

D.R. NO. 2001-13

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

In the Matter of

TRENTON BOARD OF EDUCATION,

Public Employer,

-and-

TRENTON EDUCATIONAL SECRETARIES
ASSOCIATION,

Docket No. CU-2000-41

Petitioner,

-and-

TRENTON BUSINESS & TECHNICAL
ASSOCIATION,

Intervenor.

SYNOPSIS

The Director of Representation dismisses a clarification of unit petition filed by the Trenton Educational Secretaries' Association (TESA) seeking to clarify its secretarial unit to include a principal bookkeeper employed by the Trenton Board of Education (Board). The Director finds that the title belongs in the Trenton Business and Technical Association's (TBTA) unit because: (1) the position is not secretarial in nature; (2) the TBTA's unit description already includes the generic principal bookkeeper title; and (3) a clarification petition may not enlarge an existing unit.

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Appearances:

For the Public Employer
Sumners, George & Dortch, attorneys
(Thomas Sumners, of counsel)

For the Petitioner
Bergman & Barrett, attorneys
(Michael Barrett, of counsel)

For the Intervenor
Pam Owens, President

DECISION

On April 18, 2000, the Trenton Educational Secretaries Association, NJEA (TESA) filed a clarification of unit petition with the Public Employment Relations Commission (Commission) seeking to include the high school principal bookkeeper in its collective negotiations unit of secretaries employed by Trenton Board of Education (Board). The Board opposes the petition and argues that

the position belongs in the negotiations unit represented by the Trenton Business and Technical Association (TBTA). TBTA was permitted to intervene in this matter based upon its most recent collective agreement with the Board, which specifically includes principal bookkeepers. N.J.A.C. 19:11-2.7(e). We have conducted an investigation into the issue raised by the petition. An investigatory conference was conducted by the Commission's staff agent, and the parties submitted documents and position statements.^{1/} N.J.A.C. 19:11-2.2 and 2.6. The parties were advised by letter dated March 23, 2001, of our tentative findings and conclusions. The parties were invited to respond, but no responses were received. I find that there are no substantial material facts in dispute which would require a formal hearing. N.J.A.C. 19:11-2.6(e). Accordingly, the disposition of this matter is properly based on our administrative investigation which has revealed the following facts:

TESA has a collective negotiations agreement with the Board covering the period July 1, 1998 through June 30, 2001. The recognition clause of the agreement shows that TESA's unit includes all secretaries and excludes employees represented in other

^{1/} The petitioner requested additional time during the processing of the petition to pursue informal resolution of the dispute. It was given time to do so.

negotiations units, specifically excluding employees in the business and technical unit.^{2/}

TBTA's most recent collective agreement covered the period July 1, 1995 to June 30, 1999. At the time the petition was filed, TBTA was negotiating with the Board for a successor agreement. TBTA and the Board have since negotiated a tentative agreement, including certain changes to the recognition clause which are not relevant here. TBTA's unit includes a broad range of non-supervisory support titles including principal bookkeeper.^{3/}

The principal bookkeeper title has been included in the TBTA unit since at least 1995. Until recently, principal bookkeepers were assigned only to the Board's central office. A secretary and/or teacher kept the student activities accounts at the high school. After a state auditor found bookkeeping problems with

^{2/} The recognition clause does not specifically identify the titles included in TESA's unit; however, paragraph "D" notes that "...the term 'employee' and 'secretary'...refer to those employees identified in the negotiating unit defined herein."

^{3/} Also included in TBTA's unit are: business services specialist, commissary operator, communications and supply specialist, computer services assistant, data processor/van driver, principal accountant/cafeteria, programmer analyst, transportation dispatcher, senior accountant, principal benefits analyst, van driver, human resources analyst, accounts payable clerk, payroll clerk, assistant commissary operator IV, cafeteria operator I, II and III, communications and supply clerk, data processing specialist, stock clerk, storekeeper I and II, television technician, trainer/locker room attendant, truck driver/supply, junior accountant, auto/bus mechanic, bus driver, foreman/garage mechanic and microcomputer specialist.

those accounts, the Board created a principal bookkeeper position at the high school in December 1999. The parties agree that the duties of the new principal bookkeeper position are to provide bookkeeping services, to facilitate the processing, verification and maintenance of financial transactions and to prepare reports of the student activities accounts at Trenton High School. Estes Evans was appointed to the position. Evans does not primarily perform secretarial duties.

ANALYSIS

This dispute arose when the Board created a principal bookkeeper position at Trenton High School. A clarification of unit petition is used to resolve questions concerning the scope of a collective negotiations unit within the framework of the provisions of the Act, the unit definition stated in a Commission certification or as set forth in the parties' recognition article contained in a collective agreement. In Clearview Reg. Bd. of Ed., D.R. No. 78-2, 3 NJPER 248, 251 (1977), the Director noted that a clarification of unit petition is appropriate to determine the unit placement of new positions.

The high school principal bookkeeper position at issue was established in December 1999; TESA promptly sought to add the position to its unit by filing this clarification petition. It did so prior to the execution of a successor collective agreement with the Board. Therefore, this clarification of unit petition is procedurally appropriate.

TESA does not seek to expand its secretarial unit to include all principal bookkeepers. Rather, TESA argues that because this bookkeeping work had previously been performed by a member of its unit, the principal bookkeeper position assigned to the high school should be added to its secretarial unit. The Board and TBTA argue that this position, like the other principal bookkeepers, should remain in TBTA's unit.

TESA argues that the duties of the principal bookkeeper position located at Trenton High School are qualitatively more like those of other TESA unit titles and are secretarial in nature. TESA bases its argument on the contention that one of its unit members at Trenton High School previously handled some or all of the student activities accounts bookkeeping.

While the high school principal bookkeeper may have certain clerical duties, it is primarily an accounting/financial support position, not mainly secretarial in nature. The parties do not dispute that the job description accurately reflects Evans' bookkeeping duties. TESA's unit titles are exclusively secretarial; TBTA's unit is composed of business and technical titles and includes the generic principal bookkeeper classification. The fact that some of the bookkeeping duties were previously performed by a TESA unit member does not make this position a secretary or otherwise appropriately includable in TESA's unit. The Board is entitled to assign full-time bookkeeping duties to a principal bookkeeper and assign that position to a school rather than the

central business office. The Board made the change in response to an auditor's report suggesting that corrections were needed. I find that TESA's assertion that the principal bookkeeper position at the Trenton High School is secretarial is unsupported.

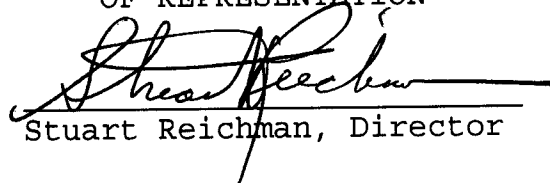
Moreover, a clarification petition may not be used to expand the scope of a unit. See Clearview; Wayne Bd. of Ed., D.R. No. 80-6, 5 NJPER 422 (¶10221 1979), adopted P.E.R.C. No. 80-94, 6 NJPER 54 (¶11028 1980). In Barnegat Tp. Bd. of Ed., D.R. No. 84-15, 10 NJPER 54 (¶15029 1983), we held that for titles to be clarified into a unit, they must be identified as being within the scope of the unit. There, we declined to add classroom aides and library technicians to a secretarial unit based, in part, on the fact that the titles were not encompassed within the definitional scope of the secretarial unit and did not perform secretarial duties. Here, TBTA's business and technical unit specifically includes principal bookkeepers. TESA's unit is secretarial. We will not expand TESA's unit to include titles which are not secretarial in nature.

Based upon all the above, I find that the principal bookkeeper position at the Trenton High School is inappropriate for the TESA unit and, therefore, should remain in the unit represented by TBTA.

ORDER

The petition is dismissed.

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Stuart Reichman, Director

DATED: April 17, 2001
Trenton, New Jersey