

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: November 17, 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 21-Overtime, 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 Article 21 regarding special event compensation, developed jointly by Fire-Rescue staff and Union Leadership. The County will pay the Union two dollars (\$2.00) for each employee hour billed to the Requesting Agency for permitted special events to compensate them for administrative functions relating to the scheduling and coordination of special event coverage by off-duty Fire-Rescue personnel. The additional fee will be added to the hourly rate charged to the agency requesting special fire-rescue services.

Countywide (SB)

Background and Policy Issues:

This side agreement will amend Article 21-Overtime, to the CBA to provide an hourly fee payable to the Union for compensation of the administrative duties associated with the coordination and scheduling of personnel for special fire-rescue services. Currently, the Department bills the Requesting Agency thirty-eight (\$38.00) per hour for each employee hour worked at a special event. Fees are charged in accordance with the Palm Beach County Special Off-Duty Fire/Rescue Services Ordinance (Ord No. 85-13). The Department and the Union are in agreement that the Union shall be compensated \$2.00 per employee hour billed to the Requesting Agency for each permitted special event, adding an additional two dollars (\$2.00) to the hourly rate currently charged to the Requesting Agency for each permitted special events.

Attachments:

1. Letter of ratification from Local 2928
2. Side Agreement to Article 21-Overtime

Recommended By:

Jim St. Pierre
Deputy Chief

10-8-09
Date

Approved By:

JB St. Germain
Fire-Rescue Administrator

10-13-09
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>\$5,887</u>	_____	_____	_____	_____
External Revenues	<u><\$5,887></u>	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	 <u>-0-</u>	 _____	 _____	 _____	 _____
 # ADDITIONAL FTE POSITIONS (Cumulative)	 _____	 _____	 _____	 _____	 _____

Is Item Included in Current Budget? Yes X No _____

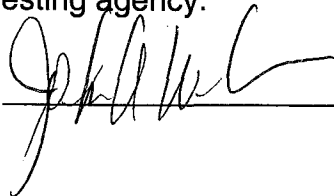
Budget Account No.: Fund 1300 Dept 440 Unit 4230 Object 3401
Fund 1300 Dept 440 Unit 4210 Rev Src 4220

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

The estimated net fiscal impact associated with the approval of this side agreement is \$0.

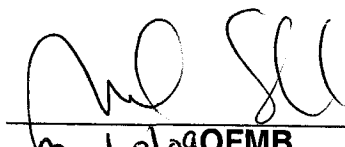
In FY 2009, the Department billed various requesting agencies for 2,943.5 employee hours related to special event coverage. The estimated additional expenditure of \$5,887 to compensate the Union at \$2.00 per employee hour will be offset by the estimated additional revenue of \$5,887 which will be added to the hourly rate billed to the requesting agency.

C. Departmental Fiscal Review:



III. REVIEW COMMENTS

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


10/23/09 OFMB 11/3/09
10/23/09


11/4/09
Contract Dev. and Control

B. Legal Sufficiency:


11/5/09
Assistant County Attorney

The Side Agreement complies with our review requirements. At the time of our review, it was not executed.

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

October 28, 2009

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

Dear Chief Jerauld,

Re: Ratification of Side Agreement

I am writing to inform you that the Side Agreement to the Collective Bargaining Agreement between Palm Beach County and Professional Firefighters/Paramedics of Palm Beach County, Local 2928, IAFF, Inc. on Overtime, Article 21, was voted on during two morning meetings held on Tuesday, October 27 and Wednesday, October 28, 2009, passed and therefore was 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

SIDE AGREEMENT

ARTICLE 21 – OVERTIME

Section 1. All work performed outside of the employee's regular work day shall be paid at the rate of time and one-half ($\frac{1}{2}$) the employee's straight time rate of pay, except as otherwise provided in this Article.

Section 2. All employees who work a twenty-four (24) hour shift shall be designated as partially exempt under Section 7(k) of the Fair Labor Standards Act.

Section 3. Employees who do not work a twenty-four (24) hour shift (except for Communications employees, Fire Operations Officers, Trauma Hawk Flight Medics and District Chiefs) scheduled in advance to work on a Sunday or a holiday for non-emergencies; shall be paid at the rate of double time the employee's straight time rate of pay. Support Services personnel and Investigators who work on holidays shall receive double the employee's straight time of pay.

Section 4. Communications employees shall not be assigned to work more than sixteen (16) consecutive hours. All hours worked in excess of the employee's normal shift shall be paid at time and one half, unless otherwise stipulated within this collective bargaining agreement.

Section 5.

A. Overtime distribution for Communication employees shall first be determined by volunteers, in seniority, on the off-going shift, on a rotation basis, provided, that employees who have gone out of pay status at any time during the same pay cycle, shall not be called for overtime. Thereafter, the County may call absent employees for volunteers. If there are no volunteers, employees on the off-going shift shall be held over by reverse seniority on a rotational basis.

B. For operational employees, overtime shall be issued in accordance with the department's overtime policy, #I-54, which may be amended by agreement between the Fire Rescue Administration and the Union President.

Section 6. All employees shall be paid overtime in one-quarter ($\frac{1}{4}$) hour increments.

Section 7. Compensatory time may be offered to the Bureau of Safety Services, Support Services, Training and Safety Division, Trauma Hawk, Fire Operations Officer, Honor Guard/Pipes and Drums employees, communicator III, communications supervisor, communications center quality assurance manager and communications center training supervisor/coordinator in lieu of overtime pay, subject to the following situations:

A. The Fire Rescue Administrator shall have the option of offering compensatory time in lieu of overtime pay at a minimum rate of time and one-half ($\frac{1}{2}$).

B. Once offered, an employee shall have the option of receiving compensatory time in lieu of overtime pay.

C. There shall be a maximum accrual of eighty (80) hours for all employees. Any time in excess of this shall be paid at the appropriate rate of pay for the hours worked.

D. If an employee is permanently separated from the County, the employees shall be compensated for any unused compensatory time at either of the following rates, whichever is higher:

- 1.** The average rate earned over the last three (3) years.
- 2.** The final regular rate received by such employee.

Section 8. **Special Event Pay.**

Employees shall be compensated at a rate of twenty six dollars and fifty cents (\$26.50) per hour for all hours worked during a Special Event that falls under the following criteria:

A. It is the employee's sole option to work or not work the event; and

B. The County has a contract with the separate employer for whom the service is being performed; and

C. The separate employer compensates the County for hours worked by the employee as well as administrative fees as applicable; and

D. The event is not covered during the employees normal working hours; and

E. Hours worked for the Special Event shall not be combined with regular hours worked by the employee for the purposes overtime compensation.

The County shall pay the Union two dollars (\$2.00) per employee hour billed to the Requesting Agency for each permitted Special Event to compensate it for administrative functions relating to the scheduling and coordination of special event coverage. The Union shall invoice the County for this amount at the end of each fiscal quarter. This cost to the County shall be added to the rate charged by the County to the agency requesting special event coverage.

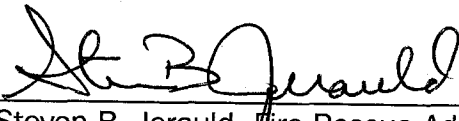
Section 9. On-call Technicians shall be paid overtime in one-quarter (1/4) hour increments for any phone calls they receive that are related to their on-call status.

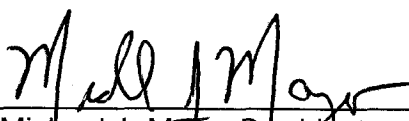
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IN WITNESS HEREOF, the parties have executed this agreement to the Collective Bargaining Agreement the 14 day of October, 2009.

Palm Beach County

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


Steven B. Jerauld, Fire Rescue Administrator


Michael J. Mayo, President

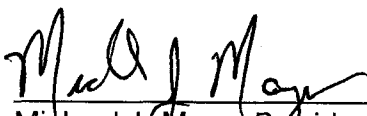
**Ratified by Palm Beach County
Board of County Commissioners on the:**

Ratified by the Union on the:

_____ day of _____, 2009.

28 day of October, 2009.

Chair


Michael J. Mayo, President

ATTEST:

SHARON R. BOCK
Clerk & Comptroller

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

By: 
Assistant County Attorney