

Management Service Designation Tool

Exclusion	Confidential	Managerial	Supervisory
Statute	ORS 243.650(6)	ORS 243.650(16)	ORS 243.650(23)
Summary of Definition	<p>One who assists and acts in a confidential capacity to a person who formulates, determines and effectuates management policies in the area of collective bargaining (the primary confidential employee).</p> <p>The person being assisted must be found to be confidential before finding that an assistant to a confidential employee is confidential.</p>	<p>an employee of the State of Oregon who possesses authority to formulate and carry out management decisions,</p> <p>or</p> <p>who represents management's interest by taking or effectively recommending discretionary actions that control or implement employer policy;</p> <p>and</p> <p>who has the discretion in the performance of these management responsibilities beyond the routine discharge of duties.</p>	<p>Supervisory authority to hire...discharge... reward or discipline... respond to grievances... or effectively recommend such action.</p>
Discussion Questions	<p>Does the primary confidential employee formulate management policies for collective bargaining negotiations; decide management policies for collective bargaining negotiations; AND effect management policies for collective bargaining?</p> <p>Is there any other employee in this work location designated as confidential?</p> <p>Does the proposed confidential assistant copy, type or file management negotiation proposals; attend and/or take notes of management negotiation meetings; compute costs to the agency or state of management and union proposals; research and make recommendations to the primary confidential employ on feasibility of implementation of management and union proposals?</p> <p>Has employee done the above duties in prior negotiations?</p> <p>Can someone else do the above duties, even if it requires a rearrangement of regular assignments?</p>	<p>Is the managerial employee closely constrained by procedures and guidelines developed by management and not constrained by regular supervision?</p> <p>Does the managerial employee's activities fall outside the scope of the duties routinely performed by similarly situated professionals? If so, he may be aligned with management. For example, for an attorney to qualify as a managerial employee, he/she must perform duties not routinely performed by other similarly situated attorneys (for instance, he or she may presumably qualify by performing managerial duties in addition to, or instead of, practicing law).</p>	<p>Does the employee supervise 2 or more employees? (City of Forest Grove vs. City of Forest Grove Employees Local 3786 (ERB Case No. UC-29-96)</p>
Examples of positions that generally <u>meet</u> the exclusion	<p>HR Analysts who formulate bargaining concepts; Support to HR Manager or other administrator who participates directly in collective bargaining on behalf of the agency.</p>	<p>HR Analysts who effectively recommend policy, discipline, etc, who are appointing authorities, or who testify on behalf of agency or who have the authority to settle grievances; Senior policy or program analysts who formulate and implement management policy; or who have the authority to commit the agency to a course of action related to agency policy or finance.</p>	
Examples of positions that generally <u>do not meet</u> the exclusion	<p>Confidential executive secretaries; payroll technicians; positions that deal with confidential info such as DMV records, child support info, or LEDS.</p>	<p>Policy or program analysts that make recommendations to management regarding agency policy or procedures.</p>	<p>Supervises with only one subordinate.</p>