

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

NEW JERSEY TURNPIKE AUTHORITY,

Public Employer,

-and-

Docket No. RO-H-93-47

NEW JERSEY TURNPIKE SUPERVISORS ASSOCIATION,

Petitioner.

SYNOPSIS

The Public Employment Relations Commission decides whether several titles should be included in a unit of primary level supervisors represented by the New Jersey Turnpike Supervisors Association. The New Jersey Turnpike Authority has opposed the Association's petition claiming that some of the titles are inappropriate for inclusion in the unit because the employees are confidential or non-supervisory within the meaning of the New Jersey Employer-Employee Relations Act. The Commission finds 20 of the disputed titles to be either non-supervisory or confidential and that they shall not be included in the unit of primary level supervisors. The Commission finds 14 of the disputed titles eligible for inclusion in the unit and orders that an election be conducted among this group of employees to determine if they wish to be represented by the Association.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

P.E.R.C. NO. 98-28

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NEW JERSEY TURNPIKE SUPERVISORS ASSOCIATION,

Petitioner.

Appearances:

For the Public Employer, Schwartz, Tobia & Stanziale,
attorneys (Frank R. Campisano, on the exceptions)

For the Petitioner, Loccke & Correia, attorneys
(Michael J. Rappa, of counsel)

DECISION AND ORDER

On September 23, 1992, the New Jersey Turnpike Supervisors Association petitioned to add 69 titles to its negotiations unit of primary level supervisors employed by the New Jersey Turnpike Authority. The Authority opposed the petition, claiming that some of the titles are inappropriate for inclusion in the unit because the employees are confidential or non-supervisory within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq.

Hearing Officer Illse E. Goldfarb conducted 15 days of hearing between October 22, 1993 and August 18, 1994. During the hearing, the Association amended its petition to withdraw 38 titles and add four titles. The parties waived oral argument, but filed post-hearing briefs by February 21, 1995.

On August 28, 1995, the Hearing Officer issued her report and recommendations. H.O. No. 96-1, 21 NJPER 327 (¶26210 1995). She concluded that 14 titles are not supervisory and should not be included in the unit and that three titles are held by confidential employees and thus are inappropriate for representation. She recommended that an election be held among the employees in the remaining 17 titles to determine if this group of employees wishes to be added to the Association's unit of primary level supervisors.^{1/}

On October 26, 1995, the Authority filed exceptions. It claims that the Hearing Officer erred in finding four titles not confidential and three titles supervisory. On October 30, the Association filed exceptions. It claims that the Hearing Officer erred in finding eight titles not supervisory and two titles confidential.

We have reviewed the record. We incorporate the Hearing Officer's undisputed findings of fact (H.O. at 3-11). We apply the following legal standards in evaluating the parties' exceptions.

Confidential employees do not have representation rights under the New Jersey Employer-Employee Relations Act. N.J.S.A. 34:13A-5.3. N.J.S.A. 34:13A-3(g) defines confidential employees as:

^{1/} In the absence of any record evidence, the Hearing Officer made no findings on the Supervisor Ticket Process.

employees whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties.

In New Jersey Turnpike Auth. v. AFSCME, Council 73, __ N.J. __ (1997), the Supreme Court approved our approach to determining whether an employee is confidential:

We scrutinize the facts of each case to find for whom each employee works, what he does, and what he knows about collective negotiations issues. Finally, we determine whether the responsibilities or knowledge of each employee would compromise the employer's right to confidentiality concerning the collective negotiations process if the employee was included in a negotiating unit. [State of New Jersey, P.E.R.C. No. 86-18, 11 NJPER 507, 510 (¶16179 1985)]

See also Ringwood Bd. of Ed., P.E.R.C. No. 87-148, 13 NJPER 503 (¶18186 1987), aff'd NJPER Supp.2d 186 (¶165 App. Div. 1988).

Supervisors have representation rights under the Act, but under N.J.S.A. 34:13A-5.3, supervisors who have the power to hire, discharge, or discipline or to effectively recommend the same do not have the right to be represented by an employee organization that admits non-supervisory personnel to membership. In addition, the Supreme Court has determined that where a "substantial actual or potential conflict of interest exists among supervisors with respect to their duties and obligations to the employer in relation to each other," a unit that includes all supervisors is not appropriate. West Orange Bd. of Ed. v. Wilton, 57 N.J. 404 (1971). We now apply these standards to each disputed title.

Payroll Supervisor and Assistant Payroll Supervisor

The Hearing Officer recommended that the Payroll Supervisor (Sahli) and the Assistant Payroll Supervisor (Barwick) be excluded from the supervisory unit because the employees are not supervisors under section 5.3. The Association excepts to those findings. Sahli consults informally on Barwick's evaluation and would be expected to discipline her subordinates only when she substitutes for the Manager. Although the Comptroller testified that these employees "supervise" the payroll clerks, their duties are more properly characterized as directing the workforce rather than supervisory within the meaning of the Act. Accordingly, we agree with the Hearing Officer that the Payroll Supervisor and Assistant Payroll Supervisor are not supervisors. We conclude that they should not be included in the unit of primary level supervisors.

Receipts Supervisor

The Hearing Officer found that the Receipts Supervisor (Cannella) is a supervisor. Cannella had conducted formal evaluations of a Junior Accountant. The Authority contends that absent evidence that those evaluations result in effective recommendations, the record does not support finding Cannella to be a statutory supervisor. We agree.

While the power to evaluate employees by itself is not one of the statutory criteria for determining supervisory status, we have considered it and its relationship to other personnel

actions such as renewals, tenure decisions, promotions and salary increases and decreases. Evaluations alone, however, do not necessarily create a conflict of interest sufficient to exclude the evaluator from a unit of non-supervisors. Westfield Bd. of Ed., P.E.R.C. No. 88-3, 13 NJPER 635 (¶18237 1987). There is no evidence that Cannella has performed any statutory supervisory responsibilities or that her evaluations of a Junior Accountant are used in a manner that gives her supervisory authority. The Hearing Officer noted that evaluations that affect pay increases may indicate supervisory status, but no facts indicate that such is the case with evaluations performed by Cannella. We accordingly conclude that the Receipts Supervisor should not be included in the unit of primary level supervisors.

Disbursement Supervisor and Assistant Disbursement Supervisor

The Hearing Officer found that the Disbursements Supervisor (Titus) is not a confidential employee. Titus reviews and pays invoices for goods and services performed, including monthly bills for legal services rendered by the Authority's special labor counsel. The Authority argues that she may deduce confidential labor relations strategy by observing the entries on these bills. But the record establishes that nothing on the invoices or the attachments reveals the legal advice given, any negotiations confidences or strategies, or the substance of any discussions or decisions. Accordingly, Titus is not a confidential employee. Since her supervisory status is

undisputed, we find that her title can be included in the unit of primary level supervisors.

The Hearing Officer found that the Assistant Disbursement Supervisor (Higgins) is not a supervisor. We agree. Accordingly, we conclude that the Assistant Disbursement Supervisor should not be included in the unit of primary level supervisors.

Audit Operations Supervisor

The Hearing Officer found that the Audit Operations Supervisor (Pagliarulo) is a statutory supervisor. He evaluates 12 employees. The Authority argues that evaluating other employees is an insufficient indicium of supervisory status. Pagliarulo does not have any statutory supervisory authority to hire, discharge, discipline, or effectively recommend the same. In addition, there is no evidence that his evaluations are used in a manner that gives him supervisory authority. We therefore conclude that the Audit Operations Supervisor should not be included in the unit of primary level supervisors.

Assistant Auditor

At the hearing, the Authority's only objection to including the Assistant Auditor (Langon) was his alleged confidential status. The Hearing Officer rejected that objection and found no evidence to support the Authority's post-hearing claim that Langon is not a supervisor. Nevertheless, consistent with our previous discussion of performance evaluations, we conclude that Langon's limited input into evaluations by itself

does not establish that he is a statutory supervisor. We therefore conclude that the Assistant Auditor should not be included in the unit of primary level supervisors.

Toll Audit Supervisor and Accounts Supervisor

The Hearing Officer found that neither the Toll Audit Supervisor (Blaska) nor the Accounts Supervisor (Cervone) is a supervisor. Neither one has supervisory authority or formally evaluates subordinates. The Association argues that it is difficult to "draw a clear line where recommendations [concerning discipline and evaluations] are no longer subject to independent review and analysis." These employees' primary function is to track and audit Authority revenues and identify discrepancies. We agree with the Hearing Officer that they are not statutory supervisors and therefore should not be included in the unit of primary level supervisors.

Microprocessor Prototype Analyst

The Hearing Officer found that the Microprocessor Prototype Analyst (Zehnbauer) is not a supervisor. Approximately one day per week, he supervises the field testing of microprocessors by Communications Technicians. The Association argues that because Zehnbauer is the only supervisor in the field with the technicians, his oral evaluations of their performance must be relied upon. But no evidence suggests that Zehnbauer's voluntary comments to the technicians' supervisor about their performance involve issues of statutory supervision or effective

recommendation on supervisory issues. Accordingly, we agree with the Hearing Officer that the Microprocessor Prototype Analyst is not a supervisor and therefore should not be included in the unit of primary level supervisors.

Supervisor Motor Pool

The Hearing Officer found that the Supervisor Motor Pool (Nabel) is not a supervisor. The Association argues that Nabel's testimony that he could "write up" the technician who works under him indicates that Nabel exercises supervisory authority over the technician. However, Nabel explained that he does not discipline or evaluate the technician, but simply informs his manager about what the technician is doing. No evidence suggests that Nabel has any statutory supervisory authority and therefore the Supervisor Motor Pool should not be included in the unit of primary level supervisors.

Office Manager

The Authority argued below that the Officer Manager (Spumberg) is not a supervisor and is a confidential employee. The Hearing Examiner did not determine whether the Office Manager is a supervisor because she found that she was a confidential employee. Based on our review of the record, we conclude the Officer Manager is not a supervisor. Three clerks report to her, but she does not formally evaluate them. She can admonish an employee, but has to speak to her supervisor if something more is required. Since the Officer Manager is not a statutory supervisor

and should not be included in the unit of primary level supervisors, we need not address whether she is also a confidential employee.

Administrative Assistant

There are three Administrative Assistants in the Maintenance Department. Two assistants -- Thomas Benti and Edward Kolwicz -- report to Robert Geberth, the manager of the roadway division. The third assistant -- George Tencza -- reports to Brian Campbell, the manager of the buildings division. They perform the same duties, including either typing sensitive memoranda for the division manager or overseeing the typing and proofreading of such memoranda. The assistants act as liaisons between management and operating personnel and as sounding boards for the division managers; they are expected to be an example of loyalty and confidentiality at all times.

Ralph Bruzzichesi, is the Director of Maintenance and a member of the Authority's negotiations team. He negotiates with the New Jersey Turnpike Supervisors Association.

Before formal negotiations with the Supervisors Association began in 1994, Bruzzichesi asked the division managers to recommend changes in the Supervisors Association contract. Geberth met with Benti and three higher-level managers to discuss what recommendations to make. Benti was asked his opinion of possible changes. After the meeting, Benti proofread the memorandum, entitled "Supervisory Contract Negotiations," setting

forth the recommended contract changes. The memorandum was then sent from Geberth to Richard Walley, the Manager of Administration. Benti has played a similar role in other negotiations over the last 23 years. Bruzzichesi uses the division managers' proposals to put together his package of proposals to take to the negotiations table.

While negotiations are ongoing, Bruzzichesi advises the division managers on negotiations positions, objectives, and developments and asks them for information and opinions. For example, Bruzzichesi may test a union proposal by having the division managers assess its implications and costs. The division managers may then turn to their assistants for help in generating or evaluating information. Benti has typed up reports for Geberth during the course of negotiations.

Under all the circumstances, we hold that the duties of the Administrative Assistants related to the collective negotiations process conflict with their inclusion in a negotiations unit of primary level supervisors. If included in that unit, the assistants would be making recommendations about changes in what would be their own collective negotiations agreement and would also be supplying information and preparing reports in response to their own representative's during negotiations. They would thus effectively be on both sides of the negotiations table. See Wilton. The Director of Maintenance is on the Authority's negotiations team and consults with the

division heads before and during negotiations and the division heads must be similarly free to consult with their top assistants and use them as sounding boards and sources of information before and during negotiations with the Supervisors Association. The Administrative Assistants should therefore not be included in the unit of primary level supervisors.

Assistant Construction Supervisors

The Hearing Officer found that the Assistant Construction Supervisors (Applegate, DiPersio and Fisher) are not statutory supervisors. The Association argues that Fisher and DiPersio exercise sufficient supervisory responsibility to be included in its unit. On this record, the Assistant Construction Supervisors do not hire, discharge, discipline or effectively recommend the same. They orally evaluate assistants assigned to them and have commented on whether those assistants should be promoted or retained. However, higher-level employees have formal supervisory authority over the assistants and there is no evidence that the recommendations of the Assistant Construction Supervisors are effective. We note as well that their assistants are often temporary or part-time employees on temporary assignment. We accordingly hold that the Assistant Construction Supervisors are not supervisors under section 5.3 and should not be included in the unit of primary level supervisors.

Credit and Collections Supervisor

The Hearing Officer found that the Credit and Collections Supervisor (Demetski) is not a statutory supervisor. The Association argues that Demetski regularly supervises a Junior Accountant, but the record indicates that Demetski does not evaluate the employee's work. The Chief Auditor has asked Demetski how the Junior Accountant is doing, but responding to that question does not make Demetski a supervisor. We accordingly conclude that the Chief Auditor should not be included in the unit of primary level supervisors.

In the absence of exceptions, we accept the Hearing Officer's recommendations and the parties' agreement on the remaining titles.

ORDER

For the reasons stated in this opinion, these titles shall not be added to the unit of primary level supervisors represented by the New Jersey Turnpike Supervisors Association.

Administrative Services and Technology

Microprocessor Prototype Analyst (Alan Zehnbauer)
Telecommunications Supervisor (Deanna Berardi)
Supervisor Motor Pool (John Nabel)

Engineering

Assistant Project Supervisor (Anna Tatoris, Robert
Eggert, Frank Corso)
Assistant Construction Supervisor (John Fisher,
William Applegate,
Frank DiPersio)
Bid Supervisor (Catherine Marino)
Engineering Assistant (Raphael Bustos, John Hedden)
Engineer I/Structural (Peter Mwanza)

Finance and Budget

Payroll Supervisor (Susan Sahli)
Payroll Assistant Supervisor (Margaret Barwick)
Credit and Collection Supervisor (Barbara Demetski)
Assistant Disbursement Supervisor (Karen Higgins)
Assistant Auditor (Kevin Langon)
Audit Operations Supervisor (John Pagliarulo)
Receipts Supervisor (Joanne Cannella)
Budget Coordinator (Sue Intromasso)

Tolls

Accounts Supervisor (Joseph Cervone)
Toll Audit Supervisor (Lenard Blaska)

Maintenance

Office Manager (Marilyn Spumberg)
Administrative Assistant (Thomas Benti, George Tencza,
Edward Kolwicz)

An election shall be conducted among these supervisory titles to determine if this group of employees wishes to be added to the unit of primary level supervisors represented by the New Jersey Turnpike Supervisors Association:

Administrative Services and Technology Department

Computer Operations Supervisor (Joan Chupka)
Purchasing Manager (Nancy Weldon)
Stock Control Supervisor (R. Bellhoff)
Office Services Supervisor (M. Sahli)
Supervisor Ticket Supply (B. Schurr)
Purchasing Coordinator (J. Woodly)

Engineering Department

File Room Supervisor (Joanne Rizzo)

Finance and Budget

Disbursement Supervisor (Denise Titus)

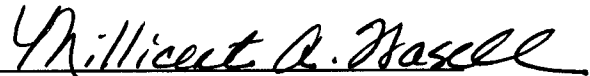
Operations Department

Shift Supervisor (L. Jackson, R. Corso, P. Migut, D. Mulvey, R. Scheider)
Administrative Assistant/State Police (Robert Miles)
Traffic Control Supervisor (G. Glasi, J. Giordano, S. Lewis, R. Vanderstine)
Trailblazer Supervisor (J. Buckley)
Emergency Services Supervisor (R. DeSena, D. DiPaolo)

Public Affairs

Manager Highway Radio (Diana Chierchie)

BY ORDER OF THE COMMISSION



Millicent A. Wasell
Chair

Chair Wasell, Commissioners Finn, Klagholz, Ricci and Wenzler voted in favor of this decision. None opposed. Commissioner Buchanan abstained from consideration. Commissioner Boose was not present.

DATED: August 28, 1997
Trenton, New Jersey
ISSUED: August 29, 1997

H.O. No. 96-1

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Docket No. RO-H-93-47

N.J. TURNPIKE SUPERVISORS ASSOCIATION,

Petitioner.

SYNOPSIS

A Hearing Officer of the Public Employment Relations Commission recommends that the Commission order an election among 17 primary level supervisory titles employed by the New Jersey Turnpike Authority to determine if they wish to be added to an existing unit of first level supervisors represented by the New Jersey Supervisors Association. The Hearing Officer finds that no Wilton conflict of interest exists between the petitioned-for titles and the existing bargaining unit members.

The Hearing Officer concluded that 14 titles were not supervisory titles and must be excluded from the unit. Further, the Hearing Officer found that an additional 3 titles were confidential and inappropriate for representation.

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

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Appearances:

For the Public Employer
Schwartz, Tobia & Stanziale, attorneys
(Kent A.F. Weisert, of counsel)

For the Petitioner
Loccke & Correia, attorneys
(Michael J. Rappa, of counsel)

HEARING OFFICER'S RECOMMENDED
REPORT AND DECISION

On September 23, 1992, the New Jersey Turnpike Supervisor's Association filed a Petition for Certification of Public Employment Representation with the Public Employment Relations Commission.^{1/} The Association petitioned for 69 titles^{2/} to be added to its bargaining unit of primary level supervisors employed by the New Jersey Turnpike Authority. During the course of hearing, the Association amended its petition on the record to withdraw 38 titles

^{1/} This matter was initially filed as a Petition for Clarification of Unit, Docket No. CO-H-91-5, which the Association withdrew when it filed this representation petition.

^{2/} The title Programming Projects Leader was listed twice.

and to add four titles, resulting in 35 titles being petitioned for. The 35 petitioned-for titles are listed in Appendix A; the 38 withdrawn titles are listed on Appendix B. The petition was timely^{3/} and supported by an adequate showing of interest.

The Authority alleges that 26 are inappropriate for inclusion in the unit because employees in these titles are either non-supervisory or confidential within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., or that they have a conflict of interest with other unit employees.^{4/}

The Director of Representation determined that substantial and material disputed factual issues warranted an evidentiary hearing. I conducted a hearing on October 22, November 10 and 15, December 2, 14 and 16, 1993, and on January 12, February 3 and 16, March 29, April 11 and 22, May 12 and 26 and August 18, 1994. The parties examined witness and introduced exhibits.^{5/} The parties

^{3/} The parties were engaged in collective negotiations for a successor to an agreement that ended on June 30, 1991 (J-1).

^{4/} The Authority does not contest the inclusion of the Traffic Control Supervisor, the Trailblazer Supervisor and the Emergency Services Supervisor titles in the Operations Department (4T93); and the Stock Control Supervisor (R. Belloff), Office Services Supervisor (M. Sahli); Supervisor Ticket Supply (W. Schurr); and Purchasing Coordinator (Joanne Woodley) in the Administrative Services and Technology Department (5T6).

^{5/} Transcript citations are in sequence with the hearing dates on which the record was developed, e.g. 1T for October 22, 1993 through 15T for August 18, 1994. Exhibits are designated as follows: "Cm" for Commission exhibits, "J" for joint exhibits, "P" for Association exhibits and "R" are Authority exhibits.

waived oral argument and submitted post-hearing briefs and reply briefs, the last of which was received on February 21, 1995. Based upon the entire record I make the following:

FINDINGS OF FACT

The New Jersey Turnpike Authority is a public employer and the New Jersey Turnpike Supervisors' Association is an employee representative within the meaning of the Act. The Authority is the employer of the employees who are the subject of this petition. The Association represents a unit of primary level supervisory employees employed in the departments of tolls, maintenance and operations, in the titles of Assistant Foremen, Maintenance Assistants, Water and Sewerage Foremen, Assistant Control Supervisors, System Control Supervisors, Training Supervisor Tolls, Toll Equipment Maintenance Supervisors, Toll Plaza Supervisors and Assistant Section Chiefs (J-9). The Association seeks to expand this unit by adding 35 titles in the departments of administrative services and technology, engineering and budget, maintenance, operations, tolls and public affairs (Appendix A).

The Authority's Hierarchical Organization and Budget Formulation^{6/}

The New Jersey Turnpike Authority was created by the Legislature in 1948 to design, construct, operate and maintain a high speed, limited access roadway.

^{6/} By stipulation of the parties (15T162-15T166).

The Authority's Commissioners are responsible for all policies, budget approval, personnel actions, negotiations and contract administration approval, subject to the Governor's veto power. The Executive Director is responsible for the day to day management of the resources of the Authority, recommending policy, implementing Commission-adopted policies, and reporting directly to the Chairman and Commissioners. From 1990 to April 1994, the Chief Engineer reported directly to the Executive Director on behalf of four of the departments: engineering, tolls collection, maintenance and operations. The other five departments, human resources, administrative services and technology, law, public affairs and finance and budget, are managed by department Directors and the Comptroller who also reports to the Executive Director. As of April 26, 1994, all nine departments report directly to the Executive Director.

The Authority is funded by revenues from tolls, service areas, rentals and gas stations. Its annual budget is divided into capital and operation expenditures. The annual budget is approved by the Commissioners at a December meeting. Very extensive budget preparation is required for all departments. The Authority's total budgeted operating expenses are approximately 176 million dollars in 1994. Budget preparation is "zero based" and each item is justified in detail. Historical data, price escalators, and current roadway and structural conditions are also used to prepare the budget.

Upon the Comptroller's direction, department Directors prepare their annual projected budgets in August of each year. These budgets are developed within departments, consistent with policy guidelines set by the Executive Director, before being sent to the finance and budgets department for review. A preliminary budget is then forwarded to the Executive Director, who may review the proposal to meet a projected annual growth rate before presenting it to the Commissioners for final approval, subject to the Governor's veto. Meetings are held by finance and budget with each department. Subsequently, a budget committee made up of the Executive Director, the Chief Engineer and Comptroller further convenes meetings with each Director to review individual budgets. Based on data compiled during these meetings, the Executive Director may revise the proposal to meet a projected annual growth rate before presenting it to the Commissioners for final approval, subject to the Governor's veto.

Historically, the Commissioners generally approved the Executive Director's recommended budget and did not participate in its development. However, the Commissioners of the past administration created a law, finance and policy committee which discusses the proposals before presenting them to the full Commission for approval.

Permission to purchase goods or services on the Authority's behalf, beyond the approved budget, must be approved by department Directors. Purchasing within the approved budget is supported by

purchasing requisition forms which must be signed or initiated by specific supervisory and management employees and reviewed by the finance and budget office. A purchase order is subsequently issued and signed by the Administrator, purchasing/office services.

LEGAL STANDARDS

The New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. affords public employees the right "to form, join and assist any employee organization." However confidential employees, as defined by the Act, are excluded from its protections.

N.J.S.A. 34:13A-3(g) defines confidential employees as: employees whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties.

In State of New Jersey, P.E.R.C. No. 86-18, 11 NJPER 507 (¶16179 1985), we explained our approach to determining whether an employee is confidential:

We scrutinize the facts of each case to find for whom each employee works, what he does, and what he knows about collective negotiations issues. Finally, we determine whether the responsibilities or knowledge of each employee would compromise the employer's right to confidentiality concerning the collective negotiations process if the employee was included in a negotiating unit. [Id. at 510]

See also Ringwood Bd. of Ed., P.E.R.C. No. 87-148, 13 NJPER 503 (¶18186 1987), aff'd App. Div. Dkt. No. A-4740-86T7 (2/18/88).

Under N.J.S.A. 34:13A-5.3, supervisors are employees who have the power to hire, discharge, or discipline other employees or

who can effectively recommend these personnel actions. Our definition of supervisor derives from N.J.S.A. 34:13A-5.3: a supervisor is one who hires, discharges, disciplines or effectively recommends the same. Mere possession of authority to do so is not enough. Westfield Bd. of Ed., P.E.R.C. No. 88-3, 13 NJPER 635 (¶18237 1987). We must review all the circumstances of a case to determine whether the employee has and regularly exercises such power. Cherry Hill Tp. DPW, P.E.R.C. No. 30, NJPER Supp. 114 (¶30 1970); Somerset Cty. Guidance Center, D. R. 77-4; 2 NJPER 358 (1976).

The employees subject to this representation petition are within the range of titles that are first level supervisors, whose primary supervisory functions are to recommend discipline and to evaluate their subordinates.^{7/} Supervisory status has been found where an employee's evaluative responsibilities implicate disciplinary authority. Emerson Bd. of Ed., D.R. No. 82-13, 7 NJPER 571 (¶12255 1981). A supervisor is one whose evaluations are instrumental in determinations to withhold increments, renew employment or terminate employees. Westfield Bd. of Ed., supra.; Paramus Bd. of Ed., D.R. No. 21-7, 7 NJPER 556 (¶12247 1981); Borough of Avalon, P.E.R.C. No. 84-108, 10 NJPER 2-7 (¶15102 1984). Cf. Edison Tp. Bd. of Ed., D.R. 82-8, 7 NJPER 560, ¶12249 1981).

^{7/} All recommendations for hiring and firing are recommended by a department Director to the Commission for its approval.

Although supervisors have the right to negotiate collectively, they may not be included in the same unit as nonsupervisors. See N.J.S.A. 34:13A-5.3 and 6(d). In addition, the Supreme Court has determined that a supervisory unit where "substantial actual or potential conflict of interest exists among supervisors with respect to their duties and obligations to the employer in relation to each other," is not appropriate. West Orange Bd. of Ed. v. Wilton, 57 N.J. 404 (1971).

Public Affairs Department

The Association amended its petition to add the title of Manager Highway Advisory Radio (D. Chierchie) (1T7).

The department of public affairs is headed by Director Lynn Fleeger (1T-9; J-1). Public Affairs is responsible for the Authority's public relations in the print and broadcast media. It publishes two informational newsletters, "The Trailblazer" and the "The Pike Interchange," as well as other promotional documents (1T9-1T10). It is also responsible for the recently established patron communications program operated by the highway advisory radio unit (1T49; 2T21).

Diane Chierchie is the head of the highway advisory radio unit. She reports to Director Fleeger (1T49; 2T21). Chierchie is responsible for the development and daily operation of the radio and telephone systems used to broadcast up-to-the-minute accurate traffic reports to Authority patrons and employees (1T14-1T15; 2T7;

2T12; 2T52). Two multi media communications assistants report to Chierchie (1T14; 1T24-1T25). She assigns and supervises the assistants' preparation, revision and broadcast of traffic reports (1T14; 2T7; 2T8; 2T10; 2T14; 2T17-2T18).

Chierchie recently completed a written evaluation of an assistant's six month probationary period which determined the employee's raise (1T41; 2T63-2T64). Chierchie will continue to make recommendations on the assistants' performance (1T41) which Fleeger will follow (1T32; 1T26). Fleeger relies on Chierchie to impose discipline if needed (1T26; 1T27; 1T28).

ANALYSIS

The Authority objected on the record to including Chierchie in the unit because she was a confidential employee (1T8). But it concedes in its brief that Chierchie does not play a role in its collective negotiations. The record shows that she has no involvement in labor relations (1T18; 1T25; 1T33; 1T37). Therefore, I find that Chierchie is not a confidential employee.

Instead, the Authority argues in its brief that Chierchie is not a supervisor, in spite of the fact that the Authority stated on the record that the Manager Highway Advisory radio is supervisory (1T8; 1T24; 1T33). I reach the same conclusion.

Chierchie does not have the authority to make effective recommendations for hiring on her own. When Chierchie needed to fill a recently vacated Communications Assistant position, a recommendation for a new hire was made to the department of human

resources by a committee made up of Chierchie, Fleeger and two other managers (2T39; 2T59-2T61). However, she has performed a written evaluation of a assistant during his proabationary period which affected his raise, and she will continue to perform evaluations in the future. The evaluation process may be related to discipline where evaluations influence personnel actions such as the granting or withholding increments or promotions or renewing employment supervisory status. Emerson Bd. of Ed.; Borough of Avalon, supra. Chierchie's evaluation affected the assistant's raise. She will continue to perform evaluations which Fleeger will adopt. Chierchie's evaluations are effective recommendations; therefore I find that she is a supervisor within the meaning of the Act.

RECOMMENDATION

I recommend that the Commission find the Manager of Highway Advisory Radio, Diane Chierchie, is a supervisor and appropriate for inclusion in the bargaining unit.

Tolls Department

The Association has petitioned for (Cm-1):

Accounts Supervisor (Joseph Cervone)
Toll Audit Supervisor (Lenard Blaska)

Joseph Cervone, the Accounts Supervisor, reports to Administrative Assistant William Darragh and Lenard Blaska, the Toll Audit Supervisor, reports to Manager Tom Moran of toll audits (2T101; 2T84; J-5). Moran and Darragh report to William Burke, Director of tolls (J-5). Blaska is one level above Cervone (3T8; 3T24).

Cervone and Blaska work in the same office (3T8) and perform similiar duties (2T143; 3T8-9; 3T48; R-1; R-2). They are responsible for confirming and adjusting Toll Collectors' revenue records (3T5; 3T39), investigating variances (overages or shortages) in toll revenue funds (3T5; 3T44), conducting on-site audits at turnpike interchanges (3T6; 3T40), maintaining disciplinary records of departmental personnel (2T83; 3T8; 3T47) and developing portions of the toll department's budget (2T87; 2T133) Cervone and Blaska have access to the departmental personnel files for Toll Collectors and Toll Plaza Supervisors, titles represented by the Association (3T22-3T23; 3T56; 3T57; J-1).

Blaska has greater responsibility than Cervone in the areas of the investigation of unusual revenue variances (2T145; 3T48-3T49) and the preparation of the departmental budget (2T133). Blaska also reviews the monthly reports submitted by division clerks (3T41; 3T73) and keeps track of the performance evaluations of probationary Toll Plaza Supervisors and Assistant Section Chiefs completed by Section Managers to ensure that they are submitted on time (2T146; 3T51-3T52).

A pool of four clerks do Cervone's and Blaska's typing (3T7; 3T20-3T21). Moran does the evaluations of these secretaries; Cervone and Blaska are not asked for any input into these evaluations (3T35-3T36; 3T43). Occassionally, Blaska assigns work to an Account Clerk who reports to Moran (3T73), but he does not evaluate this employee or the division clerks (3T73).

ANALYSIS

The Authority objects to including the Accounts Supervisor and the Toll Audit Supervisor in the existing bargaining unit. It argues that Cervone and Blaska are confidential because they have access to the disciplinary records of departmental employees. Access to files containing disciplinary information may be relevant, but standing alone, it is not enough to make an employee confidential. Montague Twp. Bd. of Ed., P.E.R.C. No. 87-36, 12 NJPER 773 (¶17294 1986); Little Ferry Bd. of Ed., D.R. No. 80-19, 6 NJPER 59 (¶11033 1980).

The Authority contends that Cervone and Blaska prepare materials used in disciplinary hearings. They prepare reports on the on-site toll audits they conduct and on their investigations into toll collection variances (3T5; 3T40). In their reports, Cervone and Blaska may identify employees responsible for recurring problems that need correction; but there is no evidence to conclude that the materials that Cervone and Blaska prepare give them advance knowledge of disciplinary action before it is instituted. Cervone has never been called as a witness in grievance proceeding to testify about the result of an investigation he conducted (3T18). Therefore, I find that Cervone and Blaska are not confidential employees.

The Authority contends that Cervone and Blaska are not supervisors. I find that Cervone or Blaska do not have the authority to recommend discipline. The reports prepared by Cervone

and Blaska are submitted to Moran and Director Burke, who review them with other information from Section Managers and from the department of administrative services and technology. Based on all the information, Moran and Director Burke decide if discipline is necessary (3T11; 3T17; 3T54; 3T57-3T58). I conclude that Cervone or Blaska are not involved in recommending discipline. Any instance of discipline arising out of improprieties identified by Cervone or Blaska are based upon Director Burke's own evaluation of the circumstances.

None of the clerical or secretarial employees that do work for Cervone and Blaska report to them. There is no evidence that Cervone or Blaska perform evaluations of the clerical employee's work or that they have the authority to recommend discipline. Cervone's statement that he would "report" a clerk if he had a problem is not indicative of supervisory authority (3T28). Based on the above facts, I find that Cervone and Blaska are not supervisors.

RECOMMENDATIONS

I recommend that the Commission find that the Accounts Supervisor, Joseph Cervone, and the Toll Audit Supervisor, Lenard Blaska, are not confidential employees and that they are not supervisors and are inappropriate for inclusion in the existing bargaining unit.

Operations Department

The Association has petitioned for:

Administrative Assistant State Police (R. Miles)
 Shift Supervisors (Leo Jackson, R. Corso,
 P. Migut, D. Mulvey, R. Schneider)
 Traffic Control Supervisor (G. Blasi,
 J. Giordano, S. Lewis,
 R. Vanderstine)^{8/}
 Trailblazer Supervisor (J. Buckley)^{9/}
 Emergency Services Supervisor (D. DiPaolo)^{10/}

The department of operations is under the supervision of Director Robert F. Dale. He is responsible for the safety of turnpike patrons and employees and for the efficient operation of the roadway. One of the main functions of the department is to coordinate the Authority's communications and emergency operations between the departments of tolls and operations and with the state police (3T87-3T88; J-6).

Administrative Assistant State Police

Director Dale is the Authority's liaison to the 230 state troopers of Troop D assigned to patrol the Turnpike by contract between the Authority and Turnpike of State Police (3T129; 4T4). The division of state police under Director Dale is the administrative unit that provides Troop D with administrative and clerical support. The division and Troop D share offices in the Authority's administration building (3T88; 4T6; 4T8; 4T9; R-6).

^{8/} The Authority does not object to the inclusion of this title into the unit (4T93).

^{9/} The Authority does not object to the inclusion of this title into the unit (4T93).

^{10/} The Authority does not object to the inclusion of this title into the unit (4T93).

Robert Miles, Administrative Assistant State Police, is in charge of the division. He reports to Director Dale. Miles also works directly with Troop D's Deputy Commander (4T6).^{11/}

Miles and the troop's Deputy Commander prepare the division's proposed budget for Director Dale's review (3T93-3T94; 3T123). Miles develops the specifications for and purchases the troop's equipment and supplies (uniforms, weapons, ammunition, radar equipment, vehicles, etc.) (3T114; 3T129; 4T9; 4T16). He coordinates the deputy commander's requests for acquisitions with Director Dale and generally monitors the division's expenditures (4T10). Miles is not involved in negotiations (4T5).^{12/}

Miles is responsible for a police records clerk, a confidential secretary, a senior clerk typist and a clerk typist (3T101; 3T117; 4T4; R-6).^{13/} Miles does written and verbal evaluations of the four clerical employees (3T100). He has the authority to discipline (3T100). Dale testified that he would "depend heavily" on Miles' disciplinary recommendations if he were to make them (3T102).

^{11/} Miles describes his dual reporting responsibilities as a "two-headed monster" (4T6).

^{12/} Director Dale testified that he is "rarely" involved in negotiations (3T118). He qualified this statement by explaining that he was involved in negotiations only twice in the past 10 years (3T125-126). Miles did not assist Director Dale on either of those occasions.

^{13/} A confidential secretary is assigned to the troop commander; a clerk typist is assigned to the Moorestown station commander; and the senior clerk typist and police records clerk perform general clerical duties at the troop headquarters (4T30-4T31; 4T27-4T28).

Shift Supervisor

The five Shift Supervisors work in the traffic operations center, the Authority's communication nerve center (3T88). The center coordinates information from the Authority's automated traffic control surveillance system and the roadway video cameras, as well as from state troopers and employees in the tolls and maintenance departments. The center utilizes the information to monitor and maintain an safe flow of turnpike traffic (3T88; 4T35). The Shift Supervisors are under the direction of Henry Comeau, the center's Manager (3T97). Reporting to the shift supervisors are 11 Communications Dispatchers represented by IFPTE, Local 195 (3T99).

The Shift Supervisors are responsible for ensuring the operation of the automated speed limit and message signs, dispatching personnel and equipment to the scene of an accident, rerouting traffic and coordinating and directing emergency response efforts in accordance with policies and procedures from the Federal Aviation Authority and Authority (4T36; 4T43; 4T45-4T47; 4T50-4T51; 4T86).

The center operates 24 hour day, seven days a week (4T36), with Shift Supervisors and Dispatchers working rotating shifts. Shift Supervisors are responsible for providing shift coverage (3T99).^{14/} They perform three and six month written evaluations

^{14/} Dispatchers bid for shift schedules under the IFPTE negotiated agreement (4T38). I infer that a Shift Supervisor may assign overtime when unexpected leaves or other absences reduce shift coverage.

of Dispatchers (4T40). They verbally discipline or "counsel" dispatchers or recommend more serious disciplinary measures to Manager Comeau or Director Dale, who accept their recommendations (3T98). Under the IFPTE negotiated agreement, the Shift Supervisor (3T127) is the first step in a Dispatcher's grievance procedure (3T127). Shift Supervisors are not involved in the negotiations process (3T119; 3T212; 4T38).^{15/}

ANALYSIS

Administrative Assistant State Police

The Authority argues that the Administrative Assistant State Police is not a supervisor and should be excluded from the unit. Miles has the highest title in the division and has the authority to supervise the performance of Authority employees assigned to the Troop D officers, including discipline if needed (3T102).^{16/} He has performed written evaluations (3T33). While evaluation alone is not one of the statutory criteria for determining supervisory status, it has been looked to for its relationship to other personnel actions such as renewal of employment, promotion and salary increases as indicative of

^{15/} At one point during negotiations for the previous agreement with IFPTE, Director Dale asked Shift Supervisors for their input on a union negotiations proposal concerning uniforms (3T126). This was an isolated incident. There is no indication in the record that by responding with to the union's proposal, the Shift Supervisors were in a position to know the Authority's final negotiations position.

^{16/} The Troop D Deputy Commander lacks authority over the Authority's employees.

supervisory status. Westfield Bd. of Ed., supra. I find that Miles is a supervisor within the meaning of the Act.

Shift Supervisor

The Authority argues that shift supervisors are not supervisors. Shift Supervisors do written evaluations, they impose minor discipline on communications dispatchers and they are the first step in the dispatchers' grievance procedure. Therefore, I find that Shift Supervisors are supervisors within the meaning of the Act.

RECOMMENDATION

I recommend that the Commission find the Administrative Assistant State Police, Robert Miles and that Shift Supervisors, Leo Jackson, R. Corso, P. Migut, D. Mulvey and R. Schneider, are supervisors and appropriate for inclusion in the existing bargaining unit.

Administrative Services and Technology Department:

The Association has petition for these titles:

Management Information Systems:

Computer Operations Supervisor (Joan Chupka)
Microprocessor Prototype Analyst (Alan Zehnbauer)^{17/}
Telecommunications Supervisor (Deanna Berardi)^{18/}

^{17/} The Association amended its petition to withdraw the Assistant Construction Assistant title (Cm-1) and add this title (5T22).

^{18/} This title was petitioned for in the operations department (Cm-1).

Purchasing and Office Services:

Purchasing Manager (Nancy Weldon)
 Stock Control Supervisor (R. Belloff) 19/
 Motor Pool Supervisor (John Nabel) 20/
 Office Services Supervisor (M. Sahli) 21/
 Supervisor Ticket Supply (B. Churr) 22/
 Purchasing Coordinator (Joanne Woodly) 23/

The department of administrative services and technology is under the direction of Robert Hatala. It is responsible for all of the Authority's technology support and data processing systems and for the procurement and operation of these systems. The department also oversees patron food services (5T9). The department is divided into two divisions: The division of management information systems (MIS), also under Director Hatala; and purchasing and office services, under the supervision of Robert Travasano (J-7).

Management Information Systems DivisionSupervisor Computer Operations

Joan Chupka reports to the Manager of technical support and operations within the MIS section (J-7; 5T15). She is responsible for completing and producing computer reports requested by the

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- 19/ The Authority does not object to inclusion of this title into the existing unit (5T6).
- 20/ The Association amended its petition on the record to add this title (5T8).
- 21/ The Authority does not object to including this title in the existing unit (5T6)
- 22/ The Authority does not object to including this title in the existing unit (5T6).
- 23/ The Authority does not object to including this title in the existing unit (5T6).

department of finance and budget (5T17; 5T54). Some of these reports require the entry of raw data, such toll revenues reports which are tabulated daily (5T72). Other reports are generated in finance and budget and run off in Chupka's unit, where they are prepared for pickup or for delivery via interoffice mail (5T64; 5T66). Chupka also backs up the mainframe hard disk daily onto cartridges for storage elsewhere (3T17; 5T67-5T68).

Chupka supervises six Computer Operators (5T16; 5T62), who are represented by IFPTE, Local 194 (5T36). She assigns and supervises the completion of their work (5T62).

Microprocessor Prototype Analyst

Alan Zehnbauer, the Microprocessor Prototype Analyst, reports to Alphonse Vosa, the Manager of microprocessor programming and network design under Director Hatala (5T74; 5T76; 5T77; J-7). Zehnbauer is responsible for designing (5T84-5T85) and monitoring the manufacture and installation of microprocessors which control the automatic traffic surveillance and control system (5T32; 5T33; 5T74). Approximately one day per week, Zehnbauer also supervises the field testing of microprocessors. The testing is done by Communications Technicians, who are outside Zehnbauer's chain of command (5T75; 5T82). They are under the supervision of Electronics Technology Supervisor John Farrell, who reports to Director Hatala (5T78; 5T85; J-7). Consequently, Zehnbauer must schedule the Technicians through Farrell (5T79). Zehnbauer voluntarily reports back to Farrell on the Technicians' performance (5T84).

Telecommunications Supervisor

Deanna Berardi reports to Electronics Technology Supervisor John Farrell (J-7, 15T98).^{24/} She is responsible for maintaining the PBX telephone system and automated attendant systems installed in the Authority's main administration building and in two satellite locations (7T90; 15T98). Berardi programs software to modify or enlarge telephone functions within the system, reconfigures phone connections and orders supplies, such as telephone lines and telephones (7T107; 15T5; 15T22; 15T46; 15T108).

Like Zehnbauer, Berardi assigns work to the seven Communications Technicians under Farrell. She directs them in the installation, relocation and repair of telephone jacks and cable lines (7T93-7T94; 7T107; 15T50; 15T107). Approximately 60% of Berardi's work is directing the technicians in "troubleshooting" or locating and diagnosing malfunctioning telephone lines or instruments (7T94; 15T52-15T53; 15T116).

Berardi was recently assigned a clerk, who also reports to Farrell and another supervisor (15T5). In the future, the clerk, as well as an unfilled technical assistant's position, will report exclusively to Berardi (15T8).^{25/} Berardi will be expected to evaluate the work of these two employees (15T7; 15T158).

^{24/} In June 1994 Berardi, was transferred from the maintenance department to the department of administrative services and technology (15T98).

^{25/} Berardi and Farrell have drafted the job specifications for the technical assistant position (15T88). The hiring process will begin as soon as the job specifications are approval by the commissioners (15T6;, 15T7; 15T90).

Purchasing and Office Services DivisionPurchasing Manager

Nancy Weldon, the Purchasing Manager, reports to the division Administrator Travasano (J-7). She is responsible for obtaining competitive bids for services and supplies for the Authority (R-11). She reviews requisitions, develops requests for bids, sits in on bid openings and generally maintains contact with vendors in order to evaluate their products or services for use by the Authority (5T95). Director Hatala and Weldon testified that she supervises employees (5T26; 5T95; J-7).^{26/}

Weldon's computer code limits her access to files related to the procurement process (5T97), such as vendor listings, including minority owned Equal Employment Opportunity vendors (5T25; 5T96), vendor ratings (5T25) and vendor fees (5T26). Weldon is not involved in negotiations, (5T45; 5T95).

Supervisor Motor Pool

John Nabel, the Supervisor Motor Pool, reports to the Motor Pool Manager James Malone. He is responsible for the repair and maintenance of the Authority's van and car pools (5T99). Nabel developed (5T104) and continues to maintain the motor fleet computer files to track fleet mileage, gas useage and repairs (5T99; 5T100-5T101). Working under Nabel is Data Entry Technician William Brennan, who is a member of the Local 194 bargaining unit (5T101).

^{26/} Weldon stated she supervised seven employees, whereas Hatala identified six employees on the table of organization (5T26).

Brennan does work for Malone and Nabel, although Nabel assigns and supervises most of Brennan's work (5T101; 5T103-5T104; 5T107; 5T112).

Nabel, Malone and three other supervisors attend staff meetings conducted by Larry Goerke, the Office Services Manager (5T109-5T110; J7). During the staff meetings, Goerke will ask Nabel about Brennan's performance (5T109; 5T110; 5T113). However, Malone did Brennan's written probationary performance evaluation (5T109).

ANALYSIS

Supervisor Computer Operations

The Authority contended on the record that Chupka is a confidential employee. Hatala testified that Chupka runs salary projections for the Authority's negotiations team; therefore, she knows the Authority's final negotiations offer (5T18; 5T47). Chupka testified that she has never seen a salary projection report (5T62; 5T71) and I credit her testimony. However, assuming that Chupka has seen such a report, this fact alone would not make her a confidential employee. Hatala stated that salary projections were requested throughout the course of the most recent negotiations, portraying different percentage increases (5T38; 5T54; 5T57). Hatala agreed that anyone reviewing a report would not be able to deduce whose salary demand(s) the report represented (5T55), or if they were final offers (5T55; 5T57). An employee who has knowledge of the costs of different proposals without also knowing the Authority's key financial proposal does not possess the kind of information that creates a conflict between the performance of

assigned duties and membership in a bargaining unit. See Barnegat Tp. D.R. No. 94-26, 20 NJPER 251 (¶25124 1994).

The Authority also asserts that Chupka has access to all of finance and budget's computer files, including confidential labor negotiations information (5T17). Chupka does not the the appropriate password or security code to access these computer files (6T19; 5T67; 5T70; 5T97).^{27/} Therefore I find that Chupka does not have access to finance and budget's files in the hard drive. I also conclude that Chupka could not access finance and budget files by retrieving them from the back-up cartridges (5T68). She must know the file directory and the job name of a file, information that the department of finance and budget does not give her (5T68; 5T69).

The Authority contends for the first time in its brief that Chupka is non-supervisory. Since the Authority stated on the record that its sole objection to this title was its asserted confidentiality (5T8), it did not refute the testimony of its own witness, Director Hatala, or Chupka's testimony that she was a supervisor (3T16; 5T36). Therefore, I based on this unrefuted testimony I find Chupka supervisory.

^{27/} Another MIS employee testified that files in the hard drive were like rooms that are secured by locks. Only employees authorized to use the files are given the password or access code that "unlocks" the files allowing them to be retrieved from the hard drive (6T19-6T20). Chupka testified that she was not given the access code to finance and budget files. I credit her testimony.

Microprocessor Prototype Analyst

The Authority argues that Zehnbauer, the microprocessor prototype analyst, is not a supervisor. Because the communications technicians are in a different unit, Zehnbauer cannot assign work to them without the approval of their supervisor, Farrell. There is no evidence that Zehnbauer has disciplined a technician or that his voluntary comments to Farrel about the Technicians' performance are effective recommendations relied upon to complete performance evaluations. Therefore, I find that the microporcessor prototype analyst is not a supervisor.

Telecommunications Supervisor

The Authority contended on the record that Deanna Berardi is a managerial executive (15T11). Berardi was not involved in the initial development the telephone system (15T39) and her input into the current plans for the system's redesign is limited to providing information to Farrell on the daily operation and maintenance of the present system and its remaining capacity (15T15; 15T23). Further, she lacks the requisite authority and automony to implement communications policies that affect the Authority's objections as a whole. Borough of Montvale, P.E.R.C. No. 81-52, NJPER 507 (¶11259 1980).^{28/} Therefore, I find that Berardi is not a managerial executive.

^{28/} The Commission stated at pages 508-09:

A person formulates policies when he develops a particular set of objectives designed to further the mission of the governmental unit and when he

The Authority also contended on the record that Berardi is confidential because she has the ability to listen in on telephone conversations, thereby giving her access to confidential negotiations information (7T112; 7T113; 15T70). On rare occasions, a phone line is tapped by a communications technician who is troubleshooting a malfunctioning cable (15T58). The technician uses an instrument called a butt inset to listening in on a line (15T56; 15T59). It takes mere seconds to determine whether the line is in operation (7T102; 15T69).

The Authority's assertion assumes facts that are not in the record and events that are not probable. Technicians, not Berardi, do the troubleshooting (15T119). Berardi has never been asked to tap a line (15T51). She could not do so because she does not possess a butt inset and does not know how to use the instrument (15T57). Assuming she would troubleshoot and could use a butt inset, it

28/ Footnote Continued From Previous Page

selects a course of action from among available alternatives. A person directs the effectuation of policy when he is charged with developing the methods, means and extent for reaching a policy objective and thus oversees or coordinates policy implementation by line supervisors. Simply put, a managerial executive must possess and exercise a level of authority and independent judgment sufficient to broadly affect the organization's purposes or means of effectuation of these purposes. Whether or not an employee possesses this level of authority may generally be determined by focusing on the interplay of three factors: (1) the relative position of that employee in his employer's hierarchy; (2) his functions and responsibilities; and (3) the extent of discretion he exercises. (Emphasis added).

would be a serendipitous coincidence that she tap into a conversation about labor relations which also concerned confidential matters (15T51). Therefore, I find Berardi is not confidential.

The Authority argues in its brief that Berardi is not a supervisor. Berardi, like Zehnbauer, does not have supervisory authority over the Communications Technicians who report to Farrell. Although a recent reorganization of the communications unit indicates that Berardi will be directly supervising a clerk and a Technical Assistant, she does not now supervise any subordinates.^{29/}

Purchase Manager

The Authority argued on the record that Nancy Weldon was confidential (5T25). The record shows that she plays no part in negotiations and does not have the ability to retrieve confidential labor relations information from the MIS computers. Therefore, I find that Weldon is not confidential employee.

In its brief, the Authority argues for the first time that Weldon is not a supervisor. The Authority did not refute the testimony of its witness, Director Hatala, nor Weldon's own testimony that she supervises. There is nothing in the record to contradict a finding that Weldon is supervisory.

^{29/} The Association may file a clarification of unit petition if Berardi does in fact supervise the clerk and the technical assistant.

Supervisor Motor Pool

The Authority asserts that John Nabel is not a supervisor. There is no evidence that Nabel has the authority to recommend discipline of Brennan to Malone. Malone did not rely on Nabel's recommendations when Brennan was evaluated. Although Goerke seeks Nabel's verbal evaluations of Brennan's work, there is no evidence that Goerke is relying this information as a basis for a formal evaluation of Brennan. I find that that there is no evidence to indicate the Nabel exercise supervisory authority.

RECOMMENDATIONS

I recommend that the Commission find the Supervisor Computer Operations, Joan Chupka, in MIS, and the Purchasing Manager, Nancy Weldon, in purchasing and office services are supervisors and appropriate for inclusion in the existing unit.

I also recommend that the Commission find the Microprocessor Prototype Analyst, Alan Zehnbauer; the Telecommunications Supervisor, Deanne Berardi; and the Motor Pool Fleet Supervisor, John Nabel are non-supervisory and are excluded from the existing unit.

Maintenance Department

The Association has petitioned for these titles:^{30/}

Administrative Assistant (T. Benti, G. Tenza and
E. Kolowicz).

^{30/} The Association indicated on the record that it had an interest in the Assistant Office Manager, Dorothy Maguire. It did not amend its petition to include this title; therefore, it is not part of this record.

Office Manager (M. Spumberg)^{31/}

The director of the maintenance department is Ralph Bruzzichesi (6T47). Reporting to Bruzzichesi are the heads of five division: administration, engineering, equipment, buildings and roadways (6T48; 6T49; J8). The department is responsible for maintaining the roadway, including its structures, drainage system and roadway signs, and the Authority's buildings, power plant, equipment, vehicular fleet and communications system (6T47; 6T49). Bruzzichesi is a member of the Authority's negotiations team (6T55).

Office Manager

Office Manager Marilyn Spumberg works for Richard Walley, the head of the administrative division (5T58; 8T73; J-8b).^{32/} Walley is responsible for the department's inventory control and its human resource and labor relations matters (6T49).

Spumberg opens and stamps Walley's confidential mail (12T3; 12T19), and prioritizes it along with his other mail (8T69-8T70; 13T20). She does the division's payroll (8T57; 8T76). She types the division's proposed budget (7T45-7T46; 8T64) 8T57) and all of the department's personnel action requests for submission to the

^{31/} This title was petitioned for as being in the Engineering Department (Cm-1).

^{32/} In July 1993, Spumberg's title was changed from maintenance assistant, a title in the Association's bargaining unit to Office Manager, a confidential position (7T6; 8T53). The Authority excluded Spumberg from the unit at that time. All aspects of her job have remained the same (6T69; 6T72; 7T6), except that her present job title reflects the duties that she has been performing (8T54).

commissioners (12T6-12T7). She types Walley's negotiations comments for submission to Bruzzichesi (8T69-8T62). She maintains the manpower board or magnetized table of organization for the department (8T71; 8T84). Spumberg has been asked to informally interview any department female employees who have complaints that do not rise to the level of sexual discrimination (8T62).^{33/}

Spumberg and Bruzzichesi's confidential secretary share the office space located between their boss' offices (8T81-8T82). Spumberg answers Bruzzichesi's phones daily from 4 pm to 4:30 pm (8T73; 8T80) and performs other tasks that he may give her (8T72; 8T81). On three or four occasions, Spumberg filled in when the regular replacement for Bruzzichesi's secretary was absent (7T6; 8T80). On those occasions, she typed and opened Bruzzichesi's mail, including mail marked confidential (8T70; 8T72; 12T11)

Three clerks report to Spumberg (7T5; 8T57; R-13; J-8b). She does not do formal evaluations for these employees (8T59). Spumberg can recommend to Walley that the clerks be disciplined, but she has never done this (8T58-8T59).

^{33/} Bruzzichesi and Spumberg stated that she does not investigate sexual harrassment cases (7T42; 8T63), which must be referred to the Authority's Equal Employment Office (7T64-66; P-2). Spumberg stated that female employees feel more comfortable talking to another woman about their concerns (8T62). She has delt with two complaints; one involved overwork and the other concerned the need for a bathroom key (8T60).

Administrative Assistant

There are two Administrative Assistants in the roadway division: Thomas Benti (northern section) (8T2) and Edward Kolocwiz (southern section) (7T12). They report to division head Robert Geberth (J-8E north and J-8E south; 7T12). Administrative Assistant George Tenza is in the building division and reports to that division's head, Brian Cambel (J-8D; 6T67; 7T12). The Administrative Assistants supervise clerks represented by Local 194 (6T68; 7T12-7T13; 8T13-8T14).

All of the Administrative Assistants perform the same duties, although Benti has more responsibilities for his division's budget (6T72; 7T20-7T21; 7T75).^{34/} The Administrative Assistants supervise and perform administrative and office functions for the their division directors (R-14; 8T4), such as typing, or proofreading a clerk's typing of purchase orders, disciplinary notices (DA-1 form) and performance evaluations (8T20; 8T24; 8T32; 8T42; P-3). They prepare information on materiel and salaries for the division's annual recommended budget (8T5; 8T44).

ANALYSISOffice Manager

The Authority argues that Spumberg should be excluded from the unit because she has access to confidential materials and is involved in disciplinary decisions. There are no facts in the record to indicate that Spumberg does more than retrieve files for

^{34/} The Association relies on Benti's testimony as representative of the duties performed by Kolwicz and Tenza.

Bruzzechesi on those occasions she is acting as his secretary (8T74; 12T10). Access to files by itself is not indicative of confidential status. See Montague Tp. Bd. of Ed., supra.

The Authority asserts that Spumberg handles sexual harassment complaints from female employees. The testimony is clear that Spumberg's involvement with these matters did not rise to the level of an investigation. Her role is to provide an empathetic ear; serious matters would be referred immediately to Walley (8T67) and the matter would proceed under the Authority's guidelines for investigating sexual harassment complaints.

The Authority contends that because Spumberg types the division's recommended budget and has knowledge of the department's negotiations proposals, she is privy to negotiations information. The salary information contained in the department's recommended budget is a projection and does not represent the Authority's final negotiations offer. An employee with knowledge of budget information which is not specifically relevant to an employer's bargaining position is not confidential. Orange Tp., D.R. No. 85-23, 11 NJPER 317, (¶16115 1985).

Once or twice, Spumberg typed contract comments (8T61) and recently she saw a memo marked confidential, from Geberth to Walley, setting out suggested changes to the contract between the Authority and the Association (11T11; 12T17).^{35/} Each department prepares

^{35/} The memo, dated January 14, 1994, was marked for identification only as R-28. It was used to refresh witnesses' memories and not offered into evidence.

contract proposals (7T30; 9T12; 9T53; 9T63; 9T71; 13T48). These proposals, such as Geberth's submission to Wally, are "wish lists," subject to review and modification by the negotiations team and by Chief Engineer Wallace Grant and Executive Director John Watson (9T52).^{36/} Knowledge of the proposals made in preparation for collective negotiations does not give Spumberg advance information of the Authority's key proposals and negotiation strategies as they relate to the maintenance department.

However, Walley and Bruzzechesi have discussed proposed disciplinary action with Spumberg, and have asked her for her opinion (8T77; 8T75; 8T83; 8T84). Knowledge of the employer's disciplinary decision before it is formally adopted and issued to the grievant will make an employee confidential. Sayreville Bd. of Ed., P.E.R.C. No. 88-109, 14 NJPER 341 (¶19129 1988); State of New Jersey (Div. of State Police), D.R. No. 84-9, 9 NJPER 613 (¶14262 1983) In addition, Spumberg has opened and read confidential mail from the Authority's outside labor counsel when she was filling in for Bruzzechesi's secretary (12T11-12T12). See Cliffside Park Bd. of Ed., P.E.R.C. No. 88-108, 14 NJPER 339 (¶19128 1988). Therefore, I find that Spumberg is a confidential employee.

^{36/} This is in contrast to the last stage in negotiations when the commissioners have determined the Authority's final offer (9T68). At this point, Grant, Watson and the negotiations teams members write out, rather than have typed, their negotiations notes to ensure confidentiality (9T54; 9T62-9T63).

Administrative Assistant

The Authority contends that the Administrative Assistants are confidential employees because they prepare negotiations materials. Benti does not do salary projections for negotiations (8T46; 8T51). He does prepare figures for the salary line item of the division's recommended budget (8T6; 8T44). These amounts are projections, subject to change when contract negotiations are completed (8T47). (See analysis for the Office Manager, supra.) Benti has projected salaries for use in a report requesting additional staff (11T6). Knowledge of the department's staffing requests, by itself, does not give Benti information on the Authority's negotiations strategy or what its ultimate offer will be negotiations.

Benti attends staff meetings and takes minutes when negotiations preparations are discussed; and then either types or proofreads the proposals which are submitted to Bruzzechesi (7T21-7T22; 11T20-11T21; 11T24-11T25).^{37/} Benti's involvement with negotiations is limited to these preliminary preparations at the division level (8T7; 11T26). There is no evidence that he knows the Authority's negotiations positions before they are disclosed to

^{37/} On January 14, 1994, Benti typed Geberth's proposed changes to the Association's agreement and sent them, marked confidential, to Walley, head of the division of administration (11T11-11T12). The proposals were marked as R-28 for identification purposes only and used to refresh Benti's memory.

the unions.^{38/} I find that the administrative assistants are not involved in preparing or reviewing negotiations documents that reveal the Authority's final negotiations position.

Finally, the Authority argues that Administrative Assistants are confidential because they are involved in contract administration and the handling of grievances. Benti types or proofreads notices of discipline, a DA-1 form (P-3), which contains a statement of disciplinary charges (8T34). The DA-1 form must be signed off by the employee's supervisor, Bruzzechesi and the director of human resources before it is served on the employee and distributed to the union representative (P-3; 7T81; 8T36; 11T8). Benti may retype the DA-1 if changes are necessary (8T27-8T28; 8T42), thereby delaying final service of the DA-1 to the employee and the union, sometimes for days (8T31).^{39/} Timing of the distribution of a final decision to discipline is important in determining confidential status. If the employee has sufficient advance knowledge of a final disciplinary decision to be able to

38/ There was extensive testimony from Benti that he is not privy to everything Geberth is involved in. Benti does not participate in other discussions among Geberth and his immediate staff concerning negotiations (11T25). Benti does not do all of Geberth's typing, Some typing is done by Bruzzechesi's confidential secretary or by Kolwicz, the administrative assistant for the division's southern section (8T48; 8T52). Benti does not open Geberth's confidential mail (11T13; 11T16; 11T18).

39/ Geberth makes changes within a day (8T29; 8T30); however, changes made at Bruzzechesi's level may involve more time (8T31)

forewarn the union, that employee will be considered confidential. Sayverville Bd. of Ed., supra, Twp. of Aberdeen P.E.R.C. No. 88-95, 14 NJPER 315 (¶19114 1988). Based upon these circumstances, I find the Administrative Assistants to be confidential.

RECOMMENDATIONS

I recommend that the Commission find the Office Manager, Marilyn Spumberg, and the Administrative Assistants, Thomas Benti, George Tenza and Edward Kolowizc, are confidential employee who must be excluded from the existing unit.

ENGINEERING DEPARTMENT

The Association has petitioned for the following titles:

Assistant Construction Supervisor (John Fisher, William Applegate, Frank DiPersio)
 Assistant Project Supervisor (Anna Tatoris, Robert Eggert, Frank Corso)
 Bid Supervisor (Catherine Marino)
 Engineering Assistant (Raphael Bustos, John Hedden)
 File Room Supervisor (Joanne Rizzo)^{40/}
 Engineer I (Structural) (Peter Mwanza)^{41/}

Wallace Grant, the Chief Engineer, is the Director of the engineering department (9T5). As Chief Engineer, Grant is also responsible for the departments of operations, maintenance and tolls (9T11). The engineering department is organized into five sections, each headed by a supervising engineer: Hans Steinbeis in Bridges,

^{40/} The Association amended the petition on the record to include this title (9T66).

^{41/} The Association amended the petition on the record to include this title (9T3).

Stanley Wisniewski in administration, John Kessker in planning, John Veni in facilities, and John Kunna in highways (9T7) The Supervising Engineers report to Arthur Linfante, Senior Engineer (R-18).

Chief Engineer Grant plays a key role in negotiations (9T11-9T12). Grant and the Executive Director work with the negotiations team in developing the Authority's proposals and strategy (9T57; 9T69; 9T71).

Assistant Project Supervisor

Robert Eggert and Frank Corso report to Supervising Engineer Hans Steinbeis in the bridges section (R-18). Eggert and Corso assist Steinbeis on large construction projects. They are also the lead persons on other, smaller contracts from outside consultants concerning bridge maintenance and repairs (9T20-9T21; 9T38; 11T128-11T129), which they prepare and review (10T5; 14T132; 14T144).

Anna Tatoris works in a two person unit within planning (9T74; 11T178; R-18). She reports to Supervising Engineer John Kessler (R-18). Tatoris is responsible for reviewing and processing all applications from municipalities seeking access to Authority property with utility lines (9T73; 11T178-11T179).

Assistant Construction Supervisors

John Fisher and William Applegate are in the facilities section. They report to Brian Meara, Project Engineer, who reports to the head of facilities, Supervising Engineer Joseph Veni (10T34;

11T54; R-18). Fisher is responsible for supervising the construction done on heating and air conditioning systems in Authority buildings (10T35). Applegate supervises repair and maintenance projects for all Authority buildings, including toll plaza facilities (11T63-11T64). Frank DiPerso is in bridges. He reports to Supervising Engineer Hans Steinbeis (11T82) and is responsible for substructural repairs to bridges (11T81; 11T86; R-21).

Fisher, DiPersio and Applegate work together on survey teams (10T44-10T45; 11T99-11T100; 11T107). The survey team designates which member among them will be the "chief of party," or the lead man (10T37-10T38; 11T107).

File Room Supervisor

Joanne Rizzo, file room supervisor in the administration section reports to the chief draftsman, John Ferrandino (10T66; R-18). Rizzo is responsible for records retention (e.g., coding, filing and retrieving) of documents kept in the engineering department (10T67; 10T70). She supervises a file clerk and a senior file clerk (9T65; 10T67; R-18). Rizzo assigns them work and has completed a written evaluation on a probationary employee (10T69; 10T71).

Bid Supervisor

Bid Supervisor Catherine Marino reports to John Kessler, a Supervising Engineer in planning (11T29; R-18). She works in a three person office near the Authority's main administration

building (11T48), along with Project Engineer Jim Dougherty (11T32) and a secretary, Jane Pietraszka (11T30). Marino is responsible for processing bid documents submitted by consultants and contractors (R-22), including preparing bid summaries and reviewing bid opening lists (11T31). She and Dougherty give work to Pietraszka (11T30; 11T32).

Engineering Assistant
Engineer I

Chief Engineer Grant stated that the Engineering Assistant title is not supervisory (9T28). Bustos reports to Assistant Project Supervisor Anna Tatoris. He has no subordinates (11T178; R-18).^{42/}

Engineer I is a recently created title in the bridges section (9T33; R-8). Peter Mwanza reports to project engineer Scott Johnson (14T66). He is presently assigned to assist DiPersio on a temporary basis (14T60). He has no subordinates.

ANALYSIS

Assistant Project Supervisor

The Authority asserts that the Assistant Project Supervisor is not a supervisory title. Eggert and Corso in the bridges section are primarily responsible for projects, beginning with their development through to construction. To that end, they supervise and report on the work of consulting engineers and contractors who

^{42/} The Association chose not to present the testimony of the other engineering assistants.

design and construct a project (9T20-9T21; 10T5; 10T10; 11T129; 14T59).

I find that Eggert and Corso do not supervise Authority employees. Corso occasionally gives work to a draftsman (11T140-11T141), over whom he has no supervisory authority (11T148). Eggert's supervision of temporary summer help ceased in 1992 (10T6; 10T9; 14T57). Eggert and Steinbeis indicated that if summer help is hired again it will be assigned to Frank DiPersio, an Assistant Construction Supervisor (10T25; 11T81; 14T60). Supervision must be exercised with some regularity. See Somerset Cty. Guidance Ctr., D.R. No. 77-44, 2 NJPER 358 (1976).^{43/}

Eggert and Corso testified that they "supervised" Assistant Construction Supervisor DiPersio. Eggert indicated that he supervises most of DiPersio's work (10T27); Corso stated that for 30% to 40% of his time (when he is the lead person on a project) he also supervises DiPersio (11T131). Eggert, Corso and DiPersio, along with Peter Mwanza, Engineer I and Scott Johnson, Project Engineer, are in the design project and development group under Steinbeis (R-18; 14T66; 14T67). Eggert, Corso and DiPersio work together on projects as a team (10T12; 10T22; 10T23; 11T116; 11T131; 11T135; 11T82). Eggert and Corso "prepare the job in the office"

^{43/} Directing the work of summer help is not indicative of supervisory status. Effectively recommending the hiring, firing or disciplining of these employees is. See Boro. of Edgewater, D.R. No. 92-27, 18 NJPER 230, (¶23103 1992). There is no evidence that Eggert or Corso have regularly done this.

(11T110; 11T129) and pass it on to DiPersio (10T15; 11T109; 11T111; 11T112), who supervises the construction being completed in the field by contractors (10T15). DiPersio reports back on the progress of a project to either Corso (11T132; 11T133), Eggert (10T16) or Steinbeis, depending on who the lead person is (11T113-11T114).

I find that Eggert or Corso do not supervise DiPersio. Eggert and Corso are identified as the lead person on a project from design to construction (11T116; 11T153; 11T154; 14T56). Steinbeis assigns DiPersio's work (11T138; 14T57) and does not seek input from Eggert or Corso when doing DiPersio's performance evaluation (10T19-10T20; 10T31; 11T136; 14T59)^{44/} Steinbeis, not Eggert or Corso, would discipline DiPersio, if a problem should arise (10T21; 11T139). Acting in a lead capacity, overseeing and directing the work of other employees does not make an employee a supervisor within the meaning of the Act. Hackensack Bd. of Ed., P.E.R.C. No. 85-59, 11 NJPER 21 (¶16010 1985); Union Cty. Bd. of Soc. Services, D.R. No. 87-29, 13 NJPER 509 (¶18190 1995).

I also find that Tatoris, in the permit and licensing section of planning, is not a supervisor. She works with Raphael Bustos, an Engineering Assistant (11T156; R-18), who processes

^{44/} Steinbeis casually asked Eggert about DiPersio's performance "awhile ago." (10T19). Eggert further testified that he does not get involved in DiPersio's evaluation and that Steinbeis asks him about DiPersio "whenever he feels like it" (10T31). The informal nature of the inquires persuades me that Steinbeis did not need Eggert's input in order to complete an evaluation of DiPersio.

internal comments on applications for construction permits and wetland permits (11T157). Tatoris assigns (9T84; 11T159; 11T161) and reviews Bustos' work (9T75; 11T161; 11T166-11T167), but she does not do his evaluation (9T75; 11T179). Overseeing the work product of another employee is not dispositive of supervisory status. Cty of Middlesex, D.R. No. 79-8, 4 NJPER 396 (¶4178 1978). However, Supervising Engineer Kessler has told Tatoris that she will do Bustos' written evaluation in the future (9T96; 11T179; 11T180). The power to evaluate may indicate supervisory authority. Emerson Bd. of Ed., supra. If Tatoris assumes the responsibility of formally evaluating Bustos in the future, the Association may file a Clarification of Unit petition at that time.

Assistant Construction Supervisor

The Authority asserts that the Assistant Construction Supervisor title is not supervisory. During the construction season, the Assistant Construction Supervisors, Fisher, Applegate and DiPersio, are in the field supervising the work of contractors (10T35; 11T53; 11T89).^{45/} Depending on the number of projects under construction, Fisher, Applegate and DiPersio are assigned summer help or part-time employees to assist them (10T25; 10T36-10T37; 10T44; 10T53; 11T52; 11T57; 11T61; 11T81; 11T92). During the 1994 summer construction period, Fisher spent approximately 60% of his time supervising a part-time Engineering

^{45/} Most of the Authority's construction work is done between April and November, weather permitting (14T63; 11T105; 10T7).

Assistant (10T37; 10T41; 10T57; 10T64) and will be assigned a summer assistant in 1995 (10T60). Applegate also supervised a summer assistant (11T56), but does not know if he will have any help for the construction season in 1995 (11T70). Because of the nature of his job, DiPersio usually works with an assistant (11T89): Bridge construction sites are located all along the turnpike (11T102), and when DiPersio is on and under a bridge structure, he needs a "spotter" (11T89-11T90). DiPersio is presently supervising Engineer I, Peter Mwanza, for a period of six months (14T60) because summer help was not available (10T25).

Fisher and Applegate are asked by their supervisors to give verbal evaluations of the assistants assigned to them (10T40; 10T50; 11T73). Fisher was asked to verbally evaluate a summer assistant who was then hired as his part-time assistant. Recently, Fisher was again asked for his opinion of this employee for promotion to a full-time position (10T40). DiPersio commented extensively to Steinbeis on Robert Eggert's performance before he was promoted from Engineer I to Assistant Project Assistant three years ago (11T84-11T85). He expects to give Steinbeis the same input on Mwanza (11T82).

I find that Assistant Construction Supervisors are not supervisors under the Act. Supervisory authority must be exercised regularly. Fisher and Applegate are assigned assistants, if their work load dictates help and if it is available. Of the two, Fisher has worked consistently with summer help. DiPersio, who usually

works with an assistant, is working with a full time employee, Engineer I Peter Mwanza, because summer help could not be hired before the start of the construction season. Therefore, of the three Assistant Construction Supervisors, Fisher and DiPersio are regularly directing the work of assistants during the construction season.

However, there is no evidence that Fisher and DiPersio are effectively recommending hiring or otherwise acting as supervisors withing the meaning of the Act. Fisher and DiPersio provide verbal evaluations of their assistants' performance to their supervisors. But Fisher could not say that the part-time employee he recommended for a full-time position would be hired (10T40). There is no confirmation in the record that Fisher's verbal recommendation was the basis for hiring this employee into a part-time position when he was a summer helper. DiPersio will give his appraisal of Mwanza to Johnson, but Johnson will continue to assign Mwanza's work and will do his formal evaluation (14T68).

File Room Supervisor

The Authority argues that Rizzo is not a supervisory employee. Rizzo's title was recently recreated. When the engineering department was reorganized in 1991 (9T7), the position of File Room Supervisor was eliminated. Within two years, Grant and Ferrandino decided that the file room could not be managed without an immediate supervisor. In order to provide that supervision, the former title, File Room Supervisor, was recreated (9T64-9T65), with new duties (9T64).

Rizzo directs the work of the two employees under her. She is expected to report any disciplinary problems that arise to her supervisor, Ferrandino (10T73). She has completed a written performance evaluation of a probationary employee and will evaluate the clerks for promotions (10T70). Therefore, I find that Rizzo is a supervisor.

Bid Supervisor

The Authority asserts that Marino is not a supervisor. There is no evidence that Marino has any supervisory authority over Pietraszka. Pietraszka recently transferred into the secretary's position (11T34). Kessler did Pietraszka's probationary performance evaluation without asking Marino for her input (11T37). In a recent conversation with Chief Engineer Grant, Marino had told him that Pietraszka was performing well (11T31; 11T45). This information was volunteered, however, and does not constitute evidence that Marino makes effective recommendations on Pietraszka's evaluation.

Engineering Assistant Engineer I

There is no evidence on the record that either of these titles supervises other employees. Therefore, I find that they are not supervisors.

RECOMMENDATIONS

I recommend that the Commission find the following titles to be non-supervisory and inappropriate for inclusion in the existing unit:

Assistant Construction Supervisor (John Fisher, William Applegate, Frank DiPersio)

Assistant Project Supervisor (Anna Tatoris, Robert Eggert, Frank Corso)
Bid Supervisor (Catherine Marino)
Engineering Assistant (Raphael Bustos, John Hedden)
Engineer I (Structural) (Peter Mwanza)

I also recommend that the Commission find that the File Room Supervisor, Joanne Rizzo, is a supervisor and appropriate for inclusion in the unit.

Finance and Budget Department

The Association has petitioned for the following titles:

Assistant Payroll Supervisor (Marilyn Barwick)
Payroll Supervisor (Susan Sahli)
Receipts Supervisor (Joanne Cannella)
Credit and Collections Supervisor (Barbara Demetski)
Disbursement Supervisor (Diane Titus)
Assistant Disbursement Supervisor (Karen Higgins)
Budget Coordinator (Susan Intromasso)
Audit Operations Supervisor (John Pagliarulo)
Assistant Auditor (Kevin Langon)
Supervisor Ticket Process

Comptroller Catherine Schladebeck is the Director of the department of finance and budget. Reporting to Schladebeck are the Assistant Comptroller of revenues and administration, Cindy Ziegler and Assistant Comptroller for budget and expenses, Pam Varga (R-29). Schladebeck is responsible for all the financial activities of the Authority, including developing its annual budget, managing the payroll, disbursing invoices, conducting internal audits and participating in the planning and financing of capital projects (12T23-12T24; 12T36).

The department is organized into six units: payroll and cash management under Assistant Comptroller Zeigler; capital

programs and disbursement under Manager Dale Jones; and general accounts, toll audits and internal audits under Assistant Comptroller Varga (R-29).

The Finance and Budget Department's Role in
Collective Negotiations and Budget Preparations

Schladebeck is involved in the Authority's labor negotiations process from the beginning. As soon as a union submits its initial demands to the Authority, Schladebeck prepares an analysis of the demands' economic impact on the Authority (12T119-12T120; 13T13-13T14; 13T48). She submits this report to the negotiations team, along with each department's appraisal of the demands and thier suggested proposals for changes to the agreement (7T21-7T22; 13T18; 13T19; 13T48).

Schladebeck is kept informed of the progress of negotiations (12T110). The negotiations team asks her to do cost projections or recalculations of economic proposals (12T117; 12T122; 13T38; 13T49). She assigns specific cost projections to the Managers or the Supervisors of either payroll or general accounting: payroll costs out demands affecting salary (medical, uniform or car allowances) (13T14; 13T18; 14T50), whereas general accounting calculates payroll and other costs (e.g., vehicle purchase) (13T17; 13T19; 13T89). She puts the information together and reports back, either verbally or in writing, to the negotiations

team (12T123; 13T14; 13T19).^{46/} The negotiations team tells Schladebeck what the Authority's final offer is (12T118; 13T51).

For a fiscal year during which negotiated agreements have expired, Schladebeck recommends to the Executive Director the percent increases to be used to calculate the salary for the Authority's proposed annual budget (12T126; 12T127).^{47/} After the executive director determines what percents are to be applied to salaries, the general accounting unit calculates the salary and benefits for each departmental budget (12T3; 13T40) and prepares the the Authority's proposed budget (13T96).

Payroll Supervisor
Payroll Assistant Supervisor

The payroll unit under Assistant Comptroller Ziegler is responsible for the payroll, all payroll deductions and income benefits (13T65). The Manager of payroll is Marilyn Bobertz. Reporting to Bobertz is Susan Sahli, Payroll Supervisor (13T8; R-29). Sahli's primary responsibility is to prove the payroll (13T58). She also ensures that payroll records are maintained and

^{46/} Occasionally, the negotiating team has requested the Assistant Comptroller of budgeting and expenses, Pam Varga, to cost out a proposal (12T122). Varga will either do the calculations herself or give the assignment to one of her subordinates. Varga delivers the final report to the negotiations team (12T124).

^{47/} Different percentages are used for the different employee categories: The categories are Local 194 bargaining unit members, Association bargaining unit members and other unrepresented employees and/or "management" (13T93).

that reports on payroll allowances for meal and uniform, used benefit time and insurance and pension deductions are prepared in accordance with applicable negotiated agreements (12T27; 12T79; 13T55-13T56; 13T65). During negotiations, either Zeigler or Bobertz will ask Sahli to prepare salary projections (13T56; 13T57; 13T72).

Sahli fills in as manager six week per year when Bobertz is on vacation or whenever she is sick. When she is acting Manager, Sahli is expected to assume all of Bobertz's responsibilities, including meting out discipline (12T55; 13T66).

Reporting to Sahli is Margaret Barwick, Assistant Supervisor of payroll (13T8; 14T46; R-29). Sahli and Barwick daily review the work of the payroll clerks that report to Barwick (13T58; 14T41). Bobertz does formal performance evaluations of Sahli, Barwick and the payroll clerks (14T42).*@FNSahli testified that "they don't do evaluations on the unit" (13T60). However, Bobertz stated that she does evaluations (14T42). I credit the testimony of Bobertz, who is the manager of the unit and has completed written evaluations.@ Bobertz seeks verbal input from Sahli about Barwick and the clerks (13T59; 14T46). Sahli and Bobertz decide on the rotation of work assignments for the payroll clerks' (13T68). Bobertz recently followed Sahli's recommendation for correcting a disciplinary problem affecting the office (13T70-13T71).

Barwick, the Payroll Assistant Supervisor under Sahli, directs the daily work of six payroll clerks, giving out assignments and ensuring that they are completed. She has more of a "hands on"

relationship with the clerks than Sahli (13T58; 14T41); therefore, Bobertz asks Barwick as well as Sahli for input on the clerks' performance (14T42).

Throughout the life a negotiated agreement, Bobertz asks Barwick to compile information on the cost of negotiated benefits (14T43; 14T45). *@FNBobertz gives Barwick the assignments verbally unless the assignment is complicated, then Bobertz may show Barwick the request (14T51-14T52). @ Barwick may also do cost projections related to negotiations (13T15; 14T43) however, she is less likely to be asked to do this than Sahli (13T15).

Receipts Supervisor

Joanne Cannella, the receipts supervisor in the cash management unit, reports directly to the Assistant Comptroller Cathy Zeigler (12T81). She is responsible for maintaining accurate receipts records (R-35). She supervises a Junior Accountant, Marilee Garbowski (13T79) and does formal performance evaluations of her work (12T72; 12T81; 13T28). Cannella is not involved with negotiations or budget preparation (13T81).

Budget Coordinator

Susan Intromasso is the Budget Coordinator in the general accounting unit. She reports directly to the Assistant Comptroller, Pam Varga (13T88; R-28). Intromasso monitors expenditures under the current budget, prepares the Authority's proposed budget and completes financial reports and agenda (12T65; 13T21; 13T91; 13T92). She supervises an Assistant General Account Supervisor and

Junior Accountants (13T88). She assumes some of the duties of the Assistant Comptroller in her absence (12T81).

Supervisor Credit Collections

Barbara Demetski is the Supervisor of Credit Collections in the cash management unit (13T26; R-29). She is responsible for the Authority's charge accounts (13T117). She assigns and reviews the work of Annie Mann, a Junior Accountant who was recently transferred into credit collections (13T118; 13T122). Demetski has not done a formal evaluation of Mann (13T118).

Disbursements Supervisor

Assistant Disbursements Supervisor

Denise Titus, the Disbursement Supervisor in the capital program and disbursement unit, reports to Manager Dale Jones (13T6-13T7). Titus is responsible for paying invoices for goods and services performed, such as legal counsel (12T65-12T66; 13T7). She supervises Clerks, Accounts Clerks, a Disbursements Clerk and a recently appointed Assistant Disbursement Supervisor, Karen Higgins (12T67; 13T82; R-29). Titus has been directed to perform Higgin's formal evaluations (13T82), as well as informal evaluations "on a regular basis" (13T83). Higgins directs the daily work of the clerks and generally assists Titus and Jones (14T16).

Audit Operations Supervisor

John Pagliarulo, the Audit Operations Supervisor in the audit operations unit, reports directly to Manager, Renate Wachtler

(14T30; R-29).^{48/} Pagliarulo is responsible for compiling statistics, producing revenue reports and conducting audits for variances between the computerized tally of toll receipts and the receipt monies deposited in the bank (12T34; 14T32).

Pagliarulo supervises 12 employees: Audit Coordinators, Data Analysts and Senior Data Analysts (14T31; R-29). He is responsible for doing performance evaluations of these employees (14T32). He is not involved in the labor relations process (13T39).

Assistant Auditor

Kevin Langon, the Assistant Auditor, reports directly to the Internal Auditor in the internal audits unit (R-29).^{49/} He helps plan internal audits on the Authority's health and dental programs, car inventories, purchasing procedures and toll collections (13T103; 13T105; 13T109; 13T114). He also assists the Authority's external auditors with their audits (12T41). Two Junior Auditors report to Langon (R-29). He assigns and reviews their work and gives input to the Internal Auditor for their performance evaluations (12T51).

^{48/} Pagliarulo was recently appointed to this position, replacing Linda Reager (14T31).

^{49/} Langon is presently filling in as the acting Internal Auditor (13T103).

ANALYSISPayroll Supervisor

The Authority argues that Sahli is a confidential employee because she does salary projections for negotiations and is able to deduce the Authority's final offer. Sahli was one of four employees who worked on payroll issues (13T14): She, Bobertz and, to a lesser extent, Barwick gathered information and did projections as did Sue Intromasso, the Disbursements Supervisor in general accounting (13T92). Sahli was not told that she was working on negotiations reports (13T72); therefore, she could not tell whether she was preparing reports on union demands or proposals from the Authority (13T57; 13T73)^{50/} It was two months after she prepared one report that the Local 194 agreement was settled and it was a year and a half after she prepared a second report that the Association agreement was adopted (14T53-14T54). Because of this time lag, Sahli could not determine if the proposals she worked on had been accepted, rejected or modified (13T35; 14T51).^{51/} I find that Sahli cannot determine the Authority's negotiations strategy or its final offer.^{52/}

^{50/} Sahli figured that the reports she was working on were for negotiations because the parties were negotiating when she was asked to do the reports (13T72).

^{51/} Schladebeck concluded that it is not possible to deduce the Authority's final offer, even if an employee knew what the smallest percentage projected was (13T16; 13T53).

^{52/} See Tp. of Barnegat, supra. Compare Old Bridge Tp. Bd. of Ed., D.R. No. 82-17, 7 NJPER 639 (¶12287 1981), where an employee was found to be confidential who had prepared the employer's initial negotiation proposal and had advance knowledge of the employer's maximum salary proposal.

The Authority argues that Sahli is confidential because she testifies at grievance hearings on time chargeable to union business--noted as Code 7 and Code 8 on the payroll records. Schladebeck testified only the Sahli could be, not that she has been a witness (13T35). Presumably, her testimony would be limited to her role as custodian of the payroll records prepared for human resources, which includes Code 7 and Code 8 time charged to an employee (13T62-13T63). The Authority does not indicate how this kind of testimony would create a conflict of interest between of the performance of Sahli's duties and her membership in the bargaining unit.

The Authority asserts that Sahli is not a supervisory employee. Although Sahli is expected to impose discipline if needed when she is acting manager in Bobertz's absence, there is no evidence that she has done so. Bobertz recently followed Sahli's recommendation to remedy a disciplinary problem that involved the entire office. Supervisory authority must be exercised with some regularity. Mere possession of such authority is insufficient to sustain a claim of supervisory status. Hackensack Bd. of Ed., P.E.R.C. No. 85-59, 11 NJPER 21 (¶16010 1984).

Bobertz seeks Sahli's input for evaluations of Barwick, who recently assumed the title of assistant supervisor and was evaluated as a probationary employee. But Bobertz did the formal written evaluation. Effective recommendation may be found where an employee has the primary responsibility for evaluating employees and those

evaluations are instrumental in various personnel action, such as decisions to withhold increments. Paramus Bd. of Ed., supra. Sahli's contribution to Barwick's evaluation is more like a consultation with Bobertz than effective recommendation. Therefore, I find that Sahli is not a supervisor.

Assistant Supervisor Payroll

The Authority argues that Barwick is confidential. The record indicates that Barwick was less involved in preparing for negotiations than Sahli. Barwick cannot have more knowledge of the Authority's negotiations strategy than Sahli, whom I found not to be confidential. Therefore, I find that she is not a confidential employee.

The Authority objects that Barwick is not a supervisor. Sahli, rather than Barwick, is responsible for the administrative decisions that affect the unit. Therefore, I find that Barwick acts under the guidance of Sahli, in a lead capacity, directing the daily work of the clerks.

Receipts Supervisor

The Authority objected on the record to including the Receipts Supervisor on the basis of a supervisory conflict of interest with the Junior Account (13T80). However, the Association amended its petition on the record to withdraw this title (12T29). Instead, the Authority contends in its brief that Cannella is not a supervisory employee. Cannella has conducted formal evaluations of Garbowski. Conducting performance evaluations that affect

personnel decisions, such as pay increases, is indicia of supervision.^{53/}

Budget Coordinator

The Authority objected on the record that Intromasso is confidential (13T88). *@FNI note that the Association did not argue in its brief for the inclusion of the Budget Coordinator.@ Intromasso is given the percent used to figure salary and benefits costs for each department when the proposed budget is prepared (13T94; 13T101). This salary information only shared with department heads and is not part of the budget that is made public (13T25; 13T96).^{54/} In effect, in a fiscal year when negotiations are ongoing, Intromasso knows what the Authority's maximum offer would be. Knowing this and what cost projections were requested throughout negotiations (13T88), puts her in a unique position to be able to determine what the Authority's strategy is (13T52). See Old Bridge Tp. Bd of Ed., supra.

Supervisor Credit Collections

Demetski regularly assigns work to Mann. Although O'Connor, the head of the cash management, asked Demetski about Mann's performance (13T119), there is no evidence that O'Connor used the input for a formal evaluation of Mann. Acting in a lead capacity, overseeing and directing the work of another employee does

^{53/} See Emerson, supra.

^{54/} Salaries and benefits are reported in the public budget as a gross sum, not broken down by department (13T25; 13T26).

not make an employee a supervisor within the meaning of the Act. Hackensack Bd. of Ed., P.E.R.C. No. 85-59, 11 NJPER 21 (¶16010 1985).

Disbursements Supervisor
Assistant Disbursements Supervisor

Titus and Higgins do not work on the Authority's projected budget, nor are they involved in the negotiations process (13T8; 13T81-13T82). The Authority asserts that Titus and Higgins are confidential employees because they review the itemized bills or invoices from the Authority's labor counsel, which the Authority argues contain confidential labor relations information.

The bills from labor counsel give dates on which legal services were rendered, names of the Authority employees involved and brief descriptions of topics covered (13T87; 14T17; 14T27).^{55/} Time sheets may also be attached to the invoice (14T27). Titus and Jones testified that nothing listed on the invoices or the attachments reveal the substance of the legal advice given (13T87; 14T29). Without more, there is no evidence to support a finding that confidential information is contained in the invoices. Therefore, I find that Titus and Higgins are not confidential employees.

^{55/} Jones characterized a typical description as, "Prepare for negotiations with such and such" (14T21).

The Authority did not dispute Titus' supervisory status on the record. Rather, it argued that a conflict of interest would be created if Higgins if were to be included in the same supervisory unit with Titus (13T87-13T88). However, in its brief, the Authority argues for the first time that Titus was not a supervisor. The record is clear that Titus is responsible for formal and informal evaluations of Higgins. Formal evaluations, which determine salary increments, are done after six months and then after the first and second year of employment.^{56/} Therefore, I find that Titus is a supervisor.

I find that Higgins is not a supervisory employee. Higgins directs the daily work of the Clerks, but she does not have any supervisory responsibilities toward them. Jones does the evaluations of the Clerks (12T91).^{57/} Acting in a lead capacity, overseeing and directing the work of other employees is not indicative of supervisory status. Hackensack Bd. of Ed., supra.

Audit Operations Supervisor

The Authority argues that John Pagliarulo, the Audit Operations Supervisor, is not a supervisor. Wachtler, Pagliarulo's supervisor, testified unequivocally that he performs evaluations. Based on this unrefuted testimony, I find that Pagliarulo is a supervisor.

^{56/} See Emerson, supra.

^{57/} Jones stated that Higgins assists him and Titus (14T16). But Higgins is new to this position whereas Titus has been the title for two years (13T6). Therefore, I conclude that Higgins is not in a position to give effective input to Jones.

I do not find that Pagliarulo's placement in the bargaining unit would create a conflict of interest with Toll Plaza Supervisors, who are members of the unit. The audits conducted by Pagliarulo's unit may result in the discipline of a Toll Plaza Supervisor if fraud or any other problem were detected (14T33). In considering whether a conflict of interest exists between supervisors, warranting excluding one of the supervisory titles from the unit, the Commission will look at only actual or substantial potential conflict. State v. Professional Ass'n. of N.J. Dept. of Ed., 64 N.J. 231 (1974).

There has never been an instance of a Toll Plaza Supervisor being investigated (14T35). Further, Pagliarulo does not have the authority to make effective recommendations for discipline. Any recommendations made by Pagliarulo would be subject to review by his supervisor, Watchtler, who would make her own determination whether the matter should be reported to Burke, Director of tolls (14T34). Director Burke, in turn, independently decides to discipline employees in his department (13T114). Therefore, the evidence does not demonstrate that including the Audit Operations Supervisor in the existing unit would create an actual or potential conflict of interest with other supervisors in the unit.

Assistant Auditor

The Authority argues in its brief that Langon is not a supervisor. Neither party examined Langon as to his supervisory duties, because the Authority's stated objection on the record was

that the Assistant Auditor was a confidential title (13T103). There is no evidence to support the Authority's objection. Therefore, based upon the record evidence, I find that Langon is a supervisor.

Langon's unit conducts periodic on-site audits of Toll Collectors and of a plaza's impress fund (13T114; 13T115). Langon, like Pagliarulo, would recommend discipline if the audit revealed a serious error that implicated a Toll Plaza Supervisor (13T112). I find, as I found with Pagliarulo, that placing Langon in the existing unit would not put him in an actual or potential conflict of interest with Toll Plaza Supervisors. (See analysis of Audit Operations Supervisor above.) In three years, after conducting approximately 85 audits, Langon has never recommended discipline. Further, Langon's recommendations would be subject to the same review by toll's Director Burke as would Pagliarulo's recommendations. Tolls conducts their own audit investigations (13T116 and see analysis of Accounts Supervisor and Toll Audit Supervisor, above). Director Burk then makes a decision to discipline based upon his own review (13T114). Therefore, I find that no substantial actual or potential conflict of interest exists between Langon and the toll plaza supervisors.

The Authority argues that Langon is a confidential employee because internal audit reports produced by his unit are labeled "confidential" and submitted directly to the Comptroller (13T105; 13T106) or to Director Burke (13T114). A finding of confidential status is based on the responsibilities and knowledge of the

employee, not on labels bestowed by the employer. There is no record evidence to indicate that Langon has knowledge of confidential labor relations information because of the audits preformed by his units. He is not involved in the proposed budget process or the Authority's negotiations (13T104). Therefore, I find that the assistant auditor, Kevin Langon, is not confidential.

Supervisor Ticket Process

Neither party offered any testimony or documents in the record on this title. In the absence of record evidence, I cannot render a finding.^{58/}

RECOMMENDATIONS

I recommend that the Commission find that the Budget Coordinator, Susan Intromasso, is confidential and not appropriate for inclusion in the existing unit.

I recommend that the Commission find that the following titles are not supervisors and that they are excluded from the existing unit:

Payroll Supervisor (Susan Sahli)
Payroll Assistant Supervisor (Margaret Barwick)
Assistant Disbursements Supervisor (Karen Higgins)

I also recommend that the Commission find the following titles are supervisors and appropriate for inclusion in the existing unit:

^{58/} If the Association wishes to represent this title, the Supervisor Ticket Process may participate in the election by casting a challenge ballot.

Receipts Supervisor (Joan Cannella)
Disbursements Supervisor (Denise Titus)
Audit Operations Supervisor (John Paglarulo)
Assistant Auditor (Kevin Langon)

RECOMMENDATIONS

I recommend that the Commission find the following titles are not supervisory within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. and must be excluded from the proposed unit:

Administrative Services and Technology

Microprocessor Prototype Analyst (Alan Zehnbauer)
Telecommunications Supervisor (Deanna Berardi)
Motor Pool Fleet Supervisor (John Nabel)

Engineering

Assistant Construction Supervisor (Anna Tatoris, Robert Eggert, Frank Corso)
Assistant Project Supervisor (John Fisher, William Applegate, Frank DiPerso)
Bid Supervisor (Catherine Marino)
Engineering Assistant (Raphael Bustos, John Hedden)
Engineer I/Structural (Peter Mwanza)

Finance and Budget

Payroll Supervisor (Susan Sahli)
Payroll Assistant Supervisor (Margaret Barwick)
Credit and Collection Supervisor (Barbara Demetski)
Assistant Supervisor Disbursement (Karen Higgins)

Tolls

Accounts Supervisor (Joseph Cervone)
Toll Audit Supervisor (Lenard Blaska)

I also recommend that the Commission find these titles to be inappropriate for inclusion in the existing unit because they are filled by confidential employees within the meaning of N.J.S.A.

34:13A-3(g):

Maintenance

Office Manager (Marilyn Spumberg)
Division Administrative Assistant (Thomas Benti, George
Tenza, Edward Kolwicz)

Finanace and Budget

Budget Coordinator (Sue Intromasso)

I recommend that the Commission order an election among the following supervisory titles to be added to an existing unit of primary level supervisors represented for the purposes of collective negotiations by the New Jersey Turnpike Supervisors Association.

Those titles eligible to vote:

Administrative Services and Technology Department

Computer Operations Supervisor (Joan Chupka)
Purchasing Manager (Nancy Weldon)
Stock Control Supervisor (R. Bellhoff)
Office Services Supervisor (M. Sahli)
Supervisor Ticket Supply (B. Schurr)
Purchasing Coordinator (J. Woodly)

Engineering Department

File Room Supervisor (Joanne Rizzo)

Finance and Budget

Assistant Auditor (Kevin Langon)
Audit Operations Supervisor (John Pagliarulo)
Disbursement Supervisor (Denise Titus)
Receipts Supervisor (Joanne Cannella)


Operations Department

Shift Supervisor (L. Jackson, R. Corso, P. Migut,
D. Mulvey, R. Schneider)
Administrative Assistant/State Police (Robert Miles)
Traffic Control Supervisor (G. Glasi, J. Giordano,
S. Lewis, R. Vanderstine)
Trailblazer Supervisor (J. Buckley)
Emergency Services Supervisor (R. DeSena, D. DiPaolo)

Public Affairs

Manager Highway Radio (Diana Chierchie)

Those excluded are all employees represented in other negotiations units, managerial executives, confidential employees, craft employees, police, firefighters and nonsupervisory employees.


Ilse E. Goldfarb
Hearing Officer

DATED: August 28, 1995
Trenton, New Jersey

APPENDIX A
PETITIONED-FOR TITLES

Administrative Services and Technology Department

Computer Operations Supervisor
Telecommunications Supervisor
Purchasing Manager
Stock Control Supervisor
Motor Pool Fleet Supervisor
Office Services Supervisor
Ticket Supply Supervisor
Purchasing Coodinator
Microprocessor Prototype Analyst^{59/}

Engineering Department

Assistant Construction Supervisor
Assistant Project Supervisor
Bid Supervisor
Engineering Assistant
Engineer I^{60/}
File Room Supervisor^{61/}

Finance and Budget Department

Payroll Supervisor
Payroll Assistant Supervisor
Assistant Auditor
Coordinator Budget and Finance
Credit and Collections Supervisor
Audit Operations Supervisor
Disbursement Supervisor
Disbursement Assistant Supervisor
Receipts Supervisor
Supervisor Ticket Process

Maintenance Department

Division Administrative Assistant
Office Manager

^{59/} Petition amendment at 5T22; 6T46.

^{60/} Petition amendment at 9T3.

^{61/} Petition amendment at 9T66.

Operations Department

Shift Supervisor
Administrative Assistant/State Police
Traffic Control Supervisor
Trailblazer Supervisor
Emergency Services Supervisor

Tolls Department

Accounts Supervisor
Toll Audit Supervisor

Public Affairs Department

Manager Highway Advisory Radio^{62/}

^{62/} Petition admendment at 1T8.

APPENDIX B
WITHDRAWN TITLES^{63/}

Administration

Confidential Secretary (6T45)
Archivist (6T45)

Administrative Services and Technology Department

Confidential Secretary (5T60)
Data Base Coordinator (6T46)
All-in-one Coordinator (6T46)
Programming Projects Leader/Microprocessor Project Leader (5T31)
Assistant Construction Supervisor (6T46)
Administrative Purchasing and Office Services Secretary (6T46)

Engineering Department

Administrative Secretary (10T86)
Confidential Secretary (10T92)
Project Tracking Coordinator (10T92)

Finance and Budget Department

Junior Accountant (12T29)
Administrative Coordinator (13T4)
Confidential Secretary (12T29)
Assistant Claims Supervisor (13T4)
Claims Supervisor (13T4)
Toll Audit Coordinator (12T29)
Assistant Supervisor General Accounts (12T29)
Junior Auditor (12T29)

Human Resources Department

Human Resources Program and Training Manager (9T2-9T3)
Senior Nurse (9T2-9T3)
Confidential Secretary (9T2-9T3)
Pension Coordinator (9T2-9T3)
Assistant Employment Manager (9T2-9T3)
Human Resources Office Manager (9T2-9T3)
Administrative Assistant Human Resources (9T2-9T3)
Nurse (9T2-9T3)
Assistant Claims Supervisor Workmans Compensation (9T2-9T3)

^{63/} Transcript citation refers to an petition amendment on the record withdrawing a title.

Law Department

Legal Archivist (9T3)
Administrative Assistant, Risk Management (9T3)
Law File Room Supervisor (9T3)
Litigation Claims Specialist (9T3)
Confidential Secretary (9T3)

Maintenance Department

Confidential Secretary ((6T80)

Operations Department

Confidential Secretary (3T89; 3T103)
Multi-media Communications Specialist (2T69)

Public Affairs Department

Confidential Secretary (2T69)
Photographer/Photo Editor (1T55)