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Who Is a Management/Confidential Employee?

Every position in New York State Government must carry a negotiating unit (N/U) designation created by operation of the New York State Fair Employment Act (Taylor Law). Most of these designations specify units that are represented in collective negotiations by specific employee organizations which have been certified by the Public Employment Relations Board. In addition, the managerial and confidential class (M/C) is created and defined in the Taylor Law which at the same time prohibits employees who managerial/confidential positions from participation in collective bargaining negotiations.

The appropriate designation (N/U) is affixed to each position when it is established by the Division of Classification and Compensation of the NYS Department of Civil Service and continues unchanged unless successfully challenged by one of the employee organizations representing employees of other designated groups. How that challenge is mounted and addressed is, of course, very important to OMCE members.

The Management/Confidential Class is composed, at this time of less than 10,000 positions in the Executive Branch and represents a large cross-section of managerial and confidential positions found in every New York State Department and Agency. Likewise, M/C positions are found in all jurisdictional job classifications including the competitive, non-competitive, exempt classes and even in the unclassified service. The three jurisdictional classes where most M/C positions are found are in the competitive (65%), the non-competitive (nearly 13%), and exempt (22%). At one time, over 90% of M/C positions were competitive. But the Civil Service Commission, over a period of years and through successive administrations, has made many traditionally competitive class career management positions non-competitive or exempt. OMCE has consistently fought to restore merit and fitness to the State's career management service. There are also M/Cs in the Office of Court Administration, the Legislature, Authorities, Commissions and Boards that are not included in these numbers.

Over 6,000 employees in M/C status hold positions in the competitive class. To be appointed to a competitive class position on a permanent basis, one must participate in a competitive examination, pass, and be reachable (under Civil Service Rule 4.2) for appointment from the resultant eligibility list. Competitive M/C positions cover a broad range of managerial and confidential jobs, from confidential secretarial jobs to managerial positions at the highest level of state government, including Division Directors and Deputy Commissioners of various agency program areas. Such positions cover a salary grade range from salary grade 11 to M-7.

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Almost 1,500 persons hold M/C positions in the non-competitive jurisdictional class. To obtain permanency in the non-competitive class, one must pass an examination (but not in competition with other applicants). The examination usually involves the possession of specific education and experience qualifications. These positions, like those in the competitive class, cover a large range of managerial and confidential jobs from salary grade 11 to M-7.

About 2,500 persons hold M/C designated appointments in the exempt jurisdictional class. Exempt class employees are not required to take an examination and are generally appointed by agency heads. These jobs also cover a wide range, from confidential secretaries to Commissioner level positions in most agencies. Persons holding these positions, of course, serve at the pleasure of their appointing officer.

The Organization of NYS Management/Confidential Employees, Inc. (OMCE), is the labor organization created by, and for, M/C employees who are not permitted by the Taylor Law to be represented by an employee organization in collective negotiations. OMCE's primary purpose is to represent the collective point of view of M/C employees and to offer specific support and assistance designed to meet the employment related needs of individual M/C employees. To fulfill that role, OMCE works with the Executive and Legislative branches to promote M/C and broader governmental interests.

It's obvious from the above that M/C employees in general and OMCE members in particular, represent almost every aspect of state government program administration. They hold sensitive jobs at all levels in practically every state department and agency and possess extensive experience and expertise in all facets of New York State Government.