68 (Local 68) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the East Orange Board of Education (Board) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all security monitors and security guards employed by the East Orange Board of Education; but excluding all other employees. 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 Board. 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 68 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.

The Board has not filed a response to the petition pursuant to N.J.A.C. 19:19-3.2(a). Consequently, the allegations in the petition are deemed true, N.J.A.C. 19:19-3.2(b), demonstrating no agreement had been reached over the collection of representation fees in lieu of dues for non-member unit employees at the time the instant petition had been filed.

The investigation has revealed the following:

1. The Board and Local 68 have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. Local 68 is the majority representative of a collective negotiations unit consisting of security monitors and security guards at its locations of a complex of buildings known as the East Orange Board of Education; but excluding all other employees.

3. The Board has not disputed the list of dues paying members attached to Local 68's petition, consequently that list is deemed accurate.

4. The information submitted shows that the negotiations unit consists of 58 employees, of which 46 (79%) are currently voluntary dues paying members of Local 68.

5. Local 68 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 68 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 Local 68, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

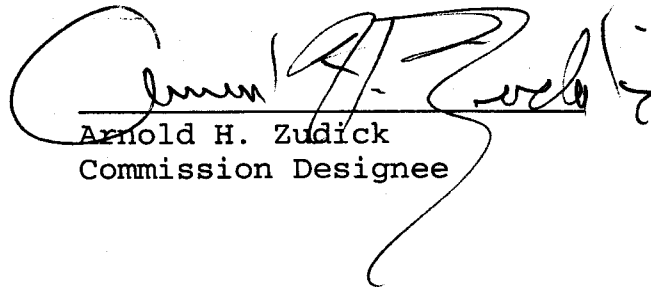
ORDER

East Orange Board of Education 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 68 after being notified by Local 68 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

The Board 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.


Arnold H. Zudick
Commission Designee

DATED: July 15, 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 June 15, 2004, Local 68 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 security monitors and security guards employed by the East Orange Board of Education are voluntary dues paying members of Local 68 and that Local 68 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 68 after being notified by Local 68 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2004-015

East Orange Board of Education
(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