

ORDINANCE NO. (O) 05.44

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA,
AMENDING CHAPTER 4, SECTION 4-1-8 OF THE TOWN CODE,
PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES,
CLARIFYING CERTAIN LANGUAGE FOR THE MEET AND CONFER
PROCESS TO BE MORE FUNCTIONAL**

WHEREAS, the Town of Oro Valley is committed to the development and continuation of harmonious and cooperative relationships with all of its employees; and

WHEREAS, the Town recognizes the right of public safety employees to join employee associations which comply with the laws of Arizona and to present proposals and testimony to the Town Council, and not to be discharged, disciplined or discriminated against because of the exercise of those rights; and

WHEREAS, the continued smooth operation of the Police Department is of great benefit to the residents of Oro Valley and the general public; and

WHEREAS, in 2004 the Town Council adopted Ordinance No. (O) 04-28 which enacted Town Code Chapter 4, Section 4-1-8, Public Safety Employee Relations and Processes, establishing a meet and confer process for public safety employees and the Town; and

WHEREAS, experience in operating under Section 4-1-8 led to the understanding among the employees and Town administration that certain technical changes should be made so that the process was more functional.

NOW THEREFORE, be it ordained by the Mayor and Council of the Town of Oro Valley as follows:

SECTION 1. The document entitled Section 4-1-8, Public Safety Employee Relations and Processes, attached hereto as "Exhibit A," will replace the existing Town Code Chapter 4, Section 4-1-8 in its entirety.

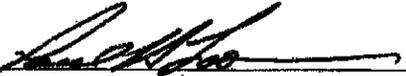
SECTION 2. It has been determined that "Exhibit A" is a public record and three copies of this document shall remain on file in the office of the Town Clerk.

SECTION 3. All Oro Valley Ordinances, Resolutions, or Motions and parts of Ordinances, Resolutions, or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, including "Exhibit A", is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

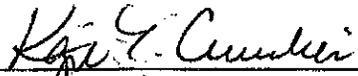
PASSED AND ADOPTED by Mayor and Town Council of the Town of Oro Valley, Arizona,
this 2ND day of NOVEMBER, 2005.

TOWN OF ORO VALLEY



Paul H. Loomis, Mayor

ATTEST:



Kathryn E. Cuvelier, Town Clerk

APPROVED AS TO FORM:



Melinda Garrahan, Town Attorney

**EXHIBIT "A" IS AVAILABLE FOR PUBLIC REVIEW IN THE OFFICE OF THE ORO VALLEY TOWN CLERK
BETWEEN THE HOURS OF 8 AM - 5 PM, MONDAY THRU FRIDAY. THE TOWN HALL OFFICES ARE
LOCATED AT 11,000 N LA CANADA DRIVE, ORO VALLEY, AZ**

**PUBLISH: DAILY TERRITORIAL
NOVEMBER 15, 16, 17, 18, 2005**

**POSTED: NOVEMBER 9 - DECEMBER 9, 2005
RG**

"EXHIBIT A"

SECTION 4-1-8 PUBLIC SAFETY EMPLOYEE RELATIONS AND PROCESSES

A. Preamble

The citizens of Oro Valley have a fundamental interest in the development of harmonious and cooperative relations between Management, Elected Officials, Administrators and public safety employees of the Town.

Public safety employees have the right to join employee associations which comply with the laws of Arizona, and to present proposals and testimony to the Town Council; and not to be discharged, disciplined or discriminated against because of the exercise of those rights.

The Town of Oro Valley, its public safety employees and employee associations have a basic obligation to the public to assure the orderly and continuous operations and functions of government.

Strikes, work stoppages, slowdowns, and other concerted efforts designed to disrupt Town of Oro Valley services, are contrary to the public good and are strictly prohibited.

B. Purpose

It is the purpose of this Section to obligate the Town management, public safety employees and their representatives, acting within the framework of law, to enter into discussions with an affirmative willingness to communicate and resolve issues that significantly impact working conditions. It is also the purpose of this Section to promote harmonious employer – employee relations by providing a uniform basis for recognizing the right of public safety employees to join, or to refrain from joining, an association of their own choice. Also, it is their right to be represented by such association(s) in their dealings with the Town in accordance with the provisions of this Section. Additionally, this Section provides that the results of agreements between the employer and its public safety employees shall be drafted into written Memoranda of Understanding.

C. Public Safety Employee Group

The employees eligible to participate in determining annual representation, in accordance with Part D below, include: Police Officers with the rank of Sergeant and below who are not in the academy, in field training or on reserve status as of August 1st each year; and non-exempt civilian employees assigned to, supervised by or otherwise under the control of the Police Department.

D. Representation

Employee associations wishing to represent public safety employees shall submit a memorandum to the Town Manager by August 1st of each year, indicating their desire to represent the public safety employee group.

In the event that only one employee association seeks to represent the public safety employee group, the Town Manager shall designate that employee association as the official organization for representation purposes provided for by this Section.

In the event there is more than one employee association seeking to represent the public safety employee group, authorized representation for the group shall be determined by the presentation of a petition to the Town Manager containing the signatures of at least fifty percent (50%) plus one (1) of the employees in the public safety employee group by September 1st. The petition shall identify the employee association designated to represent those employees. Upon verification of the signatures by the Town Clerk and Human Resources Department, the Town Manager shall designate the named employee association as the official organization for representation purposes provided for by this Section.

After the representative Association is designated, the public safety employee group shall designate a Public Safety Negotiation Committee ("PSNC") comprised of four (4) members of the public safety employee group.

E. Meeting and Confering

By October 1st, the Town Manager or his/her designee shall notify the Association and the PSNC of the selection and names of the Management Negotiation Committee ("MNC") members. The PSNC shall submit proposals relating to wages, benefits, hours, safety regulations and other working conditions by November 30th of each year to the Town Manager or his/her designee.

Upon receiving a proposal from the PSNC, the Town Manager or his/her designee shall submit a written response to the proposal within a reasonable time thereafter which shall be not more than forty-five (45) days after the receipt of the proposal.

Within thirty (30) days from the receipt of the Town Manager's response, the PSNC and the MNC shall begin "meeting and confering" at mutually agreed upon locations and times, for the purpose of entering into a written Memorandum of Understanding. The process shall be conducted in good faith by both parties. Meetings shall take place until an agreement is reached, or impasse is declared. Time spent by the PSNC in meet and confer-related meetings shall be regular duty hours. Regular duty hours time spent in non-negotiation meet and confer-related meetings shall be reasonable and require prior approval by Police Department Command Staff.

Any final agreement reached by the MNC and the PSNC shall be in writing and signed by authorized persons. Those areas not agreed to shall be outlined as matters in dispute.

Not later than April 15th, all areas of agreement, as well as those matters in dispute, shall be brought forward at the next practical Town Council meeting. With due consideration of all matters, the Town Council may accept, reject, or modify those areas of agreement. The Town Council may also take whatever actions they feel appropriate with regard to those matters in dispute. Final action by the Town Council shall constitute the Memorandum of Understanding for the following fiscal year only.

All time limits in this Section may be waived by mutual agreement of the MNC and the PSNC.

F. Conflict with Arizona State law

In the event that any provision of this Section is in conflict with Arizona state law, including the Arizona Constitution, statutes or court decisions, then to the extent of the conflict Arizona state law shall prevail over this Section. Any such conflict shall not impair the validity of all other provisions herein not in conflict with Arizona state law.