

Subsequently, a document entitled "Procedural Guidelines for All United Community Corporation Task Forces", copy of which was annexed to the Council Committee Report as Exhibit # 5, specifically provided for final action to be taken by the Board of Trustees. Page 3 of the document, paragraph D, reads as follows:

"The Board of Trustees shall consider the proposals and recommendations as submitted by the Task Force with the changes, if any, and take final action."

The foregoing procedure provides for program proposals to go through the Executive Director and his staff in the first instance for professional evaluation and then through the remaining procedures without veto power in the Executive. This was explicitly testified to by Dean Heckel at the September 9th hearing, page 27 of the testimony, Exhibit # 12, as follows:

Mr. BREITKOPF. Now, it would appear from that document (Procedural Guidelines for Task Forces) that the Executive Director shall study and make the initial evaluation of the proposal.

Dean HECKEL. Right.

Mr. BREITKOPF. Now, if his initial evaluation is that the proposal is something he thinks is not valuable?

Dean HECKEL. It would still go on to the Task Force for its valuation.

Mr. BREITKOPF. Would it come to the Board of Directors?

Dean HECKEL. Yes, it would go on through the procedure. In other words, the Executive Director doesn't have a veto power. In other words it is in the discretion of the Board of Professional Staff. They cannot block a program. It must move on with their either favorable or adverse recommendation. That is the professional evaluation. It then goes through the Task Force to get a community evaluation. Evaluated by the non-professionals."

The procedural guidelines for program formulation and approval clearly delineates the responsibility of the Executive and his staff. They serve to provide professional evaluation. They may not prevent any program from proceeding through the process established by the by-laws and the guidelines referred to, which contemplate that final authority for acceptance or rejection of any program rests solely with the Board of Trustees and no other body or individual.

It is beyond our comprehension to determine how the Committee could have been confused on the responsibility and function of the Executive Director with respect to programs. Suffice it to say, the testimony presented to the Committee, and the documents they considered are in fact diametrically opposed to the conclusion in the Committee's report.

Furthermore, no evidence was submitted to the Committee, nor is there any evidence in the exhibits annexed to the Committee report, that suggests directly or indirectly that the Executive Director has ever prevented any program proposal from proceeding through the process outlined above.

Accordingly, we contend that the Committee conclusion that "singular and exclusive control" over hiring policies and programs is vested in the Executive Director, is without substance. It is contrary to the facts, as reflected in the policy determinations made by the UCC at public meetings attended by the authors of the Committee report, and documents made available to the Committee.

*The alleged systematic exclusion of Newark residents from UCC staff*

The report, page 4, states that "The UCC has systematically excluded Newark residents from key positions on its staff and from other important positions." Such contention is predicated on an extrapolation by a committee member from a list of employees UCC provided the committee at its request (such extrapolation hereinafter referred to as the Bernstein list), and upon a letter from one job applicant who was not hired.

Upon close scrutiny, neither the Bernstein list nor the letter supports the conclusion of systematic exclusion.

In response to the committee's request for factual information prior to the September 9 meeting, UCC prepared and provided the council meeting with a list of employees, as of September 7, 1965, their salaries, and place of residence. This roster was not annexed to the committee report as an exhibit, although it was provided on September 8, along with other documents requested. A copy of said personnel roster is included in the Appendix as Exhibit XVI.

The personnel roster reflects that 35 persons were employed by the UCC as of September 7, 1965, of whom 27 resided in Newark, 5 outside of Newark but in Essex County, one outside of Newark but in Union County, and two from New