

ARTICLE 38 SECONDARY NEGOTIATIONS

The parties acknowledge and agree that no secondary negotiations may take place except as specifically authorized by an Article of this Agreement, or by mutual agreement of the Office of the State Employer and the Union. The parties agree to extend the terms of secondary agreements and Letters of Understanding relative to the administration thereof in effect on December 31, 2007 applicable to employees in these units until such time as new secondary agreements have been negotiated and ratified. An extension of a secondary agreement requires the approval of the Civil Service Commission. It is understood and agreed that no provision of a secondary agreement may take precedence over any provision of this (primary) Agreement. Thus, if a conflict arises between a provision of this Agreement and a provision of a secondary agreement the provisions of this Primary Agreement rather than the secondary shall prevail.

The parties shall meet to negotiate secondary agreements no later than thirty (30) days after Civil Service Commission approval of this Primary Agreement. These negotiations shall continue, with regular meetings as mutually agreed, for no longer than sixty (60) calendar days and may include mediation as agreed to by the parties or required by the Civil Service Rules and Regulations. Should the parties fail to agree on items properly referred to secondary negotiations, the outstanding items shall be submitted to the Civil Service Impasse Panel.

Prior to the actual signing of a complete tentative secondary agreement(s) by the Department and the Union, the Office of State Employer shall have two (2) days to review and approve or disapprove the tentative agreement. Thereafter, any signing of tentative agreements shall not require further review or approval of the Office of State Employer.

Any agreements reached in secondary negotiations shall not be final until ratified by the Union and approved by the Civil Service Commission.