

MEMORANDUM

TO: Mayor David Coviello
Vice Mayor Bob Anderson
Commissioner Fred Jonas
Commissioner Roxanne Ross
Commissioner Barbara Watts
Village Manager Heidi Seigel
Village Clerk Maria Camara
Police Chief Cornelius McKenna

FROM: John J. Hearn, Village Attorney

RE: Request to Ratify Memoranda of Understanding to Collective Bargaining Agreement With the Dade County Police Benevolent Association, Inc.

DATE: January 26, 2016

Please be advised that I have spoken with Brendan Coyle, who represents the Dade County Police Benevolent Association (the “Union”), and was informed that the police officers covered by the Union have approved the proposed Memoranda of Understanding to the Collective Bargaining Agreement (“CBA”) with the Village. Chief McKenna and I met with the Union to negotiate changes to the Promotion and Vacation Sections of the current CBA which remains in effect through September 30, 2016. As a result, and consistent with Chapter 447, Florida Statutes, the Memoranda of Understanding to the Collective Bargaining Agreement are being placed in front of the Village Commission for ratification.

1. Memorandum of Understanding – Article 15, Promotions

The majority of the provisions in the previous Agreement have been retained. The key changes are as follows:

- Promotional examinations will be given as written tests only - oral interviews have been deleted. Therefore, all references to oral examinations have been deleted.
- Promotional examinations will now be announced a minimum of forty five days in advance and will be in writing.
- Promotional examinations will be restricted to non-probationary officers with a minimum of two years, instead of three years, of full-time service with any governmental or military law enforcement agency.
- A provision was inserted to allow the Village to remove vacant sergeant positions from the budget at its discretion.
- The eligibility list can now be extended beyond two years with an agreement between the Village and the Union.
- The Village no longer has an obligation to administer a promotional examination within a

two year period due to lack of promotional vacancies.

2. Memorandum of Understanding – Article 8, Vacations

Section H of Article 8 has been created to define the word “day” as eight hours. This clarifies that, although officers work twelve hour shifts, a vacation day remains eight hours.

The Memoranda of Understanding, as proposed, have the support of the Village Manager, as well as the Chief of Police.

Attachments:

- Resolution 2016-03
- Memorandum of Understanding – Article 8
- Memorandum of Understanding – Article 15

1
2
3 **RESOLUTION NO. 2016-03**
4

5 A RESOLUTION OF THE VILLAGE
6 COMMISSION OF THE VILLAGE OF
7 BISCAYNE PARK, AUTHORIZING THE
8 MAYOR TO EXECUTE THE MEMORANDA OF
9 UNDERSTANDING TO THE COLLECTIVE
10 BARGAINING AGREEMENT BETWEEN THE
11 VILLAGE OF BISCAYNE PARK, FLORIDA
12 AND THE DADE COUNTY POLICE
13 BENEVOLENT ASSOCIATION, INC.;;
14 PROVIDING FOR AN EFFECTIVE DATE
15
16

17 WHEREAS, the Village of Biscayne Park (the "VILLAGE") and the Dade County
18 Police Benevolent Association, Inc. (the "PBA") have entered into a Collective Bargaining
19 Agreement (the "Agreement"), the term which expires on September 30, 2016; and,
20

21 WHEREAS, a MEMORANDUM OF UNDERSTANDING is entered between the
22 VILLAGE and the PBA for the purpose of interpreting and modifying existing language in
23 Article 8 of the Agreement entitled "Vacations", regarding the definition of "day"; and
24

25 WHEREAS, a MEMORANDUM OF UNDERSTANDING is entered between the
26 VILLAGE and the PBA for the purpose of modifying Article 15 of the Agreement entitled
27 "Promotions", regarding promotional procedures for the rank of police sergeant; and,
28

29 WHEREAS, the parties agree to both MEMORANDA OF UNDERSTANDING for the
30 purpose of modifying the Collective Bargaining Agreement.
31

32
33 NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE
34 VILLAGE OF BISCAYNE PARK, FLORIDA:
35
36

37 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as
38 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.
39

40 **Section 2.** The Village Commission authorizes the Mayor to execute the
41 MEMORANDUM OF UNDERSTANDING for the purpose of interpreting and modifying
42 existing language in Article 8, entitled "Vacations". The Memorandum of Understanding, in
43 substantial form, is attached and incorporated by reference into this resolution as exhibit 1.
44

45 **Section 3.** The Village Commission authorizes the Mayor to execute the
46 MEMORANDUM OF UNDERSTANDING for the purpose of modifying Article 15, entitled
47 "Promotions". The Memorandum of Understanding, in substantial form, is attached and
48 incorporated by reference into this resolution as exhibit 2.
49

**MEMORANDUM OF UNDERSTANDING
TO COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE VILLAGE OF BISCAYNE PARK, FLORIDA AND
THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC.**

THIS MEMORANDUM OF UNDERSTANDING is entered into between the VILLAGE OF BISCAYNE PARK (the "VILLAGE") and THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (the "PBA") for the purpose of interpreting and modifying an existing Collective Bargaining Agreement between the VILLAGE and the PBA.

WHEREAS, the VILLAGE and the PBA have entered into a Collective Bargaining Agreement, the term which expires on September 30, 2016; and

NOW, THEREFORE, the parties agree to this Memorandum of Understanding for the purpose of modifying the Collective Bargaining Agreement as follows:

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. Article 8, entitled "Vacations" shall be amended to include the following language:

H. For purposes of this Section, it is understood and agreed that the word "day" shall be defined as eight (8) hours (i.e., an officer taking one (1) day of leave would have to take one and one-half (1 ½) days of vacation pay for shifts that are twelve (12) hours long).

Dated this ____ day of _____, 2016.

ATTEST:

VILLAGE OF BISCAYNE PARK

MARIA CAMARA,
VILLAGE CLERK

DAVID COVIELLO
VILLAGE MAYOR

APPROVED AS TO FORM:

JOHN J. HEARN
VILALGE ATTORNEY

DADE COUNTY POLICE BENEVOLENT
ASSOCIATION, INC.

JOHN RIVERA
PBA PRESIDENT

APPROVED AS TO FORM:

BRENDAN COYLE
PBA ASSISTANT GENERAL COUNSEL

Date of Ratification by Bargaining Unit: _____

Date of Ratification by Village: _____

**MEMORANDUM OF UNDERSTANDING
TO COLLECTIVE BARGAINING AGREEMENT
BETWEEN THE VILLAGE OF BISCAYNE PARK, FLORIDA AND
THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC.**

THIS MEMORANDUM OF UNDERSTANDING is entered into between the VILLAGE OF BISCAYNE PARK (the "VILLAGE") and the DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (the "PBA") for the purpose of temporarily modifying Article 15 of the existing Collective Bargaining Agreement (hereinafter "Agreement") between the VILLAGE and the PBA.

WHEREAS, the VILLAGE and the PBA have entered into an Agreement, the term which expires on September 30, 2016; and

WHEREAS, Article 15 of the Agreement provides for promotional procedures to be utilized for promotions to the collective bargaining rank of police sergeant;

WHEREAS, the Village intends to have at least one budgeted police sergeant position for the 2015-2016 Fiscal Year;

WHEREAS, the Village desires to have qualified officers apply for the police sergeant position;

NOW, THEREFORE, the parties agree to this Memorandum of Understanding for the purpose of temporarily modifying Article 15 of the Agreement as follows:

ARTICLE 15. PROMOTIONS

Recognizing the need for qualified supervisory staff to effectively supervise the Police Department, the Village agrees to implement the following promotional procedures to the rank of police sergeant:

A. *A promotional examination will be administered once every two (2) years or as the Village deems necessary.*

B. *The promotional examination consists of a written test only. ~~and oral interview, each worth fifty percent (50%) of a total cumulative score.~~*

C. *The Village agrees to announce a promotional examination a minimum of forty five (45) days in advance of said examination, at which time it will list the areas the examination will cover and the sources from which the examination will be drawn. The Village will make all such references and source material available to eligible candidates in writing at the time of the announcement.*

D. *The promotional examination shall be restricted to non-probationary officers with ~~three (3)~~ two (2) years of ~~continuous~~ full-time service as an officer for ~~the Village any governmental or military law enforcement agency~~ as of the date the examination is given.*

E. *The written test shall be either created and administered by a professional testing agency or by the Village Command staff. ~~In order to take the oral interview portion of the promotional examination, a candidate must pass the written test with a score of seventy percent (70%) or higher.~~*

F. *~~An interview board comprised of three (3) non-departmental sworn personnel who occupy a rank of Police Lieutenant or higher will conduct oral interviews of each candidate who has passed written test. For each promotional examination, the Village is permitted to select one (1) member for this board, the PBA is permitted to select one (1) member for this board, and the third member will be mutually selected by these two (2) members.~~*

G. *A list of eligible candidates will be compiled in order of their final ~~cumulative~~ score. The Chief of Police shall make promotions to sergeant from the top three (3) persons on the list of eligible candidates. Promotions shall be made within thirty (30) days of the promotional vacancy. The Village reserves the right to remove a vacant sergeant position from the budget if it deems it appropriate. The promotional eligibility list shall remain valid for two (2) years unless the list is exhausted and can be extended by agreement between the Village and the PBA.*

H. *The Village has no obligation to administer a promotional examination ~~in~~ a ~~two (2) year period~~ if there are a lack of promotional vacancies. Should a vacancy subsequently arise, the Village agrees to administer the examination within one hundred twenty (120) days from the date the vacancy was created.*

I. *Bargaining unit members promoted to sergeant will serve a one (1) year position probationary period.*

K. *All employees promoted to the rank of sergeant will receive at least a 5% pay supplement.*

The Village and PBA agree that this is a temporary modification that is limited only to the next sergeant promotional examination held by the Village. This temporary modification expires upon conclusion of the next sergeant promotional examination or September 30, 2016, whichever occurs first.

Dated this _____ day of _____, 2016.

ATTEST:

VILLAGE OF BISCAYNE PARK

MARIA CAMARA,
VILLAGE CLERK

DAVID COVIELLO
VILLAGE MAYOR

APPROVED AS TO FORM:

JOHN J. HEARN
VILALGE ATTORNEY

DADE COUNTY POLICE BENEVOLENT
ASSOCIATION, INC.

JOHN RIVERA
PBA PRESIDENT

APPROVED AS TO FORM:

BRENDAN COYLE
PBA ASSISTANT GENERAL COUNSEL

Date of Ratification by Bargaining Unit: _____

Date of Ratification by Village: _____