

P.D.D. No. 2006-1

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

In the Matter of

NORTH CALDWELL BOARD OF EDUCATION,

Public Employer,

-and-

Docket No. PD-2005-009

NORTH CALDWELL EDUCATION ASSOCIATION,
(TEACHERS UNIT) (SUPPORT STAFF UNIT)

Petitioner.

SYNOPSIS

The North Caldwell Education Association 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 North Caldwell Board of Education to deduct a representation fee in lieu of dues from the salaries of employees in its Teachers unit and Support Staff unit 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 the Association was entitled to a Commission order directing the Board to institute the deduction of the representation fee.

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Petitioner.

Appearances:

For
973-228-1596

er,
Business Administrator/Board

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(ounsel)

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Payroll Deduction

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or two separate units it represents

(Teachers Unit and Support Staff Unit) seeking an order directing

the North Caldwell Board of Education (Board) to deduct

representation fees in lieu of dues from the salaries of non-

member employees in each negotiations unit. The Teachers unit

consists of regularly employed teachers, nurses, librarians,

learning disability teacher-consultants, speech therapists,

social workers, school psychologists, guidance counselors, ATP (Academic Tutorial program), and Computer Specialists; but excluding employees in the Support Staff unit and all other Board employees. The Support Staff unit consists of regularly employed secretaries, instructional assistants, aides, custodians, mid-shift custodians and maintenance personnel employed by the Board; but excluding confidential and supervisory employees, part-time employees working less than twenty (20) hours per week, per diem employees, and secretarial employees working in the Board Office and Office of the Superintendent. 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. The Association has filed documents in support of its claim that a majority of employees in each 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 Association served the petition on the Board. The Board 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 the following:

1. The Board 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 Teachers collective negotiations unit consisting of regularly employed teachers, nurses, librarians, learning disability teacher-consultants, speech therapists, social workers, school psychologists, guidance counselors, ATP (Academic Tutorial program) and Computer Specialists, but excluding employees in the Support Staff unit and all other Board employees. The Support Staff unit consists of regularly employed secretaries, instructional assistants, aides, custodians, mid-shift custodians and maintenance personnel employed by the Board; but excluding confidential and supervisory employees, part-time employees working less than twenty (20) hours per week, per diem employees, and secretarial employees working in the Board Office and Office of the Superintendent.

3. The list of dues paying members for each unit provided by the Association is accurate.

4. The "Teachers" negotiations unit consists of 63 employees, of which 57 (90%) are currently voluntary dues paying

members of the Association. The Support Staff negotiations unit consists of 15 employees, of which 8 (53%) are currently voluntary dues paying members of the Association.

5. 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 in each unit 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.

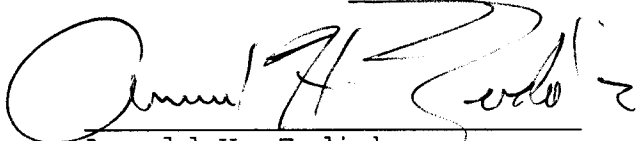
ORDER

The North Caldwell Board of Education is ORDERED to institute a payroll deduction of the representation fee in lieu of dues from the wages or salaries of employees in both the Teachers and Support Staff units who are not members of the North Caldwell Education 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.

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 14, 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 July 27, 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 May 26, 2005, the North Caldwell Education Association filed a Petition for Payroll Deduction Determination-Representation Fees for its Teachers and Support Staff units. The Commission conducted an investigation and determined that a majority of employees in the Teachers unit consisting of regularly employed teachers, nurses, librarians, learning disability teacher-consultants, speech therapists, social workers, school psychologists, guidance counselors, ATP (Academic Tutorial program) and Computer Specialists, and a majority of employees in the Support Staff unit, secretaries, instructional assistants, aides, custodians, mid-shift custodians and maintenance personnel employed by the Board 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 employees in each 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.

Docket No. PD-2005-009

North Caldwell 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