

REFERENCE TITLE: organizational rights; employee organizations

State of Arizona
House of Representatives
Forty-eighth Legislature
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HB 2463

Introduced by
Representatives Burns J, Pancrazi: Ableser, Alvarez, Barto, Campbell CH,
Clark, Gallardo, Prezelski, Schapira, Thrasher, Senator Johnson

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. Department of public safety; state department of
5 corrections; employee organizations; terms and
6 conditions of employment; definitions
7 A. The department ~~of public safety~~ is recognized as the sole and
8 exclusive authority pursuant to law with respect to determining the level of
9 and the manner in which the department ~~of public safety~~ activities are
10 conducted, managed and administered. It is the exclusive right of the
11 director of the department ~~of public safety~~ to establish and maintain
12 departmental rules and procedures for the administration of the department ~~of~~
13 ~~public safety~~.
14 B. Department employees or employee organizations shall not engage in
15 a sickout, work slowdown or strike or any other action that will disrupt the
16 delivery of services.
17 C. This section shall not be construed to:
18 1. Affect or limit the existing right of the department ~~of public~~
19 ~~safety~~ to:
20 (a) Direct the work of department employees.
21 (b) Hire, promote, demote, transfer, assign and retrain department
22 employees.
23 (c) Suspend, discharge or discipline department employees.
24 (d) Maintain the efficiency of governmental operations.
25 (e) Relieve department employees from job responsibilities due to lack
26 of work or other legitimate reasons.
27 2. Invalidate or limit other rights, remedies or procedures of this
28 state relating to any issue of employment of department employees.
29 D. The department ~~of public safety~~ shall:
30 1. Allow department employees the right to form and join employee
31 organizations.
32 2. Recognize an employee organization that is elected by a majority of
33 votes that are cast by department employees in a representation election of
34 which a majority of eligible employees participate in that 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 ~~THE~~ department ~~of public~~
41 ~~safety~~ 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 employees. On the request of the employee organization, the
44 department ~~of public safety~~ shall meet and confer with the employee
45 organization in good faith at reasonable times. If the department ~~of public~~

1 ~~safety~~ and the employee organization reach an agreement, the agreement shall
2 be submitted to 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, 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. 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. 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: ~~—~~

29 1. "DEPARTMENT" MEANS ANY OF THE FOLLOWING, WHICHEVER IS APPLICABLE:

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

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

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