

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: **October 20, 2009**

[X]

Consent  
Workshop

[ ]

Regular  
Public Hearing

Department

Submitted For: FIRE RESCUE

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve and ratify: a side agreement amending Article 45, Attachment I-Palm Beach County Fire Rescue Drug Testing Article, to the Collective Bargaining Agreement with the Professional Firefighters/Paramedics of Palm Beach County, Local #2928, IAFF, Inc.

**Summary:**

Both parties are requesting a side agreement to the current Collective Bargaining Agreement (CBA), October 1, 2008 – September 30, 2011 (R2008-2254). This side agreement addresses changes to Attachment I-Palm Beach County Fire Rescue Drug Testing Article, Section G-Laboratories' Procedures, developed jointly by Fire-Rescue staff and Union Leadership, as follows:

Item 4-Initial Test: the alcohol level to be reported as positive and reported for confirmation testing is being reduced from 0.08g% to 0.04g%.

Item 5-Confirmation Test: the confirmation level to determine whether a specimen is positive for alcohol is being reduced from 0.08g% to 0.04g%.

Countywide (SB)

**Background and Policy Issues:**

This side agreement will amend Article 45, Attachment I to the CBA to decrease the alcohol limit for initial testing and confirmation testing from 0.08g% to 0.04g%. The Department received comment from Dr. Joseph A. Thomasino, our Medical Review Officer (MRO), regarding the current drug testing policy. Currently, when a test for alcohol is to be performed on an employee, a blood alcohol test is collected. The analytical laboratory reports blood alcohol test as positive when the level is at or above 0.08gm% (80mg/dl) on the initial screening. It was the MRO's opinion that these levels were too high, representing a level at which a person would be considered intoxicated while driving under the provisions of the motor vehicle regulations in the State. By comparison, the Florida Drug Free Workplace testing requires an alcohol test be reported as positive when the level is confirmed at or above 40mg/dl and the Department of Transportation requires employees testing at or above 40mg/dl be removed from safety sensitive service. Based on the MRO's opinion, the Department and the Union are in agreement that the limit defined by the current Palm Beach County Fire Rescue Drug Testing policy should be reduced to 0.04gm%.

**Attachments:**

1. Letters of ratification from Local 2928
2. Side Agreement to Article 45-Wellness

Recommended By:

J. St. Pierre  
Deputy Chief

9-24-09  
Date

Approved By:

[Signature]  
Fire-Rescue Administrator

9-25-09  
Date

(a)

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Capital Expenditures</b>	_____	_____	_____	_____	_____
<b>Operating Costs</b>	_____	_____	_____	_____	_____
<b>External Revenues</b>	_____	_____	_____	_____	_____
<b>Program Income (County)</b>	_____	_____	_____	_____	_____
<b>In-Kind Match (County)</b>	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

**Is Item Included in Current Budget?**      Yes \_\_\_\_\_ No \_\_\_\_\_

**Budget Account No.:**    Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

There is no additional fiscal impact associated with this side agreement.

**C. Departmental Fiscal Review:** John Wilson

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

MSL 10/5/09  
 10/2/09 OFMB      CN 10/2/09

John J. [Signature] 10/5/09  
 Contract Dev. and Control  
 10/5/09

**B. Legal Sufficiency:**

Shan Burn 10/6/09  
 Assistant County Attorney

**This item complies with current County policies.**

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.**



# Professional Firefighters/Paramedics of Palm Beach County, Inc. IAFF Local 2928

2328 South Congress Avenue • Suite 2-C  
West Palm Beach, Florida 33406-7674  
561-969-0729 • Fax: 561-969-1059  
www.IAFF2928.com

September 10, 2009

Steve Jerauld, Administrator  
Palm Beach County Fire Rescue  
405 Pike Road  
West Palm Beach, Florida 33411

Dear Chief Jerauld,

Re: Ratification of Side Agreements

I am writing to inform you that the Side Agreements to the Collective Bargaining Agreement between Palm Beach County and Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc. on Drug Testing Article 45, Addendum to the Collective Bargaining Agreement - Lake Worth, and Addendum to the Collective Bargaining Agreement - Palm Springs were voted on during two morning meetings held on Wednesday, September 9<sup>th</sup> and Thursday, September 10<sup>th</sup>, 2009, passed and therefore were ratified.

If you should need any additional information regarding these ratification votes, please do not hesitate to contact me; otherwise, thank you very much for your time and consideration with this matter.

Sincerely,

Michael J. Mayo  
President

cc: Matt Mierzwa, Esq.  
File

Affiliated with the International Association of Fire Fighters, AFL-CIO, CLC





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Sincerely,

Michael J. Mayo  
President

c: Matt Mierzwa, Esq.  
File

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**SIDE AGREEMENT**  
**DRUG TESTING ARTICLE**

**G. Laboratories' Procedures.**

4. Initial test – The initial screen for all drugs shall use an immunoassay methodology except that the initial test for alcohol will be an enzyme oxidation methodology. The following cut-off levels, as established by NIDA (National Institute of Drug Abuse), shall be used when first screening specimens to determine whether they are positive or negative for the drugs or metabolites specifically listed below. (In the event that the following cut-off levels, as established by NIDA, are subsequently amended by legislation, the cut-off levels set forth below shall control.) All levels which meet or exceed the following shall be reported as positive and reported for confirmation testing:

Alcohol	0.08 0.04g%
Amphetamines	1000 ng/ml
Cannabinoids	100 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Opiates	300 ng/ml


5. Confirmation test – All specimens identified as positive on the initial test shall be confirmed using gas chromatography mass spectrometry (GC/MS) except that alcohol will be confirmed using gas chromatography. All confirmations shall be done by quantitative analysis. Concentrations, which exceed the linear region of the standard curve, shall be documented in the laboratory record as “greater than highest standard curve value.” The following confirmation cut-off levels, as established by NIDA (National Institute of Drug Abuse), shall be used when analyzing specimens to determine whether they are positive or negative for the drugs or metabolites specifically listed below. (In the event that the following confirmation cut-off levels, as established by NIDA, are subsequently amended by legislation, the confirmation cut-off levels set forth below shall control.) All levels which meet or exceed the following shall be reported as positive:

Alcohol	0.08 0.04g%
Amphetamines	500 ng/ml
Cannabinoids	15 ng/ml
Cocaine	150 ng/ml
Phencyclidine	25 ng/ml
Opiates	300 ng/ml

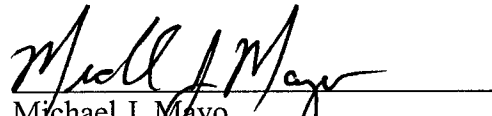
IN WITNESS HEREOF, the parties have executed this agreement to the Collective Bargaining Agreement the 31<sup>st</sup> day of August, 2009.

Palm Beach County

Professional Firefighters/Paramedics  
of Palm Beach County Inc., IAFF  
Local 2928



Steven B. Jerauld  
Fire Chief



Michael J. Mayo  
President

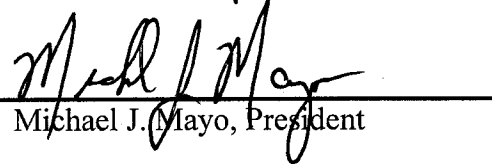
Ratified by Palm Beach County  
Board of County Commissioners  
On the;

Ratified by the Union on the;

\_\_\_\_\_ day of \_\_\_\_\_, 2009

10 day of September, 2009

\_\_\_\_\_  
Chair, Board of County Commissioners



\_\_\_\_\_  
Michael J. Mayo, President

By; \_\_\_\_\_  
Deputy Clerk, Palm Beach County,  
Clerk of the Circuit Court