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Dade County Police Benev. Ass'n v. Miami-Dade County Bd. of County Com'rs

District Court of Appeal of Florida, First District - February 26, 2015 - So.3d - 2015 WL 798849

In June 2011, the Dade County Police Benevolent Association (Union) and the Mayor of Miami-Dade County began negotiations for successor collective bargaining agreements (CBAs) for the rank-and-file and supervisory police officers employed by the County. By November 2011, the parties reached agreement on all issues except one: whether the bargaining unit employees would be required to contribute an additional percentage of their base wages towards the cost of health insurance. The parties reached an impasse on this issue because the Mayor wanted an additional 5% contribution and the Union opposed any additional contribution. The parties agreed to submit the impasse directly to the County Commission for "final resolution," waiving their right to a special magistrate proceeding.

On January 5, 2012, the County Commission conducted a public hearing on the impasse and adopted Resolution No. R-02-12, which "ratifie[d] and settle[d] the collective bargaining impasse by determining that there shall be no additional contribution to the County's cost of health care." The Resolution directed the Mayor and the Union to reduce this now-resolved impasse issue to writing along with the other previously agreed-upon issues so the CBAs could be submitted to the Union for ratification. The Resolution also stated that it would "become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by [the County Commission]."

On January 11, 2012, the Mayor vetoed the Resolution pursuant to the authority provided to him by the Home Rule Amendment and Charter for Miami-Dade County (Charter). The Charter states that the Mayor "shall have veto authority over any legislative [or] quasi-judicial ... decision of the Commission," and it authorizes the County Commission to override the Mayor's veto at its next regular meeting by a 2/3 vote. See Charter, § 2.02.E.

The Public Employees Relations Commission (PERC) concluded that the County did not commit an unfair labor practice when the Mayor vetoed the County Commission's resolution of an impasse under section 447.403, Florida Statutes (2011). The Union appealed.

The District Court of Appeal ruled in favor of the Union, holding that section 447.403 did not permit a local executive branch official to veto the legislative body's resolution of an impasse.