

## AGENDA ITEM SUMMARY

[illegible]

**Motion and Title:** **Staff recommends motion to approve and ratify:** the re-opener amendment of Article 28-Vacations, to the Collective Bargaining Agreement with the Professional Firefighters/Paramedics of Palm Beach County, Local #2928, IAFF, Inc.

Countywide (SB)

Both parties agree the revisions to the Vacation Article are necessary to define a broader countywide vacation selection for the District Chief/Captain positions, remove the position restriction on Firefighter/EMT so the positions are interchangeable with regard to vacation selection, and delete the option for any future reopener of Article 28.

1. Letter of ratification from Local 2928
2. Amended Article 28-Vacations

Approved By: J. P. C. C. 9/11/2013  
Fire-Rescue Administrator Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>-0-</b>	_____	_____	_____	_____
<b># ADDITIONAL FTE POSITIONS (Cumulative )</b>	_____	_____	_____	_____	_____

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

Budget Account No.: Fund 1300 Dept 440 Unit \_\_\_\_\_ Object \_\_\_\_\_

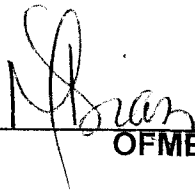
### B. Recommended Sources of Funds/Summary of Fiscal Impact:

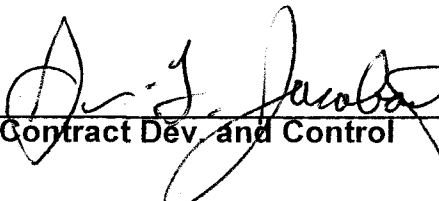
Any additional overtime as a result of the changes to Article 28 will depend on actual vacation selections. Staff estimates the fiscal impact to be minimal.

C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

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

 9/13/2013  
OFMB

 9/13/13  
Contract Dev. and Control

### B. Legal Sufficiency:

 9/13/13  
Assistant County Attorney

### 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**

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West Palm Beach, Florida 33406-7674  
561-969-0729 • Fax: 561-969-1059  
[www.IAFF2928.com](http://www.IAFF2928.com)

August 21, 2013

Chief Jeffrey Collins  
Palm Beach County Fire Rescue  
405 Pike Road  
West Palm Beach, FL 33411

Re: Article 28 – Vacations

Chief Collins:

I am writing this letter to inform you that the Vacation Article - 28 Re-Opener for the 2012-2015 Collective Bargaining Agreement between Local 2928 and Palm Beach County Fire Rescue was voted on during two meetings held Tuesday, August 20<sup>th</sup>, 2013 and Wednesday, August 21<sup>st</sup>, 2013, passed and; therefore, was ratified.

If you should need any additional information regarding this ratification vote, please do not hesitate to contact me.

Sincerely,

Chuck Lupo  
1<sup>st</sup> Executive Vice President, Local 2928

Cc: Matt Mierzwa  
Ricky Grau

pl 8/7/2013  
JPC 8/7/2013

## **ARTICLE 28 - VACATIONS**

### **Section 1. Amount of Vacation**

- A. Twenty-four (24) hour shift employees shall earn annual vacation on the basis of the following schedule:

<b>Years of Service (Seniority)</b>	<b>Number of Vacation Shifts</b>
1 year	5
2 years but less than 6 years	6
6 years	6.5
7 years	7
8 years	7.5
9 years	8
10 years and over	8.5

B. **Non-Twenty-Four (24) Hour Shift Employees**

Employees who are assigned to work on a non-twenty-four (24) hour shift shall earn vacation on the basis of the following schedule:

<b>Years of Service (Seniority)</b>	<b>Number of Vacation Days</b>
1 year	13
2 years but less than 6 years	15
6 years	16
7 years	17
8 years	18
9 years	19
10 years and over	20

Communications employees assigned to twelve (12) hour shifts shall have the above vacation accruals adjusted to reflect the average forty-two (42) hour work week.

- C. When an employee is out of pay status, the employee shall receive accruals pro-rated to reflect the hours during which the employee was in pay status, including all paid leave (sick leave, holidays, funeral leave, jury duty and disability leave), calculated on the basis of the pay period.

- D. Employees on leave due to job related disability shall not qualify for the accrual vacation benefits provided; however, they shall accrue benefits during the first thirty (30) days of any such leave.

## **Section 2. Vacation Scheduling**

### **A. Twenty-Four (24) Hour Shift Employees**

1. Vacations shall be scheduled from the beginning of the first Kelly Day cycle that starts after December 31<sup>st</sup> of any given year until the end of the Kelly day cycle that includes December 31<sup>st</sup>, 1 (one) year later. The department shall make known the exact starting and ending dates, for the vacation cycle, each year prior to vacation picks. The County shall determine the number of employees who can be off on vacation at any time throughout the year by using the following method based on the maximum possible number of vacation days earned annually. The total number of battalion personnel shall be multiplied by twelve (12). This number is then divided by the total number of shifts within the annual vacation cycle (excluding Kelly Days) and then rounded up to next whole number if  $\geq .5$  (example: total battalion personnel times 12, divided by 121, rounded up to next whole number if  $\geq .5$ ). For the ranks of District Chief and District Captain, there shall be no less than two (2) slots, in each rank and shall be selected on a county wide basis, for the first two (2) rounds of vacation selection. In 3<sup>rd</sup> round vacation selections, there shall be no more than three (3) persons allowed off including vacation and Kelly days. For Aircraft Rescue Fire Fighting (ARFF), Vacation and Kelly Days may be scheduled such that three persons may be allowed off on a given shift. This may consist of two off on Kelly Day and one off on vacation, or one off on Kelly Day and two off on vacation. Employees may not schedule vacation time off in excess of their anticipated available accruals including existing banks.
2. In October of each year, the County will advise how many shift employees may be scheduled off for vacation during the next cycle of vacation selections beginning in January per shift, per Battalion and by ARFF Captains, Special Operations Captains ~~Captains (grand-fathered)~~, Captains, Lieutenants, Firefighters (EMT/PM), and Driver Operators, and Paramedics. The number of shift employees within a battalion of one (1) to four (4) stations (including the special operations battalion) if requested shall be at least one (1) Captain, one (1) Driver Operator, one (1) Lieutenant and two (2) Firefighters (EMT/PM) ~~one (1) Paramedic~~; not to exceed the total number of shift employees as

determined by the above method. The number of shift employees within a battalion of five (5) to eleven (11) stations if requested shall include per battalion (except special operations), at least, two (2) Captains, two (2) Driver Operators, two (2) Lieutenants and four (4) Firefighters (EMT/PM)two (2) Paramedics; not to exceed the total number of shift employees as determined by the above method. The number of shift employees within a battalion of twelve (12) or more stations, if requested, shall include per battalion (except Special Operations) at least, three (3) Captains, three (3) Driver Operators, three (3) Lieutenants and six (6) Firefighters (EMT/PM)three (3) Paramedics not to exceed the total number of shift employees as determined by the above method. For the duration of this Agreement, Battalion 3, if requested, shall include per battalion (except Special Operations), at least three (3) Captains, three (3) Driver Operators, three (3) Lieutenants and six (6) Firefighters (EMT/PM)three (3) Paramedics; not to exceed the total number of shift employees as determined by the above method. All District Chiefs, District Captain and Special Operations personnel shall select vacation on a Department-wide basis.

3. Following the annual bid process and Kelly Day selections, shift employees shall select vacation periods by seniority (as defined in this the CBA) on a per shift, per Battalion basis. All District Chiefs, District Captain, and Special Operations personnel shall select vacation on a department-wide basis. Vacation selection shall be made in three (3) rounds. When an employee has a scheduled and approved first and/or second round vacation selection(s) and is out of work during that scheduled time for other reasons such as worker's compensation, extended leave, light duty, military leave, administrative leave and leave of absence, the vacation selection(s) shall remain frozen and unavailable to other personnel.

- a. **First Round** – All employees (except one (1) year probationary employees) maymust submit ~~three (3)~~ requests to select a minimum of four (4) or more consecutive shifts (which may include Kelly Days) within the designated 14 day vacation selection period. If ~~the requests do not result in a minimum of four (4) or more consecutive shifts (which may include Kelly Days), the District Chiefs will call employees by seniority to schedule the required minimum of four (4) shifts.~~ For one (1) year probationary employees, first round vacation limitations of four (4) or more consecutive shifts shall not apply. First round selections shall be limited to no more than ten (10) shifts, which includes Kelly

Days (twenty (20) days for non-twenty-four (24) hour shift employee) provided that the Deputy Chief may approve vacation selections greater than ten (10) shifts (twenty (20) days for non-twenty-four (24) hour shift employees). Such approval shall not be unreasonably —denied. No part of any approved vacation lasting eleven (11) shifts or more (including Kelly Days) may be cancelled. Approved first round vacations may only be cancelled if approved by the Deputy Chief of Operations or the designee.

b. **Second Round** – Employees may submit requests to schedule another single group, with a minimum of three (3) or more consecutive shifts (which may include Kelly Days) within the designated fourteen (14) day second round vacation selection period and in accordance with the first round limitations. For one (1) year probationary employees, second round vacation limitations of three (3) or more consecutive shifts shall not apply. ~~First and~~ Second round vacation awards shall be made no later than fourteen (14) days after the end of the second round vacation selection period.

c. **Third Round** – On the designated A, B, and C shifts in December, the District Chief (or Division Chief in the case of the District Chief), or their designee will begin to accept requests for vacation scheduling for the upcoming year, which shall be on a first come, first serve basis. If two (2) or more requests for the same day are received on the same day, then the employee with the most seniority will receive the requested day. Employees shall be notified no later than the end of their shift following the shift in which their request was made as to whether their request has been approved or deferred. The date of submittal of deferred time shall then constitute the date for the first come first serve basis. Any third round pick submitted on or after February 1, 2014 and within seven (7) days of the requested day shall not be approved if overtime would result, as determined as of the time of the request.

4. Once approved, vacation time shall not be rescinded by management except in the event of a major emergency (i.e., earthquake, tropical storm, hurricane, or civil emergency).

5. Twenty-four (24) hour shift employees may cancel or request vacation time only if at least nineteen (19)~~sixty-seven (67)~~ hours notice is provided from the start of the shift during which the absence will occur, including Kelly Days. All other employees may cancel or request vacation time only if requested by at least three (3) business days from the start of the leave period. Requests or cancellations, if made with less than the required notice, but prior to the start of the leave period, may be granted at the discretion of the District Chief ~~Battalion Chief~~, however, no request will be unreasonably denied.
6. Emergency Leave – Employees shall be granted emergency leave as necessary, subject to the approval of the Battalion Chief, or in the absence thereof, the District Chief (or any employee acting in either of these capacities) and such approval shall not be unreasonably denied. Once granted, emergency leave shall be charged as actual time used in quarter-hour increments. If the reason for the absence is a qualified use of sick leave, emergency leave shall be charged to the employee's sick allotment. If not, then the absence shall be charged to reserve vacation and finally vacation.
7. Vacation time may be taken in a minimum of four (4) hours and thereafter hour for hour.

**B. Non-Twenty-Four (24) Hour Shift Employees**

In October of each year, the County will advise how many non-twenty-four (24) hour shift employees may be scheduled off for vacation during the year next beginning on January 1. All non twenty-four (24) hour shift employees shall select vacation in a First, Second and Third round format. For the Communications Center, on those shifts with at least three (3) employees available to work above the Department's minimum staffing, up to two (2) employees shall be allowed to be scheduled off on vacation. Should vacancies on a given shift (including those due to terminations/resignations, extended leave or Workers' Comp) occur which result in fewer than three (3) employees available to work above the Department's identified minimum staffing, only one (1) employee shall be allowed to be scheduled off on vacation, provided that any previously approved vacations shall not be cancelled due to changes in available staffing. During the month of November, these employees shall select vacation periods by seniority within classification. When selecting



vacation periods during November, these employees may not select more than twenty (20) consecutive working days during the vacation year, which may be waived with the approval of the appropriate Deputy Chief but such approval shall not be unreasonably denied.

### **Section 3. Vacation Carry-Over**

- A. In the event that employees are not permitted to take all of their accrued vacation during the vacation year because there was insufficient vacation time available at any time during the year, then the amount not taken may be carried over into the next vacation year.

B. **Twenty-Four (24) Hour Shift Employees**

On April 15 of each year all hours in excess of five hundred (500) not taken shall be contributed to the Union Time Pool.

C. **Non-Twenty-Four (24) Hour Shift Employees**

On April 15 of each year all hours in excess of four hundred sixteen (416) not taken shall be contributed to the Union Time Pool.

D. **Forty-two (42) Hour Employees**

On April 15 of each year all hours in excess of four hundred thirty seven (437) not taken shall be contributed to the Union Time Pool.

- E. Each employee who notifies the department, prior to March 1<sup>st</sup> of a given year that they are entering the D.R.O.P. or retiring during the next 12 months, shall be exempt from the vacation cap and sweep on April 15<sup>th</sup> of that year to facilitate the maximum vacation buyout prior to entering the D.R.O.P. or retiring. If said employee does not enter the D.R.O.P. or retire during the year, they shall have their vacation time swept retroactively at the value it exceeded the cap at the time of the previous April 15<sup>th</sup> sweep that they elected to bypass. ~~For the 2006 sweep cycle the deadline for notifying the department shall be March 21<sup>st</sup>.~~ Employees may only effectively bypass the April 15<sup>th</sup> sweep once.

#### **Section 4. Resignations**

Employees who resign during the initial probationary period with the County shall not be entitled to pay for any accrued vacation time.

#### **Section 5. Transfers**

- A. If any employee requests a transfer, is demoted, or accepts a promotion or assignment into a new classification, the employee's selection of vacation shall be based on the remaining days available in the Battalion, on the shift to which the employee is to be transferred.
- B. If an employee is to be transferred to a different shift or Battalion by the County, the employee shall maintain his or her previously scheduled vacation without rolling any of the already scheduled employees from their selection.

#### **Section 6. Reopener**

~~The parties agree it is their intent to have countywide vacation selection. Accordingly, after the ratification of this agreement, the Union and the County agree to reopen this Article for further negotiations upon the request of either party.~~


**SIGNATURE PAGE**

IN WITNESS WHEREOF, the parties have executed this Agreement his 7th day of August 2013.

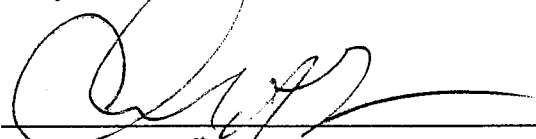
**PALM BEACH COUNTY**

**PROFESSIONAL FIREFIGHTERS OF  
PALM BEACH COUNTY, LOCAL 2928,  
IAFF**

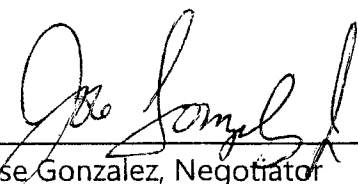
  
Jeffrey P. Collins, Fire Rescue Administrator

  
Ricky Grau, President

  
Mark Anderson, Deputy Chief of Operations

  
Chuck Lupo, 1<sup>st</sup> Executive Vice President

  
Thomas Tolbert, Deputy Chief of Logistics

  
Jose Gonzalez, Negotiator

\_\_\_\_\_  
Jeff Rudd, Negotiator

Approved as to Form & Legal Sufficiency

  
Sharon G. Burrows, Asst. County Attorney

Ratified by Palm Beach County on the \_\_\_\_\_ day of \_\_\_\_\_, 2013

Ratified by the Union on the \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Steven L. Abrams, Mayor  
Board of County Commissioners

\_\_\_\_\_  
Ricky Grau  
President