



Management and Confidential Personnel

Management Positions

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Management positions shall be defined as follows:

1. Management employees are those persons having significant responsibilities for formulating District policies or administering District policies and programs and who have been legally designated as management by the Governing Board.
2. Supervisory employees are those persons having the authority to make recommendations to the Superintendent concerning the employees under their supervision. This authority shall extend to the following areas: hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, discipline, direction, work assignment and discipline.

Confidential Employees

A “confidential employee” is any employee who has access to or possesses information dealing with labor relations. Confidential employees shall be excluded from membership in an employee bargaining unit.

The Governing Board will on the recommendation of the Superintendent designate the confidential employees of the District.

Senior Management of Classified Services

The Governing Board may adopt a resolution establishing or abolishing positions designated as senior management of classified service. Senior management employees are either fiscal advisers to the Superintendent or employees in the highest program area position not requiring certification, and have district-wide responsibility for formulating policy or administering the program.

Employees who have been designated as senior management are a part of the classified service and have the same rights, benefits and duties except the right to permanent status in these positions. If the Governing Board determines a senior management employee is not to be reelected upon the expiration of his/her term, the Board shall notify the employee in writing at least 45 days prior to the expiration of term. If reelection or reemployment is not acted upon and the written notice above has not been given, he/she shall be deemed reelected for a term of the same length as the one completed and under the same terms and conditions and with the same compensation.



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Legal References:

EDUCATION CODE

35031 Term of employment

45100.5 Designation of senior management of the classified service

45104.5 Abolishment of senior classified management positions

45108.5 Definitions of senior classified management employees

45108.7 Waiver of provisions of 45108.5

GOVERNMENT CODE

3540.1 Definitions, particularly (g) "management employee" and (m) "supervisory employee"

3543.4 Management positions; representation

3545 Appropriateness of unit; basis

National Labor Relations Boards v. Hendricks

(1981) 454 U.S. 170