

REFERENCE TITLE: state employees; meet and confer

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1669

Introduced by
Senator Mendez

AN ACT

AMENDING TITLE 38, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING
TO STATE EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 38, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 STATE EMPLOYEES' ORGANIZATIONAL RIGHTS

6 ARTICLE 1. GENERAL PROVISIONS

7 38-1201. State employees; employee organizations; terms and
8 conditions of employment; definition

9 A. ANY DEPARTMENT OF THIS STATE IS RECOGNIZED AS THE SOLE AND
10 EXCLUSIVE AUTHORITY PURSUANT TO LAW WITH RESPECT TO DETERMINING THE LEVEL
11 OF AND THE MANNER IN WHICH THAT DEPARTMENT'S ACTIVITIES ARE CONDUCTED,
12 MANAGED AND ADMINISTERED. IT IS THE EXCLUSIVE RIGHT OF THE DIRECTOR OF
13 ANY DEPARTMENT OF THIS STATE TO ESTABLISH AND MAINTAIN DEPARTMENTAL RULES
14 AND PROCEDURES FOR ADMINISTERING THAT DEPARTMENT.

15 B. DEPARTMENT EMPLOYEES OR EMPLOYEE ORGANIZATIONS MAY NOT ENGAGE IN
16 A SICKOUT, WORK SLOWDOWN OR STRIKE OR ANY OTHER ACTION THAT WILL DISRUPT
17 THE DELIVERY OF SERVICES.

18 C. THIS SECTION DOES NOT:

19 1. AFFECT OR LIMIT THE EXISTING RIGHT OF ANY DEPARTMENT OF THIS
20 STATE TO:

21 (a) DIRECT THE WORK OF DEPARTMENT EMPLOYEES.

22 (b) HIRE, PROMOTE, DEMOTE, TRANSFER, ASSIGN AND RETRAIN DEPARTMENT
23 EMPLOYEES.

24 (c) SUSPEND, DISCHARGE OR DISCIPLINE DEPARTMENT EMPLOYEES.

25 (d) MAINTAIN THE EFFICIENCY OF GOVERNMENTAL OPERATIONS.

26 (e) RELIEVE DEPARTMENT EMPLOYEES FROM JOB RESPONSIBILITIES DUE TO
27 LACK OF WORK OR OTHER LEGITIMATE REASONS.

28 2. INVALIDATE OR LIMIT OTHER RIGHTS, REMEDIES OR PROCEDURES OF THIS
29 STATE RELATING TO ANY ISSUE OF EMPLOYMENT OF DEPARTMENT EMPLOYEES.

30 D. ANY DEPARTMENT OF THIS STATE SHALL:

31 1. ALLOW DEPARTMENT EMPLOYEES THE RIGHT TO JOIN EMPLOYEE
32 ORGANIZATIONS.

33 2. RECOGNIZE THAT AN EMPLOYEE ORGANIZATION THAT HAS AT LEAST ONE
34 THOUSAND STATE EMPLOYEES AS MEMBERS WILL HAVE A SEAT AT THE BARGAINING
35 TABLE.

36 3. AGREE TO MEET AND CONFER WITH THOSE EMPLOYEE ORGANIZATIONS THAT
37 MEET THE MINIMUM MEMBERSHIP REQUIREMENTS REGARDING HOURS, WAGES, BENEFITS
38 AND TERMS AND CONDITIONS OF EMPLOYMENT.

39 4. COMMIT ANY AGREEMENTS IN WRITING IN A CONTRACT.

40 E. THE RECOGNIZED EMPLOYEE ORGANIZATION AND ANY DEPARTMENT OF THIS
41 STATE 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
43 OF DEPARTMENT EMPLOYEES. ON THE REQUEST OF THE EMPLOYEE ORGANIZATION, ANY
44 DEPARTMENT OF THIS STATE SHALL MEET AND CONFER WITH THE EMPLOYEE
45 ORGANIZATION IN GOOD FAITH AT REASONABLE TIMES. IF ANY DEPARTMENT OF THIS

1 STATE AND THE EMPLOYEE ORGANIZATION REACH AN AGREEMENT, THE AGREEMENT MUST
2 BE SUBMITTED TO THE GOVERNOR FOR CONSIDERATION PURSUANT TO SUBSECTION G OF
3 THIS SECTION.

4 F. IF AN AGREEMENT IS NOT REACHED AND THE POSSIBILITY OF SETTLEMENT
5 IS REMOTE AFTER THE PARTIES MEET AND CONFER FOR A REASONABLE PERIOD OF
6 TIME, ANY DEPARTMENT OF THIS STATE OR THE EMPLOYEE ORGANIZATION MAY OFFER
7 TO THE OTHER PARTY A WRITTEN REQUEST TO BEGIN A MEDIATION PROCESS. THE
8 MEDIATION PROCESS IS VOLUNTARY AND BINDING. THE MEDIATION PROCESS MUST
9 USE A NEUTRAL THIRD-PARTY MEDIATOR TO ASSIST THE PARTIES IN REACHING A
10 VOLUNTARY AGREEMENT. DURING THE MEDIATION PROCESS, EACH PARTY SHALL AGREE
11 TO 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
13 FACILITATE ONLY THE MEET AND CONFER PROCESS AND MAY NOT IMPOSE ANY TERM OF
14 THE AGREEMENT ON THE PARTIES. IF THE PARTIES REACH AN AGREEMENT DURING
15 THE MEDIATION PROCESS, THE AGREEMENT MUST BE SUBMITTED TO THE GOVERNOR FOR
16 CONSIDERATION PURSUANT TO SUBSECTION G OF THIS SECTION. IF THE MEDIATION
17 PROCESS DOES NOT RESOLVE ALL DISPUTED ISSUES BETWEEN THE PARTIES, EITHER
18 PARTY MAY ADVISE THE GOVERNOR OF THE ISSUES THAT REMAIN IN DISPUTE.

19 G. THE GOVERNOR SHALL REVIEW ANY AGREEMENT OR PROPOSED COMPROMISE
20 THAT IS REACHED UNDER THIS SECTION. ANY AGREEMENT OR COMPROMISE IS
21 SUBJECT TO ALL APPLICABLE STATUTORY LIMITS FOR ANY DEPARTMENT OF THIS
22 STATE. THE FINAL DECISION BY THE GOVERNOR IS BINDING.

23 H. ANY DEPARTMENT OF THIS STATE SHALL RECORD THE PROCEEDINGS OF
24 EACH MEETING WITH THE QUALIFIED EMPLOYEE ORGANIZATION.

25 I. FOR THE PURPOSES OF THIS SECTION, "EMPLOYEE ORGANIZATION" MEANS
26 ANY ORGANIZATION OR EMPLOYEE UNION OR ASSOCIATION IN WHICH EMPLOYEES
27 PARTICIPATE AND THAT EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF
28 DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, TRAINING,
29 HOURS OF EMPLOYMENT OR OTHER CONDITIONS OF EMPLOYMENT.