

Executive Order 1988-6

EXECUTIVE ORDER (1988-6)

ESTABLISHMENT OF THE OFFICE OF THE STATE EMPLOYER WITHIN THE DEPARTMENT OF MANAGEMENT AND BUDGET

WHEREAS, on April 25, 1980, the State Civil Service Commission adopted a revised employee relations policy, entitled Civil Service Employee Relations Policy Rule and Regulations of 1980, 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 Rule of 1980 provided for the election of exclusive employee representatives; gave collective bargaining 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, in the interest of efficiently discharging the responsibilities of the State Employer, it is necessary to clarify the authority and duties of that office;

NOW, THEREFORE, I, JAMES J. BLANCHARD, 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. The Office of State Employer shall continue to be housed within the Department of Management and Budget. It 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 Rule and Regulations of 1980, and, on behalf of the employer, shall formulate, execute and administer labor-management relations policies for classified employees.
2. 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 addressing issues for non-represented classified employees.
 - b. To determine the policies of the employer with respect to matters subject to collective bargaining negotiations.
 - c. To represent the employer in primary negotiations with exclusive representatives. To assist the Director, departmental bargaining team members shall be nominated by the departments, subject to the approval of the Director.
 - d. To enter into collective bargaining agreements with exclusive representatives concerning negotiable matters.
 - 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 all secondary collective bargaining agreements.
 - g. To represent the employer in dispute resolution conferences and in mediation.
 - h. To initiate requests for modifications to the Civil Service Employee Relations Policy Rule and Regulations of 1980, 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 excluded on the basis of being managerial, confidential or supervisory.
 - l. To have final authority for contract administration and to approve all contract interpretation documents and Letters of Understanding.
 - m. To make the management determination regarding which grievance cases should go to arbitration after consultation with the affected department; to approve the management advocate in the presentation of all arbitrations.
 - n. To supervise the training of all management personnel involved in the labor relations process with the full cooperation and participation of the departments.
 - o. To do such other things as are necessary in order for the employer to meet the responsibilities to recognized employee organizations, and to foster responsible labor-management relations.
3. Departments and agencies shall cooperate with the Director in providing information necessary to perform these responsibilities.
4. The Director of the Office of State Employer shall be assisted in the performance of the 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 include employee relations matters affecting classified employees covered by the Civil Service Employee Relations Policy Rule and Regulations of 1980, as amended, as well as matters affecting State Police troopers and sergeants, who exercise 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 25th day of May in the Year of Our Lord, One Thousand Nine Hundred Eighty-Eight, and of the Commonwealth, One Hundred Fifty-Two.

James J. Blanchard
Governor

BY THE GOVERNOR:

Richard H. Austin
Secretary of State