

P.D.D. NO. 2004-1

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

In the Matter of

WEST MORRIS REGIONAL HIGH SCHOOL
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. PD-2003-10

WEST MORRIS REGIONAL EDUCATION
ASSOCIATION,

Petitioner.

SYNOPSIS

The West Morris Regional 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 West Morris Regional High School Board of Education 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 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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Appearances:

For the Respondent, Douglas Pechanic, Board Secretary

For the Petitioner, Bucceri and Pincus, attorneys
(Gregory T. Syrek, of counsel)

DECISION

On May 19, 2003, the West Morris Regional Education Association (Association) filed a Petition for Payroll Deduction Determination with the Public Employment Relations Commission (Commission) seeking an order directing the West Morris Regional High School Board of Education (Board) to deduct representation fees in lieu of dues from the salaries of non-member employees in a negotiations unit consisting of certificated teaching personnel employed by the Board; but excluding employees in administrative, supervisory and non-certified positions. 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 the unit are voluntary dues paying members of the union and that it maintains the required demand and return system.

The Board did not file a response pursuant to N.J.A.C. 19:19-3.2(a), consequently, all allegations in the Association's petition are deemed to be admitted to be true pursuant to N.J.A.C. 19:19-3.2(b).

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 requiring such payments.

2. The Association is the majority representative of a collective negotiations unit consisting of certificated teaching personnel under contract including teachers, guidance counselors, child study team personnel, school nurses, substance abuse educators, coaches, and co-curricular staff employed by the

Board; but excluding all administrative and supervisory personnel and non-certified staff.

3. The collective negotiations unit consists of 188 active employees, of which 186 (98.9%) are currently voluntary dues paying members of the Association.

4. 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.

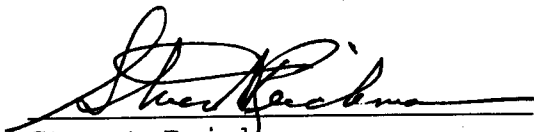
ORDER

West Morris Regional High School Board of Education 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 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.

The County 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.


Stuart Reichman
Commission Designee

DATED: July 17, 2003
Trenton, New Jersey



RECOMMENDED



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 19, 2003, the West Morris Regional Education Association 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 certificated teaching personnel under contract including teachers, guidance counselors, child study team personnel, school nurses, substance abuse educators, coaches, and co-curricular staff 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 the 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-2003-010

West Morris Regional High School 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