

REFERENCE TITLE: public employees; collective bargaining

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

## **HB 2077**

Introduced by  
Representative Cardenas

AN ACT

AMENDING TITLE 23, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7; AMENDING SECTION 41-1092.02, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3028.01; RELATING TO PUBLIC EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 23, chapter 8, Arizona Revised Statutes, is  
3 amended by adding article 7, to read:

4 ARTICLE 7. PUBLIC EMPLOYEE BARGAINING ACT

5 23-1421. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "APPROPRIATE BARGAINING UNIT" MEANS A GROUP OF PUBLIC EMPLOYEES  
8 DESIGNATED BY THE BOARD OR A LOCAL BOARD FOR THE PURPOSE OF COLLECTIVE  
9 BARGAINING.

10 2. "APPROPRIATE GOVERNING BODY" MEANS THE POLICY MAKING BODY OR  
11 INDIVIDUAL REPRESENTING A PUBLIC EMPLOYER.

12 3. "BOARD" MEANS THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD.

13 4. "CERTIFICATION" MEANS THE DESIGNATION BY THE BOARD OF A LABOR  
14 ORGANIZATION OR A LOCAL BOARD OF A LABOR ORGANIZATION AS THE EXCLUSIVE  
15 REPRESENTATIVE FOR ALL PUBLIC EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT.

16 5. "COLLECTIVE BARGAINING" MEANS THE ACT OF NEGOTIATING BETWEEN A  
17 PUBLIC EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE FOR THE PURPOSE OF  
18 ENTERING INTO A WRITTEN AGREEMENT REGARDING WAGES, HOURS AND OTHER TERMS  
19 AND CONDITIONS OF EMPLOYMENT.

20 6. "CONFIDENTIAL EMPLOYEE" MEANS AN INDIVIDUAL WHO ASSISTS AND ACTS  
21 IN A CONFIDENTIAL CAPACITY TO ANOTHER INDIVIDUAL WHO FORMULATES,  
22 DETERMINES AND EFFECTUATES MANAGEMENT POLICIES FOR MEETING AND CONFERRING.

23 7. "EXCLUSIVE REPRESENTATIVE" MEANS THE LABOR ORGANIZATION THAT IS  
24 CERTIFIED TO BE THE SOLE MEET-AND-CONFER AGENT OF ALL PUBLIC EMPLOYEES IN  
25 THE APPROPRIATE BARGAINING UNIT FOR THE PURPOSES OF COLLECTIVE BARGAINING.

26 8. "IMPASSE" MEANS THE FAILURE OF A PUBLIC EMPLOYER AND AN  
27 EXCLUSIVE REPRESENTATIVE, AFTER GOOD FAITH BARGAINING, TO REACH AGREEMENT  
28 IN THE COURSE OF NEGOTIATING A COLLECTIVE BARGAINING AGREEMENT.

29 9. "LABOR ORGANIZATION" MEANS AN EMPLOYEE ORGANIZATION WHOSE  
30 PURPOSE IS THE REPRESENTATION OF PUBLIC EMPLOYEES IN COLLECTIVE BARGAINING  
31 AND IN MEETING, CONSULTING AND CONFERRING WITH EMPLOYERS ON MATTERS  
32 PERTAINING TO EMPLOYMENT RELATIONS.

33 10. "LOCAL BOARD" MEANS A LOCAL LABOR RELATIONS BOARD THAT IS  
34 ESTABLISHED BY A PUBLIC EMPLOYER THAT IS A POLITICAL SUBDIVISION OF THIS  
35 STATE THROUGH ORDINANCE, RESOLUTION OR CHARTER AMENDMENT.

36 11. "LOCKOUT" MEANS AN ACT BY A PUBLIC EMPLOYER TO PREVENT ITS  
37 EMPLOYEES FROM GOING TO WORK FOR THE PURPOSE OF RESISTING THE DEMANDS OF  
38 THE EMPLOYEES' EXCLUSIVE REPRESENTATIVE OR FOR THE PURPOSE OF GAINING A  
39 CONCESSION FROM THE EXCLUSIVE REPRESENTATIVE.

40 12. "MANAGEMENT EMPLOYEE" MEANS AN EMPLOYEE WHO IS ENGAGED  
41 PRIMARILY IN EXECUTIVE AND MANAGEMENT FUNCTIONS AND WHO IS CHARGED WITH  
42 THE RESPONSIBILITY OF DEVELOPING, ADMINISTERING OR EFFECTUATING MANAGEMENT  
43 POLICIES. MANAGEMENT EMPLOYEE DOES NOT INCLUDE AN EMPLOYEE WHO  
44 PARTICIPATES IN COOPERATIVE DECISION-MAKING PROGRAMS ON AN OCCASIONAL  
45 BASIS.

1           13. "MEDIATION" MEANS ASSISTANCE BY AN IMPARTIAL THIRD PARTY TO  
2 RESOLVE, THROUGH INTERPRETATION, SUGGESTION AND ADVICE, AN IMPASSE BETWEEN  
3 A PUBLIC EMPLOYER AND AN EXCLUSIVE REPRESENTATIVE REGARDING EMPLOYMENT  
4 RELATIONS.

5           14. "OCCUPATIONAL GROUPS" MEANS A CLEAR AND IDENTIFIABLE COMMUNITY  
6 OF INTEREST IN EMPLOYMENT TERMS AND CONDITIONS AND RELATED PERSONNEL  
7 MATTERS AMONG THE PUBLIC EMPLOYEES INVOLVED. OCCUPATIONAL GROUPS INCLUDE  
8 EMPLOYEES OF BLUE-COLLAR, SECRETARIAL, CLERICAL, TECHNICAL, PROFESSIONAL,  
9 PARAPROFESSIONAL, POLICE, FIRE AND CORRECTIONS POSITIONS.

10           15. "PROFESSIONAL" MEANS AN EMPLOYEE WHOSE WORK IS PREDOMINANTLY  
11 INTELLECTUAL AND VARIED IN CHARACTER, INVOLVES THE CONSISTENT EXERCISE OF  
12 DISCRETION AND JUDGMENT IN ITS PERFORMANCE AND REQUIRES KNOWLEDGE OF AN  
13 ADVANCED NATURE IN A FIELD OF LEARNING THAT CUSTOMARILY REQUIRES  
14 SPECIALIZED STUDY AT AN INSTITUTION OF HIGHER EDUCATION OR ITS EQUIVALENT.

15           16. "PUBLIC EMPLOYEE" MEANS AN EMPLOYEE OF THIS STATE OR ANY  
16 POLITICAL SUBDIVISION OF THIS STATE BUT DOES NOT INCLUDE ELECTED OFFICIALS  
17 OR INDIVIDUALS WHO ARE APPOINTED TO SERVE ON BOARDS OR COMMISSIONS.

18           17. "PUBLIC EMPLOYER" MEANS THIS STATE AND ANY POLITICAL  
19 SUBDIVISION OF THIS STATE.

20           18. "STRIKE" MEANS A PUBLIC EMPLOYEE'S REFUSAL IN CONCERTED ACTION  
21 WITH OTHERS TO REPORT FOR DUTY, AN EMPLOYEE'S WILFUL ABSENCE FROM THE  
22 EMPLOYEE'S POSITION OR THE STOPPING OF WORK OR THE ABSENCE FROM THE FULL,  
23 FAITHFUL OR PROPER PERFORMANCE OF DUTIES FOR THE PURPOSE OF INDUCING,  
24 INFLUENCING OR COERCING A CHANGE IN THE CONDITIONS, COMPENSATION, RIGHTS,  
25 PRIVILEGES OR OBLIGATIONS OF PUBLIC EMPLOYMENT.

26           19. "SUPERVISOR" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY AN EMPLOYER  
27 AND WHO:

28           (a) HAS THE AUTHORITY IN THE INTEREST OF THE EMPLOYER TO HIRE,  
29 TRANSFER, FURLOUGH, LAY OFF, RECALL, SUSPEND, DISCIPLINE OR REMOVE OTHER  
30 EMPLOYEES, IF THE EXERCISE OF THE AUTHORITY IS NOT MERELY ROUTINE OR  
31 CLERICAL IN NATURE BUT REQUIRES THE CONSISTENT EXERCISE OF INDEPENDENT  
32 JUDGMENT.

33           (b) DEVOTES A MAJORITY OF TIME AT WORK EXERCISING THE AUTHORITY  
34 DESCRIBED IN SUBDIVISION (a) OF THIS PARAGRAPH.

35           23-1422. Public employee rights

36           A. PUBLIC EMPLOYEES MAY FORM, JOIN AND PARTICIPATE IN, OR REFRAIN  
37 FROM FORMING, JOINING OR PARTICIPATING IN, ANY LABOR ORGANIZATION.

38           B. PUBLIC EMPLOYEES MAY BE REPRESENTED BY THE EXCLUSIVE  
39 REPRESENTATIVE AND MAY MEET AND CONFER THROUGH THE EXCLUSIVE  
40 REPRESENTATIVE WITH THEIR PUBLIC EMPLOYER IN THE DETERMINATION OF THE  
41 TERMS AND CONDITIONS OF THEIR EMPLOYMENT, INCLUDING THE RIGHT TO BE  
42 REPRESENTED IN THE DETERMINATION OF GRIEVANCES ON ALL TERMS AND CONDITIONS  
43 OF EMPLOYMENT.

1 C. PUBLIC EMPLOYEES MAY ENGAGE IN CONCERTED ACTIVITIES THAT ARE NOT  
2 PROHIBITED BY LAW FOR THE PURPOSE OF MEETING AND CONFERRING ON OTHER  
3 MUTUAL AID OR PROTECTION OR MAY REFRAIN FROM ENGAGING IN THESE ACTIVITIES.

4 D. PUBLIC EMPLOYEES MAY EXERCISE THE RIGHTS PROVIDED FOR IN THIS  
5 SECTION FREE FROM INTERFERENCE, INTIMIDATION, RESTRAINT, COERCION OR  
6 DISCRIMINATION.

7 23-1423. Public employer rights

8 IN ADDITION TO ALL OF THE POWERS, RIGHTS AND DUTIES THAT ARE  
9 ESTABLISHED BY LAW, A PUBLIC EMPLOYER HAS THE RIGHT TO:

10 1. DETERMINE THE MISSION OF ITS AGENCIES, SET STANDARDS OF SERVICE  
11 TO BE OFFERED TO THE PUBLIC AND EXERCISE CONTROL OVER ITS ORGANIZATION AND  
12 OPERATIONS.

13 2. DIRECT, PROMOTE OR ASSIGN ITS EMPLOYEES, TAKE DISCIPLINARY  
14 ACTION FOR JUST CAUSE AND RELIEVE ITS EMPLOYEES FROM DUTY FOR LACK OF  
15 WORK.

16 23-1424. Appropriate governing body

17 A. THE APPROPRIATE GOVERNING BODY IS AS FOLLOWS:

18 1. FOR THIS STATE, THE GOVERNOR OR THE GOVERNOR'S DESIGNEE.

19 2. FOR A CONSTITUTIONALLY CREATED BODY, THE DESIGNATED HEAD OF THAT  
20 BODY.

21 3. FOR A LOCAL PUBLIC BODY, THE ELECTED OR APPOINTED REPRESENTATIVE  
22 BODY OR INDIVIDUAL CHARGED WITH MANAGEMENT OF THE LOCAL PUBLIC BODY.

23 B. IF THERE IS A DISPUTE REGARDING WHO THE APPROPRIATE GOVERNING  
24 BODY IS, THE BOARD SHALL DETERMINE THE APPROPRIATE GOVERNING BODY.

25 23-1425. Public employee labor relations board; membership;  
26 appointments; director; compensation

27 A. THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD IS ESTABLISHED.

28 B. THE BOARD CONSISTS OF THE FOLLOWING MEMBERS WHO ARE APPOINTED BY  
29 THE GOVERNOR:

30 1. ONE MEMBER WHO IS INVOLVED IN REPRESENTING PUBLIC EMPLOYEES.

31 2. ONE MEMBER WHO IS A PUBLIC EMPLOYER AND WHO IS ACTIVELY INVOLVED  
32 IN COLLECTIVE BARGAINING.

33 3. ONE MEMBER WHO IS JOINTLY RECOMMENDED BY THE MEMBERS WHO ARE  
34 APPOINTED PURSUANT TO PARAGRAPHS 1 AND 2 OF THIS SUBSECTION.

35 C. BOARD MEMBERS SERVE A TERM OF ONE YEAR. VACANCIES THAT OCCUR,  
36 OTHER THAN BY THE EXPIRATION OF A TERM, MUST BE FILLED IN THE SAME MANNER  
37 FOR THE BALANCE OF THE UNEXPIRED TERM. DURING THE APPOINTED TERM, A BOARD  
38 MEMBER MAY NOT BE A CANDIDATE FOR PUBLIC OFFICE, HOLD A PUBLIC OFFICE, BE  
39 A PUBLIC EMPLOYEE OR BE AN EMPLOYEE OF A UNION OR AN ORGANIZATION THAT  
40 REPRESENTS PUBLIC EMPLOYEES OR PUBLIC EMPLOYERS. BOARD MEMBERS MAY SERVE  
41 AN UNLIMITED NUMBER OF TERMS.

42 D. THE BOARD SHALL APPOINT A DIRECTOR WHO IS ELIGIBLE TO RECEIVE  
43 COMPENSATION PURSUANT TO SECTION 38-611.

1 E. BOARD MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION PURSUANT TO  
2 SECTION 38-611 AND ARE ELIGIBLE TO RECEIVE REIMBURSEMENT OF EXPENSES  
3 PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.

4 23-1426. Public employee labor relations board: powers and  
5 duties; prohibition

6 A. THE BOARD SHALL:

7 1. ADOPT RULES THAT ARE NECESSARY FOR THE ADMINISTRATION OF THIS  
8 ARTICLE, INCLUDING RULES FOR:

9 (a) DESIGNATING APPROPRIATE BARGAINING UNITS.

10 (b) SELECTING, CERTIFYING AND DECERTIFYING EXCLUSIVE  
11 REPRESENTATIVES.

12 (c) FILING, HEARING AND MAKING DETERMINATIONS OF COMPLAINTS OF  
13 PROHIBITED PRACTICES.

14 2. ADMINISTER AND ENFORCE THIS ARTICLE AND RULES THAT ARE ADOPTED  
15 PURSUANT TO THIS ARTICLE AND USE APPROPRIATE ADMINISTRATIVE REMEDIES TO  
16 ENFORCE THIS ARTICLE.

17 3. HOLD HEARINGS AND MAKE INQUIRIES THAT ARE NECESSARY TO CARRY OUT  
18 THE BOARD'S FUNCTIONS AND DUTIES.

19 4. CONDUCT STUDIES ON PROBLEMS THAT RELATE TO EMPLOYEE AND EMPLOYER  
20 RELATIONS.

21 5. REQUEST FROM PUBLIC EMPLOYERS AND LABOR ORGANIZATIONS THE  
22 INFORMATION AND DATA THAT ARE NECESSARY TO CARRY OUT THE BOARD'S FUNCTIONS  
23 AND RESPONSIBILITIES.

24 6. DECIDE ALL ISSUES BY MAJORITY VOTE AND ISSUE DECISIONS IN THE  
25 FORM OF WRITTEN ORDERS AND OPINIONS.

26 B. THE BOARD MAY:

27 1. ISSUE SUBPOENAS THAT REQUIRE, ON REASONABLE NOTICE, THE  
28 ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF ANY EVIDENCE,  
29 INCLUDING BOOKS, RECORDS, CORRESPONDENCE OR DOCUMENTS THAT RELATE TO ANY  
30 MATTER IN QUESTION.

31 2. PRESCRIBE THE FORM OF SUBPOENA THAT IS IN A FORM USED IN CIVIL  
32 ACTIONS IN SUPERIOR COURT.

33 3. ADMINISTER OATHS AND AFFIRMATIONS, EXAMINE WITNESSES AND RECEIVE  
34 EVIDENCE.

35 4. HIRE PERSONNEL OR CONTRACT WITH THIRD PARTIES TO ASSIST THE  
36 BOARD IN ITS FUNCTIONS.

37 C. THE BOARD MAY NOT REQUIRE ANY PUBLIC EMPLOYEE TO PAY MONEY TO  
38 ANY LABOR ORGANIZATION AS A CONDITION OF EMPLOYMENT.

39 23-1427. Local boards; members; powers and duties

40 A. EXCEPT FOR THIS STATE AND IF THE PUBLIC EMPLOYEE LABOR RELATIONS  
41 BOARD APPROVES, A PUBLIC EMPLOYER BY ORDINANCE, RESOLUTION OR CHARTER  
42 AMENDMENT MAY ESTABLISH A LOCAL BOARD THAT IS SIMILAR TO THE PUBLIC  
43 EMPLOYEE LABOR RELATIONS BOARD. IF ESTABLISHED AND APPROVED, THE LOCAL  
44 BOARD SHALL ASSUME THE DUTIES AND RESPONSIBILITIES OF THE PUBLIC EMPLOYEE  
45 LABOR RELATIONS BOARD. A LOCAL BOARD SHALL FOLLOW ALL PROVISIONS OF THIS

1 ARTICLE THAT APPLY TO THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD UNLESS  
2 OTHERWISE APPROVED BY THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD.  
3 B. A LOCAL BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS WHO ARE  
4 APPOINTED BY THE PUBLIC EMPLOYER:  
5 1. ONE MEMBER WHO REPRESENTS PUBLIC EMPLOYEES.  
6 2. ONE MEMBER WHO REPRESENTS MANAGEMENT.  
7 3. ONE MEMBER WHO IS JOINTLY RECOMMENDED BY THE MEMBERS WHO ARE  
8 APPOINTED PURSUANT TO PARAGRAPHS 1 AND 2 OF THIS SUBSECTION.  
9 C. LOCAL BOARD MEMBERS SERVE A TERM OF ONE YEAR. VACANCIES THAT  
10 OCCUR, OTHER THAN BY THE EXPIRATION OF A TERM, MUST BE FILLED IN THE SAME  
11 MANNER FOR THE BALANCE OF THE UNEXPIRED TERM. DURING THE APPOINTED TERM,  
12 A LOCAL BOARD MEMBER MAY NOT BE A CANDIDATE FOR PUBLIC OFFICE, HOLD A  
13 PUBLIC OFFICE, BE A PUBLIC EMPLOYEE OR BE AN EMPLOYEE OF A UNION OR AN  
14 ORGANIZATION THAT REPRESENTS PUBLIC EMPLOYEES OR PUBLIC EMPLOYERS. BOARD  
15 MEMBERS MAY SERVE AN UNLIMITED NUMBER OF TERMS.  
16 D. LOCAL BOARD MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION AND  
17 REIMBURSEMENT OF EXPENSES.  
18 E. THE LOCAL BOARD SHALL:  
19 1. ADOPT RULES THAT ARE NECESSARY FOR THE ADMINISTRATION OF THIS  
20 ARTICLE, INCLUDING RULES FOR:  
21 (a) DESIGNATING APPROPRIATE BARGAINING UNITS.  
22 (b) SELECTING, CERTIFYING AND DECERTIFYING EXCLUSIVE  
23 REPRESENTATIVES.  
24 (c) FILING, HEARING AND MAKING DETERMINATIONS OF COMPLAINTS OF  
25 PROHIBITED PRACTICES.  
26 2. ADMINISTER AND ENFORCE THIS ARTICLE AND RULES THAT ARE ADOPTED  
27 PURSUANT TO THIS ARTICLE AND USE APPROPRIATE ADMINISTRATIVE REMEDIES TO  
28 ENFORCE THIS ARTICLE.  
29 3. HOLD HEARINGS AND MAKE INQUIRIES THAT ARE NECESSARY TO CARRY OUT  
30 THE LOCAL BOARD'S FUNCTIONS AND DUTIES.  
31 4. CONDUCT STUDIES ON PROBLEMS THAT RELATE TO EMPLOYEE AND EMPLOYER  
32 RELATIONS.  
33 5. REQUEST FROM PUBLIC EMPLOYERS AND LABOR ORGANIZATIONS THE  
34 INFORMATION AND DATA THAT ARE NECESSARY TO CARRY OUT THE LOCAL BOARD'S  
35 FUNCTIONS AND RESPONSIBILITIES.  
36 6. DECIDE ALL ISSUES BY MAJORITY VOTE AND ISSUE DECISIONS IN THE  
37 FORM OF WRITTEN ORDERS AND OPINIONS.  
38 F. THE LOCAL BOARD MAY:  
39 1. ISSUE SUBPOENAS THAT REQUIRE, ON REASONABLE NOTICE, THE  
40 ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF ANY EVIDENCE,  
41 INCLUDING BOOKS, RECORDS, CORRESPONDENCE OR DOCUMENTS THAT RELATE TO ANY  
42 MATTER IN QUESTION.  
43 2. PRESCRIBE THE FORM OF SUBPOENA THAT IS IN A FORM USED IN CIVIL  
44 ACTIONS IN SUPERIOR COURT.

1           3. ADMINISTER OATHS AND AFFIRMATIONS, EXAMINE WITNESSES AND RECEIVE  
2 EVIDENCE.

3           4. HIRE PERSONNEL OR CONTRACT WITH THIRD PARTIES TO ASSIST THE  
4 BOARD IN ITS FUNCTIONS.

5           23-1428. Hearing procedures

6           A. THE BOARD OR A LOCAL BOARD MAY HOLD HEARINGS TO GATHER  
7 INFORMATION, MAKE INQUIRIES, ADOPT RULES, ADJUDICATE DISPUTES AND ENFORCE  
8 THIS ARTICLE.

9           B. THE BOARD OR A LOCAL BOARD SHALL ADOPT RULES TO GOVERN  
10 PROCEDURES FOR THE HEARINGS. THE RULES THAT ARE ADOPTED UNDER THIS  
11 SUBSECTION MUST INCLUDE ALL MINIMAL DUE PROCESS REQUIREMENTS THAT THE  
12 UNITED STATES CONSTITUTION AND THE CONSTITUTION OF THIS STATE REQUIRE.

13           C. THE BOARD OR A LOCAL BOARD MAY APPOINT A HEARING OFFICER TO  
14 CONDUCT ANY ADJUDICATION HEARING THAT IS AUTHORIZED BY THE BOARD OR LOCAL  
15 BOARD. AT THE CONCLUSION OF THE HEARING, THE HEARING OFFICER SHALL  
16 PREPARE A WRITTEN REPORT, INCLUDING FINDINGS AND RECOMMENDATIONS, AND  
17 SHALL SUBMIT THE REPORT TO THE BOARD OR LOCAL BOARD FOR ITS DECISION.

18           D. THE BOARD OR A LOCAL BOARD MAY NOT PROPOSE TO ADOPT A RULE THAT  
19 AFFECTS ANY PERSON OR GOVERNMENTAL ENTITY OUTSIDE OF THE BOARD'S OR LOCAL  
20 BOARD'S JURISDICTION. THE BOARD OR LOCAL BOARD SHALL CONDUCT A PUBLIC  
21 HEARING TO ADOPT, AMEND OR REPEAL ANY RULE AND ALLOW A PUBLIC HEARING AND  
22 COMMENT ON THE PROPOSED ACTION BEFORE THE BOARD OR LOCAL BOARD. THE  
23 PUBLIC HEARING MUST BE HELD AFTER NOTICE OF THE SUBJECT MATTER OF THE  
24 RULE, THE ACTION PROPOSED TO BE TAKEN, THE TIME AND PLACE OF THE HEARING,  
25 THE MANNER IN WHICH INTERESTED PERSONS MAY PRESENT THEIR VIEWS AND THE  
26 METHOD BY WHICH COPIES OF THE PROPOSED RULE, PROPOSED AMENDMENT OR REPEAL  
27 OF AN EXISTING RULE MAY BE OBTAINED. ALL MEETINGS OF THE BOARD MUST BE  
28 HELD IN PHOENIX. ALL MEETINGS OF LOCAL BOARDS MUST BE HELD IN THE COUNTY  
29 OF RESIDENCE OF THE LOCAL PUBLIC EMPLOYER. THE BOARD OR LOCAL BOARD SHALL  
30 PUBLISH A NOTICE AT LEAST THIRTY DAYS BEFORE THE HEARING DATE IN A  
31 NEWSPAPER OF GENERAL CIRCULATION IN THIS STATE OR, IN THE CASE OF A LOCAL  
32 BOARD HEARING, IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY. THE  
33 BOARD OR LOCAL BOARD SHALL MAIL A NOTICE AT LEAST THIRTY DAYS BEFORE THE  
34 HEARING DATE TO ALL PERSONS THAT HAVE MADE A WRITTEN REQUEST FOR ADVANCE  
35 NOTICE OF HEARINGS.

36           E. THE BOARD OR LOCAL BOARD SHALL MAKE AN ELECTRONIC RECORD OF ALL  
37 HEARINGS.

38           23-1429. Appropriate bargaining units

39           A. ON RECEIPT OF A PETITION FOR A REPRESENTATION ELECTION THAT A  
40 LABOR ORGANIZATION FILES, THE BOARD OR A LOCAL BOARD SHALL DESIGNATE THE  
41 APPROPRIATE BARGAINING UNITS FOR COLLECTIVE BARGAINING. APPROPRIATE  
42 BARGAINING UNITS MUST BE ESTABLISHED ON THE BASIS OF OCCUPATIONAL GROUPS.  
43 ESSENTIAL FACTORS IN DETERMINING APPROPRIATE BARGAINING UNITS MUST INCLUDE  
44 THE PRINCIPLES OF EFFICIENT ADMINISTRATION OF GOVERNMENT, THE HISTORY OF

1 COLLECTIVE BARGAINING AND THE ASSURANCE TO PUBLIC EMPLOYEES OF THE FULLEST  
2 FREEDOM IN EXERCISING THE RIGHTS THAT ARE GUARANTEED BY THIS ARTICLE.

3 B. WITHIN THIRTY DAYS AFTER A DISAGREEMENT BETWEEN A PUBLIC  
4 EMPLOYER AND A LABOR ORGANIZATION CONCERNING THE COMPOSITION OF AN  
5 APPROPRIATE BARGAINING UNIT, THE BOARD OR A LOCAL BOARD SHALL HOLD A  
6 HEARING CONCERNING THE COMPOSITION OF THE BARGAINING UNIT BEFORE  
7 DESIGNATING AN APPROPRIATE BARGAINING UNIT.

8 C. THE BOARD OR A LOCAL BOARD MAY NOT INCLUDE IN ANY APPROPRIATE  
9 BARGAINING UNIT SUPERVISORS, MANAGEMENT EMPLOYEES OR CONFIDENTIAL  
10 EMPLOYEES.

11 23-1430. Elections

12 A. IF, IN ACCORDANCE WITH RULES THAT ARE ADOPTED BY THE BOARD OR A  
13 LOCAL BOARD, A LABOR ORGANIZATION FILES A PETITION WITH THE BOARD OR LOCAL  
14 BOARD AND THE PETITION CONTAINS THE SIGNATURES OF AT LEAST THIRTY PERCENT  
15 OF THE PUBLIC EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT, THE BOARD OR  
16 LOCAL BOARD SHALL CONDUCT A SECRET BALLOT REPRESENTATION ELECTION TO  
17 DETERMINE WHETHER AND BY WHICH LABOR ORGANIZATION THE PUBLIC EMPLOYEES IN  
18 THE APPROPRIATE BARGAINING UNIT SHALL BE REPRESENTED. THE BALLOT MUST  
19 CONTAIN THE FOLLOWING:

20 1. THE NAMES OF ANY LABOR ORGANIZATION THAT SUBMITS A PETITION THAT  
21 CONTAINS SIGNATURES OF AT LEAST TEN PERCENT OF THE PUBLIC EMPLOYEES WITHIN  
22 THE APPROPRIATE BARGAINING UNIT.

23 2. A PROVISION THAT ALLOWS THE PUBLIC EMPLOYEES TO INDICATE IF THE  
24 PUBLIC EMPLOYEES DESIRE TO BE REPRESENTED BY A LABOR ORGANIZATION.

25 B. AFTER A LABOR ORGANIZATION FILES A VALID PETITION WITH THE BOARD  
26 OR A LOCAL BOARD THAT CALLS FOR A REPRESENTATION ELECTION, OTHER LABOR  
27 ORGANIZATIONS MAY SEEK TO BE PLACED ON THE BALLOT BY FILING A PETITION  
28 THAT CONTAINS THE SIGNATURES OF AT LEAST TEN PERCENT OF THE PUBLIC  
29 EMPLOYEES IN THE APPROPRIATE BARGAINING UNIT. THE PETITION MUST BE FILED  
30 NOT LATER THAN TEN DAYS AFTER THE BOARD OR LOCAL BOARD AND THE PUBLIC  
31 EMPLOYER POST A WRITTEN NOTICE THAT THE PETITION THAT CONTAINS THE  
32 SIGNATURES OF AT LEAST THIRTY PERCENT OF THE PUBLIC EMPLOYEES HAS BEEN  
33 FILED BY A LABOR ORGANIZATION.

34 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE BOARD OR A  
35 LOCAL BOARD MAY ESTABLISH AN ALTERNATIVE APPROPRIATE PROCEDURE FOR  
36 DETERMINING MAJORITY STATUS. THE BOARD OR LOCAL BOARD MAY NOT CERTIFY ANY  
37 APPROPRIATE BARGAINING UNIT IF THE PUBLIC EMPLOYER OBJECTS TO THE  
38 CERTIFICATION WITHOUT AN ELECTION.

39 D. WITHIN FIFTEEN DAYS AFTER AN ELECTION IN WHICH A MAJORITY OF THE  
40 EMPLOYEES INDICATE THE DESIRE TO BE REPRESENTED BY A LABOR ORGANIZATION,  
41 BUT NO LABOR ORGANIZATION RECEIVES A MAJORITY OF THE VOTES CAST, A RUNOFF  
42 ELECTION BETWEEN THE TWO CHOICES THAT RECEIVE THE LARGEST NUMBER OF VOTES  
43 CAST MUST BE CONDUCTED. THE BOARD OR A LOCAL BOARD SHALL CERTIFY THE  
44 RESULTS OF THE ELECTION. IF A LABOR ORGANIZATION RECEIVES A MAJORITY OF  
45 THE VOTES CAST, THE BOARD OR LOCAL BOARD SHALL CERTIFY THE LABOR



1 ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC EMPLOYEES IN  
2 THE APPROPRIATE BARGAINING UNIT.

3 E. AN ELECTION MAY NOT BE CONDUCTED IF AN ELECTION OR RUNOFF  
4 ELECTION HAS BEEN CONDUCTED WITHIN THE TWELVE MONTHS THAT IMMEDIATELY  
5 PRECEDE THE PROPOSED REPRESENTATION ELECTION. AN ELECTION MAY NOT BE HELD  
6 DURING THE TERM OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT, EXCEPT AS  
7 PROVIDED BY SECTION 23-1432.

8 23-1431. Exclusive representation

9 A. A LABOR ORGANIZATION THAT HAS BEEN CERTIFIED BY THE BOARD OR A  
10 LOCAL BOARD TO REPRESENT PUBLIC EMPLOYEES IN AN APPROPRIATE BARGAINING  
11 UNIT IS THE EXCLUSIVE REPRESENTATIVE OF ALL PUBLIC EMPLOYEES IN THE  
12 APPROPRIATE BARGAINING UNIT. THE EXCLUSIVE REPRESENTATIVE SHALL ACT FOR  
13 ALL PUBLIC EMPLOYEES IN THE APPROPRIATE BARGAINING UNIT AND NEGOTIATE A  
14 COLLECTIVE BARGAINING AGREEMENT THAT COVERS ALL PUBLIC EMPLOYEES IN THE  
15 APPROPRIATE BARGAINING UNIT. THE EXCLUSIVE REPRESENTATIVE SHALL REPRESENT  
16 THE INTERESTS OF ALL PUBLIC EMPLOYEES IN THE APPROPRIATE BARGAINING UNIT  
17 WITHOUT DISCRIMINATION OR REGARD TO MEMBERSHIP IN THE LABOR ORGANIZATION.

18 B. THIS SECTION DOES NOT PREVENT A PUBLIC EMPLOYEE FROM ACTING  
19 INDIVIDUALLY AND PRESENTING A GRIEVANCE WITHOUT THE INTERVENTION OF THE  
20 EXCLUSIVE REPRESENTATIVE. IF A PUBLIC EMPLOYEE INDIVIDUALLY BRINGS A  
21 GRIEVANCE AT ANY HEARING, THE EXCLUSIVE REPRESENTATIVE IS ALLOWED TO BE  
22 PRESENT AND STATE OPINIONS. ANY ADJUSTMENT THAT IS MADE MAY NOT BE  
23 INCONSISTENT WITH OR IN VIOLATION OF THE COLLECTIVE BARGAINING AGREEMENT  
24 THAT IS IN EFFECT BETWEEN THE PUBLIC EMPLOYER AND THE EXCLUSIVE  
25 REPRESENTATIVE.

26 23-1432. Decertification of exclusive representative

27 A. ANY LABOR ORGANIZATION OR ANY MEMBER OF A LABOR ORGANIZATION MAY  
28 INITIATE DECERTIFICATION OF A LABOR ORGANIZATION AS THE EXCLUSIVE  
29 REPRESENTATIVE IF THIRTY PERCENT OF THE PUBLIC EMPLOYEES IN THE  
30 APPROPRIATE BARGAINING UNIT MAKE A WRITTEN REQUEST TO THE BOARD OR A LOCAL  
31 BOARD FOR A DECERTIFICATION ELECTION. A DECERTIFICATION ELECTION MUST BE  
32 HELD IN A MANNER PRESCRIBED BY THE BOARD OR LOCAL BOARD.

33 B. IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR LESS THAN  
34 THREE YEARS, A REQUEST FOR A DECERTIFICATION ELECTION MUST BE MADE TO THE  
35 BOARD OR A LOCAL BOARD NOT EARLIER THAN NINETY DAYS AND NOT LATER THAN  
36 SIXTY DAYS BEFORE THE EXPIRATION OF THE COLLECTIVE BARGAINING AGREEMENT.  
37 IF A COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT FOR MORE THAN THREE  
38 YEARS, A REQUEST FOR AN ELECTION MAY BE FILED AT ANY TIME.

39 C. IF, WITHIN THE TIME PERIOD PRESCRIBED IN SUBSECTION B OF THIS  
40 SECTION, A COMPETING LABOR ORGANIZATION FILES A PETITION THAT CONTAINS THE  
41 SIGNATURES OF AT LEAST THIRTY PERCENT OF THE PUBLIC EMPLOYEES IN THE  
42 APPROPRIATE BARGAINING UNIT, A REPRESENTATION ELECTION MUST BE CONDUCTED  
43 INSTEAD OF A DECERTIFICATION ELECTION.

44 D. IF AN EXCLUSIVE REPRESENTATIVE HAS BEEN CERTIFIED BUT NO  
45 COLLECTIVE BARGAINING AGREEMENT IS IN EFFECT, THE BOARD OR A LOCAL BOARD

1 MAY NOT ACCEPT A REQUEST FOR A DECERTIFICATION ELECTION EARLIER THAN  
2 TWELVE MONTHS AFTER THE LABOR ORGANIZATION HAS BEEN CERTIFIED AS THE  
3 EXCLUSIVE REPRESENTATIVE.

4 23-1433. Scope of bargaining; membership dues; grievance  
5 procedure; closed meetings

6 A. EXCEPT FOR PUBLIC RETIREMENT SYSTEMS THAT ARE ESTABLISHED BY  
7 TITLE 38, CHAPTER 5, PUBLIC EMPLOYERS AND EXCLUSIVE REPRESENTATIVES:

8 1. SHALL BARGAIN IN GOOD FAITH ON WAGES, HOURS AND OTHER TERMS AND  
9 CONDITIONS OF EMPLOYMENT AND OTHER ISSUES AGREED TO BY THE PARTIES. THE  
10 PUBLIC EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE ARE NOT REQUIRED TO AGREE  
11 TO A PROPOSAL OR TO MAKE A CONCESSION.

12 2. MAY ENTER INTO WRITTEN COLLECTIVE BARGAINING AGREEMENTS THAT  
13 COVER EMPLOYMENT RELATIONS.

14 B. THE OBLIGATION TO COLLECTIVELY BARGAIN UNDER THIS ARTICLE DOES  
15 NOT AUTHORIZE PUBLIC EMPLOYERS AND EXCLUSIVE REPRESENTATIVES TO ENTER INTO  
16 ANY AGREEMENT THAT CONFLICTS WITH ANY STATUTE OF THIS STATE. IF A  
17 CONFLICT EXISTS BETWEEN A STATUTE OF THIS STATE AND AN AGREEMENT THAT THE  
18 PUBLIC EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE ENTER INTO IN COLLECTIVE  
19 BARGAINING, THE STATUTE GOVERNS.

20 C. PAYROLL DEDUCTIONS OF THE EXCLUSIVE REPRESENTATIVE'S MEMBERSHIP  
21 DUES ARE A MANDATORY SUBJECT OF BARGAINING. THE AMOUNT OF DUES MUST BE  
22 CERTIFIED IN WRITING BY AN OFFICIAL OF THE LABOR ORGANIZATION AND MAY NOT  
23 INCLUDE SPECIAL ASSESSMENTS, PENALTIES OR FINES. THE DUTY OF THE PUBLIC  
24 EMPLOYER TO HONOR PAYROLL DEDUCTIONS MUST CONTINUE UNTIL THE PUBLIC  
25 EMPLOYEE REVOKES THE AUTHORIZATION IN WRITING ACCORDING TO THE NEGOTIATED  
26 AGREEMENT AND FOR AS LONG AS THE LABOR ORGANIZATION IS CERTIFIED AS THE  
27 EXCLUSIVE REPRESENTATIVE. DURING THE TIME THAT A BOARD CERTIFICATION IS  
28 IN EFFECT FOR A PARTICULAR APPROPRIATE BARGAINING UNIT, THE PUBLIC  
29 EMPLOYER MAY NOT DEDUCT DUES FOR ANY OTHER LABOR ORGANIZATION.

30 D. OCCUPATIONAL GROUPS SHALL NEGOTIATE ALL ISSUES AT THE STATE  
31 LEVEL.

32 E. ANY IMPASSE RESOLUTION OR ANY AGREEMENT PROVISION BY THIS STATE  
33 AND AN EXCLUSIVE REPRESENTATIVE THAT REQUIRES THE EXPENDITURE OF MONIES  
34 MUST BE CONTINGENT ON THE SPECIFIC APPROPRIATION OF MONIES BY THE  
35 LEGISLATURE AND THE AVAILABILITY OF THE MONIES. ANY IMPASSE RESOLUTION OR  
36 ANY AGREEMENT PROVISION BY A PUBLIC EMPLOYER OTHER THAN THIS STATE OR THE  
37 PUBLIC SCHOOLS AND AN EXCLUSIVE REPRESENTATIVE THAT REQUIRES THE  
38 EXPENDITURE OF MONIES MUST BE CONTINGENT ON THE SPECIFIC APPROPRIATION FOR  
39 WAGES BY THE APPROPRIATE GOVERNING BODY AND THE AVAILABILITY OF THE  
40 MONIES. ANY AGREEMENT PROVISION BY A LOCAL SCHOOL BOARD AND AN EXCLUSIVE  
41 REPRESENTATIVE THAT REQUIRES THE EXPENDITURE OF MONIES MUST BE CONTINGENT  
42 ON RATIFICATION BY THE APPROPRIATE GOVERNING BODY.

43 F. EVERY AGREEMENT MUST INCLUDE A GRIEVANCE PROCEDURE TO BE USED  
44 FOR THE SETTLEMENT OF DISPUTES THAT RELATE TO EMPLOYMENT TERMS AND  
45 CONDITIONS AND RELATED PERSONNEL MATTERS. THE GRIEVANCE PROCEDURE MUST

1 PROVIDE FOR A FINAL AND BINDING DETERMINATION. THE FINAL DETERMINATION  
2 CONSTITUTES AN ARBITRATION AWARD. IF THERE IS A JUDICIAL REVIEW OF THE  
3 AWARD, THE COURT SHALL DETERMINE IF THE AWARD IS ARBITRARY, UNLAWFUL,  
4 UNREASONABLE, CAPRICIOUS OR NOT BASED ON SUBSTANTIAL EVIDENCE. THE COSTS  
5 OF ANY ARBITRATION PROCEEDING THAT IS CONDUCTED PURSUANT TO THIS SECTION  
6 MUST BE SHARED EQUALLY BY THE PARTIES.

7 G. NOTWITHSTANDING TITLE 38, CHAPTER 3, ARTICLE 3.1, THE FOLLOWING  
8 MUST BE CLOSED:

9 1. MEETINGS IN WHICH BARGAINING STRATEGY IS PRELIMINARY TO  
10 COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN A PUBLIC EMPLOYER AND THE  
11 EXCLUSIVE REPRESENTATIVE OF THE PUBLIC EMPLOYEES OF THE PUBLIC EMPLOYER.

12 2. COLLECTIVE BARGAINING SESSIONS.

13 3. CONSULTATIONS AND IMPASSE RESOLUTION PROCEDURES IF THE PUBLIC  
14 EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE OF THE APPROPRIATE BARGAINING  
15 UNIT ARE PRESENT.

16 23-1434. Impasse resolution; mediation; arbitration

17 A. THE FOLLOWING NEGOTIATIONS AND IMPASSE PROCEDURES MUST BE  
18 FOLLOWED BETWEEN THIS STATE AND THE EXCLUSIVE REPRESENTATIVE FOR STATE  
19 EMPLOYEES:

20 1. THE EXCLUSIVE REPRESENTATIVE TO THIS STATE SHALL FILE A REQUEST  
21 FOR THE BEGINNING OF INITIAL NEGOTIATIONS IN WRITING NOT LATER THAN JUNE 1  
22 OF THE YEAR IN WHICH NEGOTIATIONS ARE TO TAKE PLACE. NEGOTIATIONS MUST  
23 BEGIN NOT LATER THAN JULY 1 OF THAT YEAR.

24 2. IN THE YEARS FOLLOWING INITIAL NEGOTIATIONS PURSUANT TO  
25 PARAGRAPH 1 OF THIS SUBSECTION, NEGOTIATIONS THAT THIS STATE AND THE  
26 EXCLUSIVE REPRESENTATIVE AGREE TO MUST BEGIN NOT LATER THAN AUGUST 1  
27 FOLLOWING THE EXCLUSIVE REPRESENTATIVE'S SUBMISSION OF WRITTEN NOTICE TO  
28 THIS STATE. THE EXCLUSIVE REPRESENTATIVE SHALL SUBMIT THE WRITTEN NOTICE  
29 TO THIS STATE BY JULY 1 OF THE YEAR IN WHICH NEGOTIATIONS ARE TO TAKE  
30 PLACE.

31 3. IF AN IMPASSE OCCURS DURING NEGOTIATIONS BETWEEN THIS STATE AND  
32 THE EXCLUSIVE REPRESENTATIVE AND NO AGREEMENT IS REACHED BY OCTOBER 1,  
33 THIS STATE OR THE EXCLUSIVE REPRESENTATIVE MAY REQUEST MEDIATION SERVICES  
34 FROM THE BOARD. THE BOARD SHALL ASSIGN A MEDIATOR FROM THE FEDERAL  
35 MEDIATION AND CONCILIATION SERVICE TO ASSIST NEGOTIATIONS UNLESS THE  
36 PARTIES AGREE TO ANOTHER MEDIATOR.

37 4. THE MEDIATOR SHALL PROVIDE SERVICES UNTIL AN AGREEMENT IS  
38 REACHED, UNTIL THE MEDIATOR BELIEVES THAT MEDIATION SERVICES ARE NO LONGER  
39 HELPFUL OR UNTIL DECEMBER 1, WHICHEVER OCCURS FIRST.

40 5. IF THE IMPASSE CONTINUES AFTER DECEMBER 1, THIS STATE OR THE  
41 EXCLUSIVE REPRESENTATIVE MAY REQUEST THE FORMATION OF AN ARBITRATION  
42 PANEL. THE ARBITRATION PANEL SHALL ADDRESS THE UNRESOLVED ISSUES. THE  
43 ARBITRATION PANEL SHALL CONSIST OF ONE MEMBER WHO IS APPOINTED BY THE  
44 EXCLUSIVE REPRESENTATIVE, ONE MEMBER WHO IS APPOINTED BY THIS STATE AND A  
45 THIRD MEMBER WHO IS APPOINTED BY THE OTHER TWO MEMBERS. IF THERE IS A

1 JUDICIAL REVIEW OF THE DECISION OF THE ARBITRATION PANEL, THE COURT SHALL  
2 DETERMINE WHETHER THE DECISION IS ARBITRARY, UNLAWFUL, UNREASONABLE,  
3 CAPRICIOUS OR NOT BASED ON SUBSTANTIAL EVIDENCE.

4 B. EXCEPT FOR THIS STATE AND THE EXCLUSIVE REPRESENTATIVE FOR THIS  
5 STATE, ALL OTHER PUBLIC EMPLOYERS AND EXCLUSIVE REPRESENTATIVES SHALL  
6 FOLLOW THE FOLLOWING IMPASSE PROCEDURES:

7 1. IF AN IMPASSE OCCURS AND THE PUBLIC EMPLOYER AND THE EXCLUSIVE  
8 REPRESENTATIVE CANNOT AGREE ON A MEDIATOR, THE PUBLIC EMPLOYER OR THE  
9 EXCLUSIVE REPRESENTATIVE MAY REQUEST FROM THE BOARD OR LOCAL BOARD THAT A  
10 MEDIATOR BE ASSIGNED TO THE NEGOTIATIONS. THE BOARD OR LOCAL BOARD SHALL  
11 ASSIGN A MEDIATOR WITH THE FEDERAL MEDIATION AND CONCILIATION SERVICE TO  
12 ASSIST NEGOTIATIONS.

13 2. IF THE IMPASSE CONTINUES AFTER A SIXTY-DAY MEDIATION PERIOD,  
14 EITHER THE PUBLIC EMPLOYER OR THE EXCLUSIVE REPRESENTATIVE MAY REQUEST THE  
15 FORMATION OF AN ARBITRATION PANEL. THE ARBITRATION PANEL SHALL CONSIST OF  
16 ONE MEMBER WHO IS APPOINTED BY THE EXCLUSIVE REPRESENTATIVE, ONE MEMBER  
17 WHO IS APPOINTED BY THE PUBLIC EMPLOYER AND A THIRD MEMBER WHO IS  
18 APPOINTED BY THE OTHER TWO MEMBERS. IF THERE IS A JUDICIAL REVIEW OF THE  
19 DECISION OF THE ARBITRATION PANEL, THE COURT SHALL DETERMINE WHETHER THE  
20 DECISION IS ARBITRARY, UNLAWFUL, UNREASONABLE, CAPRICIOUS OR NOT BASED ON  
21 SUBSTANTIAL EVIDENCE.

22 C. EXCEPT FOR THIS STATE, A PUBLIC EMPLOYER MAY ENTER INTO A  
23 WRITTEN AGREEMENT WITH THE EXCLUSIVE REPRESENTATIVE THAT ESTABLISHES AN  
24 ALTERNATIVE IMPASSE RESOLUTION PROCEDURE.

25 23-1435. Prohibited practices; public employers; public  
26 employees

27 A. IT IS A PROHIBITED PRACTICE FOR A PUBLIC EMPLOYER OR ITS  
28 DESIGNATED REPRESENTATIVE TO DO ANY OF THE FOLLOWING:

29 1. INTERFERE WITH, RESTRAIN OR COERCE, OR THREATEN TO INTERFERE  
30 WITH, RESTRAIN OR COERCE, ANY EMPLOYEE IN OR BECAUSE OF THE EXERCISE OF  
31 ANY RIGHTS THAT ARE GUARANTEED BY THIS ARTICLE.

32 2. CONTROL, DOMINATE OR INTERFERE WITH THE FORMATION, EXISTENCE OR  
33 ADMINISTRATION OF ANY LABOR ORGANIZATION OR SUPPORT OR IN ANY WAY  
34 ENCOURAGE EMPLOYEES TO JOIN ANY ORGANIZATION IN PREFERENCE TO ANOTHER.

35 3. DISCRIMINATE OR RETALIATE AGAINST ANY EMPLOYEE FOR FILING A  
36 GRIEVANCE OR FOR ASSERTING RIGHTS UNDER THIS ARTICLE.

37 4. REFUSE OR FAIL TO MEET AND CONFER IN GOOD FAITH WITH THE  
38 EXCLUSIVE REPRESENTATIVE OR REFUSE OR FAIL TO PARTICIPATE IN GOOD FAITH IN  
39 THE MEDIATION OR ARBITRATION.

40 5. DENY A LABOR ORGANIZATION RIGHTS THAT ARE GUARANTEED TO IT BY  
41 THIS CHAPTER.

42 6. REFUSE OR FAIL TO COMPLY WITH THIS ARTICLE OR ANY RULE THAT IS  
43 ADOPTED BY THE BOARD OR LOCAL BOARD.

44 7. REFUSE OR FAIL TO COMPLY WITH ANY COLLECTIVE BARGAINING  
45 AGREEMENT.

1           8. ENGAGE IN A LOCKOUT OF ANY EMPLOYEES.  
2           B. IT IS A PROHIBITED PRACTICE FOR A PUBLIC EMPLOYEE OR A LABOR  
3 ORGANIZATION TO DO ANY OF THE FOLLOWING:  
4           1. INTERFERE WITH, RESTRAIN OR COERCE, OR THREATEN TO INTERFERE  
5 WITH, RESTRAIN OR COERCE, ANY EMPLOYEE IN OR BECAUSE OF THE EXERCISE OF  
6 RIGHTS THAT ARE GUARANTEED BY THIS ARTICLE.  
7           2. DISCRIMINATE OR RETALIATE AGAINST ANY EMPLOYEE FOR FILING A  
8 GRIEVANCE OR FOR ASSERTING RIGHTS UNDER THIS ARTICLE.  
9           3. DISCRIMINATE AGAINST A PUBLIC EMPLOYEE REGARDING MEMBERSHIP IN A  
10 LABOR ORGANIZATION BECAUSE OF RACE, COLOR, CREED, AGE, SEX OR NATIONAL  
11 ORIGIN.  
12           4. REFUSE TO ENTER INTO COLLECTIVE BARGAINING IN GOOD FAITH WITH  
13 THE PUBLIC EMPLOYER.  
14           5. REFUSE OR FAIL TO MEET AND CONFER IN GOOD FAITH WITH THE  
15 EXCLUSIVE REPRESENTATIVE, INCLUDING REFUSAL OR FAILURE TO PARTICIPATE IN  
16 GOOD FAITH IN MEDIATION OR ARBITRATION.  
17           6. REFUSE OR FAIL TO COMPLY WITH ANY COLLECTIVE BARGAINING  
18 AGREEMENT OR THIS ARTICLE.  
19           7. PICKET HOMES OR PRIVATE BUSINESSES OF ELECTED OFFICIALS OR  
20 PUBLIC EMPLOYEES.  
21           8. INDUCE, AUTHORIZE OR PARTICIPATE IN A STRIKE AGAINST ANY PUBLIC  
22 EMPLOYER.  
23           23-1436. Strikes and lockouts; prohibition; decertification  
24           A. A PUBLIC EMPLOYEE OR LABOR ORGANIZATION MAY NOT ENGAGE IN A  
25 STRIKE. A LABOR ORGANIZATION MAY NOT CAUSE, INSTIGATE, ENCOURAGE OR  
26 SUPPORT A PUBLIC EMPLOYEE STRIKE. A PUBLIC EMPLOYER MAY NOT CAUSE,  
27 INSTIGATE OR ENGAGE IN ANY PUBLIC EMPLOYEE LOCKOUT.  
28           B. A PUBLIC EMPLOYER MAY BRING AN ACTION FOR INJUNCTIVE RELIEF TO  
29 END A STRIKE. THE EXCLUSIVE REPRESENTATIVE OF PUBLIC EMPLOYEES WHO ARE  
30 AFFECTED BY A LOCKOUT MAY BRING AN ACTION FOR INJUNCTIVE RELIEF TO END A  
31 LOCKOUT.  
32           C. ANY LABOR ORGANIZATION THAT CAUSES, INSTIGATES, ENCOURAGES OR  
33 SUPPORTS A PUBLIC EMPLOYEE STRIKE, WALKOUT OR SLOWDOWN MAY BE DECERTIFIED  
34 AS THE EXCLUSIVE REPRESENTATIVE FOR THAT APPROPRIATE BARGAINING UNIT BY  
35 EITHER THE BOARD OR A LOCAL BOARD AND MAY NOT SERVE AS THE EXCLUSIVE  
36 REPRESENTATIVE OF ANY BARGAINING UNIT OF PUBLIC EMPLOYEES FOR A PERIOD  
37 THAT DOES NOT EXCEED ONE YEAR.  
38           23-1437. Agreements; enforcement  
39           ALL COLLECTIVE BARGAINING AGREEMENTS AND OTHER AGREEMENTS BETWEEN  
40 PUBLIC EMPLOYERS AND EXCLUSIVE REPRESENTATIVES ARE VALID AND ENFORCEABLE  
41 ACCORDING TO THE TERMS OF THE AGREEMENT IF ENTERED INTO PURSUANT TO THIS  
42 ARTICLE.  
43           23-1438. Judicial enforcement  
44           A. THE TERMS OF ANY AGREEMENT MAY BE ENFORCED BY EITHER PARTY BY A  
45 CIVIL ACTION IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE AGREEMENT

1 WAS MADE. THE BOARD OR A LOCAL BOARD MAY REQUEST THE COURT TO ENFORCE AN  
2 ORDER THAT IS ISSUED PURSUANT TO THIS ARTICLE, INCLUDING ORDERS FOR  
3 APPROPRIATE TEMPORARY RELIEF AND RESTRAINING ORDERS. THE COURT SHALL  
4 CONSIDER THE REQUEST FOR ENFORCEMENT ON THE RECORD MADE BEFORE THE BOARD  
5 OR LOCAL BOARD. THE COURT SHALL UPHOLD THE ACTION OF THE BOARD OR LOCAL  
6 BOARD AND TAKE APPROPRIATE ACTION TO ENFORCE THE BOARD'S OR LOCAL BOARD'S  
7 ACTION UNLESS THE COURT CONCLUDES THAT THE ORDER IS:

8 1. ARBITRARY, CAPRICIOUS OR AN ABUSE OF DISCRETION.

9 2. NOT SUPPORTED BY SUBSTANTIAL EVIDENCE ON THE RECORD CONSIDERED  
10 AS A WHOLE.

11 3. NOT IN ACCORDANCE WITH LAW.

12 B. ANY PERSON OR PARTY, INCLUDING ANY LABOR ORGANIZATION THAT IS  
13 AFFECTED BY A FINAL RULE, ORDER OR DECISION OF THE BOARD OR A LOCAL BOARD,  
14 MAY APPEAL TO THE COURT FOR FURTHER RELIEF. ALL APPEALS MUST BE BASED ON  
15 THE RECORD MADE AT THE BOARD OR LOCAL BOARD HEARING. ALL APPEALS TO THE  
16 COURT MUST BE TAKEN WITHIN THIRTY DAYS AFTER THE DATE OF THE FINAL RULE,  
17 ORDER OR DECISION OF THE BOARD OR LOCAL BOARD. ACTIONS THAT ARE TAKEN BY  
18 THE BOARD OR LOCAL BOARD MUST BE AFFIRMED UNLESS THE COURT CONCLUDES THAT  
19 THE ACTION IS:

20 1. ARBITRARY, CAPRICIOUS OR AN ABUSE OF DISCRETION.

21 2. NOT SUPPORTED BY SUBSTANTIAL EVIDENCE ON THE RECORD TAKEN AS A  
22 WHOLE.

23 3. NOT IN ACCORDANCE WITH LAW.

24 Sec. 2. Section 41-1092.02, Arizona Revised Statutes, is amended to  
25 read:

26 41-1092.02. Appealable agency actions; application of  
27 procedural rules; exemption from article

28 A. This article applies to all contested cases as defined in  
29 section 41-1001 and all appealable agency actions, except contested cases  
30 with or appealable agency actions of:

31 1. The state department of corrections.

32 2. The board of executive clemency.

33 3. The industrial commission of Arizona.

34 4. The Arizona corporation commission.

35 5. The Arizona board of regents and institutions under its  
36 jurisdiction.

37 6. The state personnel board.

38 7. The department of juvenile corrections.

39 8. The department of transportation, except as provided in title  
40 28, chapter 30, article 2.

41 9. The department of economic security except as provided in  
42 section 46-458.

43 10. The department of revenue regarding:

44 (a) Income tax or withholding tax.

1 (b) Any tax issue related to information associated with the  
2 reporting of income tax or withholding tax unless the taxpayer requests in  
3 writing that this article apply and waives confidentiality under title 42,  
4 chapter 2, article 1.

5 11. The board of tax appeals.

6 12. The state board of equalization.

7 13. The state board of education, but only in connection with  
8 contested cases and appealable agency actions related to applications for  
9 issuance or renewal of a certificate and discipline of certificate holders  
10 pursuant to sections 15-203, 15-534, 15-534.01, 15-535, 15-545 and 15-550.

11 14. The board of fingerprinting.

12 15. The department of child safety except as provided in sections  
13 8-506.01 and 8-811.

14 16. THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD.

15 B. Unless waived by all parties, an administrative law judge shall  
16 conduct all hearings under this article, and the procedural rules set  
17 forth in this article and rules made by the director apply.

18 C. Except as provided in subsection A of this section:

19 1. A contested case heard by the office of administrative hearings  
20 regarding taxes administered under title 42 shall be subject to section  
21 42-1251.

22 2. A final decision of the office of administrative hearings  
23 regarding taxes administered under title 42 may be appealed by either  
24 party to the director of the department of revenue, or a taxpayer may file  
25 and appeal directly to the board of tax appeals pursuant to section  
26 42-1253.

27 D. Except as provided in subsections A, B, E, F and G of this  
28 section and notwithstanding any other administrative proceeding or  
29 judicial review process established in statute or administrative rule,  
30 this article applies to all appealable agency actions and to all contested  
31 cases.

32 E. Except for a contested case or an appealable agency action  
33 regarding unclaimed property, sections 41-1092.03, 41-1092.08 and  
34 41-1092.09 do not apply to the department of revenue.

35 F. The board of appeals established by section 37-213 is exempt  
36 from:

37 1. The time frames for hearings and decisions provided in section  
38 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.

39 2. The requirement in section 41-1092.06, subsection A to hold an  
40 informal settlement conference at the appellant's request if the sole  
41 subject of an appeal pursuant to section 37-215 is the estimate of value  
42 reported in an appraisal of lands or improvements.

43 G. Auction protest procedures pursuant to title 37, chapter 2,  
44 article 4.1 are exempt from this article.

1           Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes,  
2 is amended by adding section 41-3028.01, to read:

3           41-3028.01. Public employee labor relations board;  
4                                   termination July 1, 2028

5           A. THE PUBLIC EMPLOYEE LABOR RELATIONS BOARD TERMINATES ON JULY 1,  
6 2028.

7           B. TITLE 23, CHAPTER 8, ARTICLE 7 AND THIS SECTION ARE REPEALED ON  
8 JANUARY 1, 2029.

9           Sec. 4. Purpose

10           Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,  
11 the purpose of the public employee labor relations board is to encourage  
12 conciliation, mediation and voluntary arbitration and to aid and encourage  
13 employers and their employees to reach and maintain collective bargaining  
14 agreements concerning rates of pay, hours and working conditions and to  
15 make all reasonable efforts through negotiations to settle their  
16 differences by mutual agreement reached through collective bargaining or  
17 by those methods as may be provided for in any applicable agreement for  
18 the settlement of disputes.

19           Sec. 5. Initial terms of members of the public employee labor  
20                                   relations board

21           A. Notwithstanding section 23-1425, Arizona Revised Statutes, as  
22 added by this act, the initial terms of members of the public employee  
23 labor relations board are:

24           1. One term ending January 1, 2020.

25           2. Two terms ending January 1, 2021.

26           3. The governor and the members appointed as prescribed by section  
27 23-1425, subsection B, paragraphs 1 and 2 shall make all subsequent  
28 appointments as prescribed by statute.