

D.R. NO. 87-15

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

In the Matter of

MONROE TOWNSHIP,

Public Employer,

-and-

DOCKET NO. CU-87-8

TEAMTERS LOCAL NO. 11,

Petitioner.

SYNOPSIS

The Director of Representation clarifies out the Secretary to the Chief of Police of Monroe Township of the unit of blue and white collar employees employed by Monroe Township. On the basis of the Secretary's duties, which include handling confidential labor relations materials on behalf of the Chief, the Director finds that this position is confidential, and accordingly may not be represented in any collective negotiations unit under N.J.S.A. 34:13A-3(d) and (g).

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Appearances:

For the Public Employer  
Mark S. Ruderman, Esq.

For the Employee Organization  
Schneider, Cohen, Solomon, Leder & Montalbano, Esqs.  
(Bruce D. Leder, of counsel)

DECISION

On September 15, 1986, Monroe Township ("Township") filed a Petition for Clarification of Unit (CU-87-8) with the Public Employment Relations Commission ("Commission") seeking to clarify the negotiations unit of all blue collar and white collar employees presently represented by Teamsters Local Union #11 ("Local 11") as excluding the Secretary to the Chief of Police. The Township asserts that the title is confidential within the meaning of the New

Jersey Employer-Employee Relations Act, specifically N.J.S.A.  
34:13A-3(g).<sup>1/</sup>

Local #11 disputes the attempted exclusion of the title from the unit.

There are no substantial and material factual issues presented herein which would warrant the convening of an evidentiary hearing. Accordingly, this determination is properly based upon the administrative investigation conducted in this matter. (N.J.A.C. 19:11-2.6)

On October 24, 1986, a Commission staff agent convened an informal conference during which representatives of the Township and Local #11 met for the purpose of setting forth their respective positions. Our administrative investigation has revealed the following:

1. Monroe Township is a public employer within the meaning of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. ("Act"), is the employer of the employees involved in this matter and is subject to the Act's provisions.

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<sup>1/</sup> 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.

2. Teamsters Local Union #11 is an employee representative within the meaning of the Act and is subject to its provisions. Local #11 is the majority representative of a collective negotiations unit comprised of all blue collar and white collar non-supervisory employees employed by the Township.

3. The Township presented assertions both at the informal conference and in a written stipulation of facts identifying its position that the title, Secretary to the Chief of Police, is confidential within the meaning of the Act. Specifically, the Township contended that the secretary performs the following duties:

a. Types and files all of the correspondence, memoranda and reports of the Chief of Police, including exchanges between the Chief and the Township's Labor Counsel. This material includes the Chief's responses to the Union's collective negotiations proposals and the Chief's recommendations for management's contract proposals.

b. Opens, screens and distributes all departmental mail including mail to the Chief from the Township's Labor Counsel; answers and screens the Chief's telephone calls; files material in departmental personnel files.

c. Types the Chief's proposed and final budget reports which are sent to Mayor and Township Council.

d. Records and maintains records of time and attendance for all police department employees; transmits reports signed by the Chief to payroll section for processing.

The above job duties were undisputed by Local #11. However, Local #11 stated in correspondence that the Township had failed to prove that the secretary's continued inclusion in the bargaining unit is inappropriate.

It appears that the employee in the title sought to be excluded from the unit handles confidential labor relations materials on behalf of the Chief of Police and, in the course of the regular exercise of her duties, would have access to and knowledge of the issues involved in the collective negotiations process. Therefore, it appears that this title is an "employee whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make its membership in an appropriate unit incompatible with its official duties".<sup>2/</sup>

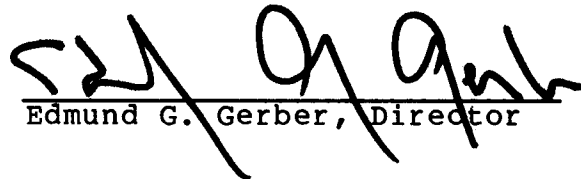
Based upon the foregoing facts, and in accordance with relevant case law, I conclude that the Secretary to the Chief of Police of Monroe Township is a confidential employee within the

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<sup>2/</sup> Confidential employees may not be included in any negotiations unit under the New Jersey Employer-Employee Relations Act. See N.J.S.A. 34:13A-3(d).

meaning of the Act and order that the existing collective negotiations unit be clarified to exclude that position. <sup>3/</sup>

BY ORDER OF THE DIRECTOR  
OF REPRESENTATION



Edmund G. Gerber, Director

DATED: December 24, 1986  
Trenton, New Jersey

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<sup>3/</sup> See, Board of Education Township of West Milford, P.E.R.C. No. 56 (1971) where two secretaries who regularly prepared and annexed items containing negotiations proposals, policies and strategy were found to be confidential; Township of Parsippany-Troy Hills Board of Education, D.R. No. 80-35, 6 NJPER 276 (11131 1980) where the secretary to the Assistant Superintendent of Planning and Evaluation, who had access to negotiations proposals and personnel files which included information related to the employer's processing of grievances was found to be a confidential employee; Orange Board of Education, D.R. No. 78-28, 4 NJPER 1 (14001 1977) where four administrative secretaries who handled material for administrators regularly involved in labor negotiations were held to be confidential employees.