



MEMORANDUM

Date: April 26, 2019

To: The Honorable Chairman and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the printed name "C.H. Huckelberry".

Re: **Pima County Deputy Sheriff Association and County Memorandum of Understanding (MOU)
Meet and Confer Progress**

Attached is an April 19, 2019 memorandum from the Human Resources Director regarding this process. Generally, the progress has been good. To date there appears to be at least six areas of disagreement between Pima County management and the Pima County Deputy Sheriff Association (PCDSA) as listed below:

- The right of an Eligible Employee to act individually without intervention from the PCDSA;
- Protections from discrimination for Eligible Employees for both employees who choose to engage and those who choose not to engage in PCDSA activity;
- Restricting use of Association Release Time to activities that are clearly defined in the MOU;
- Providing the Sheriff with the authority to deny Association Release Time if it would result in the accrual of over-time;
- Prohibiting the use of Association Release Time for activities that would create a conflict of interest between the Association and the County;
- Belief that the Sheriff does not have managerial rights over his Department and that disputes arising in exercising such management rights are subject to the MOU grievance procedure.

There are two remaining Meet and Confer meetings next week in which to resolve these outstanding issues. The County management team participating in the MOU process will be outlining any unresolved areas of probable dispute for presentation to the Board.

The legal representative of the PCDSA, Mr. Steve Portell, requested a meeting with Human Resources to discuss the MOU with the Human Resources Director without other members of the Meet and Confer Committee. This meeting was held between Mr. Portell, Deputy County Attorney Dan Jurkowitz and Human Resources Director Cathy Bohland. For your information, the subject of this meeting is outlined in the attached memorandum.

Attachment

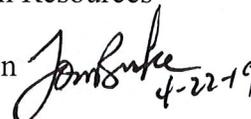
c: Tom Burke, Deputy County Administrator for Administration
Cathy Bohland, Director, Human Resources

Date: April 19, 2019

To: C.H. Huckelberry
County Administrator

From: Cathy Bohland, Director
Human Resources

Via: Tom Burke, Deputy County Administrator for Administration



Re: PCDSA and County MOU Meet and Confer – Informational Only

The Pima County Deputy Sheriff's Association ("PCDSA") and the County have held regular Meet and Confer meetings since March 20, 2019, to create a Memorandum of Understanding ("MOU") between the parties, as required by Pima County Code 2007-01 ("Code"). Per the Code, the parties are to develop *mutual* recommendations for the MOU for submission to the Board of Supervisors. (Code at § 2.20.050(A)) While the parties continue to make effective progress, there remain a few areas in dispute regarding whether to include or delete specific language on some fundamental principles.

For instance, one of the basic provisions of an MOU is to notify Eligible Employees¹ that they have the right to act individually, without intervention of the PCDSA. In other words, and consistent with the Code, while the PCDSA is the recognized and authorized employee organization for purposes of meeting and conferring with the County, Eligible Employees or representatives of other employee groups are permitted to communicate directly with County management on employment and personnel issues. (Code at §§2.20.020(A) and 2.20.030(A)) Similarly, provisions are commonly in an MOU that identify that discrimination of Eligible Employees is prohibited for those whom either choose to or choose not to engage in Association activity. Yet another is that the Sheriff has managerial functions and policy-making rights which are not subject to an MOU grievance procedure.

Despite the progress being made in the Meet and Confer process, Mr. Portell's office reached out to Human Resources staff to request a meeting with myself, absent other members of the Meet and Confer Committee. On April 17, 2019, Mr. Portell met with Deputy County Attorney Dan Jurkowitz and me, stating immediately upon his arrival that he wanted to make us aware that he and PCDSA had the "solid support" of the Board of Supervisors. His purported goal was to attempt to provide some language to resolve the remaining areas of dispute, alluding several times to his impending discussion(s) with Chairman Elias and that he wanted to make the language "simple" for his discussion(s) with the Chairman.

The parties have acted in good faith and will continue in the Meet and Confer process to resolve disputes and reach a mutual agreement. In the event that the limited disputes are not resolved, § 2.20.050(C)(2) provides for a neutral mediator to assist to ensure that all areas of the MOU, and recommendations, are presented to the Board of Supervisors. Given the time restrictions, limited time is available to engage a mediator. The County Management Team will provide you with a summary of the disputed areas for presentation to the Board of Supervisors.

¹ Eligible employees are the class of employees that the authorized representative (PCDSA) is permitted to represent, here, the Sheriff Deputies.