

RECEIVED BY PERC
ON Nov 13, 2017

STATE OF FLORIDA

PUBLIC EMPLOYEES RELATIONS COMMISSION

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

Charging Party,

v.

CASE NO.: CA-2012-016

CITY OF HOLLYWOOD,

Respondent,

_____ /

RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE

On September 5, 2012, the Commission stayed this case pending appeal in a related charge under Case No. CA-2011-101. Subsequently, the parties entered into two (2) separate Collective Bargaining Agreements (dated July 29, 2013 and October 9, 2015), which were ratified by vote of the Bargaining Unit members. Each of these Collective Bargaining Agreements contain a waiver indicating: "The Union agrees for itself and for all bargaining unit employees to waive, renounce, and forgo any and all remedies and payments whatsoever related to the modifications to any part of the Collective Bargaining Agreement or the Pension Plan Ordinance made by the City pursuant to financial urgency to which it or they are or may become eligible to receive, whether resulting from an award by any tribunal or through settlement of any matter related to such changes, including the pending unfair labor practice charges that are on appeal in Case Number 1D 12-3901 and PERC Case No. CA-2011-098 and/or the unfair labor practice charges that are stayed in PERC Case No CA-2012-216." Therefore, while the Respondent respectfully supports lifting the stay and referring this matter to a hearing officer as

proposed in the Commission's Order to Show Cause, the matter ultimately should be dismissed without the need to deplete further administrative and other resources.

DATED: November 13, 2017.

Respectfully submitted,

/s/ J. Robert McCormack

J. Robert McCormack, Esquire
Florida Bar No. 864791
E-Mail: bob.mccormack@ogletreedeakins.com

OGLETREE, DEAKINS, NASH
SMOAK & STEWART P.C.
100 N. Tampa Street, Suite 3600
Tampa, Florida 33602
T: (813) 289-1247
F: (813) 289-6530
Attorneys for the Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 13, 2017, I filed a true and accurate copy of the foregoing with PERC and further certify that a true and accurate copy has been sent via U.S.

Mail to the following:

Dustin L. Watkins, Esq.
Robert A. Sugarman, Esq.
Sugarman & Susskind, P.A.
100 Miracle Mile, Suite 300
Coral Gables, FL 33134
dwatkins@sugarmansusskind.com
sugarman@sugarmansusskind.com

Attorney for Charging Party

Paul T. Ryder, Jr., Esq.
Law Offices of Paul T. Ryder, Jr., P.A.
1580 Sawgrass Corporate Parkway, Suite 130
Sunrise, FL 33323

Attorney for Respondent

/s/ J. Robert McCormack
Attorney