

**MOTION:**

**December 14, 2021**

**SECOND:**

**Regular Meeting**

**Res. No. 21-**

**RE:**

**CONSIDER WHETHER OR NOT TO ESTABLISH COLLECTIVE BARGAINING BETWEEN THE COUNTY AND CERTAIN COUNTY EMPLOYEES AND PROVIDE GUIDANCE TO THE COUNTY EXECUTIVE**

**ACTION:**

**WHEREAS**, in April of 2020, the Virginia General Assembly passed legislation permitting local governing bodies to enter into collective bargaining agreements with respect to any matter relating to employment, provided that the local government adopts an ordinance authorizing as much; and

**WHEREAS**, pursuant to Section 40.1-57.2 (C), VA Code Ann., any governing body that has not adopted an ordinance providing for collective bargaining may receive any employee certification from a majority of employees who self-identify as a bargaining unit, and within 120 days of receipt of such employee certification, shall take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining; the Virginia Code does not require any governing body to adopt an ordinance or resolution authorizing collective bargaining; and

**WHEREAS**, the Prince William Board of County Supervisors (Board) issued Directive 21-02 on January 19, 2021, directing staff to begin the review of collective bargaining and what impacts its implementation may have on Prince William County; and

**WHEREAS**, the Board held a public work session on May 11, 2021, to review the state legislation and the potential impact on county government; and

**WHEREAS**, the Board issued two (2) additional Directives during the May 11 work session. Directive 21-36 instructed the County Executive to advise the Board on the creation of an employee stakeholder working group regarding Collective Bargaining, and Directive 21-37 directed staff to research studies that have been done by other jurisdictions who have collective bargaining to determine residents' satisfaction with quality of life and how collective bargaining has impacted satisfaction; and

**WHEREAS**, the County Executive advised the Board in July 2021 that an employee stakeholder group had been created and was meeting regularly, and that in response to Directive 21-37, no responsive studies had been found; and

**WHEREAS**, on September 7, 2021, the Clerk to the Board received an Employee Certification submission from sworn employees in the Department of Fire and Rescue and an Employee Certification submission from sworn employees in the Police Department; and

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**WHEREAS**, during Supervisors Time of the September 7, 2021, Board meeting, the Board discussed a proposed directive for staff to begin working on a collective bargaining ordinance. After the Board discussion, the proposed directive was withdrawn, and no Board action was taken on this issue; and

**WHEREAS**, on October 5, 2021, the County Executive deemed sufficient both Employee Certifications; and

**WHEREAS**, on October 5, 2021, the County Executive advised the Board that two (2) employee group certifications had been received and deemed sufficient, and provided the Board a timeline and flowchart of the collective bargaining process plan; and

**WHEREAS**, the Board thereafter has 120 days from the date of submission, or until January 5, 2022, to take a vote to adopt or not adopt an ordinance or resolution to provide for collective bargaining; the Board is not required to adopt a collective bargaining ordinance or resolution; and

**WHEREAS**, since the inception of the collective bargaining employee stakeholder group, the group has worked to engage and educate employees about collective bargaining, to include creating a website, producing handouts and a video, holding a town hall to educate and solicit input from employees, standing up a collective bargaining email box to receive inquiries regarding collective bargaining from employees, and conducting an employee survey to identify where actions are needed to address fundamental workplace concerns, particularly those that are strong predictors of collective bargaining issues, so that the Board has the necessary information when making its decision as to whether a collective bargaining ordinance is needed for Prince William County;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors hereby adopts this resolution to provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees, and any other public employees deemed appropriate by the Prince William Board of County Supervisors, by directing County staff to draft a collective bargaining ordinance for the Prince William Board of County Supervisors future consideration based on the parameters the Prince William Board of County Supervisors will set at upcoming Prince William Board of County Supervisors Work Sessions and Prince William Board of County Supervisors meetings.

**OR:**

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors hereby does not provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees and directs staff to no longer work on the matter.

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**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

**For Information:**

County Executive

County Attorney

Human Resources Director

**ATTEST:** \_\_\_\_\_

**Clerk to the Board**



## **STAFF REPORT**

<b>Board Meeting Date:</b>	December 14, 2021
<b>Agenda Title:</b>	Consider Whether or Not to Establish Collective Bargaining between the County and Certain County Employees and Provide Guidance to County Executive
<b>Requested Action:</b>	Select an option and approve the resolution.
<b>Department / Agency Lead:</b>	Office of Executive Management
<b>Staff Lead:</b>	Nicole Brown and Michelle Casciato, Executive Management Megan Kelly, County Attorney's Office

### **EXECUTIVE SUMMARY**

The General Assembly gave localities the option to adopt a collective bargaining ordinance for public employees as codified in Virginia Code Section 40.1-57.2, effective May 1, 2021. The statute requires that any collective bargaining ordinance must set forth procedures for the certification and decertification of exclusive bargaining representatives for employee units. The statute also requires any locality without a collective bargaining ordinance to receive employee certifications which require that locality to take a vote to adopt or not adopt an ordinance or resolution providing for collective bargaining within 120 days of the receipt of the employee certification; the state statute does not require any governing body to adopt an ordinance or resolution authorizing collective bargaining. The Prince William County Executive established a procedure to receive employee certifications effective May 1, 2021.

Subsequently, Police Department and Fire Department employees submitted separate employee certification requests on September 5, 2021. Both certification requests were validated and in accordance with the new state code and the County procedure, thereby continuing the 120-day timeframe within which the Prince William Board of County Supervisors (Board) must take a vote to adopt or not adopt a collective bargaining ordinance or resolution, effectively by January 5, 2022; the Board is not required to adopt an ordinance or resolution authorizing collective bargaining.

The Board options for consideration are:

- 1) Adopt a resolution to provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees, and any other public employees deemed appropriate by the Board, by directing County staff to draft a collective bargaining ordinance for the Board's future consideration based on the parameters the Board will set at the upcoming Board work sessions and Board meetings.
- 2) Do not provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees and directs staff to no longer work on the matter.

A vote to adopt a resolution which specifically declines to adopt a collective bargaining ordinance will satisfy the requirements of Virginia Code Section 40.1-57.2, however, it in no way prevents the Board from adopting a collective bargaining ordinance in the future, once it has determined what, if any, type of collective bargaining ordinance it wishes to adopt.

## **BACKGROUND**

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The work that County employees perform directly affects the personal lives of every resident given that it is through their efforts that the most basic and necessary public services are provided: public safety, human services, land use, and all of the other mission critical services that constitute government services. The cost of those personal services constitutes the largest single element of the County budget, so the state of municipal labor relations is a paramount concern to the general public. The County has a strong incentive to find ways to ensure the smoothest route to attracting and retaining a quality workforce on mutually agreeable terms and conditions which better stabilize labor relations.

The Board issued three directives in 2021 regarding collective bargaining. Directive 21-02, issued January 19, 2021, directed staff to begin the review of collective bargaining and what impacts its implementation may have on Prince William County. Staff provided this information during a Board public meeting Work Session on May 11, 2021. The presentation is provided as Attachment A. During the May 11 work session, the Board issued two (2) additional directives. Directive 21-36 instructed the County Executive to advise the Board on the creation of an employee stakeholder working group regarding Collective Bargaining. The County Executive reported back at the July 20, 2021, Board meeting about the employees who had agreed to participate and the group's mission to educate and engage employees about collective bargaining, as well as to bring information from employees back to the Board. The second directive on May 11, Directive 21-37, directed staff to research studies that have been done by other jurisdictions who have collective bargaining to determine residents' satisfaction with quality of life and how collective bargaining has impacted satisfaction. The response to that directive is provided as Attachment B, noting that no responsive studies had been found. During Supervisors Time of the September 7, 2021 Board meeting, the Board discussed a proposed directive for staff to begin working on a collective bargaining ordinance. After the Board discussion, the proposed directive was withdrawn, and no Board action was taken on this issue. At the October 5, 2021, Board meeting, the County Executive advised the Board that two (2) employee group certifications had been received and provided a timeline and flowchart of the collective bargaining process plan. The letter, timeline, and flowchart are provided as Attachment C, and the flow chart is replicated below for reference.

In 2021, three (3) Virginia jurisdictions enacted collective bargaining ordinances: the City of Alexandria, Arlington County, and Fairfax County. Loudoun County is scheduling a vote on an ordinance in December 2021. All four (4) jurisdictions began writing their ordinances in 2020 as directed by their governing bodies and have gone through extended public comment and hearing processes. None of the four (4) received employee certification process requests.

## **EMPLOYEE CERTIFICATION REQUESTS AND THE 120-DAY REQUIREMENT TO TAKE A VOTE**

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On September 7, 2021, the Clerk to the Board received two (2) certification requests from two (2) employees representing a majority of employees in a self-identified “bargaining unit,” considered by such employees to be appropriate for the purposes of collective bargaining. The first request was from sworn and uniformed fire and rescue department employees and the second was from sworn police officers. The receipt of the certification requests activated the state-mandated requirement for the Board to take a vote within 120 days to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body; the Board is not required to adopt an ordinance or resolution authorizing collective bargaining. The required signatures were validated and both requests were certified by the County Executive on October 5, 2021, thereby keeping the clock running. The 120-day time period runs from September 7, 2021, to January 5, 2022.

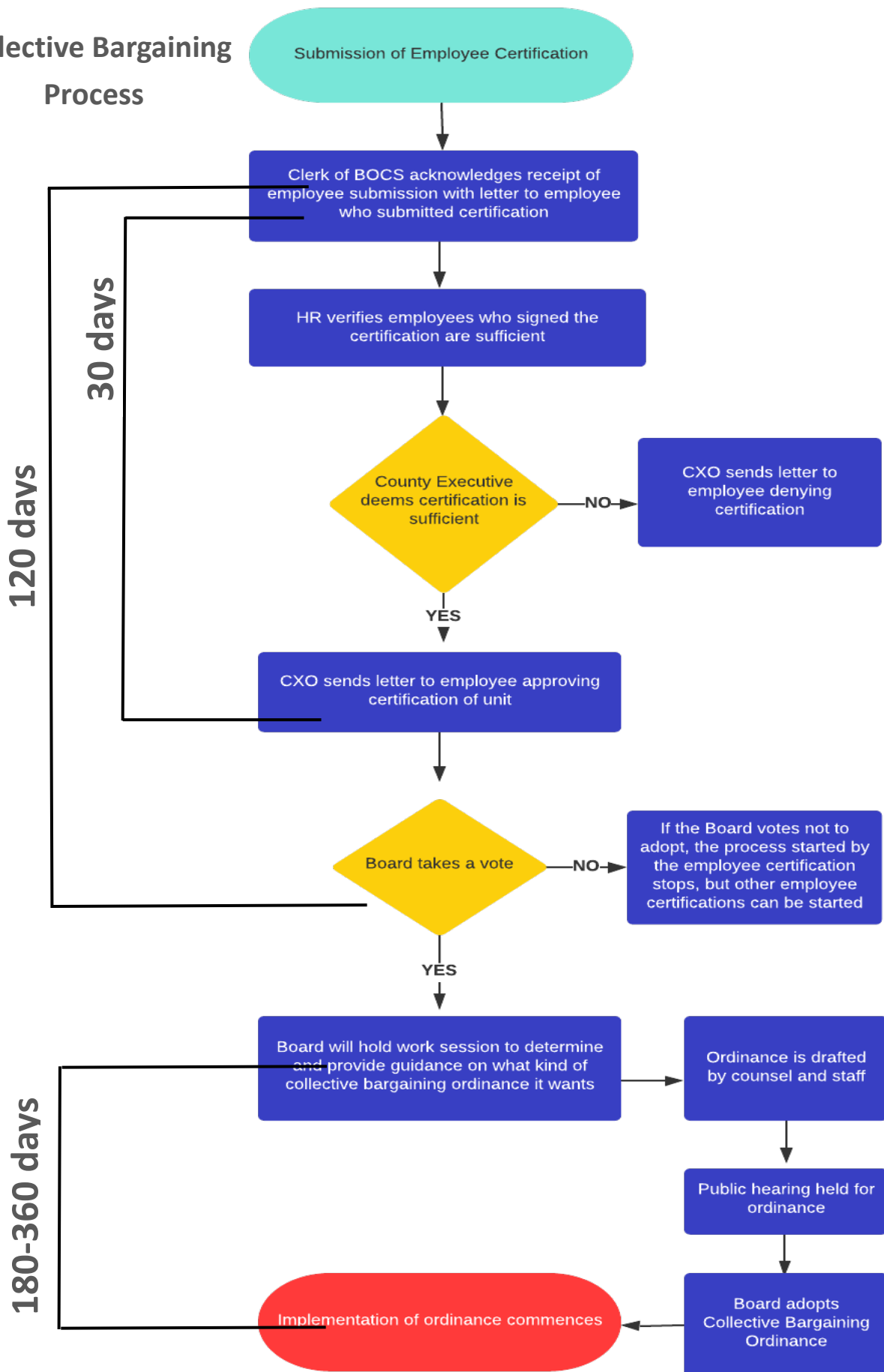
The employee certifications that have been submitted require the Board to take a vote to adopt or not adopt a collective bargaining ordinance; the employee certification does not require the Board to adopt a collective bargaining ordinance or resolution. Importantly, the Virginia Code does not require the Board to adopt a collective bargaining ordinance at all. These employee certifications in and of themselves do not enable bargaining, nor do they require the Board to consider or adopt a collective bargaining ordinance. Rather, the employee certifications force the Board to consider the issue of collective bargaining by taking a vote either to adopt or not adopt a collective bargaining ordinance within the 120 days; the employee certifications do not require the Board to adopt a collective bargaining ordinance or resolution.

The Board options for consideration are:

- 1) Adopt a resolution to provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees, and any other public employees deemed appropriate by the Board, by directing County staff to draft a collective bargaining ordinance for the Board’s future consideration based on the parameters the Board will set at the upcoming Board work sessions and Board meetings.
- 2) Do not provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees and directs staff to no longer work on the matter.

Regardless of the decision, the Board must take a vote to adopt or not adopt a collective bargaining ordinance to meet the requirements of the state code. Nothing in the state code subsection regarding employee certification requires the Board to adopt an ordinance or resolution authorizing collective bargaining.

## Collective Bargaining Process



## **EMPLOYEE STAKEHOLDER GROUP ACTIVITIES: Outreach, Educating and Organizational Survey**

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The employee stakeholder group was convened in June 2021 and was comprised of representatives from both sworn and civilian employees in the four (4) sectors of county government: public safety, human services, community development, and general government. The group identified the primary goal as data collection to provide the Board information regarding employee reaction to the possibility of collective bargaining rights for PWC employees. The group created an education and outreach campaign including the development of a [public webpage on Collective Bargaining](#) with information and a public Q & A function, similar to the Annual Budget Q & A. Additional outreach was provided through email blasts and intranet alerts, and an employee virtual town hall and panel discussion was held on October 1, 2021. More than 100 people tuned into the live version of the town hall. The video of the town hall was posted on the employee collective bargaining webpage, where it has been viewed 249 times as of November 9, 2021. Questions asked and answered at the town hall were added to the publicly available online Q&A.

The County Executive further directed that employee satisfaction be included in the 2021 employee organizational survey. County staff worked with [Glint](#) to design the survey, which included several questions that reveal drivers of employee satisfaction with their workplace. The People Relations survey questions are used to identify where actions are needed to address fundamental workplace concerns (e.g., respect, fair compensation, safe working conditions), particularly those that are strong predictors of people relations issues. Glint provides a summary of areas that received extremely low scores, and / or, highly unfavorable scores to help identify reasons why employees might find benefit from a collective bargaining agreement. Glint does not provide a recommendation as to whether a collective bargaining agreement is appropriate for an organization and recommends against any organization directly asking employees whether they do or do not want collective bargaining, as discussed below.

According to Glint, "In determining whether to authorize collective bargaining, organizations must use extreme caution in creating any perception in favor of or opposed to collective bargaining among employees; so much so that it is a recommended best practice not to ask at all, and use other, more tested, measures. In certain situations, if employees perceive that their organization has taken action to impede or dissuade employees from advocating for the formation of collective bargaining agreements, they may choose to pursue legal challenge against the organization for discouraging participation with a union which could be considered an unfair labor practice. While Glint's People Relations survey questions can be used to highlight areas where employees may perceive benefit from collective bargaining, the same questions are also used to improve broader employee engagement and organizational performance, regardless of whether a collective bargaining agreement is in place."

The employee stakeholder group was interested in asking employees about their preferences on collective bargaining. Based upon the above analysis, Glint and the County Attorney recommended against the County conducting such a targeted survey, and the County Executive agreed with the recommendation. There is inherent legal risk in pursuing specific yes / no answers, especially if the survey indicates a strong preference for collective bargaining, but the Board ultimately decides not to pursue it. The state statute provides employees with the opportunity to make their case directly to the Board through the employee certification process, and two (2) employee groups representing at least 50% of fulltime police and fire / rescue employees have taken advantage of that opportunity.



The organizational survey was conducted from November 1 to November 15, 2021. The People Relations questions and their scores are listed in the table below. Glint noted that the average of the unfavorable scores indicates the level of employee concern. The County's average unfavorable score was 19%, indicating that employees have a medium level of concern about the workplace that could lead to collective bargaining actions. The results of the People Relations survey questions were shared with the employee stakeholder group on December 8, 2021.

Name	Score	Impact	% Favorable	% Neutral	% Unfavorable	Survey Question
Physical Safety	78	High	76	17	7	I feel safe at my workplace.
Respectful Treatment	72	Very High	70	18	12	I am treated with respect and dignity.
Benefits	68	High	64	21	15	I am satisfied with the benefits offered at PWC (e.g., health, dental, leave, retirement)
Satisfaction	67	--	56	30	14	How happy are you working at PWC?
Work Life Balance	66	High	62	19	19	I am able to successfully balance my work and personal life.
Recommend	66	--	60	24	16	Recommend PWC as a great place to work
Recognition	63	High	55	24	21	I feel satisfied with the recognition or praise I receive for my work.
Career	61	Very High	51	29	20	I have good career opportunities at PWC.
Leadership - Department	59	Very High	51	21	28	I have confidence in my department's leadership team.
Leadership - County	57	Very High	47	27	26	I have confidence in the Executive Leadership Team (CXO & DCXOs).
Compensation	52	Very High	43	22	35	I am fairly compensated for the work that I do.

<b>People Relations Index - Key</b>
Very Low People Relations Concern <10% unfavorable
Low People Relations Concern 10-14% unfavorable
Medium People Relations Concern 15-29% unfavorable
High People Relations Concern 30%+ unfavorable

## **CURRENT PERSONNEL MANAGEMENT STRUCTURE: Chapter 19, Policies and Employee Groups**

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Chapter 19 of the County Code authorizes the County Executive to enact such personnel regulations as the needs of the county competitive service require, to ensure the efficient, fair, and equitable operation of the merit system of personnel administration. Currently these include the Personnel Policies, which were completely rewritten in 2019 and are updated regularly, along with the sworn and general services personnel classification systems and compensation plans. Both the sworn and civilian classifications and pay plans were specifically amended to address equity and fair compensation concerns. The public safety sworn and uniform pay plans integrated years of service and rank as the primary factors determining pay, eliminating the potential for biased compensation practices. The civilian general service classification plans were evaluated and revamped to provide job equity across the organization, and the pay plan was amended to address local pay competitiveness with Arlington, Fairfax, and Loudoun counties and the City of Alexandria.

The County Executive has also enacted a large number of countywide policies that govern employee behavior, including the Executive Safety Policy, Cyber Security and IT Risk Management, Driving, Executive Internal Control, Fraud and Similar Irregularities, Payment Card Industry Data Security Standards, Risk Management, Social Media, Travel and Website policies, amongst others. The Risk Management Manual includes more than 20 policies covering driver eligibility, light duty, work zone safety, respiratory protection, fall hazards, confined spaces, hot work, infectious diseases, housekeeping and storage, commercial driver's license alcohol and controlled substance program, and excavation. In addition, agencies and departments have also enacted department level policies that further govern employee behavior and actions. The County is also subject to state and federal workplace safety laws and regulations.

Chapter 19 also created the Employee Advisory Committee (EAC) which has been continuously functioning since 1978. The EAC is an elected body of all PWC employees that serves as a medium through which employees may contribute advice, complaints, and suggestions for improvement of the career merit system and any other aspects of employment relations in the County service. The County Executive involves the EAC on major personnel initiatives, including personnel policy changes, position classification system and collective bargaining in recent years. The EAC is financially supported through the vending machine revenue generated in county facilities.

The County Executive has established a number of employee groups that provide services, and review and recommend policy and procedural changes on a variety of safety and health initiatives. These include the Wellness and Health Council, the Safety and Health Council, and the Environmental Management Council, among others. The County Executive has also established the Occupational Health Clinic to provide required medical evaluations for certain employees, drug and alcohol screening, vaccinations, and post-exposure treatment and follow-up. All employees have access to the Employee Assistance Program (PWC EAP), which helps employees, and their family members address an array of life's challenges that come from balancing work and life, as well as more serious problems that may become distractions. This is a free, confidential program that is available 24 hours a day, 7 days a week as part of the County's commitment to promoting employee health and wellbeing. Services are free and include consultation and counseling sessions, legal and financial assistance, and work-life services. The Public Safety Resiliency Center provides direct support to police and fire / rescue employees and other employees as resources are available to address behavioral health concerns.

## COMPENSATION POLICY

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The Board has adopted the following compensation policy:

*Prince William County (PWC) will have a combination of salaries, benefits, employee development, and workplace environment that will attract and retain the most qualified employees to implement the County's vision. To accomplish this, the County recognizes the importance of maintaining salaries that are competitive with other Northern Virginia jurisdictions. Success in implementing this strategy will be measured by the ability to attract quality applicants, retain quality employees, and maintain employee satisfaction.*

*To implement this compensation policy, PWC will make every effort, within the County's position classification structures, to maintain salaries comparable to salaries of similar positions in Fairfax, Loudoun, and Arlington counties, and the City of Alexandria. The County will annually benchmark position classifications at the midpoint and make adjustments when necessary to maintain market competitiveness.*

In addition to the compensation policy, the County Executive uses an informal meet and confer process to give employees the opportunity to provide advice and suggest adjustments to salary and benefits during the budget process. In a typical year, the County Executive will meet with employee representatives from the fire and rescue association, police associations, and the EAC. He also meets with all agency directors and constitutional officers, and more recently state employees including the judges of the 31<sup>st</sup> Judicial Circuit. These meetings include discussions about employee compensation, program adjustments, and pay supplements. The County Executive considers all of these factors in the larger context of the overall County budget and the Board strategic vision and goals. The County Executive makes personnel compensation recommendations in the annual proposed budget for Board consideration with these factors in mind. These recommendations must be balanced with the organization as a whole and with the overall service needs of the community. Ultimately, all of the County Executive's budget recommendations for the Board consideration must be accommodated with the level of taxes that the community is willing to pay. Only the Board can change position classification structures or pay plans.

According to the U.S. Bureau of Labor Statistics, the average turnover rate in the U.S. is about 12% to 15% annually. State and local government turnover has been hovering around 12% in recent years. However, as has been reported many industries are experiencing high rates of turnover in the last eighteen months. Turnover data is the typical way in which the compensation policy and the efficacy of the most recent pay plans are evaluated. The Prince William County government turnover data for Fiscal Year (FY) 2021 follows below:

	All Employees	Sworn Employees	Civilian Employees
Employee Count	4,834	1,837	2,997
Turnover Rate with retirement	9.8%	8.2%	12.2%
Turnover Rate without retirement	7.8%	6.6%	10.4%

## **COLLECTIVE BARGAINING OPTIONS**

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Local government exists to meet the needs of our community. County employees provide the most basic and necessary public services: public safety, human services, land use, and all of the other mission critical services that constitute government services. County staff also work to carry out the Board-adopted service plans as identified in the Comprehensive Plan, the Strategic Plan and Goals, the six-year Capital Improvement Program, and the annual budget. If the Board directs staff to prepare an ordinance with specific parameters, staff would approach the task of development of a draft collective bargaining ordinance with certain guiding principles: (1) that the County must provide the comprehensive procedural and substantive framework for collective bargaining that is not included in the enabling statute; and (2) that the County must be mindful that those substantive and procedural choices respect the need for the Board, as the elected voice of resident taxpayers, to promote efficiency, cost-effectiveness, and public responsiveness in its efforts to build a sustainable community as well as maintain a harmonious employee-management relationship.

With these factors in mind, any draft collective bargaining ordinance must provide the basic elements found in most comprehensive public sector collective bargaining laws:

- establishment, definition, and limitation of the right to bargain collectively;
- procedures for employee selection and de-selection of a representative employee association, and for employee membership and employee association dues remittance;
- define the scope (to include what subject areas and how many) of bargaining;
- identify prohibited practices and procedures for redress;
- establish procedures for addressing negotiation impasses;
- contract approval procedures and timelines;
- provide a means to resolve disputes arising under union-management contracts; and
- creation of an infrastructure to administer all of the components of the ordinance.

The enabling Virginia Code statute does not give specific language or guidance with regard to the multiple issues above, as contrasted with federal collective bargaining legislation. If the Board does direct the creation of a draft ordinance, a work session will be scheduled to review the major decision points listed above, so that the Board may provide guidance in these areas.

## **BOARD OPTIONS**

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The Board options for consideration are:

- 1) Adopt a resolution to provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees, and any other public employees deemed appropriate by the Board, by directing County staff to draft a collective bargaining ordinance for the Board's future consideration based on the parameters the Board will set at the upcoming Board work sessions and Board meetings.
- 2) Do not provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees and directs staff to no longer work on the matter.

### **Timing**

The Board must take a vote addressing the development of a collective bargaining ordinance no later than January 5, 2022, in accordance with the Employee Certification Process and Virginia Code Section 40.1-57.2. The Board is not required to adopt an ordinance or resolution authorizing collective bargaining.

### **Fiscal Impact**

The fiscal impact of a shift to a collective bargaining environment will be material in both the short and long term, as personnel costs comprise 58.7% of the overall County operating expenses (excluding the schools transfer). While the Virginia Code states that no provisions of the collective bargaining ordinance or resolution shall restrict the governing body's authority to establish the budget or appropriate funds, it is expected that collective bargaining agreements will result in employee associations advocating for higher benefits on behalf of their respective employee bargaining units and work rules that might require increased staffing levels.

To put the potential collective bargaining fiscal impact in perspective, currently the County expends about \$507,400,000 per year on pay and benefits for County employees. There are two (2) types of compensation adjustments. The first is a merit pay adjustment, which is paid on employee group focal dates (January and June for public safety sworn employees; November for general employees). The second is a pay plan adjustment, when the entire pay plan is adjusted to meet market conditions. Pay plan adjustments are typically made on July 1. When a pay plan adjustment is adopted, the entire pay plan is adjusted upward for future hires.

In FY 2022, the Board approved a 3% merit pay adjustment (paid on evaluation focal dates). The FY 2022 cost for employee compensation adjustments was \$8,200,000. If the 3% increase had been a pay plan adjustment (COLA), it would have cost \$12,300,000 in FY 2022 since all employees would receive that increase on July 1, the first date of the fiscal year.

Employee groups have previously expressed interest in being paid both an annual market adjustment and an annual merit increase. If the County were to provide a 3% pay plan adjustment and a 3% merit pay adjustment in the same year, the first-year cost would be \$20,400,000 and the second-year cost would be \$24,500,000, as shown in the chart below.

	<b>Cost in Year 1</b>	<b>Cost in Year 2 and ongoing</b>
3% Merit pay adjustment	\$ 8.2 million	\$12.7 million
3% Pay plan adjustment	\$12.7 million	\$12.7 million
Year 1 Total	\$20.9 million	
Year 2 Total		\$25.4 million

These cost estimates do not include the Prince William County Public Schools (PWCS). The School Board will decide whether or not to allow collective bargaining for School Division employees, although the County would likely fund nearly all the added costs of a PWCS collective bargaining agreement with property taxes or other general revenue.

It should be further noted that these total costs are hypothetical as there is no collective bargaining agreement yet to cost out. These numbers are presented to provide an order of magnitude calculation. The actual costs could be more or less depending on the Boards' decision each year. The FY 2022-2026 Five Year Plan includes planned future compensation adjustments as shown in the chart below but does not include any provision for additional compensation as a result of collective bargaining agreements.

Summary of Compensation Adjustments in FY2022-2026 Five-Year Plan (Amounts are Cumulative)						
	FY22	FY23	FY24	FY25	FY26	Total
<b>Pay for Performance:</b>						
Pay for Performance (3% Increase in FY22; 3% Annual Increase in FY23-26)	\$8,206,624	\$15,825,298	\$23,443,972	\$31,062,647	\$38,681,321	\$117,219,860
Compensation Rollover	\$0	\$1,904,669	\$3,809,337	\$5,714,006	\$7,618,674	\$19,046,686
<b>Subtotal (Pay for Performance)</b>	<b>\$8,206,624</b>	<b>\$17,729,967</b>	<b>\$27,253,309</b>	<b>\$36,776,653</b>	<b>\$46,299,995</b>	<b>\$136,266,546</b>
<b>Pension and Retirement Benefits:</b>						
Virginia Retirement System (VRS) (14.86% Rate in FY22; 16.16% Rate in FY23-26)	\$0	\$3,975,359	\$3,975,359	\$3,975,359	\$3,975,359	\$15,901,436
Retiree Health Credit (5% Annual Increase)	\$126,961	\$260,270	\$400,244	\$547,217	\$701,539	\$2,036,231
<b>Subtotal (Pension and Retirement)</b>	<b>\$126,961</b>	<b>\$4,235,629</b>	<b>\$4,375,603</b>	<b>\$4,522,576</b>	<b>\$4,676,898</b>	<b>\$17,937,667</b>
<b>Health and Dental Insurance:</b>						
Health Insurance (2.1% / 7.0% Increase in FY22; 7% Annual Increase in FY23-26)	\$814,310	\$3,299,277	\$5,958,192	\$8,803,231	\$11,847,422	\$30,722,432
Dental Insurance (3% Decrease in FY22; 10% Annual Increase in FY23-26)	(\$35,986)	\$80,367	\$208,356	\$349,144	\$504,010	\$1,105,891
<b>Subtotal (Health and Dental)</b>	<b>\$778,324</b>	<b>\$3,379,644</b>	<b>\$6,166,548</b>	<b>\$9,152,375</b>	<b>\$12,351,432</b>	<b>\$31,828,323</b>
<b>Grand Total</b>	<b>\$9,111,909</b>	<b>\$25,345,240</b>	<b>\$37,795,460</b>	<b>\$50,451,604</b>	<b>\$63,328,325</b>	<b>\$186,032,536</b>

In addition to the costs described above, there are costs related to the negotiations and the ongoing administration of collective bargaining agreements. The County does not currently engage in formal labor relations, and the negotiation and administration of a collective bargaining agreement will draw upon staff resources in several agencies, including Human Resources, Finance, Management and Budget, County Attorney, and Executive Management, as well as periodic funding for outside legal and technical, labor relations, and mediation / arbitration assistance. This is a new area in which County staff does not have any expertise due to the previous state ban on collective bargaining for public employees. In addition, there will be lost work hours while union officers and shop stewards meet during work hours on union business. The cost of all of this is estimated at \$1,700,000 to \$3,000,000 per year depending on whether collective bargaining is limited to wages and benefits (lower estimated administrative cost) or is expanded to cover all terms and conditions of employment (higher estimated administrative cost).

If the Board directs the County Executive to move forward with the development of an ordinance, an initial budget request of \$1,700,000 million will be included in the Proposed FY 2023 Budget.

### **Service Level / Policy Impact**

No increase in program service levels is anticipated as a result of collective bargaining. County employees currently provide a very high level of service, as indicated by the most recent community survey and supported by many agency and county awards and achievements. It is possible that collective bargaining could cause a reduction in service or response times due to the need to accommodate unforeseen circumstances that are not included in a negotiated collective bargaining agreement. During the early days of the pandemic, many County employees were reassigned to other duties in order to avoid layoffs and furloughs, and to meet increased service needs for community feeding and emergency response. That may not have been possible in a collective bargaining environment when employee work rules are negotiated.

It is possible that any wages and benefits cost increase as a result of collective bargaining on the County's operating budget and tax rates will have varying budget impacts depending on what decisions the Board makes during the annual budget and tax rate setting process. Like any additional dollar added to the County's budget, a new dollar of expense either uses a dollar of new revenue gained through tax revenue growth, through a tax rate(s) increase (or tempers a tax rate decrease), or through some combination of these factors. Any personnel cost increases caused by the outcome of collective bargaining, like any other new program or service, displaces funding that could have been allocated to some other service or program enhancement or increase. Increased personnel costs will also cause increases in user fees such as the solid waste fee, parks and recreation fees, and development services and zoning fees. Finally, as is the case with any operating budget increase, the added costs of collective bargaining will be competing with County capital investments which are funded using County budget resources.

### **Legal Impact**

At this time, the Board has the legal authority to create or not create a collective bargaining ordinance in accordance with the Virginia Code, and is required to take a vote, as discussed above, by January 5, 2022. The Board is not legally required to adopt a collective bargaining ordinance.

### **STAFF CONTACT INFORMATION**

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Nicole Brown | (703) 792-6692  
NBrown@pwcgov.org

Michelle Casciato | (703) 792-5539  
MCasciato@pwcgov.org

Megan Kelly | (703) 792-6620  
MKelly@pwcgov.org

### **ATTACHMENTS**

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- Attachment A – May 11, 2021, Item 5-C, Collective Bargaining Presentation
- Attachment B – May 28, 2021, Response to Directive 21-37
- Attachment C – October 5, 2021, Collective Bargaining Update Letter, Timeline and Flowchart



**PRINCE WILLIAM**  
COUNTY

# Collective Bargaining

Michelle Casciato  
Office of Executive Management  
May 11, 2021



# Effect of State Code Change



## Prior to May 1, 2021

- Employees have had the right to join associations and address issues of concerns with their employer
- **Employers** could meet and confer with employees, but **could not create legally enforceable contracts**

## As of May 1, 2021

- **Employees have the right to request** collective bargaining
- **Local governing body required to vote to adopt/not adopt** a collective bargaining ordinance within 120 days of receiving request
- An ordinance can include provisions for a formal meet and confer process or a formal collective bargaining agreement
- Employers can choose to continue to meet and confer informally with employees, as we do now

# Other State Code Provisions



- Virginia explicitly prohibits employees from striking
- No collective bargaining ordinance that is adopted by the BOCS shall restrict BOCS authority to establish budgets or appropriate funds

# Employee Groups Not Eligible for Collective Bargaining



- Local Constitutional Officers are prohibited from recognizing or participating in collective bargaining agreements for their employees
  - Clerk of Circuit Court, Commonwealth Attorney, Sheriff (including Adult Detention Center)
- State agencies are also prohibited from recognizing or participating in collective bargaining agreements for their employees
  - Courts, Juvenile Criminal Services Unit, Virginia Cooperative Extension, Prince William Health District, Elections
- This closely follows the distinction between “competitive” and “exempt” employees in the County service, as defined in Chapter 19 – Personnel, for employee grievance rights

# Employees Are Our Most Important Resource



- The work that County employees perform directly affects the personal lives of every resident
- It is through their efforts that the most basic and necessary public services are provided: public safety, community development, human services, general government and all the mission critical services that constitute what we have come to view as core government services

# Labor Relations Generally



- Good labor relations deliver results
  - Robust organizational performance, reduced absenteeism, increased efficiency, higher productivity
  - Creates an environment of innovation to motivate employees by generating employee loyalty and trust
- PWC's organizational culture is supported by
  - Vision, Values and Leadership Philosophy
  - BOCS Compensation Policy
  - Federal Labor Standards Act (FLSA)
  - Virginia Gap Pay Act for fire protection and law enforcement employees
  - Personnel policy, uniform pay plans and position classification plan
  - Federal and Virginia Occupational Safety & Health oversight (OSHA/VOSH)
  - Local Human Rights Commission and Human Resources Employee Relations
  - Professional and technical learning and development
  - Risk and Wellness programs, Employee Assistance programs

# Informal Meet & Confer Results



- Comparable pay with Arlington, Alexandria, Fairfax and Loudoun
- Virginia Retirement System plans
  - Includes Public Safety multiplier
- Health insurance
  - 90% premium paid by County for individuals
  - 70% premium paid by County for family coverage
- Dental and vision
- Leave Benefits
  - Annual, sick, paid holidays, personal leave
- Life Insurance
- 401(a) Money Purchase Plan
- 457 Deferred Compensation Plan
- Supplemental Retirement for Public Safety
  - \$790 per month for 15 years
- Retiree Health Credit
- Flexible Spending Accounts
- Direct Deposit
- Credit Union Membership
- Employee Assistance Program
- Other Leave Programs
  - Civil, Military

# No State Guidance: This Is A Local Policy Choice

- Virginia joins 4 other states that permit collective bargaining without the establishment of a statewide labor board
- If the Board chooses to enable collective bargaining, it has the discretion to determine what to include in an ordinance or resolution and thereby establish what collective bargaining would look like for the County



# CB Actions in Other Jurisdictions



Locality	Governing Body Action	Current Status	FY22 Budget Change
Alexandria	Council requested ordinance in May 2020	Ordinance adopted April 2021	\$850,000 HR, Legal
Arlington	Board to authorize development of CB structure with FY22 budget adoption	Expect to implement CB ordinance no later than July 2023	\$325,000 HR, Legal
Fairfax	Board established joint workgroup with FCPS in Sept 2020	Stakeholder outreach underway	\$650,000 HR, Legal
Loudoun	Board identified CB as strategic priority in 2020. Authorized \$300,000 new staffing for CB function in Dec 2020	Reviewed options in April 2021; plan to vote on CB ordinance in May 2021	\$967,000 HR, Legal, Payroll



# Decision Point: To Engage in Formal Collective Bargaining or Not?



- What public need are we trying to address?
- What is the intended outcome?
- The County has strong incentives to find ways to ensure the smoothest route to attracting and retaining a quality workforce on mutually agreeable terms and conditions
- Does enabling collective bargaining provide a means by which this goal may be obtained?

# No “One Size Fits All” Approach to Formal Collective Bargaining



- Public governing bodies create collective bargaining structures to meet the needs of their community and workforce
- These can differ greatly based on the structure of the government and the variety of services provided
- Must determine whether an ordinance enabling collective bargaining would contribute to any unmet needs of the community and/or the workforce

# Decision Point: What Type of Formal Collective Bargaining?



- Meet and Confer
- Collective Bargaining Agreement

# Formal Collective Bargaining

## Option 1: Meet and Confer



- Provides a process and forum for labor representatives to regularly meet with senior County leadership and management within their departments
- The purpose of such meetings is to discuss and resolve workplace concerns and provide feedback on an array of topics related to their employment
  - Can take several forms, both formal and informal
- May include a governing Board policy, and/or regular reports to the Board, to include labor recommendations on various workplace issues
- May include a formal Labor-Management committee(s) and/or guaranteed seats for labor representatives on staff committees such as EAC, Policy, or Safety & Health Council
- Usually documented in a Memorandum of Understanding

# Formal Collective Bargaining

## Option 2: Traditional



- In traditional Collective Bargaining, management and labor union meet to negotiate a formal, legally binding Collective Bargaining Agreement (CBA)
- CBAs govern the terms and conditions of employment for bargaining unit employees and may replace general County policies and procedures on a bargaining unit by bargaining unit basis
- Requires creation and funding of administrative structure within County government to administer and facilitate collective bargaining process, including certification and decertification of exclusive bargaining representatives, contract negotiations and dispute resolution, among others

# Recognizing Formal Bargaining Units



- Decide how many groups will be included as bargaining units
- Create a process for certification and decertification of exclusive bargaining representatives by:
  - (1) specified election procedures; or
  - (2) "administratively acceptable" evidence of the wishes of a majority of the bargaining unit
- Decide how to address supervisors

# Certifying Exclusive Bargaining Representatives



- Certification typically occurs through a “representation election” to determine whether a majority of workers in a bargaining unit want to be represented by a specific union or no union at all
  - The new law does not require certification via a representation election
- The only guidance under the law is that the locality’s procedures for the certification and decertification of exclusive bargaining representatives must include:
  - Reasonable public notice, and
  - An opportunity for labor organizations to intervene in the process for designating an exclusive representative of a bargaining unit
- There are three required steps to certify bargaining representatives
  1. Identify recognized bargaining units
  2. Each bargaining unit votes as to whether they want to be represented
  3. Each bargaining unit votes to determine who will be their exclusive bargaining representative who can bargain on their behalf

# Certifying Exclusive Bargaining Representatives (cont'd)



- No guidance is provided in the VA Code to define what constitutes "reasonable public notice" or an "opportunity to intervene"
  - In the labor relations profession, the term "intervenor" typically refers to a union which seeks to be on the ballot when another union has already petitioned for an election
  - The resolution or ordinance should outline procedures for such unions to intervene
- While the Code does not address the following, typically bargaining unit certification procedures would include:
  - Procedures for a "Showing of Interest"- the threshold a labor union must meet in order to trigger a Representation Election (e.g., a minimum of 10% of employees in the unit)
  - Election Procedures for a Representation Election



# Work Conditions That Could Be Subject to Formal Collective Bargaining

- Wages
- Benefits
- Employee discipline and grievances
- Hours of work
- Staffing levels
- Working conditions
- Health and safety policies



# Establishing Formal Bargaining Parameters



- Responsibility on both sides to "negotiate in good faith"
  - Meet at reasonable times
  - Due regard for budget development and adoption timetable
  - With intent to reach contract governing certain terms and conditions of the employment of members of the bargaining unit
- Specific bargaining representative duties and responsibilities
- Specific management duties and responsibilities
- Specified "prohibited conduct" for employers and bargaining representatives
  - Commonly referred to as "unfair labor practices"
- Management's commitments remain subject to BOCS appropriation


# Questions?





May 28, 2021

TO: Board of County Supervisors

THRU: Chris Martino, County Executive 

FROM: Michelle Casciato, Deputy County Executive

RE: Directive No. 21-37 Collective Bargaining Study

Directive 21-37, issued on May 11, 2021, directed staff to research studies that have been done by other jurisdictions who have collective bargaining to determine residents' satisfaction with quality of life and how collective bargaining has impacted satisfaction. The Management and Government Information Center (MAGIC) research staff in Chinn Library found no studies matching these criteria. County staff also researched the George Mason University library's 775 databases and more than 189,000 articles and found no journal articles or other publications meeting the Board's request.



October 5, 2021

TO: Board of County Supervisors

FROM: Christopher E. Martino  
County Executive

RE: Collective Bargaining

On Tuesday, Sept. 7, 2021, the Clerk to the Board of County Supervisors received two submissions for Employee Certifications as collective bargaining units and seeking a vote by the Board on an ordinance permitting collective bargaining for those units. Those submissions were from the Department of Fire and Rescue employees and Police Department employees.

In reviewing the submissions, it was determined that the names and ranks provided were appropriate in meeting the requirements pursuant to the County's Procedure for Submission on Employee Certification (§ 40.1-57.2 (C), VA Code Ann.) and that the Employee Certifications comply in all material respects to the requirements set forth in the procedure. In addition, the signatures provided made up more than 50 percent of the total number of employees in the identified unit. Therefore, I have deemed sufficient both Employee Certifications, and the 120-day period, as identified in the procedure, continues to run.

This means that the Board must take a vote to adopt or not adopt an ordinance to provide for collective bargaining no later than January 5, 2022 (which is 120 days from September 7, 2021).

To help the Board make this determination, the Board requested that I put together a working group to gather feedback from employees. This feedback will be received through the collective bargaining employee town hall forum, held Friday, Oct. 1; the organizational survey, which we anticipate to start running the end of October; and questions received through the [EmployeeCertification@pwcgov.org](mailto:EmployeeCertification@pwcgov.org) email set up specifically to answer employee questions on this topic. This information will be provided to the Board in December during a work session to assist the Board in determining whether or not to proceed with the adoption of an ordinance adopting collective bargaining; and if so, in providing the County Attorney and me with guidance on the type of collective bargaining ordinance the Board wishes to be drafted.

As you are aware, the law permitting local governing bodies to legally enter into a collective bargaining agreement is extremely new and provides jurisdictions with several options, including the option of whether or not to adopt an ordinance at all. I've attached a flow chart that will hopefully help you understand the timing and steps involved with creating an ordinance, as well as a timeline of the county's process related to collective bargaining and what's been done in the county to date.

We look forward to bringing more information back to the Board in December. In the meantime, please don't hesitate to reach out to me if you have any questions. Thank you.

ATTACHMENTS:

Statements of Findings of Verification Process (Fire, Police)  
Collective Bargaining Timeline  
Collective Bargaining Process Flow Chart

cc: County Attorney, M. Robl  
Deputy County Executive, M. Casciato  
Deputy County Executive, R. Horner  
Deputy County Executive, E. Johnson  
Human Resources Director, J. Gilkerson



October 5, 2021

TO: Mitch Nason, Lieutenant  
Fire and Rescue

FROM: Christopher E. Martino  
County Executive

RE: Statement of Findings of Verification Process

On September 7, 2021, you filed an Employee Certification on behalf of eligible sworn employees of the Department of Fire and Rescue (DFR), pursuant to the County's Procedure for Submission on Employee Certification (§ 40.1-57.2 (C), VA Code Ann.), ("Procedure"). In considering your submission, I determined that the appropriate unit included only sworn members/employees, based primarily on their inclusion in the Department of Fire and Rescue pay scale, below the rank of Battalion Chief, per the Procedure. Sworn members/employees at or above the rank of Battalion Chief, and civilian employees of the DFR, were not counted toward the total number, per the Procedure.

Pursuant to the requirements of Procedure § B (2) (a), this letter is to notify you that I have taken reasonable steps to verify that the Employee Certification complies in all material respects to the requirements set forth in the Procedure. I find that you provided proper notice to the employee group, that the signatures are those of current County employees within the described employee group, and that the employee group (as described above, sworn employees under the rank of Battalion Chief) is an appropriate unit under the Procedure. You provided signatures from greater than 50% of the total number of employees in this unit.

**Moreover, I deem that the Employee Certification filed by you on September 7, 2021, is sufficient, and the 120-day period as identified in the Procedure shall continue to run.**

cc: BOCS

Clerk to BOCS

Chief of PWCFRS, T. Keen

County Attorney, M. Robl

Deputy County Executive, M. Casciato

Deputy County Executive, R. Horner

Deputy County Executive, E. Johnson

Human Resources Director, J. Gilkerson





October 5, 2021

TO: Eric Beard, Officer  
Police Department

FROM: Christopher E. Martino  
County Executive

RE: Statement of Findings of Verification Process

On September 7, 2021, you filed an Employee Certification on behalf of eligible sworn employees of the Police Department (PD), pursuant to the County's Procedure for Submission on Employee Certification (§ 40.1-57.2 (C), VA Code Ann.), ("Procedure"). In considering your submission, I determined that the appropriate unit included only sworn members/employees, based primarily on their inclusion in the Police Department pay scale, below the rank of Captain, per the Procedure. Sworn members/employees at or above the rank of Captain, and civilian employees of the PD, were not counted toward the total number, per the Procedure.

Pursuant to the requirements of Procedure § B (2) (a), this letter is to notify you that I have taken reasonable steps to verify that the Employee Certification complies in all material respects to the requirements set forth in the Procedure. I find that you provided proper notice to the employee group, that the signatures are those of current County employees within the described employee group, and that the employee group (as described above, sworn employees under the rank of Captain) is an appropriate unit under the Procedure. You provided signatures from greater than 50% of the total number of employees in this unit.

**Moreover, I deem that the Employee Certification filed by you on September 7, 2021, is sufficient, and the 120-day period as identified in the Procedure shall continue to run.**

cc: BOCS

Clerk to BOCS

Chief of Police, P. Newsham

County Attorney, M. Robl

Deputy County Executive, M. Casciato

Deputy County Executive, R. Horner

Deputy County Executive, E. Johnson

Human Resources Director, J. Gilkerson



## **Collective Bargaining Timeline – Prince William County**

April 2020: The Virginia General Assembly passes legislation permitting local governing bodies for the first time in the state's history to legally recognize and bargain with a labor union or other employee association as the exclusive bargaining agent of their employees, and to collectively bargain and enter a collective bargaining agreement "with respect to any matter relating to them or their employment or service" by ordinance.

Jan. 19, 2021: Board of County Supervisors directs staff to begin the review of collective bargaining and what impacts its implementation may have on Prince William County.

April 9, 2021: Staff provides the Board information regarding collective bargaining and potential impacts if implemented in Prince William County.

April 2021: Creation of [EmployeeCertification@pwcgov.org](mailto:EmployeeCertification@pwcgov.org) email and collective bargaining webpage on PWConnects.

April 30, 2021: County Executive sends message to employees regarding the new law and how employees can find out more about collective bargaining.

May 2021: Creation of [pwcva.gov/CBG](http://pwcva.gov/CBG) website and FAQs.

May 1, 2021: New collective bargaining state law goes into effect.

May 11, 2021: Staff presents information regarding collective bargaining to the Board of County Supervisors during the Board's work session.

May 11, 2021: The County Executive is directed to come back to the Board of County Supervisors with a presentation that lays out suggestions for the makeup of an employee stakeholder working group regarding collective bargaining.

May 11, 2021: County staff is directed to research studies that have been done by other jurisdictions who have collective bargaining to determine residents' satisfaction with quality of life and how collective bargaining has impacted satisfaction.

May 28, 2021: The County Executive provides a response to the Board of County Supervisors regarding the lack of available information that correlates collective bargaining with the community's satisfaction of quality of life.

June 14, 2021: The County Executive meets with representatives from Fire and Rescue, Police and the Employee Advisory Council to discuss the employee stakeholder working group.

July 14, 2021: First collective bargaining working group meeting, which includes representatives from across the organization. These meetings and work efforts are ongoing, including efforts to educate employees on collective bargaining with handouts, videos, presentations and more.

July 20, 2021: The County Executive presents information to the Board of County Supervisors regarding the makeup of an employee stakeholder working group regarding collective bargaining.

September 2021: Educational material regarding collective bargaining is shared via employee newsletter, EAC newsletter, leadership team and posted on PWConnects.

Sept. 7, 2021: Fire and Rescue Department employees and Police Department employees submit petitions for employee certifications to the Clerk of the Board. The County Executive has 30 days from date of receipt to determine if certifications are sufficient. If the certifications are deemed sufficient by the County Executive, the Board of County Supervisors has 120 days from date of receipt to vote on whether to adopt or not adopt a collective bargaining ordinance.

Sept. 8, 2021: Clerk to the Board acknowledges formal receipt of employee certifications.

Sept. 9 – Sept. 24, 2021: Human Resources verifies employee certifications are sufficient as required by the Procedure for Employee Certifications.

Oct. 1, 2021: Collective bargaining working group holds employee town hall event to answer questions regarding collective bargaining and gather feedback.

Oct. 6, 2021: County Executive deems employee certifications are sufficient and sends response to employees of the Department of Fire and Rescue and the Police Department who submitted petitions.

End of October – Early November 2021: Organizational survey is conducted to receive feedback from employees.

Dec. 7, 2021: County Executive presents findings of employee feedback and provides information regarding collective bargaining to the Board of County Supervisors.

Dec. 14, 2021: Board of County Supervisors votes to adopt or not adopt a collective bargaining ordinance. (This must be done no later than January 5, 2022, which is the 120<sup>th</sup> day since the certifications were submitted.)

*\*If the Board votes to adopt a collective bargaining ordinance, it is anticipated that the process from creation to adoption of an ordinance will take approximately 12-18 months, based on the experience of other jurisdictions. Both Alexandria and Arlington took 18 months. Loudoun is still working on their ordinance, which has gone through two iterations, so far.*

\*January/February 2022: Board work session is held to provide substantive guidance on what type of collective bargaining ordinance is wanted and clarify a timeline for drafting the ordinance. This will include guidance on four major decision points: the scope of bargaining, number of bargaining units, employees ineligible to bargain, and the model for implementation and administration.

\*April 2022: County Executive presents FY2023 Budget to the Board, to include the estimated costs associated with building the infrastructure and setting up the administration of an adopted ordinance, including the anticipated cost of a labor relations administrator (or the like) and contractors/outside counsel necessary to negotiate the collective bargaining agreements with each identified bargaining unit on behalf of the County Executive.

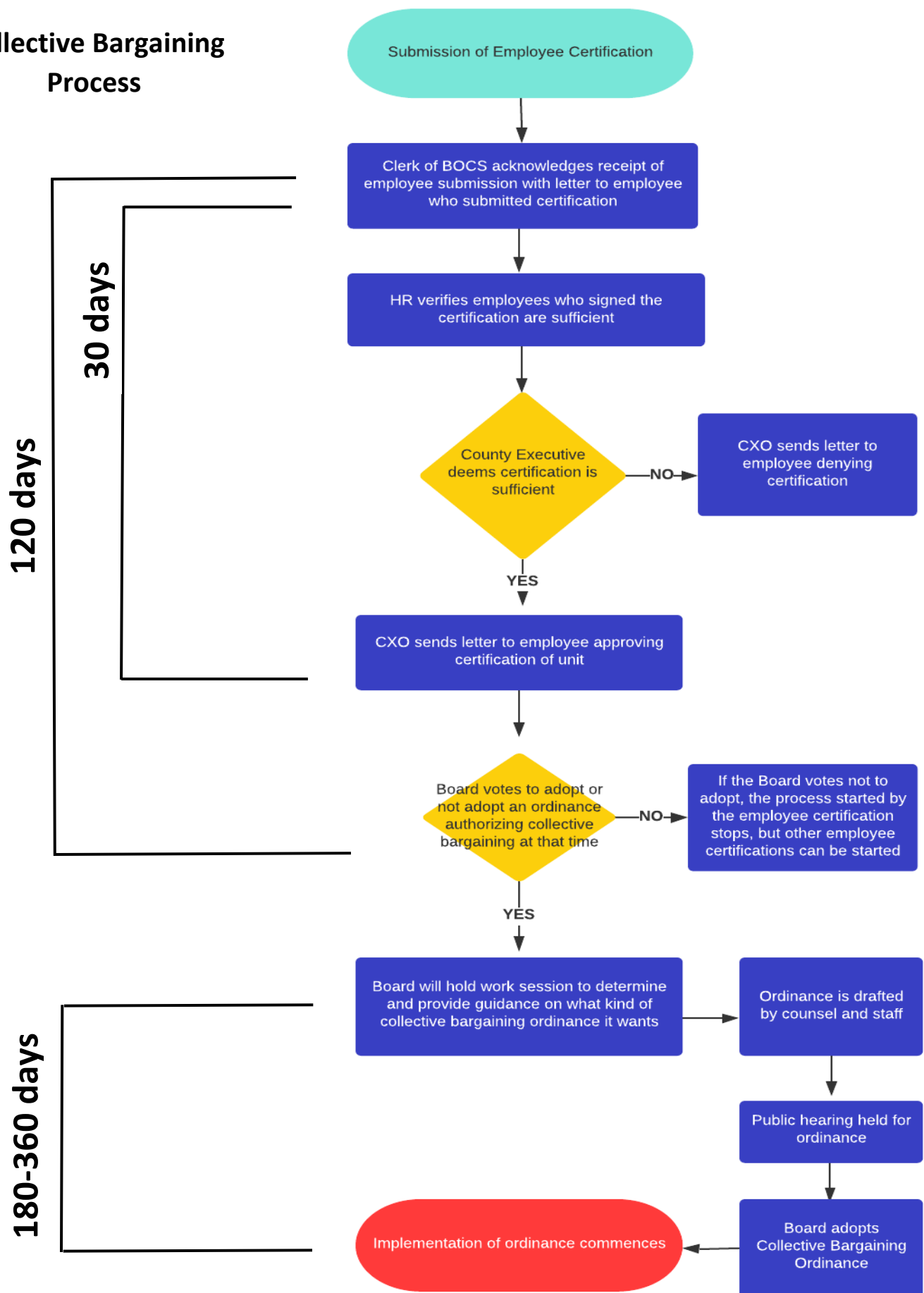
\*July 1, 2022: FY2023 starts and funding for collective bargaining becomes available; county begins hiring HR, Payroll and County Attorney staff to support labor relations function.

\*February 2022 – February/August 2023: County Attorney to draft ordinance for presentation to the Board; redrafting as indicated by Board; finalizing ordinance. The draft collective bargaining ordinance must provide "the basics" found in most comprehensive public sector collective bargaining laws:

- establishment, definition and limitation of the right to bargain collectively;
- procedures for employee selection of a representative union/employee association;
- define the scope (subjects) of bargaining;
- identify prohibited practices and procedures for redress;
- establish procedures for addressing negotiation impasses;
- contract approval procedures and timelines;
- provide a means to resolve disputes arising under union-management contracts; and
- establish a means for administering all of the components of the ordinance.

\*February/August 2023: Advertising for public hearing occurs and public hearing for ordinance is held; ordinance adopted by Board. Implementation of ordinance commences.

## Collective Bargaining Process





**PRINCE WILLIAM**  
COUNTY

**6-B**

# Collective Bargaining

Executive Management  
December 14, 2021



# 2021 Timeline



Jan-May

- Employee certification process created
- Employee Q&A mailbox
- May 11, 2011 BOCS directed CXO to create stakeholder group and gather data

June-Aug

- Employee Stakeholder Group established
- Public webpage, Q&A posted
- CXO update July 20, 2021

Sept-Dec

- Employee virtual town hall
- Police and Fire employee petitions received and certified
- CXO update Oct 5, 2021
- Organizational survey Nov 11-17, 2021

# 120-Day Requirement for BOCS Vote

- Employee group petitions from fire and rescue and police employees received Sept 7, 2021
- Both petitions certified by CXO Oct 5, 2021
- BOCS must take a vote to proceed or not with development of a collective bargaining ordinance no later than Jan 5, 2022; the BOCS is not required to adopt an ordinance or resolution authorizing collective bargaining



# Employee Stakeholder Group



- Employee Stakeholder Group work product:
  - Internal and external web pages on collective bargaining
    - Handouts, videos, presentations posted
  - Q&A and FAQs
    - 10 employee questions were received and answered over nine months
  - Employee virtual town hall
    - 200 live logins
    - Video posted on YouTube; 250 views



# Organizational Survey Results



- Organizational survey offered through Glint 11/1-11/17/2021
- People Relations survey questions are used to identify where actions are needed to address fundamental workplace concerns (e.g., respect, fair compensation, safe working conditions), particularly those that are strong predictors of people relations issues
- Glint has assessed the PWC score as medium; compensation is the primary factor for unfavorable view by employees

# Collective Bargaining Ordinance Must Include



- Establishment, definition and limitation of the right to bargain collectively
- Procedures for employee selection and de-selection of an exclusive representative union/employee association, and for employee membership and union/employee association dues remittance
- Define the scope (which conditions of employment will be included) of bargaining
- Identify prohibited practices and procedures for redress
- Establish procedures for addressing negotiation impasses
- Create contract approval procedures and timelines
- Provide a means to resolve disputes arising under union-management contracts

# CB Actions in Other Jurisdictions

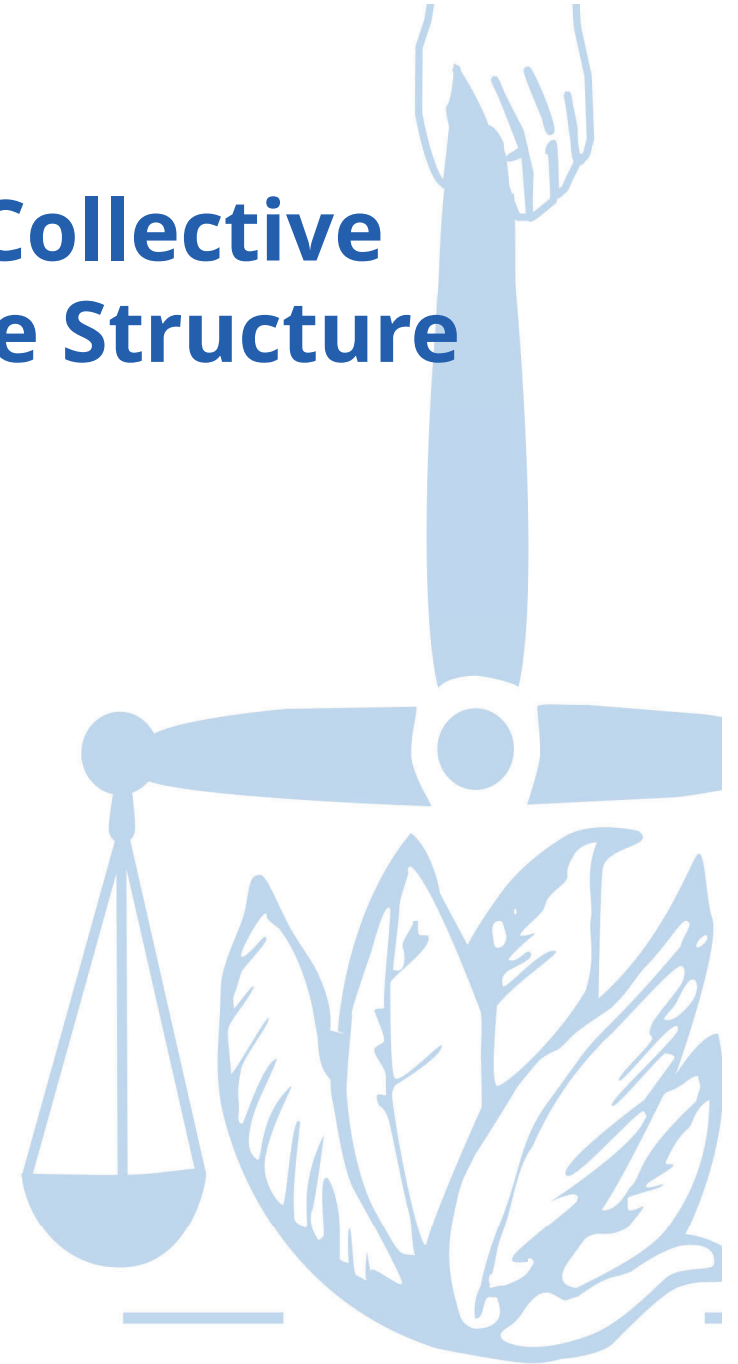


These jurisdictions began working on collective bargaining ordinances in May 2020

Locality	Current Status	Employee Groups
Alexandria	Ordinance adopted April 2021	2,300 employees; 8 bargaining units authorized
Arlington	Ordinance adopted July 2021; expect to implement no later than July 2023	2,900 employees; 5 bargaining units authorized
Fairfax	Ordinance adopted October 2021	12,500 employees; 3 bargaining units authorized
Loudoun	Ordinance adopted December 2021	4,460 employees; 3 bargaining units

# Anticipated Cost of New Collective Bargaining Administrative Structure

Agency	FTE	FY23 Budget Request
County Attorney	3.0	\$ 301,425
Finance	4.0	506,415
Human Resources	6.0	557,652
Management & Budget	1.0	93,765
Outside Legal and Subject Matter Expert Fees	--	300,000
Total	14.0	\$1,755,372



# Next Steps



- Take a vote today to:
  - a. Adopt a resolution to provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees, and any other public employees deemed appropriate by the Board, by directing County staff to draft a collective bargaining ordinance for the Board's future consideration based on the parameters the Board will set at the upcoming Board work sessions and Board meetings.

Or

- b. Do not provide for collective bargaining by the applicable Police Department and Department of Fire and Rescue employees and directs staff to no longer work on the matter.
- If directed to move forward with drafting collective bargaining ordinance, budget request for \$1.7 million will be included in FY23 proposed budget