

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: December 11, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FINDING THAT THERE IS GOOD FAITH EVIDENCE INDICATING THAT THE COMMUNICATION WORKERS OF AMERICA, LOCAL 3178 (THE "CWA") HAS MAJORITY SUPPORT FOR CERTIFICATION; AND FURTHER, AUTHORIZING THE CITY MANAGER TO RECOGNIZE THE CWA AS THE EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVE OF THE PROPOSED UNIT AND TO EXECUTE THE CWA'S RECOGNITION-ACKNOWLEDGEMENT PETITION.

### **RECOMMENDATION**

Adopt the Resolution.

### **BACKGROUND/HISTORY**

Section 447.305(6), Florida Statutes (2024), requires that for every bargaining unit for which less than sixty percent (60%) of the eligible employees have paid dues and submitted membership authorization forms without subsequent revocation, the employee organization must petition the State of Florida, Public Employee Relations Commission ("PERC") for recertification as the exclusive bargaining agent for that unit within 30 days of filing its annual registration renewal application.

On November 5, 2024, PERC revoked Certification 1047 issued to the Communication Workers Of America, Local 3178 (the "CWA") finding that the percentage of eligible employees who had paid dues and submitted membership authorization forms without subsequent revocation was below sixty percent (60%) for the bargaining unit and the CWA failed to file a recertification petition with PERC within thirty days of the date its renewal application was filed. As a result, the CWA is currently not certified as a bargaining representative.

The CWA intends to seek certification and has requested the City voluntarily recognize the CWA as the exclusive certified bargaining representative for a proposed unit of three hundred thirty-eight (338) employees by executing a Recognition-Acknowledgement Petition and providing PERC with documentation of the formal recognition process – i.e., the attached proposed resolution.

### **ANALYSIS**

For the CWA to be certified by submitting to PERC a Recognition-Acknowledgement Petition, the CWA must have majority support (of at least 50% +1) of the proposed unit, and the City must recognize the CWA as the exclusive collective bargaining unit of the employees in the proposed

unit.

The CWA proposed unit is:

**INCLUDED:** All regular, full-time City of Miami Beach employees in the following classified job descriptions:

Account Clerk I, Account Clerk II, Account Clerk III, Administrative Aide I, Administrative Aide II, Administrative Assistant I, Administrative Secretary, Air Conditioning Mechanic, Building Inspector, Buyer, Carpenter I, Carpenter II, Clerk, Clerk Typist, Code Compliance Administrator, Code Compliance Officer I, Code Compliance Officer II, Commission Reporter I, Commission Reporter II, Communications Operator, Complaint Operator II, Crime Analysis Specialist, Crime Scene Technician I, Crime Scene Technician II, Data Entry Clerk, Dispatcher, Dispatcher Trainee, Duplicating Equipment Operator, Electrical Inspector, Electrician, Elevator Inspector, Engineering Assistant I, Engineering Assistant II, Engineering Assistant III, Engineering Inspector, Field Inspector I, Field Inspector II, Finance Specialist I, Finance Specialist II, Finance Specialist III, Lifeguard I, Lifeguard II, Lifeguard Lieutenant, Mason, Masonry Helper, Mechanical Inspector, Meter Analyst, Painter, Parking Dispatcher, Parking Enforcement Specialist I, Parking Enforcement Specialist II, Parking Meter Technician I, Parking Meter Technician II, Permit Clerk I, Permit Clerk II, Planning Technician, Plumber, Plumbing Inspector, Pool Guard I, Pool Guard II, Police Fleet Specialist, Police Photographer, Police Records Technician, Property Evidence Technician I, Property Evidence Technician II, Public Safety Specialist, Revenue Processor I, and Revenue Processor II

**EXCLUDED:** All managerial, confidential, professional, supervisory, temporary and casual employees, and employees currently represented in other certified bargaining units.

This unit consists of three hundred thirty-eight (338) employees. This is the same unit description in effect prior to the CWA losing its certification and included the 2021-2024 collective bargaining agreement between the CWA and the City.

The CWA has provided good faith evidence that it has majority support by providing 207 PERC Form 2023-1.101 Employee Organization Membership Authorization Forms.

### **FISCAL IMPACT STATEMENT**

If PERC certifies the CWA, the CWA and the City will begin negotiations for a new collective bargaining agreement. Until a new agreement is reached, the City can maintain the status quo by continuing to operate pursuant to the terms of the 2021-2024 collective bargaining agreement with the CWA.

### **Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

**If applicable, the Business Impact Estimate (BIE) was published on:**

**See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>**

### **FINANCIAL INFORMATION**

**CONCLUSION**

The Administration finds recognizing the CWA as the exclusive certified bargaining representative for the proposed unit fair to the employees and fiscally responsible for the City. Therefore, adoption of this resolution is recommended. Exhibit A to the resolution is a copy of the Recognition-Acknowledgement Petition.

The City Attorney's Office has reviewed and approved the Recognition-Acknowledgement Petition language as in form and legal sufficiency.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Human Resources

**Sponsor(s)**

**Co-sponsor(s)**

**Condensed Title**

Recognize CWA as the Exclusive Collective Bargaining Representative of Proposed Unit. HR