

representative shall provide three copies of an audited report accounting for its fees and expenses to the state personnel director annually.

[Rule 6-7 last amended effective April 29, 2004]

6-8 Recognition Rights for Labor Organizations

6-8.1 Rights of Exclusive Representatives

An exclusive representative (1) has the duty of fair representation of all employees in the unit, (2) may engage in collective bargaining with the employer, and (3), when mutual agreement is reached, may submit to the civil service commission for approval a written collective bargaining agreement regarding proper subjects of bargaining.

6-8.2 Limitation on Representation

A labor organization certified as an exclusive representative in a unit is prohibited from representing (1) any employee in an eligible position prior to being certified as the exclusive representative in the employee's unit and (2) any employee occupying an excluded position.

6-8.3 Limited-Recognition Organizations

Employees in excluded positions are not eligible for exclusive recognition but may join and be represented by limited-recognition organizations, unless otherwise prohibited by this rule. Employees in eligible positions in units that have not yet elected an exclusive representative may join and be represented by limited-recognition organizations. However, a limited-recognition organization shall not represent nor seek to represent an employee in an eligible position after an exclusive representative has been certified in the employee's unit.

- (a) **Limited-recognition status and payroll deduction of dues.** The state personnel director shall recognize as a limited-recognition organization an organization that registers with the director and provides (1) a copy of its constitution, bylaws, or other governing documents; (2) the names and addresses of its officers; (3) proof of registration as a nonprofit corporation in the state of Michigan; and (4) proof of membership of 50 or more excluded employees. Proof of membership must be in the form of signed membership application forms. Upon submission to the office of the state employer of 50 or more appropriate dues deduction cards, such an organization has the privilege of payroll deduction of dues for members who are excluded. An employee cannot have the privilege of payroll deduction of dues to more than one organization.
- (b) **Limited recognition rights.** An organization granted limited recognition under this rule also has the following rights:
- (1) The right to express the interests of its members.
 - (2) The right to represent its members in civil service grievance hearings and technical appeals, when requested by the member.
 - (3) The right to be heard by the employer, the employment relations board, and the civil service commission.

- (4) The right to union leave for union activities as may be provided in the regulations.
- (c) **Limitations for certain excluded employees.**
 - (1) **Limited membership permitted.** The following employees may join a limited-recognition organization but are prohibited from serving in any official capacity, including, but not limited to, serving as an officer, agent, or representative of the limited recognition organization:
 - (A) An appointing authority who is a classified employee.
 - (B) An excluded employee occupying a position in human resources under the direction of an appointing authority, other than the state personnel director.
 - (2) **Membership prohibited.** Notwithstanding subsection (c)(1), the following employees are prohibited from joining or being represented by a limited-recognition organization:
 - (A) An employee of the civil service commission.
 - (B) An employee of the office of the state employer.

[Rule 6-8 last amended effective August 26, 2007]

6-9 Negotiations and Impasse

6-9.1 Primary Negotiations

The state employer, acting in consultation with principal departments, the attorney general, and the secretary of state, shall direct primary negotiations on behalf of the employer. The state employer shall coordinate all negotiations and administration of collective bargaining agreements with the appointing authorities. Upon request of the attorney general or the secretary of state, the state employer shall reserve all noneconomic issues in the office of attorney general or department of state for secondary negotiations. The parties may coordinate bargaining between the state employer and more than one exclusive representative.

6-9.2 Timing of Primary Negotiations

The state personnel director shall annually establish a time frame for the conduct of primary negotiations and impasse resolution. The time frame must coordinate with the legislative budget cycle and the constitutional provisions governing the timing of increases in rates of compensation for classified employees. If the collective bargaining parties cannot reach agreement by the date established by the director, the parties may refer the matter to the impasse panel for resolution. If a newly-certified exclusively representative cannot complete bargaining for a new agreement before a new fiscal year begins, the rates of compensation for its members are determined in the same manner as nonexclusively represented employees.

6-9.3 Failure to Request Impasse

If the parties have not reached a voluntary agreement or timely requested impasse panel assistance by the date an existing collective bargaining agreement expires, the civil service commission may require the parties to refer unresolved issues to the impasse panel. The