



Committee:

JOINT SELECT COMMITTEE ON COLLECTIVE BARGAINING

Senator Hays, Co-Chair
Representative Van Zant, Co-Chair

Meeting Packet

Friday, December 4, 2015

1:00 p.m. —3:00 p.m.

Pat Thomas Committee Room, 412 Knott Building

Submitted by Department of the Lottery



ALLEN NORTON & BLUE
PROFESSIONAL ASSOCIATION

906 North Monroe Street • Tallahassee, Florida 32303
Telephone 850-561-3503 • Facsimile 850-561-0332

December 2, 2015

The Florida Legislature
Joint Select Committee on Collective Bargaining
525 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399

Re: Impasse of Fiscal Year 2016-17 Collective Bargaining Negotiations between the Florida Lottery and the Bargaining Agents

Dear Members:

Enclosed are the materials requested by the Joint Committee on Collective Bargaining in its November 24, 2015, notice of public hearing scheduled for December 4, 2015. The materials include the Lottery's notice of impasse to the Florida Legislature, and the remaining proposals currently at impasse.

Thank you for the opportunity to present this information to the Committee. If you have questions or concerns, please contact me at 561-3503, or Josie M. Tamayo, General Counsel for the Florida Lottery, at 487-7724.

Sincerely,

A handwritten signature in black ink that reads 'Michael Mattimore'.

Michael Mattimore
Chief Labor Negotiator

cc: Donna M. Poole, Commissioner, Public Employees Relations Commission
Ben Gibson, Assistant General Counsel, Executive Office of Governor Rick Scott
Renee Tondee, Policy Coordinator, Office of Policy and Budget
Tom Delacenserie, Secretary, Department of Lottery
Josie M. Tamayo, General Counsel, Department of Lottery

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November 23, 2015

The Honorable Andy Gardiner, President
The Florida Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

The Honorable Steve Crisafulli, Speaker of the House
Florida House of Representatives
Suite 420, The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1100

Re: Notification of Collective Bargaining Impasse; Florida Lottery

Dear President Gardiner and Speaker Crisafulli:

An impasse has occurred in the collective bargaining negotiations between the Governor and the two employee associations representing the bargaining units of state employees at the Department of Lottery, pursuant to section 216.163(6), Florida Statutes. We will submit the list of collective bargaining contract articles on which the parties have not reached agreement on November 25, 2015 in accordance with section 447.403(5), Florida Statutes.

Negotiations continue and it is possible that we may reach an agreement. We will keep you informed of any changes resulting from our continued negotiations. If you have questions or concerns, please contact me at 561-3503, or Josie M. Tamayo, General Counsel for The Florida Lottery, at 487-7724.

Sincerely,

Michael Mattimore
Chief Labor Negotiator

cc: Donna M. Poole, Commissioner, Public Employees Relations Commission
Ben Gibson, Assistant General Counsel, Executive Office of Governor Rick Scott
Renee Tondee, Policy Coordinator, Office of Policy and Budget
Tom Delacenserie, Secretary, Department of Lottery
Josie M. Tamayo, General Counsel, Department of Lottery
Jack Marziliano, Federation of Public Employees
Hal Johnson, Police Benevolent Association

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Article 12

WAGES AND PAY PLAN

SECTION 1 – General Pay Provisions

The Department of the Lottery's authority to provide increases to employees' base rate of pay and salary additives from available agency funds shall be in accordance with this Agreement, state law, and the Fiscal Year 2015-2016 General Appropriations Act.

SECTION 2 – Performance Pay

In accordance with the authority provided in the Fiscal Year 2015-2016 General Appropriations Act, and from existing agency resources, the Department of the Lottery is authorized to grant merit pay increases based on the employee's exemplary performance, as evidenced by a performance evaluation conducted pursuant to Rule 60L-35, Florida Administrative Code.

SECTION 3 – Savings Sharing Program

An employee or groups of employees may be eligible for monetary awards for ideas or programs that result in a cost saving to the state, pursuant to section 110.1245(1), Florida Statutes.

SECTION 4 – Discretionary Raises

In accordance with the authority provided in the Fiscal Year 2015-2016 General Appropriations Act, contingent on the availability of funds and at the Agency Head's discretion, each agency is authorized to grant competitive pay adjustments to address retention, pay inequities, or other staffing issues.

Article 21
ON-CALL ASSIGNMENT - CALL-BACK -
COURT APPEARANCE

Section 1 – Definition

On-call assignment shall be as defined in Rule 53-12.002(39) of the Department of Lottery Rules.

Section 2 - On-Call Fee

(A) When approved as provided herein, employees who are required to be on call shall be compensated by payment of a fee in an amount of not less than two dollars (\$2.00) for each hour such employee is required to be available including Saturdays, Sundays and observed State holidays.

Section 3 - Call-Back

A law enforcement employee called out to work at a time not contiguous with the employee's scheduled hours of work shall be credited for actual time worked, or a minimum of two (2) hours, whichever is greater, rounded to the nearest quarter hour.

Section 4 - Court Appearances

If a law enforcement employee is subpoenaed to appear as a witness in a job-related court case, not during the employee's regularly assigned shift, the employee shall be credited for actual time worked, or a minimum of two and a half (2 1/2) hours, whichever is greater.

Article 22 WAGES

SECTION 1 – General Pay Provisions

Agencies' authority to provide increases to employees' base rate of pay and salary additives from available agency funds shall be in accordance with this Agreement, state law, and the Fiscal Year 2015-2016 General Appropriations Act.

SECTION 2 – Deployment to a Facility or Area Closed due to Emergency

In accordance with the authority provided in the Fiscal Year 2015-2016 General Appropriations Act, contingent on the availability of funds and at the Agency Head's discretion, each agency is authorized to grant a temporary special duties pay additive of up to 15 percent of the employee's base rate of pay to each employee temporarily deployed to a facility or area closed due to emergency conditions from another area of the state that is not closed.

SECTION 3 – Performance Pay

In accordance with the authority provided in the Fiscal Year 2015-2016 General Appropriations Act, and from existing agency resources, each agency is authorized to grant merit pay increases based on the employee's exemplary performance, as evidenced by a performance evaluation conducted pursuant to Rule 60L-35, Florida Administrative Code.

SECTION 4 – Savings Sharing Program

An employee or groups of employees may be eligible for monetary awards for ideas or programs that result in a cost saving to the state, pursuant to section 110.1245(1), Florida Statutes.

SECTION 5 – Discretionary Raises

In accordance with the authority provided in the Fiscal Year 2015-2016 General Appropriations Act, contingent on the availability of funds and at the Agency Head's discretion, each agency is authorized to grant competitive pay adjustments to address retention, pay inequities, or other staffing issues.

Article 23
UNIFORMS - EQUIPMENT AND SERVICE AWARDS

Section 1 - Uniform Accessories and Equipment

Accessories and equipment will include the following minimum requirements:

- (A) A service weapon, holster and accessories as appropriate for the bargaining unit employees.
- (B) Spare ammunition, and an appropriate case.
- (C) Where hand-held radios are provided, they will be suitable for law enforcement use.

Section 2 - Clothing Allowance

Subject to funding, all bargaining unit employees shall receive a clothing allowance in the amount of \$400 annually, which shall be paid on July 1st of each year.

Section 3 - Retirement Award

When an employee retires under any provision of the State retirement system, including medical disability retirement, the employee shall be presented with his badge, his firearm, if one had been issued as part of the employee's equipment, and an identification card clearly marked "RETIRED" as provided in Section 112.193, Florida Statutes. The firearm shall at all times be handled and carried consistent with Federal and State law.

Section 4 - Award Program

The Lottery agrees to continue its program of recognition awards for bargaining unit employees which shall include:

- (A) Awards for bravery and outstanding service.
- (B) Service awards through the use of certificates, or pins recognizing years of service with the State; specifically recognizing fifteen (15), twenty (20) and twenty-five (25) years of service.