

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

## Management Exclusion Analysis

### Wisconsin Human Resources Handbook Chapter 324

Attachment #2

This analysis should be completed by the position's supervisor and reviewed by the agency personnel 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 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 employe 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 employes 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 employes to the appropriate bargaining units and ultimately determines the appropriateness of management exclusions.

---

#### Position Identification Data

1. Name of Employe (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): \_\_\_\_\_  
\_\_\_\_\_

---

In Case 33, No. 16403, SE-65, Decision No. 11640-C, the WERC used the following criteria in determining if employes 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 employe is a division administrator, bureau director, or institution head, the employe is, per se, management.
8. If the employe is not a division administrator, bureau director, or institution head, and if the employe is engaged predominately in executive and managerial functions similar to those engaged in by division administrators, bureau directors, or institution heads, the employe is management.

"Predominate function" is defined as the primary duties performed by the employe. If the primary duty is to provide legal services or supervise and review the work of others for compliance with established policy, the employe 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.

