

**MEMORANDUM OF UNDERSTANDING PERTAINING TO
PROMOTIONS FOR ALL FULL-TIME CITY OF DELRAY
BEACH LAW ENFORCEMENT OFFICERS IN THE RANK
OF POLICE OFFICER WITHIN THE BARGAINING UNIT
REPRESENTED BY THE PALM BEACH COUNTY POLICE
BENEVOLENT ASSOCIATION**

THE CITY OF DELRAY BEACH, FLORIDA (hereinafter referred to as the "City") and the **PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC.** (hereinafter referred to as the "PBA") agree that Article 25 of the Parties' Collective Bargaining Agreement pertaining to Promotions shall be amended to delete language as indicated below in legislative format:

**ARTICLE 25
PROMOTIONS**

Section 1 – Promotional Procedure

The City will announce promotional examinations at least thirty (30) days in advance. A copy of any reference material in the City's possession will be made available. All promotional vacancies shall be filled in accordance with criteria established by the City Manager or his/her designee. Promotional examinations and eligibility for same shall be conducted in accordance with the procedures and requirements set forth in Exhibit A to this contract, a copy of which is attached hereto and made a part hereof.

The employees or the PBA may offer suggestions to the Police Chief as to changes in the criteria to be used for filling promotional vacancies. The acceptance or rejection of these suggestions shall be at the sole discretion of the City Manager or his designee.

The City may utilize the services of the Civil Service Board for the purposes of preparation, monitoring, and scoring of both entrance level and promotional examinations. The use of the Civil Service Board by the Personnel Department in such a manner shall not be construed as providing the Civil Service Board with any jurisdiction; and the Parties agree that although none of the members of the bargaining unit shall be covered under any Civil Service Act of the City of Delray Beach.

Employees do not have the right to file any appeals or grievances with the Civil Service Board relative to the examinations, including, but not limited to the examinations, conditions, scores, and the contents of the examinations themselves.

Section 2 – Effect of Promotions on Wages and Employment Anniversary Date

(a) When an employee is promoted into a Sergeant's classification, the employee's wages shall be increased by ten percent (10%) or to a minimum of the Sergeant's pay grade, whichever is greater.

(b) As a result of a promotion, the employee's annual performance evaluation date will be changed to the date of the promotion.

**EXHIBIT A
PROMOTION IN THE POLICE DEPARTMENT**

All sworn personnel desiring promotion in the Police Department will be required to take the appropriate promotional examination. In addition to the general requirements for City promotion, employees will be required to meet the following qualification to be admitted to such examination:

A. Admission to examination for promotion to sergeant shall be restricted to police officers who have been in that position continuously for three (3) years with the City of Delray Beach immediately preceding the examination.

B. Admission to the examination for promotion to lieutenant shall be restricted to sergeants who have been in that position for one (1) year continuously with the City of Delray Beach immediately preceding the examination.

C. Anyone taking an examination shall be an employee of the Police Department of the City of Delray Beach at the time of taking such examination.

D. An employee within the period of an authorized leave of absence from the Police Department of the City of Delray Beach shall be eligible to take such examination, provided the period of the leave of absence shall not be considered in calculating the "time in grade" requirement of these rules.

Candidates must obtain a passing score of 70% on the written examination to be eligible to move on to the next step, the oral/interview board. Candidates must obtain a passing score of (70%) on the oral interview to be placed on the eligibility list. The oral interview shall be conducted by members of neighboring law enforcement agencies and/or a city official or community leader within the City of Delray Beach or a neighboring City.

If the candidate passes the oral interview, he/she will then be placed on an eligibility list (alphabetically by last name) for two years. No scores will be listed as the entire process (written examination and oral interview) is simply a pass/fail process. The Chief of Police has the right to choose anyone on the eligibility list for promotion.

THE CITY AND THE PBA AGREE FURTHER:

1. That this Memorandum of Understanding shall be effective from the date of its full execution through and including the expiration of the bargaining unit's Collective Bargaining Agreement; and,
2. That the Parties have full legal authority to enter into this Memorandum of Understanding.

IN WITNESS THEREOF, the Parties have caused this Memorandum of Understanding to be signed by their duly authorized representatives on the 24 day of my _____, 2016.

FOR THE CITY



Donald Cooper, City Manager

FOR THE PBA




John Kazanjian, President



Ralph E. King, III, Legal Counsel

Approved as to form and legal sufficiency



Noel Pfeffer, City Attorney