




MEMORANDUM

Date: January 15, 2021

To: The Honorable Chair and Members
Pima County Board of SupervisorsFrom: C.H. Huckelberry
County Administrator **Re: Update on Administrative Procedure 23-32, *Meet and Confer Process***

The Pima County Code of Ordinance 2007-01 authorized for the first time a Meet and Confer process for the County and as a result, Administrative Procedure 23-32, *Meet and Confer Process*, was generated, which has been in place since March 18, 2008. This Administrative Procedure successfully assisted the employee authorized representative groups and County management team throughout the years in creating an agreed upon Memorandum of Understanding (MOU). Previously, the Service Employees International Union (SEIU) was the authorized representative group for eligible County employees. Their representation as the "authorized" representative for County employees dates back to 2008. SEIU was replaced by the American Federation of State, County and Municipal Employees (AFSCME) in 2018.

Under the prior version of the Meet and Confer procedure (Attachment A), SEIU, the Pima County Deputy Sheriff's Association (PCDSA – formed 2019), and AFSCME were able to successfully negotiate MOUs. The most recent MOUs for both the PCDSA and AFSCME were drafted for FY 2019/2020 and were both approved by the Board of Supervisors on May 21, 2019, under the prior version of the Meet and Confer Administrative Procedure. County Administration is requesting to revert back to the prior Meet and Confer Administrative Procedure which AFSCME unilaterally changed on May 19, 2020, prior to its failed Meet and Confer process initiating on July 1, 2020, and without input from either the PCDSA or the County as required. (See Attachment B) Section J of the *Meet and Confer Process* provides in relevant part:

J. AMENDMENT OF MEET AND CONFER PROCESS

This administrative procedure may be amended or revised by the *mutual agreement* of the authorized representative and the County. Following July 1, 2019, upon request by either party, the parties shall review and reconsider this process.

County Administration is requesting to revert to the prior version of the Meet and Confer Administrative Procedure that was in place prior to AFSCME unilaterally changing it.

Attachments

c: Jan Leshar, Chief Deputy County Administrator
Cathy Bohland, Director, Human Resources

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ATTACHMENT A



ADMINISTRATIVE PROCEDURES

Procedure Number: 23-32

Effective Date: 03/18/2008

Revision Date: 03/06/2019

C. Dulubay
County Administrator

SUBJECT: **MEET AND CONFER PROCESS**

DEPARTMENT RESPONSIBLE: **Human Resources Department**

I. **PURPOSE**

To establish a policy that outlines the process whereby Pima County will engage in the meet and confer discussions with the authorized representative of Pima County employees, as set forth in Section 2.20.050 of Pima County Ordinance 2007-1.

II. **STATEMENT OF POLICY**

The purpose of this policy is to establish a meet and confer process (within the parameters of Arizona Attorney General Opinion No. 106-004 (R06-008)) to develop mutual recommendations in the form of a meet and confer agreement for submittal to the Board of Supervisors. The goals of the meet and confer process shall include the provision of high quality services, the facilitation of harmonious relations between employees and County management, enhancing employee performance, maximizing efficiency, and reducing costs, and, therefore, the tax burden on County residents.

III. **POLICY IMPLEMENTATION**

A. **SUBJECTS WHICH MAY BE DISCUSSED IN THE MEET AND CONFER PROCESS**

The meet and confer process may include discussions of work issues including wages, benefits, merit system rules, personnel policies, or other terms and conditions of employment.

B. **MEET AND CONFER COMMITTEE**

The meet and confer discussions shall be undertaken by a committee consisting of equal number of voting members appointed by the authorized representative and by the County Administrator. The members appointed by the authorized representative shall be known as the authorized representative team and the members appointed by the County Administrator shall be known as the management team, and these members must be employees of Pima County. The voting members of the Committee shall consist of a maximum of five (5) voting on behalf of the authorized

representative team and a maximum of five (5) voting on behalf of the management team. The group as a whole shall be known as the "Meet and Confer Committee." The committee may select two of its members to alternate as secretary. One of the alternate secretaries will be a member of the union team and one a member of the management team. The County Administrator shall serve as a non-voting ad hoc member of the Meet and Confer Committee. Each team may add no more than four (4) other non-voting ad hoc members.

C. TERMS OF SERVICE FOR MEMBERS OF THE MEET AND CONFER COMMITTEE.

By July 1 of each year, the authorized representative shall notify the County Administrator who the members of the authorized representative team will be for the ensuing year, which year shall begin on July 1 and end on June 30, concurrent with Pima County's budget year. By July 1 of each year, the County Administrator shall notify the authorized representative of the members of the management team for the ensuing year. For the first year of the Meet and Confer Committee, appointments will be made no later than thirty (30) days after the establishment of the committee, and appointments shall end on June 30 of the current fiscal year. The authorized representative and the County Administrator shall promptly notify the other party upon any changes in their appointments to the Meet and Confer Committee.

D. TIME FOR MEETINGS

The Meet and Confer Committee shall meet no more than twice a month in each succeeding twelve (12) month period between July 1 and June 30. The Meet and Confer Committee may meet more frequently, upon majority vote of the Committee, within the period February 1 to May 31, but no more frequently than three (3) times in any month. The duration of each meeting will be no longer than three (3) hours.

E. ACCESS TO INFORMATION

The members of the Meet and Confer Committee may request information from the County which they deem necessary or appropriate to the subjects to be discussed in the Meet and Confer process. Any request for information shall be made by one or both chairs of the committee on behalf of the committee as a whole. Such information, data, or materials shall be supplied to the committee, via the chair of the management team, in a timely manner, with appropriate recognition given to the workloads of the department from which the information is requested, and the priority of ongoing work priorities and projects of the department. Any request for information, data or materials is subject to the requirements of section 2.12.090 of the Pima County Code relating to noninterference and Board of Supervisors policy number C2.1 relating to Code of Ethics. Confidential personnel and employee information is excluded.

F. MEETING AGENDAS

Each meeting of the meet and Confer Committee shall have an agenda, which shall include matters proposed by either co-chair. Agendas will be drafted by the chair of the management team and distributed to team members three (3) business days prior to the scheduled meeting.

G. APPROVAL OF RECOMMENDATIONS

1. All recommendations of the Meet and Confer Committee shall be adopted by the Committee by majority vote of the voting members of the Committee.
2. All recommendations must be submitted to the County Attorney for review and legal approval prior to submission to the County Administrator and to the Board of Supervisors. The purpose of the legal review shall be to assure that all provisions of any such recommendations are legal and within the authority of the Board of Supervisors. Any opinions offered at the conclusion of the legal review of Committee recommendations shall be presented to all members of the committee.

H. MEET AND CONFER RECOMMENDATIONS

1. All recommendations of the Meet and Confer Committee shall be reduced to writing and signed by each member voting in the affirmative for such recommendation.
2. All recommendations must be approved by the County Administrator and ratified by members of the recognized employee representative prior to submission to the Board of Supervisors. In the event that either the County Administrator or the members of the recognized employee representative reject a recommendation of the Meet and Confer Committee, the Committee shall reconvene to consider alternatives to the recommendation(s).
3. The recommendations of the Meet and Confer Committee shall be submitted to the Board of Supervisors for potential Board action in accordance with the procedures of the Board of Supervisors for putting matters before the Board. The County Administrator shall give a copy of his transmittal memorandum to the Board of Supervisors and to the co- chairs of the Meet and Confer Committee at the same time the transmittal memorandum is submitted to the Board of Supervisors.

I. LEAVE TIME FOR PARTICIPATIION IN MEET AND CONFER COMMITTEE MEETINGS

The Meet and Confer Committee may meet and conduct its business during the County work day, and County employees who are members of the Meet and Confer Committee may participate as members of the committee on County work time, and be paid for the time spent as members of the Meet and Confer Committee in the meetings or discussions of the Committee. If any member of the Committee is not scheduled to work during the Committee meetings, the time in Committee will be paid, however the member is not to incur overtime, absent authorization by their Appointing Authority or designee.

J. AMENDMENT OF MEET AND CONFER PROCESS

This administrative procedure may be amended or revised by the mutual agreement of the authorized representative and the County. Following July 1, 2019, upon request by either party, the parties shall review and reconsider this process.

ATTACHMENT B

AFSCME Proposed **New Blue** and **Redlined** Changes to Administrative Procedure Number 23-32

SUBJECT: MEET AND CONFER PROCESS

DEPARTMENT RESPONSIBLE: Human Resources Department

I. PURPOSE

To establish a policy that outlines the process whereby Pima County will engage in the and confer discussions with the authorized representatives of Pima County employees, as set forth in Section 2.20.050 of Pima County Ordinance 2007-1.

II. STATEMENT OF POLICY

- A. The purpose of this policy is to establish a meet and confer process (within the parameters of Arizona Attorney General Opinion No. 106-004 (R06-008) to develop mutual recommendations in the form of a meet and confer agreement for submittal to the Board of Supervisors. The goals of the meet and confer process shall include the provision of high quality services, the facilitation of harmonious relations between employees and County management, enhancing employee performance, maximizing efficiency, and reducing costs, and therefore, the tax burden on County residents.
- B. The County and authorized representatives of Pima County employees, must follow basic principles and rules of conduct specified in this section of the meet and confer process. Failure to observe basic principles and rules of conduct specified below will be considered a breach of this process.**
- 1. The County and authorized representatives will work collaboratively and in good faith.**
 - 2. The County and authorized representative will truthfully exchange all pertinent facts and information on matters involving employee relations.**
 - 3. The County and authorized representatives will not use profanity, belittling language, aggressive or condescending tones or actions with one another.**

III. POLICY IMPLEMENTATION

- A. SUBJECTS WHICH MAY BE DISCUSSED IN THE MEET AND CONFER PROCESS

AFSCME Proposed New Blue and Redlined Changes to Administrative Procedure Number 23-32

The meet and confer process may include discussions of work issues including wages, benefits, merit system rules, personnel policies, or other terms and conditions of employment.

B. MEET AND CONFER COMMITTEE

The meet and confer discussions shall be undertaken by a committee consisting of equal number of voting members appointed by the authorized representative and by the County Administrator. The members appointed by the authorized representative shall be known as the union team and the members appointed by the County Administrator shall be known as the management team, and these members must be employees of Pima County. The voting members of the Committee shall consist of a maximum of five (5) voting on behalf of the union team and a maximum of five (5) voting on behalf of the management team. The group as a whole shall be known as the "Meet and Confer Committee." The committee may select two of its members to alternate as secretary. One of the alternate secretaries will be a member of the union team and one a member of the management team. The County Administrator shall serve as a non-voting ad hoc member of the Meet and Confer Committee. Each team may add no more than (4) other non-voting ad hoc members.

C. TERMS OF SERVICE FOR MEMBERS OF THE MEET AND CONFER COMMITTEE

By July 1st of each year, the authorized representative shall notify the County Administrator who the members of the union team will be for the ensuing year, which year shall begin on July 1 and end on June 30, concurrent with Pima County's budget year. By July 1 of each year, the County Administrator shall notify the authorized representative of the members of the management team for the ensuing year. For the first year of the Meet and Confer Committee, appointments will be made no later than thirty (30) days after the establishment of the committee, and appointments shall end on June 30 of the current fiscal year. The authorized representative and the County Administrator shall promptly notify the other party upon any changes in their appointments to the Meet and Confer Committee.

D. TIME FOR MEETINGS

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The Meet and Confer Committee shall meet no more than twice a month in each succeeding twelve (12) month period between July 1 and June 30. The Meet and Confer Committee may meet more frequently, ~~upon majority vote of the Committee,~~ within the period of February 1 to ~~May 31~~ **June 30**, but no more frequently than ~~three (3)~~ **four (4)** times in any month. ~~The duration of each meeting will be no longer than three (3) hours.~~

E. ACCESS TO INFORMATION

The members of the Meet and Confer Committee may request information from the County which they deem necessary or appropriate to the subjects to be discussed in the Meet and Confer process. Any requests for information shall be made by one or both chairs of the committee on behalf of the committee as a whole. Such information, data, or materials shall be supplied to the committee, via the chair of the management team, in a timely manner, with appropriate recognition given to the workloads of the department from which the information is requested, and the priority of ongoing work priorities and projects of the department. Any request for information, data or materials is subject to the requirements of section 2.12.090 of the Pima County Code relating to noninterference and Board of Supervisors policy number C2.1 relating to Code of Ethics. Confidential personnel and employee information is excluded.

F. MEETING AGENDAS

Each meeting of the Meet and Confer Committee shall have an agenda, which shall include matters proposed by either co-chair. ~~Such agenda shall be published and/or posted in all areas in which the Board of Supervisors publishes notices of its meetings at least seven (7) calendar days before each meeting. No subject may be discussed that has not been properly noticed or published on the meeting agenda, pursuant to Arizona's Open Meeting Law.~~

G. ~~COMPLIANCE WITH ARIZONA OPEN MEETING LAW~~

~~The Meet and Confer Committee and all members of each team thereof, in their capacity as members of the Meet and Confer Committee, shall comply at all times with the provisions of the Arizona's Open Meeting Law, ARS 38-431.01 et seq. as it shall be amended from time to time.~~

H. G. APPROVAL OF RECOMMENDATIONS

AFSCME Proposed **New Blue** and **Redlined** Changes to Administrative Procedure Number 23-32

1. All recommendations of the Meet and Confer Committee shall be adopted by the Committee by majority vote of the voting members of the Committee.
2. All recommendations must be submitted to the County Attorney for review and legal approval prior to submission ~~to the County Administrator and~~ to the Board of Supervisors. The purpose of the legal review shall be to assure that all provisions of any such recommendations are legal and within the authority of the Board of Supervisors. Any opinions offered at the conclusion of the legal review of Committee recommendations shall be presented to all members of the committee.
3. **In the event that the Meet and Confer Committee reaches a total impasse that prevents reaching an agreement, either party may request that the outstanding issue be mediated. The mediation will be conducted by a mediator from the Federal Mediation and Conciliation Service (FMCS). If the mediation is unsuccessful, the mediator, in the mediator's discretion, may submit a recommendation to the Board of Supervisors on the resolution of the impasse.**

I. **H. MEET AND CONFER RECOMMENDATIONS**

1. All recommendations of the Meet and Confer Committee shall be reduced to writing and signed by each member voting in the affirmative for such recommendations.
- ~~2. All recommendations must be approved by the County Administrator and ratified by members of the recognized employee representative prior to submission to the Board of Supervisors. In the event that either the County Administrator or the members of the recognized employee representative reject a recommendation of the Meet and Confer Committee, the Committee shall reconvene to consider alternatives to the recommendation (s).~~

The recommendations of the Meet and Confer Committee shall be submitted to the Board of Supervisors for potential Board action in

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accordance with the procedures of the Board of Supervisors for putting matters before the Board. The County Administrator shall give a copy of his transmittal memorandum to the Board of Supervisors and to the co-chairs of the Meet and Confer Committee at the same time the transmittal memorandum is submitted to the Board of Supervisors.

~~J.~~ **I.** LEAVE TIME FOR PARTICIPATION IN MEET AND CONFER COMMITTEE MEETINGS

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~~K.~~ **J.** AMENDMENT OF MEET AND CONFER PROCESS

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