

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 21, 2023 Consent Regular
 Workshop Public Hearing

Department: Fire Rescue

I. EXECUTIVE BRIEF


Motion and Title: Staff recommends motion to approve and ratify: a Side Agreement amending Article 16 – Promotions, of the Collective Bargaining Agreement – District Chief Supervisory Unit (“CBA”) with the Professional Firefighters/Paramedics of Palm Beach County, Local #2928, IAFF, Inc., (“Union”).

Summary: Both parties are requesting a side agreement to the current CBA, October 1, 2021 – September 30, 2024 (R2021-1554). This Side Agreement addresses changes to Article 16 Sections 1 through 8, as agreed jointly by Fire Rescue staff and Union Leadership. The change provides for an extension to complete any post-promotional requirements for a duration equivalent to any leave taken for certain illnesses, including but not limited to, high risk pregnancies, certain cancers and posttraumatic stress disorder, as defined in the CBA and Florida Statutes; **Countywide (MM)**

Background and Justification: Florida Statute 447.309 requires the County to “bargain collectively in the determination of the wages, hours, and terms and conditions of employment for the public employees within the bargaining unit.” Discussions conducted by both parties concluded with the proposed Side Agreement that has been ratified by the Union and is now awaiting BCC approval.

Attachments:

- 1. Side Agreement
- 2. Letter of Union Ratification

Recommended by:  10-26-2022
Assistant Fire Chief Date

Approved by:  10-26-2023
Fire Rescue Administrator Date

Approved by:  11/6/2023
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u> * 0 </u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	<u> 0 </u>	_____	_____	_____	_____

Is Item Included in Current Budget? Yes No X
 Does this item include the use of federal funds Yes No X
 Does this item include the use of state funds Yes No X

Budget Account No.: Fund _____ Dept _____ Unit _____
 Revenue Source _____/Object _____

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

* There is no fiscal impact associated with this item

C. Departmental Fiscal Review: *Lucia Magriencio 10/26/2023*

III. REVIEW COMMENTS

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

Lisa Mante 11/3/23
 OFMB *JA* 10130 \$ 10.30.23

Eric J. Jacobson 11/3/23
 Contract Development and Control
Trd 11/3/23

B. Legal Sufficiency

[Signature] 11/3/23
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

Attachment 1
Side Agreement

SIDE AGREEMENT

ADDENDUM TO THE COLLECTIVE BARGAINING AGREEMENT

Article 16 Promotions

It is agreed upon by both Palm Beach County Fire Rescue and the Professional Firefighters/Paramedics of Palm Beach County, Inc., IAFF Local 2928 that for certain illnesses, an extension will be provided to the post-promotional requirements as part of the Collective Bargaining Agreement.

ARTICLE 16- PROMOTIONS

Section 1. Notification of Vacancy.

Employees will be given notice, posted on all Department computers, of an opening within the rank of District Chief and the eligibility criteria for the position, within two (2) pay periods of the vacancy occurring. Applicants will be given at least fifteen (15) days to apply for the position and the selection of an applicant will be made within fifteen (15) days after the closing date for applications. If the Fire Rescue Administrator orders the freezing or elimination of District Chief position(s), the Fire Rescue Administrator shall provide the Union with written notice of any such freezing or elimination, within two (2) periods of the vacancy occurring.

Section 2. Application for Promotion.

No employee shall be permitted to apply for a promotion after the announced closing date.

Section 3. Eligibility Criteria for District Chief Position.

Candidates must have the following prerequisites as of the closing date for the selection process:

- A. Current employment with Palm Beach County Fire Rescue at the rank of Battalion Chief; and
- B. Paramedic certification, except that those employees that are Battalion Chiefs prior to October 1, 2006, are exempt from this requirement.
- C. Bachelor Degree as approved by the State of Florida for Educational Incentive.

In the event there are less than five (5) Battalion Chiefs at the time of selection, an additional fifteen (15) day application shall be opened to candidates meeting the following prerequisites:

- a. Battalion Chief, but without a Bachelor degree then must obtain a Bachelor Degree within three (3) years from the date of promotion; or
- b. Current employment at the rank of Specialty Captain (ARFF Captain, Special Ops Captain and EMS Captain) that possess a Bachelor Degree as approved by the State of Florida for Educational Incentive; and
- c. Paramedic certification, except that those employees that were Battalion Chiefs prior to October 1, 2006, are exempt from this requirement.

Any firefighter who (1) is certified as a firefighter in accordance with Chapter 633, Fla. Stat., (2) is covered by this agreement, and (3) becomes entitled to, and utilizes, leave under Fla. Stat. § 112.1816, Fla. Stat. § 112.1815(5), or Article 35 Section 6 (E [8]) or Sections 9 (A, [1, 2]) shall be entitled to an extension of time to complete any post-promotion requirements equal to the duration of such leave.

Section 4. Selection Procedure

Selection procedures shall include an oral interview board and/or a structured exercise panel (assessment center). Rating panels utilized for the oral interview board and/or structured exercises shall consist of at least three (3) members which, shall be of the rank of Deputy Chief and/or Division Chief. The Union President may appoint either a principal officer or existing District Chief to serve as an observer. The rating panel shall prepare a list of qualified candidates after the completion of the oral interview and/or structured exercises and forward this list to the Fire Rescue Administrator.

Section 5. Certification after Promotion

All personnel promoted to the rank of District Chief after October 1, 2006, shall be required to achieve and maintain all certifications listed in Section 3 above for the duration of their employment with Fire Rescue. If a promoted employee does not achieve and maintain the requirements contained in Section 3 of this Article within the prescribed time frames, that employee shall be demoted.

It is understood that the County shall reimburse the employee the cost of the certification and tuition for approved training courses in accordance with Article 16 of this agreement, however the employee shall not be eligible for any salary incentives as a result of said certifications.

Section 6. Eligibility List.

An eligibility list shall be developed for each selection; provided that if there are multiple vacancies within the selection period, multiple selections may be made from the same list.

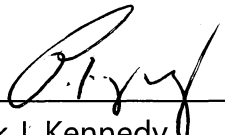
Section 7. Selection.

Selection into the position of District Chief shall be made by the Fire Rescue Administrator utilizing the rule of the list, however, disputes arising out of this subsection shall not be arbitrated. Such appointment shall be made within two (2) pay periods of the Fire Rescue Administrator receiving the list

Section 8.

After ratification of this Agreement, this article may be modified by mutual written agreement between the Union President and the Fire Rescue Administrator.

PALM BEACH COUNTY

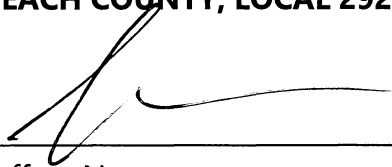


Patrick J. Kennedy
Fire Rescue Administrator

10-6-2023

Date

**PROFESSIONAL
FIREFIGHTERS/PARAMEDICS OF PALM
BEACH COUNTY, LOCAL 2928, IAFF, INC.**




Jeffrey Newsome
President

10-6-2023

Date

Approved as to Form & Legal Sufficiency

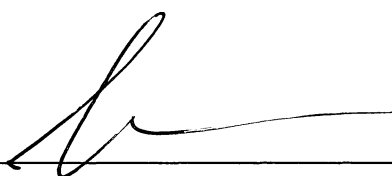


~~Sharon Burrows~~ *Mawanta Mawanta*
for Assistant County Attorney

Ratified by Palm Beach County on the
_____ day of _____, 2023

Board of County Commissioners

Ratified by the Union on the
17th day of Oct., 2023



Jeffrey Newsome
President

Attachment 2
Letter of Union Ratification

**PROFESSIONAL FIREFIGHTER/PARAMEDICS OF
PALM BEACH COUNTY, LOCAL 2928, I.A.F.F., INC.**



October 17, 2023

VIA EMAIL: PKennedy@pbcgov.org

Chief Patrick Kennedy
Palm Beach County Fire Rescue
401 Pike Road
West Palm Beach, FL 33411

Chief Kennedy:

A ratification vote on the proposed Side Agreement to the Supervisory, Bargaining Agreement between the Professional Firefighters/Paramedics of Palm Beach County, I.A.F.F., Local 2928, Inc., and Palm Beach County was conducted on October 17, 2023.

Bargain Unit employees voted in favor of the proposal and therefore ratified by the Bargaining Unit.

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

Fraternally,

Angelo D'Ariano
Secretary-Treasurer

Cc: Mark Floyd, Attorney Local 2928
Cc: Jeff Newsome, President Local 2928

"One Union One Family"