



Legislation Text

File #: 16-175, Version: 1

TO: Mayor and Commissioners
FROM: Noel Pfeffer, City Attorney
DATE: February 16, 2016

FIRST AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY OF DELRAY BEACH, FLORIDA AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION FOR POLICE OFFICERS AND SERGEANTS AND POLICE LIEUTENANTS

Recommended Action:

Motion to Approve First Amendments to the Collective Bargaining Agreements between the City of Delray Beach, Florida and the Palm Beach County Police Benevolent Association for Police Officers and Sergeants and Police Lieutenants

Background:

At the successful conclusion of negotiations with the IAFF, City staff was directed to offer the PBA the identical pension terms agreed to by the City and IAFF should the PBA wish to continue to participate in receiving Chapter 185 State Premium Tax revenues. As the Commission will recall, the new IAFF pension terms provide that the City may revoke its participation in Premium Tax IAFF revenues at any time during the term of the Collective Bargaining Agreement ("CBA") if the City is dissatisfied with the performance of the Board of Trustees responsible for administering the pension plan. The CBA lists the factors to be considered by the Commission in making this determination. This section also includes a safe harbor provision which provides that if the plan uses the same investment advisor (and allocations), auditor, attorney, and administrative support as the City's general municipal pension plan the City may not exercise its revocation rights.

On December 9, 2015 City staff and the PBA held collective bargaining on this subject. At the conclusion of a lengthy meeting, the PBA agreed in concept to accept the same pension terms agreed to by the IAFF with one counter-proposal. In exchange for agreement on the revised pension terms, the PBA also requested a one year extension to the term of current CBA. The term of the CBA commenced retroactively on October 1, 2014 and expires September 30, 2017. Put another way, at the time the City Commission approved the CBA's (January 30, 2015 for Police Officers and Sergeants and April 29, 2015 for Police Lieutenants) several months of the 3 year term had already elapsed, and 19 months remain as of January 1, 2016.

I have discussed the PBA proposal with the City Manager and Labor counsel. We each believe the combination of the revised pension language to align with the IAFF CBA and the 1 year extension is reasonable and collectively we recommend approval.

On January 11, 2016, the PBA executed the first amendment to the CBA for the Police Lieutenants

and is processing the first amendment for the Police Officers and Sergeants. The amendment incorporates the identical pension terms included in the executed IAFF CBA and extends the term of the CBA for 1 year to September 30, 2018.

On a related matter, as soon as the City Commission takes action on this amendment, I will be able to finalize the draft PBA pension ordinance amendments separating and reconstituting the Police and Fire pension systems.