

STATE OF NEW JERSEY
CLASSIFICATION DISPUTES PANEL

In the Matter of

NEW JERSEY DEPARTMENT OF HIGHER EDUCATION
(GLASSBORO STATE COLLEGE)

-and-

Safety Director

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 the unit status of certain state colleges' positions before this panel. At an 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 Safety Director at Glassboro State College is a managerial executive and therefore is properly in the generic title Director IV, a title exempted from any negotiations unit. It also argues that the Safety Director's responsibilities to investigate complaints by employees in all collective negotiations units would pose a potential conflict of interest if the position were included in any unit. CWA argues that the position is not managerial and should be included in one of its negotiations units.

A managerial executive formulates management policies or directs the effectuation of such management policies. 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 broadly affect the organization's purposes or means of effectuation of these purposes. Whether or not an employee possesses this level of authority is generally determined by three factors: (1) the employee's relative position in the 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 Safety Director, Richard Wadleigh, is paid at salary range 26. He reports to the Assistant Vice-President for Administration, who reports to a Vice-President, who reports to the College President. Wadleigh supervises only one part-time helper.

The position's job description includes a requirement that the Safety Director will "develop and maintain College safety policies and procedures to" assure the College's compliance with all federal and State regulations concerning occupational health and safety, fire and safety.

Wadleigh's position was created in January, 1988. Prior to its creation, the College Security Department was responsible for fire safety. The Safety Director is now responsible for fire safety inspections, as well as assuring College-wide compliance with State and federal laws and regulations in the areas of hazardous materials management, underground storage tanks, asbestos management, and Right-to-Know laws. Wadleigh drafted a set of "policies and procedures" to be included in the College Policy Manual. His draft was reviewed by the Assistant Vice-President, Robert Collard. This "policy and procedure" section begins with a broad policy statement signed by the College President and the Provost. Because the manual has not yet been finalized, Wadleigh wrote a 15-page memorandum to employees detailing procedures for handling of laboratory materials. We find that this directive to employees and the manual itself, except for the introductory policy statement signed by the College President, is largely not policy, but detailed regulations, standards, safety rules, and procedures, primarily adapted from State and federal regulations.

Wadleigh implements the policy, but does not direct its implementation through line supervisors. He personally does fire and safety inspections, directs accident investigations, coordinates State inspections, directs the activities of the Student Emergency Squad, and runs a safety training program and the Right-to-Know program. He is a member of the College safety committee, but Assistant Vice-President Collard, his superior, chairs the committee.

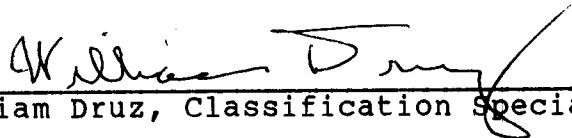
He recommends contract awards to private asbestos management contractors, but does not have final authority. His operating budget must be approved by Collard, and his capital budget must be approved by the Vice-President.

Based upon the foregoing, we find that the Safety Director does not have the authority to set policy or to direct the implement of such policy which would broadly affects the College's mission or the means to accomplish its mission.

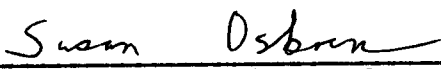
Further, we do not find that the Safety Director's inclusion in a negotiatons unit poses a potential for conflict of interest. Wadleigh is involved with grievances only as a resource person. He is not assigned as a hearing officer to hear grievances, but merely interprets State, federal, and College regulations for the parties.

We find that the Safety Director is not a managerial executive, nor does his inclusion in a negotiations unit create a potential conflict of interest. The Safety Director position should appropriately be classified into the CWA unit.

THE CLASSIFICATION DISPUTES PANEL



William Druz, Classification Specialist



Susan Osborn, Public Employment
Relations Specialist

DATE: February 5, 1991