

P.D.D. No. 2014-2

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

In the Matter of

TOWNSHIP OF HANOVER,

Respondent,

-and-

Docket No. PD-2014-001

INTERNATIONAL BROTHERHOOD OF TEAMSTERS
LOCAL 97,

Petitioner.

SYNOPSIS

International Brotherhood of Teamsters Local 97 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 Hanover 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 IBT Local 97's petition met all of the requirements under the statute and rules and that the IBT Local 97 was entitled to a Commission order directing the Township of Hanover to institute the deduction of the representation fee.

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LOCAL 97,

Petitioner.

Appearances:

For the Respondent,
Trimboli and Prusinowski, Attorneys
(Stephen E. Trimboli, Esq. of Counsel)

For the Petitioner,
Mets Schiro & McGovern, LLP, attorneys
(Kevin P. McGovern, Esq. of counsel)

DECISION

On August 27, 2013, the International Brotherhood of Teamsters, Local 97 (Local 97) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Township of Hanover (Township) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all regularly employed non-supervisory blue collar employees employed by Township of Hanover Department of Public Works, Buildings and Grounds and Park Maintenance; but

excluding managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, professional employees, police employees, casual employees, and all other employees of the Township of Hanover. 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.^{1/} 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 97 has filed documents in support of its claims 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 August 30, 2013, the Township of Hanover filed its response pursuant to N.J.A.C. 19:19-3.2(a). The Township confirmed that Local 97 proposed instituting the collection of

^{1/} The processing of this Payroll Deduction Determination Representation Fee Petition was held in abeyance while a decertification election was conducted pursuant to Docket Nos. RD-2014-003 and RE-2014-001. A Certification of Representative issued on December 4, 2013 certifying that IBT 97 was selected by a majority of the voting employees as the exclusive majority representative for collective negotiations. Processing of the instant Petition resumed following the issuance of the Certification of Representative.

representation fees in lieu of dues for non-member unit employees, but no such agreement had been reached at the time the instant petition was filed.

The investigation has revealed the following:

1. The Township and Local 97 have negotiated concerning the subject of representation fees in lieu of dues, but no agreement has been reached regarding such payments.

2. Local 97 is the majority representative of a collective negotiations unit consisting of all regularly employed non-supervisory blue collar employees in the Department of Public Works, Buildings and Grounds and Park Maintenance employed by the Township; but excluding managerial executives, confidential employees and supervisors within the meaning of the Act; craft employees, professional employees, police employees, casual employees, and all other employees of the Township of Hanover.

3. The list of dues paying members attached to Local 97's petition is substantially accurate.^{2/}

4. Local 97 asserts that the negotiations unit consists of 23 employees, and that 19 (82.6%) of these unit members are currently voluntary dues paying members. The Township represents that the unit consists of 24 employees, and that 17 (70.8%) are currently voluntary dues payers. I need not resolve the precise

^{2/} The Local lists one employee as a voluntary dues payer who is not on the employer's list of voluntary dues payers.

numbers since it is undisputed that more than the requisite 50% of the employees included in the unit are voluntary dues paying members of Local 97.

5. Local 97 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 97 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 97, subject to compliance with the Public Employment Relations Commission Appeal Board rules, N.J.A.C. 19:17-1.1 to -4.5.


ORDER

Township of Hanover 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 International Brotherhood of Teamsters, Local 97 after being notified by Local 97 that it has complied with the requirements of N.J.A.C. 19:17-3.3 and 4.1.

The Township of Hanover 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.



Gayl R. Mazuco
Commission Designee

DATED: February 24, 2014
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 11, 2014.



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 August 27, 2013, International Brotherhood of Teamsters, Local 97 filed a Petition for Payroll Deduction Determination-Representation Fees. The Commission conducted an investigation and determined that a majority of employees in a negotiations unit consisting of all regularly employed non-supervisory blue collar employees employed by Township of Hanover Department of Public Works, Buildings and Grounds and Park Maintenance are voluntary dues paying members of **Local 97** and that Local 97 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 97 after being notified by the **Local 97** that it has complied with the requirements of N.J.A.C. 19:17-3.3 and 4.1.

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Township of Hanover
(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