

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



LOS ANGELES UNIFIED SCHOOL DISTRICT

Employer,

and

SCHOOL EMPLOYEES INTERNATIONAL
UNION, AFL-CIO, LOCAL 99,

Employee Organization,

and

CALIFORNIA SCHOOL EMPLOYEES
ASSOCIATION, CHAPTER 500,

Employee Organization,

and

ASSOCIATION OF EDUCATIONAL OFFICE
EMPLOYEES,

Employee Organization

Case No. LA-R-1-D

PERB Decision No. 113

January 16, 1980

Appearances: Richard N. Fisher and T. Warren Jackson, Attorneys
(O'Melveny & Myers) for Los Angeles Unified School District;
Robert Anderson for School Employees International Union, Local 99;
Charles L. Morrone, Attorney for California School Employees
Association, Chapter 500; Blanche C. Bersch, Attorney (Bersch
& Kaplowitz) for Association of Educational Office Employees.

Before Gluck, Chairperson; Gonzales and Moore, Members..

FACTS

The Los Angeles Unified School District (hereafter the
District), California School Employees Association, Chapter 500
(hereafter CSEA), and Association of Educational Office Employees

(hereafter AEOE),¹ originally agreed to the composition of a unit of classified employees excepting those in management, supervisory and confidential classifications and positions. A consent election was requested of the Public Employment Relations Board (hereafter PERB or Board). A dispute as to the voting eligibility of employees in three specific classifications, however, based on the District's claim that the classifications were supervisory was referred to a Board hearing officer when their challenged ballots proved to be dispositive of the election outcome. The hearing officer's proposal that one classification be included and two classifications be excluded from the unit was excepted to by both the District and AEOE.

Subsequently, however, the District and AEOE entered into a written agreement that all three classes were to be excluded from the unit. CSEA had previously entered into a similar agreement with the District. AEOE further disclaimed any continued interest in the agreed upon unit and joined with the District in a request that the case before the Board be withdrawn.

The Board's original participation was limited to conducting a consent election in a unit contractually agreed

¹The Service Employees International Union, Local 99, was a party to the original unit agreement, but was eliminated when it failed to gather enough votes in the consent election and is, therefore, not a party to the current proceedings.

to by the parties. Under such an arrangement, the Board did not take a position as to the appropriateness of the agreed upon unit;² its function was ministerial as a matter of convenience to the parties concerned. The parties have now clarified their agreement as to the unit composition by stipulation which effectively resolved the dispute as to the classifications intended to be excluded from the "contracted for" unit. That clarification renders moot the resolution of the challenged ballots.

ORDER

Based on the record and stipulations before it, the Public Employment Relations Board consents to the parties' withdrawal of the case before the Board and ORDERS the regional director to proceed in accordance with this action.

PER CURIAM

²The consent election agreement in this case contains the following phrase: "Approval of this Consent Election Agreement should not be interpreted to mean the Board would find the unit described herein to be an appropriate unit in a disputed case."

PUBLIC EMPLOYMENT RELATIONS BOARD
OF THE STATE OF CALIFORNIA

LOS ANGELES UNIFIED SCHOOL DISTRICT,

Employer,

and

SCHOOL EMPLOYEES INTERNATIONAL UNION,
AFL-CIO, LOCAL 99,

Employee Organization,

and

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION,
CHAPTER 500,

Employee Organization,

and

ASSOCIATION OF EDUCATIONAL OFFICE EMPLOYEES,

Employee Organization.

REPRESENTATION

Case Nos. LA-R-1
LA-R-2
LA-R-3
LA-R-281
LA-R-473
LA-R-661
LA-R-755
LA-R-773
LA-R-791

PROPOSED DECISION
CHALLENGED BALLOTS
(8/14/78)

Appearances: Richard N. Fisher and T. Warren Jackson, Attorneys (O'Melveny & Myers) for Los Angeles Unified School District; Robert Anderson for School Employees International Union, Local 99; Charles L. Morrone, Attorney for California School Employees Association, Chapter 500; Blanche C. Bersch, Attorney (Bersch & Kaplowitz) for Association of Educational Office Employees.

Before Kenneth A. Perea, Hearing Officer.

I

PROCEDURAL HISTORY

On October 15, 1976, the Association of Educational Office Employees, Inc. (hereafter AEOE) requested recognition as the exclusive negotiating representative for a proposed unit of classified office-clerical employees of the Los Angeles Unified School District (hereafter District). The Service Employees International Union,

AFL-CIO, Local 99 (hereafter SEIU) and California School Employees Association, Chapter 500 (hereafter CSEA) filed intervening petitions and challenges to the appropriateness of the proposed unit on October 22 and November 10, 1976 respectively. On November 22, 1976, the District filed its decision regarding the before-mentioned request for recognition and interventions doubting the appropriateness of the unit described in the request for recognition.

The representation unit determination hearing in the above-captioned matter commenced on October 18, 1976 before Public Employment Relations Board (hereafter PERB) Ad Hoc Hearing Officer Philip Tamoush and was completed on March 16, 1977.

On February 15, 1978, the District, SEIU, CSEA and AEOE entered into a Consent Election Agreement which included a unit of all office-technical and business services employees except for management, supervisory and confidential employees (hereafter Unit D). In order to avoid delay in the election, the election agreement provided that the following disputed classes would be allowed to cast challenged ballots in Unit D:

- (a) Administrative Secretary;
- (b) Adult School Secretary;
- (c) School Office Manager I;
- (d) School Office Manager II;
- (e) School Office Manager III;
- (f) School Secretary I;
- (g) School Secretary II;
- (h) School Secretary III.

On the same date, a Supplemental Election Agreement was entered into by the District, SEIU, CSEA and AEOE wherein it was agreed that CSEA, SEIU and the District maintained that each of the above-listed classifications are supervisory and/or management within the meaning of Government Code section 3543.1(g) and/or (m)¹

¹All statutory references are to the California Government Code unless otherwise specified herein.

and are therefore to be excluded from Unit D pursuant to sections 3545(b)(2) and/or 3543.4. The Supplemental Election Agreement further provided that AEOE maintains that all of the above-listed classifications are appropriately included within Unit D. The District, SEIU, CSEA and AEOE therefore agreed that in order to avoid delay in the election, persons in the above-listed classifications would be permitted to vote challenged ballots. Finally, the parties agreed that if the vote is such that said challenged ballots would, if counted, be determinative of the election results (including qualification for runoff), then the PERB unit determination proceedings with respect to the above-listed classes shall resume.

Pursuant to said Consent Election Agreement, a unit determination election for the District's classified personnel was conducted on May 9, 10 and 11, 1978 resulting in the challenged ballots being determinative of runoff election ballot entries in Unit D.² Simultaneous post-hearing briefs in the matter were filed on June 23, 1978. This proposed decision is, therefore, written to resolve the issues regarding challenged ballots cast in the Unit D election.

²The official Tally of Ballots for the Unit D election shows the following results:

1. Approximate number of eligible votes	6,000	
2. Void ballots	125	
3. Votes cast for AEOE		810
4. Votes cast for CSEA		896
5. Votes cast for SEIU		642
6. Votes cast for no representation		298
7. Valid votes counted (sum of 3, 4, 5, and 6)		<u>2,646</u>
8. Challenged ballots		373
9. Valid votes counted plus challenged ballots (sum of 7 and 8)		<u>3,019</u>

II

ISSUES

Which, if any, of the following classifications are "supervisory" as defined in section 3540.1(m) and therefore excluded from Unit D:

- (a) Administrative Secretary;
- (b) Adult School Secretary;
- (c) School Office Manager/School Secretary I;
- (d) School Office Manager/School Secretary II;
- (e) School Office Manager/School Secretary III?

III

FINDINGS OF FACT

A. The Los Angeles Unified School District

The District is the second largest school district in the nation comprising 671 schools including approximately 434 elementary schools, 124 secondary schools and 29 community adult schools. As of the time of the hearing in this matter, the District had an enrollment level of about 722,145 students. The District's classified service includes the non-teaching employees hired under provisions of the merit system. The classified service includes two general types of employees: regular or limited-term. Generally, regular employees are assigned from an eligibility list, undergo a probationary period of 130 days of paid service and then become permanent employees. Approximately 26,593 regular classified employees are employed by the District.

Administratively, the District is divided into four field centers, designated North, South, East and West. Each field service center contains from two to four administrative areas for a total of twelve such areas.

B. Administrative Secretaries

An administrative secretary, as set forth in the class description, "provides secretarial services for an administrator . . . relieves him of administrative details, and provides direct and functional supervision over clerical procedures and practices in the main office and decentralized locations." In addition, the class

description's entrance qualifications indicate that two years of supervisory experience is necessary and that some education in supervision is desirable.

Only one administrative secretary, Ms. Adele Sweeney, testified regarding the duties of administrative secretaries. Ms. Sweeney has worked as an administrative secretary for seven years and is currently the administrative secretary to the Area B Superintendent. There is one administrative secretary for each of the District's administrative area offices. The authority of the District's other administrative secretaries is similar in scope to the authority which Ms. Sweeney exercises. Approximately sixteen clerical and secretarial employees located in four offices (main, instruction, counseling and compensatory education) work with Ms. Sweeney. Area B's office arrangement is similar to the District's other area offices.

Based upon the undisputed testimony of Ms. Sweeney, it is found that administrative secretaries perform the following duties:

1. Interviews all applicants for clerical positions within the Area main, instruction, counseling and compensatory education offices. Sixty percent of the interviews are conducted solely by the administrative secretary. The remaining interviews are conducted with the particular office's certificated supervisor present;
2. Discusses recommendations regarding whom to hire with the Area Superintendent or appropriate certificated supervisor. The administrative secretary's recommendations are, with rare exception, always followed;
3. Evaluates probationary clerical employees to determine whether they will become permanent employees and signs evaluations as the "evaluator." In the main office, these evaluations are done independently by the administrative secretary. In the instruction, counseling and compensatory education offices, these evaluations are discussed with

the certificated supervisor prior to completion; these performance evaluations are made available to the Personnel Division and are a factor in the selection of applicants and are also the initial step in disciplinary and termination proceedings;

4. On a daily basis performs informal corrective counseling to the sixteen clerical employees with whom the administrative secretary works in the administrative offices;
5. Conducts the annual performance evaluations for the clerical employees in the Area offices; reviews these evaluations with the certificated supervisor for each office prior to issuance;
6. Prepares independently "tracers" or recommendation forms for clerical employees seeking promotion;
7. Coordinates the workload among the clerical employees by determining, in the event of an overflow, which work takes precedence and the specific task that employees will perform based on their present workload and relative abilities; determines when the office will need relief personnel due to an increased workload;
8. Assigns and directs work to the clerical employees working in the Area main office; clerical employees officed elsewhere are assigned work by the particular office's certificated supervisor;
9. Reviews work done by clerical employees prepared for the Area Superintendent or marked "Approved by the Superintendent";
10. Grants or denies clerical employees requests to change lunch period, or otherwise adjust work schedules; and
11. Performs secretarial duties for the Area Superintendents in addition to all the above duties.

C. Adult School Secretaries

As set forth in the class description, an adult school secretary "plans, coordinates, supervises, and has overall clerical responsibility for the clerical activities and personnel of a community adult school, regional occupational center, or MDTA skill center; performs the more complex clerical duties; and serves as a stenographic secretary to an adult education principal."

Only one witness, Ms. Natalie Goldberg, testified regarding the duties of adult school secretaries. Ms. Goldberg has worked as an adult school secretary for approximately sixteen years at Fairfax Adult School. Working within the central office at Fairfax Adult School with Ms. Goldberg are a school accounting clerk, three adult school clerks, school principal, assistant school principal, and part-time teacher advisor. While every school is run slightly differently, the basic duties and responsibilities of the adult school secretaries in the District are the same.

Based upon the undisputed testimony of Ms. Goldberg, it is found that adult school secretaries perform the following duties:

1. Interviews, with the principal, applicants for central office clerical positions and makes recommendations to the principal regarding said applicants;
2. Completes evaluations on both probationary and permanent clerical employees which both the adult school secretary and the principal sign;
3. Recommends probationary employees for permanent status through the preparation of performance evaluations;
4. Completes "tracers" or reference forms regarding clerical employees seeking promotion which are then reviewed by the principal;

5. Receives routine complaints from the public regarding clerical employees and counsels said employees regarding such complaints;
6. Balances workloads among clerical employees and assigns, checks, and coordinates their work on special projects;
7. Trains probationary employees;
8. Grants or denies permission to clerical employees requesting to leave early or take time off; and
9. Performs duties as the school principal's secretary in addition to all the above duties.

D. School Office Manager I, II, III and School Secretary I, II, III

School office manager/secretary I, II, III are six classes which share the same class description. According to the class description, employees in this class manage a school-site office, are responsible for the clerical activities of a school, exercise supervisory authority over clerical personnel including those assigned to offices supervised by certificated staff, may supervise student helpers and must have the ability to "plan and supervise clerical work for maximum efficiency in the utilization of staff." The school office manager/secretary positions are identical with regard to their duties and responsibilities except that school secretaries perform stenographic duties not performed by the office managers. Within these classes, the designation I, II or III is primarily determined by a school's enrollment. Thus, school office manager/secretary I positions are found in smaller elementary schools, school office manager/secretary II positions are found in large elementary and smaller secondary schools and school office manager/secretary III positions are found in large secondary schools. The above designations, however, are differentiated with regard to salary; positions designated III rate a greater salary than those designated II which in turn rate a greater salary than those designated I. This salary differential is attributable,

in part, to the fact that larger schools have larger clerical staffs. A recent District survey of schools in one area from each of the four field service centers indicates that the average number of clerical positions in schools staffed by school office managers/secretaries I, II, and III are 1.6, 3.82, and 8.98, respectively.

1. School Office Manager/Secretary I

Two witnesses testified on behalf of the District regarding school office manager/secretary I: Ms. Beatrice Smith, a school secretary I at Dublin Avenue School and prior thereto, an elementary school office manager for seven years at McKinley Avenue School and Ms. Saundra Medina, formerly an office manager I at Weigand Avenue School and presently an office manager III at Weigand. One clerical employee currently works under Ms. Smith. During her nine and one-half years of tenure with the District as a school office manager/secretary I, either one or two employees have worked under her at any given time. During Ms. Medina's seven years as office manager I at Weigand, either two or three employees worked under her.

Testifying on behalf of AEOE regarding school office manager/secretary I were two elementary school office managers, Mrs. Wanda Fremgen and Ms. Ruth Benjamin. One clerk works under Mrs. Fremgen at Fenton Elementary School. Two clerks work under Ms. Benjamin at Danube Avenue Elementary School.

While there appears to be some variations of duties among individual school office managers/secretaries I in the District, based upon the weight of the testimony, it is concluded that school office managers/secretaries I perform the following duties:

- (a) Prepares rough draft evaluations of the clerks working with them and signs the evaluations after reviewed by principal;
- (b) Prepares rough draft "tracers" or evaluation forms for clerks working with them and then signs the tracers after reviewed by principal;
- (c) Trains office clerks when they are initially hired;

- (d) Occasionally assigns or adjusts work assignments among the staff whenever there is an overload or imbalance;
- (e) Interviews candidates for clerical positions within the office along with the principal, later discusses the candidates with the principal and makes a recommendation;
- (f) While clerks have specific assigned tasks which are generally followed, occasionally assigns clerks work when they are looking for work to do;
- (g) Coordinates the work between the school office manager/secretary I and the clerk;
- (h) Performs duties as the school principal's secretary in addition to all the above duties.

2. School Office Manager/Secretary II

The District called the following witnesses to testify regarding school office manager/secretary II: Ms. Inez Reed, Office Manager II, Normandie Avenue Elementary School; Ms. Betty Troutman, School Secretary II, Perry Junior High School; Ms. Evie Turner, Office Manager II, Hyde Park Boulevard Elementary School; and Dr. Jack Jacobsen, Principal at Maclay Junior High School.

Ms. Reed has been an office manager II or its equivalent for thirty-one years and has been located at Normandie since November 1957. Currently, four school clerk-typists, two CETA employees and a student volunteer work with Ms. Reed. Ms. Reed's duties and responsibilities are typical of the District's other office manager II's.

Ms. Troutman works with seven clerks. Two are assigned to the main office where Ms. Troutman works, two are assigned to the counseling and attendance offices, respectively, which are located in a separate building and one is assigned to the book room which is also located in a separate building.

Ms. Turner works with five clerical employees at Hyde Park. Four employees are located in the main office with Ms. Turner and one in another office.

While there appears to be some variations of duties among individual school office managers/secretaries II in the District, based upon the weight of the testimony, it is concluded that the duties of school office manager/secretary II are the following:

- (a) Interviews jointly with a certificated supervisor candidates for clerical positions at a school site;
- (b) Makes out a permanent schedule for all the clerk-typists at a school site which gives each clerk a regular duty to which he or she is assigned which may be reviewed by the principal in the event a clerk is dissatisfied with the assignment;
- (c) Assigns clerks to special projects or in emergency situations such as illness;
- (d) Coordinates the work among the clerical employees in the offices and insures that all the offices are covered;
- (e) If a new function is added to the office and a new clerical hired to perform that function, "set[s] up the desk to handle the particular program ... ";
- (f) In a routine fashion distributes the work to the appropriate clerical person based upon the type of work to be done.
- (g) Issues notices of outstanding service with the approval of the school principal;
- (h) Consults with certificated personnel experiencing performance or behavioral problems with clerical personnel;
- (i) Informally counsels clerical personnel regarding problem the clerical personnel may be experiencing; sometimes will consult the principal to resolve the problem;
- (j) Trains all clerical employees;
- (k) Completes and jointly signs with the school principal performance

evaluations for all clerical employees in the main office;
employee has the right to discuss an evaluation with the principal;
assists certificated supervisors complete performance evaluations
on clericals in other offices;

- (l) Reviews documents that the principal will sign;
- (m) Coordinates work and vacation schedules among clerical employees;
- (n) When clerical employees desire to leave work early, change their lunch or break periods or otherwise adjust their work schedules, they request permission from the school office manager/secretary II; and
- (o) Performs duties as the school principal's secretary in addition to all the above duties.

3. School Office Manager/Secretary III

Ms. Gloria Stone, school secretary III, Locke Senior High School, testified for the District about the duties and responsibilities of school office managers/secretaries III. Ms. Tina Fernandez, school secretary III, Nobel Junior High School, testified on behalf of AEOE.

Ms. Stone has been a school secretary III at Locke since 1970. Including Ms. Stone, eleven clerical employees are assigned to Locke, located as follows: three in the main office, two in the counseling and attendance offices, respectively, one in the assistant principal's office, textbook room, and instruction materials bungalow, respectively, and one rotating clerk.

At the time of her testimony, Ms. Fernandez had been assigned as a school secretary III at Nobel for approximately six months. Seven clerks are assigned to Nobel, located as follows: one in the main office with Ms. Fernandez, four in pupil services located across the hall from the main office, a textbook clerk in the bookroom and a financial manager in a separate office.

While here again there appears to be some variations of duties among individual school office managers/secretaries III in the District, based upon the weight of the testimony, it is concluded that school office managers/secretaries III perform the following duties:

- (a) Interviews all clerical applicants at the school site either alone or accompanied by the site principal and effectively recommends the hiring of clerical personnel for vacancies, which recommendations are always followed;
- (b) Conducts the performance evaluations of probationary employees located in the main office, assistant principal's office and textbook room, which determines whether or not they attain permanent status;
- (c) Conducts without consultation with the principal the annual performance evaluations of permanent clerical employees;
- (d) Prepares "tracers" or reference forms for those employees working directly with them who are seeking promotion;
- (e) Schedules the work of the clerks assigned to the main office; reassigns work to eliminate imbalances or accommodate peak workloads; determines when overtime is necessary and who shall work overtime;
- (f) Assigns clerks to a particular work location when clerk's work is behind schedule;
- (g) Approves or disapproves any variations from work schedules such as compensatory time off;
- (h) Provides correctional counseling when necessary to insure adherence to District and office rules such as attendance;
- (i) Trains all clerical personnel in the main office, assistant principal's office, textbook room and instruction materials bungalow; and
- (j) Inspects clerical employees' work and is authorized to direct the correction of improperly performed work;
- (k) Performs duties as the school principal's secretary in addition to all the above duties.

IV
CONCLUSIONS OF LAW

Section 3540.1(m) defines a supervisory employee as follows:

"Supervisory employee" means any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

As the PERB itself held in Sweetwater Union High School District³ at page 12:

This section of the Act is written in the disjunctive; therefore, an employee need not possess all of the enumerated functions or duties to be a supervisor. The performance of any one of the enumerated actions or the effective power to recommend such action is sufficient to make one a supervisor within the meaning of the Act. [Footnote omitted.]

A. Administrative Secretaries

The District, SEIU, and CSEA seek to exclude the position of administrative secretary from Unit D claiming that it is supervisory. AEOE asks that the position be included in the unit.

Administrative secretaries independently interview applicants for clerical positions in the main, counseling, instruction and compensatory education offices in the majority of cases and effectively make recommendations regarding whom to hire to the Area Superintendent which are, with very rare exception, followed. Furthermore, administrative secretaries independently evaluate probationary clerical employees in the main office to determine whether they will become permanent employees and sign said evaluations as the "evaluator." These performance

³(11/23/76) EERB Decision No. 4.

evaluations are the initial step in discipline and termination proceedings. Administrative secretaries assign and direct work to clerical employees working in the main office and review work done by clerical employees prepared for the Area Superintendent or marked "Approved by the Superintendent."

Like area cafeteria managers I in San Diego Unified School District⁴ found to be "supervisors" by the PERB itself, administrative secretaries through the evaluation of probationary clerical employees have the authority to discipline employees. Like head custodians in Sweetwater, supra, found to be "supervisors" by the PERB itself, administrative secretaries through interviewing applicants for clerical positions and making recommendations which are always followed have the authority to effectively recommend the hiring of employees.

Therefore, administrative secretaries possess at least three indicia of supervisory status as enumerated in section 3540.1(m); the authority to hire, discipline, assign work to and direct employees. Accordingly, it is concluded that administrative secretaries are "supervisors" pursuant to the EERA and are therefore excluded from Unit D.

B. Adult School Secretaries

The District, SEIU and CSEA seek to exclude the position of adult school secretary from Unit D claiming that it is supervisory. AEOE asks that the position be included in the unit.

Adult school secretaries, in conjunction with their school principals, interview applicants for central office clerical positions, complete and sign evaluations on both probationary and permanent clerical employees and complete "tracers" or reference forms regarding clerical employees seeking promotion. Additionally, adult school secretaries receive routine complaints from the public regarding clerical employees, informally counsel said employees regarding such complaints balance workloads among clerical employees and train probationary employees. Thus, like the supervisor of gardeners/groundskeepers in Marin Community College

⁴(2/18/77) EERB Decision No. 8.

District,⁵ testimony fails to indicate that adult school secretaries hire, discipline employees or assign work through exercise of independent judgment in a way which would cause them to be defined as supervisors within the meaning of section 3540.1(m). There is no indication that adult school secretaries have any authority to transfer, suspend, lay off, recall, promote, discharge, reward or discipline clerical employees at their schools or to effectively adjust employee grievances. Rather, adult school secretaries have the duty of coordinating the work among the clerical employees in a routine fashion. It is therefore concluded that adult school secretaries are not supervisory employees within the meaning of section 3540.1(m) and are therefore included in Unit D.

C. School Office Manager/Secretary I

The District, SEIU and CSEA seek to exclude the position of school office manager/secretary I from Unit D claiming that it is supervisory. AEOE asks that it be included in the unit.

School office managers/secretaries I prepare rough draft evaluations and "tracers" for clerical employees working with them which are then reviewed by the principal and interview candidates for clerical positions with the principal. School office managers/secretaries I train office clerks when they are initially hired, occasionally assign or adjust work assignments among the staff when there is an overload or imbalance and generally coordinate the work between themselves and the other clerical employees in the office. Thus, like the supervisor of gardeners/groundskeepers in Marin Community College District, *supra*, held by the PERB itself to not be supervisory employees, school office managers/secretaries I fail to exercise independent judgment in the hiring or evaluating. Rather, the testimony indicates that school office managers/secretaries I are working supervisors who frequently work with their small staffs performing clerical duties. While school office managers/secretaries I may occasionally assign tasks to clerical employees when there is an overload or imbalance, such infrequent

⁵(6/26/78) PERB Decision No. 55.

assignment of work is insufficient to require the designation of supervisor. It is therefore concluded that school office managers/secretaries I are not supervisory employees within the meaning of section 3540.1(m) and are therefore included in Unit D.

D. School Office Manager/Secretary II

The District, SEIU and CSEA seek to include the position of school office manager/secretary II from Unit D claiming that it is supervisory. AEOE asks that it be included in the unit.

School office managers/secretaries II, in conjunction with certificated supervisors, interview candidates for clerical positions, issue notices of outstanding service, and complete and jointly sign performance evaluations for all clerical employees in the main office. Additionally, school office managers/secretaries II make out a permanent schedule for all the clerk-typists at school sites, assign clerks to special projects or in emergency situations coordinate the work among clerical employees in the office, consult with certificated supervisors regarding clerical personnel, train and informally counsel clerical personnel. School office managers/secretaries II distribute clerical work based upon the type of work to be done in a routine manner, review documents that the principal will sign, and coordinate work and vacation schedules among clerical employees. Therefore, the testimony indicates that school office managers/secretaries II fail to exercise independent judgment in the hiring and evaluating of clerical personnel. Furthermore, the assignment of work is done pursuant to a permanent schedule which only occasionally varies in emergency situations or special projects. Thus, like school secretaries in Sweetwater Union High School District, supra, held by the PERB itself to not be supervisory employees, the evidence shows that school office managers/secretaries II only occasionally make routine assignments to other employees in a manner not requiring the exercise of independent judgment.

The evidence shows that school office managers/secretaries II act as coordinators of work among the clerical employees in the office. School office

managers/secretaries II may occasionally counsel clerical personnel regarding problems they may be experiencing. Oftentimes, however, school office managers/secretaries II will consult the school principal to resolve any such problems. Thus, school office managers/secretaries II do not exercise independent judgment regarding any of the indicia of supervisory status as enumerated in section 3540.1(m) and are accordingly included in Unit D.

E. School Office Manager/Secretary III

The District, SEIU and CSEA seek to exclude the position of school office manager/secretary III from Unit D claiming that it is supervisory. AEOE asks that it be included in the unit.

School office managers/secretaries III, in many cases, independently interview clerical applicants and effectively recommend the hiring of clerical personnel. They independently conduct the personnel evaluations of probationary employees located in the main office which determines whether or not a probationary employee attains permanent status. School office managers/secretaries III conduct, without consultation with the school principal, the annual performance evaluations of permanent clerical employees, schedule the work of clerks assigned to the main office, re-assign work to eliminate imbalances and accommodate back workloads, determine when overtime is necessary and who shall work overtime. Thus, like area cafeteria managers I in San Diego Unified School District, supra, found to be "supervisors" by the PERB itself, school office managers/secretaries III independently evaluate probationary and permanent clerical employees and therefore have the authority to discipline employees. Like head custodians in Sweetwater Union High School District, supra, found to be "supervisors" by the PERB itself, school office managers/secretaries III, by independently interviewing applicants for clerical positions and recommending the employment of applicants, have the authority to effectively recommend the hiring of employees. Therefore, school office managers/secretaries III possess at least two indicia of supervisory status

as enumerated in section 3540.1(m): the authority to hire and discipline employees. Accordingly, it is concluded that school office managers/secretaries III are "supervisors" pursuant to the EERA and are therefore excluded from Unit D.

V

PROPOSED ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law and the entire record in the matter, it is the proposed order that:

(1) Administrative secretaries and school office managers/secretaries III are found to be "supervisory" employees within the meaning of the EERA and are therefore excluded from Unit D;

(2) Adult school secretaries, school office managers/secretaries I and school office managers/secretaries II are found to not be "supervisory" employees within the meaning of the EERA and are therefore included in Unit D;

(3) The Regional Director is requested at a time and place specified by the Regional Director to open the challenged ballots cast by employees occupying the classifications adult school secretary, school office manager/secretary I, and school office manager/secretary II as of May 9, 10, and 11, 1978;

(4) The Regional Director is further requested to open each of the challenged ballots determined to be valid herein, to file a revised Tally of Ballots consistent with this decision, and to certify an exclusive representative of the employees in Unit D or to conduct a runoff election in Unit D as appropriate.

(4) After opening each of the challenged ballots determined to be valid herein, the Regional Director is further requested to file a revised Tally of Ballots consistent with this decision and to certify an exclusive representative of the employees in Unit D or to conduct a runoff election in Unit D as appropriate.

Pursuant to California Administrative Code, title 8, part III, section 32305, this Proposed Decision and Order shall become final on September 8, 1978 unless a party files a timely statement of exceptions and supporting brief within twenty (20) calendar days following the date of service of this decision. Such statement of exceptions and supporting brief must be actually received by the Executive Assistant to the Board at the headquarters office in Sacramento before the close of business (5:00 P.M.) on Tuesday, September 5, 1978 in order to be timely filed. (See California Administrative Code, title 8, part III, section 32135.) Any statement of exceptions and supporting brief must be served concurrently with its filing upon each party to this proceeding. Proof of service shall be filed with the Board itself. See California Administrative Code, title 8, part III, sections 32300 and 32305, as amended.

Dated: August 14, 1978

Kenneth A. Perea
Hearing Officer