



**Public Safety Employer- Employee Cooperation Act**  
**Introduced in the Senate**

Senator Judd Gregg (R-NH) introduced the Public Safety Employer-Employee Cooperation Act August 8, 2009 - shortly before Congress recessed for the month. The bill, [S. 1611](#), would create a federally protected right to collective bargaining for police, fire fighters and EMTs employed by states or municipalities with 25 or more full-time employees and populations over 5,000. Under the bill, the Federal Labor Relations Authority (FLRA), the federal agency that oversees labor relations for federal employees, would have jurisdiction over labor relations for the state and municipal police, firefighters and EMTs. The FLRA would oversee workplace elections, enforce rights and adjudicate disputes. States with labor laws that meet standards that will be established by the FLRA would be largely exempt from federal jurisdiction.

Representative Dale Kildee (D-MI) introduced the House version of the bill, [H.R. 413](#), on February 9, 2009. The Senate bill contains some differences from its House counterpart, including exempting health benefits as a mandatory subject of bargaining (both bills exempt pension or retirement benefits).

While the bill stalled last Congress due to disputes over amendments, support for the legislation increased with the last election, making passage sometime this Congress likely. Introduction in the Senate increases the chances Congress will consider the bill before the end of the year.



**County Furloughs Unconstitutional, U.S. Judge Rules**

**Pr. George's Might Have to Repay Wages**

By [Jonathan Mummolo and Maria Glod](#)

Washington Post Staff Writers  
 Wednesday, August 19, 2009

A federal judge ruled Tuesday that Prince George's County violated the U.S. Constitution when it furloughed 5,900 workers in the last fiscal year, a decision that could force the county to repay millions in wages in the midst of a crippling economic downturn.

The ruling, which the county plans to appeal, has the potential to upend a key Prince George's strategy for combating deficits. A county spokesman said in a statement that the decision would result in "massive layoffs" if it stands.

"As a result of this [economic] crisis, the county made a difficult decision to furlough its employees for 10 days, saving \$17 million," James P. Keary, spokesman for County Executive Jack B. Johnson (D), said in the statement. "The court has substituted its judgment without acknowledging the economic challenges facing the country. . . . In order to protect their jobs and the lives of employees and their families we will be filing an appeal to remedy this irresponsible decision."

But U.S. District Judge Alexander Williams Jr. wrote that although he is mindful that local governments are facing financial challenges "in the midst of a global recession," officials could have turned to other "more moderate alternatives" to trim the budget.

"Although the County suggests to the Court that it faced dire circumstances and had no other reasonable alternatives, the record suggests otherwise and the County's actions resemble trappings of doing that which was politically expedient," Williams wrote in his 43-page opinion. [entire ruling can be found at: [www.fpelra.org/20090818 St. George's County Furloughs.pdf](http://www.fpelra.org/20090818%20St.%20George's%20County%20Furloughs.pdf)]

Last month, the County Council [approved a second round](#) of 10-day furloughs for the new fiscal year that started in July. In light of the ruling, a union leader Tuesday called on the county to halt implementation of those furloughs, though it is unclear whether that will happen. It also remains to be seen whether the ruling will set a precedent for other jurisdictions, which have considered furloughs as revenue has fallen below expectations.

Vince Canales, president of the county's Fraternal Order of Police -- one of the plaintiffs in the suit -- said he was pleased with the judge's ruling, but is ready for a long legal battle.

"We were always very optimistic that we would be successful," Canales said. "We're very happy with the decision from the judge, but we are aware that this is just a first step in a long process. " Several unions filed suit against the county last year, alleging that officials violated collective bargaining agreements by imposing the furloughs. In his opinion, Williams sided with the unions on one of three counts, finding that the county violated the contract clause of the U.S. Constitution, which bars states from passing laws "impairing the obligation of contracts."

The furloughs reduced employees' "salaries/wages and hours," which were guaranteed under contracts "not subject to unilateral adjustment by the County," Williams wrote. "To find otherwise would render the contracts virtually meaningless."

Williams ordered both sides to "consult and discuss the means and manner of refunding any monies owed to Union employees as a result of having complied with the [furlough plan], and, if necessary, submit a joint proposal for the Court's approval" within 10 days.

He sided with the county on two other counts, which alleged that the furlough plan violated the county's personnel laws.

Williams also wrote that the ruling "is not a pronouncement regarding furloughs in general" but applies to the specific circumstances in Prince George's.

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**"I'm running on the gay-marriage, no-religion, legalization-and-taxation-of-marijuana platform. I don't have a chance."**

Actor **Brad Pitt**, dismissing suggestions that he run for mayor of New Orleans, where he has devoted time and money to rebuilding neighborhoods devastated by Hurricane Katrina (Source: [NBC](#))

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## **PRESIDENT'S MESSAGE**

How do you spell Impasse? I spell it I-A-F-F. We have hit the proverbial brick wall in negotiations with the IAFF. After not reaching any form of agreement for fiscal year 2009/2010, we sent notice to PERC and declared impasse. The City and union selected a special magistrate from the list we were sent. Unfortunately, the magistrate was in Canada for the summer and not scheduled to return until October.

Since we cannot wait that long, we asked for another person. Once we agreed on a second magistrate (we agreed with the union's selection just to speed things up), we had our magistrate and a hearing date. Just five days before the impasse hearing, the union declared that the City had committed an unfair labor practice (ULP) and filed a motion to stay the impasse hearing. The ULP alleges that the city is guilty of not negotiating **long** enough before declaring impasse.

As usual in these cases, PERC granted the motion to stay the impasse hearing and we must proceed to hearing on the ULP. This will, of course, delay the impasse and we will be obligated to maintain the status quo regarding giving raises to the IAFF until the impasse is resolved in front of the commission.

After we have our ULP hearing, I will be certain to communicate with you and let you know how long you must negotiate before declaring impasse.

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## **“Meet Our Professionals”**

This article focuses on individuals new to our association as a way to introduce them to the membership by way of their answers to ten basic questions which illuminate their path to our group.

In our very first article, we introduce **Carol Stewart**, an Employee Relations Specialist in the Labor Relations Division at the City of West Palm Beach.



Thank you for being our first, Carol.

***Would you tell us a little about your background? (i.e. life and schooling background)***

I migrated from Jamaica in 1987. I worked as an administrative Assistant at Chase Manhattan Bank for two years before accepting my first job in Human Resources at New York University in November 1989. Having no HR experience was challenging at first but I had the opportunity to obtain my degree at NYU, so was focused on learning my job pretty quickly.

I started my [HR] career at NYU as a Personnel Assistant in the Human Resources Department. After receiving several promotions, I worked as the Manager for HRIS and Information Services. While working full time at NYU, I attended evening classes and obtained an AAS degree in Business from NYU School of Continuing Education. Having achieved this goal, I pursued a BS degree and two years later, I obtained a MS degree in Hospitality Studies. My goal was to become the HR Manager in the Hotel industry after I graduated and moved to Florida. Working in an educational industry kept me motivated to obtain an education and to continue learning. After graduating with my Master’s degree, I decided to enroll in a professional certificate program that was being offered at the University. I spent the next year obtaining a professional certificate in Human Resources Development.

Although I was happy with my career and educational achievement, I wasn’t as happy living in New York and dealing with the cold weather. I made the decision to relocate to Florida. I resigned my position from NYU in December 2003 and accepted a job with the City of West Palm Beach as a Human Resources Analyst in the Benefits and Compensation Division. I was later transferred to the Employment and Compensation Division.

***Why did you seek, or gravitate to the labor relations area?***

While working in Employment and Compensation

## **UPCOMING LABOR RELATIONS PROFESSIONAL TRAINING MODULES**

This is the calendar year 2009 schedule leading to Professional Certification. For registration forms and additional information, please go to <http://www.fpelra.org/trainingseminars.htm>

### **“Grievance Handling & Arbitration Simulation”**

**Thursday, September 24, 2009**

This module focuses on maintenance issues of the collective bargaining agreement. It focuses on how to handle grievances and prepare for arbitration. Role-play your presentation and rebut opposing witnesses during a mock Arbitration Hearing! Finish the day receiving the Arbitrator’s award and debriefing the case. FPELRA’s Grievance Manual is included in the registration fee for this segment.

### **PRE-CONFERENCE SEMINAR**

**Sunday, February 7, 2010**

### **“Introduction to Collective Bargaining/Overview of Chapter 447, F.S., the Public Employees Relations Act”**

Provides a complete summary of the public sector bargaining process in Florida. Includes the politics of bargaining, and how to prepare for and bargain in good faith. This module also covers Executive Sessions, Impasse Procedures and more! This module must be completed prior to enrolling in subsequent modules offered by FPELRA.



Division, I've had to work very closely with the Employee Relations Division on contract issues and interpretation of contract language. In doing so I worked with Anthony Carrabis, Senior Employee Relations Specialist, who always encouraged me to move over to their division. I never gave it more than a passing thought to become a labor relations specialist because I never thought that I would enjoy labor relations. During the summer of 2007, the Employee Relations Division had a vacancy and I was approached by Richard Samolewicz, Employee Relations Manager to consider accepting the Employee Relations Specialist position. After giving it much thought, I decided to accept the position. At the time, I was still very worried that I wasn't going to like my job.

***What were your expectations of labor relations before you started?***

On one hand I was a little apprehensive at first because of all the negative comments and feedback that I received from co-workers that Employee Relations is a very stressful job, especially, having to recommend terminating employees. I remembered employees telling me that I was crazy for accepting a position in labor relations. One employee told me that she would rather quit than work in labor relations. On the other hand, I had a great working relationship with Anthony Carrabis, having worked with him on contract interpretations, performance appraisal and performance improvement plan issues; I felt that I could face the challenge that lay ahead. I relied heavily on Anthony for emotional support and encouragement, except, he didn't realize how much he was helping me to face these challenges.

***What was your biggest surprise about labor relations?***

That I actually enjoy what I do now... that my job is more fulfilling than anything that I've done at the City so far. I remembered when I first started in Employee Relations I spent many hours questioning myself if I had made the right decision. I was really terrified that I would not like my job and I would be terminated in a few months for doing or saying something wrong. I was really surprised that labor relations is a continuous learning process. Each time you deal with a new issue you think that nothing can top that...I've been wrong many times. Lastly, I was really surprised at the number of issues and the varying types of those issues that falls under labor relations.

***Can you describe, in general terms, a major challenge you have faced?***

In general, I have to say that my biggest challenge was leaving my family behind and migrating to the United States. I had to overcome some major hurdles without the

## **FOCUS ON MEMBER BENEFITS**

### **Networking**

Connect with other professional colleagues in public sector labor relations and human resources throughout the State of Florida. This is invaluable as you connect with a mentor, tutor, sounding board, or just a listener! In any case, we'll help you carry the load.

### **Annual Training Conference**

Nowadays, it's imperative to maintain your cutting-edge knowledge in labor relations and human resources. In an ever-changing regulatory environment, FPELRA provides you a cost-effective way to receive timely and sage information on changes that occur with sometimes blinding speed. The conference also provides you with HRCI recertification hours.

### **Labor Relations Training & Certification**

Our four-module labor relations professional certification series provides an efficient way to glean Florida Public Sector specific knowledge that has been building since 1974. Each day-long module covers a different part of the labor relations process - the law, negotiations, impasse, grievance-handling & arbitration - all geared to the adult learner.

### **FREE Arbitrator Award Histories**

Offered free of charge on an as-needed basis. The Arbitrator's awards history assists you in determining your ranking prior to striking. E-mail your arbitration panel to [jsexton@ircgov.com](mailto:jsexton@ircgov.com) Please provide the type of case pending.

### **FREE Job Postings in our Online Career Center**

Our career center area allows any member's agency to post career opportunities in Labor Relations, general Human Resources and Executive Administration at no cost to the agency. The career opportunities reach a membership base with proven knowledge of Florida-centric issues.

support of my family and friends while living in a strange country.

***What was the outcome?***

I've learned to deal with and overcome the numerous hurdles and challenges that I faced along the way. In the process I've learned many lessons of survival, developing strong work ethics, and obtaining skills in dealing with people of diverse cultures and backgrounds.

***What about labor relations brings you the most satisfaction or pleasure?***

To see an employee who came to you feeling strongly that they have been wronged, walked away with a new positive approach to dealing with their job or whatever the issue was that brought them to you in the first place. Each time that I'm able to resolve an issue before it gave rise to discipline or a more serious complaint gives me satisfaction. Each time an employee say's "Thank you" for helping me, gives me satisfaction.

***What about labor relations do you see as being most problematic?***

It's a highly stressful field and being burned out quickly is one of my biggest concerns. I have learned to deal with the every day changing environment that is associated with labor relations. Nothing is ever the same, the issues may be similar but the circumstances and evidence are always dramatically different. It is like opening up a box of cracker jacks, you never know what you are going to get when you open the box.

***How do you see labor relations evolving over the next ten years?***

As the economy and the laws change so does the issues affecting the workplace. Labor Relations professionals will need to bridge the gap to retain their best employees.

***Can you share how you see yourself contributing to shaping labor relations over the next ten years?***

Bridging the gap by continuously working to ensure that employees are being treated fairly. One of my favorite ways to help shape the future of labor relations is by going to the FPELRA Annual conference every year. The FPELRA conference helps me keep up with the changing laws and strengthens my networking contacts with other municipalities and helps me to understand what they are experiencing in their communities. All labor relations, human resource personnel and employee relations professionals should attend the annual conference. I look forward to a wonderful training and fellowship opportunity.

## **FOCUS ON MEMBER BENEFITS**

### **Publications**

FPELRA offers "How to Bargain for Management in the Public Sector: Strategies and Tactics," "Managing the Grievance Procedure," and "A Supervisor's Labor Relations Guide" at a discount to our membership. These are structured in an easy to read, logical step-by-step format to quickly educate your newest onboarding in Florida Labor Relations.

### **Contract Language Database**

Our contract language database gives members access to labor contracts throughout the state. Research best language and innovative provisions in contracts covering law enforcement, fire rescue, white and blue collar, education and other career fields. Our contract database covers constitutional employers, taxing districts, municipalities, counties, and educational institutions of all levels.

### **Forum**

Our member-only, password protected forum provides a secure area for our membership to freely post their questions, thoughts, ideas, recommendations and respond to those posed by others. Neatly organized in themed discussion threads, the forum allows our members to securely discuss day-to-day issues.

### **FPELRA Newsletter**

A bi-monthly roundup of interesting PERC cases and select media articles along with timely information on upcoming events and member news. Members are encouraged to submit arbitration decisions and media articles for inclusion. Submit arbitration decisions electronically in either Adobe PDF or MS Word format. The link to web-published media articles can be forwarded to [webmaster@fpelra.org](mailto:webmaster@fpelra.org). The newsletter benefits the membership by keeping our members abreast with developing issues throughout Florida and the nation.



## A FIRST FOR FPELRA?

The following e-mail was received by one of our very own and may constitute a first in the 35 year history of FPELRA. The e-mail has been redacted so as not to [possibly] further engender the wrath of the union! Not on FPELRA, but on the individual! If anyone has other instances of union displays of total candor that they would care to share for publication, please send to: [webmaster@fpelra.org](mailto:webmaster@fpelra.org).

**From: Joe**  
**Sent: Thursday, August 2009**  
**To: David; Karen; Kim; Will; Ed**  
**Cc: Brett; Harold**  
**Subject: Article 10**

David,  
Upon review of my numbers regarding Article 10 I discovered a HUGE mistake on my part, I hate math. The proposal offered by the union will not work/save money. Sorry for the error. I will work on an alternative proposal for our next meeting and send it to you via e-mail. Please feel free to call me if you have any questions. Again sorry for the error. Thanks,

*J.*

### Bob Graham: "Yes, you can fight City Hall"

*By John Hood - Special to the Miami Herald*

Everybody's got some sort of gripe about government. Maybe the streets in your neighborhood aren't as clean or safe as they could be. Maybe a particular intersection could use a stop sign or a traffic circle. Perhaps your local park is overrun by riffraff, your local town council infested with fraud. What do you do about it?

Former Florida Sen. Bob Graham has some answers to these questions in *America, The Owner's Manual: Making Government Work for You* (CQ, \$16.95 in paper), about which he'll talk Friday at the Wolfsonian in Miami Beach. Written in conjunction with Chris Hand, Graham's former press secretary and the current campaign manager for gubernatorial candidate Alex Sink, the book is a how-to manual for effecting change within government, be it local, state or national.

The Miami Herald caught the senator on vacation in Vail, Colo., where he took time from a family picnic in order to talk about *America*.

For all the questions in the full article please go to:  
<http://www.miamiherald.com/living/story/1199955.html>

### The FPELRA BOARD

#### PRESIDENT

Sarah McCarroll, SPHR  
Human Resources Director  
E-mail: [mccarrolls@codb.us](mailto:mccarrolls@codb.us)

#### PRESIDENT ELECT

Anthony Carrabis  
Senior Employee Relations Specialist  
E-mail: [acarrabis@wpb.org](mailto:acarrabis@wpb.org)

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Michele Green, PHR  
Employee and Labor Relations  
Manager  
E-mail: [mgreen@scgov.net](mailto:mgreen@scgov.net)

#### SECRETARY

Sandra Gilbert  
Human Resources Director  
E-mail: [sgilbert@keywestcity.com](mailto:sgilbert@keywestcity.com)

#### TREASURER

John L. "Dutch" Wever, PHR  
Labor Relations Manager  
E-Mail:  
[weverj@hillsboroughcounty.org](mailto:weverj@hillsboroughcounty.org)

#### DIRECTOR (2010)

Robert Henley  
E-mail: [rhenley@embargmail.com](mailto:rhenley@embargmail.com)

#### DIRECTOR (2011)

Michael Durham  
General Counsel  
E-mail:  
[mdurham@highlandssheriff.org](mailto:mdurham@highlandssheriff.org)

#### DIRECTOR (2012)

David Rafanowicz  
Chief Negotiator  
E-Mail:  
[david.rafanowicz@cityoforlando.net](mailto:david.rafanowicz@cityoforlando.net)

#### IMMEDIATE PAST

#### PRESIDENT

Kim Baldry, SPHR  
Human Resources Director  
E-Mail: [kbb@alachuacounty.us](mailto:kbb@alachuacounty.us)

#### EXECUTIVE DIRECTOR

R. Sue Weller  
FPELRA Executive Director  
P.O. Box 1618  
High Springs, FL 32655-1618  
Phone: (386) 454-5199  
Fax: (386) 454-5174  
E-mail: [sue@fpelra.org](mailto:sue@fpelra.org)

