

Executive Order Number Ten - State Employees And The Right To Organization And Effective Union Representation

TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES

RE: STATE EMPLOYEES AND THE RIGHT TO ORGANIZATION AND EFFECTIVE UNION REPRESENTATION

WHEREAS, in accordance with state law, state employees have the right of organization and union representation;

WHEREAS, experience in the public and private sector indicates that fully protecting the right to participate in employee organizations contributes to fair and effective human resource policies and programs;

WHEREAS, the decision to organize must rest with state employees and management should not seek to intervene or influence such decisions;

WHEREAS, state employees must be afforded the opportunity to make such decisions, free of undue influence from management;

WHEREAS, it is the policy of this Administration to strictly observe the right of state employees to organize and engage in collective bargaining with respect to terms and conditions of employment;

WHEREAS, it is the policy of this State to ensure that employees have access to information provided by employee organization representatives and other bargaining unit representatives concerning union representation and collective bargaining;

WHEREAS, it is important that state employee union representatives be afforded the opportunity to fully represent their members;

NOW THEREFORE, I, JACK A. MARKELL, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby ORDER:

1. Managers and supervisors shall not interfere or otherwise hinder state employee efforts to exercise their right to organize for purposes of collective bargaining.
2. It is the policy of this State to maintain a neutral position as to whether employees become involved in an organizing campaign.
3. Managers and supervisors shall not express any view, argument, or opinion on employee organization or collective

bargaining except to inform employees of the requirements of this Executive Order relating to labor management relations and representation.

4. The State recognizes that communications between employees and their representatives are crucial to employees' ability to exercise their rights. Subject to the terms of the Public Employment Relations Act, executive branch state agencies shall authorize access to union representatives for such communications in non-work areas, such as employee break rooms, lunch rooms and other areas that foster communications, for which access does not compromise security, confidentiality or privacy, or otherwise interfere with operations.

5. Executive Order No. 70, issued by Governor Ruth Ann Minner, is hereby rescinded.

APPROVED this 7th day of September, 2009