

WHAT IS MANAGEMENT-CONFIDENTIAL STATUS?

When the Taylor Law was enacted in 1967 it originally extended bargaining status to ALL New York State public employees including supervisors. It soon became apparent though, that the bargaining process could not work successfully unless there were two sides at the bargaining table. In order to properly perform its function, management should be entitled to a core group of unrepresented employees who could reliably advance management's interests.

In 1971, the Taylor Law was amended to provide an exclusion from the definition of "public employees" for "persons who may reasonably be designated from time to time as managerial or confidential upon the application of the public employer to the appropriate board."

The amendment defined "**managerial employees**" as follows:

(i) who formulate policy or (ii) who may reasonably be required on behalf of the public employer to assist directly in the preparation for and conduct of collective negotiations or to have a major role in the administration of agreements or in personnel administration provided that such role is not of a routine or clerical nature and requires the exercise of independent judgement."

"**Confidential employees**" were defined as those:

"Who assist and act in a confidential capacity to managerial employees described in clause (ii)."

When an employee is designated as managerial or confidential, the employee is excluded from any negotiating unit. In addition, the affected employee may not hold office in or be a member of any employee organization which is certified, or seeks to become certified, as the bargaining representative of public employees employed by a public employer.

The UCS currently has 988 managerial-confidential employees throughout the system.