

Timothy A. La Sota, PLC
2198 East Camelback Road, Suite 305
Phoenix, Arizona 85016
P 602-515-2649
tim@timlasota.com

August 2, 2016

Via hand delivery to:

Sharon Bronson
Raymond Carroll
Richard Elias
Ally Miller
Ramon Valadez
Pima County Board of Supervisors
130 W. Congress St., 11th Floor
Tucson, AZ 85701

Re: Notice of Claim

Dear Supervisors Bronson, Carroll, Elias, Miller and Valadez:

This firm represents the Pima County Deputy Sheriff's Association and the Pima County Correctional Officers Association.

I write to inform you of impending legal action that the members intend to take against Pima County. I explain the basis for this legal action below. This letter would constitute a notice of claim under Arizona Revised Statutes §12-821.01, but the legal action will seek prospective mandamus relief only, rather than monetary damages for past actions, so no such notice of claim is legally required.

As you know, for years controversy has surrounded the compensation packages that were provided to the Deputy Sheriffs and Correctional Officers. The issue has been the fact that the Deputy Sheriffs and Correctional Officers, for years, have been promised annual increases, but these have never been provided.

The pay package approved on July 5, 2016 does provide some relief, but it is simply insufficient.

The Contractual Promise and the failure of the Board to abide by it

Over the years, the promise of annual increases has been held out numerous times. As the attachments attest to, the Board has approved these annual step plans (Exhibit 1), and this fact has been widely circulated and even advertised to current Deputies and Correctional Officers and potential new hires. (Exhibit 2). The promised increases have been used as an inducement to both continued and new employment. And they simply have not materialized. On July 5, 2016 this Board approved a new pay package. However, it falls far short of adhering to the contractual promises that have been made.

In addition, for years, pay ranges have been advertised in the monthly publication. As we have stated before, even if the failure to provide promised increases could be excused over the short term, it does not follow that the County can continually promise increases as an inducement to new and continued employment and continually use the same excuse for failing to meet its contractual obligations.

The Deputy Sheriffs and Correctional Officers have sacrificed continually to help the County operate within budgetary restraints in some challenging times. However, it is clear that the County has simply taken this assistance for granted, and has for far too long chosen to balance its budget on the backs of the law enforcement officers who risk life and limb to protect the people of Pima County.

While the Deputy Sheriffs and Correctional Officers appreciate the fact that their pay is actually the topic of serious discussion for once, and proposals have been put forward, the bottom line is that these proposals simply fall short.

The Law in Arizona

In Arizona, it is not necessary for an employer and an employee to commit something to writing in a document that they both sign in order to create contractual liability on the part of the employer. Instead, a statement by the employer creates contractual liability if discloses “a promissory intent or [is] one that the employee could reasonably conclude constituted a commitment by the employer...” *Demasse v. ITT Corp.*, 194 Ariz. 500, 505, 984 P.2d 1138, 1143 (1999)(quoting *Soderlun v. Public Serv. Co.*, 944 P.2d 616, 620 (Colo.App.1997).

As the evidence at trial would show, the Deputies and Correctional Officers could reasonably conclude there was a commitment by the County, and in fact did reasonably conclude this. And they did so simply because the County did make this commitment. The fact that the Deputies and Correctional Officers have long chosen to try to work

Supervisors Bronson, Carroll, Elias, Miller and Valadez:
August 2, 2016

collaboratively with the County to address these issues rather than take the matter up in court does not change the fact that this is a real commitment, and it has not been honored.

The Arizona Supreme Court of Arizona has further stated that when an employer makes a statement “that the employer should reasonably have expected the employee to consider as a commitment from the employer, that term becomes an offer to form an implied-in-fact contract and is accepted by the employee's acceptance of employment.” *Id.*

Shortcomings with the pay package approved on July 5, 2016

The major problem with the package approved on July 5, 2016 is that the increases are not sufficient to cover what has been promised in the past. For example, as the attachment shows, a Deputy Sheriff making \$20.24 per hour in 2007 would have expected to be making \$28.28 in 2015, just shy of a 41% increase. The pay rates approved in the plan fall far short of that.

In addition, the pay plan is arbitrary in some respects and unclear as to whether the maximum hourly pay is \$30.74 or \$29.84. It also seems to result in some employees receiving larger percentage pay increases despite shorter tenures, and not due to “topping out” of employees in a pay range.

Lastly, the pay plan appears to try to eliminate STEP plans altogether. As stated above, the STEP plan is a contractual obligation, and one party to such an obligation cannot simply eliminate it because the party does not want to adhere to it.

Conclusion

While the Pima County Deputy Sheriffs' Association and the Pima County Correctional Officers Association appreciate the fact that significant work was put into addressing the pay issue and that it does provide some relief to Deputy Sheriffs and Correctional Officers who have sacrificed and suffered for a long time. However, the Board of Supervisors has simply failed to get the job done in honoring its contractual commitment. Having failed in this, the Deputy Sheriffs and Correctional Officers must resort to the courts for legal redress. This has never been my clients' preferred option, and we have waited long in doing this. But our patience is simply at an end.

Supervisors Bronson, Carroll, Elias, Miller and Valadez:
August 2, 2016

As mentioned, such legal action will seek an order from the Court requiring the County to honor its commitment for annual salary increases and raise the Deputy Sheriffs and Correctional Officers salaries, prospectively, to where they would be had the Board honored its commitment.

Very truly yours,

TIMOTHY A. LA SOTA, PLC

A handwritten signature in black ink, appearing to be 'Timothy La Sota', written in a cursive style.

Timothy La Sota

EXHIBIT 1



MEMORANDUM
PIMA COUNTY SHERIFF'S DEPARTMENT
CLARENCE W. DUPNIK, SHERIFF

Date: September 10, 2007

To: Deputies And Sergeants

From: Captain Chris Radtke, Administrative Services Division Commander

Re: 2007 - 2008 Compensation Package

This is to confirm that the Board of Supervisors approved the Deputy Sheriff and Sergeant compensation package as submitted by the Sheriff's Department. The compensation package includes the following:

1. Deputy Sheriff and Sergeant Step Plans will be increased 10% effective January 6, 2008.
2. Deputy Sheriffs and Sergeants will be adjusted within the new Step Plans based on their date in class.

Deputy Sheriff with 10% range adjustment effective January 6, 2008

	Hire	1 Year	2 years	3 years	4 years	5 years	6 years	7 years
Hourly	\$20.24	\$21.25	\$22.31	\$23.43	\$24.60	\$25.83	\$27.12	\$28.48
Monthly	\$3,508	\$3,684	\$3,868	\$4,061	\$4,264	\$4,478	\$4,701	\$4,936
Annual	\$42,099	\$44,204	\$46,414	\$48,735	\$51,172	\$53,730	\$56,417	\$59,238

Sergeant with 10% range adjustment effective January 6, 2008

	Step 1	Step 2
Hourly	\$32.97	\$34.62
Monthly	\$5,714	\$6,000
Annual	\$68,571	\$72,000

EXHIBIT 2



P I M A C O U N T Y S H E R I F F C O M M U N I T Y C O N N E C T I O N

Keeping the Peace and Serving the Community Since 1865

Clarence W. Dupnik, Sheriff

Volume 25 Edition 4

A Word from Sheriff Dupnik

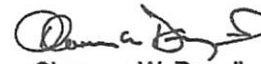


Issues such as the economy, the environment and sustainability affect every facet of society, even the law enforcement community. During times such as these, when it is so important to continue providing public safety and service to citizens while dealing with limitations brought on by budget constraints, it is imperative to take a creative and innovative approach to accomplishing our mission.

To that end, the Sheriff's Department has enthusiastically developed ideas that promote a safer community while recognizing the importance of economic and environmental responsibility. The new online reporting system will allow people to report minor law violations, such as harassing phone calls and minor thefts, fraud and vandalism, through their computers from the comforts of their own homes. While citizens will always have the option to speak directly with

a Deputy Sheriff with regard to their reports, this online system will make it more efficient for the people who would rather make their report online and move on to other activities. The inception of this system will save time and money by reducing the number of minor incidents to which deputies respond, it will save gas and wear and tear on County vehicles, and it will save time for those citizens who do not choose to wait for a Deputy to handle their report in person. This system also reduces the use of paper and report forms that are necessary for an in-person incident report.

In this holiday season, it is natural to look back over the past year and take an accounting of challenges and successes. We must look forward to the new year, considering those same challenges and strive to develop responsible, innovative solutions. I am very proud of the accomplishments of this department throughout 2008. I am honored to work with such a professional organization, represented by the many fine men and women that work so hard in service to this community. It is from them, to you, that I wish you a very happy and safe holiday season. Whether traveling to visit family and friends, or staying close to home, please be safe. There are those who use this time of year to victimize people in their homes, or while out shopping, simply because they find an opportunity to do so. Be aware of your surroundings, be secure when at home. There is much to look forward to as 2008 comes to a close. With all of the challenges we face, we at the Pima County Sheriff's Department will continue to develop new ways to provide outstanding service as we look with hope to the coming year.


Clarence W. Dupnik

December 2008 - Inside This Edition

<i>A Word from the Sheriff</i>	1	<i>Going "Green"/Burglary Update/GAIN Night</i>	5
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P I M A C O U N T Y

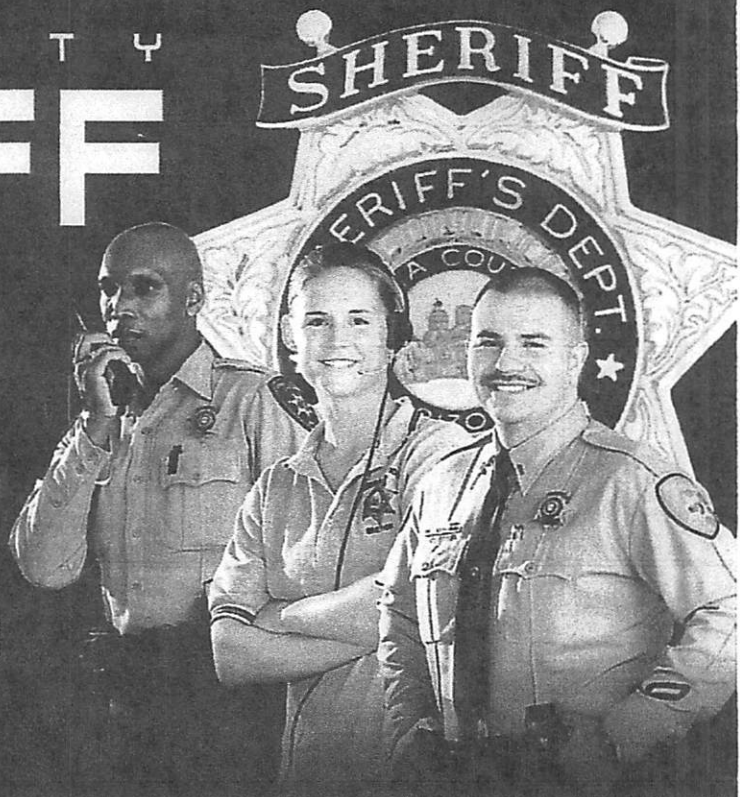
SHERIFF

NOW HIRING!

520-351-6661

www.pimasheriff.org

Clarence W. Dupnik, Sheriff



Deputy Sheriff

Salary Range \$42,099 (\$20.24/hour)-
\$59,238 (\$28.48/hour)

Starting June 5, 2009 through June 26 2009, you can pick up an application at any District Office, the Pima County Adult Detention Center, or Pima County Human Resources at 150 W. Congress, 4th Floor. See page two for a list of Districts.

Multiple Choice & Physical Fitness Test
June 27, 2009 Must be 21 years of age.

Benefits include:

Uniform Allowance, Health & Dental Insurance,
20 Year Retirement Plan, Take-Home Vehicle Program

Corrections Officers

Salary Range: \$35,381 (\$17.01/hr) -
\$45,156 (\$21.71/hr)

Starting January 16, 2009 through February 6, 2009, you can pick up an application at any District Office, the Pima County Adult Detention Center, or Pima County Human Resources at 150 W. Congress, 4th Floor. See page two for a list of Districts.

Multiple Choice & Physical Fitness Test
February 7, 2009 Must be 18 years of age.

Benefits include:

Uniform Allowance, Health & Dental Insurance,
20 Year Retirement Plan

Visit www.teampimasheriff.org or www.pima.gov/hr for minimum qualifications and more information.

www.teampimasheriff.org

The Pima County Sheriff's Department is an Equal Opportunity Employer.

A Word from Sheriff Dupnik



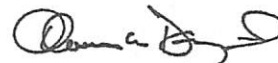
In this issue of the Community Connection, I must first congratulate all the members of the Sheriff's Auxiliary Volunteers who have donated 10 years and 5,000 hours of service to the community. These individuals are truly representative of the best that this community has to offer. If you would like to get involved in the organization, or think your time and talent is better served by participating in a Neighborhood Watch program, this newsletter provides you with information about both programs.

Community partnership is a cornerstone of the Pima County Sheriff's Department. Beyond the Sheriff's Auxiliary Volunteers and Neighborhood Watch, the Department also works very closely with the Southern Arizona Search and Rescue Association. The members of this organization train and respond with the Department's Search and Rescue Unit. Especially in the summer monsoon season, the members of this organization provide invaluable support to those stuck outside in dangerous storms. This time of year brings many people outdoors, often on bicycles. Please take a moment to review the bicycle safety tips.

The Department is glad to offer several Shred-A-Thon events throughout the County. These events are designed to allow you to shred your personal documents that could be used against you in cases of identity theft and fraud. Check for future Shred-A-Thon dates in this newsletter.

As the summer winds down, it is important to remember that the potential for bullying will increase as kids head back to school. Everyone should know what they can do to stop bullies and help those who are being bullied. Additionally, the Sheriff's Department has just completed training in extraordinary deployment. This training prepares deputies to respond to crisis situations in crowded locations like schools or shopping malls.

Recruitment opportunities are available for the positions of Deputy Sheriff and Corrections Officer. If you know people who would like to be part of the Sheriff's Department team, encourage them to apply. As I stated, there are many opportunities for community members to become involved in the Department. Through career or volunteer opportunities, we will continue to cultivate the kind of relationship that encourages public participation and cooperation in providing a safe and secure community in which to live and work.

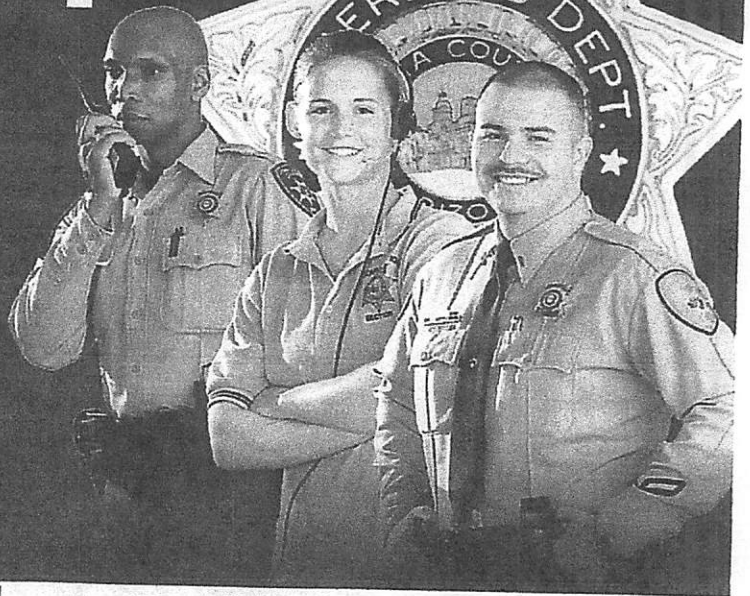

Clarence W. Dupnik

August 2008 - Inside This Edition

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P I M A C O U N T Y

SHERIFF



NOW HIRING!

520-351-6661

www.pimasheriff.org

Clarence W. Dupnik, Sheriff

Deputy Sheriff

Salary Range \$42,099 (\$20.24/hour)-
\$59,238 (\$28.48/hour)

Starting September 5, 2008 through September 26, 2008, you can pick up an application at any District Office, the Pima County Adult Detention Center, or Pima County Human Resources at 150 W. Congress, 4th Floor. See page two for a list of Districts.

Multiple Choice & Physical Fitness Test
September 27, 2008

Benefits include:

Uniform Allowance, Health & Dental Insurance,
20 Year Retirement Plan, Take-Home Vehicle Program

Corrections Officers

Salary Range: \$35,381 (\$17.01/hr) -
\$45,156 (\$21.71/hr)

Starting August 29, 2008 through September 19, 2008, you can pick up an application at any District Office, the Pima County Adult Detention Center, or Pima County Human Resources at 150 W. Congress, 4th Floor. See page two for a list of Districts.

Multiple Choice & Physical Fitness Test
September 20, 2008 Must be 18 years of age.

Benefits include:

Uniform Allowance, Health & Dental Insurance,
20 Year Retirement Plan

Visit www.teampimasheriff.org or www.pima.gov/hr for minimum qualifications and more information.

www.teampimasheriff.org

The Pima County Sheriff's Department is an Equal Opportunity Employer. Clarence W. Dupnik, Sheriff of Pima County

Community Connection

Fall 2005



Volume 22 Edition 3

A Word from the Sheriff



A CALL FOR NEW AWARENESS

With summer nearing its end and vacation over for most students, it's time for our annual "Back-to-School" issue of *Community Connection*. We hope we have provided enough information to answer questions frequently asked by concerned parents.

On the pages that follow, the Pima County Sheriff's Department has covered everything from important safety tips to upcoming events of interest, including its Halloween party for youngsters at Tucson Electric Park.

There also is a full page devoted to "Alcohol Awareness for Parents." Substance abuse is the compelling subject to which I want to focus my remarks in this message.

While it is quite true that alcohol is the No. 1 drug of choice by teenagers in Pima County, I must reiterate my personal belief that methamphetamine currently is the most insidious drug endangering our community.

Readers of the previous *Community Connection* know that "meth" is sweeping the City of Tucson and Pima County because it is easier and cheaper to produce than other drugs; thus, it is available virtually everywhere at a comparatively low price.

To combat the scourge of meth – often called crank, speed, crystal or ice – we in law enforcement urgently need the assistance of the media and a knowledgeable public, especially the parents of school-age

Continued on page 2

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Si usted es interesado en la material recipiente de la prevención del crimen en el español, contacta por favor la Unidad de Recursos de Comunidad en 741-4615.



The Pima County Sheriff's Department IS RECRUITING FOR CORRECTIONS OFFICERS

Starting salary \$28,384 (\$13.64/Hr)
PLUS OUTSTANDING BENEFITS!

Application packets available:
AUGUST 26, 2005
through
SEPTEMBER 16, 2005

Multiple choice and Fitness test:
SEPTEMBER 17, 2005

Out-of-Town applicants ONLY may call anytime prior to
September 9, 2005, to request an application be sent to them.

Application packets available:
SEPTEMBER 23, 2005
through
OCTOBER 7, 2005

Multiple choice and Fitness test:
OCTOBER 8, 2005

Out-of-Town applicants ONLY may call anytime prior to
September 30, 2005, to request an application be sent to them.

Pick up application packets at the following locations:

Pima County
Adult Detention Center
1270 W. Silverlake

Pima County
Sheriff's Department
Administrative Offices
1750 E. Benson Hwy

Pima County
Human Resources
150 W. Congress, 4th Floor

All Sheriff's Department
Field Offices!

For additional information:

Job Hotline (520) 547-6661

www.pimasheriff.org

www.pima.gov/hr

Pima County Human Resources
Information Line (520) 740-8086

*If you know someone interested in a career in Corrections,
guide them into a secure and prosperous future with
the Pima County Sheriff's Department.*

The Pima County Sheriff's Department is an equal opportunity employer.

CLARENCE W. DUPNIK
Sheriff of Pima County

The Pima County Sheriff's Department

IS RECRUITING FOR

Deputy Sheriffs

Starting salary
\$38,272 (\$18.40/Hr)

With annual increases, salary after seven years
\$53,851 (\$25.89/Hr),

plus outstanding benefits.

Application packets available:
SEPTEMBER 2, 2005
through
SEPTEMBER 23, 2005

at the following locations:

Pima County Human
Resources
150 W. CONGRESS, 4TH
FLOOR

Pima County
Sheriff's Department
Administrative Offices
1750 E. BENSON HWY

All Sheriff's Department Field Offices!

For additional information:

Job Hotline (520) 547-6661

www.pimasheriff.org

www.pima.gov/hr

Pima County Human Resources
Information Line (520) 740-8086

Multiple choice and Fitness test:
SEPTEMBER 24, 2005

Out-of-Town applicants ONLY may call anytime
prior to September 15, 2005,
to request an application be sent to them.

*If you know someone interested in a career in law enforcement,
guide them into a secure and prosperous future with
the Pima County Sheriff's Department.*

The Pima County Sheriff's Department is an equal opportunity employer.

CLARENCE W. DUPNIK
Sheriff of Pima County