



# Indian River County Florida

## Meeting Minutes 4

### Board of County Commissioners

Indian River County  
Administration Complex  
1801 27th Street, Building  
A  
Vero Beach, Florida,  
32960-3388  
www.ircgov.com

*Bob Solari, Chairman, District 5*  
*Susan Adams, Vice Chairman, District 1*  
*Joseph E. Flescher, District 2*  
*Peter D. O'Bryan, District 4*  
*Tim Zorc, District 3*

Jason E. Brown, County Administrator  
Dylan Reingold, County Attorney  
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

---

Friday, September 13, 2019

1:00 PM

Commission Chambers

---

### COLLECTIVE BARGAINING IMPASSE HEARING

#### 1. CALL TO ORDER

#### ROLL CALL

**Present:** 5 - Chairman Bob Solari  
Vice Chairman Susan Adams  
Commissioner Joseph Flescher  
Commissioner Peter O'Bryan  
Commissioner Tim Zorc

#### 2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS

#### 2.B. INVOCATION

**Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller**

#### 3. PLEDGE OF ALLEGIANCE

**Chairman Bob Solari**

#### 4. BRIEF INTRODUCTION AND OVERVIEW OF PROCESS

Chairman Solari announced the Collective Bargaining Impasse Hearing between the Indian River County Sheriff's Office (Sheriff's Office) and the Indian River County Deputies' Association, I.U.P.A., Local 6080 (Union) and turned the meeting over to County Attorney Dylan Reingold.

**County Attorney Dylan Reingold**

County Attorney Dylan Reingold stated that the Sheriff's Office and the Union were in their third year of negotiating the annual wage reopener in the

Collective Bargaining Agreement. He stated that the Union declared an Impasse and a Special Magistrate was appointed to conduct a hearing and issue a recommendation to resolve the impasse issue. He stated that a hearing was conducted on April 5, 2019 and the Special Magistrate issued a recommendation that the Union accepted and the Sheriff's Office rejected.

Attorney Reingold explained that under Florida Law, the legislative body is required to conduct a public hearing at which the parties explain their positions with respect to the decision by the Special Magistrate on only the articles at impasse: Article 17: Wages. He outlined the proposed agenda format and procedures for the hearing adding that law enforcement personnel were exempt from the requirement to provide an address; thus, the Chairman would not be requiring that information from any speaker.

County Attorney Reingold announced that this was a Quasi-Judicial Hearing and asked all parties to declare any ex parte communications since the insulated period began on July 8, 2019, any communications with the Sheriff's Office, Union, and/or employees about the merits of the matter which are prohibited during the insulated period.

## **5. ARTICLE AT IMPASSE**

Each Commissioner, as requested by the Chairman, disclosed ex parte communications. The Commissioners also affirmed that they have an open mind and are able to take such action as deemed in the public interest including the interest of the public employees involved to resolve all the disputed impasse issues.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

### **A. Article 17--Wages**

#### **30 minutes each, Sheriff presents first**

1. Documents submitted by Indian River County Sheriff's Office  
  
James G. Harpring, General Counsel for the Sheriff's Office, started by saying that the meetings between the Sheriff and the Union began in January 2018 regarding the 2018/2019 Collective Bargaining Agreement. He reviewed the timeline of the contract negotiations, wage proposals, highlights of the Special

Magistrate's proposal, salary comparison of other entities, and the Sheriff's Office rejection of the recommendations of the Special Magistrate. He addressed the PowerPoint Presentation provided to the Sheriff's Office in anticipation of its presentation by the Union.

In closing, Attorney Harpring stated the Sheriff's Office requested that the Board of County Commissioners (BOCC) resolve the impasse issue by voting to adopt the Sheriff's wage offer dated November 2, 2018 as presented and without retroactivity.

2.

Documents submitted by Indian River County Deputies' Association, IUPA, Local 6080

Ryan W. Burton, General Counsel for the Union, introduced Deputy Katheryn Gibson, Secretary-Treasurer, and Detective Joe Karman, President, members of the bargaining unit for the Union. He pointed out the Union's issue was fairness and explained that there were 15 Deputies in the bargaining unit serving the community for at least 20 years that were not at the top of the payscale.

Deputy Gibson showed video clips from previous budget workshops and explained the recruitment and retention issues related to the starting and top out salary. She reviewed the information in the Union's 2018-2019 Wage Impasse PowerPoint Presentation and outlined the 2018 Wage Negotiations, a chart listing the deputies' salaries for years of services and salary comparisons between the various agencies. She asked the Board for their consideration of the recommendations made by the Special Magistrate regarding the appropriate wage increase.

Detective Joe Karman spoke on the issue of recruiting new deputies, noting that since October 2018, the Sheriff's office has lost 17 deputies to resignations and indicated that there are currently 28 law enforcement openings. This number does not include the corrections side of the agency and the current deputies who are presently exploring other employment opportunities outside of the Sheriff's Office. He pointed out that the Indian River County Sheriff's Office was one of the lowest paid agencies on the Treasure Coast excluding the Fellsmere Police department. He acknowledged that the Special Magistrate's recommendation does not fix the problem, but recognized that the retention of deputies was a top priority and the number of deputies departing should be an area of concern. He asked that the Board consider the fact that Special Magistrate Dennis J. Campagna was presented the case as an independent expert neutral to both parties, and he made a recommendation that satisfied all statutory requirements, which operated in the budget outlines approved by the Board of County

Commissioners.

## 6. BOARD OF COUNTY COMMISSIONERS DISCUSSION AND ACTION

Chairman Solari asked if the Sheriff's Office had any rebuttal that they would like to present.

Attorney Harpring presented his rebuttal stating that the Union's charge of retaliatory conduct by the Sheriff's Office was untrue and that the Sheriff's proposal dated November 2, 2018 was lawful. He addressed the issue of the long-tenured employee's topped-out salary, explaining that in the year 2008, there was an economic turndown and that it was not until the 2013 budget that the Sheriff was afforded sufficient funds for salary increases with the primary goal to avoid layoffs. Attorney Burton responded that the Union did not claim the Sheriff's proposal was unlawful, but asked the question of whether it was "right".

Chairman Solari asked if there was anyone from the Board who wanted to ask questions of the Sheriff's Office.

Commissioner Flescher stated that one of the Sheriff's objections was salary compression and asked if Attorney Harpring could clarify salary compression for the public. Attorney Harpring, as an example, explained that the Sheriff's Office did not have salary increases during the economic downturn and therefore there were deputies with lower seniority making a higher salary than those with higher seniority. A discussion ensued with Attorney Harpring clarifying previous rate increases, base salary increases for new employees, and pay grades.

Chairman Solari asked if there was anyone from the Board who wanted to ask questions of the Union.

Commissioner Flescher referred to Detective Karman, pointing out that top of the pay grade was one of the Union's issues. Detective Karman clarified that only four (4) existing deputies that was at the top of the pay grade would be affected by the Special Magistrate's recommendation to increase their salary from \$63,151 to \$65,867, and there was only 14 deputies with 20 years of experience with the County that would be moved to an annual salary of \$63,151.

Chairman Solari opened the floor for public comments.

Roy Raymond, former Sheriff of Indian River County, supported the Special Magistrate's recommendation and discussed the Comprehensive Salary and Benefit

Study for the Sheriff's Office, which was designed to carry on for years, keep the department competitive, and would not be a high impact to the taxpayer going forward. He expressed his displeasure that the PowerPoint Presentation was released to the Sheriff's Office prior to the Union being able to present it to the Board.

Chuck Kirby spoke on his concern of the number of deputies leaving the Sheriff's Office to go to other counties for higher wages.

Greg Stanley expressed his feelings regarding the Sheriff's Proposal. He asked the Board for fairness and for their consideration in moving deputies with over 20 years of service to the top of the pay scale.

Attorney Harpring, in response to former Sheriff Roy Raymond, asked if County Attorney Dylan Reingold would clarify his request for the submission of those presentations. Attorney Reingold explained that he had requested documents from both parties as part of the final agenda packet that was provided to the Board in preparations for the hearing.

There being no further speakers, the Chairman referred back to the Board to deliberate.

Commissioner Flescher agreed that the starting salary was not up to par and that the Sheriff's Office was losing valuable veterans whose experience and knowledge in that field was very important. He recommended a base salary increase of 5% instead of the 4.3% .

A motion was made by Commissioner Flescher, seconded by Commissioner Zorc, for discussion to accept the Special Magistrate's Recommendations: 1) Increase the starting salary to \$42,000; 2) Those deputies hired on or after April 30, 2018 who have one year of service shall have their salary adjusted to \$43,000 effective the first full pay period of October 2018; 3) Bargaining Unit members hired before April 30, 2018 and unaffected by recommendation (2) shall receive a 5%, instead of 4.3% increase in their base salary. Should this calculation produce a result that is less than \$43,000, any such Deputy so affected shall have his/her base salary adjusted to \$43,000 with any balance given to any such Deputy in lump sum fashion; 4) Increase the top salary by 4.3% resulting in a new top salary of \$65,867; 5) Move those bargaining unit members who have at least 20 years of experience with the County to an annual salary of \$63,151, and 6) Those bargaining unit members who were already at the top of the pay grade (\$63,151) shall move to the new top salary of \$65,867.

UNDER DISCUSSION, Commissioner O'Bryan felt that the Special Magistrate's Recommendation number 6: *Those bargaining unit members who were already at the top of the pay (\$63,151) shall move to the new top salary of \$65,867* should

be included in next year's collective bargaining between the parties. He pointed out that with the collective bargaining continuing, an opportunity was missed to hire new recruits at a higher pay scale and that during the economic downturn, no County employees were given raises for five years. He felt neither the Special Magistrate's or the Sheriff's proposal would give complete parity and looking at the greatest public benefit, he could not be supportive of the motion on the floor.

Chairman Solari felt it was in the best interest of the community, including the interest of the public employees, that the elected Constitutional Officer determine how the agencies were going to be run.

Commissioner Zorc reflected on those years during the economic downturn where County employees were laid off except for law enforcement and emergency services personnel. He felt it was important to attract new recruits and wished that the impasse could have been resolved prior to the hearing. He did not take the Sheriff's comments in his proposal as a strong-arm side, and added that if you do not take an offer with a raise included, the only consequence was an economic consequence.

County Administrator Jason Brown pointed out that the motion on the floor with the 5% increase in the base salary may cause a funding impact on the Sheriff's budget.

There was a MOTION on the floor and the Chairman CALLED THE QUESTION.

**On a motion by Commissioner Flescher, seconded by Commissioner Zorc, to accept the Special Magistrate's Recommendations with a modification to the base salary: 1) Increase the starting salary to \$42,000; 2) Those deputies hired on or after April 30, 2018 who have one year of service shall have their salary adjusted to \$43,000 effective the first full pay period of October 2018; 3) Bargaining Unit members hired before April 30, 2018 and unaffected by recommendation (2) shall receive a 5%, instead of 4.3% increase in their base salary. Should this calculation produce a result that is less than \$43,000, any such Deputy so affected shall have his/her base salary adjusted to \$43,000 with any balance given to any such Deputy in lump sum fashion; 4) Increase the top salary by 4.3% resulting in a new top salary of \$65,867; 5) Move those bargaining unit members who have at least 20 years of experience with the County to an annual salary of \$63,151, and 6) Those bargaining unit members who were already at the top of the pay grade (\$63,151) shall move to the new top salary of \$65,867. The motion carried by the following vote:**

**Aye:** 2 - Commissioner Flescher, and Commissioner Zorc

**Nay:** 3 - Chairman Solari, Vice Chairman Adams, and Commissioner O'Bryan

Following the failed motion, Commissioner O'Bryan offered to accept the Sheriff's

Office recommendation to resolve the impasse issue.

**A motion was made by Commissioner O'Bryan, seconded by Chairman Solari, as deemed to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues accepted the Sheriff's proposal effective upon resolution of the impasse: 1) A 5% across the board increase in base pay for those Deputies not within 5% of the maximum of the pay grade and who have not reached the maximum of the pay grade; 2) For those Deputies who are within 5% of the maximum of the pay grade and their base salary increase to the top of the pay grade is less than \$1,500, their salary would be increased to the top of the pay grade and any difference between the amount of the base salary increase and the \$1,500 would be paid in a lump sum; 3) For those Deputies who are topped out, a lump sum increase of \$1,500; 4) Bargaining unit members hired after April 30, 2017 would have their salary adjusted from \$38,950 to \$42,500; 5) Bargaining unit members hired after April 30, 2018 would have their salary adjusted from \$38,950 to \$42,000; and 6) Newly hired bargaining unit employees would start at \$42,000. The motion carried by the following vote:**

**Aye:** 3 - Chairman Solari, Vice Chairman Adams, and Commissioner O'Bryan

**Nay:** 2 - Commissioner Flescher, and Commissioner Zorc

## **7. ADJOURNMENT**

There being no further business, the hearing adjourned at 2:51 p.m.