

C7 H 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.

Applicable Area:

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-notices/>

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

RESOLUTION NO. _____

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.

WHEREAS, the City Manager has submitted to the Mayor and City Commission the attached Recognition-Acknowledgement Petition;

WHEREAS, on November 5, 2024, the State of Florida, Public Employee Relations Commission, revoked Certification 1047 issued to the Communication Workers Of America, Local 3178 (the "CWA");

WHEREAS, the CWA has requested the City voluntarily recognize the CWA as the exclusive certified bargaining representative for a proposed unit of approximately three hundred thirty-eight (338) employees; and

WHEREAS, the CWA has presented good faith evidence that it has majority support.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the attached Recognition-Acknowledgement Petition is authorized and approved; and the City Manager is authorized to execute the Recognition-Acknowledgement Petition on behalf of the City of Miami Beach.


PASSED AND ADOPTED this ____ day of December 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 12/4/24
for City Attorney Date

SUGARMAN, SUSSKIND, BRASWELL & HERRERA

PROFESSIONAL ASSOCIATION
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♦ Board Certified Labor &
Employment Lawyer

November 19, 2024

Via Electronic Mail

Eric T. Carpenter, City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL
EricCarpenter@miamibeachfl.gov

*Re: RA Petition of CWA Local 3178
Request for Recognition by the City*

Dear Mr. Carpenter:

This firm represents the Communications Workers of America, Local 3178 (CWA) in the above referenced matter, a Recognition-Acknowledgment petition to the Florida Public Employee Relations Commission ("PERC").

I write to request that the City of Miami Beach, through its Commissioners, voluntarily recognize our client as the exclusive certified bargaining representative for a unit of approximately three-hundred thirty eight (338) employees. Thus, please place have this matter placed on the agenda for the next scheduled commission meeting. We will draft and share with the City's leadership team an appropriate resolution reflecting the City's voluntary recognition.

Voluntary recognition is the most efficient and inexpensive course of action in this matter. Also enclosed with this letter is a copy of the employees' signed authorization forms already obtained as of this date. Two-hundred fifteen (215) of the 338 employees who would be eligible as members of the proposed bargaining unit have authorized CWA to represent and bargain collectively with the City on their behalf as their exclusive bargaining agent.

Since 63% of the eligible voting employees¹ have signed these authorization forms, we hope that you and other City representatives will strongly recommend that the Commission recognize the Union. If the Commission voluntarily recognizes the union, the City will conserve

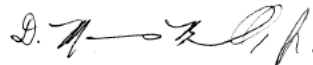
¹ We expect this number to rise to more than 70% by November 21.

Cover Letter to City Manager Carpenter
November 18, 2024
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time, energy and financial resources as it will avoid a PERC conducted certification hearing and election.

Please contact me promptly should any questions arise. Thank you for your consideration and anticipated cooperation in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Marcus Braswell, Jr.", written in a cursive style.

D. MARCUS BRASWELL, Jr.

DMB/mc

Enclosures

cc: Client
City Human Resources
City Labor Relations Legal Team

STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION
4708 Capital Circle N.W., Suite 300
Tallahassee, Florida 32303
(850) 488-8641

Do Not Write in This Box

CASE NUMBER

RA-

DATE FILED

RECOGNITION-ACKNOWLEDGEMENT PETITION

☐ Check this box if petition seeks to add classifications to an existing bargaining unit represented by the petitioning union ("opt-in"). Certification No. _____.

INSTRUCTIONS: This form must be completed by both the petitioning union and the public employer. If more space is needed for any question, attach additional sheets and number the items as they appear in this form. Upon completion, the petitioning union must file the fully executed petition, including all attachments, with the Commission. Parties may utilize the Commission's secure web-based portal, called "ePERC," to file documents electronically and view filings in their case. Information on how to sign up and use ePERC can be found at <http://perc.myflorida.com/co/eperc.aspx>.

1. NAME OF PETITIONING UNION: Communication Workers of America, Local 3178

Address: 7455 Collins Avenue, Suite 212

Miami Beach

FL

33141

City

State

Zip Code

2. UNION'S REPRESENTATIVE: Osvaldo Garcia

Title: President

Email Address: cwalocal3178president@gmail.com

Phone No. (786) 290-3437

Fax No. _____

Address: 7455 Collins Avenue, Suite 212

Miami Beach

FL

33141

City

State

Zip Code

3. PERC REGISTRATION NUMBER: OR-1986-003 Expiration Date: n/a

4. NAME OF PUBLIC EMPLOYER: City of Miami Beach

Address: 1700 Convention Center Drive

Miami Beach

FL

33141

City

State

Zip Code

5. EMPLOYER'S REPRESENTATIVE: Eric Carpenter

Title: City Manager

Email Address: EricCarpenter@miamibeachfl.gov

Phone No. 305-673-7010

Fax No. _____

Address: 1700 Convention Center Drive

Miami Beach

FL

33141

City

State

Zip Code

6. **Description of bargaining unit:** List all classifications proposed for inclusion in, and exclusion from, the new unit claimed to be appropriate for collective bargaining. **If this is an **opt-in** petition, list only the classifications sought for inclusion in the existing bargaining unit. (If lengthy, attach separate sheet.)*

INCLUDED (list classifications below):

See attached unit description.

EXCLUDED (list classifications below):

See attached unit description.

7. **Total number** of employees sought for inclusion in the unit: 338
8. **Majority Status:** Do at least 50% of the petitioned-for employees support this petition? ☒ YES ☐ NO
- a. Is the public employer satisfied as to the **majority status** of the petitioning union? ☒ YES ☐ NO
- b. Describe the method by which the public employer **verified the majority status** of the petitioning union (e.g., reviewed showing of interest):

Reviewed showing of interest in the form of signed state prescribed Membership Authorization Forms.

9. Is the public employer satisfied as to the **appropriateness** of the proposed unit for the purpose of collective bargaining? ☒ YES ☐ NO

10. Is there an **existing collective bargaining agreement** covering any employee in the proposed bargaining unit? ☐ YES ☒ NO. **IF YES**, date of expiration: _____

****NOTE: The filing of this petition will be deemed to be a waiver by the petitioning union and public employer of any applicable contract bar, as described in section 447.307(3)(d), Florida Statutes.****

11. Has a **representation election** been conducted among any of the employees in the proposed bargaining unit within the past twelve months? ☐ YES ☒ NO. **IF YES**, date of the last election: _____

12. Is there **another organization(s)**, besides the petitioning union, that claims to represent any of the employees in the proposed unit? ☐ YES ☒ NO

- a. **IF YES**, identify the organization(s) by name: _____
- b. **IF YES**, provide a copy of this completed, signed form (excluding job descriptions) to the identified organization(s).
- c. On which **date** was the identified organization(s) provided a copy of this form? _____

13. RECOGNITION-ACKNOWLEDGMENT:

- a. **Attach documentation** of the **formal recognition process** whereby the public employer recognized the petitioning union as the exclusive collective bargaining representative of the employees proposed for inclusion in the unit (e.g., a formal resolution or official minutes from a meeting reflecting the act of recognition).

14. **NOTICE:** The public employer must provide a copy of this form, containing the following notice, to all employees affected by this petition. The form may be provided in the manner in which the public employer customarily communicates with its employees (e.g., e-mail, personal delivery, U.S. Mail, or posting in a conspicuous place).

*******NOTICE TO EMPLOYEES*******

If approved by the Public Employees Relations Commission, this petition will result in the petitioning organization being certified as the exclusive bargaining agent for all employees in the proposed unit described above. No representation election will be conducted. Any person who objects to approval of the petition must file a written notice with the Public Employees Relations Commission, stating the basis for such objection, within twenty days after initial posting of this notice.

a. On which **date** did affected employees receive a copy of this form? _____

b. Select the method(s) by which a copy of this form was provided to the affected employees:

☐ E-mail ☐ Personal delivery ☐ U.S. Mail ☐ Posted in conspicuous place

☐ Other (please explain): _____

By my signature below, I affirm that I have reviewed the information contained in this form and all attachments. The statements contained herein are true to the best of my knowledge and belief. FALSE STATEMENTS CONTAINED IN THIS FORM MAY RESULT IN FINE AND IMPRISONMENT PURSUANT TO CHAPTER 837, FLORIDA STATUTES.

Signature of Petitioning Union's Representative

Date Signed

Signature of Public Employer's Representative

Date Signed

The Commission utilizes e-service as the primary method of delivery for orders, correspondence, and notices. Parties are responsible for ensuring that their email address on file with the Commission is correct and current.

CWA Local 3178 Unit Description

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.