

Executive Order 2008-13

Establishing a Meet and Confer Process in the Department of Corrections (Amending and Superseding Executive Order 2008-11)

WHEREAS, the state of Arizona and the Arizona Department of Corrections (“ADOC”) are committed to providing employees a voice in the determination of working conditions; and

WHEREAS, the State of Arizona and the ADOC recognize that communications with employees is critical to effective and sound public policy; and

WHEREAS, it is not possible to meet and confer with every individual employee of the ADOC about working conditions; and

WHEREAS, it is the intent of this Executive Order to ensure that a process exists within ADOC for qualifying employee organizations to have a forum to meet and confer with the ADOC Director on a regular basis;

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. In addition to any existing policies relating to communications with ADOC employees, the Director of the ADOC shall meet on at least a quarterly basis with the duly elected representative of any qualifying Department of Corrections employee organization. The Director shall develop policies to determine what constitutes a qualifying employee organization, provided, however, that any such organization whose members constitute at least 50 percent of all Department of Corrections employees who participate in payroll deductions for employee organizations shall qualify.
2. The meetings referenced in paragraph one (1) may cover a variety of topics related to ADOC working conditions, including:
 - A. Hours and conditions.
 - B. Employee safety issues.
 - C. ADOC disciplinary policies.
 - D. Staff recognition and employee morale issues.
 - E. ADOC budgeting strategy and requests.
 - F. Such other topics as may be relevant to the ADOC working environment.
3. This order shall not be construed to:

- A. Affect or limit the existing right of the ADOC to:
 1. Direct the work of department employees.
 2. Hire, promote, demote, transfer, assign and retrain department employees.
 3. Suspend, discharge or discipline department employees.
 4. Maintain the efficiency of governmental operations.
 5. Relieve department employees from job responsibilities due to lack of work or other legitimate reasons.
 - B. Invalidate or limit other rights, remedies or procedures of this state relating to any issue of employment of ADOC employees.
4. If a disagreement arises during a meeting between a qualifying employee organization and the Director of the ADOC concerning a condition of employment at the ADOC, and the possibility of resolution is remote after the parties meet and confer for a reasonable period of time, the ADOC or the employee organization may offer to the other party a written request to mediate the issue. Any such mediation process shall be voluntary and nonbinding. The mediation process shall use a neutral third party mediator to assist the parties in reaching a voluntary agreement. During the mediation process, each party shall agree to make a good faith attempt to resolve the issues, to cooperate with the mediator and to be open, candid and complete. The mediator shall only facilitate the meet and confer process and shall not in any manner adjudicate any issue being mediated. If the parties reach an agreement during the mediation process, the agreement shall be submitted to the Arizona Department of Administration (“ADOA”). If the mediation process does not resolve all disputed issues between the parties, ADOA will resolve the issues that remain in dispute.
 5. The ADOA may adopt policies to govern the process established pursuant to this Executive Order.
 6. In addition to information that may be required by the Director pursuant to paragraph one (1) above, any employee organization seeking recognition as a qualifying employee organization shall file the following with the ADOC:
 - A. The name and address of the organization;
 - B. A copy of its charter, constitution and by-laws, if they exist;
 - C. The names, titles, addresses and telephone numbers of its duly elected officers; and

- D. A statement that membership in such organization is open to all eligible employees of the unit and is not denied because of race, creed, color, gender, national origin, ancestry, religion or age;

- 7. Upon determining that an employee organization qualifies pursuant to paragraphs one (1) or six (6) above, ADOC shall certify the employer organization as entitled to participate in the meet and confer process set forth in this Executive Order. Once ADOC has certified an authorized employee organization, it shall not revoke such certification for a period of one (1) year.



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

J. N. [Signature]
GOVERNOR

DONE at the Capitol in Phoenix on this 4 day of February in the Year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-second.

ATTEST:

Janeé K. Brewer [Signature]
SECRETARY OF STATE