This is a fill-in form. Please click on the appropriate area to enter information. Tab between fields and PRINT when completed.

State of Wisconsin
Office of State Employment Relations
Division of Compensation and Labor Relations

Confidential Exclusion Analysis (Non-Supervisory Positions)

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

Wisconsin Statute s. 111.81(7) excludes from the definition of employee for collective bargaining purposes "individuals who are privy to confidential matters affecting the employer-employee relationship . . ." Under s. 111.825(3), Wis. Stats., the Wisconsin Employment Relations Commission (WERC) assigns eligible employees to the appropriate statutory bargaining unit and ultimately determines appropriateness of confidential exclusions. Through case decisions, the WERC has developed the following criteria to determine if an individual should be excluded on the basis of being confidential. The criteria should be used to determine if a position may appropriately be classified as confidential.

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): _____
_____

7. Does the position have access to, knowledge of, or participate in matters which deal with: [If the answer is Yes, please list the corresponding position description (PD) task statement(s) next to the response below.]

		PD Task #s
a. the employer's strategy or position in collective bargaining?	Yes ☐ No ☐	_____
b. contract (labor agreement) administration, which may include grievance settlements or interpretation of contractual language?	Yes ☐ No ☐	_____
c. information being gathered in preparation for litigation of labor relations issues?	Yes ☐ No ☐	_____
d. other similar matters pertaining to labor relations and grievance handling between the bargaining unit representative and the employer?	Yes ☐ No ☐	_____
8. Is the information the position has access to available to the bargaining representative or its agents?	Yes ☐ No ☐	_____
9. Are there other confidential employees available to perform the confidential tasks?	Yes ☐ No ☐	_____

OSER-DCLR-86 (Rev. 02/2013) (over)
Section 230.09 Wis. Stats

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For a position to be confidential, a "yes" answer is required in at least one of the questions listed under number seven (7a through 7d), and a "no" answer is required in both questions eight and nine. If the answer to question number nine is "yes," then the possibility of consolidating confidential tasks should be discussed with the agency's management.

A signature below means the position has been reviewed and you have concluded it should be confidential as defined by s. 111.81(7)(a), Wis. Stats.

Supervisor _____ Date _____

Human Resources Representative _____ Date _____

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