

STATE OF NEW JERSEY
CLASSIFICATION DISPUTES PANEL

In the Matter of

NEW JERSEY DEPARTMENT OF HIGHER EDUCATION
(MONTCLAIR STATE COLLEGE)

-and-

Director of Purchasing

COMMUNICATIONS WORKERS OF AMERICA

DECISION

The New Jersey State Department of Higher Education and the Communications Workers of America have agreed to submit disputes concerning whether certain employees of the State Colleges are properly excluded from CWA negotiations units to this panel. At the informal hearing before the panel, witnesses testified and job descriptions were presented. The parties have agreed that this panel will decide whether the position is properly classified in a title outside the unit or should be placed within the CWA unit.

The State contends that the Director of Purchasing at Montclair State College is a managerial executive and therefore is properly classified in the title Director III, a title exempted from any negotiations unit. CWA argues that the title should be included in its Higher Level Supervisors Unit. We find that the position is managerial.

A managerial executive formulates management policies and practices, or directs the effectuation of such management policies and practices. The term is meant to be narrowly construed. N.J.S.A. 34:13A-3(f).

A managerial executive formulates policy when he develops a particular set of objectives designed to further the governmental

unit's mission and when he selects a course of action from among available alternatives. A managerial executive directs the effectuation of policy when he is charged with developing the methods, means and extent for reaching a policy objective and thus oversees or coordinates policy implementation by line supervisors. Simply put, a managerial executive must exercise a level of authority and independent judgment sufficient to affect broadly the organization's purposes or means of effectuation of these purposes. Whether or not an employee possesses this level of authority is generally determined three factors: (1) the employee's relative position in his employer's hierarchy; (2) his functions and responsibilities; and (3) the extent of discretion he exercises. Borough of Montvale, P.E.R.C. No. 81-52, 1980.


Charles Cedeno, the Purchasing Director, reports to the Assistant Vice-President for Administration and Finance. Cedeno is paid at salary range 28. Until the Colleges became autonomous in 1987, purchasing functions were performed by the State Division of Purchase and Property. Cedeno now acts as the "contracting agent" under State Colleges Autonomy Law.

Cedeno participates in the adoption of policies and establishes procedures for the purchase and procurement activities at the College. As such, he has broad accountability for the recommendation of policies and effectuation of procedures for the entire purchasing function at the College. His recommendation concerning policies, bid waivers and vendor selection are regularly relied upon by the College administration. Additionally, Cedeno is


given full authority to effectuate the College's policies concerning procurement. Cedeno's responsibilities relating to policy making and procurement procedures apply to all areas of purchasing from construction materials to office supplies and thus give this position significantly greater authority than the position of Supervisor of Procurement Unit at the State level.

Accordingly, on the basis of the effective policy-making and effectuation of policy functions of this position, we find that the Purchasing Director at Montclair College is a managerial executive appropriately excluded from the CWA units.

THE CLASSIFICATION DISPUTES PANEL



William Druz, Classification Specialist



Susan Osborn, Public Employment
Relations Specialist

DATE: January 24, 1991