

**SPECIAL CALL CITY COUNCIL MEETING
TUESDAY, DECEMBER 11, 2018 3:30 P.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

A G E N D A

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ITEMS FOR DISCUSSION:**

Quasi-Judicial Hearing

- A) **Impasse Proceedings – City of Vero Beach and Teamsters Local Union No. 769
Technical/Clerical**

4. **PUBLIC COMMENT**
5. **ADJOURNMENT**

This is a Public Meeting. Should any interested party seek to appeal any decision made by Council with respect to any matter at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

IMPASSE RESOLUTION HEARING

(Quasi-Judicial)

I. PRELIMINARY MATTERS.

(a) *Introduction:* The Mayor states the nature of the matter before the Council.

(b) *Ex Parte Communications:* Councilmembers should disclose any ex parte communications that may have occurred subsequent to October 18, 2018, and with the exception of any prior executive sessions with legal counsel and the bargaining team (e.g.: discussion with the parties; communications received; etc.). Any affected party may ask questions of a Councilmember about such communications. All such questioning shall be directed by the Mayor.

II. ARTICLE AT IMPASSE.

The City and the Union have tentatively agreed to all provisions of a collective bargaining agreement, with the exception of Article 21.03 as it pertains to bidding for shifts in the City of Vero Beach Police Department's dispatch department. The current Article 21.03 is attached hereto as Exhibit "A".

III. MANAGEMENT POSITION. Jason L. Odom, the City's management representative, will provide the Council with relevant background information on the collective bargaining process to date, and inform Council of the agreed upon articles and the remaining disputed article for which the parties are presently at impasse. Mr. Odom will then explain the City management's position on such impasse articles and recommend a resolution. The City's proposed Article 21.03 is attached hereto as Exhibit "B."

IV. BARGAINING UNIT'S POSITION. Steve Myers, the Union bargaining agent, will have an opportunity to respond to Mr. Odom's presentation, as well as explain the position of the Union and its proposed resolution on the disputed articles at impasse. A copy of the Union's proposed Article 21.03 is attached hereto as Exhibit "C."

V. PROCEDURE

Standard of Review: Pursuant to section 447.403, Florida Statutes, after hearing the matter the City Council "...shall take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues..."

Council inquiry. Council may ask the City management representative or Union business agent any questions necessary to clarify or explain their side's position and proposed resolution.

Witnesses. In addition to each party's statement and explanation of their position, witnesses may be called if needed and such witnesses should be sworn in by the City Clerk and are subject to cross-examination.

Exhibits. All physical evidence such as exhibits or documents presented or referred to during the hearing and to be considered by the Council should be made part of the hearing record and left with the City Clerk.

Public participation. Collective bargaining impasse resolution by the legislative body is quasi-judicial in nature and limited to a determination and resolution by the City Council of the disputed impasse between city management and the union bargaining agent. Public participation is not appropriate or required by law and can be perceived as interfering with due process and the rights of the parties before the City Council for resolution of the impasse.

VI. MOTION, DELIBERATION, AND VOTE.

(a) *Discussion and Deliberation.* At the conclusion of the presentations by the City management and the Union, the Council may engage in discussion and deliberation.

(b) *Council Action / Motion.* An appropriate motion should then be made based on the Council's determination of the issues regarding the disputed impasse article and Council's resolution of each impasse.

EXHIBIT A

21.03 Altering work schedules or work hours:

- A. When the City determines that work hours or work schedules are to be varied from those established to accommodate special circumstances, the City and the Union will negotiate the impact of the proposed changes on the union.
- B. Nothing in this Section limits the City's right to use existing non-standard shifts and work schedules.
- C. All shifts will be bid annually by seniority on October 1 of each year.

EXHIBIT

" " B

CITY'S PROPOSED PROVISION

21.03 Altering work schedules or work hours:

- A. When the City determines that work hours or work schedules are to be varied from those established to accommodate special circumstances, the City and the Union will negotiate the impact of the proposed changes on the union.
- B. Nothing in this Section limits the City's right to use existing non-standard shifts and work schedules.
- C. Except as provided in Article 21.03(D), aAll shifts will be bid annually by seniority on October 1 of each year.
- D. All shifts within the Vero Beach Police Department Communications Center will be bid on a semi-annual basis during the months of September and March for October and April assignments. Effective February 28, 2019, the right to assign an Employee to a shift is vested solely in the Chief of Police. In making such shift assignments, the Chief of Police will give consideration to the Employee's experience, special skills, interests, needs of the police department, and seniority; however, the Chief of Police retains the right to take into consideration any other factors in assigning Employees to a shift assignment.

EXHIBIT

" " C

UNION'S PROPOSED PROVISION

21.03 Altering work schedules or work hours:

- A. When the City determines that work hours or work schedules are to be varied from those established to accommodate special circumstances, the City and the Union will negotiate the impact of the proposed changes on the union.
- B. Nothing in this Section limits the City's right to use existing non-standard shifts and work schedules.
- C. All shifts will be bid annually by seniority on October 1 of each year. The City has the right to reopen this section for collective bargaining for FY 2019-2020. If requested, such bargaining shall begin no later than June 1, 2019.