

LAW OFFICES
THOMPSON, SIZEMORE, GONZALEZ & HEARING

HARRISON C. THOMPSON, JR.
(1925 - 1994)

WILLIAM E. SIZEMORE
(1945 - 2004)

LUIS A. CABASSA *

JAMES M. CRAIG *

THOMAS M. GONZALEZ

GREGORY A. HEARING *†

† BOARD CERTIFIED IN CIVIL TRIAL BY THE FLORIDA BAR

* BOARD CERTIFIED IN LABOR & EMPLOYMENT LAW BY THE
FLORIDA BAR

PROFESSIONAL ASSOCIATION
ONE TAMPA CITY CENTER
201 N. FRANKLIN STREET, SUITE 1600
POST OFFICE BOX 639
TAMPA, FLORIDA 33601
(813) 273-0050
FAX NO. (813) 273-0072

May 20, 2008

MARQUIS W. HEILIG
ERIN G. JACKSON *
KEVIN D. JOHNSON *
GRETCHEN M. LEHMAN
LARA J. PEPPARD
CAREN R. SKVERSKY
DONNA V. SMITH
CHARLES J. THOMAS
JENNIFER L. WATSON

VIA FACSIMILE (727-446-3679) AND U.S. MAIL

Mr. John Lee
President, IAFF Local 1158
806 Lakeview Road
Clearwater, FL 33756

Re: Bargaining and Impasse

Dear Mr. Lee,

Enclosed please find the City's Declaration of Impasse and Request for Special Magistrate Panel, which will be filed this same date with PERC. The City remains committed to meeting with the Union to continue with the negotiations and to possibly clarify those issues that are genuinely in dispute so that we might effectively move forward to resolve the contract for the 2007/2008 fiscal year. As such, please advise of your dates of availability over the next few weeks.

The City wishes to reiterate its intent to submit to the Special Magistrate only such proposed language which would be appropriate for consideration by the legislative body should it become necessary for them to take action. Therefore, your assistance in identifying any language which the Union is not in agreement with and believes to be inappropriate in that regard will be much appreciated.

With kind regards, I remain,

Very truly yours,


Gregory A. Hearing

GAH/gn

Enclosure

cc: Bill Horne, City Manager
Pamela Akin, Esq., City Attorney
Joseph Roseto, Human Resources Director
Jamie Geer, Fire Chief

**STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION**

CITY OF CLEARWATER,

Petitioner,

v.

Case No.: SM- _____

**INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS, LOCAL 1158,**

Respondent.

_____ /

**PETITIONER'S DECLARATION OF IMPASSE AND
REQUEST FOR SPECIAL MAGISTRATE PANEL**

Pursuant to Section 447.403, Florida Statutes and Florida Administrative Code Rule 60CC-3.004, the Petitioner, City of Clearwater, through its undersigned attorneys, hereby declares impasse as to the items so identified on Attachment A. All remaining Articles, as also listed on Attachment A, are believed by the City to be presently not in dispute based upon the most recent proposals exchanged by the parties, and thus may likely be characterized as "tentative agreements" that would be combined with the items resolved through the impasse resolution process and thereafter submitted to the Union for ratification.

In the event further negotiation or the impasse resolution process reveals that the tentative agreements as specified on Attachment A are not to be honored by the Union, then the City shall defer to the Special Magistrate's authority under Section 447.403(3) to instead "define the area or areas of dispute." The City further places the Union on notice that, as to any such issues so determined to be both disputed and proper for consideration by the Special Magistrate and/or the

legislative body, the City shall through the ongoing negotiations and Special Magistrate process make such adjustments to its outstanding proposals as are necessary so as to remove any language considered impermissible for legislative body action.

WHEREFORE, based upon the above, the City asks that a roster of seven Special Magistrates be sent to the parties listed below:

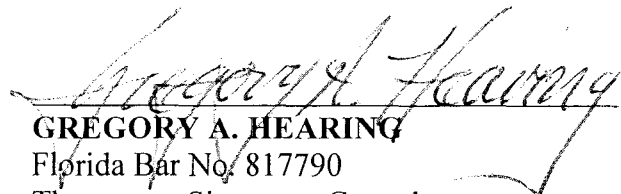
FOR THE CITY

Gregory A. Hearing
Thompson, Sizemore, Gonzalez, and Hearing, P.A.
201 N. Franklin Street
Tampa, FL 33602
Telephone: 813-273-0050
Facsimile: 813-273-0072

FOR THE UNION

John Lee
President, IAFF Local 1158
806 Lakeview Road
Clearwater, FL 337565
Telephone: 727-442-8419
Facsimile: 727-446-3679

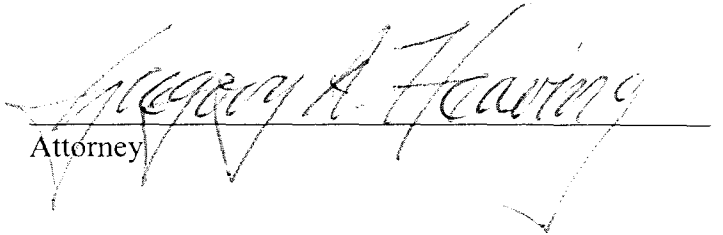
Respectfully submitted



GREGORY A. HEARING
Florida Bar No. 817790
Thompson, Sizemore, Gonzalez,
& Hearing, P.A.
201 N. Franklin Street, Suite 1600
Tampa, FL 33602
Telephone: 813-273-0050
Facsimile: 813-273-0072
ghearing@tsg-law.com

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was sent via facsimile and U.S. Mail, this 20th day of May, 2008, to John Lee, President, IAFF Local 1158, 806 Lakeview Road, Clearwater, FL 33756.


Attorney

ATTACHMENT A
Specification of Items and Status

Items at Impasse

Article 1
Article 3, Sections 1, 2, 3
Article 5
Article 6
Article 7, Sections 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 15, 16, 17, 22
Article 8, Sections 1, 2, 3, 4, 5, 6, 7
Article 9, Sections 1, 2, 4, 5, 7, 8, 9, 10, 11
Article 10
Article 11
Article 12
Article 15

Items Tentatively Agreed Upon by Parties and Appearing to be Undisputed

Preamble
Article 2
Article 3, Section 4
Article 4
Article 7, Sections 6, 10, 12, 14, 18, 19, 20, 21, 23, 24
Article 8, Section 8
Article 9, Sections 3, 6, 12
Article 13
Article 14