

REFERENCE TITLE: state agencies; employees; organizational rights

State of Arizona
House of Representatives
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HB 2034

Introduced by
Representatives Thrasher, Chabin, Pancrazi, Schapira, Sinema: Campbell CH,
McClure, McGuire, Ulmer

AN ACT

AMENDING SECTION 23-1412, ARIZONA REVISED STATUTES; 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. State agencies; employee organizations; terms and
5 conditions of employment; definitions

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

13 B. ~~Department~~ AGENCY employees or employee organizations shall not
14 engage in a sickout, work slowdown or strike or any other action that will
15 disrupt the 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~~ AGENCY to:

19 (a) Direct the work of ~~department~~ AGENCY employees.

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

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

23 (d) Maintain the efficiency of governmental operations.

24 (e) Relieve ~~department~~ AGENCY employees from job responsibilities due
25 to lack 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~~ AGENCY employees.

28 D. The ~~department of public safety~~ AGENCY shall:

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

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

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

1 ~~of public safety~~ AGENCY and the employee organization reach an agreement, the
2 agreement shall be submitted to the governor for consideration pursuant to
3 subsection G.

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

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

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

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

29 J. For the purposes of this section: ~~;~~

30 1. "AGENCY" MEANS ANY OF THE FOLLOWING, WHICHEVER IS APPLICABLE:

31 (a) THE DEPARTMENT OF PUBLIC SAFETY FOR DEPARTMENT OF PUBLIC SAFETY
32 EMPLOYEES.

33 (b) THE STATE DEPARTMENT OF CORRECTIONS FOR STATE DEPARTMENT OF
34 CORRECTION EMPLOYEES.

35 (c) ANY OTHER STATE AGENCY FOR EMPLOYEES OF THAT STATE AGENCY WHO ARE
36 BELOW THE LEVEL OF SECOND LEVEL SUPERVISOR.

37 2. "Employee organization" means any organization of any kind, or any
38 agency or employee representation committee or plan, in which employees
39 participate and ~~which~~ THAT exists for the purpose, in whole or in part, of
40 dealing with employers concerning grievances, labor disputes, training, hours
41 of employment or other conditions of employment.