

## **Response to Questions on Collective Bargaining**

**Request By: Supervisors Lusk, Foust and Smith**

**Question 1. In 3-10-4 (b) the county can take action notwithstanding any contract provisions. During emergencies, how will employees have the ability to have concerns regarding working conditions addressed? Could there be some sort of "Labor Management Committee" to address issues in between contract negotiations and during emergencies?**

**Response:**

The section related to emergencies was rewritten for the latest version posted for the July 20, 2021 Personnel and Reorganization meeting.

There could be a "labor management committee" that allows for informal management and labor discussions on issues that may arise in the workplace.

**Request By: Supervisor Foust**

**Question 2: Why is the contract term defined as being three years?**

**Response:**

This part of the discussion draft ordinance has been removed to allow parties to negotiate the term of each contract.

**Request By: Supervisor Foust**

**Question 3: Does the process supersede the budget decision?**

**Response:**

Under the Virginia code, a collective bargaining agreement is subject to the Board of Supervisors' authority to appropriate money and fund financial commitments. The process for collective bargaining agreement approvals will be aligned with the county budget timeline to meet county budget preparation deadlines.

## **Request By: Supervisor Herrity**

### **Question 4: What are the plans for engagement with employees and with the public as the process moves forward?**

#### **Response:**

A series of opportunities are planned to inform and engage employees and the public about the collective bargaining process that is underway. The collective bargaining website, which is available to both employees and the public, is the primary channel for disseminating information to stakeholders. The site serves as the central repository for information on collective bargaining and is being updated regularly.

The first Town Hall was held on July 15, 2021, and more than 500 participants attended the session. The session was recorded and made accessible to all employees. Employees were encouraged to visit the collective bargaining website to learn more about the process and to read the draft ordinance. Feedback and questions from employees at the town hall were requested with use of the [collectivebargaining@fairfaxcounty.gov](mailto:collectivebargaining@fairfaxcounty.gov) email box.

Communication channels for messaging to employees internally and the public externally include:

#### *Internal & External Channels*

- Collective Bargaining Website ([www.fairfaxcounty.gov/hr/collective-bargaining](http://www.fairfaxcounty.gov/hr/collective-bargaining))
- Collective Bargaining Email Box ([collectivebargaining@fairfaxcounty.gov](mailto:collectivebargaining@fairfaxcounty.gov))
  - o Employees and members of the public may submit questions to the collective bargaining email box.

#### *Internal Channels*

- Events (virtual Collective Bargaining Town Halls; July 15 and August 18)
- NewsLink Announcements
- HR Managers share information from a standing bi-weekly HR Managers' meeting that has a standing collective bargaining agenda item.

### **Collective Bargaining Website**

The following content is available on the collective bargaining website:

- o Collective Bargaining Overview
- o Collective Bargaining Frequently Asked Questions (FAQs)
- o Collective Bargaining Questions & Answers
- o Links to [Personnel Committee Meeting Materials & Recordings](#)
  - March 2, 2021

- May 25, 2021
- June 29, 2021
- July 20, 2021
- Links to Collective Bargaining Town Hall Recordings
  - July 15, 2021
  - August 18, 2021 (to be posted)
- Joint Board Matter on Collective Bargaining (September 29, 2020)
- PowerPoint Presentation Slide Deck – July 15, 2021, Town Hall

We anticipate adding training for managers and additional communication opportunities for employees.

**Request By: Supervisor Gross**

**Question 5: Can you give a more comprehensive definition of "Confidential employee" other than just listing employing departments and agencies?**

**Response:**

Confidential employee means any employee who has regular access to confidential information regarding County labor-management relations policies and bargaining positions or who directly assists an official or employee who determines or effectuates such policies.

**Request By: Supervisor Gross**

**Question 6: Can the ordinance include negotiating grievance but not discipline? Explain how our current grievance and discipline processes would be impacted if either or both are included as a negotiable item. What is staff's recommendation and why? What are our regional comparators with collective bargaining doing in regard to grievance and discipline?**

**Response:**

**Can the ordinance include negotiating Grievance but not Discipline?**

Yes. The Board may decide to exclude both or include one or the other, or both, as negotiable items.

**Explain how our current grievance and discipline processes would be impacted if either or both are included as a negotiable item.**

Negotiating either or both items could result in separate processes for represented employees and unrepresented employees. It could result in separate and distinct processes for each bargaining unit (meaning there could be at least four different grievance procedures and four different discipline processes - one for each of the bargaining units and one for non-bargaining unit employees).

This will result in unknown administrative burden for departments as staff work to administer multiple programs for employees working side-by-side. For example, a public safety agency could potentially have three separate grievance and discipline processes (one each for public safety unit employees, general employee unit employees, and unrepresented employees). Having multiple programs for employees working side-by-side may also create employee morale problems as well as tensions for management with bargaining agents if the impression is created that one bargaining unit/agent has different outcomes for its members than does another bargaining agent.

**What is staff's recommendation and why?**

The county's existing grievance and discipline procedures are time-tested, effective and well-understood by all parties. To prevent the potential issues noted above and unquantifiable cost, staff recommends these subjects not be mandatory bargaining subjects.

**What are our regional comparators with CB doing in regard to grievance and discipline?**

Regional comparators exclude discipline (when warranted, how applied, and at what level) as a negotiable subject, but permit negotiation of grievance procedures to challenge discipline and other matters as "contract violations" affecting an individual

employee. Negotiation of procedures is permitted either as to the full process or only as to the last step (Arlington) so as to allow displacement of civil service commissions at that step in favor of "professional" neutrals, i.e., arbitrators, in concession to the unions' insistence. Both Alexandria and Arlington (in its staff draft) provide for employees to elect to use the negotiated contract grievance procedure, or the existing state-required grievance procedures (if it also applies) and dictate that the initial choice is irrevocable.