

P.D.D. No. 2013-1

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

In the Matter of

TOWNSHIP OF BRANCHBURG,

Respondent,

-and-

Docket No. PD-2012-005

TEAMSTERS LOCAL UNION NO. 469,

Petitioner.

SYNOPSIS

Teamsters Local Union No. 469 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 Township of Branchburg 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 469's petition met all of the requirements under the statute and rules and that Local 469 was entitled to a Commission order directing the Township to institute the deduction of the representation fee.

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Appearances:

For the Respondent, DiFrancesco Bateman, attorneys  
(Richard P. Flaum, of counsel)

For the Petitioner, Timothy R. Hott, attorney

DECISION

On May 24, 2012, Teamsters Local Union No. 469 (Local 469) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Township of Branchburg (Township) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of white-collar employees employed by the Township, 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 Township. 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 469 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 June 13, 2012, the Township filed its response pursuant to N.J.A.C. 19:19-3.2(a). The Township supplemented that response at my request by letter of August 10, 2012 providing a Certification of Service confirming that all correspondence had been provided to the representative of IBT Local 469. The Township confirmed that Local 469 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 Township and Local 469 have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. Local 469 is the majority representative of a collective negotiations unit consisting of all full-time and part-time white collar employees employed by the Township; but excluding all managerial executives, confidential employees and supervisors

within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1, et seq., all Township employees in other contract negotiation units, all professionals, crafts peoples and casual employees.

3. The parties have stipulated that the list of dues paying members attached to Local 469's petition is accurate.

4. The parties have stipulated that the negotiations unit consists of 25 employees, of which 23 (92%) are currently voluntary dues paying members of Local 469.

5. Local 469 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 469 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 Local 469, 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 Township of Branchburg 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 Teamsters Local Union No. 469 after being notified by

Local 469 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

The Township 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.

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Gayl R. Mazuco  
Commission Designee

DATED: February 20, 2013  
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 March 4, 2013.**



# 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 24, 2012, Teamsters Local Union No. 469 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 full-time and part-time white collar employees are voluntary dues paying members of Local 469 and that Local 469 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 469 after being notified by Local 469 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and -4.1.

Docket No. PD-2012-005

Township of Branchburg  
(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