

REFERENCE TITLE: public employees; meet and confer

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

SB 1512

Introduced by
Senators Burton Cahill, Aguirre, Garcia; Representative Ableser: Senators
Aboud, Arzberger, Hale

AN ACT

AMENDING TITLE 38, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 6; RELATING TO
STATE EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, Arizona Revised Statutes, is amended by adding
3 chapter 6, to read:

4 CHAPTER 6

5 STATE EMPLOYEES ORGANIZATIONAL RIGHTS

6 ARTICLE 1. GENERAL PROVISIONS

7 38-971. State employees; employee organizations; terms and
8 conditions of employment; definition

9 A. ANY DEPARTMENT OF THIS STATE IS RECOGNIZED AS THE SOLE AND
10 EXCLUSIVE AUTHORITY PURSUANT TO LAW WITH RESPECT TO DETERMINING THE LEVEL OF
11 AND THE MANNER IN WHICH THAT DEPARTMENT'S ACTIVITIES ARE CONDUCTED, MANAGED
12 AND ADMINISTERED. IT IS THE EXCLUSIVE RIGHT OF THE DIRECTOR OF ANY
13 DEPARTMENT OF THIS STATE TO ESTABLISH AND MAINTAIN DEPARTMENTAL RULES AND
14 PROCEDURES FOR THE ADMINISTRATION OF THAT DEPARTMENT.

15 B. DEPARTMENT EMPLOYEES OR EMPLOYEE ORGANIZATIONS SHALL NOT ENGAGE IN
16 A SICKOUT, WORK SLOWDOWN OR STRIKE OR ANY OTHER ACTION THAT WILL DISRUPT THE
17 DELIVERY OF SERVICES.

18 C. THIS SECTION SHALL NOT BE CONSTRUED TO:

19 1. AFFECT OR LIMIT THE EXISTING RIGHT OF ANY DEPARTMENT OF THIS STATE
20 TO:

21 (a) DIRECT THE WORK OF DEPARTMENT EMPLOYEES.

22 (b) HIRE, PROMOTE, DEMOTE, TRANSFER, ASSIGN AND RETRAIN DEPARTMENT
23 EMPLOYEES.

24 (c) SUSPEND, DISCHARGE OR DISCIPLINE DEPARTMENT EMPLOYEES.

25 (d) MAINTAIN THE EFFICIENCY OF GOVERNMENTAL OPERATIONS.

26 (e) RELIEVE DEPARTMENT EMPLOYEES FROM JOB RESPONSIBILITIES DUE TO LACK
27 OF WORK OR OTHER LEGITIMATE REASONS.

28 2. INVALIDATE OR LIMIT OTHER RIGHTS, REMEDIES OR PROCEDURES OF THIS
29 STATE RELATING TO ANY ISSUE OF EMPLOYMENT OF DEPARTMENT EMPLOYEES.

30 D. ANY DEPARTMENT OF THIS STATE SHALL:

31 1. ALLOW DEPARTMENT EMPLOYEES THE RIGHT TO JOIN EMPLOYEE
32 ORGANIZATIONS.

33 2. RECOGNIZE THAT AN EMPLOYEE ORGANIZATION THAT HAS AT LEAST ONE
34 THOUSAND STATE EMPLOYEES AS MEMBERS WILL HAVE A SEAT AT THE BARGAINING TABLE.

35 3. AGREE TO MEET AND CONFER WITH THOSE EMPLOYEE ORGANIZATIONS THAT
36 MEET THE MINIMUM MEMBERSHIP REQUIREMENTS REGARDING HOURS, WAGES AND BENEFITS
37 AND TERMS AND CONDITIONS OF EMPLOYMENT.

38 4. COMMIT ANY AGREEMENTS TO WRITING IN A CONTRACT.

39 E. THE RECOGNIZED EMPLOYEE ORGANIZATION AND ANY DEPARTMENT OF THIS
40 STATE SHALL MEET AND CONFER ON A REGULAR BASIS, AT LEAST ONCE EVERY TWO
41 YEARS, TO DISCUSS HOURS OF EMPLOYMENT AND OTHER CONDITIONS OF EMPLOYMENT OF
42 DEPARTMENT EMPLOYEES. ON THE REQUEST OF THE EMPLOYEE ORGANIZATION, ANY
43 DEPARTMENT OF THIS STATE SHALL MEET AND CONFER WITH THE EMPLOYEE ORGANIZATION
44 IN GOOD FAITH AT REASONABLE TIMES. IF ANY DEPARTMENT OF THIS STATE AND THE

1 EMPLOYEE ORGANIZATION REACH AN AGREEMENT, THE AGREEMENT SHALL BE SUBMITTED TO
2 THE GOVERNOR FOR CONSIDERATION PURSUANT TO SUBSECTION G.

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, ANY
5 DEPARTMENT OF THIS STATE OR THE EMPLOYEE ORGANIZATION MAY OFFER TO THE OTHER
6 PARTY A WRITTEN REQUEST TO BEGIN A MEDIATION PROCESS. THE MEDIATION PROCESS
7 SHALL BE VOLUNTARY AND BINDING. THE MEDIATION PROCESS SHALL USE A NEUTRAL
8 THIRD-PARTY MEDIATOR TO ASSIST THE PARTIES IN REACHING A VOLUNTARY AGREEMENT.
9 DURING THE MEDIATION PROCESS, EACH PARTY SHALL AGREE TO MAKE A GOOD FAITH
10 ATTEMPT TO RESOLVE THE ISSUES, TO COOPERATE WITH THE MEDIATOR AND TO BE OPEN,
11 CANDID AND COMPLETE. THE MEDIATOR SHALL ONLY FACILITATE THE MEET AND CONFER
12 PROCESS AND SHALL NOT IMPOSE ANY TERM OF THE AGREEMENT ON THE PARTIES. IF
13 THE PARTIES REACH AN AGREEMENT DURING THE MEDIATION PROCESS, THE AGREEMENT
14 SHALL BE SUBMITTED TO THE GOVERNOR FOR CONSIDERATION PURSUANT TO
15 SUBSECTION G. IF THE MEDIATION PROCESS DOES NOT RESOLVE ALL DISPUTED ISSUES
16 BETWEEN THE PARTIES, EITHER PARTY MAY ADVISE THE GOVERNOR OF THE ISSUES THAT
17 REMAIN IN DISPUTE.

18 G. THE GOVERNOR SHALL REVIEW ANY AGREEMENT OR PROPOSED COMPROMISE THAT
19 IS REACHED UNDER THIS SECTION. ANY AGREEMENT OR COMPROMISE IS SUBJECT TO ALL
20 APPLICABLE STATUTORY LIMITATIONS FOR ANY DEPARTMENT OF THIS STATE. THE FINAL
21 DECISION BY THE GOVERNOR SHALL BE BINDING.

22 H. ANY DEPARTMENT OF THIS STATE SHALL RECORD THE PROCEEDINGS OF EACH
23 MEETING WITH THE QUALIFIED EMPLOYEE ORGANIZATION.

24 I. FOR THE PURPOSES OF THIS SECTION, "EMPLOYEE ORGANIZATION" MEANS ANY
25 ORGANIZATION OR EMPLOYEE UNION OR ASSOCIATION IN WHICH EMPLOYEES PARTICIPATE
26 AND THAT EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF DEALING WITH
27 EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, TRAINING, HOURS OF
28 EMPLOYMENT OR OTHER CONDITIONS OF EMPLOYMENT.