



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 2, 2018 *up*

Title: Ordinance Revision of Pima County Code Chapter 2.20 County Meet and Confer Process

Introduction/Background:

Pima County Code Chapter 2.20 serves the important function of ensuring that the selected union is authorized to act on behalf of employees.

Discussion:

SEIU Local 48 has entered into a Service Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 449. Based on that Service Agreement, representatives of SEIU Local 48 and AFSCME Local 449 have jointly requested that authorized representative status be transferred from SEIU Local 48 to AFSCME Local 449.

Conclusion:

In order to ensure that County employees authorize AFSCME Local 449 to take SEIU Local 48's place as the County employees' authorized representative for purposes of the meet-and-confer process, an amendment to Chapter 2.20 is necessary to establish a process under which employees will receive notification of the proposed designation of AFSCME Local 449 as the County employee's authorized representative, and have an opportunity to object.

Recommendation:

Staff recommends adoption of an ordinance of the Board of Supervisors of Pima County, Arizona, relating to personnel and employee matters, amending Chapter 220 of the Pima County Code to provide for procedures for transfer of one authorized representative to another and to make technical and conforming changes.

Fiscal Impact:

None

Board of Supervisor District:

- 1 2 3 4 5 All

Department: Human Resources Telephone: 724-2732

Contact: M. Allyn Bulzomi Telephone: 724-8672

Department Director Signature/Date: *M. Allyn Bulzomi*

Deputy County Administrator Signature/Date: *John Bulzomi* 12-19-17

County Administrator Signature/Date: *C. K. DeMott* 12/19/17

ORDINANCE NO. 2018-_____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
PIMA COUNTY, ARIZONA, RELATING TO PERSONNEL
AND EMPLOYEE MATTERS, AMENDING CHAPTER 2.20
OF THE PIMA COUNTY CODE TO PROVIDE FOR
PROCEDURES FOR TRANSFER OF ONE AUTHORIZED
REPRESENTATIVE TO ANOTHER AND TO MAKE
TECHNICAL AND CONFORMING CHANGES *(All Districts)***

The Board of Supervisors of Pima County, Arizona, finds that:

1. The Pima County Board of Supervisors adopted Pima County Code Chapter 2.20 to establish a County meet-and-confer process between an authorized representative of County employees and management.
2. As provided in Chapter 2.20, an election was held and the Service Employees International Union (SEIU) Local 48 was elected to be the authorized representative of County employees for purposes of the meet-and-confer process.
3. SEIU Local 48 has entered into a Service Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 449. Based on that Service Agreement, representatives of SEIU Local 48 and AFSCME Local 449 have jointly requested that authorized representative status be transferred from SEIU Local 48 to AFSCME Local 449.
4. In order to ensure that County employees authorize AFSCME Local 449 to take SEIU Local 48's place as the County employees' authorized representative for purposes of the meet-and-confer process, an amendment to Chapter 2.20 is necessary to establish a process under which employees will receive notification of the proposed designation of AFSCME Local 449 as the County employee's authorized representative, and an opportunity to object.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Title 2 of the Pima County Code is amended to amend chapter 2.20 to read as follows:

**Chapter 2.20
COUNTY MEET AND CONFER PROCESS**

. . .

2.20.010 Definitions.

. . .

A. "Eligible employee" means any individual employed by the county including deputies and sergeants in the sheriff's department. "Eligible employee" does not include confidential, managerial or supervisory employees, officers, and elected ~~offices~~officials and peace officers as defined in A.R.S. Section 13-105(25)(29). . . .

D. "Predecessor organization" means an organization that has been recognized as an authorized representative of county employees under this chapter, but that desires to transfer its status as authorized representative to a successor organization.

~~D~~-E. "Supervisory employee" means

F. "Successor organization" means an organization that a predecessor organization requests succeed the predecessor organization as county employees' authorized representative.

2.20.030 Recognition of authorized representative; voluntary transfer from predecessor organization to successor organization.

C. Notwithstanding any other provision of this chapter, a predecessor organization may request that a successor organization succeed it as authorized representative. A request under this subsection must:

1. Be in writing;
2. Be signed by a person authorized to bind the predecessor organization;
3. Be submitted to the county administrator;
4. Identify the successor organization; and
5. Include a written acknowledgement, signed by a person authorized to bind the successor organization, stating that the successor organization is able to and desires to take on the status of county employees' authorized representative.

D. Upon receipt of a request that complies with section 2.20.030(C), the county must provide reasonable written notice of the request to all eligible employees within five (5) business days. The written notice may be transmitted by electronic means. The written notice must identify the predecessor organization and successor organization, state that the predecessor organization has requested that the successor organization succeed it as county employees' authorized representative, and include a protest form on which the eligible employee can indicate the eligible employee's opposition to the recognition of the successor organization as authorized representative, along with instructions for completing the protest form and submitting it. If more than fifty percent (50%) of eligible employees return completed protest forms within thirty (30) calendar

days after the date of the written notice to the eligible employees, the county administrator must certify that the successor organization may not succeed the organization as authorized representative, and that the predecessor organization will continue to be recognized as the County employees' authorized representative until another authorized representative is chosen as otherwise provided in this chapter. Otherwise, the county administrator must certify that the successor organization succeeds the predecessor organization, and upon that certification the successor organization will thereafter be recognized as the County employees' authorized representative for purposes of this chapter. For purposes of section 2.20.030(B), recognition of the successor organization does not commence a new term of recognition, and the successor organization is protected from challenge in a subsequent election only if the predecessor organization was so protected, and then only for the remainder of the period of time that the predecessor organization would have been so protected.

2.20.050 Meeting and conferring.

- D. Final action by the board of supervisors shall constitute the memorandum of understanding which, after enactment by the board of supervisors, shall have the binding status of an enactment of the board of supervisors. In the event there is a conflict between the county's personnel policies, merit system rules or other rules and regulations and an enacted memorandum of understanding, the memorandum of understanding shall supersede the personnel policies and rules and regulations to the extent permitted by law. Notwithstanding any recommendations or provisions of memorandum of understanding, the board retains its executive and legislative power and authority to act unilaterally at any time, whether or not such board action is consistent with any of the provisions of any such memorandum of understanding, in any case, the board may accept, reject or modify any such memorandum of understanding resulting from the meet and confer process in whole or in part, or may take whatever action it deems appropriate consistent with applicable laws. All such actions taken by the board that incur cost to the county are subject to annual appropriation by the board, as it deems appropriate, within each county budget. Upon recognition of a successor organization under section 2.20.030(D), the predecessor organization's rights and duties under the memorandum of understanding are automatically assigned to the successor organization. . . .

Section 2. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

Section 3. This ordinance is effective 30 days after the date of adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ____ day of _____, 2018.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Deputy County Attorney
ANDREW FLAGG