

**University of North Florida
Board of Trustees
Legislative Body Hearing
January 22, 2009**

Minutes

Trustees in Attendance: John Barnes, Luther Coggin, Wilfredo Gonzalez, Ann Hicks, Joy Korman, Katherine Robinson, Bruce Taylor, Kevin Twomey

Trustees Absent: Edythe Abdullah, Toni Crawford, Hugh Greene, Wanyonyi Kendrick, Joan Newton

Chair Taylor called the legislative body hearing to order and introduced Mr. Leonard A. Carson, special labor counsel for the university; and Mr. Gary W. Evans, staff representative for the Florida State Fraternal Order of Police (FOP).

Mr. Carson provided background information, stating that the UNF police officers were previously represented by the Teamsters and were currently covered by 2004-2007 collective bargaining agreements. He noted that the issues at impasse were limited to fiscal year 2007-2008.

Mr. Carson spoke about the Special Magistrate's report and recommendations, noting that the university and the FOP received this report. He made clear that the university had offered a post-hearing brief. Mr. Carson explained that the purpose of this Legislative Body Hearing was to discuss each item of impasse.

Mr. Carson provided trustees with a document summarizing the articles of the contract, including (a) the subject matter at the impasse, (b) the FOP's position, (c) UNF's position and (d) the Special Magistrate's recommendation. He explained to the Board that they must vote today and they could choose to adopt the position of the (a) FOP, (b) UNF or (c) the Special Magistrate's recommendation. Or, they could choose something in between but could not exceed the extremes of the position on either side.

Mr. Evans presented the FOP's position follows:

Article 9

- *Across-the-Board Wage Increase of 4 Percent for UNF Officers*

Mr. Evans stated that the FOP proposed a 4 percent across-the-board increase for all UNF officers. He clarified that this was for fiscal year 2007-2008.

Mr. Evans argued that UNF officers ranked second-to-last as compared to all SUS law enforcement agencies. He noted that the increase would bring officers wages to the median range. He also argued that the legislatively authorized \$1,000 bonus to all state employees was not included in the officers base wage, therefore did not increase pension benefits, etc.

- *Step Pay*
Mr. Evans contended that the officers wanted a step plan that would bring them to a median range as compared to other university law enforcement agencies across the state. He noted that the previous step plan was not keeping up with inflation.
- *Field Training Officer (FTO) Pay*
Mr. Evans stated that FOP proposed to implement a \$.20 cents per hour increase in pay for FTOs during the period they were actively training new employees. He noted that the previous contract allowed for an additional 5 percent salary increase.

Mr. Evans contended that this was a minimal increase for this demanding assignment.

- *Higher Class Pay*
Mr. Evans stated that the FOP proposed a slight modification to higher class pay. He clarified that the contract currently allowed for compensation to begin after 5 days and be retroactive. The modification would be for compensation to begin after 2 shifts and not be retroactive.

Mr. Evans argued that the university would be minimally impacted by this modification.

- *Shift Differential*
Mr. Evans stated that the FOP proposed a \$1.00 per hour shift differential for shifts beginning after midnight. He noted that the current contract included no shift differential.

Mr. Evans argued that officers worked extreme hours and felt the salary adjustment was justified.

Article 10

- *Compensatory Time*
Mr. Evans stated that the FOP proposed increasing the accrual cap to 480 hours. He noted that the current contract listed the accrual cap at 120 hours. He clarified that the Fair Labor Standards Act set the cap at 480 hours.

Mr. Evans argued that the utilization of compensatory time is often used to avoid paying overtime. He stated that the union recognized that the university and the FOP could both agree to compensatory time under the Fair Labor Standards Act.

Article 11

- *Parking*
Mr. Evans stated that the FOP's proposal sought to secure parking at the police station at no cost. He noted that there was currently a supplemental stipend

offered which did not cover the total cost of parking in the lot by the police department.

Mr. Evans argued that this would provide a secure area for parking and ease the transfer of equipment from their personal vehicles to work.

Article 13

- *Holiday*

Mr. Evans stated that the FOP sought to add an additional holiday – Christmas Eve.

Mr. Evans argued that the university often released employees during the Christmas holidays, except for law enforcement. He noted that police officers should be recognized for this sacrifice.

Article 14

- *Annual Leave*

Mr. Evans stated that the current system capped leave accrual at 240 hours and the FOP proposed an increase to 480 hours.

Mr. Evans argued that the 240 cap was unduly restrictive and failed to reward dedicated service.

- *Sick Leave Pay Upon Termination with 120 Month Service*

Mr. Evans stated that the FOP proposed that, with 120 months of service, all unused sick leave be paid in full upon termination.

Mr. Evans argued that currently, sick leave was converted only at 25 percent and the employee lost 75 percent of the value of sick leave; thus, the employee was penalized for dedicated service.

- *Funeral Leave*

Mr. Evans stated that the FOP proposed two changes in the Bereavement article; (1) increase the number of days for an out-of-state funeral from two days to 3 days, (2) these days would be paid days off.

Mr. Evans noted that the university would have the option to deny this provision if abuse occurred or if necessity dictated otherwise.

Article 21

- *Light Duty*

Mr. Evans stated that the FOP proposed the adoption of a Light Duty Program.

Mr. Evans argued that the current contract included language stated, “The Employer agrees it *may* adopt a Light Duty Program.” Mr. Evans stated that the FOP wanted the Light Duty Program to be fair to all employees and not subject

to a random assignment. He asked that the language be changed to “The Employer agrees it *shall* adopt a Light Duty Program.”

Mr. Carson stated that the university acknowledged the excellence of the police force. He mentioned that, with the sole exception of article 21, all others were economic.

Mr. Carson stated that the university presented testimony before the Special Magistrate which documented economic conditions that necessitated its position on these wage and benefit issues. He stated that if the Board addressed these impasses in favor of the FOP, UNF would have to consider all other units, if it was to be fair across the board.

Mr. Carson directed trustees to the handout listing the Special Magistrate’s recommendations. He spoke about each item and provided commentary about the recommendation as follows:

Article 9

- *Across-the-Board Wage Increase of 4 Percent for UNF Officers*
Mr. Carson noted that the university tried to treat the FOP fairly, as with every other employee. He noted that wage increases would be addressed, when they could include all employees.
- *Step Pay*
Mr. Carson argued that no other employee received step pay. He noted that this was negotiated during the Teamsters representation.
- *FTO Pay*
Mr. Carson argued that this item only affected some employees.
- *Shift Differential and Higher Class Pay*
Mr. Carson argued that currently there was no shift differential and, due to budget constraint, higher class pay was prohibitive at this time.

Article 10

- *Compensatory Time*
Mr. Carson argued that the FOP’s rate for compensatory time was higher than all other employees.

Article 11

- *Parking*
Mr. Carson argued that the FOP received the same stipend as all other employees.

Article 13

- *Holiday*
Mr. Carson argued that the FOP already received one more holiday than everyone else.

Article 14

- *Annual Leave*
Mr. Carson argued that all other employees' annual leave was capped at 240 hours and the FOP's proposal would double that amount.
- *Sick Leave*
Mr. Carson argued that the current rate for all employees was $\frac{1}{4}$ payout of up to 480 hours. He noted that the FOP's position to pay for all accrued sick leave would be unfair to all other employees.
- *Funeral Leave*
Mr. Carson argued that this was just a matter of additional travel time.

Article 21

- *Light Duty*
Mr. Carson argued that the light duty was not required by the disabilities act and the current contract allowed for light duty, but it was not mandated.

Mr. Carson concluded his arguments by stating that UNF tried to treat the FOP as fairly as possible, with consideration to other employees. He mentioned that, at another time, these issues should be addressed.

Mr. Carson mentioned the Special Magistrate's recognition of the FOP's economic situation but clarified that UNF did not want to send the wrong message to all other units.

Trustees asked for clarification on Police Memorial Day. The response was that this holiday was set aside to honor fallen officers. It was mentioned that officers would either get a day off or premium holiday pay, which was an additional economic benefit.

Trustees asked for clarification on the parking stipend. The response was that the stipend covered free parking in a designated lot. Also clarified was that the police lot was a higher cost lot.

Trustees asked if consideration had been given to reserving the police parking lot for officers. The response was that this consideration had been discussed with consensus that no other unit received free parking in a designated location.

Trustees asked for clarification on the argument that police officers needed to transport equipment from their personal vehicles. The response was that police officers would not be charged while the transfer was made. Also noted was that other units also had equipment to transport.

Trustees asked for clarification on compensatory time, specifically justification for the requested four-fold increase. The response was that it was unlikely that an employee would reach the 120 hour cap. Also noted was that an increase in the cap would create a liability for the university.

Trustees asked for clarification on annual leave – was there a carryover policy? The response was that there was a carryover policy.

Trustees asked if the FOP's funeral leave was the same as it was for all other employees. The response was that it was the same.

Chair Taylor asked if there was any further discussion from the Board or from the representatives. Upon receiving none, he offered opportunity for Mr. Evans' closing remarks.

Mr. Evans offered appreciation to the Board for listening to the FOP's issues. He stated that he attempted to present the issues with hopes to develop a plan especially to address pay. He stated that it made no sense for UNF to have the lowest paid officers in the State University System. He noted that the university needed to think about this exercise as a process that needed to go further.

Mr. Carson provided closing remarks stating that President Delaney encouraged a review of the needs in specific bargaining units. He clarified that the university was motivated to make adjustments but was confined within the strictures of the financial situation. He noted that the university could not send the wrong message that something was being done for one unit and not for everyone else.

Chair Taylor stated that the Board was painfully aware of the negative consequences of the economy. He recognized that there was great merit but circumstances prohibited salary increases. Chair Taylor stated that consistency was underpinning fairness to all constituencies. He pronounced that the Board did appreciate and value the service of the police officers. He offered appreciation to all police officers and noted that what was to be decided in no way suggested that the Board did not value them.

Vote

Article 9 – Chair Taylor asked for a MOTION as to Article 9. Trustee Twomey moved that the Board accept the university's recommended position on Article 9. The MOTION was seconded by Trustee Hicks. Chair Taylor asked for further discussion and then called for the vote. The MOTION was passed by unanimous vote as presented.

Article 10 – Chair Taylor asked for a MOTION as to Article 10. Trustee Robinson moved that the Board accept the university's recommended position on Article 10. The MOTION was seconded by Trustee Korman. Chair Taylor asked for further discussion and then called for the vote. The MOTION was passed by unanimous vote as presented.

Article 11 – Chair Taylor asked for a MOTION as to Article 11. Trustee Barnes moved that the Board accept the university's recommended position on Article 11. The MOTION was seconded by Trustee Gonzalez. Chair Taylor asked for further discussion and then called for the vote. The MOTION was passed by unanimous vote as presented.

Article 13 – Chair Taylor asked for a MOTION as to Article 13. Trustee Twomey moved that the Board accept the university’s recommended position on Article 13. The MOTION was seconded by Trustee Gonzalez. Chair Taylor asked for further discussion and then called for the vote. The MOTION was passed as presented with one dissention.

Article 14 – Chair Taylor asked for a MOTION as to Article 14. Trustee Hicks moved that the Board accept the university’s recommended position on Article 14. The MOTION was seconded by Trustee Robinson. Chair Taylor asked for further discussion and then called for the vote. The MOTION was passed by unanimous vote as presented.

Article 21 – Chair Taylor asked for a MOTION as to Article 21. Trustee Twomey moved that the Board accept the university’s recommended position on Article 21. The MOTION was seconded by Trustee Korman. Chair Taylor asked for further discussion and then called for the vote. The MOTION was passed by unanimous vote as presented.

The meeting was adjourned.