

VERMONT LABOR RELATIONS BOARD

IN THE MATTER OF:

CASTLETON EDUCATION ASSOCIATION VEA/NEA

Petitioner

and

CASTLETON BOARD OF SCHOOL DIRECTORS

Respondent

DOCKET NO. 78-87R

FINDINGS OF FACT, OPINION AND ORDER

Statement of the case

By its petition dated June 7, 1978, the Castleton Education Association, VEA/NEA (hereinafter, The Association) requested that the Vermont Labor Relations Board certify The Association as the exclusive bargaining agent for all secretarial employees of the Castleton School Directors, and certify one bargaining unit composed of all paraprofessional and secretarial employees of the School Directors. The Castleton Board of School Directors, (hereinafter School Directors), filed its answer to the petition with the Board on July 21, 1978. The matter came for a hearing before the Board on September 15, 1978 in Montpelier, Vermont. The Petitioner was represented by Peter M. Kacik, Director, VEA Uniserv District III, and the Respondent was represented by Bernard R. Dick, Esquire. At the close of the evidence the Petitioner moved for leave to withdraw its petition insofar as it seeks certification of The Association as the exclusive bargaining unit of the paraprofessional employees of the School Directors. The motion was granted. The Findings of Fact, Opinion and Order as set forth below relate only to the issue of secretarial employees of the School Directors.

FINDINGS OF FACT

1. The secretarial employees of the School Directors consists of one employee, Shirley Scott, who is secretary to the principal.

2. The duties and responsibilities of the secretary to the principal are as described in the job descriptions in evidence as Petitioner's #1 and #2.

3. In the regular course of her employment Shirley Scott has access to information contained in the personal files of each of the teachers employed by the Castleton School District.

4. These files contain personal information relating to current and future employment status, job performance evaluation, private medical information and other matters, some of which are typed by Ms. Scott and inserted in the files under instructions of the principal.

5. The personal files of employees are available for review by the concerned employee. Access to these files may not be given to third persons other than the principal and the principal's secretary without consent of the teacher affected.

6. In the regular course of her employment and under instructions from the principal, Ms. Scott types letters for the principal addressed to the superintendent of schools which contain budgetary recommendations made by the principal. These recommendations may affect or do affect a reduction in the teacher force of the District.

OPINION

The Castleton Board of School Directors is a municipal employer as defined by 21 VSA, Section 1722(13). As a non-certified employee of a school district, Shirley Scott is a "municipal employee" under 21 VSA, Section 1722(12), unless barred from that status as a confidential employee under 21 VSA, Section 1722(12)(D). The term "confidential employee" is defined in 21 VSA, Section 1722(6) which provides:

"Confidential Employee" means an employee whose responsibility or knowledge or access to information relating to collective bargaining personnel administration, or budgetary matters would make membership in a representation by an employee organization incompatible with his official duties."

In our recent opinion, In the Matter of: American Federation of Teachers Local 3333, AFL-CIO and Washington Central Supervisory Union, Union 32 High School Board of Directors, Docket Numbers 78-75R and 78-86R, we found that the secretary to the principal of U-32 High School should be excluded from the bargaining unit as a confidential employee because of her access to confidential information relating to personnel administration. The duties and responsibilities of that secretary are similar in nature to those of Shirley Scott's with respect to the personal files of teachers employed by the school and knowledge of budgetary matters. For the same reasons which we stated in that opinion, we conclude that as secretary to the principal, Shirley Scott is a confidential employee as defined in 21 VSA, Section 1722(6) above, and must

therefore be excluded from the bargaining unit.

ORDER

1. So much of the petition of the Castleton Education Association as seeks certification as the exclusive bargaining agent for the one existing secretarial employee of the Castleton School Directors is hereby DISMISSED, with prejudice.
2. Petitioner's motion to withdraw so much of the petition as seeks certification of one bargaining unit is GRANTED with respect to any and all paraprofessional employees of the Castleton School Directors, and is DISMISSED, with prejudice with respect to the one existing secretarial position.

Dated this 5th day of October, 1978 at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

Kimberly B. Cheney
Kimberly B. Cheney, Chairman

William G. Kemsley, Sr.
William G. Kemsley, Sr.

Robert H. Brown
Robert H. Brown

*Appeal
Dismissed*