

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 2029

# STATE OF NEW JERSEY

DATED: JUNE 21, 2010

The Senate Judiciary Committee reports favorably Senate Bill No. 2029.

This bill amends the definition of “managerial executives” and “confidential employees” in the New Jersey Employer-Employee Relations Act, P.L.1941, c.100 (34:13A-1 et seq.) for the purposes of collective labor negotiations. This bill would clarify the revisions made to these definitions pursuant to P.L.2009, c.314 which allowed certain managers employed by the State to negotiate collectively under the act, by creating a distinction between managers who formulate management policies and practices and those who effectuate the policies and practices.

The bill provides that in the case of a public employer in the Executive Branch the definition of “managerial executives” is persons who formulate management policies and practices and includes only personnel at or above the level of assistant commissioner, but does not mean persons who are charged with the responsibility of directing the effectuation of such management policies and practices. In addition, this bill reorganizes the language concerning assistant commissioners to clarify that managerial executives includes only personnel at or above the level of assistant commissioner.

In the case of a public employer other than in the Executive Branch "managerial executives" means persons who formulate management policies and practices, and persons who are charged with the responsibility of directing the effectuation of such management policies and practices, except that in any school district this term shall include only the superintendent or other chief administrator, and the assistant superintendent of the district.

With regard to “confidential employers,” the bill provides that this term in the case of a public employer other than the Executive Branch means employees whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties.

In the case of "confidential employees" of the Executive Branch this term means employees who have direct involvement in representing the State in the collective negotiations process making

their membership in any appropriate negotiating unit incompatible with their official duties.