

P.D.D. No. 2015-2

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

In the Matter of

PASSAIC COUNTY COMMUNITY  
COLLEGE,

Respondent,

-and-

Docket No. PD-2015-002

PASSAIC COUNTY COMMUNITY COLLEGE  
FACULTY ASSOCIATION,

Petitioner.

SYNOPSIS

Passaic County Community College Faculty 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 Passaic County Community 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 Faculty Association's petition met all of the requirements under the statute and rules and that Passaic County Community College Faculty Association was entitled to a Commission order directing the Passaic County Community College to institute the deduction of the representation fee.

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Appearances:

For the Respondent, Passaic County Community College,  
Steven M. Rose, Ed.D, President

For the Petitioner,  
Ron Topham, NJEA UniServ Representative

DECISION

On April 22, 2015, the Passaic County Community College Faculty Association (Association) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the Passaic County Community College (College) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of all full-time teaching faculty under teaching contract holding the rank of Instructor, Assistant Professor, Associate Professor and Professor who are employed by the Passaic County Community College; but excluding President,

Deans, Business Managers, registrar, examiner, librarians, counselors, media director, nursing director, admissions officers, teaching associates, craft, policemen and supervisors within the meaning of the Act. 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 Association 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 April 28, 2015, the College filed its response pursuant to N.J.A.C. 19:19-3.2(a). The College confirmed that the Association 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 College 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 collective negotiations unit consisting of all full-time teaching faculty under teaching contract holding the rank of Instructor, Assistant Professor, Associate Professor and Professor, who are employed by the Passaic County Community College; but excluding President, Deans, Business Managers, registrar, examiner, librarians, counselors, media director, nursing director, admissions officers, teaching associates, craft, policemen and supervisors within the meaning of the Act.

3. The list of dues paying members attached to the Association's petition is substantially accurate, and consists of the names of 70 voluntary dues payers. The College's list of voluntary dues payers consists of 69 names.

4. The College and the Association have stipulated that the negotiations unit consists of 98 employees. The Association contends that 70 employees (71%) are voluntary dues payers; the College contends that 69 employees (70%) are voluntary dues payers. I need not resolve the precise numbers since it is undisputed that more than the requisite 50% of the employees included in the unit are 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 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

Passaic County Community 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 Passaic County Community College Faculty 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.

Passaic County Community 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 Chair of the steps the Respondent has taken to comply with this order.

  
\_\_\_\_\_  
Gayl R. Mazuco  
Commission Designee

DATED: May 15, 2015  
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 26, 2015.



# 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 **April 22, 2015**, Passaic County Community College Faculty Association filed a Petition for Payroll Deduction Determination-Representation Fees. The Commission conducted an investigation and determined that a majority of employees in unit consisting of all full-time teaching faculty under teaching contract holding the rank of Instructor, Assistant Professor, Associate Professor and Professor, who are employed by the Passaic County Community College are voluntary dues paying members of Passaic County Community College Faculty Association and that Passaic County Community College Faculty 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 the negotiations unit employees who are not members of Passaic County Community College Faculty Association after being notified by the Passaic County Community college Faculty Association that it has complied with the requirements of N.J.A.C. 19:17-3.3 and-4.1.

Docket No. PD-2015-002

Passaic County Community 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