

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL MANAGEMENT  
DOA-15317 (C07/2015)  
STATS. 230.09 WIS. STATS.  
PREVIOUSLY OSER-DCLR-85



COMPENSATION & LABOR RELATIONS  
101 E. WILSON ST, 4TH FL  
MADISON, WI 53703

## Management Exclusion Analysis

This analysis should be completed by the position's supervisor and reviewed by the agency human resources representative prior to classifying a position as "management." The information will be used to assist in determining if the position is performing duties which support inclusion of the position in a career executive or other management classification, resulting in exclusion of the position from bargaining unit representation.

Wisconsin Statute s. 111.81(13), excludes management personnel from the definition of employee for collective bargaining purposes. Section 111.81(13) defines "management" to include "those personnel engaged predominately in executive and managerial functions, including such officials as division administrators, bureau directors, institution heads, and employees exercising similar functions and responsibilities as determined by the [Wisconsin Employment Relations] Commission."

The Commission referenced above is the Wisconsin Employment Relations Commission (WERC) which, under s. 111.825(3), assigns eligible employees to the appropriate bargaining units and ultimately determines the appropriateness of management exclusions.

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### Position Identification Data

1. Name of Employee (if filled): \_\_\_\_\_
  2. Civil Service Classification: \_\_\_\_\_
  3. Department and Division: \_\_\_\_\_
  4. Bureau, Section, and Unit (or comparable): \_\_\_\_\_
  5. Name and Classification of Supervisor: \_\_\_\_\_
  6. Name and Complete Civil Service Title of Former Incumbent (if any): \_\_\_\_\_
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In Case 33, No. 16403, SE-65, Decision No. 11640-C, the WERC used the following criteria in determining if employees were management. (Some of the statements are interpretations of statements made by the WERC rather than statements actually made in the decision.)

7. If the employee is a division administrator, bureau director, or institution head, the employee is, per se, management.
8. If the employee is not a division administrator, bureau director, or institution head, and if the employee is engaged predominately in executive and managerial functions similar to those engaged in by division administrators, bureau directors, or institution heads, the employee is management.

"Predominate function" is defined as the primary duties performed by the employee. If the primary duty is to provide legal services or supervise and review the work of others for compliance with established policy, the employee is not engaged predominately in executive and management functions, even though some of the time is spent in formulation, determination, and implementation of management policy. Predominate functions may be based on importance or percent of time spent. Generally, percent of time spent will be the determining factor.

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