Executive Order 2008-30
Establishing a Meet and Confer Process for Executive Agencies of State Government

WHEREAS, the State of Arizona recognizes that communication with employees is critical to improving the cost-efficiency of government, assuring the high quality of services provided to the public and creating effective and sound public policy;

WHEREAS, the State of Arizona believes in exploring ways that provide employees a voice in determining their working environment;

WHEREAS, Arizona's Department of Corrections has been meeting and conferring with an employee-selected employee representative organization for the last year with mutually beneficial success;

WHEREAS, the State of Arizona should expand the successful employee and employer relationship developed in the Department of Corrections to other agencies of the State; and

WHEREAS, it is the intent of this Executive Order to ensure that a process exists for the State to expand the meet and confer process with employee organizations that can provide the State a source of employee input within the Executive Agencies with the goal of making State government more effective, efficient, reliable and accountable;

NOW THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. For purposes of this Executive Order, the following definitions shall apply:

   "Duly Elected Representative" means the employee representative who receives the majority (i.e. more than 50%) of the votes of all Qualified Agency Employees voting in a duly called Representative Election.

   "Executive Agency" means the Governor's cabinet level agencies, excluding the Department of Public Safety and the Arizona National Guard.

   "Qualified Agency Employee" means those employees within an Executive Agency who are listed in the Department of Administration State Service Personnel System, except those employees (a) whose job responsibilities include determining agency personnel policy or procedures; (b) who are supervisors pursuant to the Department of Administration policies; (c) who are temporary employees; or (d) who have regular access to confidential information regarding the formulation of agency personnel policy or procedures or whose job responsibilities provide them with regular access to confidential information contained in the personnel records of other employees. The Arizona Department of Administration shall be the final arbiter of whether an employee is a Qualified Agency Employee.

"Representative Election" is the secret ballot election noticed by the Department of Administration pursuant to this Executive Order to consider selection of a Duly Elected Representative.

2. The director of an Executive Agency shall meet on a regular and at least a quarterly basis with the Duly Elected Representative of the Qualified Agency Employees to confer about the Executive Agency's policies and programs that will improve the Executive Agency's cost effectiveness and quality of services it provides the public through collaborative efforts with the Executive Agency's public employees.

3. Any employee organization may petition for a "Representative Election" by filing with the Department of Administration evidence that 30% of the Qualified Agency Employees in an Executive Agency desire to be represented by such employee organization. Acceptable evidence of desire for representation must:

   a. be in writing and executed by signature of the individual Qualified Agency Employee;

   b. be executed by the Qualified Agency Employee within four months of the date the petition for election is filed with the Department of Administration;

   c. be evident to the signatory employee that he is selecting a representative employee organization; and

   d. contain any other information the Department of Administration may reasonably require to authenticate the signatory is a Qualified Agency Employee at the time of the filing of the petition.

   The Department of Administration shall provide examples of acceptable evidence of desire for representation as a guide to employee organizations.

   Qualified Agency Employees who are dues paying members of the employee organization at the time the petition for election is filed will be counted as employees who desire representation through the employee organization.

   In no event will the State distribute non-public, personal contact information about the State's employees to employee organizations as part of this qualification process.

4. The Department of Administration will determine the sufficiency of the employee organization's petition for election filing. The Department of Administration may appoint a third party or hire additional staff to verify the sufficiency of the petition filings, the cost of which will be borne by the employee organization whose petition filing is being reviewed. If the Department of Administration determines the filing is sufficient, the agency will set the date of and provide notice of a Representative Election no sooner than 5 days and no longer than 20 days after the determination of

sufficiency, unless additional time is required due to the requirement to verify additional petition filings for the same Representative Election submitted pursuant to paragraph 5 below.

5. Any other employee organization that wishes to intervene in the election must submit a filing meeting the required evidence of support from Qualified Agency Employees within 10 days of date of notice of the Representative Election.

6. Once the Department of Administration notices a Representative Election, the Department shall select a third party unaffiliated with the State of Arizona or the employee organization, but with sufficient experience in labor relations elections, to administer the election. The employee organizations participating in the election shall in equal part bear the costs associated with conducting and administering the election, including printing, postage, and other supplies, as well as any temporary staff or any outside agency retained to conduct the election. Elections may take place by mail ballot, on-site balloting, or a combination thereof, as determined by the Department of Administration.

7. The employee organization who qualifies as the Duly Elected Representative for the Executive Agency shall provide the Department of Administration as a condition of the commencement of the meet and confer process:

   a. the name an address of the employee organization;

   b. a copy of its charter, constitution and bylaws;

   c. the names, titles, addresses and telephone numbers of its duly elected officers; and

   d. a statement that membership in such employee organization is open to all Qualified Agency Employees without regard to race, creed, color, gender, national origin, ancestry, religion, age or disability.

8. The objective of the meet and confer process is to provide the Executive Agency director with information on employment and personnel issues and to aid in informed governmental decision making. Topics will relate to State employees' working conditions, including, but not limited to:

   a. methods of improving cost-efficiency and the quality of services to the public;

   b. Executive Agency budget strategy to maximize the best return on the public's tax dollars;

   c. Executive Agency employee recognition and morale issues;

   d. Executive Agency employee safety issues;

e. Executive Agency employee disciplinary policies;

f. Executive Agency hours and conditions; and

g. such other topics as may be relevant to the working environment.

Matters affecting all Executive Agency employees statewide or that necessitate statewide uniformity shall be discussed on a collaborative basis with all Duly Elected Representatives in concert with the executive officials charged with administering matters to be discussed.

9. The Duly Elected Representative will be the designated representative for the Qualified Agency Employees for a period of at least one year following the Representative Election for purposes of the meet and confer process described herein (after which the Qualified Agency Employees may petition for an election for another employee organization or to decertify); provided, however, that nothing in this Executive Order is to be construed to preclude the appearance before management by any employee or group of employees on his, her or their own behalf at any time.

10. This Executive Order shall not be construed to affect or limit the existing right of the State to:

a. direct the work of State employees;

b. hire, promote, demote, transfer, assign and retrain State employees;

c. suspend, discharge or discipline State employees;

d. maintain the efficiency of governmental operations;

e. relieve State employees from job responsibilities due to lack of work or other legitimate reasons; or

f. invalidate or limit other rights, remedies or procedures of this State relating to any issue of employment of employees.

This Executive Order shall not be construed to diminish the Governor's or usurp the legislature's powers and authority, including with regard to setting budgets, total employee compensation and other employment related policies.

11. Department of Administration may adopt additional policies and procedures to govern the process established in this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

GOVERNOR

DONE at the Capitol in Phoenix on this 17 day of December in the Year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-Third.

ATTEST:

Secretary of State