

S T A T E O F M I C H I G A N

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEGAN


**LABOR NEGOTIATIONS, ADMINISTRATION AND RELATIONS POLICY—APPROVE  
POLICY**

**BE IT RESOLVED**, that the Allegan County Board of Commissioners hereby approves the Labor Negotiations, Administration and Relations Policy as attached, to be implemented immediately; and

**BE IT FURTHER RESOLVED**, that the Administration Department will post the policy on the county website along with other adopted board policy.

Moved by Commissioner Kapenga, seconded by Commissioner Campbell to adopt the resolution as presented. Motion carried by roll call vote: Yeas - 7 votes. Nays - 3 votes. Absent - 1 vote.

ATTEST, A TRUE COPY

, Clerk-Register

APPROVED: August 16, 2007

cc: Admin. - Finance - Human Resources

## Allegan County Policy

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### Title: Labor Negotiations, Administration, and Relations

**Document Code No.:** HR1  
**Department:** Human Resources  
**Effective Date:** August 16, 2007  
**Approved:**  
**Type of Action:** Supersedes Board Resolution regarding Labor Relations Effective January 1, 1995, and all other negotiations policies and committee formation

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**1.0 SUBJECT TITLE:** Labor Negotiations, Administration, and Relations

**2.0 PURPOSE:**

2.1 It is the desire of the Allegan County Board of Commissioners to promote a proactive and collaborative negotiations process with all bargaining units within the County organization.

**3.0 ORGANIZATIONS AFFECTED:**

3.1 All Administrative Departments, Courts, and Elected Offices.

**4.0 REFERENCES:**

4.1 Labor Relations and Mediation Act (LMA), Act 176 of the Public Acts of 1939, as amended

4.2 Public Employment Relations Act (PERA) Act 336 of 1947, as amended

4.3 Compulsory Arbitration of Labor Disputes in police and Fire Departments (Act 312), Act 312 of 1969, as amended

4.4 Michigan Public Employment and Labor Relations Law, 1994 Edition

**5.0 DEFINITIONS:**

5.1 "Collective bargaining," as provided in the Public Employment Relations Act (PERA), means the performance of mutual obligations of the public employer and the exclusive bargaining representative of the employees to meet at reasonable times, to confer and negotiate in good faith, and to execute a written

agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party will be compelled to agree to a proposal or be required to make a concession unless otherwise provided in PERA.

5.2 "Collective Bargaining Team" (CBT) means a team consisting of:

5.2.1 The Human Resources Director;

5.2.2 The County Administrator;

5.2.3 The Budget and Finance Director.

5.3 Michigan law recognizes a co-employer relationship between the County Board of Commissioners and each of the elected County officers. The Board of Commissioners is empowered to establish the number of employees and the salaries of the employees and to appropriate funds for the hiring of employees so as to permit the elected County officers to carry out their statutorily mandated duties at a "serviceable level." The Board of Commissioners determines the economic issues in the co-employer relationship.

Elected County officers derive their authority from the Michigan Constitution and statutory law. Each elected County official has been given the power to select and appoint employees who serve at the pleasure of the elected official.

As determined by St. Clair Prosecutor v AFSCME 425 Mich 204 (1986), elected County officers have the right to participate in the collective bargaining process and are parties to the collective bargaining agreement.

5.4 Pursuant to Administrative Order 1998-5, Michigan law recognizes that for purposes of collective bargaining pursuant to 1947 PA 336, a chief judge or a designee of the chief judge shall bargain and sign contracts with employees of the court. The chief judge may permit the funding unit to act on the chief judge's behalf for purposes of collective bargaining pursuant to 1947 PS 336 only.

## 6.0 POLICIES:

6.1 Policies are generally established in those State and County statutes referenced in Section 4.0 of this document. Policies not

delineated in those statutes will be drafted for review by the Board of Commissioners.

- 6.2 The Collective Bargaining Team (CBT) will be responsible for collective bargaining on an operational and ongoing basis. In cases when collective bargaining proceeds to mediation, fact finding or arbitration, as well as when unfair labor practice charges are filed, the services of Corporate Legal Counsel will be initiated.

## 7.0 PROCEDURES:

- 7.1 It is the policy of the Allegan County Board of Commissioners to establish working conditions for all employees that promote the delivery of quality, responsive public service and reflect an appropriate balance of management and employee rights.
- 7.2 In the event they have not already been initiated through other processes, the Human Resources Director will contact the appropriate bargaining representative to initiate the collective bargaining process no less than 120 calendar days prior to the expiration of an existing agreement or earlier.
- 7.3 Through a sequence of closed sessions with the entire Board of Commissioners, the Collective Bargaining Team (CBT) will obtain all negotiating parameters. The negotiating parameters will represent the total cost of compensation in percentages for the CBT to use to analyze the costs of the various proposals. The CBT is authorized to meet, confer, and negotiate with bargaining representatives of the public employees of Allegan County for the purposes of collective bargaining and to recommend to the Allegan County Board of Commissioners proposed wages, hours, and other conditions of County employment consistent with financial and policy guidelines established by the Board. At a minimum, the CBT will provide quarterly updates to the entire Board of Commissioners.
- 7.4 The Director of Human Resources will provide Corporate Legal Counsel a copy of an existing labor agreement for legal review/advice prior to commencing successor labor agreement negotiations, and will confer with Corporate Legal Counsel to seek legal advice as necessary during the labor negotiating process. As determined appropriate by the CBT, labor contract proposals during the course of negotiations will be reviewed by Corporate Legal Counsel; such review will occur before the County and the Union have reached tentative agreement on an overall contract.

- 7.5 All written negotiating positions involving wages, hours, or working conditions of represented employees must be reviewed by the CBT and authorized by the County Administrator.
- 7.6 The Human Resources Director will prepare analyses outlining the cost impact of proposals. The Budget and Finance Director shall review said analyses before the County and the union reach tentative agreement on the overall contract and also provide analyses that proposals are consistent with the long range financial goals established by the Board of Commissioners.
- 7.7 Labor agreements will be deemed ratified by the union membership upon signature by the union representative on the agreement signature page and delivery to the Human Resources Director.
- 7.7.1 The CBT will ensure transmittal of labor agreements to the County Commission within 30 days of ratification as defined in 7.8.
- 7.8 All public officials assigned the responsibility of proposing, reviewing or determining labor relations policies and/or agreements will maintain strict confidentiality during the period of negotiations.
- 7.9 No binding agreements, including but not limited to memorandums of understanding, side letters, etc., involving the day-to-day administration of collective bargaining agreements or bargaining relationships will be entered into with the bargaining representatives of employees of Allegan County without the authorization of the County Administrator, or his/her designee.
- 7.10 County departments are required to administer negotiated contracts consistent with contract language. At the point they are identified, County departments will refer to the Human Resources Director regarding issues arising from interpretations or deviations from contract language, clarification of contract language, and/or issues upon which a labor contract is silent.
- 7.11 County departments shall approach employee grievances as a form of employee communication to resolve labor contract administration issues.
- 7.11.1 Grievances will be processed in a manner consistent with the terms outlined in the respective Collective Bargaining Agreement.
- 7.11.2 If a question arises concerning the interpretation and/or application of County Policies or any labor agreement to

which the County is a party, the County's position in the matter will be recommended by the Director of Human Resources with final approval by the County Administrator (or the entire Board of Commissioners at the recommendation of County Administrator) even though the answer to a specific grievance may be given or signed by an official other than a representative of the Director of Human Resources.

- 7.11.3 A copy of all written grievances and the proposed answer will be forwarded to the Director of Human Resources.

## **8.0 RESPONSIBILITIES:**

- 8.1 The CBT is responsible for:
  - 8.1.1 Reviewing the schedule of collective bargaining agreements to be negotiated in the upcoming year and establishing policy recommendations for contract negotiations related to wages, hours and working conditions. All recommendations from the CBT shall be forwarded to the entire Board of Commissioners for their consideration and approval;
  - 8.1.2 Meeting, conferring and negotiating with bargaining representatives of the employees of Allegan County for the purposes of collective bargaining as provided in PERA;
  - 8.1.3 Recommending to the Board of Commissioners proposed compensation, hours and other conditions of employment consistent with financial and policy guidelines established by the Board of Commissioners and such collective bargaining agreement or agreements as may be required and authorized by ordinance. Such recommendations are not considered final until ratification by the entire Board of Commissioners;
  - 8.1.4 Recommending labor relations guidelines to the Board of Commissioners;
  - 8.1.5 Facilitating ongoing communications with ad hoc labor-management committees for purposes of promoting proactive and collaborative negotiations processes.
- 8.2 The County Administrator, and/or his/her designee, is responsible for implementing County policy concerning collective bargaining

and administering all labor relations activities. He/she is responsible for the following:

- 8.2.1 Preparing and presenting all updates and proposals from the Collective Bargaining Team (CBT) unless designated to another member of the team;
  - 8.2.2 Providing primary accountability for the process of collective bargaining and may choose to participate at varying degrees with the various groups but at a minimum is available for all caucus sessions;
  - 8.2.3 Serving as the primary decision maker to ensure that the Board's parameters are either met or exceeded;
  - 8.2.4 Reserving the right to be present and participate in collective bargaining to the degree that best meets the needs of the Board; however, recognizing that for the most part, the CBT will serve as the primary negotiating team on behalf of the Board of Commissioners;
  - 8.2.5 Providing final resolution to issues or grievances arising from interpretations or deviations from contract language, clarification of contract language, and/or issues upon which a labor contract is silent unless delegated otherwise.
- 8.3 The Director of Human Resources will be responsible for the following:
- 8.3.1 Processing all union requests for bargaining unit recognition, taking action as appropriate;
  - 8.3.2 Consulting with the Budget and Finance Director and other affected departments to develop cost analyses for bargaining purposes;
  - 8.3.3 With the assistance of Corporate Legal Counsel, representing the County in disputes emanating from the collective bargaining process, including unfair labor practice charges, mediation, fact-finding, arbitration and grievance hearings;
  - 8.3.4 Recommending resolutions to disputes and grievances on behalf of the County through the application of labor agreements and employee rights under PERA and as outlined in the respective collective bargaining agreements;

- 8.3.5 Preparing for and participating in employer surveys relative to wages, hours, and working conditions, when appropriate;
  - 8.3.6 Analyzing changes in current or proposed labor laws and formulating recommendations for policy changes affecting the County for consideration and approval by the County Administrator and / or the Board of Commissioners;
  - 8.3.7 Coordinating distribution of consummated labor agreements to affected departments and monitoring the ongoing administration of the agreements;
  - 8.3.8 Recommending to the County Administrator proposed labor policies, bargaining strategies and agreements for the renewal of County employee benefit contracts and conducting all contract renewal negotiations with assistance from the Budget and Finance Department.
- 8.4 The Budget and Finance Director is responsible for:
- 8.4.1 Reviewing financial proposals and assisting the Director of Human Resources, in establishing the financial parameters for negotiation of wage levels, benefit rates and special pay provisions. The Director of Human Resources will consult with the Budget and Finance Director on the financial impacts of all County proposals;
  - 8.4.2 Reviewing the financial analyses prior to tentative agreement being reached between the County and the union;
  - 8.4.3 Forecasting long term effects of ratified agreements, demonstrating that such long term effects are consistent with Allegan County's financial goals, as established by the Board of Commissioners;
  - 8.4.4 Providing oversight and monitoring to ensure that the terms of the ratified Collective Bargaining Agreements are consistent with the parameters of each budget year.
- 8.5 Each County department will be responsible for:
- 8.5.1 Cooperating with and assisting the Collective Bargaining Team (CBT) with initial and successor labor agreements;



8.5.2 Ensuring proper administration of negotiated agreements covering employees in their departments, consistent with the terms of this policy.

8.6 The Corporate Legal Counsel is responsible for:

8.6.1 Advising the County pertaining to labor relations matters in the best interest of the Board of Commissioners as a governing body;

8.6.2 Representing Allegan County in formal and informal proceedings concerning the collective bargaining process, including administrative hearings, arbitrations, unfair labor practice hearings and court matters.

8.6.3 Acting as primary spokesperson in fact finding, mediation and arbitration cases.

## 9.0 APPENDICES:

None

Created: January 31, 2007

Updated: February 6, 2007