

STATE OF NEW JERSEY  
CLASSIFICATION DISPUTES PANEL

In the Matter of

NEW JERSEY DEPARTMENT OF HIGHER EDUCATION  
(GLASSBORO STATE COLLEGE)

-and-

Cash/Risk Manager

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 Cash/Risk Manager at Glassboro State College is a managerial executive and therefore is properly in the title Managing Assistant Director I, 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 Cash/Risk Manager is not a managerial executive and should appropriately be placed in the CWA Higher Level Supervisors unit.

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.

The Cash/Risk Manager, John Kuhlen, is paid at salary range 26. He reports to the Assistant Vice-President/Comptroller, who reports to the Vice-President of Administration and Finance, who reports to the College President.

Kuhlen oversees three functions of the department: disbursements (assuring the availability of funds for the College's operations), cash management (deciding where to invest College funds), and risk management (handling the College's insurance coverage). Prior to 1987, cash and risk management were handled at the State level. The cash management area is substantially regulated by the State Division of Investment. Kuhlen recommends where the College should invest its funds according to these regulations. He develops cash management strategies, procedures to handle money and banking relationships. Kuhlen developed a

policies and procedures manual for cash management. This manual required review and approval of the Assistant Vice-President.


He supervises nine clerical employees in the dispersements section. He does not supervise any other supervisory or management employees.

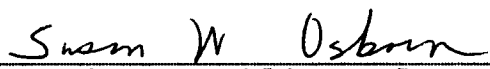
Kuhlen chairs a risk management committee, composed of representatives of all State Colleges, which develops policies for insurance risk management. A professional risk manager hired by the committee will give advice concerning risk management policies. The Committee will recommend risk management strategies to the College Vice-President for approval.

Kuhlen does not have authority to set the kind of policies which broadly effect the College's mission. Nor does he have total control over the implementation of College policy, even in the area of cash or risk management. While he can move funds from one investment to another, he does not have responsibility for setting goals and objectives.

Accordingly, we find that the Cash/Risk Manager is not a managerial executive. We recommend that the position be placed into one of the CWA's Supervisors Units.

THE CLASSIFICATION DISPUTES PANEL

  
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William Druz, Classification Specialist

  
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Susan Osborn, Public Employment  
Relations Specialist

**DATE:** January 24, 1991