

STATE OF FLORIDA

PUBLIC EMPLOYEES RELATIONS COMMISSION

BROWARD COUNTY POLICE  
BENEVOLENT ASSOCIATION, INC.,  
CHARTERED BY THE FLORIDA  
POLICE BENEVOLENT  
ASSOCIATION, INC.,

Charging Party,

v.

CITY OF HOLLYWOOD,

Respondent.

Case No. CA-2012-016

HEARING OFFICER'S  
PROPOSED STIPULATIONS

Michael Braverman, Fort Lauderdale, attorney for Charging Party.

J. Robert McCormick, Tampa, attorney for Respondent.

PROPOSED STIPULATIONS

To the extent that certain facts<sup>1</sup> in this case are undisputed, I recommend the parties consider adopting them as joint stipulations, as outlined below:

1. The City is a public employer pursuant to Section 447.203(2), Florida Statutes.
2. The PBA is an employee organization pursuant to Section 447.203(11), Florida Statutes, and the certified agent for a bargaining unit which includes all police officers, sergeants, and lieutenants employed by the City.
3. During the time period at issue, the parties were signatories to a collective bargaining agreement (CBA) for the periods of October 1, 2009, through September 30, 2012; October 1, 2012, through September 30, 2014; and October 1, 2014, through September 30, 2017.

<sup>1</sup>I recognize that some of the allegations used as a basis for the instant unfair labor practice charge have been litigated and resolved in another charge between the same parties. See *Broward County Police Benevolent Association, Inc., Chartered by the Florida Police Benevolent Association, Inc. v. City of Hollywood*, 38 FPER ¶ 83 (2011).

4. In May 2010, the City advised the PBA that it was facing revenue shortfalls for fiscal year 2010-11 and asked the PBA to help the City find cost savings. The PBA voluntarily reopened negotiations on the CBA, and on August 30, 2010, the parties reached an agreement, which was set forth in a memorandum of understanding (MOU).
5. On September 7, 2010, before the parties executed the MOU, the City declared financial urgency pursuant to Section 447.4095, Florida Statutes.
6. On October 4, 2010, the PBA informed the City that its membership had ratified the MOU.
7. On May 4, 2011, the City informed the PBA that there was an additional revenue shortfall for fiscal year 2010-11, and a projected shortfall of \$25 million for fiscal year 2011-12. The City asked the PBA to voluntarily reopen negotiations, but the PBA declined.
8. On May 18, 2011, the City declared a financial urgency for fiscal year 2011-2012 and informed the PBA of the same by letter dated May 20, 2011.
9. Following a short series of bargaining sessions, the City voted to impose wage reductions, eliminate merit pay raises, and authorize layoffs on June 13, 2011. In subsequent negotiations, the City agreed to rescind the layoffs and increase the imposed wage reductions.
10. On September 21, 2011, the City held a special referendum election on whether the City should implement imposed changes to the pension ordinance. Specifically, the changes froze the then-current pension plan and created a new plan, and deleted all language from the then-current collective bargaining agreement that was inconsistent with the new plan. The referendum passed, and in light thereof, the City imposed the changes, effective October 1, 2011.
11. These changes were implemented prior to completion of the impasse resolution proceedings in Section 447.403, Florida Statutes.