

P.D.D. NO. 2005-11

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

In the Matter of

OCEAN COUNTY COLLEGE,

Respondent,

-and-

Docket No. PD-2005-007

OCEAN COUNTY COLLEGE FEDERATION
OF PROFESSIONAL ADMINISTRATORS,

Petitioner.

SYNOPSIS

Ocean County College Federation of Professional Administrators 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 Ocean County 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 Federation's petition met all of the requirements under the statute and rules and that the Federation 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,
Robert Seymour, Personnel Director

For the Petitioner,
Pamela S. Donohue, Treasurer

DECISION

On January 24, 2005, as amended on March 10, 2005, the Ocean County College Federation of Professional Administrators (Federation) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Ocean County College (College) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all non-supervisory, primary administrators employed by Ocean County College, including Academic Advisor, Accounting Office Manager, Admissions and Records Administrative Manager, Administrative Coordinator - O.I.T., Administrator of the Southern Education Center, Assistant Director of Educational Opportunity Fund (EOF),

Assistant Director of Financial Aid, Assistant Director of Physical Plant, Assistant Director of Student Life, Associate Director of Admissions and Records, Bookstore Manager, Career Coordinator, Community Program Administrator, Community Education Program Developer, Coordinator of Academic Affairs, Coordinator of Adaptive Services, Coordinator of Articulated Programs and Testing, Coordinator of College Health Services, Coordinator of Customized Training, Coordinator of Marketing and Publicity, Coordinator of Publications and Electronic Media, Coordinator of Recruitment, Coordinator of Recruitment/Retention, Director of Allied Health, Director of Budgets and Audits, Director of Business Education & Training, Director of Fine Arts Center (part-time), Director of Multicultural Services, Evening Supervisor of Southern Education Center, p/t, Junior Accountant, Learning Disabilities Specialist, Project Coordinator, Office of School Relations, Project Specialist, DRC, Psychological Services Specialist, Registrar, Research and Assessment Administrator and Transfer Coordinator; but excluding employees in the positions of managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, nonprofessional employees, police employees, casual employees, employees in other bargaining units, and all other employees of Ocean County 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.

Pursuant to N.J.A.C. 19:19-2.1, the Federation served the petition on the College. The College did not file a response as required by N.J.A.C. 19:19-3.2(a). Therefore, pursuant to N.J.A.C. 19:19-3.2(b), all allegations in the petition are admitted and deemed true.

The investigation has revealed and/or presumes 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 non-supervisory, primary administrators employed by the College including those listed above; but excluding managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, nonprofessional employees, police employees, casual

employees, employees in other bargaining units, and all other employees of Ocean County College.

3. The list of dues paying members attached to the Federation's petition appears to be accurate.

4. The evidence shows that the negotiations unit consists of 37 employees, of which 28 (76%) 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 the Federation 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 Federation, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

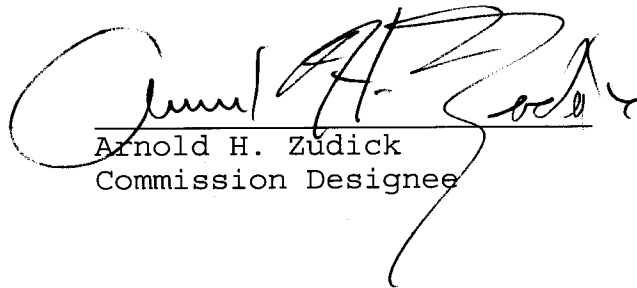
ORDER

Ocean County 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 the Federation 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.

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 Chairman of the steps the Respondent has taken to comply with this order.



Arnold H. Zudick
Commission Designee

DATED: May 17, 2005
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 May 31, 2005.



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 25, 2005, as amended on March 10, 2005, the Ocean County College Federation of Professional Administrators 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 non-supervisory, primary administrators 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 the Federation 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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Ocean County 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