

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE DIRECTOR OF REPRESENTATION

In the Matter of

JERSEY CITY BOARD OF EDUCATION,

Public Employer-Petitioner,

-and-

DOCKET NO. CU-77-63

JERSEY CITY EDUCATIONAL SECRETARIES
ASSOCIATION,

Employee Representative.

Appearances:

For the Public Employer-Petitioner
Metzler Associates
(Dr. Stanley C. Gerrard, Esq.)

For the Employee Representative
Philip Feintuch, Esq.

DECISION

On April 1, 1977 a Clarification of Unit Petition was filed with the Public Employment Relations Commission by the Jersey City Board of Education (the "Board") seeking to exclude certain employees from the collective negotiations unit currently represented by the Jersey City Educational Secretaries Association (the "Association"). Specifically, the Board petitioned to exclude the Administrative Secretary to the Board Secretary, the Legal Stenographer to the Board Attorney, and the Personnel Supervisor as confidential employees within the meaning of N.J.S.A. 34:13A-3(g).

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SYNOPSIS

The Director of Representation, in review of a record which fails to raise any substantial and material disputed factual issues, finds that the three employees sought to be excluded from the bargaining unit in the instant Petition regularly handle confidential labor relations material and are confidential employees within the meaning of the New Jersey Employer-Employee Relations Act and, accordingly, are excluded from the negotiating unit.

Pursuant to N.J.A.C. 19:11-2.6(a) the undersigned caused an investigation to be conducted concerning the instant matter. During the investigation the Board made factual assertions in support of its position. The factual evidence offered by the Board consists of the following descriptions of job functions of the three employees sought to be excluded:

1. Personnel Supervisor (Secretary to the Assistant Superintendent for Personnel --The Assistant Superintendent--Mr. Jencarelli--participates in all negotiating sessions on behalf of the Board, and attends Board strategies, proposals, etc., which Mr. Jencarelli formulates in conjunction with others, as well as handling his correspondence in this regard.
2. Legal Stenographer to the Board Attorney--The Board Attorney attends Board strategy meetings on labor negotiations, helps develop Board policy, and on occasion conducts negotiations. He also has had to go to court on behalf of the Board in labor matters, and counsels management on grievances. His stenographer handles all of his typing in these matters.
3. Administrative Secretary to the Board Secretary--The Board secretary attends strategy meetings and is responsible for keeping the minutes of Board meetings, including executive sessions on labor negotiations. His secretary attends such sessions to take down the minutes and handles his typing on all such labor matters.

The Association has not submitted a statement of position disputing the above evidentiary proffer, nor has it filed a statement of position in opposition to the petitioned-for Clarification of Unit.

By letter dated November 3, 1977 the undersigned advised the parties that as of that date, no substantial and material disputed factual issues had been raised to warrant the convening of an evidentiary hearing (N.J.A.C. 19:11-2.6). The undersigned, however, afforded the parties an additional seven (7) days to present any evidence that might raise disputed factual issues. There was no further presentation of evidence by either party.

By letter dated November 30, 1977 the undersigned advised the parties that inasmuch as there was no response to the letter of November 3, 1977, that the factual evidence presented as of that date would be accepted as the entire factual record in this matter. This letter further afforded the parties an additional ten (10) days to submit legal briefs or statements of legal position with regard to the instant matter, indicating that the undersigned would thereafter issue a decision. No such submissions were offered by either party.

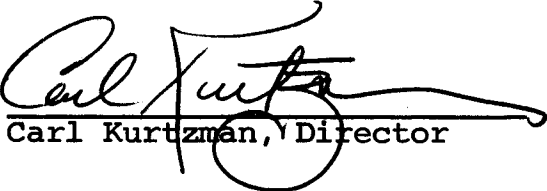
A review of the factual record in this matter indicates that the three employees sought to be excluded from the unit by the instant Petition, handle confidential labor relations material and would be expected to continue to have access to and knowledge of such materials in the regular exercise of their secretarial duties in the future. ^{1/} Accordingly, the undersigned finds the

^{1/} In re Board of Education Township of West Milford, P.E.R.C. No. 56 (1971); See In re Orange Board of Education, D.R. No. 78-28, 3 NJPER (1977); In re Bloomfield Board of Education, E.D. No. 76-40 (1976); In re Springfield Board of Education, E.D. No. 52 (1974).

Administrative Secretary to the Board Secretary, the Legal Stenographer to the Board Attorney and the Personnel Supervisor to be confidential employees within the meaning of the Act.

Based on the finding above, the undersigned determines that the Administrative Secretary to the Board Secretary, the Legal Stenographer to the Board Attorney, and the Personnel Supervisor are confidential employees and are excluded from the Association's unit immediately upon this determination. ^{2/}

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Carl Kurtzman, Director

DATED: February 17, 1978
Trenton, New Jersey

^{2/} In re Clearview Regional High School Board of Education, D.R. No. 78-2, 3 NJPER 248 (1977).