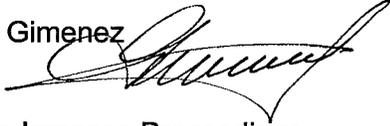


Date: December 2, 2011

To: Honorable Joe A. Martinez, Chairman
and Members, Board of County Commissioners

From: Honorable Carlos A. Gimenez
Mayor 

Subject: Information regarding Impasse Proceedings

All provisions of the collective bargaining agreements for the Police Benevolent Association (PBA - Rank and File and Supervisors) have been agreed upon except for one. The only issue remaining for the Board's consideration is whether to approve my proposal for a contribution of an additional five percent of base wages toward the costs of health care. As members of my executive staff have been meeting with each of you regarding the ratification of these contracts, some of you have asked what actions the Board may take when considering the impasse items that are on the December 6, 2011 meeting agenda but will be recommended for deferral until December 19, 2011. As we have advised, we are unable to engage in ex parte discussions of the impasse during the insulated period between waiver of the Special Magistrate process and the Board's public hearing to resolve the impasse. In compliance with my duty to discuss impasse issues solely in the Sunshine, I offer the following public statement regarding the impasse resolution process and the issue presently before the Board. The unions are welcome to provide public statements of their own positions.

Many alternatives were presented as management and PBA leadership negotiated the economic terms of the contract, including adjustment of certain supplemental pay provisions such as hazardous duty pay (\$125 bi-weekly), first responder pay (a five percent adjustment to base pay), and the FDLE certification supplement (a four percent adjustment to base pay), which are each paid to the majority of bargaining unit members. As an agreement could not be reached relative to alternate concessions valued at the same level as the increased group health insurance contribution, impasse on this item was declared.

The impasse items recommend that the group health insurance contribution increase be imposed upon the employees represented by the PBA. The Board may accept, reject or modify the administration's proposal, but may not modify any other term of the collective bargaining agreement because those terms would have already been agreed upon and ratified by both parties.

If the Board accepts the recommendation and votes to impose the increased contribution, under Florida law, the parties must reduce to writing an agreement which includes those issues agreed to by the parties and those disputed issues resolved by the Board. The agreement must then be submitted to the members of the bargaining unit for ratification. If the unit members vote to ratify the agreement, it will become the parties' new collective bargaining agreement for the period October 1, 2011 through September 30, 2014. If the union members decline to ratify the agreement, the Board's impasse resolution will take effect as of the date of the impasse resolution for the remainder of the first fiscal year that was the subject of negotiations (FY 2011-12) and become the status quo until changed by future negotiations.

If the Board votes to modify or reject the recommendation, the budgeted savings associated with the increased group health contribution will have to be achieved through reduction of other expenditures. The Board may not impose additional changes to the collective bargaining agreements because only the five percent health care contribution is at impasse; all other terms and conditions of employment have been negotiated and agreed upon. Therefore, savings will likely need to be achieved through position eliminations and service reductions.

If you have any questions, please feel free to contact Edward Marquez, Deputy Mayor at 305-375-1451.

- c. Robert A. Cuevas, County Attorney
Office of the Mayor Senior Staff
Charles Anderson, Commission Auditor