



TOWN OF BUCKEYE
MEET AND CONFER ORDINANCE PROPOSAL



Meet and Confer Proposal

Employees are the most valuable resources that the Town of Buckeye has as an organization, especially when it comes to the delivery of quality services for our citizens. For Buckeye's successful future it will take commitment and innovation by our employees, managers and elected officials to orchestrate the development of this emerging community.

Our common goal is the continuous quality improvement of customer service, working conditions, safety, and benefits for the Town's employees. By achieving these critical objectives through interest-based collaboration, all parties involved benefit.

In order to achieve positive evolution, positive interaction is critical. It has been said that the process for working out issues is as important as the issue itself. As Town of Buckeye employees, we practice values such as service excellence, fairness, communication, trust, and accountability. This is the very essence of Meet and Confer. The focus is not about increasing taxes or collective bargaining; rather, it is about obtaining a process that allows open dialogue between recognized employee groups and Town Council to achieve a Memorandum of Understanding specific to the needs of each employee group. Each of these groups has different needs and representatives of that particular group should present those needs.

In a continuing effort to achieve service excellence for Buckeye residents, Buckeye employees ask you to adopt a Meet and Confer ordinance. Meet and Confer allows all Town employees a voice in the level of service they provide to the community as well as health and safety issues that affect their daily lives.

The three main components of Meet and Confer are communication, cooperation and accountability. Meet and Confer facilitates improved communication by allowing Town management to better understand Town related issues from the perspective of those who actually provide those services; cooperation by creating a team-oriented environment for elected and employed Town servants; and a process, which holds all parties accountable for reached agreements.

The ability of workers to voice their issues is as important as Americans having a voice in their Nation. Many valley cities have recognized the need for this valuable process. Buckeye must recognize that need as well to maintain an environment of service excellence for our growing community. The attached proposal, supporting data, testimonials and Q&A show the benefits of moving forward with Meet and Confer. We feel strongly that the proposal will definitely enhance our ability to work together as TEAM BUCKEYE.

**WHICH COMMUNITIES CURRENTLY USE MEET AND
CONFER OR SIMILAR PROCESSES?**

- **City of Phoenix**
- **City of Tempe**
- **City of Peoria**
- **City of Chandler**
- **City of Glendale**
- **City of Lake Havasu**
- **City of Tucson**
- **City of Mesa**
- **City of Surprise**
- **City of Goodyear**
- **Sedona Fire District**
- **Daisy Mountain Fire District**

- **Arizona Department of Public Safety**
- **Town of Bisbee**
- **Maricopa Fire District**
- **Northwest Fire District**
- **Golder Ranch Fire District**
- **AVRA Valley Fire District**
- **Central Yavapai Fire District**

Meet and Confer

Frequently Asked Questions

Q. Why are the Public Safety Professionals of Buckeye asking for Meet and Confer?

A. We want the right to sit down with Town Management to discuss our issues in a positive/productive manner.

Q. Why should we, as council members support Public safety Professionals on this?

A. This will support positive employee relations. Furthermore it gives you, the council, ultimate say on employee relations matters. Meet and Confer provides for a higher form of open government.

Q. How will Meet and Confer benefit the citizens of Buckeye?

A. Improved public safety thanks to increased communication.

Q. What is Meet and Confer?

A. It is an interest-based medium for Town leadership and Town employees to work together on issues. Meet and Confer is definitely a WIN-WIN situation for all parties.

Q. What is the Meet and Confer proposal based on?

A. The positive results of this process in other Arizona communities.

Q. Will this cost the Town anything?

A. No! Nothing in the ordinance requires that either party make concessions or accept any proposal. The Town will retain their local control.

Q. Will employees be able to go on strike?

A. No! The proposed ordinance absolutely forbids an employee from taking part in a work stoppage, work slowdown or any other type of job action. The ordinance provides that any employee taking part in an illegal job action will receive harsh punishment.

Q. Is Meet and Confer the same as Collective Bargaining?

A. No! Meet and Confer is interest- based, not position-based. Interest based negotiations are also known as “win – win negotiations, or “mutual gain negotiations”. By removing strikes and lock-outs, parties are expected to work together constructively.

Q. What are the mandatory requirements of the ordinance?

A. There are only two absolute requirements. First, both parties must sit down and negotiate. Second, the ordinance requires each party to attempt in good faith to reach an agreement.

Q. What if they cannot reach an agreement?

A. The Town Council has ultimate authority, and that decision is final.

TESTIMONIALS

**Hear from other government officials who have
experience with Meet and Confer**



LEN COPPLE - TEMPE TOWN COUNCILMAN

“Rich, Just wanted to let you know how pleased I am with the relationships that have developed (and improved) with the Fire Fighters over the last few years. As I know you remember, I was the only Council member to vote against the meet and confer ordinance a number of years ago because I thought it would just create unnecessary conflict and increases costs on the Fire Fighter side at the expense of all other employees. But, events and actions have proved me wrong. The success of our relationship is due in large part to the willingness of our Town Manager to abide by the intended spirit of meaningful participation in the process and not looking upon organized labor as the enemy. The other part of our success has been your willingness to cooperate and compromise in good faith, especially in the current financial cycle and your ability to help your members understand the actions of all participants in our decision making process. The bottom line is-----meet and confer is working to the benefit of all our employees. Thanks for continuing to make it work.”



WILL MANLEY - TEMPE TOWN MANAGER

“The most significant step that the Council took on behalf of our work force was the approval of a “meet and confer” ordinance. This ordinance which was passed about six years ago was a groundbreaking step for our Town. It gives non-supervisory employees in our work force the right to join a union and engage in a process for wages, benefits, and working conditions.... Today sworn fire employees, sworn police employees, and non-supervisory Public Works employees are represented by three very good unions: the I.A.F.F., the T.O.A. (Tempe Officers Association), and the S.E.I.U. (Service Employees International Union). One of the most rewarding aspects of my job as Town Manager has been working with the three unions and their officers. The meet and confer process provides both labor and management a very constructive forum to engage in an open and honest dialogue regarding employee issues. While these talks can sometimes be contentious and frustrating, the results are invariably positive because each side knows exactly where the other stands. This helps define the issues, provides for mutual understanding, and builds a solid structure for issue resolution. I’m looking forward to working constructively with our unions for many years to come.”

“As a Town Manager I really favor the Meet and Confer process when it comes to establishing good employee relations. Meet and Confer provides managers and employees a great forum for open communication, a process

for the honest sharing of concerns, and an opportunity to arrive at mutually beneficial decisions. It has been proven to be a very successful innovation for the Town of Tempe. I recommend it highly.”



BOYD DUNN - MAYOR TOWN OF
CHANDLER

“We have an obligation to provide a harmonious and cooperative atmosphere in which Town employees can discuss the unique needs of their departments. Allowing those familiar with their respective departments to address employee issues will enhance the level of customer service provided to the residents of Chandler.”



*Mark Pentz
City Manager*

**MARK PENTZ – CHANDLER TOWN
MANAGER**

“I want to compliment everyone who has been involved in this process, the professionalism and open communication exhibited to date has shown that we all recognize that this is a positive step for our employees and the community.”



PHIL WESTBROOKS, DONNA WALLACE,
BOB CACCAMO, LOWELL HUGGINS –
CHANDLER TOWN COUNCIL

Quote endorsed by council for prop 100

“As your elected officials, our main obligation is to ensure uninterrupted Town services for the needs and safety of all Chandler residents. While prohibiting strikes, work stoppages and binding arbitration that could negatively affect these services, Meet and Confer is designed to create open dialog between Town leadership and Town employees. Your Town Council leaders retain the ultimate authority to make a final decision on behalf of Town employees by approving, rejecting or modifying Meet and Confer results. Meet and Confer will continue to improve the positive relationships we hold with Town employees by establishing new lines of open communication.”



**ED BEASLEY – GLENDALE TOWN
MANAGER**

“This is going to allow employee groups at a lower level to have a voice. This is a natural evolution of a partnership we’ve established over the past years. Titles and tenure don’t mean as much as the understanding of issues.”



**DENNIS KAVANAUGH – FORMER MESA
VICE MAYOR**

“The meet and confer process offers a positive and pragmatic forum in which all parties are at the table and encourages solutions based on consensus rather than confrontation”

**GREG FRETZ – FORMER LABOR
ADMINISTRATOR, TOWN OF PHOENIX,
CURRENT LABOR ADMINISTRATOR, TOWN
OF CHANDLER**

“We have had Meet and Confer for approximately 25 years in the Town of Phoenix. In the early years, we had some challenges to work through. We now have a more mature relationship, and things are going smoothly. Meet and Confer works for us.”

**IAN CAMERON – FIRE BOARD MEMBER,
SEDONA FIRE DISTRICT**

“Thanks for letting me share my feelings on this process. As a board member, I feel that this has allowed a degree of openness that would not normally be possible. With guidelines in place, the feelings/ideas of the parties can be expressed in a candid and honest fashion. When a Meet and Confer process is successful, the benefits extend throughout the Department and on to our customers.”

**JEFF WILSON – COMMISSIONER, DAISY
MOUNTAIN FIRE BOARD**

“ We have created a fair and equitable process that will stand the test of time, everyone wins on this one.”



THOMAS HEALY – DAISY MOUNTAIN FIRE CHIEF

Mr. Bryan Jeffries

“Bryan, it has come to my attention that you are actively involved in establishing a Meet and Confer process. As you are aware, we here at Daisy Mountain Fire District, which is governed by a 5 member board that is elected by popular vote during the general election by the citizens within the boundaries of the Fire District, also have a Meet and Confer process. Our Meet and Confer process began approximately four and a half years ago and continues to be an integral part of the way we operate. When the concept of Meet and Confer was first introduced to our elected officials, there was a great deal of concern in regards to “union” overrunning the organization and taking authority away from myself and the fire board. I am very pleased to say that this simply has not been the case at all. By implementing the Meet and Confer process, our organization has thrived. The Fire Fighters now have a level playing field in which to address issues such as wages, benefits, and working conditions. By giving the Fire Fighters a true say in their futures, we have created an environment of “ownership” in the organization. This “ownership” has created an atmosphere of increased morale and higher productivity, which ultimately benefits our mission of providing the highest level of service to our citizens. In my position as the Fire Chief, I answer directly to the Fire Board, and I feel very fortunate to work for a group of elected officials that are progressive enough to take a chance on the Meet and Confer process. I applaud your efforts and wish you the best of luck in obtaining a Meet and Confer process.”

MEET AND CONFER PROCESS

ARTICLE VI. EMPLOYER, EMPLOYEE RELATIONS MEETING AND CONFERRING

DIVISION 1. IN GENERAL

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Budget year means the biennial budget term adopted by the Town the first term of which commences July 1.

Business days means Monday through Friday excluding holidays as designated by the Town manager.

Day means calendar day except as otherwise stated.

Employee shall mean benefited fulltime and benefited part-time employees; but shall exclude contracted, temporary, seasonal, or new probationary employees, employees on leaves of absence where the duration of time off is in excess of six (6) months.

Employee organization receiving a majority vote shall mean an employee organization that has been designated as the official and exclusive employee organization pursuant to the petition process identified in § ____ or § _____.

Non-supervisory employees shall mean any Town employee who does not have authority to hire, discharge, promote, transfer, suspend, lay off, or discipline other employees or to effectively recommend such action, or who is not in a confidential relationship with Town management. Determination of non-supervisory and confidential status shall be made by the Town manager.

Petition shall mean a form for signatures established by the Town manager.

Employee groups.

- (a) There shall be four (-) employee groups within the Town. They shall include:

- (1) Fire fighters, all classifications up to and including captain;
- (2) Police officers, all classifications up to and including sergeant;
- (3) Non-supervisory employees in the public works department; and
- (4) All other non-supervisory employees.

(b) Authorized representation of an employee group shall be determined by the presentation of a petition to the Town manager containing the signatures of a majority of the employees in one of the above-designated groups.

Petition process.

(a) Each petition submitted to the Town manager shall contain the name of the employee group, the name of the employee organization, signature, printed name, date of signature, and employee position of each person signing the petition. No signature on a petition shall bear a date greater than ninety (90) days in advance of submittal. If an eligible employee signs more than one petition, then the latest dated signature shall be considered valid. Each petition shall be in a form established by the Town manager. Petitions shall be submitted no earlier than July 15 and no later than September 15 preceding each budget year.

(b) The Town manager shall, within thirty (30) days from receiving the petition, verify that a majority of the eligible employees within the designated group have signed the petition and shall then promptly designate the named employee organization as the official and exclusive employee organization for purposes of meeting and conferring.

(c) An employee organization shall be designated as the exclusive and official employee organization for purposes of meeting and conferring. Once an employee group has designated an employee organization, such designation can be changed no earlier than July 15 and no later than September 15 preceding each budget year as follows:

- (1) The employee group shall present a petition to the Town manager containing the signatures of fifty percent (50%) or more of the eligible employees in the employee group. The petition shall include the name of the employee organization being decertified. The Town manager shall, within thirty (30) days from receiving the petition, verify that fifty percent (50%) or more of the eligible employees within the designated group have signed the petition and shall then promptly decertify the named employee organization as the official and exclusive employee organization for purposes of meeting and conferring; or
- (2) Alternatively, an employee group may decertify its designated employee organization and designate a new employee organization by presenting a

petition to the Town manager containing the signatures of fifty percent (50%) plus one or more of the eligible employees in the employee group. The petition shall indicate the name of the employee group, the employee organization being decertified, and the employee organization being designated to represent those employees. The Town manager shall, within thirty (30) days from receiving the petition, verify that fifty percent (50%) plus one or more of the eligible employees within the designated group have signed the petition and shall then promptly decertify the current designated employee organization and designate the new employee organization as the official and exclusive employee organization for purposes of meeting and conferring.

Rights of employee organizations.

(a) Employees have the right to participate on behalf of or engage in activities on behalf of an employee organization and have the right to refrain from such activity. Employees shall be free from any interference, restraint, or coercion by any employee, supervisor, or manager for or against employee organizations. Violations will necessitate disciplinary action.

(b) There can be only one official and exclusive employee organization for each employee group for purposes of meeting and conferring. Nothing in this article shall prohibit any employee not within an employee group represented by a designated employee organization from exercising any rights the employee may have to meet with the Town manager consistent with personnel rules and regulations or any Town manager directive.

(c) Designated employee organizations shall have the right to bi-weekly or monthly dues deductions, if approved by the members of the organization.

(d) Dues deductions for a designated employee organization from the payroll of any participating employee must be authorized by each individual employee on the appropriate form provided by the human resources division.

DIVISION 2. MEETING AND CONFERRING

Scope.

(a) This meet and confer process covers wages, hours, benefits and working conditions, which may include: salary or wage rates or other forms of direct monetary compensation and direct cost subjects; paid time off and procedures therefor; leaves of absence; insurance benefits; total hours of work required of an employee on each workday or workweek, including overtime, compensatory time, rest and meal periods and call-in/call-back; health and safety; training; personnel records review; discussions with personnel by group representatives; distribution of information; meet and confer

procedures; Town-wide uniform procedure for employee grievances; uniform process for employee discipline; rights of the employee organizations and the Town; items mutually agreed upon by an employee organization and the Town manager. The following items shall not be included in the meet and confer process: discipline of employees or hiring, discharging, promotions, demotions, transfers or suspensions. Non-negotiable items include any facet of the hiring, promotion or transfer of employees, the types of discipline or the grounds for demotion, discharge, suspension or discipline.

(b) It is the right of the Town to determine the purpose of each of its departments, agencies, boards and commissions, and to set standards of service to be offered to the public and exercise control and discretion over its organization and operations. It is also the right of the Town to direct its employees, take disciplinary action, relieve its employees from duty because of lack of work or for other legitimate reasons, determine whether goods or services shall be made, purchased or contracted for, and determine the methods, means, and personnel by which the employer's operations are to be conducted. The Town has the right to take all necessary actions to maintain uninterrupted service to the community. The mayor and Town council may, at their option and sole discretion, direct the Town manager to consult with the Town's employees, or their authorized representatives, about the direct consequences that decisions on these matters may have on wages, hours, and working conditions. The enumeration of the above rights is illustrative only and is not to be construed as being all inclusive.

Process.

(a) Employee organizations receiving a majority vote of all employees in a designated group shall submit proposals regarding wages, hours, benefits and working conditions to the Town manager no earlier than September 15 and no later than November 15 prior to each budget year.

(b) All proposals submitted to the Town manager must be in writing and in a form which can be incorporated into a memorandum of understanding. Unless otherwise provided in this article, during negotiations, proposals shall remain confidential except that they shall be available to the Town manager, the employee organization representatives, the employees within the employee group, and others as designated by the Town manager.

(c) Upon receiving a proposal from a designated employee organization, the Town manager, shall submit a written response to the proposal to the employee organization within thirty (30) days.

(d) Within ten (10) days from the receipt of the Town manager's response, representatives of the employee organization and the Town manager or his designated representative shall begin "meeting and conferring" at mutually agreed upon times and places in Tempe, for the purpose of entering into a written memorandum of understanding relating to the proposals. Meetings shall be at least three (3) hours in duration, unless mutually agreed otherwise. Meetings shall continue weekly unless

mutually agreed otherwise until an agreement is reached, or impasse is declared by either party. Meeting ground rules shall be promulgated by the Town manager and shall be adhered to while meeting and conferring.

(e) The Town manager and the representative of the employee organization, shall initial all areas of agreement. Those areas not in agreement shall be outlined as areas in dispute. If agreement still has not been reached by February 15, a neutral mediator may be requested by either party. The neutral mediator shall assist the parties to reach an agreement.

(f) The neutral mediator shall be from the Federal Mediation and Conciliation Service or a non-employee of the Town that is mutually agreed upon by the Town manager or his designee and the representative of the designated employee organization. If an agreement still has not been reached by March 1, a fact finder may be requested by either party from the Federal Mediation and Conciliation Service. Standard rules of the Federal Mediation and Conciliation Service will be utilized in the selection, use and payment of the fact finder unless the parties agree otherwise.

(g) All issues not previously agreed upon will be submitted to the fact finder for a recommendation for resolution. A public session may be requested by either party. The fact finder shall issue a recommendation to both parties no later than May 15. On or before June 1, all areas of agreement, areas in dispute and still under consideration and the recommendation of the fact finder, shall be submitted to the mayor and council for their consideration.

(h) Any costs for the neutral mediator and the fact finder shall be equally shared between the Town and the employee organization.

(i) The Mayor and Council may accept, reject or modify those areas of agreement within the proposed memorandum of understanding or may take whatever action they feel appropriate with regard to any areas in dispute consistent with the Town charter. Final action by the mayor and council shall constitute the memorandum of understanding for a budget year.

(j) If there is a claim of breach of a memorandum of understanding and the employee organization's existing memorandum of understanding does not provide a process for resolution of the breach, the breach process in subsection (k) shall apply. If the matter is submitted for resolution to the mayor and Town council either through the breach process established in subsection (k) or a breach process established in a memorandum of understanding, the decision of the mayor and Town council shall be consistent with Town charter and final and binding upon the parties and employees.

(k) In the event that there is a claim of breach of a memorandum of understanding that the employee organization and the Town have been unable to informally resolve, the following process shall be followed:

(1) If either a designated employee organization or the Town manager claims that the memorandum of understanding has been breached, the parties shall:

- a. Within forty-five (45) days of the alleged breach, the party alleging the breach shall give written notice to the party who has allegedly breached the memorandum of understanding. The notice shall specify the provision(s) breached and the facts and evidence demonstrating or supporting the breach;
- b. A written response to the alleged breach shall be submitted to the party alleging the breach within ten (10) days of the written notice;
- c. Within fourteen (14) days of the written notice, the parties shall meet and attempt to resolve the matter; and
- d. A written agreement which is intended to resolve the matter shall be signed by the parties and submitted to the mayor and Town council at their next regularly scheduled meeting.

(2) If the parties are unable to resolve the matter, all written materials submitted in subparagraphs a. through d. above shall be submitted for resolution to the mayor and Town council; and

(3) The time frames in subsection (k) above can be mutually waived by the parties.

Conflicts.

In the event there is a conflict between the Town's personnel rules and regulations and a memorandum of understanding, the memorandum of understanding will apply to the conflicting issue.

Solicitations and distributions.

(a) Solicitations of members, dues and other internal employee organization business shall be conducted only during non-duty hours and shall not interfere with the work process.

(b) Solicitation of members, dues and distribution of other internal employee organization business shall take place in non-working areas. Notice of employee organization meetings and agendas may be posted in the Town's e-mail meeting folder.