

AMENDMENTS TO CIVIL SERVICE RULES

Repeal Rule 6-3.6

December 19, 2007, Effective Immediately

Added text is double underlined. Deleted text is ~~struck-through~~.

1 6-2 Employee-Employer Relations Systems

2 6-2.1 Collective Bargaining Authorized

3 The civil service commission authorizes classified employees in eligible positions to organize,
4 elect an exclusive representative, and negotiate with the employer over proper subjects of
5 bargaining.

6 (a) **Rights and obligations.** The employer, employees, and exclusive representatives have the
7 rights and obligations provided in the civil service rules and regulations.

8 (b) **Subjects of bargaining.** The employer and the exclusive representative are required to
9 bargain in good faith over mandatory subjects of bargaining. The employer may, but is not
10 required to, negotiate over permissive subjects of bargaining. A party cannot bargain over
11 prohibited subjects of bargaining.

12 (c) **Intent; retention of authority.** The civil service commission intends to defer to and
13 approve collective bargaining agreements negotiated in good faith between the employer
14 and an exclusive representative when permitted by this chapter. However, the commission
15 is obligated to retain and exercise its constitutional authority in all matters. The
16 commission expressly retains the authority to do all of the following:

17 (1) Review, modify, or reject, in whole or in part, each proposed collective bargaining
18 agreement.

19 (2) Determine, during the term of a collective bargaining agreement, if a provision
20 previously approved has been applied or interpreted to violate or otherwise rescind,
21 limit, or modify a civil service rule or regulation governing a prohibited subject of
22 bargaining, notwithstanding any contrary provision of the agreement.

23 (d) **Collective bargaining agreement as substitute rules.** Each collective bargaining
24 agreement approved by the civil service commission is expressly subject to and governed
25 by the civil service rules and regulations. The approval of a collective bargaining
26 agreement by the commission is a quasi-legislative act. The provisions of a collective
27 bargaining agreement, when approved by the commission, become a subset of the civil
28 service rules governing rates of compensation and other conditions of employment for the
29 eligible employees in the applicable unit.

1 (e) **Collective bargaining agreement as a binding agreement.** An approved collective
2 bargaining agreement is binding only between the employer and the exclusive represen-
3 tative. A collective bargaining agreement is not binding on the civil service commission.

4 6-2.2 Limited-Recognition Organizations Authorized

5 The civil service commission authorizes classified employees in nonexclusively represented
6 positions to designate limited-recognition organizations to meet and confer with the employer
7 over rates of compensation and other conditions of employment and to represent members in
8 civil service grievance proceedings. The employer, employees, and the limited-recognition
9 organizations shall have the rights and obligations provided in the civil service rules and
10 regulations.

11 6-3 Commission Authority

12 6-3.1 Commission Relationship to Collective Bargaining

13 The ability of eligible employees to elect an exclusive representative and engage in collective
14 bargaining is a privilege granted by the civil service commission under its exclusive
15 constitutional authority. However, the commission cannot delegate its constitutional
16 responsibilities to the collective bargaining parties and the privilege to engage in collective
17 bargaining remains subject to the commission's sovereign authority and the rules of the
18 commission.

19 (a) **Review and approval required.** A collective bargaining agreement or any provision of a
20 collective bargaining agreement cannot take effect or be enforceable between the parties
21 unless the civil service commission has reviewed and approved the agreement or
22 provision.

23 (b) **Commission authority.** The civil service commission retains the authority to (1) approve,
24 modify, or reject, in whole or in part, a proposed collective bargaining agreement
25 presented to it for review and (2) to impose on the parties and eligible employees a
26 collective bargaining agreement as modified by the commission.

27 (c) **Modification of agreement during term.** Notwithstanding that the civil service
28 commission previously approved the provisions of a collective bargaining agreement, the
29 commission retains the authority, during the term of a collective bargaining agreement, to
30 modify the agreement without the approval of the parties, as provided in rules 6-3.5 and 6-
31 3.8(c).

32 (d) **Effect of agreement on civil service commission.** The civil service commission
33 (including civil service staff) (1) is not a party to a collective bargaining agreement
34 approved by the commission; (2) does not become a party to the collective bargaining
35 agreement by virtue of the commission's review, approval, or modification; (3) is not
36 subject to any of the provisions of a collective bargaining agreement; and (4) is not subject

1 to the jurisdiction of an arbitrator or other fact-finder acting under authority of a collective
2 bargaining agreement approved by the commission.

3 6-3.2 Prohibited Subjects of Bargaining

4 (a) **Prohibitions.**

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6 (b) **Prohibited subjects of bargaining.** The civil service authority, policy, rules, regulations,
7 procedures, and practices governing or regulating any of the following are prohibited
8 subjects of bargaining:

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10 (11) **Union leave.** The requirements and limitations on union leave in rule 6-3.9(c).

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12 6-3.3 Incorporation by Reference *[No Change]*

13 6-3.4 Modification after Approval

14 A primary or secondary collective bargaining agreement approved by the civil service
15 commission remains in effect between the parties during its approved term, unless otherwise
16 amended by the commission during its term as provided in rules 6-3.5 or 6-3.8(c). An
17 amendment to an existing collective bargaining agreement is a quasi-legislative act.

18 6-3.5 Modification of Agreement or Arbitrator's Decision *[No*
19 *Change]*

20 6-3.6 Application of Civil Service Rules and Regulations
21 *[Renumbered Only]*

22 6-3.7 Civil Service Staff Neutrality *[Renumbered Only]*

23 6-3.8 Limitations on Term of Collective Bargaining Agreements
24 *[Renumbered Only]*

25 6-3.9 Union Leave *[Renumbered Only]*

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1 9-1 Definitions

2 Unless the context clearly provides otherwise, the following terms in the civil service rules and
3 regulations are defined as follows:

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