

**Management Positions**

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 the recommendations to the Superintendent or designee 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.

*(cf. 2100 - Administrative Staff Organization)*

**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 Board will, on recommendation of the Superintendent or designee, annually designate the confidential employees of the district.

**Senior Management of the Classified Service**

The Board may adopt a resolution establishing or abolishing positions designated as senior management of the classified service. Senior management employees are either fiscal advisers to the Superintendent or an employee in the highest program area position not requiring certification, which has districtwide 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 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 forty-five (45) days prior to the expiration of the 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.

**Legal References: (see next page)**

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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
- 45256.5 Senior management of classified service

GOVERNMENT CODE

- 3540.1 Definitions, particularly (g) "management employee" and (m) "supervisory employee"
- 3543.4 Management position; representation
- 3545 Appropriateness of unit; basis
- National Labor Relations Boards vs. Hendricks (1981)  
\_\_\_\_\_ U.S. \_\_\_\_\_. [50 U.S. Law Week 4037]