

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER TWELVE

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: EMPLOYEE AND LABOR-MANAGEMENT RELATIONS IN
STATE GOVERNMENT

WHEREAS, a responsive and adaptive government helps promote the public interest by rationally managing its workforce to assure accountability, efficiency and stability in the provision of government services; and

WHEREAS, while the various Executive Branch departments and agencies have different structures, histories and missions, their goals are identical in the employee and labor relations arena: efficient and effective management practices that encourage employee productivity and creativity, and produce workplace fairness and stability at the lowest practical cost; and

WHEREAS, the provision of consistent and effective labor-management relations requires that the Executive Branch and its departments and agencies speak with one voice to assure a uniform employer position, high quality management services, equitable treatment of employees and the ability to address issues in a timely and decisive manner; and

WHEREAS, these goals can best be achieved by affirming that employee and labor relations should continue to be managed centrally by the State Personnel Office.

NOW, THEREFORE, I, THOMAS R. CARPER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

1. The State Personnel Office's State Labor Relations Service ("SLRS") shall maintain the central managerial role over all employee and labor relations matters in the Executive Branch, and shall represent the interests of the Executive Branch and its departments and agencies. Public and Higher Education agencies and the Judicial Branch of government are urged to continue using the SLRS in an advisory role.

2. To manage this critical function effectively, the responsibilities and duties performed by the SLRS are set forth herein as follows:

(a) The SLRS shall exercise the authority and responsibilities reposed in it by prior Executive Orders, policy statements and directives;

(b) The SLRS shall manage and conduct all collective bargaining negotiations with employee organizations, including approving management team members nominated by departments and agencies. On behalf of the State, the SLRS shall approve and sign all collective bargaining agreements and any other agreements or arrangements made

involving employee organizations that represent employees subject to Executive Branch authority;

(c) The SLRS shall manage and represent the Executive Branch and its departments and agencies in labor arbitration, Public Employment Relations Board, Department of Labor and other administrative proceedings involving employee and labor relations issues;

(d) The SLRS shall provide policy direction and professional/technical expertise on employee and labor relations issues;

(e) The SLRS shall assist department and agency managers and personnel representatives in maintaining consistency with the State's management policies and objectives, and adherence to specified contractual terms, defined employee due process rights and Merit System requirements;

(f) The decision whether to use any non-SLRS staff or outside representatives or advisors, e.g., outside consultants or attorneys, to perform or otherwise engage in any employee or labor relations activities shall be made by the SLRS, with the approval of the Director of State Personnel, in compliance with relevant state laws, including 29 Del. C. § 2507; and

(g) All departments and agencies shall notify the SLRS promptly of any information requests or subpoenas involving any employee or labor relations matter, including contract negotiations and grievance arbitration proceedings. Upon review and consultation with the affected department or agency, the SLRS shall determine the appropriate response to all such requests and non-court subpoenas. Where major policy and/or legal considerations may be involved, the SLRS shall consult with the Governor's Office and/or the Department of Justice.

3. This Order shall be circulated by all cabinet secretaries and agency heads to their relevant personnel managers.



APPROVED this 15th day of October, 1993

Thomas R. Carper
Governor

Attest:

William J. Fuller
Secretary of State