



City of Naples

CITY COUNCIL MINUTES

Special Meeting 12-17-91

City Council Chambers
735 Eighth Street South
Naples, Florida 33940

-SUBJECT-

PAGE

LABOR NEGOTIATIONS - FRATERNAL ORDER OF POLICE CONTRACT

City Council Chambers
735 Eighth Street South
Naples, Florida 33940



CITY COUNCIL MINUTES
SPECIAL MEETING

Time 8:30 a.m.

Date 12-17-91

Mayor Anderson called the meeting to order and presided.

ROLL CALL

ITEM 1

Present: Kim Anderson, Mayor

John M. Passidomo, Vice Mayor

William E. Barnett

R. Joseph Herms

Alan R. Korest

Paul W. Muenzer

Fred L. Sullivan

Council Members

COUNCIL
MEMBERS

M O T I O N	S E C O N D	VOTE		A B S E N T
		Y E S	N O	

Also Present:

Dr. Richard L. Woodruff, City Manager

Norris C. Ijams, Assistant City Manager

David Rynders, City Attorney

Mary Kay McShane, Human Resources Director

Paul C. Reble, Police Chief

Kevin Rambosk, Interim Comm. Services Dir.

James Byrne, Police Captain

John Holloway, Detective

David E. Sugrue, Police Officer

Edward B. Lacey, Police Officer

Jeff Whittaker, Police Lieutenant

George Henderson, Sergeant-At-Arms

Marilyn McCord, Recording Secretary

Other interested citizens and visitors.

ITEM 2

**LABOR NEGOTIATIONS - FRATERNAL ORDER OF
POLICE CONTRACT**

City Attorney David Rynders said that both the City administration and the FOP (Fraternal Order of Police) hoped that Council would make a decision today on the matter of the FOP contract. Mayor Anderson asked each side to introduce their panels. Attorney Peter Hurtgen introduced Assistant City Manager Norris Ijams, Human

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE
Y
E
S
N
O

A
B
S
E
N
T

Resources Director Mary Kay McShane, Lieutenant Jeff Whittaker and Captain James Byrne. The attorney for the FOP, Mark Richard, introduced Police Officer David Sugrue, FOP Vice President, Detective John Holloway, President of the FOP, Police Officer Ed Lacey, FOP Treasurer and Police Officer Tom Sepanski, member of the bargaining team.

Attorney Richard's opening statement was as follows: "It was very difficult to try to address thirty-some issues that we have spent with the City probably negotiating over ten bargaining sessions since the July-August period. These officers have worked day and night, almost exclusively on their own time, not compensated, for their profession. And it's very difficult - we had expert witnesses, statisticians and over our objection but nonetheless when we heard that this was going to be done in a day and that we had approximately three hours' time, it's quite difficult. So we've tried to put together a package that fits within these logistics that don't work all that well. Mr. Hurtgen has lent us a half hour, which gives us three and a half hours and we think, we know that we can present it within four hours. So we're hoping to be able to go from 8:30 to 12:30, and take your questions at that point, or lunch, or what-have-you.

"Again, as the City Attorney stated, it is our preference that the vote be taken today. Again, he had advised you that you don't have to do that, but the tensions are high, anticipations are high, the contract expires December 31st of this year and it would be in the best interest we believe, in the harmony of the Department to get a ruling today. What we're going to do is take you through all of the issues and we have an outline that aids you in doing that."

Attorney Richard commented further, "Today, and my colleagues Mr. Rynders and Mr. Hurtgen can correct me, but today is a very interesting process because when the Public Employee Relations Act was passed in 1974, it did not have

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

what the workers wanted. It did not have binding resolution, it did not have an impartial arbitrator. Many states have that. Public employees can't strike, nor should they strike. In exchange for that, the question happens when you go to the bargaining table and you spend thousands of your dollars and all my pay comes from their paychecks, through dues deductions, and their pay came from the City budget. When you go through this process and you legitimately can't agree what a wage increase is going to be, their 4 1/2% or a greater increase, what we're looking for. If you can't agree to those things, how do you resolve it?

"The legislators in Tallahassee came up with an idea that frankly we've never been fond of. And the idea is that you, as a Council, come here today and you do not represent the people up here. You are not today the City Council on behalf of the City Manager. You are not. This is not supposed to be you, meaning the City, versus us. You're supposed to take your hat off Mayor, and say, 'My hat's off. I am the Mayor, but I am not the Mayor in favor of the City Manager today or Mr. Rynders or Mr. Hurtgen. I am a neutral, legislative body.' I don't know if anybody can be that, but that's the law and that's why we're here today. And we go through a process today where you're going to hear his position, the Manager's position through his representatives and you're going to hear your police officers' positions and you're going to accept either ours or theirs or maybe some of ours and some of theirs. But it's supposed to be yours. And we just hope, and we believe, and it's hard to convince the police officers - someone told us "off the record" it's a 'rubber stamp' - we don't believe that today. We can't believe today or the system fails. You have seventy officers who are waiting anxiously to see what's going to happen in terms of uniforms, holidays, insurance, paying for their coverage for their children, big important issues to working people, important issues to you and me. And they've come here today, and we ask you only

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

one thing: Do what you think is right for the citizenry. Do what you think is right for your budget, your budgetary constraints and do what's right for these police officers who serve every day. Everybody's got an interest. Everybody has to be balanced. But don't rubber stamp. We're not implying that you are, but we're saying to remember how this body works.

"Then what happens after today is this contract gets imposed on us. We have no choice but to honor it. It becomes imposed. But we have choice and that is why we have to by law go out to our members and ratify this. They will vote 'yes' or 'no' on your decision. If they vote 'no' it's imposed on us, but it's only imposed 'til September 30th, the fiscal year. And we will go back to many thousands of dollars being in many ways wasted on another round of negotiations on hopefully good dialogue but often leading to acrimony and we will be back at the tables and back before you probably sometime before September. If, however, it is ratified, then it becomes a contract. It becomes a living agreement like we've always had in Naples as long as we've had collective bargaining with your police officers.

"And so it is a great incentive to the City, I believe, and to this working group of officers, to ratify this contract. And the way we're going to ratify it quite frankly is if we feel that the process has worked. That doesn't mean we're going to get everything we want, because we're not. Nobody does. But, they're sitting here, more will come in and out all day, it's more perception and the reality 'Were our issues treated fairly?' and that's all that we ask today.

"Lastly, we want to say what our theme was when we put these Articles together. There are three things that you will find very interesting here I think. We have asked for nothing; there's not one, single Article we've asked for that we can't point to another Police Department in Florida

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

that has it, including the wages. We just wanted to do that. We think that's reality. We don't want to ask you for Dr. Martin Luther King's birthday if someone else doesn't have Dr. Martin Luther King's birthday. We don't want to ask for a four-day, ten-hour-a-day workweek if the Broward Sheriff's Office didn't have it and it works and crime is being fought as best it can be fought over there on the other side of the State. So one thing you'll see on our pages are examples because we believe it's not good to ask for things that just don't work. We didn't ask for anything where there's not an example.

"The second thing is, we tried to be realistic. And that's very important, because a lot of times people just say, 'Go and ask for everything, take a shotgun approach and see what you get.' We did not do that. We didn't over-bargain. We didn't ask for 'up here' so you could meet us 'down there.' We think our proposals are fair.

"And last but not least, and I'll end with this, I don't know - you can just see it through the Articles - but the things that were asked for Mayor and Members of the Council, are things that are important to these officers. Wages are important, a workweek - they do not make a lot of money, even relatively speaking. And there's some things and money's a big issue, but there are other, non-economic issues that are very important to these folks. There are issues that may surprise you that are important to them. Such as a definition of leave and what family members' funerals you can go to and get days off.

"So we ask you to just put yourselves in the place of a police officer and think of the things, like a four-day, ten-hour-a-day week, that may not be important to someone who doesn't work in public safety, but it can be important to working people, especially when you don't make lots of money. Being with your family becomes an important thing. And studies have shown that becomes one of the issues that's hot on the minds of all Americans, from parental leave to

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

workweeks, to quality of life. Maybe you can't have the best car but maybe you can be home to drive it once in a while.

"And so the issues here today are critical to these officers as they are to the City and we know you'll treat them with that kind of respect."

HOURS OF WORK

ARTICLE 17 - FOP

ARTICLE 14 - CITY

Officer Ed Lacey presented Article 17 - Hours of Work, asking Council to take into consideration not only their beliefs but what would be in the best interest of the City. He said there were many reason why a four-day workweek would be preferred, including the fact that the three days off would represent more time with their families, plus a three-day break from stress. Officer Lacey explained that during peak hours and emergencies more officers could be on the road and instead of a fifteen-minute briefing there would be a full two-hour overlap between shifts.

Although Naples is not as crime ridden as Miami or Fort Myers, said Officer Lacey, during peak hours the Police Department is quite inundated. He emphasized that the four-day work week would behoove the City from an economic viewpoint.

Using visual aids, Officer Lacey described the three shifts and explained how the 4/3 (four days on, three days off) would work. The two-hour shift overlaps would fall during peak traffic hours. Officer Lacey stated that although he was not suggesting that overtime would be eliminated, it would be cut back because the overlap time would give officers time to write their reports which presently is being accomplished mostly on overtime. In addition, this overlap period would give the officers time to do those things which

City Council Minutes

Date 12-17-91

workweeks, to quality of life. Maybe you can't have the best car but maybe you can be home to drive it once in a while.

"And so the issues here today are critical to these officers as they are to the City and we know you'll treat them with that kind of respect."

HOURS OF WORK

ARTICLE 17 - FOP

ARTICLE 14 - CITY

Officer Ed Lacey presented Article 17 - Hours of Work, asking Council to take into consideration not only their beliefs but what would be in the best interest of the City. He said there were many reason why a four-day workweek would be preferred, including the fact that the three days off would represent more time with their families, plus a three-day break from stress. Officer Lacey explained that during peak hours and emergencies more officers could be on the road and instead of a fifteen-minute briefing there would be a full two-hour overlap between shifts.

Although Naples is not as crime ridden as Miami or Fort Myers, said Officer Lacey, during peak hours the Police Department is quite inundated. He emphasized that the four-day work week would behoove the City from an economic viewpoint.

Using visual aids, Officer Lacey described the three shifts and explained how the 4/3 (four days on, three days off) would work. The two-hour shift overlaps would fall during peak traffic hours. Officer Lacey stated that although he was not suggesting that overtime would be eliminated, it would be cut back because the overlap time would give officers time to write their reports which presently is being accomplished mostly on overtime. In addition, this overlap period would give the officers time to do those things which

T. Noeman
City Clerk
4/2/11

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOLE

Y
E
S
N
O

A
B
S
E
N
T

they have not had an opportunity to do such as interacting within the community and writing some intelligence reports. Officer Lacey pointed out that the 4/3 schedule was not a novel approach and was in fact used by the City's trash collectors and the County Sheriff's Department.

Using a map of the City, Officer Lacey explained how shifts could be divided employing the 4/3 method, providing more coverage during the peak times than ever before. If training was not scheduled for a particular day, a total of twenty-seven officers could be assigned to work patrol duties during peak hours, without any additional cost to the City. Officer Lacey told Council that he was not suggesting the 4/3 schedule was utopian but that it can and would work successfully "from the officers' well-being to the community's coverage and the City's pocketbook." He asked that should Council decide not to incorporate the 4/3 schedule on a permanent basis, that it be given a one-year trial period.

Attorney Richard told Council that the City's opposition to the 4/3 schedule was that it could not be done logistically. He noted that the 4/3 was used very successfully in many communities including Miami Beach and Broward County. Attorney Richard told Council that this issue had been presented first because it was one of the most critical issues.

EDUCATION

ARTICLE 19 - FOP

ARTICLE 22 - CITY

Attorney Richard commented that Naples had one of the most educated Police Departments he had ever come across and that the FOP believed in educating Police Officers. The FOP was requesting no limitation on college reimbursement with a "C" or higher grade. The FOP's Attorney said that the City's police officers view

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

themselves as professionals and that education was a critical issue. He used a chart to describe what funds had been spent on rank and file training as compared to management training, noting that approximately 25% of those funds are spent on police officer education. Attorney Richard said, "We believe that 75% of the fund, excluding Police Academy costs, should go to the police officers."

PROMOTIONS

ARTICLE 25 - FOP

ARTICLE 22 - CITY

Detective John Holloway outlined the transfer and promotion program presently existing within the Department. He then described the promotion method being requested which would include the positions of Sergeant and Investigator. He reviewed the proposed process which included an Oral Board jointly selected by the FOP and City administration. Detective Holloway noted that Detectives should be recognized for their work and promoted to Investigator.

VACATIONS

ARTICLE 10 - FOP

ARTICLE 7 - CITY

Police Officer David Sugrue outlined the FOP's request for changes in vacation benefits stating that the dedication the Department provides was deserving of the requests which he believed were in line with today's standards. Although the cost of the additional vacation benefits would be minimal to the City said Officer Sugrue, the return would be immeasurable, creating a better working environment and healthier and happier officers who would probably stay with the Department for a longer period of time.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

At this point Attorney Richard summarized the promotion and vacation requests. The promotional methodology would have more objectivity, he said, and allow for promotions to Investigator and Sergeant. The proposed vacation schedule is as follows:

- 1 - 5 years employment - 12 days vacation
- 6 - 10 years employment - 18 days vacation
- 11 - 15 years employment - 24 days vacation
- Over 16 years employment - 30 days vacation

In addition, a policy was requested which would give an employee the ability to extend his resignation date by drawing upon his vacation days.

INSURANCE

- ARTICLE 21 - FOP
- ARTICLE 18 - CITY

Police Officer Tom Sepanski addressed the issue of insurance, telling Council that the FOP was requesting City assistance with the responsibility of rising healthcare costs. It was the FOP's contention, he said, that police officers were required to stay in better physical condition than many employees, thus use fewer benefits. The FOP also requested dental coverage and legal insurance. Officer Sepanski noted in conclusion that the FOP was simply asking that the City's police officers receive the same insurance coverage that the County has received for years.

SICK LEAVE

- ARTICLE 13 - FOP
- ARTICLE 10 - CITY

Police Officer Sugrue told Council that the FOP was asking for an increase in the accumulation of sick time to 2.5 hours a week, resulting in a

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

change from 99 to 129 hours a year. It was also proposed that a portion of the accumulated sick leave could be donated to a sick-time bank or converted to vacation time at the beginning of each year.

WAGES

ARTICLE 16 - FOP

ARTICLE 13 - CITY

Detective Holloway informed Council that at one time a poll taken by the City showed an overwhelming appreciation on the part of the citizens for the quality service of by the Police Department. On a daily basis, he said, the Department receives numerous thank-you letters of which the officers are very proud. To be considered, noted Detective Holloway, was the fact that the Department historically acted with a great deal of restraint and professionalism. In addition, 90% of the officers have a college degree and most of them are interested in pursuing further degrees but simply cannot afford the tuition.

The Efficiency Committee's report was referred to by Detective Holloway, who said that the Department took the report seriously. He added that there was no challenge to the fact that the Naples Police Department clears more crimes than the State or National average and has a very low crime rate. Compared to other Police Departments said Detective Holloway, the City's officers had earned the right to address Council and ask for its help. Detective Holloway next drew attention to the general economic situation in the area and the fact that Naples was an affluent town with a high cost of living.

Using a chart, Detective Holloway reviewed salaries received over the past ten years compared to the Consumer Price Index (CPI). Since 1982, he noted, the CPI has skyrocketed and continues to escalate faster in Naples than in

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	
other areas resulting in less buying power. Another factor which had been ignored over the years, said Detective Holloway, was the fact that each time an officer leaves the Department it costs the City \$25,000. During the present FOP contract, 31 officers have left the Department, representing approximately \$930,000 expended to provide training and experience for individuals, most of whom are presently using that experience in other law enforcement departments. Detective Holloway commented, "We don't want to be a farm team for anyone; we want to be in the big league." He said that it was the FOP's opinion that the savings in attrition would subsidize any increase Council would grant.					
Other non-economic costs associated with attrition said Detective Holloway, included the cost to public safety, noting that in law enforcement "you get better as you do it." He said that there was a tremendous cost to be paid when officers garner experience here and then move on.					
A chart entitled "Naples Police Summary Review" was reviewed by Detective Holloway, who pointed out that a Collier County Deputy receives \$7,690. a year more a than a Naples Police Officer. The FOP was asking for a \$3,000. pay raise, half of what was necessary to bring the Department to the County's level. Detective Holloway then compared police salaries with those of local nurses and teachers, Police salaries in Bay Harbor Island and in Anderson, South Carolina and what had been printed in the Naples Daily News as the average City employee's salary.					
Detective Holloway told Council that the City's proposal would actually result in a pay cut for some Officers, while others would receive a \$2,000 increase. He described that to be an attempt to divide the officers among themselves. Detective Holloway said that the City's proposal included another "insidious clause" that would allow a new officer to start with the Department up to a Step 2. The first time someone received					

City Council Minutes

Date 12-17-91

[illegible]

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

UNIFORMS AND EQUIPMENT

ARTICLE 26 - FOP

ARTICLE 23 - CITY

Police Officer Lacey said that although the intricacies of uniforms hardly seemed relevant enough to bring to Council, it was important to the police officers on a daily basis. The first requirement was bulletproof vests for all officers. Officer Lacey told Council that the FOP was requesting the ability to be issued backup weapons, which was not a new concept in other parts of the country. He brought attention to the fact that officers were recognized when off duty and needed to be able to protect themselves.

With regard to uniforms, Officer Lacey said that officers were currently required to wear long-sleeve shirts and ties when on duty, and added, "If you do nothing else for us today, please get us out of these sweatsuits. Some guys are leaving behind bulletproof vests because they cannot wear both."

Attorney Richard summarized the FOP requests in this segment of the contract.

RETIREMENT

ARTICLE 35 - FOP

ARTICLE 32 - CITY

"Law enforcement is a young person's game and retirement is important," asserted Detective Holloway. The City of Naples does not contribute anything to the Police Department's retirement fund, which is funded by a State tax on automobile insurance policies and by the officers themselves. He explained that the FOP had asked the General Pension Board to determine whether improvements could be made and the City's Actuary had stated that the plan could be amended, without requiring any additional City funds. Detective Holloway pointed out that there was no

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE
Y
E
S
N
O

A
B
S

reason for the City to reject a proposal to amend the pension plan, which required a vote of Council.

Attorney Richard summarized by telling Council that there had been no disagreement between the City and the FOP in this area. The amended plan would accommodate a lower retirement age and the FOP is asking for age 50. He requested that Council approve the amended plan within a reasonable length of time.

BREAK: 11:30 a.m. - 11:40 a.m.

CRIME PREVENTION

ARTICLE 6 - FOP

(NEW - NO CORRESPONDING CITY NUMBER)

President Rick Moss of the Broward Sheriff's Department FOP addressed Council with respect to the four days a week/ten hours a day (4/10) schedule, which has been in effect in Broward for over five years. He stated that national studies have proven that the schedule does work and was effective in reduction of stress. In addition, said Mr. Moss, the 4/10 plan allows for flexible rescheduling and maximum manpower and can accommodate training leave with a reduction of overtime costs.

Past Fort Lauderdale FOP President Philip Cameron presented himself to Council to describe the current wage situation in that City. He said that the City had been experiencing some serious financial problems and the FOP agreed to a 3% reduction in salary in the third year of a three-year agreement. That department's increase plan tops out in five years at \$41,000-plus. A fifteen-year wage plan is "just too long," emphasized Mr. Cameron, and creates a situation where people begin looking for employment elsewhere. The National FOP Benefits and Wages

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

Committee encourages a plan of seven years or less. He suggested instituting a five-year plan with a 2 1/2% increase every six months. Mr. Cameron also mentioned the fact that Fort Lauderdale police officers receive two-and-one-half times their regular pay for holidays worked.

Detective Holloway told Council that Naples officers make a serious commitment to the City and it was unfortunate that almost every interaction they have with the citizenry is in a negative or emotionally-charged atmosphere. The FOP has designed a Crime Prevention Committee to introduce line officers to the citizens in a positive atmosphere, with no cost to the City and as a symbol of the interest the Department has in the City.

Attorney Richard described the proposed Committee further, saying that it would consist of two FOP members and two City staff members who would make non-binding recommendations to the Chief. The FOP is asking that its members be allowed to attend those meetings without loss of pay.

SCHOOL RESOURCE OFFICER

ARTICLE 8 - FOP

(NEW - NO CORRESPONDING CITY NUMBER)

Attorney Richard explained that the purpose of having a School Resource Officer was to enhance the relationship between the young citizens of Naples and the Naples police officers as well as to open the lines of communication between students and the Police with valuable information which is pertinent to solving crime.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

LEAVE OF ABSENCE

ARTICLE 11 - FOP

ARTICLE 8 - CITY

Police Officer Sepanski explained that changes were requested so that employees were not forced to exhaust all means of absence before taking leave of absence without pay and that benefits would be continued during leave of absence without pay. Attorney Richard added that the FOP believed that benefits should accrue while an officer is on leave of absence without pay.

BULLETIN BOARD

ARTICLE 19 - FOP

ARTICLE 16 - CITY

Although a bulletin board is available to the FOP at the Police Department, said Attorney Richard, anything posted there must first be approved by the Chief. He explained that the FOP agreed to use the bulletin board solely for FOP purposes and asked that the censorship be removed.

LAYOFFS

ARTICLE 20 - FOP

ARTICLE 17 - CITY

Police Officer Lacey stated, "These officers make a serious commitment to the City, a long-term commitment. We ask the City to make the same by not laying people off in any way but in reverse-seniority order, likewise to not hire anyone by other than in reverse order of layoff."

Attorney Richard told Council that the FOP was asking that there be no layoffs regarding subcontracting, adding that the citizens do not deserve that. He commented, "I've never seen a

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

department where people got laid off by anything other than seniority. If not worthy of being on this Police Department, a person shouldn't be there."

SENIORITY

ARTICLE 24 - FOP

ARTICLE 21 - CITY

Detective Holloway told Council that the people should be rewarded for staying in Naples, not for coming to Naples and incentives should be provided. Seniority was a very objective method for making assignments, he noted, and does not cost the City anything. It was viewed as a tool to reward Officers for staying on the force. Attorney Richard added that the FOP was simply asking for any variables to be removed.

WORKER'S COMPENSATION

ARTICLE 30 - FOP

ARTICLE 27 - CITY

The FOP is asking that when an officer is injured on duty he should be maintained at the same level of pay when on Worker's Compensation said Officer Sepanski. Attorney Richard noted that this issue is frequently discussed when negotiating Police and Fire contracts. The FOP asks that whatever the difference between City salary and Worker's Compensation, the City pay the difference for one year. A long-term disability insurance policy is requested, which would go into effect after one year in cases of long-term disability. Those premiums would be paid by the City.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

DETAILS

ARTICLE 37 - FOP

(NEW - NO CORRESPONDING CITY NUMBER)

Police Officer Sugrue informed Council that officers work extra details on a regular basis and "this overtime pay is what puts us over the edge financially." He said that the FOP is asking for some input in what types of jobs are accepted and denied. In addition, a City Ordinance would require at least one Naples Police Officer be assigned to a detail, such as social events, road construction or security details. This would prevent putting the City in a potentially precarious situation created by having an off duty law enforcement officer who is not privy to the Naples Police Department's policies and practices.

RIVER PARK COMMUNITY RELATIONS

ARTICLE 7 - FOP

(NEW - NO CORRESPONDING CITY NUMBER)

Detective Holloway told Council that during the past few years one aspect of police work that has come back into vogue is that of the community policeman - when a policeman gets out of the patrol car and walks around a neighborhood. The FOP recommends assigning specific officers to areas of the City, for long periods of time, in order to develop interaction with the citizens of that particular neighborhood. The area selected for this activity was the River Park/Gordon River area. Detective Holloway pointed out that the Department's only interaction in that area was currently a very negative one and the FOP would hope to cultivate sources of information as trust grows among the citizens. Through incorporation of the 4/10 schedule, this activity would be possible with no additional hiring. The FOP believes that this could make a significant impact on the crime rate.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOLE

Y
E
S

N
O

A
B
S
E
N
T

PREAMBLE

Attorney Richard pointed out that the FOP was asking for the inclusion in bargaining units of the position of Sergeant when the Union goes before the Mini-PERC and requested that Council decide to either support that position or remain neutral.

BILL OF RIGHTS

ARTICLE 2 - FOP

ARTICLE 2 - CITY

Attorney Richard explained that the parties had agreed to almost all the issues, however, the FOP was asking that National standards be used for drug testing. Also requested was that the Internal Affairs Office continue its present practice of allowing an officer to see any complaints related to him.

MANAGEMENT'S RIGHTS

ARTICLE 3 - FOP

ARTICLE 3 - CITY

The FOP asked that the sentence regarding subcontracting be eliminated from Article 3.

PAYMENT FOR MEETINGS

ARTICLE 4 - FOP

ARTICLE 4 - CITY

Attorney Richard stated that the FOP believes that all meetings and arbitrations involving FOP witnesses and officers should be compensated.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

MATERNITY

ARTICLE 12 - FOP

ARTICLE 9 - CITY

The City meets the FOP's major concerns.

FUNERAL

ARTICLE 14 - FOP

ARTICLE 11 - CITY

The City meets the FOP's major concerns.

PERSONNEL RECORDS

ARTICLE 15 - FOP

ARTICLE 12 - CITY

Attorney Richard said that the FOP had requested that there be only one official record to which the City has agreed. Also, both the City and the FOP should be notified of items that go into employee files. He noted that if something adverse to an officer goes into his file, it was only fair and decent that he be notified.

STRIKE

ARTICLE 18 - FOP

ARTICLE 15 - CITY

Attorney Richard said that there was a minor technical point in the language of this Article that should be resolved, noting that it was not appropriate to state "all members agree."

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOLE

Y
E
S

N
O

A
B
S
E
N
T

PROBATION

ARTICLE 23 - FOP

ARTICLE 20 - CITY

The City's last offer addressed the FOP's major concern.

OUT-OF-CLASS

ARTICLE 27 - FOP

ARTICLE 24 - CITY

The FOP asked that the Watch Commander position be staffed by a supervisor.

DUES

ARTICLE 28 - FOP

ARTICLE 25 - CITY

Attorney Richard noted that the FOP had accepted the City's last position with regard to dues.

TIME POOL

ARTICLE 29 - FOP

ARTICLE 26 - CITY

Attorney Richard said, "If Council thinks the FOP is a good thing and has value, we think certain things will follow." He informed Council that Fort Lauderdale has a full-time FOP President and that management goes to him often. The FOP was asking that employees be allowed to contribute one day of any kind of leave to contribute to a pool which would be used by the FOP officers for FOP work. The FOP is asking the City to demonstrate its good faith by donating 500 hours to this time pool. Attorney Richard noted that the Police Chief would approve whatever time was requested.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS

M
O
T
I
O
N

**S
E
C
O
N
D**

VOTE	
Y E S	N O

ABS

DECLARATION OF PRINCIPLES

ARTICLE 31 - FOP

ARTICLE 28 - CITY

The FOP agrees with the City's last position.

CHANGES ON BENEFITS

ARTICLE 32 - FOP

NO CORRESPONDING CITY ARTICLE

Attorney Richard explained that all prevailing benefits and rights enjoyed by FOP members shall be continued throughout the next contract, unless eliminated by the City.

LABOR MANAGEMENT MEETINGS

ARTICLE 34 - FOP

ARTICLE 31 - CITY

The FOP seeks to utilize joint meetings, or cancel them, depending on the then-current situation, said Attorney Richard. The FOP is asking for \$5,000 per year to hire professionals (for example pension experts and accountants) to make those meetings more beneficial.

POLICE PHYSICAL FITNESS PROGRAMS

ARTICLE 36 - FOP

NO CORRESPONDING CITY ARTICLE

Attorney Richard told Council that the FOP was willing to drop this request, however, the officers wanted Council to be aware that they were willing to workout and stay in good physical condition. He asked for an informal agreement with the Police Chief and City Manager that this issue would be discussed in the future.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE
Y
E
S
N
O

A
B
S
E
N
T

In closing the FOP's presentation, Attorney Richard asked that Council make its decisions with the same forethought, balance and equity that they brought into their positions. He acknowledged that there was a great deal of material to discuss and asked that the volume of information not interfere with Council's decisions, since those decisions were critical to the police officers. Finally, said Attorney Richard, the officers were depending on the seven Council Members, noting, "You have enormous power. Please handle it with care and respect."

LUNCH RECESS: 12:30 p.m. - 1:34 p.m.

Attorney Peter Hurtgen, representing City management, told Council that he would attempt to properly present the issues, facts and data that should be considered.

HOURS OF WORK AND OVERTIME

ARTICLE 14 - CITY

ARTICLE 17 - FOP

Attorney Hurtgen commented, "Probably not another issue in Florida has generated more heat and less light than this 4/10 issue." He noted that in his opinion the reality is that the 4/10 does not create efficiency nor help scheduling, does not help financially nor help in regard to services to the citizens. It's sole motive, he said, was to give the employees something and he was asking Council to consider the effect of that fact.

Without an increase in manpower, said Attorney Hurtgen, the same staffing in service cannot be accomplished with the 4/10 schedule as it can with eight-hour workdays. He noted that the schedule FOP was requesting would not add to the number of personnel in the Department, however,

City Council Minutes

Date 12-17-91

[illegible]

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

EDUCATION

ARTICLE 19 - CITY

ARTICLE 22 - FOP

Although the City had no desire to imply that any officer who is so motivated should not continue his education, the issue referred to what extent the City should pay. Attorney Hurtgen agreed that when education had some direct benefit to how a person functions as a police officer it was appropriate for the City to pay, noting that many Bachelor's and Associate's degrees did just that. However, he added, he did not believe that a Master's degree or a Doctorate has such direct benefit.

Attorney Hurtgen noted that although only \$7,347 was reimbursed to the police officers last year for education, that amount represents all that was requested. In addition, he said, \$160,000 goes for training at the Lee County Vocational Technical Institute, so a vast majority of the education budget is utilized for training of the officers.

Rather than have no limitation on what courses and degrees would be reimbursed, Attorney Hurtgen said that there should be some genuine expenditure of City funds which will somehow benefit the City and not enhance employment somewhere else.

PROMOTIONS

ARTICLE 22 - CITY

ARTICLE 25 - FOP

Attorney Hurtgen told Council, "Modern police theory and analysis does not recommend that you create a special promotional rank for Detective. Modern police theory states that the job performed by an officer is as important as the job performed by a Detective. The TV/movie image is not real." He said that it was very decisive to say, "patrol officers are not as valuable as

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

Detectives, so you should strive for promotion to Detective." Attorney Hurtgen noted that most crimes were solved by good patrol officer work. He concluded discussion of this Article by stating that Detectives should not be promoted.

VACATIONS

ARTICLE 7 - CITY

ARTICLE 10 - FOP

Council was informed by Attorney Hurtgen that the City had, in its proposal, improved upon the current vacation policy. An officer with eleven to twenty years of service would have four weeks vacation, which represented an improvement at the senior level. Referring to the FOP's presentation, Attorney Hurtgen said that Naples Police Officers could not be compared to nurses, nor could they be compared with Police Officers in Anderson, South Carolina. He cited State Statute 447.405 which sets forth factors to be considered when comparing employees in other occupations and other localities. Attorney Hurtgen submitted that there was a great variation in vacations, pointing out that Lee County employees received three weeks vacation regardless of their tenure. He summarized by saying the City's proposal allows for reasonable vacation time.

INSURANCE

ARTICLE 18 - CITY

ARTICLE 21 - FOP

Attorney Hurtgen reminded Council that the City pays 100% of an employee's insurance coverage, and one-half of any family coverage, whereas some cities pay nothing toward family coverage. If the City agreed to pay full family costs he said, for the FOP as well as for the other City employees, it would cost \$265,000. It was also pointed out that should an officer be sued while

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOLE

Y
E
S

N
O

A
B
S
E
N
T

on duty, State law mandates that the City hire an attorney to represent that employee, unless he acted out of malice. He told Council that the Naples Police Officers were protected now as fully as any other police officer in the State.

SICK LEAVE

ARTICLE 10 - CITY

ARTICLE 13 - FOP

The City had agreed to the FOP's request to allow officers to donate sick time to other officers. Attorney Hurtgen explained further that the City was offering, as an inducement to not utilize sick leave, the ability to use that sick leave upon retirement as an employee's contribution for continued health benefits.

WAGES

ARTICLE 13 - CITY

ARTICLE 16 - FOP

Attorney Hurtgen asked Council to consider what the City was proposing, which would provide a generous initial increase and an average increase of 4 1/2%. On the employee's next anniversary date he said, he would receive an additional 3%, resulting in a total average increase of 7 1/2%.

The fifteen-year plan, Attorney Hurtgen admitted, could be improved, however, "we have to start somewhere." Referring to the Cost of Living Index, he said that the City was offering two-thirds of the Cost of Living increase each year.

Hiring employees at the second step or above was so common an occurrence, said Attorney Hurtgen, that it should not even warrant debate and he regretted that the practice would be suggested as to be a discriminatory one.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

Attorney Hurtgen told Council that a survey had been made of salaries in other Police Departments of comparable size and as a result, the City felt that their proposal was very fair in comparison.

The FOP had requested one additional holiday and the City had proposed to increase the holidays to eleven.

To summarize, Attorney Hurtgen told Council that the Police Department did not need to increase vacation time in order to attract new employees, in fact there had been over 700 applications for the previous two openings. He noted that the \$100 uniform allowance offered by the City was more than that given by the Collier County Sheriff Department.

With regard to the 4/10 schedule, Attorney Hurtgen said that that would give the officers an extra day off in order to work another job, which was a negative for the City. Next, he referred to Detective Holloway's statement with respect to thirty-one police officers leaving the Department within the past three years, at a cost to the City of \$930,000. The City also wants to prevent turnover he emphasized, however, data does not support that officers left the Department because of wages. Attorney Hurtgen pointed out that many young people go into police work then decide they either do not like the work or it is too stressful.

"What do you want to pay your police officers?" asked Attorney Hurtgen. He told Council that in his opinion, the FOP's approach regarding wages was to ask for an extremely high amount and possibly "shame" Council into offering more than what was proposed by management. Attorney Hurtgen stressed that police officers in many cities within the area and within the State were making much less.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

Finally, said Attorney Hurtgen, the fifteen-year plan was not "fixed in stone."

BREAK: 3:00 p.m. - 3:12 p.m.

HOLIDAYS

ARTICLE 6 - CITY

ARTICLE 9 - FOP

Attorney Hurtgen informed Council that disputes in this area had been resolved down to only one issue and the City offered the FOP their choice of an additional floating holiday or Martin Luther King's birthday. He pointed out that no other city surveyed granted more than eleven holidays, which was the number offered by the City. Attorney Hurtgen also noted that it was factually correct that officers who work holidays receive, an additional day's pay for that time.

UNIFORMS

ARTICLE 23 - CITY

ARTICLE 26 - FOP

Referring to the issue of long-sleeved shirts, Attorney Hurtgen told Council that the Chief had waived that requirement even during the season if warranted by warmer weather and in fact long sleeves were required for only about three and one-half months of the year.

Attorney Hurtgen addressed the FOP's request for backup weapons, saying that it was a desire on the officers part to carry a second pistol and that there had been no demonstrated need to increase firepower with a second weapon on duty. He went on to say that officers were allowed to carry weapons off duty and had a choice of three. Although some impression had been created that officers need additional money to buy their own

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

ammunition for the range, said Attorney Hurtgen, they are provided 150 rounds a year for the range.

Officers are presently given \$100 yearly towards laundry expense and the City believes that is sufficient.

GRIEVANCE PROCEDURE

ARTICLE 5 - CITY

ARTICLE 5 - FOP

Attorney Hurtgen said that he understood the FOP was now accepting the City's proposal.

RETIREMENT

ARTICLE 32 - CITY

ARTICLE 35 - FOP

There should be no outstanding issue of this Article, according to Attorney Hurtgen, however he asked to correct some incorrect characterizations. The FOP said that the City does not contribute to their retirement plan, he said, however, a percentage of excise tax money which the City had levied on auto insurance premiums of citizens of the City is put into the Police Retirement Fund. Otherwise, noted Attorney Hurtgen, there should be no dispute. The City had agreed to lowering the age of retirement from 55 to 50 or after 25 years of service.

FOP CRIME PREVENTION COMMITTEE

NO CITY ARTICLE

ARTICLE 6 - FOP

Attorney Hurtgen urged Council not to give serious consideration to this request by the FOP, pointing out that police officers can attend

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

neighborhood meetings now. Citing State Statute 447.209, Attorney Hurtgen told Council that whether or not a citizens crime prevention committee is established was a management right and not negotiable.

SCHOOL RESOURCE OFFICER
NO CITY ARTICLE
ARTICLE 6 - FOP

Attorney Hurtgen informed Council that it was a fundamental management responsibility to decide whether the Department had a school resource officer. The County presently has School Resource Officers he said, and it may be a good area to pursue but was not proper to do so during collective bargaining. Attorney Hurtgen said that he would be happy to discuss this topic with the County and the School Board.

LEAVE OF ABSENCE
ARTICLE 8 - CITY
ARTICLE 11 - FOP

Council was informed that the City had offered the FOP fifteen calendar days of benefits during leave of absence without pay. If an officer desires to take leave without pay for non-sickness purposes, the City's stand is that they must exhaust their vacation time first.

BULLETIN BOARD
ARTICLE 16 - CITY
ARTICLE 19 - FOP

Attorney Hurtgen told Council that the FOP was claiming "censorship" of the bulletin board, however, the City was attempting simply to prevent the "trashing" of management by reviewing items to be posted. The FOP has been given the

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

benefit of legitimate use of the bulletin board. The City simply states there will not be unlimited access.

LAYOFFS

ARTICLE 17 - CITY

ARTICLE 20 - FOP

"This is a truly curious problem," noted Attorney Hurtgen, since the City already provides that seniority will be applicable in layoffs. He said, "We do temper seniority by performance if there is demonstrated ability greater in some than in others. We are all operating with grades of skill and talent. This does mean that if you can objectively differentiate between officers in a layoff, you can do it by seniority."

With regard to subcontracting, Attorney Hurtgen pointed out that the FOP had agreed on the Management Rights clause. He reminded Council that it may choose to speculate about using subcontractors in the future and there was no reason to contractually prevent that option.

SENIORITY

ARTICLE 21 - CITY

ARTICLE 24 - FOP

Attorney Hurtgen told Council that although the contract language of both sides was identical, the FOP asked for seniority for the purpose of controlling car assignments, schedules, etc. He commented that such items could not always be based strictly on seniority.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

WORKER'S COMPENSATION

ARTICLE 27 - CITY

ARTICLE 30 - FOP

Attorney Hurtgen told Council that there was no great philosophical issue here one way or the other and the City was proposing no change. He noted that some employers provide no supplement, some provide weeks and some provide months. The State of Florida has decided that officers would receive two-thirds of their salary, which can be supplemented or not. The City has a reasonable Workmen's Compensation practice now said Attorney Hurtgen, and he urged Council to stay with that.

DETAILS

NO CITY ARTICLE

ARTICLE 37 - FOP

is entire proposal is not subject to bargaining, according to Attorney Hurtgen, but is a policy matter to be determined by the City. Since this issue is not mandatorily negotiable, he pointed out, Council should "leave it alone."

RIVER PARK COMMUNITY RELATIONS

NO CITY ARTICLE

ARTICLE 7 - FOP

Attorney Hurtgen recognized that it may or may not be a good idea to increase police presence making friends, etc. in certain areas. He said that in his opinion, police officers were already playing a friendly, positive role and the citizens of Naples generally appreciate the presence of the Police. However, stated Attorney Hurtgen, this was not a collective bargaining issue but a management decision and it has been suggested that this matter be discussed during labor/management meetings.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

PREAMBLE

The City had agreed to technical language changes as requested by the FOP.

EMPLOYEE ORGANIZATION

ARTICLE 1 - CITY

ARTICLE 1 - FOP

Attorney Hurtgen urged Council to not accept including Sergeants in the same bargaining unit as police officers. If PERC so decides, Sergeants will be in a bargaining unit of their own.

BILL OF RIGHTS

ARTICLE 2 - CITY

ARTICLE 2 - FOP

The City had agreed to some, but not all, of the FOP's proposals in this area, according to Attorney Hurtgen. The FOP asked that officers be provided with statements made by others about their conduct before their statement is taken, a policy that is not in practice anywhere. Attorney Hurtgen said that no dismissal, demotion, transfer or reassignment shall be taken against an officer unless he is first notified of the action. The FOP had asked that they be notified of any such action. The City asserts that that is the officer's own obligation.

With respect to drug testing, Attorney Hurtgen informed Council that the City was seeking to change the language to "reasonable suspicion," and he did not believe that was opposed by the FOP. The City agreed to eliminate Sections 2.02 and 2.03 in accordance with the FOP's request.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOTE

Y
E
S

N
O

A
B
S
E
N
T

MANAGEMENT'S RIGHTS

ARTICLE 3 - CITY

ARTICLE 3 - FOP

The FOP had requested that the City's right to subcontract for police services be eliminated. The City has proposed that the FOP shall be notified of all modifications or policy changes seven days in advance of implementation.

PAYMENT FOR MEETINGS

ARTICLE 4 - CITY

ARTICLE 4 - FOP

Attorney Hurtgen told Council that the FOP's argument was that if the City is benefitted by the Union's actions, the City should pay the members. He said further, "They want to be compensated because they are working toward harmony. They have not demonstrated harmony, but a mildly adversarial process. There is a modified adversarial relationship here and it would be foolhardy to pay them. We should desire an amicable resolution of disputes." He said that the City proposed to contribute to the FOP's time pool - one-fourth hour for each hour their members spend on Union business. Attorney Hurtgen concluded by saying that neither side should pay the other side for its role in this modified adversarial relationship.

MATERNITY

ARTICLE 9 - CITY

ARTICLE 12 - FOP

Attorney Hurtgen stated that there should be no impasse on this issue since the City's proposal meets the FOP's request. In addition, parental leave has been added.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

FUNERAL

ARTICLE 11 - CITY

ARTICLE 14 - FOP

The City and FOP have agreed on this Article.

PERSONNEL RECORDS

ARTICLE 12 - CITY

ARTICLE 15 - FOP

Attorney Hurtgen noted that the FOP suggested that a big issue was whether there was more than one personnel file. The City believes that there has always been one. With regard to the FOP's concern that officers may submit written rebuttals, the City has agreed.

STRIKE

ARTICLE 15 - CITY

ARTICLE 18 - FOP

Attorney Hurtgen informed Council that Sections 15.01 and 15.02 had simply been consolidated.

PROBATION

ARTICLE 20 - CITY

ARTICLE 23 - FOP

There had been considerable negotiation with respect to this issue said Attorney Hurtgen, with the City offering compromises that the FOP did not accept. The FOP did accept the City's offer of six months probation after completion of field training.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

OUT-OF-CLASS

ARTICLE 24 - CITY

ARTICLE 27 - FOP

The FOP's issue is that officers do not want to be assigned as Watch Commanders, stated Attorney Hurtgen, however, in his opinion, that is a management right. He urged Council to make no changes to the contract in this area.

DUES

ARTICLE 25 - CITY

ARTICLE 28 - FOP

There is no issue with respect to this Article.

TIME POOL

ARTICLE 26 - CITY

ARTICLE 29 - FOP

The City has offered to contribute one-fourth hour for every hour an FOP member contributes to the time pool up to a total of 100 hours.

PREVAILING BENEFITS

ARTICLE 32 - FOP

Attorney Hurtgen urged Council to not accept the FOP's request. He stated that a labor agreement was meant to be a grant of rights to the employees and that the prevailing rights clause turns it into a documented limit of management.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

LABOR MANAGEMENT MEETINGS

ARTICLE 31 - CITY

ARTICLE 34 - FOP

The City has agreed to give the FOP the option of waiving these meetings if they so choose. The City agreed to the \$5,000 requested for the utilization of experts; however, the City has asked that it receive copies of any such data.

*** *** ***

BREAK: 4:40 p.m. - 4:45 p.m.

*** *** ***

The meeting was opened to questions by Council Members. Speaking for the FOP, Attorney Richard stated, "There was one technical issue that we think needs to be brought up, just so there's no confusion. We believe that on the issues that we said primarily - the City's last offer - addressed our concerns, in each of those issues we dropped little things and we did that really in deference to you to speed time along, etc. It doesn't mean we've agreed to those positions; we're not signing off on them. You still need to vote on them and impose them on us. But we just, out of respect and I think we both did a heck of a job with dealing with the time frame today, want you to know that we've not signed off on any of the Articles at all. We did withdraw the one on Physical Fitness; that's off the table. But all the other ones, even the ones like on Funerals, we dropped a few little issues on expanded definition of family. We're willing to do that. We don't want to be punished. It's not that we signed off on it; you need to impose it. But we're saying that if you impose the City's last offer, we're being honest with you, it addressed our major concerns."

Both sides were then invited to make their closing statements. Detective Holloway's comments were as follows: "I spent most of last night and this morning thinking about what I was

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERS

M
O
T
I
O
N

S
E
C
O
N
D

VOLE

Y
E
S

N
O

A
B
S
E
N
T

going to tell you today at this particular juncture and to be perfectly honest with you, I was totally clueless when I got up this morning. I really didn't know what to tell you. I think that in light of what's been said I should correct some inaccuracies and some mis-statements that naturally occur during these things.

"The first inaccuracy that we find especially frustrating as Officers is the statement that we chose to come to you. We didn't. We did everything but get on our knees and beg for binding arbitration. It was the City staff that refused binding arbitration and forced us to come before you with all these issues and in effect make our problem your problem. We didn't want to do that. We're forced here today. We're not here by choice. If we could get binding arbitration this minute, I'd still go for binding arbitration because these issues are so complex and so parochial to law enforcement that in three hours it's almost impossible to share with you the rationalizations and the justifications for all of them. We think today we've done a very good job of that. We were told 'Prove that a 4/10 schedule could work and we'll consider it.' We proved it could work; they didn't consider it, so we brought it here to you today. We were forced to bring it to you today and we've proved it worked again. I don't understand exactly why because we're not reinventing the wheel; that's in effect everywhere.

"The other situation that gets so complicated for us is the negotiation process. Apparently, the City's position has been that if you don't like what you see, ignore it, pretend it doesn't work, or pretend that it's some secret worker ant, who came in during the night, typed this report, attached the Chief's signature and sent it to the new City Manager. We didn't do that. We had a great deal of frustration during the negotiations because we were told 'defend this.' We said, 'We can't defend it, we didn't write it. You did.' 'Well, we don't agree with it.' 'I'm sorry. It's your proposal. It's your facts.' 'Well show us

City Council Minutes

Date 12-17-91

[illegible]

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

hope. We didn't ask to put you in this position but we understand the difficulty of being there. Whatever you decide, we're going to serve you. Whatever decision you make regarding salary or schedules, we're still going to be there. We're professionals, but we believe that we have proved to you that our requests are reasonable and are not arbitrary. We think we've proved to you that a lot of thought went into these things. As I said, with Ed Lacey, we spent three hours moving little men off and on a chart to prove that it could work. We think we've done everything that we need to do to justify what we've asked. Our fate is in your hands. We don't have an alternative."

Attorney Hurtgen asked City Manager Woodruff to address Council. Dr. Woodruff's summation was as follows: "Many months ago, the Mayor and Council were notified that the labor negotiations, or series of contracts, were up for renewal this year. As the Manager, it's my charge to negotiate under the State laws and negotiate in good faith. I appointed a management team which is comprised of the folks that you see here. It has been said that I did not take an active part in that. That's not correct. I've taken a very active part in that, in that although I did not attend the meetings personally, I was briefed, normally before and at all times after, every one of those sessions. Although contracts and labor negotiations are certainly an important issue, you, as a Council understand that I have many issues to deal with. And because of that, it would have been impractical and to a degree impossible for me to have been personally involved in the negotiations.

"Secondly, I think one of my charges as the Manager is to always recognize that my responsibility as a Manager to you and your responsibility to the citizens, is not necessarily to do things personally, but to determine where the professional expertise is and

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	

let those people negotiate. I think by putting these four people and several others from the Police Department in charge of this mission, getting briefings and giving direction, that I have done just that charge, that I have actually executed that charge better by appointing a professional team with in-depth knowledge than I could have done if I had sat every second of every minute of every hour of every day in those meetings. The City has come out much better. I think the Police Department has come out much better.

"The sad thing in any situation, whether it's a rezoning petition that comes before you or whether it's a citizen dispute over some issue or whether it's an employee issue, is that there is the perceived winner and there is the perceived loser. That is really not where we're headed. The employees, be they union or non-union, are the number one resource of any organization. There are those who will say that the management's positions that have been presented to you today show that the employee has great value because our proposal does try to look at some very positive things for the future. I would aspire to that position. There are those who would say because we did not accept the FOP position that we have not treated the employee fairly. That may have some validity in the eyes of those who say it because every person has the right to their opinion.

"But the bottom line is that the proposal, that we as management are bringing to you, comes in difficult economic times. It comes in a time when I and every Department head stood before you and convinced you, prodded you, twisted your arm and eventually got a major tax increase. It comes at a time when the sales and economic issues in the City of Naples are terribly flat. It comes at a time when sister cities are giving nothing, or laying people off, or giving nothing to keep from laying people off. This is not an issue where you, as a Council, pick between two bad alternatives. If you were in Fort

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S E N T
			Y E S	N O	

Lauderdale, you would have been asked to pick between two bad alternatives: lay people off or have no increase. That's not what you're being asked to choose from. You're being asked to choose from two proposals under which the employee gains, under which the City gains.

"Part of our charge as the management team is to look not at just one union, but to look at all 530 employees. It is correct, that under certain comparative analysis, that you have to look strictly at police salary versus police salary. That does not change the fact that I as the Manager and you as the Council are responsible for 500-plus employees, not 63 that are in the labor union. When we look at benefits, we have to be realistic to recognize that what we give to one will be asked by another. That what we are prepared to do for one we should be prepared to do for another.

"I can tell you that there are issues that prior management had agreed to, without Council's concurrence because you were never at an impasse situation, that did in fact create inequities. As Manager, I think part of my job is to eliminate inequities and to have as much parity between every employee, be they union or non-union, be they AFSCME, be they FOP, be they Firefighters, be they non-union. That's what our goal in dealing with any citizen is. To eliminate those areas of inequity, trying to treat everyone fairly. That's what our proposal has done. Is it a proposal that the FOP members would want to walk out today and go home and say, 'We really got a great deal' No. Is it a proposal that the FOP should walk out and say 'We got the shaft.' No. It is a proposal that gives some reasonable things that we believe financially this community can afford to do at this time. Because of that, we would ask you to adopt the recommendations as presented by this labor team. Thank you."

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	
Mayor Anderson requested Council input. Council Member Korest asked what options existed between what the City does and what the FOP would accept. City Attorney Rynders said that Council would impose a contract that would extend to the end of this fiscal year. Attorney Hurtgen explained that State Statute requires that Council resolve the impasse issues by imposing some solution today. Those issues that are imposed including those few agreed upon, will as a whole proposed contract, will be submitted to the membership for ratification. If it is not agreed upon, what Council has imposed is imposed until September 30, 1992. At that time the parties will begin bargaining again.					
Attorney Richard stated that the policy behind the statute was very clear; Council should be a neutral body during the negotiations and not there on behalf of the City Manager. These issues were at an impasse, he added, and that is why they were before Council today. Whatever decisions Council makes on each issue, they would be brought back to the membership for a vote and possible ratification, Attorney Richard concluded.					
Mayor Anderson told Council that she would accept a motion either dealing with all issues or each one separately. Vice Mayor Passidomo stated that Council owed accommodations to both legal counsels as well as the negotiating teams. He noted that in his opinion the process had confirmed what Council already knew - very professional employees were part of the City's team. Mr. Passidomo recommended that Council take the City Manager's admonitions very seriously.					
MOTION: To <u>ACCEPT</u> the City's position except for Hours of Work and Wages (Articles 13 and 14 of the City's proposal)					
Barnett		X	X		
Herms			X		
Korest			X		
Muenzer			X		
Passidomo	X		X		
Sullivan			X		
Anderson			X		
(7-0)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
<p>deferring those items to subsequent discussion and disposition by City Council this evening.</p> <p>Council Member Herms stated that he could not vote without reviewing certain items more closely. He requested that Articles 16, 18, 19 and 23 of the City's proposal and Article 8 of the FOP's proposal also be removed for discussion. The maker and seconder of the motion above agreed to Mr. Herm's request.</p> <p>***</p> <p>BREAK: 5:15 p.m. - 5:30 p.m.</p> <p>***</p> <p>Mrs. Sue B. Smith, 15 11th Avenue South, told Council that she was appalled that it would accept the proposal excluding so few items. She thanked the Police Department for the many hours spent on the presentation. Mrs. Smith said to the police officers, "I don't think you've been treated in a manner of fairness or wisdom. It's very unfortunate that City Council does not appear to be dealing in good faith with an arm of government that is extremely vital to the City." Referring to discussion about the FOP's bulletin board, Mrs. Smith said that in her opinion it was incredible that a board would be assigned to the employees but restricted their freedom as to what they posted there.</p> <p>With respect to the 4/10 schedule, Mrs. Smith said that she found it incredible that Council would not allow a one-year trial period. Mrs. Smith also referred to the FOP's request for backup weapons, noting that Council should be concerned about each officer's welfare. She admitted that she had often asked Council to be careful of the City's budget, however, the matter being discussed was of far greater value than, for example, the S.T.A.R. Program.</p>					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABC
			YES	NO	
Barnett		X	X		
Herms	X		X		
Korest			X		
Muenzer			X		
Passidomo			X		
Sullivan			X		
Anderson			X		
(7-0)					
Barnett			X		
Herms					X
Korest					X
Muenzer	X		X		
Passidomo					X
Sullivan		X	X		
Anderson			X		
(4-3)					

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL
MEMBERSM
O
T
I
O
NS
E
C
O
N
D

VOTE

Y
E
SN
OA
B
S
E
N
T

6 years of service	30,166
7 years of service	31,277
8 years of service	32,388
9 years of service	33,499

Total cost to the City of the increased salaries will be approximately \$109,426 on January 1, 1992, an approximate average increase of 6.9%. For the nine months thereafter, there would be an additional 3.6% step increase on anniversary dates, which would cost the City approximately \$45,000. To achieve the increases, there will be a total expenditure for salary increases of slightly over \$150,000. Mayor Anderson confirmed that the total salary increase budget for the City was \$365,000. It was noted that the ten steps would be achieved in nine years time.

Council then discussed the possibility of allowing certain employees to drive City vehicles to and from work and home. Chief Reble told Council that it would require nine automobiles to allow this benefit for every Detective. Chief Reble told Council that it could be worked out as a policy matter.

MOTION: To allow certain employees, including Crime Technicians and Detectives, to drive unmarked vehicles to and from work and home, with no personal usage whatsoever.

The motion died for lack of a second.

It was the consensus of Council that Article 13.07, relating to the use of unmarked automobiles, was a management issue.

BREAK: 6:50 p.m. - 7:00 p.m.

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

COUNCIL MEMBERS	M O T I O N	S E C O N D	VOTE		A B S
			Y E S	N O	
Council addressed Article 14 (City), Hours of Work, and Council Member Korest commented that although the 4/10 schedule appeared to be a sound concept, he did not believe it should be considered at this time but should first be thoroughly reviewed by management.					
MOTION: To accept Article 14 as written in the City's proposal.					
<u>Council Member Muenzer directed the Police Chief and the City Manager to review the 4/10 schedule of other communities where it has been implemented for the past three to four years and to further review the 4/10 concept.</u>					
This next Article discussed was that relating to Bulletin Boards.					
MOTION: To accept the FOP's Article 16 (Bulletin Boards), Sections .01, 02 and .03, but to delete Section .04.					
MOTION: To accept Article 18 (Insurance) as written in the City's proposal.					
Education was the next item of discussion. Detective Holloway informed Council that the City ceased paying for any continuing education above a bachelor's degree unless it pertained to someone at a management level.					
MOTION: To accept Article 19 (Education) as written in the City's proposal, amending Section 19.01 to state that associates, bachelor's or master's degree programs must be in the areas of law enforcement, criminal justice, or police science.					
Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)			X	X	
Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)	X	X	X	X	
Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (7-0)	X	X	X	X	
Barnett Herms Korest Muenzer Passidomo Sullivan Anderson (6-1)	X	X	X	X	X

CITY OF NAPLES, FLORIDA

City Council Minutes

Date 12-17-91

The issue of backup weapons was addressed next and Vice Mayor Passidomo said that in his opinion this was one area where Council should be differential to the officers and trust their judgment. Detective Holloway told Council that all the officers were trained professionals who had to qualify with whatever weapons they select and could not understand why there should be a problem in carrying a second weapon. City Manager Woodruff went on the record telling Council that should they approve this request, Department policy must approve how and where the weapons will be carried. It matters to the City, he emphasized, because the City has liability insurance. Mayor Anderson added that a backup weapon must be compatible to whatever weapon is already carried.

MOTION: To accept Article 26.06 (Off Duty Weapons) as written in the FOP proposal, including the condition that the Police Chief set the policy pertaining to the backup weapons and how and when those weapons will be carried.

ADJOURN: 7:25 p.m.

Janet Cason
JANET CASON
City Clerk

Kim Anderson
KIM ANDERSON, MAYOR

Marilyn McCord
Marilyn McCord
Recording Secretary

These minutes of the Naples City Council were approved on February 5, 1992.

COUNCIL MEMBERS	MOTION	SECTION	VOTE		ABSENT
			Y	N	
Barnett		X	X		
Herms			X		
Korest					X
Muenzer			X		
Passidomo	X		X		
Sullivan			X		
Anderson			X		
(6-1)					