

CITY OF MIAMI BEACH
Office of the City Manager
Letter to Commission No. 288-2004



To: Mayor David Dermer and
Members of the City Commission

Date: November 16, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature in black ink, appearing to read "Jorge".

Subject: **COMMUNICATIONS WORKERS OF AMERICA (CWA) IMPASSE
PROCEDURES**

As you are aware, the City declared an impasse to the CWA negotiations on 11/10/04. Please see the attached letters to the Public Employees Relations Commission, (PERC) and the CWA President.

As requested, I will summarize the steps in the Impasse Procedure for you:

1. Impasse is declared in writing by one or both parties (the City and/or Union).
2. PERC sends both parties a list of neutral Special Masters from which the parties mutually select one for the impasse hearing.
3. After the parties select a Special Master, PERC notifies the Special Master selected.
4. The Special Master will schedule a hearing to determine facts and recommended findings related to the impasse.
5. The Special Master normally gives both sides approximately 30 days to file briefs after the hearing.
6. The Special Master usually renders a recommendation to PERC and both parties in writing within 15 days after the hearing is closed following receipt of briefs (unless extended).
7. Within 20 days of the recommendation by the Special Master, either side can accept or reject, in whole or in part, the Special Master's recommendations. If the Special Master's complete recommendation is accepted by both sides, a one year contract results. In case either side sends the letter rejecting the recommendation, in whole or in part, there is an immediate "insulated period" imposed by law, under Chapter 447 between the Commission and both parties, until the next step takes place, which is a public hearing, where the Commission will make final determinations on the disputed items.
8. Within 10 days of the rejection of the Special Master's recommendations, the City and the Union must submit their respective recommendations to Commission for settling the disputed items.
9. The Commission then must conduct a public hearing in which it must resolve the disputed impasse items.
10. After the Commission makes a decision on the disputed items, the parties must reduce to writing an Agreement which includes those issues agreed to by the parties and those disputed impasse issues imposed by the Commission.

11. The Agreement is then taken to the bargaining unit for a ratification vote.
12. If the Agreement is ratified, then the *agreed upon items and imposed items* become the new labor contract, retro to the day of the Commission decision.
13. If the Agreement is not ratified, then the Commission's decisions *as to imposed items*, (not the agreed upon items), will take affect retro to the day of the Commission decision.

In the case of CWA, (either concurrently or after the impasse process is completed), the parties will be in negotiations again for Fiscal Year 04/05.

Based on the law as described to you above, which is outlined in the Florida Statutes, Chapter 447 and related administrative rules, the approximate time frame to expect the public hearing before the Commission, assuming there are no major delays in the process is usually between two (2) to four (4) months from the declaration of impasse.

If you have any further questions, please let me know.

JMG\LG\mr

Attachments: (1) letter to Richard McKinnon
(2) letter to the Public Employees Relation Commission (PERC)

cc: Ramiro Inguanzo, Chief of Staff
Linda Gonzalez, Labor Relations Director
Don Papy, Chief Deputy City Attorney

CITY OF MIAMI BEACH
CITY MANAGER'S OFFICE
Interoffice Memorandum



To: Richard McKinnon
CWA President

Date: November 10, 2004

From: Jorge M. Gonzalez
City Manager

A handwritten signature in black ink, appearing to read "Jorge".

Subject: Communications Workers of America, (CWA) Negotiations

Despite the City's best efforts to collectively bargain in good faith with the CWA over the past sixteen (16) months, we have been unable to reach agreement. The City feels that it is in the best interest of all parties, especially all CWA employees, to bring resolution to these issues as quickly as possible.

Therefore, pursuant to Chapter 447.403, the City has notified the Public Employees Relations Commission (PERC) that the parties are at impasse in these negotiations. You were courtesy copied on the letter to PERC. For your convenience, another copy is attached.

In light of the City's declaration of impasse, and in order to allow the parties to conduct the impasse process in a fair and orderly manner, and in order to encourage the Union and the Administration to continue efforts to reach an appropriate conclusion, the City Commission has voted to impose upon themselves a "cone of silence" on this matter. As a result, there will be no direct communication from the Mayor or any Commissioner about this matter during this self imposed cone of silence (unless such communication is required to perform official City duties) until the matter is resolved or the resolution is rescinded.

JMG\R\LG\mr

cc: Ramiro Inguanzo, Chief of Staff
Linda Gonzalez, Labor Relations Director
Don Papy, Deputy City Attorney
Paul T. Ryder, Labor Attorney

CITY OF MIAMI BEACH

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Jorge M. Gonzalez

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November 10, 2004

Ms. Patty Perry
Public Employees' Relations Commission (PERC)
4050 Esplanade Way
Tallahassee, FL 32399-0950

RE: DECLARATION OF IMPASSE

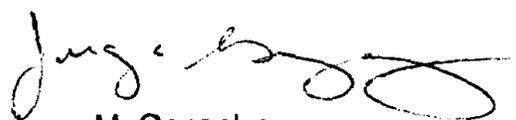
Dear Ms. Perry,

Please be advised that the parties have reached an impasse in the contract negotiations between the City of Miami Beach and the Communications Workers of America (CWA), Local 3178. Accordingly, please provide the parties with a list of names to use in selecting a mutually acceptable Special Master.

The list of names should be sent to the City via Linda Gonzalez, Labor Relations Director:
1700 Convention Center Drive, Miami Beach, Florida 33139.

The list of names should be sent to the Union via Richard McKinnon, CWA President:
7455 Collins Avenue, Suite 212, Miami Beach, Florida 33141.

Sincerely,



Jorge M. Gonzalez
City Manager

JMG\LG\mr

cc: Richard McKinnon, CWA Local 3178 President
Ramiro Inguanzo, Chief of Staff
Linda Gonzalez, Labor Relations Director
Don Papy, Deputy City Attorney