

# Executive Order 1979-5

Agency: State Employer

## EXECUTIVE ORDER (1979-5)

### ESTABLISHMENT OF THE OFFICE OF STATE EMPLOYER

#### THE DEPARTMENT OF MANAGEMENT AND BUDGET

WHEREAS, on August 20, 1976, the State Civil Service Commission adopted a new employee relations policy, entitled Civil Service Employee Relations Policy and Regulations of 1976, as amended, which granted substantial new rights to classified employees to organize themselves into broad occupational units which transcend departmental boundaries; and

WHEREAS, the Employee Relations Policy of 1976 provided for the election of exclusive employee representatives; gave conference rights to such organizations; designated the Governor or his representative as the State Employer; and designated the Department of Civil Service as the neutral body regulating the labor relations system in the classified service; and

WHEREAS, the Governor previously designated the Director of the Department of Management and Budget, effective May 13, 1977, as the State Employer for purposes of implementing the Civil Service Commission's Employee Relations Policy; and

WHEREAS, in the interest of efficiently discharging the responsibilities of the State Employer, it is necessary to establish a separate office headed by a permanent director and to clarify the authority and duties of that office;

NOW, THEREFORE, I, WILLIAM G. MILLIKEN, Governor of the State of Michigan, pursuant to the authority vested in me by the Michigan Constitution of 1963 in Article V, Section 8, do hereby order the following:

1. My designation of the Director of the Department of Management and Budget as the State Employer is hereby rescinded.
2. There is established within the Department of Management and Budget, an Office of State Employer. The Office of State Employer shall be headed by a director who shall be an unclassified employee appointed by, and directly responsible to, the Governor. The Director shall perform the obligations and exercise the rights of the State Employer under Civil Service Employee Relations Policy and Regulations of 1976, and, on behalf of the Employer, shall formulate, execute and administer labor-management relations policies for classified employees.
3. The duties of the Director shall include, but not be limited to, the following:
  - a. To represent executive branch departments and agencies before the Civil Service Compensation Hearings Panel.
  - b. To determine the matters which fall subject to meet and confer negotiations and to determine the policy of the employer with respect to such matters.
  - c. To represent the employer, with the assistance of appropriate bargaining committees appointed by the Director, in primary negotiations with recognized employee associations.
  - d. To enter, subject to the approval of the Governor, memoranda of understanding with employee organizations concerning matters subject to meet and confer negotiations.
  - e. To determine the issues which shall be the subject of primary negotiations and those which shall be the subject of secondary negotiations.
  - f. To participate in secondary negotiations at the departmental level and to approve memoranda of understanding agreed to at the departmental level.
  - g. To represent the employer in dispute resolution conferences and in mediation and advisory arbitration proceedings.

- h. To participate in and represent the employer at conferences initiated by employee organizations with the Department of Civil Service.
    - l. To initiate requests for modifications in the Civil Service Employee Relations Policy and Regulations of 1976, as amended.
  - i. To coordinate employer responses to personnel policy and rule changes being considered by the Civil Service Commission.
  - j. To initiate or approve the initiation of prohibited practice charges against employee organizations and to respond to and represent the employer with respect to prohibited practice charges filed by employee organizations.
  - k. To review positions included within specific bargaining units and raise objections to the inclusion of positions determined to be managerial, confidential or supervisory.
  - l. To do such other things as are necessary in order for the employer to meet his responsibilities to recognized employee organizations, and to foster responsible labor-management relations.
4. The Director of the Office of State Employer shall be assisted in the performance of his responsibilities by an advisory committee consisting of representatives of principal departments appointed by the Governor.
  5. The duties of the Director of the Office of State Employer shall be limited to employee relations matters affecting classified employees covered by the Civil Service Employee Relations Policy and Regulations of 1976, as amended. The Director shall not be considered the employer with respect to State Police troopers and sergeants, who have exercised the right of collective bargaining pursuant to Article XI, Section 5, of the Michigan Constitution of 1963.
  6. The Director of the Office of State Employer shall have authority to appoint and supervise such clerical and professional staff as deemed necessary. The Director may also enter consulting contracts for personal and professional services related to the functions of the Office of State Employer. The Department of Management and Budget shall perform budgeting, procurement and related administrative functions for the Office.

All executive branch departments and agencies shall cooperate with and assist the Director in the performance of the responsibilities herein assigned.

Given under my hand and the Great Seal of the State of Michigan this twentieth day of September in the Year of Our Lord, One Thousand Nine Hundred Seventy-Nine, and the Year of the Commonwealth, One Hundred Forty-Three.

William G. Milliken  
Governor

BY THE GOVERNOR:

Richard H. Austin  
Secretary of State