

**MINUTES OF THE SCHEDULED MEETING OF THE
PHOENIX EMPLOYMENT RELATIONS BOARD
CITY OF PHOENIX, STATE OF ARIZONA
Tuesday, February 20, 2024**

Members Present:

Dennis Teel, Chairman
Fernando Ortega, Public Member
Phillip Hanley, Management Member
Joseph Diggs, Labor Member

Board Members Via WebEx:

NA

Others Present:

William R. Brown, PERB Legal Counsel
Kathy Schmidt, PERB Executive Director

Others Present:

Jason Perkiser, Human Resources
Mark Bizik, HR Department
Polly Rapp, City of Phoenix Attorney

Via WebEx:

Mario Paniagua, Deputy City Manager
Mihai Samartinean, City of Phoenix Attorney

1. **Call to Order: Chairman, Dennis Teel**, called the February 20, 2024, meeting to order with Phillip Hanley, Management Member, Joseph Diggs, Labor Member and Fernando Ortega, Public Member present.
2. **Roll Call – Quorum**
3. **Review and approval of the November 21, 2023, Regular Minutes.**

A motion was made that the minutes of the November 21, 2023, Regular Meeting be approved by **Fernando Ortega, Public Member**. The motion was **seconded** by **Phillip Hanley, Management Member** and carried by a vote of **4-0**.

4. **AFSCME LOCAL 2384, MARK PETERS, DONNY IVANKOVICH and RAY HARPER v. CITY OF PHOENIX CONVENTION CENTER and DON HASKINS**

Consideration, decision, and action regarding the request for Voluntary Adjustment of Charge by Unilateral Agreement and Request for Consent Order filed by Charged Party in CA-376.

Polly Rapp, City of Phoenix Attorney representing the Convention Center and Mr. Haskins. As the board is aware the charged parties are the Phoenix Convention Center and Don Haskins. We submitted a request for voluntary adjustment by unilateral agreement to resolve the charge. The charge includes four charging parties, AFSCME Local 2384, otherwise known as Unit 2, Mark Peters, Donny Ivankovich and Ray Harper. The charge alleges that the convention center engaged in unfair labor practices by denying Unit 2 employees request for Union Representation when being interviewed and questioned about workplace conduct and complaints relating to their hours and working conditions. By advising Unit 2 members they have no right to represent for interviews relating to wages, hours and working conditions by failing to allow Unit 2 employees to engage in concerted activity through their authorized representatives and retaliating against Unit 2 employees for exercising their rights. The charge asked PERB for the following relief, I think I have it all in order, to immediately cease and desist engaging in unfair labor practices in order to meet and confer with Unit 2 members on non-economic matters at reasonable times other than requested in order to conduct training on Unit 2 members regarding representation and to engage in concerted activities with discrimination or retaliation and the removal of any reference to oral or written coaching or counseling that is given to any Unit 2 employee. The charge is supported by the affidavit of Unit 2 President Jason Henley. After the charge was filed as required by PERB Rule 3.4 the parties met in good faith and made formal attempts to resolve the dispute. As a result of those good faith attempts Mr. Henley on behalf of Unit 2 as a charging party entered to settle an agreement to resolve the charge and the grievance that Unit 2 had, and I attached the settlement agreement to the Convention Centers request for voluntary adjustment by unilateral agreement. As explained in our request the individual charging parties were apparently not willing to sign the settlement agreement. I was not a party to the negotiations and as you all know there is a confidentiality provision so even if I were I could not tell you what happened or why this occurred. I can tell you is that Unit 2 it is fair to say insistent that we enter a settlement agreement with them regardless of the individuals. In the agreement the Convention Center agreed that Don Haskins will not serve as Mark Peters immediate supervisor and that would conduct recurring supervisor training related to employee's rights. The Convention Center has already begun the training that's required by the settlement agreement and on October 26th the Convention Center assigned Klint Shranko to Mr. Peters instead of Mr.

Haskins. Unit 2 leadership acknowledged in the agreement that these actions are fair and equitable under all these circumstances, and they effectuate the policies of the Meet and Confer Ordinance. Because the Convention Center has reached a mutually beneficial resolution with Unit 2 leadership, we do believe it should be required to continue litigating the charge against the individuals involved. I will say that I'm not sure the individuals understand PERB's process, I don't know that they understand that a hearing has to be set and then once the Hearing Officer makes a decision, the parties brief so on and so forth I don't think they understand the whole gambit of what the PERB process is. As acknowledged by Unit 2 Leadership so it is not necessary, we don't believe for us to respond to the charge and use recourse litigating it further and even if the individuals did prevail on their allegations, it is not necessary for the Board to enter a cease-and-desist order. To my knowledge none of the individuals have objected to our request for the voluntary adjustment at least not within the five-day period as provided in Rule 3.9 B2. The city is still processing a separate grievance filed by Mr. Ivankovich on June 28th, 2023, which contains many of the same allegations or some of the same allegations that are included. So, he is pursuing a separate avenue to address his complaints. PERB Rule 3.9 B1 stated that the Board encourages voluntary adjustment of a dispute which provides a basis for a consent order and so we therefore ask the Board to grant the request for voluntary adjustment by unilateral agreement under 3.9 B2 and enter the consent order submitted.

Dennis Teel, Chairman, do we have anybody representing the Union present? Any questions?

Phillip Hanley, Management Member, the only question I would have I was curious as to who is conducting the training?

Jason Perkiser, Human Resources, the training is being conducted by the Human Resources Department. They are also conducting supervisory training.

Phillip Hanley, Management Member, thank you.

Dennis Teel, Chairman, my question is you mentioned a five-day period in which the grievant has a chance to weigh in on this. Where they notified.

Polly Rapp, City Attorney, yes, they were included in all the emails.

Dennis Teel, Chairman, and they didn't have anything to say?

Polly Rapp, City Attorney, no not to my knowledge unless Kathy received anything from them. I did not.

Kathy Schmidt, Executive Director, no.

Dennis Teel, Chairman, it just seems kind of odd I know it can be done that the three individuals did not sign off on this particular remedy.

Polly Rapp, City Attorney, as I said I was privy to the negotiations because the law department normally is not involved in that and even if I were the rule prohibits us from doing so and says the discussions are confidential so I don't think I could disclose what their positions were.

Dennis Teel, Chairman, that is confidential. Any other questions from the Board?

Fernando Ortega, Public Member, on the training they are proposing to do are those mandatory that city requires or are they optional?

William Brown, PERB Attorney, they are mandatory.

Dennis Teel, Chairman, the chair will entertain a motion on this.

Phillip Hanley, Management Member made a motion that the matter of CA-376 and the request for voluntary adjustment be approved. The motion was seconded by **Joseph Diggs, Labor Member**, and carried by a unanimous vote of 4-0.

5. **Report on Pending Cases**

Kathy Schmidt, Executive Director gave an update on pending cases.

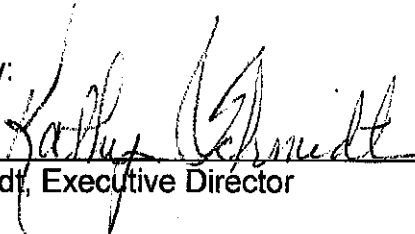
- 6 **Kathy Schmidt, Executive Director** announced that the next meeting of the Board would be Tuesday, March 19, at 9:30 AM and in case of Impasse a Special Meeting will be held on Monday, March 4, 2024, at 9:30 AM.

7. **Public Comment**

NA

8. **Fernando Ortega, Public Member** made a motion that the meeting be adjourned. The motion was seconded by **Phillip Hanley, Management Member**, and carried by a unanimous vote of 4-0.

Submitted by:



Kathy Schmidt, Executive Director

Approved by:



Dennis Teel, Chairman