

REFERENCE TITLE: **DPS; officer organizations; elections.**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

## **SB 1129**

Introduced by  
Senators Gray L, Miranda: Representative Weiers JP

**AN ACT**

**AMENDING SECTION 23-1412, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-1413; RELATING TO ORGANIZATIONAL RIGHTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1412, Arizona Revised Statutes, is amended to  
3 read:

4 23-1412. Department of public safety; employee organizations;  
5 terms and conditions of employment; definition

6 A. The department of public safety is recognized as the sole and  
7 exclusive authority pursuant to law with respect to determining the level of  
8 and the manner in which the department of public safety activities are  
9 conducted, managed and administered. It is the exclusive right of the  
10 director of the department of public safety to establish and maintain  
11 departmental rules and procedures for the administration of the department of  
12 public safety.

13 B. Department employees or employee organizations shall not engage in  
14 a sickout, work slowdown or strike or any other action that will disrupt the  
15 delivery of services.

16 C. This section shall not be construed to:

17 1. Affect or limit the existing right of the department of public  
18 safety to:

19 (a) Direct the work of department employees.

20 (b) Hire, promote, demote, transfer, assign and retrain department  
21 employees.

22 (c) Suspend, discharge or discipline department employees.

23 (d) Maintain the efficiency of governmental operations.

24 (e) Relieve department employees from job responsibilities due to lack  
25 of work or other legitimate reasons.

26 2. Invalidate or limit other rights, remedies or procedures of this  
27 state relating to any issue of employment of department employees.

28 D. The department of public safety shall:

29 1. Allow department employees the right to form and join employee  
30 organizations.

31 2. Recognize an employee organization that is elected ~~by a majority of~~  
32 ~~votes that are cast by department employees in a representation election of~~  
33 ~~which a majority of eligible employees participate in that election~~ PURSUANT  
34 TO SECTION 23-1413.

35 3. Agree to meet and confer with the elected employee organization  
36 regarding hours and terms and conditions of employment. The terms and  
37 conditions discussed pursuant to this paragraph shall not include wages.

38 4. Commit any agreements regarding working conditions and hours to  
39 writing in a contract.

40 E. The elected employee organization and department of public safety  
41 shall meet and confer on a regular basis, at least once every two years, to  
42 discuss hours of employment and other conditions of employment of department  
43 employees. On the request of the employee organization, the department of  
44 public safety shall meet and confer with the employee organization in good  
45 faith at reasonable times. If the department of public safety and the

1 employee organization reach an agreement, the agreement shall be submitted to  
2 the governor for consideration pursuant to subsection G OF THIS SECTION.

3 F. If an agreement is not reached and the possibility of settlement is  
4 remote after the parties meet and confer for a reasonable period of time, the  
5 department of public safety or the employee organization may offer to the  
6 other party a written request to begin a mediation process. The mediation  
7 process shall be voluntary and nonbinding. The mediation process shall use a  
8 neutral third party mediator to assist the parties in reaching a voluntary  
9 agreement. During the mediation process, each party shall agree to make a  
10 good faith attempt to resolve the issues, to cooperate with the mediator and  
11 to be open, candid and complete. The mediator shall only facilitate the meet  
12 and confer process and shall not impose any term of the agreement on the  
13 parties. If the parties reach an agreement during the mediation process, the  
14 agreement shall be submitted to the governor for consideration pursuant to  
15 subsection G OF THIS SECTION. If the mediation process does not resolve all  
16 disputed issues between the parties, either party may advise the governor of  
17 the issues that remain in dispute.

18 G. The governor shall review any agreement or proposed compromise that  
19 is reached under this section. The governor may reject, accept or modify any  
20 agreement or compromise after considering the interests of the department  
21 employees and the public interest. Any agreement or compromise is subject to  
22 all applicable statutory limitations for the department of public  
23 safety. The final decision by the governor shall be binding.

24 H. The department of public safety shall record the proceedings of  
25 each meeting with an employee organization.

26 I. The department of public safety may adopt policies to govern the  
27 process established pursuant to this section.

28 J. For the purposes of this section, "employee organization" means any  
29 organization of any kind, or any agency or employee representation committee  
30 or plan, in which employees participate and which exists for the purpose, in  
31 whole or in part, of dealing with employers concerning grievances, labor  
32 disputes, training, hours of employment or other conditions of employment.

33 Sec. 2. Title 23, chapter 8, article 6, Arizona Revised Statutes, is  
34 amended by adding section 23-1413, to read:

35 23-1413. Department of public safety; employee organizations;  
36 elections; definition

37 A. DEPARTMENT OF PUBLIC SAFETY EMPLOYEES SHALL ELECT AN EMPLOYEE  
38 ORGANIZATION TO ACT AS AN AUTHORIZED REPRESENTATIVE. ANY EMPLOYEE  
39 ORGANIZATION THAT SEEKS TO BE RECOGNIZED AS THE AUTHORIZED REPRESENTATIVE  
40 SHALL FILE ALL OF THE FOLLOWING WITH THE DEPARTMENT OF PUBLIC SAFETY:

- 41 1. THE NAME AND ADDRESS OF THE EMPLOYEE ORGANIZATION.
- 42 2. A COPY OF THE EMPLOYEE ORGANIZATION'S CHARTER, CONSTITUTION AND  
43 BYLAWS.
- 44 3. THE NAMES, TITLES, ADDRESSES AND TELEPHONE NUMBERS OF THE EMPLOYEE  
45 ORGANIZATION'S DULY ELECTED OFFICERS.

1           4. A WRITTEN STATEMENT INDICATING THAT MEMBERSHIP IN THE EMPLOYEE  
2 ORGANIZATION IS OPEN TO ALL ELIGIBLE EMPLOYEES AND THAT MEMBERSHIP IS NOT  
3 DENIED BECAUSE OF RACE, CREED, COLOR, SEX, NATIONAL ORIGIN, ANCESTRY,  
4 RELIGION OR AGE.

5           5. A PETITION THAT CONTAINS AT LEAST THIRTY PER CENT OF THE ELIGIBLE  
6 EMPLOYEES OF AN APPROPRIATE UNIT AND THAT REQUESTS THE EMPLOYEE ORGANIZATION  
7 TO BE DESIGNATED AS THE AUTHORIZED REPRESENTATIVE OF THE UNIT.

8           B. THE DEPARTMENT OF PUBLIC SAFETY SHALL ORDER A SECRET BALLOT  
9 ELECTION AMONG THE ELIGIBLE EMPLOYEES AFTER FINDING THAT A PROPER AND  
10 SUFFICIENT QUESTION OF RECOGNITION HAS BEEN OFFICIALLY PRESENTED BY THE  
11 ELIGIBLE EMPLOYEES. THE BALLOT SHALL LIST THE NAMES OF THE EMPLOYEE  
12 ORGANIZATIONS THAT HAVE COMPLIED WITH SUBSECTION A OF THIS SECTION. IN ANY  
13 ELECTION, THE EMPLOYEES SHALL BE AFFORDED THE CHOICE OF "NONE". AN EMPLOYEE  
14 ORGANIZATION SHALL NOT BE LISTED ON THE BALLOT UNLESS THE EMPLOYEE  
15 ORGANIZATION HAS COMPLIED WITH ALL OF THE REQUIREMENTS OF THIS SECTION.

16           C. TO BE RECOGNIZED AS THE AUTHORIZED REPRESENTATIVE, AN EMPLOYEE  
17 ORGANIZATION MUST RECEIVE A MAJORITY OF THE VOTES CAST. IF AN ELECTION  
18 INVOLVES THREE OR MORE CHOICES AND NONE OF THE CHOICES RECEIVE A MAJORITY  
19 VOTE, A SECOND ELECTION SHALL BE HELD. THE SECOND ELECTION SHALL BE BETWEEN  
20 THE TWO CHOICES THAT RECEIVED THE LARGEST NUMBER OF VOTES IN THE FIRST  
21 ELECTION.

22           D. IF THE DEPARTMENT OF PUBLIC SAFETY RECOGNIZES AN EMPLOYEE  
23 ORGANIZATION AS AN AUTHORIZED REPRESENTATIVE, THE DEPARTMENT SHALL NOT  
24 CONDUCT ANOTHER ELECTION TO DETERMINE ANOTHER AUTHORIZED REPRESENTATIVE FOR  
25 AT LEAST TWO YEARS.

26           E. FOR THE PURPOSES OF THIS SECTION, "EMPLOYEE ORGANIZATION" HAS THE  
27 SAME MEANING PRESCRIBED IN SECTION 23-1412.