

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER SEVENTY-SIX

RE: MANAGEMENT OF LABOR RELATIONS AND ADMINISTRATIVE PROCEEDINGS 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 EEOC case management 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 ensure 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 the central management of labor relations and employment related administrative proceedings by the Office of Management and Budget,

NOW, THEREFORE, I, RUTH ANN MINNER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order that:

1. The Office of Management and Budget shall maintain the central managerial role over all administrative proceedings relating to personnel matters (including equal employment opportunity cases) 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 Office of Management and Budget in an advisory role.
2. To manage this critical function effectively, the responsibilities and duties performed by the Office of Management and Budget are set forth herein as follows:
 - a. The Office of Management and Budget shall exercise the authority and responsibilities reposed in it, or any of its sections, by prior Executive Orders, policy statements and directives;
 - b. The Office of Management and Budget shall manage and conduct all collective bargaining negotiations with employee organizations, including, after prior consultation with the department or client agency, approving management team members nominated by departments and agencies. On behalf of the State, the Office of Management and Budget 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 Office of Management and Budget shall manage and represent the Executive Branch and its departments and agencies in labor arbitration, Public Employment Relations Board, Department of Labor, Equal Employment Opportunity Commission and other administrative proceedings involving labor relations;

- d. The Office of Management and Budget shall provide policy direction and professional/technical expertise on EEOC cases and labor relations issues;
- e. The Office of Management and Budget shall assist department and agency managers and human resource 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-Office of Management and Budget staff or outside representatives or advisors, e.g., outside consultants or attorneys, to perform or otherwise engage in any EEOC or labor relations activities shall be made by the Governor's Office, after consultation with the Director of the Office of Management and Budget, in compliance with relevant state laws, including 29 Del. C. § 2507; and
- g. All departments and agencies shall notify the Office of Management and Budget promptly of any information requests or subpoenas involving any administrative process or labor relations matter, including contract negotiations and grievance arbitration proceedings. Upon review and consultation with the affected department or agency, the Office of Management and Budget shall determine the appropriate response to all such requests and non-court subpoenas. Where major policy and/or legal considerations may be involved, the Office of Management and Budget 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 human resource managers. Executive Order Number Forty-Five, adopted by Governor Carper on April 30, 1997, is hereby repealed.

Approved this 8th day of November, 2005.


Governor

Attest:


Secretary of State

