



Work Session: Options for a Collective Bargaining Ordinance

February 8, 2022



Today's Agenda

- Goals for Draft Ordinance
- Background Information
- Statement of Policy
- Meet and Confer vs. Collective Bargaining
- Employee Eligibility
- Number of Bargaining Units
- Certification/Decertification Process
- Work Conditions Subject to Bargaining



Goals for Draft Ordinance



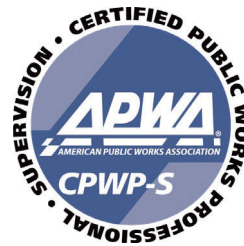
- Use the equity and inclusion lens to ensure that all eligible employees are included and encouraged to participate in the process
- Maintain PWC organizational culture by developing ordinance consistent with the Leadership Philosophy, Vision and Values
- Choose simplicity rather than complexity
 - Keep the ordinance simple to reduce possible violations of the Dillon Rule, Virginia Constitution and Code
 - Bargaining parameters and details should be part of negotiated agreement, not ordinance
 - No restrictions on BOCS authority to establish budgets or appropriate funds
 - BOCS cannot delegate authority to third parties (unions or labor administrator)
 - Minimize cost of administration

Background Information

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High Performance Organization



INTERNATIONAL
ECONOMIC DEVELOPMENT
COUNCIL



EXCELLENCE
IN ECONOMIC
DEVELOPMENT
AWARDS

CENTER FOR
DIGITAL
GOVERNMENT



Maintain Organizational Culture



PRINCE WILLIAM
COUNTY

LEADERSHIP AT ALL LEVELS

BELIEFS

- Employees are our most valuable resource.
- We make a positive difference in our community.
- Employees thrive when they are trusted, included, respected and supported at all levels.

EXPECTATIONS

- Our Vision and Values guide our actions.
- We embrace change and adapt.
- We actively engage.
- We communicate and collaborate at all levels.

VALUES

RESPECT We believe everyone has value, and we show consideration for all customers and fellow employees.

INTEGRITY We have the courage to do what is right, honest and fair every time. We do what we say we will do. We honor our commitments.

CREATIVITY We are innovative in achieving excellence. We find better ways to do the right thing.

TEAMWORK We support and encourage others as we work together to achieve our Vision. We value everyone's contributions and strengths.

EXCELLENCE We set high standards for ourselves. We exceed expectations for how we interact with customers and for the service we provide.

RESPONSIBILITY We seize the opportunity to do the right thing in carrying out our commitments and obligations.

2021 Organizational Survey Results

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Topic	Question	Scores
Feedback	My direct supervisor provides me with feedback that helps me improve my performance.	78
Physical Safety	I feel safe at my workplace.	78
Best Interests - Manager	My direct supervisor makes me feel they have my best interests in mind.	74
Respectful Treatment	I am treated with respect and dignity.	72
Empowerment	I feel empowered to make decisions regarding my work.	69
Inclusion - Team	My team has a climate in which diverse perspectives are valued.	69
Benefits	I am satisfied with the benefits offered at Prince William County Government (e.g., health, dental, leave, retirement).	68
DEI - Expression	While at work, I am comfortable expressing opinions that diverge from my team.	67
Engagement	Overall engagement score	67
eSat (Employee Satisfaction)	How happy are you working at Prince William County Government?	67
Recommend	I would recommend Prince William County Government as a great place to work.	66
Resources	I have the resources I need to do my job well.	66
Work Life Balance	I am able to successfully balance my work and personal life.	66
Diversity Commitment	The Leadership Team (Department Directors) demonstrate a visible commitment to diversity.	65
Collaboration	Teams in my Department collaborate effectively to get things done.	64
Growth	I have good opportunities to learn and grow at Prince William County Government.	64
Larger Purpose	Working for Prince William County Government gives me a sense that I am part of something with a larger purpose.	64
Recognition	I feel satisfied with the recognition or praise I receive for my work.	63
Belonging	I feel a sense of belonging at Prince William County Government.	62
Career	I have good career opportunities at Prince William County Government.	61
Culture	Prince William County Government has a great culture.	59
Leadership - Department	I have confidence in my Department's leadership team.	59
Inclusive Leaders	Leaders in my Department value different perspectives.	57
Leadership - County	I have confidence in the Executive Leadership Team (County Executive & Deputy County Executives).	57
Transparency	Prince William County Government communicates openly and honestly.	53
Rewards	Overall, I am fairly compensated.	52
Action Taking	I believe meaningful action will be taken as a result of this survey.	46

PWC Has a Strong Volunteer Community



- The County determines the organization of work for paid employees and also defines the role of volunteers in the workplace
- Over 3200 volunteers provided service in conjunction with County agencies in 2021
- While volunteers are not employees and therefore would not be covered under a collective bargaining ordinance, the County has a legitimate interest in continuing to encourage volunteers to donate their time for public service activities
- Any proposed collective bargaining ordinance must balance the increased rights of employees with the value of volunteers

PWC Employee Participation to Date



- BOCS created Employee Advisory Committee in 1978 - 44 years
- Compared to Fairfax, Arlington, Alexandria and Loudoun, PWC has had a lower level of participation with outside employee associations over the years
 - Police and Fire/Rescue
 - Service Employees International Union (SEIU) and American Federation of State, County and Municipal Employees (AFSCME) are active in other jurisdictions but not in PWC

PWC Full Time Employees	Police and Fire Petitioners	% of Full Time Workforce
4,834	844	17.5%
Sworn – 1,837 Civilian – 2,997		

Review of NoVa CB Ordinances



- The current ordinances assume that all eligible employees want to be represented in collective bargaining
- They also assume that unions will be the exclusive representatives, with all the accompanying power
- Unions are selected by a majority vote of those employees who chose to vote
- Highly structured with detailed bargaining parameters which require significant support to administer
 - Multiple employee groups, including temporary and seasonal employees
 - Broad approach to work conditions subject to bargaining
 - Specified bargaining representative duties and responsibilities
 - Specified management duties and responsibilities
 - Specified "prohibited conduct" for employers and bargaining representatives
- Consistent with the draft ordinance goals referenced earlier, recommend keeping the ordinance simple and putting the details in the agreement(s)

Decision Point: Statement of Policy

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Draft Statement of Policy - Intent PRINCE WILLIAM COUNTY

- Public bodies who wish to adopt a collective bargaining ordinance have significant discretion beyond traditional models in other states which tend towards complexity and limitations on the employer
- These can differ greatly based on the structure of the government and the variety of services provided
- Historically the County has greatly benefitted from tasking the development of new and updated policies and practices to joint management/employee teams, and wishes to continue to encourage such collaboration
- 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
- The County is also obligated to protect taxpayers and consumers of local government services by not negotiating away BOCS authority to third party organizations

Ordinance Statement of Purpose



PRINCE WILLIAM
COUNTY

It is in the County's best interest to promote stable and cooperative relations between the County and its employees to assist in attracting and retaining a professional and productive workforce that serves the best interests of the County and its residents.

It is also the County's intent to provide an environment that encourages community volunteerism which is integral to the delivery of public service.

Both the County workforce and volunteer force support the duty of the County to protect the health, safety, and welfare of its residents and to ensure the uninterrupted operations and functions of government.

Decision Point: What Type of Formal Collective Bargaining?



Ordinance Option 1: Meet and Confer MOU



- Provides a process and forum for labor representatives to be selected and 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

Ordinance Option 2: Formal Collective Bargaining Agreement



- 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

Decision Point: Which Employee Groups are Eligible?



Factors for Employee Eligibility



- Exclusions Mandated by Virginia Code
- Confidential and Managerial Employees as defined by BOCS
- Employment Status (full-time, part-time benefitted, provisional, seasonal/temporary)

Ineligible Employee Groups: Mandated by VA Code



- 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 or local employees embedded in state agencies
 - Courts, Juvenile Court Services Unit, Virginia Cooperative Extension, Prince William Health District, Elections, Public Defender
- Approximately 720 employees

Ineligible Employee Groups: Defining Confidential Employees



- Definition of Confidential Employees
 - Excluded from bargaining
 - Access to confidential or strategic budgetary and fiscal information, personnel information, or attorney-client privileged information or other information that may affect the County's positions in collective bargaining or in dispute resolution arising from union-management relations
- Applying this to PWC employees
 - Exclude all employees who work directly for the BOCS, the County Executive's Office, the County Attorney's Office, the Office of Human Resources, the Office of Management and Budget, and the Payroll Office in Finance as well as any other department or position where the employee has authorized access to County personnel files
 - Approximately 150 employees

Ineligible Employee Groups: Defining Managerial Employees



- Definition of Managerial Employees
 - Excluded from bargaining
 - They are the agents through whom the County implements its policies and, as such, they are "the County" for purposes of bargaining. They represent the County in the bargaining process.
 - These individuals are usually significant drivers of policy but may or may not have actual supervisory responsibilities. They are policy makers whose inclusion in bargaining may create conflicts of interest arising from their responsibilities to manage operations or services in management's direct interest.
- Applying this to PWC Employees
 - General Service employees – Assistant Directors and above (D, E & F bands)
 - Fire & Rescue employees – Battalion Chief and above
 - Police employees – Captain and above
 - Approximately 220 employees

Part-time/Temporary/Seasonal



- Part-time Benefitted – employees with year-round part-time schedules
 - Benefits include paid leave, 401a, opportunity to enroll in health plans (not subsidized)
 - Parks indoor and year-round facility support, Library staff
- Part-time Provisional – employees with year-round and continuous work, typically limited to a smaller number of weekly hours, and may not have regular scheduled work times
 - Non-benefitted, no leave
 - Parks instructors
- Seasonal/Temporary - employees hired to supplement the work of a specific function or project. Short-term in duration; not changing the work of otherwise full & part-time employed staff.
 - Non-benefitted, no leave, and typically on payroll for a period not to exceed 9 months at a time with most being less than a 6 month duration.
 - Election officers, cadre instructors, outdoor waterpark and summer seasonal activities, school season before and after care positions, Board & Committee members, Public Defender supplement
- Recommend including part time benefitted staff in collective bargaining (if not otherwise ineligible)

Current Employee Population



Type	FTE	Count *	Eligible	Ineligible
Full time	5,077.23	4,348	3,744	1,090
Part-time Benefitted	Incl	352	352	0
Part-time Provisional	Incl	497	0	497
Temporary	0	359	0	150
Seasonal	0	17	0	17
Totals	5,077.23	5,573	4,096	1,754

** As of January 2022. Employee counts vary due to vacancies, peak seasons, and budget constraints*

Decision Point: Identify Employee Bargaining Units



Bargaining Units



- County organizational culture built around the Leadership Philosophy, Vision and Values
 - County relies on managers, supervisors and staff to problem solve/work together for the good of the county
 - We provide many types of service, but we are one team
 - Departments work collaboratively on budget requests and service initiatives
 - Employees spoke to maintaining same salary increase for all during budget
- Internal pay equity was a major consideration for the new classification systems
- Options
 - One bargaining unit for all eligible employees
 - Two bargaining units
 - Public Safety, General Service
 - Three or more bargaining units

Procedures for Selection of Exclusive Bargaining Representatives



- Procedure to establish a threshold showing of interest for certification of exclusive bargaining representative/s (do members of the bargaining unit wish to be represented?)
- Procedure for election of an exclusive bargaining representative/s (if yes, which employee group/union do the employees want to represent them?)
- Procedure for decertification and recertification of exclusive bargaining representative/s (once certified, how do employees effect the decertification of an exclusive bargaining agent? how do employee signal their continued support?)
- Consequences of failed elections; timelines for subsequent elections
- Reasonable public notice of all elections
- Process by which employee groups/unions may intervene and participate in elections

Establishing Voting Thresholds



- Voting Thresholds
 - Procedure to call for a threshold showing of interest for certification of exclusive bargaining representative/s will require affirmative votes from at least 30% of the employees in the bargaining unit (do members of the bargaining unit wish to be represented?)
 - Elections to certify an exclusive bargaining representative will require a majority of 50% + 1 of employees in bargaining unit to vote in support of moving forward to insure employee participation and support

Decision Point: What Work Conditions are Included?



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



Scope of Bargaining



- Recommend to include pay and benefits only at this time
 - Start small; provides contractual certainty without creating internal divisions between employee work groups
 - Reduces complexity and cost
 - Can be amended to meet BOCS and community needs as they evolve over time
 - Most county and agency policies updated within last two years
 - Includes all personnel and risk management policies
 - BOCS updated employee grievance procedure
 - 2021 employee survey indicates high level of satisfaction with safe workplace and lower levels of satisfaction with pay

Decision Points Summary



1. Type of CB Ordinance: Meet and Confer or CBA?
2. Eligible Employees: as defined?
3. Number of Bargaining Units: one or more?
4. Threshold for Election: 30%?
5. Certification/Decertification Process: simple majority?
6. Conditions subject to bargaining: pay and benefits only?

Next Steps

- Based on today's feedback, staff will work on draft ordinance and develop next level of questions for BOCS review
- Each version of the draft ordinance will be posted online for employee and public feedback

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