

**RESOLUTION NO. 2021-130**

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, RATIFYING AND APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE FRATERNAL ORDER OF POLICE LODGE NO. 12 AND THE CITY OF HIALEAH PROVIDING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT EFFECTIVE THROUGH SEPTEMBER 30, 2021 PERTAINING TO ARTICLE 23 (PROMOTION PROCEDURE), IN PARTICULAR, TO CHANGE THE DATE OF THE POLICE SERGEANT EXAMINATION.

**WHEREAS**, the collective bargaining agreement between the Fraternal Order of Police Lodge No. 12 (“FOP”) and the City of Hialeah (“City”) is in effect until September 30, 2021 (“the CBA”);

**WHEREAS**, Article 23 (Promotion Procedure) provides for the police sergeant’s examination to be administered in October 2018 and every two years thereafter (i.e. October 2020);

**WHEREAS**, the City and the FOP entered into Memorandum s of Understanding in July 2019 and March 2020 regarding Police Sergeant Promotional Examinations;

**WHEREAS**, the current Police Sergeant Promotional List is exhausted;

**WHEREAS**, the FOP and the City which to enter into a Memorandum of Understanding (attached) to change the date of the police sergeant examination to December 20, 2021;

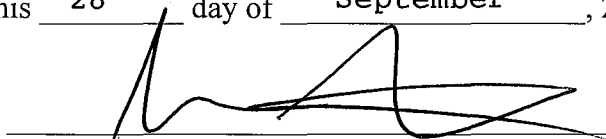
**WHEREAS**, the FOP ratified the Memorandum of Understanding on September 17, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:**

**Section 1:** The Mayor and the City Council of the City of Hialeah hereby ratify and approve the Memorandum of Understanding between the Fraternal Order of Police Lodge No. 12, and the City of Hialeah, Florida.

**Section 2:** This resolution shall become effective upon ratification by the Mayor and the City Council of the City of Hialeah, Florida.

PASSED AND ADOPTED this 28 day of September, 2021.



Jesus Tundidor  
Council President

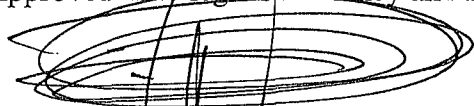
Attest:  
2021

Approved on this 7 day of October,

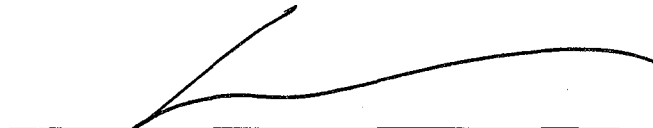


Marbelys Fatjo, City Clerk

Approved as to legal sufficiency and form:



Lorena Bravo, City Attorney



Mayor Carlos Hernandez

Resolution was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and Council Member Hernandez absent.

## **Memorandum of Understanding Regarding Police Sergeant Promotions**

This Memorandum of Understanding (“MOU”) between the Florida Order of Police Lodge No. 12 (FOP) and the City of Hialeah, Florida (“City”), (collectively “the Parties”) is entered into this 17 day of September, 2021.

### **I. PURPOSE OF THE MOU**

The FOP is the bargaining agent for sworn police officers, sergeants, and lieutenants employed by the City. The City and the FOP are parties to that certain Collective Bargaining Agreement (CBA) effective through September 30, 2021. Article 23 of the CBA addresses, in pertinent part, procedures for promotion to the rank of sergeant. Article 23 states, in pertinent part, “The Sergeant’s examination will be administered in October 2018 and every two years thereafter.” Article 23 further provides that the material from which the examination may be drawn will be provided to the FOP at least 150 days prior to the date of the examination and the announcement of the examination date will be posted no later than 120 days prior to the date of the examination.

The Parties previously agreed to the administration of sergeants examinations in November 2019 and June 2020. The City has vacancies for the position of sergeant in excess of the number of eligible employees remaining on the June 2020 Police Sergeant Eligibility List. Accordingly, in order to address the need to fill these vacancies, the Parties hereby agree that a sergeants examination will be administered on December 20, 2021 pursuant to the terms set forth in this MOU.

### **II. CHANGES TO ARTICLE 23, PROMOTION PROCEDURE FOR THE SERGEANT’S EXAM ONLY**

The FOP and the City agree to amend Article 23, Promotion Procedure as follows:

1. The next Sergeant’s examination shall be administered on December 20, 2021.

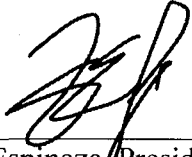
2. Any individual who would be qualified to sit for the position of Sergeant as of the date of the examination shall be eligible to sit for the examination to be administered on December 20, 2021.
3. The City has submitted to the FOP a proposed list of books and/or reference material from which the examination may be drawn to the FOP. The FOP has reviewed and approved the list.
4. The City has posted notice of the exam to be administered on December 20, 2021, which the parties agree complies with the 120-day advance notice provision of Article 23. The FOP waives any and all substantive or procedural defects with respect to the notice for the exam.
5. The June 2020 Sergeant Eligibility List shall not be abolished until such time as a new list is certified pursuant to the Civil Service Rules and Regulations, which abolishment may occur at the same meeting of the Personnel Board during which such new list is certified.
6. The employees on the June 2020 Sergeant Eligibility List shall be allowed to sit for the examination on December 20, 2021 and be considered for promotion from the new certified list according to their rank on the list and in accordance with the Civil Service Rules and Regulations. Nothing in this MOU shall be interpreted as a waiver of the City's right to select for promotion the best qualified candidate from among the top three scoring eligible candidates for each vacancy.
7. The FOP shall not advocate against or object to the abolishment of the June 2020 Sergeant Eligibility List. The FOP waives any grievance with respect to the City's decision to administer the Sergeants exam prior to October 2022.
8. Other than the changes set forth in this MOU, there are no other changes to the promotional procedure set forth in Article 23 as it relates to promotion to the rank of Sergeant.

**III. TERM OF MOU**

This MOU will become effective upon ratification by the bargaining unit members of the FOP as of the date of execution by the FOP and the City set forth above. This MOU shall remain in effect until the promotional list resulting from the December 20, 2021 examination is exhausted or until a new list is certified.

**IV. APPROVALS**

For the FOP:



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Marlon F. Espinoza, President, Lodge 12

For the City:

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Carlos Hernandez, Mayor

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Sergio Velazquez, Police Chief

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Lorena E. Bravo, City Attorney