

22 **Management official**

"Management official" is defined in section 7103(a)(11) of the Statute as:

. . . an individual employed by an agency in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policy of the agency.

A unit is not appropriate if it includes management officials [section 7112(b)(1)].

The criteria to be applied in determining if a position meets the statutory definition of "management official" is whether the person in the position:

- a) creates, establishes or prescribes general principles, plans or courses of action for an agency;
- b) decides upon or settles upon general principles, plans or courses of action for an agency; or
- c) brings about or obtains a result as to the adoption of general principles, plans or course of action for an agency.

See Department of the Navy, Automatic Data Processing Selection Office, 7 FLRA 172, 177 (1981).

Independent judgment exercised by the individual formulating or effectuating agency policies is critical in determining if a person is a management official. Individuals who serve on a board which sets agency policies may be management officials within the meaning of the Statute. *U.S. Department of Justice, Board of Immigration Appeals, 47 FLRA 505 (1993).*

In those cases where an individual recommends policies or courses of action for an agency, the frequency of which the recommendations are adopted is important in determining if that person is a management official. To be a management official within the meaning of the Statute, the person in the position formulates policy or participates in the formulation of policy. A person who is responsible for effectuating the policy or who assists in the implementation of policy is not a management

official.

See HOG 58 for specific guidance about this topic at hearing.

Other references:

U.S. Army Communications System Agency, Fort Monmouth, New Jersey, 4 FLRA 627 (1980).

Department of Defense, Defense Logistics Agency, Defense Contract Management Command, Defense Contract Management District North Central, 48 FLRA 285 (1993)