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# Joint Select Committee on Collective Bargaining

Representative Stone, Co-Chair  
Senator Powell, Co-Chair

**Amended** Meeting Packet  
Materials submitted by:  
Department of the Lottery

Thursday, February 23, 2017  
4:00 PM  
Morris Hall (17 HOB)



**ALLEN NORTON & BLUE**  
PROFESSIONAL ASSOCIATION

906 North Monroe Street • Tallahassee, Florida 32303  
Telephone 850-561-3503 • Facsimile 850-561-0332

February 17, 2017

Senator Bobby Powell, Co-Chair  
Representative Charlie Stone, Co-Chair  
The Florida Legislature  
Joint Select Committee on Collective Bargaining  
Governmental Oversight and Accountability Committee  
404 South Monroe Street  
Tallahassee, Florida 32399

**Re: Impasse of Fiscal Year 2017-18 Collective Bargaining Negotiations  
between the Florida Lottery and the Bargaining Agents**

Dear Members:

Enclosed are the materials requested by the Joint Committee on Collective Bargaining. The materials include the State's notice of impasse to the Florida Legislature, and the remaining proposals currently at impasse.

Thank you for the opportunity to present this information to the Committee. If you have questions or concerns, please contact me at 561-3503, or Josie M. Tamayo, General Counsel for the Florida Lottery, at 487-7724.

Sincerely,

Michael Mattimore  
Chief Labor Negotiator

cc: Donna M. Poole, Commissioner, Public Employees Relations Commission  
Ben Gibson, Deputy General Counsel, Executive Office of Governor Rick Scott  
Renee Tondee, Deputy Director, Office of Policy and Budget  
Tom Delacenserie, Secretary, Department of Lottery  
Josie M. Tamayo, General Counsel, Department of Lottery  
Jack Marziliano, Federation of Public Employees  
Hal Johnson, Police Benevolent Association

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February 10, 2017

The Honorable Joe Negron, President  
The Florida Senate  
Suite 409, The Capitol  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

The Honorable Richard Corcoran, Speaker of the House  
Florida House of Representatives  
Suite 420, The Capitol  
402 South Monroe Street  
Tallahassee, Florida 32399-1300

Re: Notification of Collective Bargaining Impasse; Florida Lottery

Dear President Negron and Speaker Corcoran:

An impasse has occurred in the collective bargaining negotiations between the Governor and the two employee associations representing the bargaining units of state employees at the Department of Lottery, pursuant to section 216.163(6), Florida Statutes. In accordance with section 447.403(5), Florida Statutes, we are submitting the enclosed list of collective bargaining contract articles on which, as of the date of this letter, an agreement has not been reached. We are continuing negotiations and will inform you of agreements reached on any of the impasse articles.

If you have questions or concerns, please contact me at 561-3503, or Josie M. Tamayo, General Counsel for The Florida Lottery, at 487-7724.

Sincerely,

Michael Mattimore  
Chief Labor Negotiator

cc: Donna M. Poole, Chairman, Public Employees Relations Commission  
Ben Gibson, Deputy General Counsel, Executive Office of Governor Rick Scott  
Renee Tondee, Deputy Director, Office of Policy and Budget

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Tom Delacenserie, Secretary, Department of Lottery  
Josie M. Tamayo, General Counsel, Department of Lottery  
Jack Marziliano, Federation of Public Employees  
Hal Johnson, Police Benevolent Association

**Article 12  
WAGES**

**SECTION 1 – General Pay Provisions**

The Department of the Lottery's authority to provide increases to employees' base rate of pay and salary additives from available agency funds shall be in accordance with this Agreement, state law, and the Fiscal Year ~~2016~~2017-2017-2018 General Appropriations Act.

**SECTION 2 – Discretionary Performance Based Awards**

The Governor's Budget Recommendations provide for discretionary, one-time lump sum awards to eligible employees for achievement of agency measures, for job performance at a level of a satisfactory rating or above on the employee performance evaluation for the period July 1, ~~2015-2016~~ through June 30, ~~2016~~2017, and for agency savings generated from verified unspent appropriations during Fiscal Year 2016-2017. Eligibility requirements are set forth in Section 8 – Salaries and Benefits – Fiscal Year ~~2016~~2017-2017-2018 of the Governor's Recommendations. The awards shall be paid to eligible employees no later than October 4~~8~~23, ~~2016~~2017, and are subject to funding as provided in the ~~2016~~2017-2017-2018 General Appropriations Act.

**SECTION 3 – Performance Pay**

In accordance with the authority provided in the Fiscal Year ~~2016~~2017-2017-2018 General Appropriations Act, and from existing agency resources, the Department of the Lottery is authorized to grant merit pay increases based on the employee's exemplary performance, as evidenced by a performance evaluation conducted pursuant to Rule 60L-35, Florida Administrative Code.

**SECTION 4 – Savings Sharing Program**

An employee or groups of employees may be eligible for monetary awards for ideas or programs that result in a cost saving to the state, pursuant to section 110.1245(1), Florida Statutes.

**SECTION 5 – Discretionary Competitive Pay Adjustments**

In accordance with the authority provided in the Fiscal Year ~~2016~~2017-2017-2018 General Appropriations Act, contingent on the availability of funds and at the Agency Head's discretion, each agency is authorized to grant competitive pay adjustments to address retention, pay inequities, or other staffing issues.

**Article 17**

**INSURANCE AND BENEFITS**

17.1 The parties agree that the Lottery will administer the State Employees Group Health Self Insurance Plan in accordance with the applicable fiscal year's General Appropriations Act. Selected Exempt Service employees shall pay the same health insurance premiums as Career Service employees.

17.2 The Spouse Program providing for premiums of \$15 per month for each spouse participating in the State Employees Group Health Self-Insurance Plan will no longer be available as of July 1, 2017. After this date, spouses enrolled in the Plan will have the option to each select individual coverage or for one of the employees to select family coverage to include their spouse and any eligible dependents and will pay the same premiums as other employees who enroll in individual or family coverage in the Plan.

## **Article 22 WAGES**

### **Section 1 – General Pay Provisions**

Agencies' authority to provide increases to employees' base rate of pay and salary additives from available agency funds shall be in accordance with this Agreement, state law, and the Fiscal Year ~~2016~~2017-2017-2018 General Appropriations Act.

### **Section 2 – Discretionary Performance Based Awards**

The Governor's Budget Recommendations provide for discretionary, one-time lump sum awards to eligible employees for achievement of agency measures, for job performance at a level of a satisfactory rating or above on the employee performance evaluation for the period July 1, 2016 through June 30, 2017, and for agency savings generated from verified unspent appropriations during Fiscal Year 2016-2017. Eligibility requirements are set forth in Section 8 – Salaries and Benefits – Fiscal Year 2017-2018 of the Governor's Recommendations. The awards shall be paid to eligible employees no later than October 23, 2017, and are subject to funding as provided in the 2017-2018 General Appropriations Act.

### **Section 3 – Competitive Pay Adjustments**

Effective July 1, 2017, all employees shall receive a competitive pay adjustment of five percent (5%) to the employee's June 30, 2017 base rate of pay.

### **Section 2-4 – Deployment to a Facility or Area Closed due to Emergency**

In accordance with the authority provided in the Fiscal Year 2016-2017 General Appropriations Act, contingent on the availability of funds and at the Agency Head's discretion, each agency is authorized to grant a temporary special duties pay additive of up to 15 percent of the employee's base rate of pay to each employee temporarily deployed to a facility or area closed due to emergency conditions from another area of the state that is not closed.

### **Section 3-5 – Performance Pay**

In accordance with the authority provided in the Fiscal Year ~~2016~~2017-2017-2018 General Appropriations Act, and from existing agency resources, each agency is authorized to grant merit pay increases based on the employee's exemplary performance, as evidenced by a performance evaluation conducted pursuant to Rule 60L-35, Florida Administrative Code.

**~~Section 4 – Savings Sharing Program~~**

~~An employee or groups of employees may be eligible for monetary awards for ideas or programs that result in a cost saving to the state, pursuant to section 110.1245(1), Florida Statutes.~~

**~~Section 5-6 – Discretionary Raises~~Pay Adjustments**

In accordance with the authority provided in the Fiscal Year 20162017-2017-2018 General Appropriations Act, contingent on the availability of funds and at the Agency Head's discretion, each agency is authorized to grant ~~competitive~~ pay adjustments to address retention, pay inequities, or other staffing issues.

**~~Section 6 – Career Development Plan Work Group~~**

~~In accordance with the authority provided in the implementation provisions of the Fiscal Year 2016-2017 General Appropriations Act (Section 65, HB 5003), a work group is to be organized to create a sworn law enforcement officers' career development plan to attract and retain quality employees. The career development plan proposal developed by the work group is to be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives by December 1, 2016.~~



**Article 24**  
**INSURANCE BENEFITS**

**Section 1 - Insurance Coverage**

The parties agree that the Lottery will administer the State Employees Group Health Self Insurance Plan in accordance with the applicable fiscal year's General Appropriations Act. Selected Exempt Service employees shall pay the same health insurance premiums as Career Service employees.

The Spouse Program providing for premiums of \$15 per month for each spouse participating in the State Employees Group Health Self-Insurance Plan will no longer be available as of July 1, 2017. After this date, spouses enrolled in the Plan will have the option to each select individual coverage or for one of the employees to select family coverage to include their spouse and any eligible dependents and will pay the same premiums as other employees who enroll in individual or family coverage in the Plan.

**Section 2 - Death In-Line-Of-Duty Benefits**

(A) Funeral and burial expenses will be as provided in Section 112.19, Florida Statutes.

(B) Education benefits will be as provided in Section 112.19, Florida Statutes.

(C) State Employees Group Health Self-Insurance Plan premium for the employee's surviving spouse and children will be as provided in Section 110.123, Florida Statutes.

(D) Any complaint or claim by an employee or the Association concerning this Section shall not be subject to the Grievance Procedure of this Agreement.