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Amendment to Section 10(2)(a)

2. *The Term does not include:*

~~(a) An employee whose position is classified at grade 12 or higher under the pay plan in existence on January 1, 2003, or whose position is given an equivalent classification under any subsequently adopted pay plan;~~

(a) A managerial employee whose primary function is to administer and control the business of an Agency, Department or Division of the State and who is vested with discretion and independent judgment with the general conduct and control of an Agency, Department or Division of the State. The Board shall determine whether the employment functions or relations of particular managerial employees preclude their inclusion in a bargaining unit.