

P.E.R.C. NO. 88-64

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF PASSAIC,

Respondent,

-and-

Docket No. CO-H-87-363

SERVICE EMPLOYEES INTERNATIONAL
UNION, AFL-CIO, LOCAL 389,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission finds that the County of Passaic violated the New Jersey Public Employer-Employee Relations Act when it refused to negotiate with Service Employees International Union, AFL-CIO, Local 389 and ceased deducting union and agency shop deductions.

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF PASSAIC,

Respondent,

-and-

Docket No. CO-H-87-363

SERVICE EMPLOYEES INTERNATIONAL
UNION, AFL-CIO, LOCAL 389,

Charging Party.

Appearances:

For the Respondent, Thomas Portelli, County Labor Counsel

For the Charging Party, Max Wolf, Secretary-Treasurer,
SEIU, Local 389

DECISION AND ORDER

On June 15, 1987, the Service Employees International Union, AFL-CIO, Local 389 ("Local 389") filed an unfair practice charge against the County of Passaic ("County"). The charge alleges that the County violated the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., specifically subsections 5.4(a)(1), (2), (5) and (7),^{1/} when it (1) refused to negotiate with Local

^{1/} These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed to them by this act. (2) Dominating or interfering with the formation, existence or administration of any employee organization. (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative. (7) Violating any of the rules and regulations established by the commission."

389 after the Commission determined, in March 1987, that Local 389 continued to represent County employees who work on bridges and repair storm drains, see P.E.R.C. No. 87-123, 13 NJPER 298 (¶18125 1987), and (2) ceased deducting union dues and representation fees after January 1, 1987.

On July 27, 1987, a Complaint and Notice of Hearing issued. The Complaint states that the respondent shall file an Answer pursuant to N.J.A.C. 19:14-3.1 and 3.2 "together with proof of service of a copy thereof upon all other parties, within ten days from the service of the Complaint." The rule further states that:

The respondent shall specifically admit, deny or explain each of the charging party's allegations set forth in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation not specifically denied or explained, unless the respondent shall state that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Commission, unless good cause to the contrary is shown....The answer shall be in writing and signed, and either shall be sworn to before a person authorized by the laws of this State to administer oaths or shall contain the following dated certification immediately preceding the signature of the person signing it: "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

The Hearing Examiner did not receive an Answer from the County either before or at the hearing.

On September 21, 1987, Hearing Examiner Arnold H. Zudick scheduled a hearing. The County did not attend this hearing. Its

attorney's secretary advised the Hearing Examiner by telephone message on the morning of the hearing that the County's attorney was ill and would not attend. The County counsel had a few days earlier requested that the hearing be postponed until a pending clarification of unit petition filed by the County was decided. The Hearing Examiner had denied that request.

Local 389 submitted several documents and then moved that its Complaint be admitted as true because the County had not filed an Answer. The Hearing Examiner granted that request, subject to the County's establishing good cause for not appearing and not filing an Answer.

Following the hearing, the Hearing Examiner sent the County a letter advising it that he had granted the motion and deemed the allegations as true subject "to giving you the opportunity to submit in writing substantial reasons why you did not or could not file a timely answer." On September 28, 1987, the County responded. It asserted that it had filed its Answer on September 4, 1987 and enclosed a copy. That purported Answer states, in its entirety, that:

This letter will serve as an Answer to the Unfair Labor Practice Charge filed by SEIU, Local 389, AFL-CIO in this matter issued on July 27, 1987.

As the decision of the Public Employment Relations Commission on July 27, 1987, had been appealed to the Appellate Division of the Superior Court of New Jersey, and as this matter is now the subject of a subsequent petition to the Public Employment Relations Commission pursuant to its decision, the County of Passaic asserts that the unfair labor practice charge

filed by the local union is premature and should be stayed pending a supplemental decision by the Commission.

In the interim, by way of formality, all allegations made by the local union are hereby denied.

There was no proof of service. There was no indication that a copy was sent to the charging party. There was no certification.

On October 9, 1987, the Hearing Examiner issued his report and recommended decision. H.E. No. 88-18, 13 NJPER ____ (¶____ 1987). He found that the County had failed to file an Answer in accordance with our rules, but that even if it had, it did not specifically deny the Complaint's allegations. Therefore, he found that the County violated subsection 5.4(a)(1) and (5) when it refused to negotiate with Local 389 and violated subsection 5.4(a)(2) when it discontinued the collection of dues and agency fees.

On October 22, 1987, the County filed exceptions. It excepts to that portion of the report that the County did not file an Answer or did not do so properly.

We have adopted very simple rules for filing an Answer. N.J.A.C. 19:14-3.1, 3.2. The County ignored all basic requirements: (1) it did not file an Answer within 10 days from the service of the Complaint, nor did it request an extension; (2) it did not "specifically" admit, deny or explain each of the charging party's allegations; (3) it did not file the Answer with the Hearing Examiner or even address it to him; (4) it did not file a proof of

service; (5) it did not serve the opposing party, and (6) it did not file a certification. Thus, even if we were to accept the County's representation that an Answer was sent to the Commission (as the Hearing Examiner did, see p. 9 of his report), it nevertheless did not comply with our rules. Even now, it still has not specifically denied that it refused to negotiate in good faith or ceased dues and agency shop deductions. Under these circumstances, the Hearing Examiner properly accepted the allegations as true. See Bor. of Glassboro, P.E.R.C. No. 86-141, 12 NJPER 517, 520, n. 2 (¶17193 1986).

We have reviewed the record. The Hearing Examiner's findings of fact (pp. 3-8) are accurate. We adopt and incorporate them here. We agree that the County violated the Act when it refused to negotiate with Local 389 and ceased deducting union and agency shop deductions.

ORDER

The County of Passaic is ordered to:

A. Cease and desist from:

Interfering with, restraining or coercing its employees represented by the SEIU in the exercise of the rights guaranteed to them by the Act, particularly by failing and refusing to negotiate with the SEIU, and by failing to collect dues and agency shop fees for the SEIU and forward those monies to the SEIU.

B. Take the following affirmative action:

1. Immediately engage in good faith negotiations with the SEIU retroactive to January 1, 1987 on behalf of bridge operators and bridge and storm drain repairers.

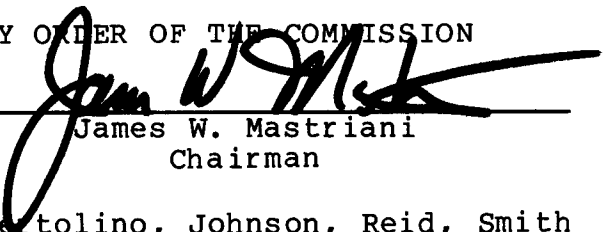
2. Immediately collect dues and/or agency shop fees from bridge operators and bridge and storm drain repairers and forward those monies to the SEIU.

3. Pay the SEIU the amount of money it would have received if the County had collected dues and/or fees from unit members and forwarded the same to the SEIU since January 1, 1987 with interest pursuant to R. 4:42-11.

4. Post in all places where notices to employees are customarily posted, copies of the attached notice marked as Appendix "A." Copies of such notice on forms to be provided by the Commission shall be posted immediately upon receipt thereof and, after being signed by the Respondent's authorized representative, shall be 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.

5. Notify the Chairman of the Commission within twenty (20) days of receipt what steps the Respondent has taken to comply herewith.

BY ORDER OF THE COMMISSION


James W. Mastriani
Chairman

Chairman Mastriani, Commissioners Bertolino, Johnson, Reid, Smith and Wenzler voted in favor of this decision. None opposed.

Dated: Trenton, New Jersey
January 21, 1988
ISSUED: January 22, 1988

NOTICE TO ALL 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:

WE WILL cease and desist from interfering with, restraining or coercing our employees represented by the SEIU in the exercise of the rights guaranteed to them by the Act, particularly by failing and refusing to negotiate with the SEIU on behalf of bridge operators and bridge and storm drain repairers, and by failing to collect dues and agency shop fees for the SEIU and forwarding those monies to the SEIU.

WE WILL immediately begin negotiating in good faith with the SEIU on behalf of the above titles retroactive to January 1, 1987.

WE WILL immediately begin collecting dues and/or agency shop fees from the employees represented by the SEIU and forwarding those monies to the SEIU.

WE WILL immediately pay the SEIU the amount of money it would have received if we had collected dues and fees from their unit members and forwarded that money to the SEIU since January 1, 1987 plus interest pursuant to R. 4:42-11.

Docket No. CO-H-87-363COUNTY OF PASSAIC

(Public Employer)

Dated _____

By _____

(Title)

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 St., CN 429, Trenton, NJ 08625 (609) 984-7372.

H.E. NO.88-18

STATE OF NEW JERSEY
BEFORE A HEARING EXAMINER OF THE
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

COUNTY OF PASSAIC,

Respondent,

-and-

Docket No. CO-H-87-363

LOCAL 389, SERVICE EMPLOYEES
INTERNATIONAL UNION--AFL-CIO,

Charging Party.

SYNOPSIS

A Hearing Examiner of the Public Employment Relations Commission recommends that the Commission find that the County of Passaic violated §§5.4(a)(1), (2), (5) and (7) of the New Jersey Employer-Employee Relations Act when it failed to file an answer pursuant to N.J.A.C. 19:14-3.1 and 3.2, and thus admitted that it refused to negotiate with the SEIU, and failed to collect dues or agency shop fees for the SEIU.

A Hearing Examiner's Recommended Report and Decision is not a final administrative determination of the Public Employment Relations Commission. The case is transferred to the Commission which reviews the Recommended Report and Decision, any exceptions thereto filed by the parties, and the record, and issues a decision which may adopt, reject or modify the Hearing Examiner's findings of fact and/or conclusions of law.

H.E. NO.88-18

STATE OF NEW JERSEY
BEFORE A HEARING EXAMINER OF THE
PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of
COUNTY OF PASSAIC,

Respondent,

-and-

Docket No. CO-H-87-363

LOCAL 389, SERVICE EMPLOYEES
INTERNATIONAL UNION--AFL-CIO,

Charging Party.

Appearances:

For the Respondent
Thomas Portelli, County Labor Counsel

For the Charging Party
Max Wolf, Secretary-Treasurer, SEIU, Local 389

HEARING EXAMINER'S RECOMMENDED
REPORT AND DECISION

An Unfair Practice Charge was filed with the Public Employment Relations Commission (Commission) on June 15, 1987 by the Service Employees International Union, AFL-CIO, Local 389 (SEIU) alleging that the County of Passaic (County) violated subsections 5.4(a)(1), (2), (5) and (7) of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. (Act).^{1/} SEIU alleged

^{1/} These subsections prohibit public employers, their representatives or agents from: "(1) Interfering with,

that the County refused to engage in negotiations for a new collective agreement, and that the County ceased forwarding dues and agency shop fees from unit employees to the SEIU.

A Complaint and Notice of Hearing was issued on July 27, 1987 (C-1). The Complaint contained the usual language citing Commission Rule, N.J.A.C. 19:14-3.1 requiring the filing of an answer within ten days from service of the Complaint. The Complaint, using the language from the above Rule, further explained that if no answer was filed, or any allegation not specifically denied or explained, the allegations in the Charge would be deemed to be admitted to be true. No answer was filed within the time provided for in the rules, and there is no record of an answer having been received by the Commission at any time prior to the hearing.

A hearing was held in this matter on September 21, 1987.^{2/} The County did not appear at the hearing and the SEIU moved for a decision in its favor.

1/ Footnote Continued From Previous Page

restraining or coercing employees in the exercise of the rights guaranteed to them by this act; (2) Dominating or interfering with the formation, existence or administration of any employee organization; (5) Refusing to negotiate in good faith with a majority representative of employees in an appropriate unit concerning terms and conditions of employment of employees in that unit, or refusing to process grievances presented by the majority representative; (7) Violating any of the rules and regulations established by the commission."

2/ The transcript from the September 21 hearing will be referred to as "T."

Upon the record before me I make the following:

Findings of Fact

1. The County is a public employer and the SEIU is an employee representative within the meaning of the Act.

2. Procedural Background

In the spring of 1986 two unfair practice charges and one representation petition were filed with the Commission involving the County and three different labor organizations, including the SEIU, concerning certain blue collar, supervisory, and bridge construction employees employed by the County. The County had reorganized its operations resulting in the merger of certain titles and their duties and responsibilities. The County filed the representation petition (RE-86-6) seeking a broad-based blue collar unit which may have resulted in the absorption of the SEIU's unit by another labor organization. The SEIU intervened in that petition and opposed the absorption of its unit. The two charges and the petition were consolidated for processing and on March 23, 1987 the Commission issued its decision Passaic County, P.E.R.C. No. 87-123, 13 NJPER 298 (¶18125 1987)(Passaic I), finding that the SEIU continued to represent bridge operators and bridge and storm drain repairers in a separate unit.

On April 9, 1987 the County filed a motion for reconsideration with the Commission, but on May 20, 1987 the Commission in Passaic County, P.E.R.C. No. 87-141, 13 NJPER 483 (¶18179 1987)(Passaic II), denied the motion. The Commission in

that decision indicated that if the circumstances changed the County could file a new representation petition, but it held that the County "...must continue to recognize [the SEIU] as the majority representative of these employees." P.E.R.C. No. 87-141 at slip. op. p. 4.

On June 2, 1987 the County filed a Notice of Appeal of the Commission's decisions with the Appellate Division. On June 15, 1987 the SEIU filed the instant Charge.

On July 31, 1987 the County filed a new representation petition (CU-88-6) seeking to clarify the bridge operators and bridge and storm drain repairers into the blue collar unit represented by another labor organization. On August 7, 1987 the County withdrew its appeal of the above Commission decisions by indicating that it would refile with the Commission. On August 11, 1987 the Director of Representation sent a letter to the County's attorney requesting that he perfect the CU petition by submitting supporting information. The County has not responded to that letter to date. On August 12, 1987 Judge Joelson of the Appellate Division issued an Order of Dismissal regarding the County's appeal of the Commission decisions.

When the Notice of Hearing in this case issued on July 27, 1987 it scheduled the hearing for September 9, 1987. By August 13, 1987, however, both parties had advised me that they were not available for hearing on that day, which prompted me to send a letter on that date (C-2) cancelling the hearing. At the end of C-2

I reminded the County to file an answer. By September 2, 1987 the parties had agreed to reschedule the hearing for September 21, 1987; thus, by letter of September 2 (C-3) I rescheduled the hearing for September 21 at 10:30 a.m. No answer was received by me or the Commission prior to that date.

On Thursday, September 17, 1987 I received a telephone call from the County attorney's office asking to postpone the hearing of September 21 pending the results of the new CU petition filed by the County. I denied that request and indicated that the County could make a motion before me on September 21.

At approximately 9:00 a.m. on September 21 the County attorney's office telephoned my office and informed my secretary that the County's attorney was ill and would not appear at the hearing. At 10:30 that morning I convened the hearing. The SEIU's representative moved for a decision in his favor, and presented certain documents in support of his case. Having received no answer from the County prior to September 21, and having received no explanation why it did not or could not answer prior to hearing, then pursuant to N.J.A.C. 19:14-3.1 I granted the SEIU's motion for a directed decision (T8-T10). Since the County's attorney was not present at hearing, however, I indicated that I would contact his office and give him an opportunity to explain why no answer was filed (T10-T11). Thus, by letter of September 21 I notified the County's attorney of the results of the hearing and I gave him seven days to explain why no answer was filed.

On September 28, 1987 I received the County's response to my September 21 letter. The County's September 28 letter said: "Please be advised that on September 4, 1987 the County filed an Answer in this matter," and it attached a copy of the September 4 letter to that submission.

The County did not submit any return receipt proof that the September 4 letter was mailed to or received by the Commission. I did not receive that document, and an internal investigation revealed that no other Commission employee received that document. Similarly, there was no evidence that the September 4 letter was sent to the SEIU, the letter was addressed to the Commission and there was no cc: indicating that a copy was sent to the SEIU representative.

The September 4 letter read as follows:

This letter will serve as an Answer to the Unfair Labor Practice Charge filed by SEIU, Local 389, AFL-CIO in this matter issued on July 27, 1987.

As the decision of the Public Employment Relations Commission on July 27, 1987, had been appealed to the Appellate Division of the Superior Court of New Jersey, and as this matter is now the subject of a subsequent petition to the Public Employment Relations Commission pursuant to its decision, the County of Passaic asserts that the unfair labor practice charge filed by the local union is premature and should be stayed pending a supplemental decision by the Commission.

In the interim, by way of formality, all allegations made by the local union are hereby denied.

3. The charge contains the following pertinent allegations:

Beginning with the month of January and to this date, the County has not respected the terms of the contract and has discontinued the collection by authorized application notices or in accordance with the agency shop provision of dues. It is on good authority that we have been advised that the County has made dues deductions or agency shop fees and forwarded them to another bargaining agent.

The Union has corresponded with the county notifying them that subject to the PERC Decision 87-123 that it wished to open negotiations retroactive to expiration of the contract now in force. In one telephone conversation with Mr. DiDonna, Mr. DiDonna assured me that he was going to investigate the dues situation and would notify me as to a date for negotiations. Since that date, Mr. DiDonna has refused to return any telephone calls, nor has he responded to any correspondence, thus refusing to bargain with the union.

Again after the issuance of a Decision by PERC (No. 87-141) we attempted to contact Mr. DiDonna and he has refused to respond.

4. The SEIU introduced two documents at hearing on September 21. Exhibit CP-1 is a March 3, 1987 letter from the SEIU's representative to the County Administrator, Mr. DiDonna, demanding that the County forward dues from the unit members to the SEIU. The letter in pertinent part provides:

It has come to my attention that dues for our unit members have not been remitted to this office. To compound this, we have been informed that dues from some of our members have been remitted to Local 11 IBT.

May I remind you that because of the pending case before PERC in which a decision has not yet been reached, we are still the bargaining agent for the employees of our bargaining unit except where employees have accepted supervisory positions which no longer come under our jurisdiction.

Therefore, all nonsupervisory employees are still members of our bargaining unit pending the outcome of the PERC final disposition which will either confirm our bargaining position or nullify it.

In the meantime, in accordance with PERC law, our contract expiring at the end of 1986 is still in force, and by agreement with you we have not attempted to open new negotiations because of the pending case.

I, therefore, demand that you immediately order an audit and remitting of dues for the employees under the collective bargaining agreement that is now still in force.

If I do not hear from you by March 20th with a satisfactory conclusion of this matter, I will institute the appropriate legal steps to prosecute the county. You have ignored my calls, so this is my final notice.

Exhibit CP-2 is a May 5, 1987 letter from the SEIU to the County Administrator informing him that a charge was being filed against the County for refusing to bargain.

Analysis

The Pertinent language in N.J.A.C. 19:14-3.1 provides as follows:

...The respondent shall specifically admit, deny or explain each of the charging party's allegations set forth in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. All allegations in the complaint, if no answer is filed, or any allegation not specifically denied or explained, unless the respondent shall state that he is without knowledge, shall be deemed to be admitted to be true and shall be so found by the Commission, unless good cause to the contrary is shown. The answer should normally include a specific detailed statement of any affirmative defenses. The answer shall be in writing and signed....

N.J.A.C. 19:14-3.2 requires that a copy of the answer be served upon the charging party with proof of service.

I did not receive any answer in this matter prior to hearing, nor is there any reliable evidence that any other

Commission agent received an answer in this matter. Even if the September 4 letter were received by the Commission, however, it does not conform to N.J.A.C. 19:14-3.1 or 3.2, and it contains inaccurate representations, both of which prevent it from constituting an acceptable answer. The rule requires that the respondent specifically admit, deny, or explain each of the allegations. It also clearly states that any allegation not specifically denied or explained shall be deemed to be admitted as true.

The Charge specifically alleges that the County failed and refused to negotiate with the SEIU retroactive to January 1, 1987 after the issuance of Passaic I and Passaic II. The September 4 letter does not specifically deny that allegation and it is a violation of subsections 5.4(a)(1) and (5) of the Act for the County to refuse to engage in such negotiations. The Commission in Passaic I and II has already held that the SEIU still represents bridge operators and bridge and storm drain repairers and that the County must recognize the SEIU as their majority representative. As a result, the County was (and is), upon demand, obligated to negotiate with the SEIU regarding those employees. Unless the Commission subsequently authorizes a change in the unit structure, the County will continue to be obligated to negotiate with the SEIU.

The Charge also specifically alleges that effective January 1987 the County discontinued the collection of dues or agency fees on behalf of the SEIU. The September 4 letter does not specifically deny that allegation, and it is a violation of subsection 5.4(a)(2)

and (5) of the Act for an employer to unilaterally discontinue the collection of such monies merely because the contract has expired. That action interferes with SEIU's administration of its negotiations unit. The County must maintain the status quo, the deduction of dues and fees for the SEIU, as long as the SEIU continues to represent the bridge operators, and bridge and storm drain repairers as established in Passaic I and II.^{3/}

Additionally, the content of the September 4 letter is misleading. Prior to September 4 the County had already withdrawn the appeal of Passaic I and II, and although the County had filed a new CU petition in July 1987, it did not fully comply with the CU filing requirements, N.J.A.C. 19:11-1.5, and it has yet to perfect that petition.

^{3/} The Charge also contains a statement that the SEIU has been advised that the County has made dues or agency fee deductions and forwarded them to another bargaining agent. In CP-1 the SEIU wrote to the County Administrator and said that the County had forwarded dues from some of its (SEIU) unit members to another labor organization. Even if admitted as true, I cannot consider that language in the Charge to be an allegation of a violation of the Act. The language in the Charge is merely a statement of certain SEIU knowledge. It is not an allegation that the County has unlawfully forwarded dues or fees from SEIU unit members to another labor organization--it doesn't indicate from whom the deductions were made. Although the language in CP-1 indicates that the County had forwarded dues from some SEIU unit members to another organization that is not alleged in the Charge, and CP-1 indicates that only some unit members were affected. That could indicate that some unit members authorized dues deductions to the other organization, and that no dues or fees were collected from other unit members for any organization.

Finally, the County did not comply with N.J.A.C. 19:14-3.2 because there is no evidence that it served the September 4 letter on the SEIU.

This is not the first time that the County has failed to file an answer in an unfair practice charge before the Commission, County of Passaic, P.E.R.C. No. 83-56, 8 NJPER 641 (¶13306 1982), and based upon the above facts and analysis I recommend that the Commission find that the County violated subsections 5.4(a)(1), (2), (5) and (7) of the Act.^{4/}

Remedy

The County should be ordered to negotiate with the SEIU for a new collective agreement covering its unit employees retroactive to January 1, 1987.

The County should also be ordered to pay the SEIU an amount of money equivalent to the amount of dues and agency shop fees it should have collected and forwarded to the SEIU from January 1, 1987 to the present with interest pursuant to R. 4:42-11(a)(ii).^{5/}

Finally, the County should be ordered to immediately start collecting dues and/or agency shop fees from bridge operators and bridge and storm drain repairers and forward that money to the SEIU.

^{4/} The County violated 5.4(a)(7) of the Act by failing to comply with N.J.A.C. 19:14-3.1 and 3.2.

^{5/} I am not suggesting that the County collect the past dues from the employees that it should have collected all along; rather, I am recommending that the Commission order that the County be held responsible for paying to the SEIU the amount of dues and/or fees it should have collected and forwarded to the SEIU with interest also paid by the County.

Recommended Order

I recommend that the Commission Order:

A. That the County cease and desist from:

Interfering with, restraining or coercing its employees represented by the SEIU in the exercise of the rights guaranteed to them by the Act, particularly by failing and refusing to negotiate with the SEIU, and by failing to collect dues and agency shop fees for the SEIU and forwarding those monies to the SEIU.

B. That the County take the following affirmative action:

1. Immediately engage in good faith negotiations with the SEIU retroactive to January 1, 1987 on behalf of bridge operators and bridge and storm drain repairers.

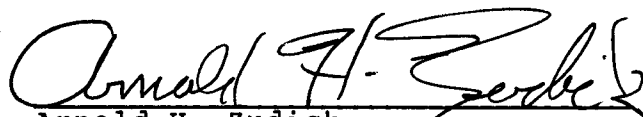
2. Immediately collect dues and/or agency shop fees from bridge operators and bridge and storm drain repairers and forward those monies to the SEIU.

3. Pay the SEIU the amount of money it would have received if the County had collected dues and/or fees from unit members and forwarded the same to the SEIU since January 1, 1987 with interest thereon at 7.5%.

4. Post in all places where notices to employees are customarily posted, copies of the attached notice marked as Appendix "A." Copies of such notice on forms to be provided by the Commission shall be posted immediately upon receipt thereof and, after being signed by the Respondent's authorized representative,

shall be 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.

5. Notify the Chairman of the Commission within twenty (20) days of receipt what steps the Respondent has taken to comply herewith.


Arnold H. Zudick
Hearing Examiner

Dated: October 9, 1987
Trenton, New Jersey

NOTICE TO ALL 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:

WE WILL cease and desist from interfering with, restraining or coercing our employees represented by the SEIU in the exercise of the rights guaranteed to them by the Act, particularly by failing and refusing to negotiate with the SEIU on behalf of bridge operators and bridge and storm drain repairers, and by failing to collect dues and agency shop fees for the SEIU and forwarding those monies to the SEIU.

WE WILL immediately begin negotiating in good faith with the SEIU on behalf of the above titles retroactive to January 1, 1987.

WE WILL immediately begin collecting dues and/or agency shop fees from the employees represented by the SEIU and forwarding those monies to the SEIU.

WE WILL immediately pay the SEIU the amount of money it would have received if we had collected dues and fees from their unit members and forwarded that money to the SEIU since January 1, 1987 plus interest at 7.5%.

Docket No. CO-H-87-363

COUNTY OF PASSAIC

(Public Employer)

Dated _____

By _____

(Title)

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 St., CN 429, Trenton, NJ 08625 (609) 984-7372.