

# Executive Order 2002-18

## DEPARTMENT OF MANAGEMENT AND BUDGET OFFICE OF THE STATE EMPLOYER

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

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; 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, JOHN ENGLER, Governor of the State of Michigan, pursuant to the authority vested in me by the Michigan Constitution of 1963.

### I. Definitions

As used herein:

- A. The "Civil Service Commission" means the Civil Service Commission created in Article XI, Section 5, of the Constitution of the State of Michigan of 1963.
- B. The "Department of Civil Service" means the principal department of state government created by Section 200 of Act No. 380 of the Public Acts of 1965, being Section 16.300 of the Michigan Compiled Laws. Pursuant to Section 201 of Act No. 380 of the Public Acts of 1965, being Section 16.301 of the Michigan Compiled Laws, the head of the department is the Civil Service Commission.
- C. The "Department of Management and Budget" means the principal department of state government created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws.
- D. The "Office of the State Employer" means the autonomous office created within the Department of Management and Budget by Executive Order 1979-5, whose duties include, but are not limited to, those assigned by Executive Orders 1979-5, 1981-3, and 1988-6.

### II. Office of the State Employer

- A. The Office of the 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, as amended, and on behalf of the employer, shall formulate, execute, and administer labor-management relations policies for classified employees.
- B. The duties of the Director shall include, but not be limited to, the following:
  1. To represent executive branch departments and agencies before the Civil Service Coordinated Compensation Panel addressing issues for nonexclusively represented classified employees.

2. To determine the policies of the employer with respect to matters subject to collective bargaining negotiations.
  3. 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.
  4. To enter into collective bargaining agreements with exclusive representatives concerning negotiable matters.
  5. To determine the issues which shall be the subject of primary negotiations and those that shall be the subject of secondary negotiations for the employer.
  6. To participate in secondary negotiations at the departmental level and to approve all secondary collective bargaining agreements.
  7. To represent the employer in dispute resolution conferences and in mediation.
  8. To initiate requests for modifications to the Civil Service Employee Relations Policy Rule and Regulations of 1980, as amended.
  9. To coordinate employer responses to personnel policy and rule changes being considered by the Civil Service Commission, and regulations by the State Personnel Director.
  10. To initiate, or approve the initiation, of prohibited practice charges against employees or employee organizations and to respond to and represent the employer with respect to prohibited practice charges filed by employees or employee organizations.
  11. To serve as the chair of the State Equal Opportunity Workforce Planning Council as provided in executive order 1996-13.
  12. To have final authority for contract administration, grievance settlements and to approve all contract interpretation documents and Letters of Understanding.
  13. To make the management determination regarding which grievance cases should go to arbitration or civil service hearing after consultation with the affected department; to approve the management advocate in the presentation of all arbitrations and the presentation of grievance hearings under the Civil Service Commission rules and regulations.
  14. To supervise the training of all management personnel involved in the labor relations process with the full cooperation and participation of the departments.
  15. To develop and administer the statewide drug and alcohol testing program, statewide safety and health system, long-term disability plan, disability management programs, and the workers' compensation program for active state employees of the executive branch.
  16. To coordinate the provision of confidential services to employees who are experiencing work-related problems or personal concerns that are affecting their work, including the coordination of assistance to employees who have been exposed to traumatic incidents at work.
  17. 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.
- C. Departments and agencies shall cooperate with the Director in providing information necessary to perform these responsibilities.

- D. The duties of the Director of the Office of the 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.
- E. The Director of the Office of the State Employer shall have authority to appoint and supervise such staff as deemed necessary. The Director may also enter consulting contracts for personal and professional services related to the functions of the Office of the State Employer. The Department of Management and Budget shall perform budgeting, procurement and related administrative functions for the Office.
- F. All executive branch departments and agencies shall cooperate with and assist the Director in the performance of the responsibilities herein assigned.
- G. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this 28 day of October, in the Year of our Lord, Two Thousand Two.

John Engler  
BY THE GOVERNOR:

Candace S. Miller  
SECRETARY OF STATE