

KAPLAN & BLOOM, P.A.

KAPLAN  
BLOOM (1949-1990)  
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June 18, 1990

REPLY TO: SOUTH FLORIDA OFFICE

Colonel H. Duke, Chief  
City of Miami  
Fire Department  
275 N. W. Second Street  
Miami, Florida 33128

RECEIVED

JUN 25 1990

RE: I.A.F.F., Local 587 and City of Miami  
Grievance No. 9-89, Promotional Examinations

LABOR RELATIONS  
OFFICE

Dear Chief Duke:

In February of this year, the City and Local 587 agreed to resolve a pending grievance over retroactivity in the promotion of chief fire officers. A copy of the Memorandum of Agreement settling that grievance is attached.

As the Agreement states, there were four Chief Fire Officer vacancies. The Agreement describes their position numbers and date of vacancy. Subsequently, only two Chief Fire Officer vacancies were filled, following promotional examinations. We are unable to track the filling of these vacancies by position number and date of vacancy. Your cooperation in providing us with information which would allow us to more clearly know what the Department did in this regard, to implement the agreed settlement, would be most appreciated.

We do know that apparently the City has elected to fill two Chief Fire Officer vacancies of the most current date. Obviously, this was an attempt to avoid paying more retroactive pay. In order to know whether this is a fair implementation of the settlement Agreement, we need for you to tell us whose vacancy the new Chief Fire Officers filled. Also, please furnish to us the names of the Chief Fire Officers who last occupied each of the positions which we were told were vacant at the time the matter was settled.

Thank you.

Sincerely,

Joseph H. Kaplan

JHK/llr

cc: Lou Kickasola, President  
Mr. Dean R. Mielke  
Linda J. Ehrlich, Esquire

MEMORANDUM OF AGREEMENT

In settlement of Grievance #9-89, the City of Miami and the IAFF, Local 587 agree as follows:

- In the Chief Fire Officer and Captain ranks, that.*
1. There currently exist the following vacancies in the Fire Department:

Chief Fire Officers:


<u>Position #</u>	<u>Date of Vacancy</u>
641	06/13/88
4254	07/31/88
663	01/11/90
948	01/13/90

Captains:

2489	12/24/87
4174	01/12/88

2. Any promotions to fill the vacancies listed above made from the Chief Fire Officer register which will be created on or about April 7, 1990, and from the Captain register which will be created on or about March 30, 1990, will be made retroactive to February 23, 1989, or the actual date of vacancy if it is later than February 23, 1989.
3. Those promotions from the Captain and/or Lieutenant registers which may be made as a result of the promotions referred to in paragraph 2 above will be made retroactive to the same dates as stated in paragraph 2.
4. This agreement is binding on the parties only in settlement of Grievance #9-89 and shall not be used as precedent or for any other purpose in arbitration, litigation or any other adversarial proceeding.
5. It is understood that it remains the City's position that promotions cannot be made and have not been made when there is no eligible register in existence. The Union does not agree with the City's position. This settlement agreement does not indicate a waiver or change of the position of either the City or the Union.

  
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Dean R. Mielke  
Labor Relations Officer

  
\_\_\_\_\_  
Lou Kickasola, President  
IAFF, Local 587

2/7/91  
\_\_\_\_\_  
Date