

P.D.D. No. 2006-4

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

In the Matter of

MORRIS COUNTY PARK COMMISSION,

Public Employer,

-and-

Docket No. PD-2006-002

IAIW LOCAL 1,

Petitioner.

SYNOPSIS

IAIW Local 1 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 Morris County Park Commission 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 IAIW Local 1's petition met all of the requirements under the statute and rules and that IAIW Local 1 was entitled to a Commission order directing the Morris County Park Commission to institute the deduction of the representation fee.

P.D.D. No. 2006-4

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

In the Matter of

MORRIS COUNTY PARK COMMISSION,

Public Employer,

-and-

Docket No. PD-2006-002

IAIW LOCAL 1,

Petitioner.

Appearances:

For the Public Employer,
Jack Kelly, President

For the Petitioner,
Mets & Schiro, LLP, attorneys
(James M. Mets, of counsel)

DECISION

On December 8, 2005, IAIW Local 1 filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Morris County Park Commission (Park Commission) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all regularly employed full-time non-supervisory employees employed by the Park Commission; but excluding employees in the positions of Secretary/Director, Deputy Secretary/Director, Director of Development, Chief Operating Engineer Sports Arena, Director of Education & Interpretive Services, Director of Engineering

Services, Director of Fiscal Resources, Director of Golf Courses, Director of Maintenance, Director of Finance, Personnel & Compliance, Director of Recreation, Director of Personnel, Safety & Compliance, Engineer Inspector/Designer, Fixed Assets/Insurance Control Specialist, Director of Procurement, Director of Horticulture, Director of Revenue Producing Facilities, Manager Sports Arena, Professional Manager, Supervisor of Central Store, Manager of Horticulture, Manager of Golf Operations, Manager of Field Projects, Supply Coordinator, Purchasing Coordinator, Systems Manager, Manager of Internal Communication, Compliance and Safety, Manager of Golf Operations, Manager of Park Maintenance, Manager of Buildings and Construction, and all part-time 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 Park Commission. The law authorizes the Public Employment Relations 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. IAIW 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 Park Commission was served with the IAIW's petition. The Park Commission 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 Park Commission and the IAIW have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. IAIW Local 1 is the majority representative of a collective negotiations unit consisting of all regularly employed full-time non-supervisory employees consisting of Class I - Clerk Administration, Clerk Stenographer, Clerk Typist; Class II - Administrative Secretary, Engineering Aide; Class III - Cashier, Carpenter Apprentices, Other Helpers and Apprentices; Class IV - Assistant Skate Shop Supervisor, Building Maintenance, Caretaker, Custodian, Custodian/Messenger, Park Maintenance, Mechanic Helper, Tree Trimmer, Skate Guard Supervisor; Class V - Golf Course Maintenance, Senior Park Maintenance; Class VI - Administrative Secretary/Reservation Coordinator (Park Police), Historic Sites Maintenance Person/Farmer, Senior Engineering Aide, Stock Clerk, Utility Person (Construction & Horticulture), Senior Golf Course Maintenance; Class VII - Assistant Foreman, Mechanic, Plantsman, Historic Farmer/Interpreter, Public Use

Specialist, Skate Shop Supervisor, Tree Climber, Historical Program Specialist, Horticultural Program Specialist, Teacher Naturalist, Natural Resource Management Specialist, Recreation Program Specialist, Skilled Tradesman, Senior Construction Utility Person; Class VIII - Operating Engineer, Relief Operating Engineer, Principal Skate Guard, Senior Teacher Naturalist, Miller Historian, Senior Horticultural Program Specialist, Senior Historical Program Specialist, Senior Mechanic; Class IX - Foreman, Golf Shop Supervisor, Recreation Supervisor, Utility Foreman (Construction & Horticulture), Historic Farm Foreman/Interpreter, Trades Foreman, Senior Operating Engineer employed by the Morris County Park Commission; but excluding Secretary/Director, Deputy Secretary/Director, Director of Development, Chief Operating Engineer Sports Arena, Director of Education & Interpretive Services, Director of Engineering Services, Director of Fiscal Resources, Director of Golf Courses, Director of Maintenance, Director of Finance, Personnel & Compliance, Director of Recreation, Director of Personnel, Safety & Compliance, Engineer Inspector/Designer, Fixed Assets/Insurance Control Specialist, Director of Procurement, Director of Horticulture, Director of Revenue Producing Facilities, Manager Sports Arena, Professional Manager, Supervisor of Central Store, Manager of Horticulture, Manager of Golf Operations, Manager of Field Projects, Supply Coordinator, Purchasing Coordinator,

Systems Manager, Manager of Internal Communication, Compliance and Safety, Manager of Golf Operations, Manager of Park Maintenance, Manager of Buildings and Construction, and all part-time employees.

3. The list of dues paying members attached to IAIW's petition is accurate.

4. The negotiations unit consists of 121 employees, of which 112 (93%) are currently voluntary dues paying members of IAIW.

5. IAIW Local 1 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 IAIW Local 1 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 IAIW, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.

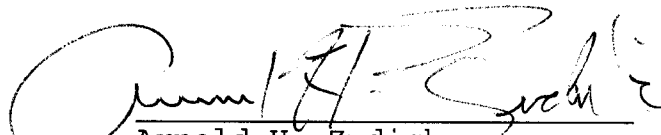
ORDER

The Morris County Park Commission 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 IAIW Local 1 after being notified by IAIW Local 1

that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

The Morris County Park Commission 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: January 27, 2006
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 February 9, 2006.



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 December 8, 2005, IAIW Local 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 regularly employed full-time non-supervisory employees (see attachment) employed by the Morris County Park Commission are voluntary dues paying members of IAIW Local and that IAIW Local 1 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 IAIW Local 1 after being notified by IAIW Local 1 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2006-002

Morris County Park Commission
(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



NOTICE TO EMPLOYEES ATTACHMENT



Class I - Clerk Administration, Clerk Stenographer, Clerk Typist; Class II - Administrative Secretary, Engineering Aide; Class III - Cashier, Carpenter Apprentices, Other Helpers and Apprentices; Class IV - Assistant Skate Shop Supervisor, Building Maintenance, Caretaker, Custodian, Custodian/Messenger, Park Maintenance, Mechanic Helper, Tree Trimmer, Skate Guard Supervisor; Class V - Golf Course Maintenance, Senior Park Maintenance; Class VI - Administrative Secretary/Reservation Coordinator (Park Police), Historic Sites Maintenance Person/Farmer, Senior Engineering Aide, Stock Clerk, Utility Person (Construction & Horticulture), Senior Golf Course Maintenance; Class VII - Assistant Foreman, Mechanic, Plantsman, Historic Farmer/Interpreter, Public Use Specialist, Skate Shop Supervisor, Tree Climber, Historical Program Specialist, Horticultural Program Specialist, Teacher Naturalist, Natural Resource Management Specialist, Recreation Program Specialist, Skilled Tradesman, Senior Construction Utility Person; Class VIII - Operating Engineer, Relief Operating Engineer, Principal Skate Guard, Senior Teacher Naturalist, Miller Historian, Senior Horticultural Program Specialist, Senior Historical Program Specialist, Senior Mechanic; Class IX - Foreman, Golf Shop Supervisor, Recreation Supervisor, Utility Foreman (Construction & Horticulture), Historic Farm Foreman/Interpreter, Trades Foreman, Senior Operating Engineer