

"Management official" is defined in section 7103(a)(11) of the Statute as:

. . . an individual employed by an agency in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policy of the agency.

A unit is not appropriate if it includes management officials [section 7112(b)(1)].

***For specific guidance on management officials, see RCL 22.***

***Relevant information*** includes:

- 1) Documentation, such as the mission statement, organization and function charts of the Activity that locate the alleged management official.
- 2) Testimony from the employee of his/her actual duties and responsibilities and documentation including:
  - a) a copy of the position description and performance standards of the employee.
  - b) Given the nature of the work performed by a management official, copies of any agency regulations or directives which address the authorities and responsibilities of this position.
- 3) What decisions are made by the employee in the performance of the job? Obtain copies of policies, regulations, directives, etc. issued by the employee.
  - a) What is the scope of the authority of the employee (i.e., what types of decisions does s/he have authority to make).
  - b) To what extent does the employee draft and implement rules, regulations, directives, binding decisions that interpret laws?

- c) What is the affect of any decision made and who is affected by the decision?
  - d) Are these decisions made pursuant to established policies or regulations? If so, obtain copies of the relevant documents.
- 4) Do some or all of the decisions of the employee require higher agency approval?
  - a) The steps of the review process are be well-documented for the record. Obtain copies of policies, regulations, directives, etc. written by the employee, that have been through this review process.
  - b) If the decisions must be approved by higher agency officials, how often are the decisions of the employee approved? How often are they disapproved?
- 5) Are the decisions of the employee subject to any type of review process?
  - a) The steps of the review process are well-documented for the record. Copies of the employee's policies, regulations, directives, etc. that have been through this review process are entered into the record.
  - b) If the decisions or recommendations must be reviewed, how often are they accepted? How often are they rejected?
- 6) The employee actually may not be making policy, but may be making recommendations as to the formulation of policies. Obtain copies of recommended policies, regulations, directives, etc. drafted and copies of the final policy, regulation, directive, etc. issued. Describe the employee's involvement in the making of policy.
  - a) The steps of the recommendation process are well-documented for the record.
  - b) How often are the recommendations of the employee adopted? How often are they disapproved?

- 7) Does the employee attend supervisory or managerial meetings?
  - a) What is typically discussed at these meetings? How often are they held? Obtain minutes of these meetings, if possible.
  - b) How often does this employee attend these meetings?
  - c) What is the nature of the employee's participation at these meetings?
- 8) What is the employee's responsibility concerning the Agency's operations or policies? Obtain specific examples with documentation.
- 9) If the employee is not making policy determinations or making recommendations as to policies, what exactly, is the level of participation by the employee in formulating, developing, determining or influencing Agency policies. Obtain specific evidence concerning the exact nature of this participation.

Evidence concerning information in items "1" and "3" through "7" are obtained through testimony and documentation introduced by supervisor(s) of the disputed employee, operational managers, employees in similarly situated positions, as well as the employee.

