

**BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

FEDERATION OF PUBLIC EMPLOYEES, AFL-CIO,

Union,

v.

PERC CASE NO. SM-2025-001

BROWARD SHERIFF'S OFFICE,

Public Employer.

BSO'S RECOMMENDATION FOR RESOLUTION OF IMPASSE

The Sheriff of Broward County and the Federation of Public Employees are parties to a Collective Bargaining Agreement that includes various administrative job classifications as well as Detention personnel in BSO's Department of Detention. The parties were involved in contract negotiations for contract renewal for the 2024-2027 Collective Bargaining Agreement (CBA). BSO proposed changes to Article 21, relating to positions that bid for assignments, including Detention Deputy, Detention Sergeant and Detention Technician. The parties had reached a tentative agreement on most Articles, including notably wages, but were unable to reach an agreement as to the scope of bidding under Article 21 and the Federation of Public Employees declared impasse on January 8, 2025, attached as Exhibit 1. The parties elected to forego proceedings before a Special Magistrate and instead elected to come directly before you, as the legislative body, pursuant to Florida Statute 447.403.

Article 21 of the CBA includes the manner in which job assignments are made for detention personnel within the jail facilities. The limited issue at impasse is the language of Article 21, and specifically 21.4, as to job bidding for Detention Deputies, Detention Sergeants and Detention Technicians. BSO proposes to allow Detention Deputies, Sergeants and Technicians to bid by

seniority for shifts and days off, with assignment of posts and detention facilities to be determined by management based on operational needs. The Federation wants Detention personnel to have the right to bid for specific posts, specific facilities, shifts and days off; in other words, to bid by seniority to determine all aspects of the work assignments. BSO urges that the Federation's position at impasse is simply not sustainable and incompatible to facilitate good, efficient and effective management of jail facilities and safe operations. Article 21 as proposed by BSO is attached hereto as Exhibit 2. BSO's proposal is consistent with well accepted best practices and standards in jail administration. Across the country, detention departments utilize management-directed assignments to ensure operational efficiency, cost control, risk mitigation, and fairness in workload distribution; necessary to promote public confidence in efficient and effective jail operations. The Federation's last proposal on the issue is attached hereto as Exhibit 3 for the Commission's ease of reference.

The operational need for management-directed staffing decisions for posts and facilities are well-recognized to avoid the following:

Operational Inefficiencies

- Deputies selecting their own posts can lead to critical staffing shortages in essential positions and facilities that are considered less desirable.
- Overstaffing in some areas while others remain vacant creates resource allocation inefficiencies.
- Certain posts may not require a full 8-hour shift but remain filled unnecessarily.
- Constraints to reassign personnel, detracting from operational oversight.
- Inefficient staffing and required union approvals create a constant administrative burden, making routine day-to-day adjustments slow and cumbersome.
- Creates an Imbalance in Shift Work: As a 24-hour workforce, allowing self-selection often leads to uneven distribution of personnel across shifts. Some shifts become overstaffed, while others face critical shortages, impacting operational effectiveness.

Increased Costs and Overtime

- Unfilled essential positions lead to forced overtime, driving up department expenses.
- Compensating for staffing gaps leads to unnecessary expenditures.
- Essential posts left vacant due to deputy preference may indicate inefficiencies and wasteful spending.

Liability, Risk Management, and Workplace Safety

- **Staff Injuries:** Poor staffing distribution increases the likelihood of injuries due to overworked personnel covering multiple roles, leading to fatigue and reduced situational awareness.
- **Discipline and Poor Work Performance:** Deputies selecting positions based on preference rather than skill set or operational needs can result in underqualified personnel in critical posts, increasing errors and performance-related disciplinary issues.
- **Compromised Response to Emergencies:** Understaffed areas may struggle to provide an immediate and effective response to incidents, elevating safety risks for both deputies and detainees.
- **Legal and Financial Risks:** Inadequate staffing creates potential liabilities, increasing the likelihood of lawsuits, workers' compensation claims, and costly settlements.
- **Inconsistent Supervision:** Some posts, particularly those with minimal workload, may lack proper supervision, leading to policy violations, lapses in accountability, and an increase in workplace misconduct.

The advantages of management-led assignments can be summarized as follows:

- Ensures even staffing across all shifts.
- Balances workload to prevent excessive strain on certain teams.
- Improves oversight by ensuring supervisors have the necessary personnel to manage effectively.
- Enhances flexibility to quickly respond to operational needs, emergencies, and policy changes resulting in operational efficiency.
- Fosters a cooperative and efficient work environment.
- Command-led assignments could reduce overtime by ensuring balanced staffing.
- Reduces liability and increases workplace safety.

Attached hereto as Exhibits 4 and 5 are excerpts from the publications Jail Staffing Analysis, 3rd Edition and Direct Supervision Jails – The Role of the Administrator, respectively, addressing the staffing issues affecting correctional facilities and the need for management-directed staffing. Also, as part of our presentation before you, we will be very pleased to present Sheriff Elias Diggins, Sheriff of Denver, Colorado, who will address the County Commission. Sheriff Diggins is a well-recognized leader in corrections management. Amongst his many accomplishments in the field, he is the past President of the American Jail Association and a member of the Advisory Board for the National Institute of Corrections. His resume is attached as Exhibit 6. The PowerPoint outlining his presentation is attached hereto as Exhibit 7.

We expect that the Federation will largely argue that Detention Deputies, Sergeants and Technicians should be able to bid for their posts, assigned facilities, as well as shifts and days off, simply because this is the way the things have worked in the past. While it is true that such bidding has been in the Collective Bargaining Agreement for some years, continuing bidding rights for all aspects of the work assignment is simply not sustainable and results in operational disruptions. It is also true that in years past BSO's Department of Detention faced recruitment challenges. Recently, with the support of this County Commission, BSO has been able to offer wage increases to the Detention personnel in this very bargaining unit, to bring the men and women in the Department of Detention more in line with competitive wages. In agreeing to these wage increases, the Commission has realized the need for better pay for our Detention employees, and it would naturally follow that finding ways to operate our facilities more efficiently would be the next step. With these increased benefits come increased responsibilities to bring the department in line with industry standards and best practices to achieve the most effective and efficient jail operations.

BSO's proposal would continue to allow Detention Deputies, Sergeants and Technicians to bid for shifts and days off by seniority. Eliminating bidding for posts and facilities advances operational efficiency, reduces unnecessary costs, improves shift balance, and mitigates risks associated with understaffing and personnel injuries. Proper staffing allocation ensures all shifts are adequately covered, reduces reliance on forced overtime, and strengthens overall departmental effectiveness. Implementing this change will not only promote fiscal responsibility but also safeguard the well-being of both personnel and the public we serve. In sum, it is an operational necessity.

The Sheriff of Broward County recommends that the Broward County Board of County Commissioners impose Article 21 of the Collective Bargaining Agreement as proposed by BSO. *See Exhibit 2.*

Dated: April 9, 2025

Respectfully submitted,

s/ Carmen Rodriguez

Carmen Rodriguez, Esq.

Florida Bar No. 710385

Attorney for the Sheriff of Broward County

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**FEDERATION OF PUBLIC EMPLOYEES, AFL-CIO and
BROWARD SHERIFF'S OFFICE**

LEGISLATIVE IMPASSE HEARING

APRIL 22, 2025

BSO'S HEARING NOTEBOOK

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**FEDERATION OF PUBLIC EMPLOYEES, AFL-CIO and
BROWARD SHERIFF'S OFFICE**

LEGISLATIVE IMPASSE HEARING

APRIL 22, 2025

BSO's Index of Exhibits

1. FOPE Declaration of Impasse dated January 8, 2025
2. Article 21 - Seniority, Layoff, Recall & Vacancies, Department of Detention, Collective Bargaining Agreement, BSO and FOPE
3. FOPE's last proposal
4. Excerpt, Jail Staffing Analysis, 3rd Edition, Rev. June 2016
5. Excerpt, Direct Supervision Jails – The Role of the Administrator
6. Resume of Sheriff Elias Diggins
7. PowerPoint Presentation of Sheriff Diggins

EXHIBIT 1

KATHLEEN M. PHILLIPS
MARK RICHARD *
OSNAT K. RIND
CHRISTINA GORNAIL
LUCIA PIVA
HOLLY OLIVA-VAN HORSTEN **
**Also Admitted in DC & NY*
***Board Certified Labor And Employment Law*

OF COUNSEL:
LIBBY HERRERA-NAVARRETE, P.A.



PHILLIPS, RICHARD & RIND, P.A.
ATTORNEYS AT LAW

January 8, 2025

VIA ELECTRONIC MAIL – jennifer.okwabi@perc.myflorida.com
& FACSIMILE – (850) 488-9704

Jennifer Okwabi, Coordinator
Public Employees Relations Commission
4050 Esplanade Way, Room 135
Tallahassee, FL 32399-0905

**Re: Federation of Public Employees, AFL-CIO and Broward Sheriff's Office /
Impasse – Successor Contract**

Dear Ms. Okwabi:

This firm represents the Federation of Public Employees, a division of the National Federation of Public and Private Employees, AFL-CIO (the "Union"). The Union has been engaged in collective bargaining with the Broward Sheriff's Office (the "Employer") for a successor contract. The parties have been unable to reach an agreement. Accordingly, the Union has declared impasse. Please provide us with a special magistrate roster. The Employer's chief negotiator is: Colonel Andrew Dunbar, Broward Sheriff's Office, 2601 West Broward Boulevard, Fort Lauderdale, FL 33312; email: Andrew_Dunbar@sheriff.org.

Sincerely,

/s/Christina S. Gornail

Christina S. Gornail, Esq.

CG/jl

Cc: Norman Lebron
Terrence Lynch, Esq.
Colonel Andrew Dunbar

EXHIBIT 2

COLLECTIVE BARGAINING AGREEMENT

between the

BROWARD SHERIFF'S OFFICE



Sheriff Gregory Tony, Ph.D.

and the

FEDERATION OF PUBLIC EMPLOYEES

**A DIVISION OF THE NATIONAL
FEDERATION OF PUBLIC AND PRIVATE EMPLOYEES (AFL-CIO)**



OCTOBER 1, 202~~14~~⁷ – SEPTEMBER 30, 202~~4~~⁷

ARTICLE 21

SENIORITY, LAYOFF, RECALL & VACANCIES

21.1 Seniority

A. **Annual Leave Bidding** - Seniority date for all purposes of bidding for annual leave shall be the bargaining unit member's date of hire with the agency or if the bargaining unit member became employed by BSO pursuant to an agreement with a contract city, date of hire with the contract city/county. That is BSO and the FPE recognize the combination of contract city/county time and BSO time.

~~B. **Shift Bidding** – Effective January 1, 2026, Any Classification that works a (7) seven day per week schedule and/or has two or more shifts, will be considered for this section. Bidding will be for shifts and days off. Seniority date for the purpose of annual shift bidding for shift, ~~post/assignment, and~~ days off ~~and facility/location (facility/location is specific to DOD only),~~ shall be determined and established from the bargaining unit members' time in classification date (TICD). Employees classified within the Regional Communications Operator series (Trainee, I, II, III) will utilize the date in which they were initially classified within that series as their TICD. Annual shift bids are defined as the opening of all shifts, ~~posts/assignments, and~~ days off, ~~and facilities/locations (facility/location is specific to DOD only),~~ in a classification, district or division, ~~and b~~ By seniority, and in adherence to any skill requirements, where outlined, bargaining unit members will pick from the available vacancies.~~

~~B. —~~ See 21.3 B and

21.4 for bid process. TICD is defined as the date of entry into the most recently held classification in the FPE bargaining unit to which he/she is assigned. As to contract city/county, bargaining unit members will be credited with the time in their most recent classification with the contract city prior to acquisition.

Notwithstanding the above, the determination of Time in Classification Date (TICD) for those bargaining unit members assigned to the Communication Operator Series or those bargaining unit members assigned to the Confinement Status Specialist series shall be determined and established from the bargaining unit member's original date of classification within the Communications Operator series or the Confinement Status Specialist Series.

~~C. **Mini Bids** – Mini Bids may be conducted in between the annual bids. Mini Bids are defined as bids for vacant posts/assignments only and by seniority.~~

~~For bargaining unit members receiving a demotion to a previously held job classification due to a bumping within a Layoff, the bargaining unit member will be credited with the TICD held previously within that job classification. For bargaining unit members receiving a demotion due to bumping within a layoff to a job~~

~~classification not previously held, the bargaining unit member shall retain their current TICD.~~

D.C. Any bargaining unit member who voluntarily terminates his/her employment, resigns, or is discharged, shall lose all rights to seniority and benefits, including longevity. The only exemption to this Article for retaining all rights of seniority will be when a bargaining unit member returns to work within one (1) year (365 days) of being laid off.

New employees shall be credited with bargaining unit status from the bargaining unit member's date of certified classification after successfully completing the probationary period and shall be permitted to exercise seniority rights when regular

bargaining unit member status is achieved, or as otherwise defined in Section 21.3 of this agreement.

E.D. The transfer, permanent assignment or promotion of a bargaining unit member for purposes of this Agreement to another job outside the bargaining unit shall terminate the acquisition of Time-in-Classification Date (TICD) seniority, unless the bargaining unit member returns to the bargaining unit within one (1) year. The bargaining unit member shall not be compelled to serve another probationary period upon return. After one (1) year bargaining unit members may not be bumped or displaced by non-bargaining unit members. However, non-bargaining unit members may be placed in a vacancy as determined by the Sheriff or designee if one exists.

To the extent that the provisions outlined in Appendix A conflict with the terms set forth in this article, the terms in this article will govern.

21.2 **Layoff and Recall**

- A. The Sheriff reserves the right to layoff bargaining unit members for lack of work, or lack of funds. In the event of personnel reductions, bargaining unit members shall be laid off in the inverse order of seniority as defined in this Article. If more than one (1) classification is affected, a bargaining unit member laid off from a higher classification shall be given an opportunity to revert to the next lower classification, provided the bargaining unit member is able to perform the job in a satisfactory manner without a trial period and has maintained necessary certifications if applicable.
- B. Bargaining unit members shall be recalled from layoff based on hire date seniority. Bargaining unit members who are recalled will retain their hire date and time in class date (TICD) seniority and the pay step they were assigned at the time of layoff. TICD will not apply with reference to shift bidding until the next shift bid. The recalled

bargaining unit member will be placed in the available vacancy. Leave payouts processed as a result of the layoff will not be reinstated. No new employee shall be hired in any classification until all bargaining unit members on layoff status in that classification have had an opportunity to return to work. A bargaining unit member whose position was identified for layoff and who elects to accept another position within BSO or a bargaining unit member who reverts to a previously held job classification as outlined in 21.2 (D) within BSO, will forfeit their right to recall. The Sheriff reserves the right in his sole discretion to require said recalled bargaining unit members to submit to any such selection procedure(s) relevant to their job assignment including but not limited to: background checks, toxicology testing, as well as any other testing to determine if such bargaining unit members are deemed physically and mentally qualified to perform the work. Should the results of these selection procedures not meet BSO standards, the bargaining unit member will forfeit all rights to recall.

No laid off bargaining unit members shall retain the recall rights provided herein beyond twelve (12) months from date of layoff. Should a bargaining unit member decline the agency's offer to recall the bargaining unit member will forfeit all rights to recall.

- C. A laid off bargaining unit member shall provide written notification to BSO of any change of address. The notice to return to work will be sent to the bargaining unit member's current address on file with BSO by certified mail with copies to the FPE, no less than seven (7) calendar days prior to the date the bargaining unit member is to report to work. A recalled bargaining unit member shall be considered to have quit if they fail to accept employment within seven (7) calendar days after notification, or fail, without permission, to report to work as instructed. Thereafter, the provisions of this Agreement notwithstanding, the Sheriff will owe no further obligation to the bargaining unit member. For bargaining unit members receiving a demotion to a previously held job classification due to a bumping within a Layoff, the bargaining unit member will be credited with the TICD held previously within that job classification. For bargaining unit members receiving a demotion due to bumping within a layoff to a job classification not previously held, the bargaining unit member shall retain their current TICD.

Bumping is only allowed into the same or a lower job classification that is part of a job classification series as defined by the Bureau of Human Resources i.e. Administrative Specialist II to an Administrative Specialist I or Detention Sergeant to a Detention Deputy.

- D. Bargaining unit members subject to layoff or bumping may revert to a previously held classification if a vacancy in that previously held job classification exists and the bargaining unit member has the skills and abilities to perform the job in a satisfactory manner and has maintained certifications if applicable, without a trial period. Upon reverting, the bargaining unit member's TICD will be their prior TICD not to include credit for time not within the job classification the bargaining unit member is reverting back into.

- F. The Sheriff may deviate from the above-described process regarding inverse seniority in layoffs only in the case of operational necessity. The agency shall demonstrate operational necessity by showing that the bargaining unit member being retained has training in an area of expertise that is necessary for the position and is not possessed by a bargaining unit member of greater seniority, unless the more senior bargaining unit member can meet the training standards and be able to perform the requirements of the position within ninety (90) days. The parties acknowledge that in the event of a layoff, detention deputies and sergeants are exempt from the provisions of this Subsection.
- G. In addition, the parties acknowledge that in the event of a layoff, the DUI BAT Unit assignment will be exempt from CSA bumping/recall provisions.
- H. Notwithstanding the above, the determination of Time in Classification Date (TICD) for those bargaining unit members assigned to the Communication Operator Series or those bargaining unit members assigned to the Confinement Status Specialist series shall be determined and established from the bargaining unit member's original date of classification within the Communications Operator series or the Confinement Status Specialist Series.
- I. In the event of a layoff, a non-bargaining unit member may revert to his/her former bargaining unit job classification into a vacancy as determined by the Sheriff or designee if one exists.

Layoff Processing

- J. **Civilian (Non-Sworn) Job Classifications** – When a position is identified as being eliminated the bargaining unit member may bump a bargaining unit member within the same job classification with the least hire date seniority. If more than one bargaining unit member is being eliminated the bargaining unit member with the most hire date seniority selects first from the identified least hire date seniority positions within that same job classification.

If two or more job classifications are affected, the least hire date seniority in the higher job classification may bump the least hire date seniority bargaining unit member in the lower job classification.

When any of the following positions are identified as being eliminated the bargaining unit member may bump a bargaining unit member within the same job classification with the least TICD seniority:

Records/Warrants Supervisor
Public Records Supervisor
Inmate Property Supervisor
Detention Facilities Maintenance Supervisor
Courier Supervisor

Civil Process Server Supervisor
Commissary Storeroom Supervisor
Regional Communications Duty Officer

Notwithstanding the above, the determination of Time in Classification Date (TICD) for those bargaining unit members assigned to the Communication Operator Series or those bargaining unit members assigned to the Confinement Status Specialist series shall be determined and established from the bargaining unit member's original date of classification within the Communications Operator series or the Confinement Status Specialist Series.

- K. **Sworn Job Classifications** - When a position is identified as being eliminated (non-layoff) the bargaining unit member's shift, days off and facility will be honored until the next annual bid.

If two or more job classifications are affected by a layoff, the least TICD seniority in the higher job classification may bump the TICD seniority bargaining unit member in the lower job classification.

In the event that a layoff occurs, the parties will attempt to enter into an agreement which would permit an amended annual bid date, as a one-time exception associated with the layoff. This bid should be effective on a date prior to the effective date of the layoff. The results of the one-time exception annual bid will supersede the above bumping process. If a bid cannot be conducted prior to the layoff then a bid will be conducted as soon as a time frame can be established by agreement between the parties. In the interim, the above-described bumping process will apply.

21.3 **Seniority and Vacancies** (For Bargaining Unit Members other than Detention Deputy, Detention Control Room Technicians, & and Detention Sergeant)

A. **General Consideration for Non-bidding Civilian Bargaining Unit Members**

1. ~~The term "vacancy" as used herein refers to openings for location.~~ Except as modified herein, the Sheriff retains absolute control to hire new employees to fill vacancies in his sole discretion;
2. The Sheriff reserves the right to temporarily fill said vacancy with any available bargaining unit member for a period of up to thirty (30) calendar days after the vacancy arises;
3. ~~Within said thirty (30) days, t~~The Sheriff will post for a period of (10) working days to attempt to fill said vacancy with interested bargaining unit members in the same job classification on

~~the basis of seniority, providing that the bargaining unit member meets the operational needs of the hiring department. is certified, trained and qualified to fill said vacancy. However, the Sheriff reserves the right to "pass over" the most senior bargaining unit member, and to select any other qualified bargaining unit members, for legitimate operational reasons.~~

4. ~~If said vacancy is not filled by a bargaining unit member as set forth in A3, such vacancy~~ When there is a vacancy in a particular location, ~~such vacancy~~ will be posted for a period of ten (10) working days and interested bargaining unit members will be permitted to apply request a transfer to for said vacancy.

B. General Consideration for Bidding **Civilian** Bargaining Unit Members

1. The term "vacancy" as used herein refers to openings for shift and, days off, ~~post/assignment and/or facility/location (facility/location is specific to DOD only).~~ Except as modified herein, the Sheriff retains absolute control to hire new employees to fill vacancies in his sole discretion;
2. Newly hired or newly promoted probationary bargaining unit members who are rotated from shift to shift, assignment to assignment, etc., for the purpose of initial orientation as well as "trainees," shall not be considered for the purposes of this section.
3. It is agreed that, the Sheriff will fill at least seventy five percent (75%) of vacancies for shift, facility/location, and days off ~~and/or post/assignment~~, with the most senior bargaining unit member, as established by their time in class date (TICD), through the annual shift bidding process. ~~BSO may fill twenty five percent (25%) of all funded positions administratively for legitimate operational reasons. Any administrative placements must be agreed upon by both the Sheriff and the bargaining unit member.~~

No bargaining unit member can be removed from ~~the~~ their post/assignment ~~they bid~~ except while the member is under an official internal investigation or light duty. However, a CSA may be temporarily re-assigned for up to two weeks for a legitimate operational necessity.

4. Vacancies for the annual shift bid will be posted for bargaining unit members to review at least 10 days prior to the bid date or closing date for bids. After the bids are finalized, the completed bids will be posted for at least 10 days for bargaining unit members to review as soon as possible. Any of the aforementioned bid steps will be forwarded to the FPE upon request.

5. When there is a vacancy in a particular facility/location or district such vacancy will be posted for a period of ten (10) working days and interested bargaining unit members will be permitted to request a transfer to said vacancy. If two or more bargaining unit members request a transfer to the same vacancy, the senior member may be awarded the transfer.

21.4 Department of Detention

- A. The term "vacancy" as used herein refers to openings for shift, and days off, ~~post/assignment and/or facility/location (facility/location is specific to DOD only). At the time of bidding for shifts and days off, bargaining unit members will be permitted to state their preference for facilities, in rank order, for Command's consideration in BSO's sole discretion.~~ Except as modified herein, the Sheriff retains absolute control to hire new employees to fill vacancies in his sole discretion;
- B. Newly hired or newly promoted probationary bargaining unit members who are rotated from shift to shift, assignment to assignment, etc., for the purpose of initial orientation as well as "trainees," shall not be considered for the purposes of this section.
- ~~C. Temporary assignments will not be considered for the purposes of this section. Temporary assignments cannot extend beyond sixty (60) calendar days and are not renewable without notification to the FPE.~~
- ~~CD.~~ Bidding, limited to shifts and days off, shall apply to fill ninety percent (90%) of all funded certified detention deputy ~~position~~ists in the Department of Detention. BSO may also determine shifts and days off for fill ten percent (10%) of all funded certified detention deputy ~~position~~ists administratively.
- ~~DE.~~ Bidding, limited to shifts and days off, shall apply to fill ninety percent (90%) of all funded certified detention sergeant ~~position~~ists in the Department of Detention. BSO may also determine shifts and days off for fill ten percent (10%) of all funded certified detention sergeant ~~position~~ists administratively.
- ~~EF.~~ Bidding, limited to shifts and days off, shall fill apply to ninety percent (90%) of all funded detention technician ~~position~~ists in the Department of Detention. BSO may also fill determine shifts and days off for ten percent (10%) of all funded detention technicians administratively ~~total~~.
- ~~F.~~ BSO agrees that a change to a bargaining unit member's assignment (post) or facility will not affect his/her shift or days off, except in the event of emergency.
- G. BSO will furnish the FPE with a report regarding the administration of these provisions when requested. The report will be furnished within fourteen (14) calendar days of request. A meeting between the Director of the Department

of Detention (or his/her designee), the FPE and an on-site representative from each of all the Department of Detention facilities may be scheduled as soon as practicable after the report is furnished to the FPE.

H. The format for the bid will be discussed with the FPE representatives at least thirty (30) calendar days prior to the date on which the ~~annual~~ bid will begin. ~~The FPE will be advised at least fifteen (15) calendar days prior to the beginning of the annual "mini-bid."~~

~~I. The parties mutually agree to select a detention deputy post per shift, per facility, to include Central Intake (excluding Transportation) with weekends off. This post will not be administratively filled by either party and will be open for bid during the established bidding process and will be filled by seniority. If there is no agreement within five (5) working days prior to the Sheriff or designee posting the bid, the Sheriff or designee will make the final decision.~~

~~J. The parties mutually agree to select one (1) detention sergeant post per jail (excluding Central Intake), with weekends off. This post will not be administratively filled by either party and will be open for bid during the established bidding process and will be filled by seniority. If there is no agreement within five (5) working days prior to the Sheriff or designee posting the bid, the Sheriff or designee will make the final decision.~~

EXHIBIT 3



3/19/25
FOPE
Proposal
negotiations

Language for Article 21.4.K

From Lebron, Norman <Norman_Lebron@sheriff.org>

Date Fri 1/24/2025 9:23 AM

To Irvin II, Timothy <Timothy_IrvinII@sheriff.org>

Cc Tianga, Osvaldo <Osvaldo_Tianga@sheriff.org>; Judon, Elsie <Elsie_Judon@sheriff.org>; Dunbar, Andrew <Andrew_Dunbar@sheriff.org>; Lynch, Terrence <Terrence_Lynch@sheriff.org>

Bcc Clayton, Athol <Athol_Clayton@sheriff.org>; Cavanagh, Jason <Jason_Cavanagh@sheriff.org>; Graham, Vincent <Vincent_Graham@sheriff.org>; Corso, Steven <Steven_Corso@sheriff.org>; Kahn, Karl <Karl_Kahn@sheriff.org>; Northern, Tracy <Tracy_Northern@sheriff.org>; Cowan, Sacha <Sacha_Cowan@sheriff.org>; Jadusingh, Danielle <Danielle_Jadusingh@sheriff.org>; Anthony Marciano <anthony.marciano@federationmembers.org>; Dan.Reynolds@federationmembers.org <Dan.Reynolds@federationmembers.org>; taflaco@aol.com <Taflaco@aol.com>

Article 21.4.K

K. Management retains the right to move a Detention Sergeant, Detention Deputy & Detention Technician, with notice to FOPE, for the following reasons:

1. Documented disciplinary proceedings or restricted duty.
2. Inmates are moved to create specialized housing units which require trained staff, like ERT.
3. Maintenance of a housing unit that needs to be vacated, as specified in Appendix A.
4. Staff cannot complete training for new post bid within the first 90 days of annual bid and Mini bid. (Examples: SDA & CDL certification cannot be attained).
5. In the event there is an area or shift where there is a staff shortage BSO may temporarily assign Officer in Charge (OIC) from the promotional list or request volunteers providing supplement pay for (OIC) re-assignment. Up to 10 non-probationary Detention Deputies & 10 non-probationary Detention technicians may be moved, in inverse seniority based on TICD, with 14-day notice.
6. After the annual bid, for the classifications listed in this Article 21.4.K, the maximum amount of non-probationary moves per calendar year is 10 Deputies, 10 Detention Technicians, and 5 Detention Sergeants. Any additional moves must be approved by the FOPE.
7. FOPE Shift Representatives are exempt from paragraphs 4-6 above.
8. Except for paragraphs 4 and 6 above, when the basis for the move no longer exists, the employee will return to their bid position.

Respectfully Submitted,
Dep. Norman Lebron
BSO-FOPE Business Representative
(954) 632-9844

EXHIBIT 4

Final Draft



**JAIL
STAFFING ANALYSIS**
3rd Edition

Rev. June 2016

Step 4: Evaluate the Coverage Plan

If the coverage plan is deficient in any way, subsequent efforts to prepare a budget and deploy employees through scheduling will also be deficient.

Before taking the time and expense of developing a schedule, and possibly raising the concerns of staff, it also makes sense to thoroughly evaluate your coverage needs. The primary concern with this step is to ensure that the coverage plan is *sufficient*-- that enough employees, with the right capabilities, are available when needed. A secondary concern identifies potential inefficiencies, instances in which staffing levels exceed needs.

This step is the most important one in the process. In many ways, the staffing analysis process requires a “trial and error” approach through which you test various operational changes, organizational structures, coverage schemes, and schedules.

The evaluative step is critical for both the veteran staffing analyst and the first-time user. It allows you to examine your work systematically up to this point and to identify problems before a schedule is developed, a report is written and before the plan is implemented. This step is the “equalizer” that puts the first-time user on equal footing with someone who has completed many staffing analyses. More important, it ensures that your expertise is central to the completion of the staffing plan.

As we move this evaluative step earlier in the process, we also return to some effective tools from the First Edition of the NIC workbook. The earlier edition provided a more thorough approach to the evaluative process, in three components:

- a. Evaluate “internal” efficiency and consistency.
- b. Complete the Evaluative Checklist that is based on the national Core Jail Standards.
- c. Complete additional checklists and evaluative procedures (optional).

Completing the first two components is considered essential in this process. The third offers additional resources for those who find it necessary or desirable to expand on their evaluative efforts.

The evaluative process identifies problems or deficiencies with your coverage plan. As these problems are identified, you will need to return to earlier steps in the staffing analysis process to revise your work:

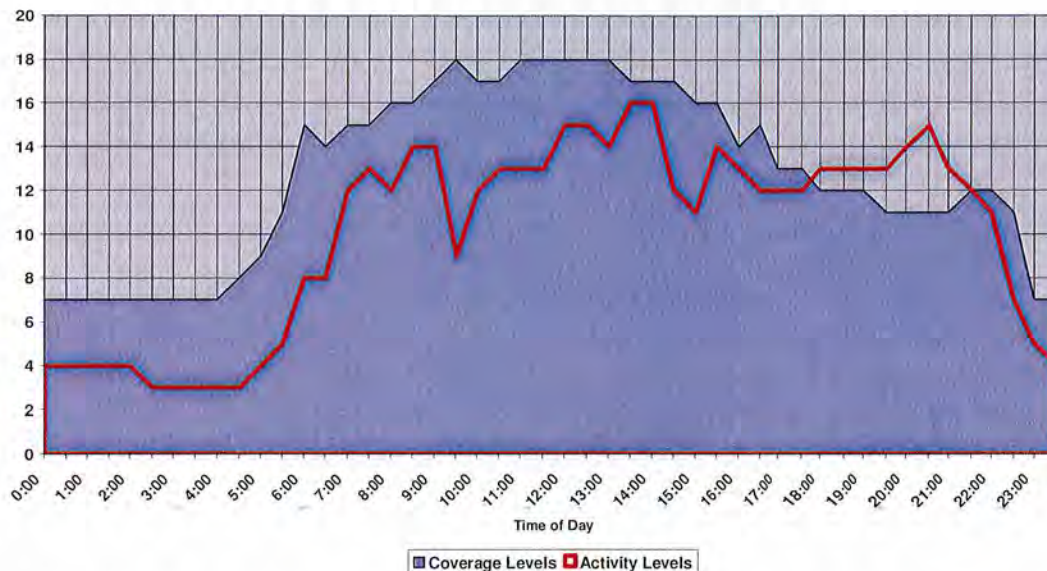
- In Step 1 (Describe the Setting) you consider changing policies and practices to facilitate staffing efficiencies. This might include changes in separation (e.g. which inmates are allowed to participate in programs together) or how your facility is used (e.g. which inmates are housed in specific areas) or many other refinements in how you operate the jail.
- In Step 2 (Activities) you consider further refinements in your daily activity schedule to reduce the peak demands for staff, and you might want to move some activities to times when staffing demands are lower.

- In Step 3 (Coverage) you should identify additional efficiencies that ensure that staff are deployed only when they are really needed.

a. Evaluate "Internal" Efficiency and Consistency of Plan

The first component of the evaluation is to carefully review the work that has been recorded on several forms and graphs. The graph that you made in Step 2 of activity levels should be compared to the one you made of coverage levels in Step 3. While activities and coverage do not correspond on a one-to-one basis, comparing the two graphs helps identify inconsistencies. In other words, coverage and activities should co-vary, if activities increase, so should staffing and vice versa.

Figure II-13: Comparison of Activity and Coverage Levels



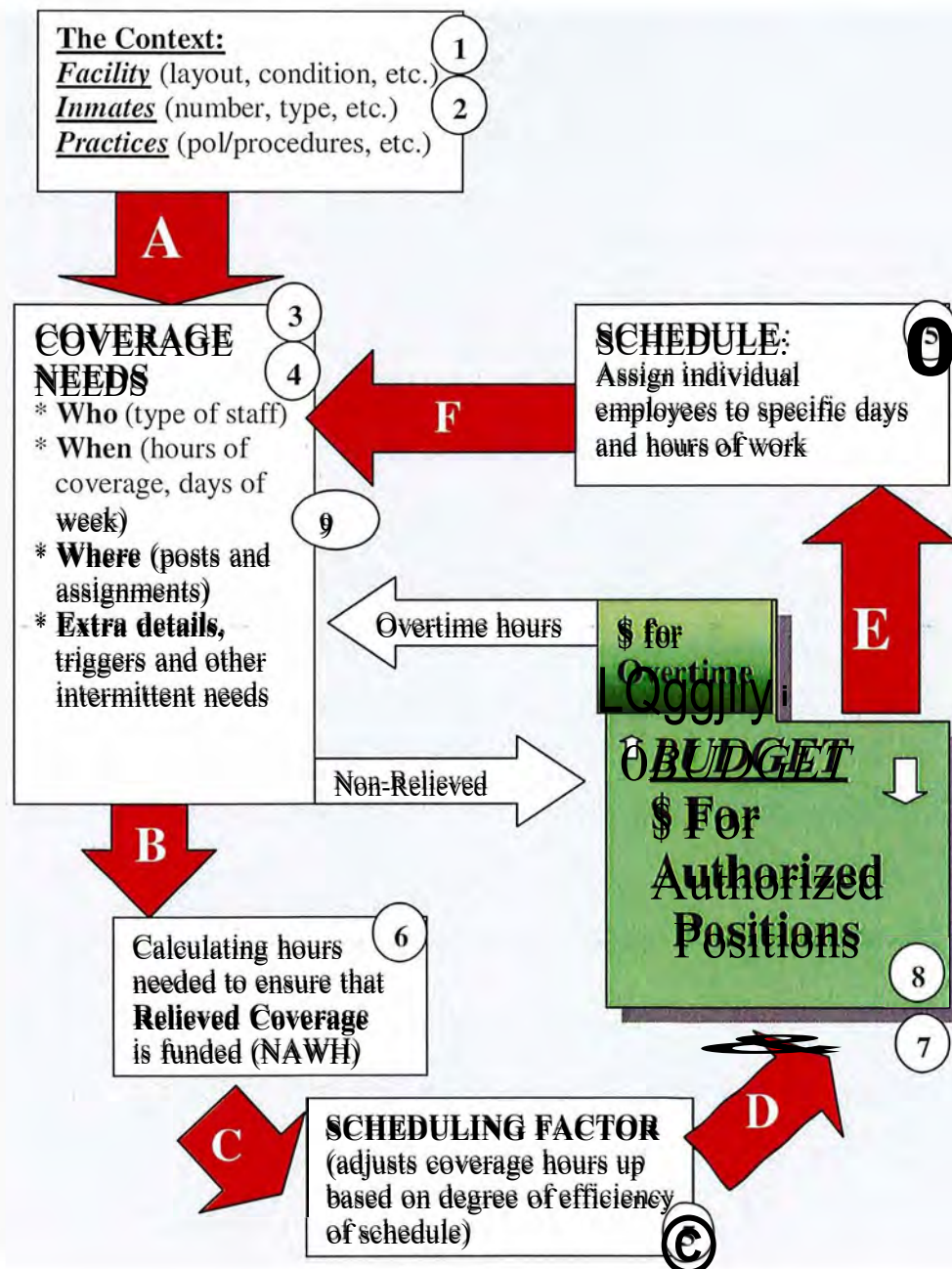
In Figure II-13 you will note that from the hours of 1800 to 2200, the number of staff does not seem to correspond to the level of activities. This might suggest the need to modify either the activity levels or coverage, or perhaps both. While it might seem easier to simply assign more staff, this will usually be the most expensive solution. Modifying activities may be a bit more trouble, but it may yield new efficiencies. Changing an activity schedule may have a “domino effect” in which a change might impact several other aspects of the activity schedule. But managers usually have more control over their operations than they have over their budget. Finding ways to “work smarter” may pay off in many ways.

Figure II-13 also suggests that coverage levels are significantly higher than activity levels for the first several hours of the day. This reflects the need for a minimum level of staffing to ensure the safety of inmates in the event of an emergency. Since activities levels are so low, there are opportunities to find ways to use the extra staff hours that must be deployed. This might involve moving more activities from the day and evening hours to the early morning, such as creating court lists, updating logs and records, and similar administrative tasks. It also offers opportunities for supplementing staff training through emerging technologies, such as computer-based learning. By training staff while they are on post, the Net Annual

Step 6: Calculate Net Annual Work Hours (NAWH)

The preceding steps have involved the analysis of all facets of the jail—physical plant, technology and operations. Step 6 describes a technical process that is essential for accurate budgeting. Figure II-16 illustrates the process by which operations are defined and budgets are drafted to meet operational needs. The corresponding steps of the staffing analysis process are shown in circles at the appropriate points.

Figure II-16: From Operations to Budget



In 1988, NIC introduced a new methodology that has been adopted in jails, prisons, fire departments, nursing homes, and other agencies that operate on a 24-hour basis. The NAWH methodology offers a more accurate and useful tool than its predecessor, the Shift Relief Factor (SRF). The NAWH calculations are applied before arrow B in the preceding illustration.

NAWH vs. Relief Factor

A "relief factor" attempts to answer the question: "How many full-time staff must I have in my budget to provide continuous coverage for a relieved post?" Relief factors are usually calculated for posts that are operated 24 hours daily, every day of the year. But calculating a relief factor becomes very difficult, and less likely to produce accurate findings, when a variety of posts are considered. Some posts operate for only part of the 24-hour day, and some posts are not operated every day of the week. Developing relief factors for the combinations of posts found in a creative and efficient modern jail is difficult and daunting.

One county recently concluded it only required 4.1 full-time positions to staff two 12-hour shifts, 365 days per year. They made math errors when they tried to adapt their old shift relief factor (for 8-hour shifts) to their new 12-hour shifts. In fact, they needed 5.48 full time positions. This is a common error made as managers try to apply relief factor methodology to alternative shift patterns.

The NAWH method introduced in the NIC Workbook accomplishes the same goals, more accurately, and with much more flexibility. By focusing on the "hour" as the unit to be measured, rather than a shift, the process has been improved. Although most steps in the staffing analysis process are more "art" than "science" the NAWH calculations demand attention to detail.

By calculating the "Net Annual Work Hours" (NAWH) for each classification of staff, the budget requirements for any number of operational practices may be easily--and accurately--estimated. A NAWH answers the question "How many hours is a typical officer (or other staff classification) available to be scheduled for duty in the jail annually?" The process for calculating NAWH is similar to the one that has traditionally been used for relief factors, but the product is much more useful and versatile.

Table II-8 shows how easy it is to use the NAWH method to identify budget requirements for a diverse set of posts and positions. Table II-8 demonstrates many advantages of the NAWH methodology. First, it highlights the fact that different classifications of staff have a distinct NAWH-- the COI and Sergeants in Lines 1 and 2 are needed to cover the same number of total annual hours, but because the sergeants have more time off for vacations and training, they have a lower NAWH. Therefore, more full time employees are required in the budget to cover the same number of hours in a year.

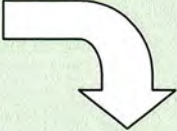
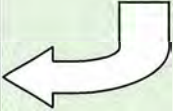
desired. One jail administrator proposed increasing employee in-service training by ten hours in the coming year. To ensure sufficient budget resources for this change the administrator added ten hours to the calculations that were based on prior experience.

Worth the Effort. Calculating accurate Net Annual Work Hours pays off in many ways. Doing it right demands a lot of time and attention to detail, but the results are worth it and will be realized year after year.

Understanding the Difference Between Scheduled and Deployed Employees

Figure II-17 describes eight steps that take budget dollars and eventually deploy employees.

Figure II-17: From Budget to Deployment-- The Major Steps

1	Budget Is Approved- FUNDS PROVIDED FOR EMPLOYEE HOURS. Funds are provided to pay for employee hours, as salaries and associated benefits, overtime hours, and part-time hours.	 <p>Some dollars used to purchase overtime hours and (in some agencies) part-time hours.</p>
2	Employees Are HIRED/RETAINED. Recruiting, screening and selection, training, and retention all contribute to the total cost of the hours that salaried employees work. Employee regular hours available for deployment are calculated using the Net Annual Work Hours (NAWH) figures.	
3	Employees Are ASSIGNED TO TEAMS (Squads/Groups) for the Purpose of Scheduling.	
4	Employees Are SCHEDULED TO WORK Regular Hours On Shifts. Regular Days Off (RDO) Are Determined.	
5	Some Employees SCHEDULE ABSENCES. Receive approval ahead of time for vacation, planned medical procedures, and other types of paid time off from work that may be anticipated and planned in advance.	<p>Overtime and/or Part-Time Funds Are Used to Fill Deployment Vacancies</p> 
6	Some Employees Fail to Appear for Scheduled Shift Due to UNSCHEDULED ABSENCES. Employees call in sick, have family emergencies, and take other time off with pay without scheduling the time off in advance.	
7	The Remaining Employees REPORT AS SCHEDULED for Work and Are DEPLOYED. Sometimes there are shortfalls, sometimes excesses.	
8	ADDITIONAL EMPLOYEES (part or full-time) ARE CALLED IN (As Needed) to Insure Minimum Staffing Needs Are Met.	

Working with jails throughout the United States, we have identified common mistakes that are made at *each step* of the process. Some of these are described in the following narrative.

Common Mistakes Made at Each Step of the Process

1. Budget Is Approved- FUNDS PROVIDED FOR EMPLOYEE HOURS.

- Not enough funds requested (many potential causes).
- Too much money allocated for full-time employees leaving little for overtime/part-time hours.

2. Employees Are HIRED/RETAINED.

- Hiring too many full-time employees compared to hourly employee hours.
- Not accounting for turnover.
- Missing opportunities to increase employee retention.

3. Employees Are ASSIGNED TO TEAMS (Squads or Teams) for the Purpose of Scheduling.

- Dividing total employee cadre into too many units, decreasing scheduling flexibility, and efficiency.
- Assigning too many employees to a squad compared to net coverage needs- creating frequent excess deployment.
- Assigning too many new employees to the same team or squad.
- Not managing vacancies to spread them out equally among all teams.

4. Employees Are SCHEDULED TO WORK Regular Hours On Shifts. Regular Days Off (RDO) Are Determined.

- *Inefficient* scheduling (e.g. not using data to adjust for days of the week that employees are differentially absent, not distributing shifts evenly, not distributing shifts to correspond to varied needs by day of the week).
- *Unfair* scheduling (e.g. favoritism, too much deference to veteran employees) that results in low employee morale and higher turnover.
- Too many persons involved with scheduling (causes inconsistencies).
- Person(s) involved with scheduling not properly trained for the task.

5. Employees SCHEDULE ABSENCES.

- Ineffective policies that govern employee absence scheduling.
- Unfair policies regarding scheduling of absences.
- Lack of incentives (or penalties) for using less time off.
- Unrealistic limits on the proportion of scheduled absences, making it impossible for some employees to schedule all hours to which they are contractually entitled.
- Inaccurate recording and communication of scheduled time off.

6. Employees Fail to Appear for Scheduled Shift Due to UNSCHEDULED ABSENCES.

- Lack of effective policies to reduce the frequency of unscheduled absences.
- Lack of incentives (or penalties) for reducing unscheduled time off.

7. Employees REPORT AS SCHEDULED for Work and Are DEPLOYED.

- Too many employees report and are not assigned to posts or details that are funded in the budget.
- Too few employees report causing serious shortfalls.
- In larger jails, or in jails that divide into many teams, excess employees on one team not “shared” to meet shortfalls on another team (and/or specialization inhibits the sharing of employees).

8. ADDITIONAL EMPLOYEES ARE CALLED IN (As Needed) to Ensure Minimum Staffing Needs Are Met.

- Too much overtime has already strained employees, causing morale and performance problems.
- Unfair and/or inconsistent practices that offer overtime to employees.
- Mandatory overtime causes morale and performance problems for some employees.

When the number of employees who actually present themselves for a shift is below the level needed to ensure safety and security, various responses address the shortfall (bringing in employees on overtime, using part-time employees, holding employees over for another shift, reducing operations to adjust to the shortfall). But when *more* employees report, it is possible to waste costly staff hours.

A Case Study

Before trying the NAWH methodology, the Montgomery County (MD) Department of Correction and Rehabilitation (MCDOCR) had calculated a “relief factor” for staff assigned to relieved posts. The NIC methodology offered a new and promising methodology, the Net Annual Work Hour (NAWH), and Montgomery County decided to try it to evaluate their staffing levels and to prepare for their FY2006 budget request. In 2004, Montgomery County opened a new state-of-the-art correctional facility and continued to operate its older Detention Center. With a projected staff compliment of 282 correctional officers in FY2006, it was essential to calculate budget needs accurately.

As it turned out, the differences between the old methodology used by the MCDOCR (relief factor) and the new NAWH calculations were significant. The relief factor used for the FY2005 budget analysis turned out to be nearly ten percent *lower* than the NAWH calculated for the initial budget submission. If the MCDOCR had continued to use the old methodology, it would have continued to struggle with an ongoing overtime problem that was largely driven by the budget shortfall caused by the earlier shift relief calculations. The County found that it entered the fiscal year nearly 30 full-time-equivalent officers short simply because of the math. NAWH demonstrated the *real* number of hours a typical staff member was available to be assigned to a post each year.

Using the NAWH methodology, Montgomery County found that, for every three hours a typical correctional officer works, he/she receives an hour of paid time away from their primary post. This is not unusual for a jail in the United States, but each facility has its own

unique combination of reasons that take jail staff away from their posts with pay (vacation, sick time, training, military leave and *much* more).

Why must the NAWH estimate be accurate? Because failing to accurately estimate NAWH inevitably results in budget shortfalls, usually in the form of unexpected overtime. Even worse, budget shortfalls might cause an agency to leave posts vacant, posing serious safety and liability concerns.

DOCR officials explained the importance of the NAWH calculations to other county officials. They stressed that the NAWH estimate is a crucial budgeting tool that helps to distinguish between *gross* staff hours budgeted and the *net* hours that are actually available to be scheduled for daily MCDOCR operations. As a result, subsequent budgets were adjusted to add nearly 10% more staff-- not to increase deployment in the jail, but to provide sufficient funds (for the first time) to pay for the staffing practices that had already been adopted.

Insufficient budget allocations create serious challenges for MCDOCR officials. The County's policy requires all posts and positions in the MCDOCR daily staffing plan to be filled, which chronically caused expenditures to exceed budget allocations, usually in the form of unexpected levels of overtime.

When budget estimates are inaccurate (in other words, too low), the County has to draw on staff overtime or part-time staff to make up the shortfall. Montgomery County does not use any part-time staff, which means that all shortfalls must be satisfied by overtime. Extensive use of overtime is not only expensive, but excessive *mandatory* overtime negatively impacts the organization.

Excessive overtime creates performance problems for staff who work long hours, increased use of sick leave when employees try to manage their personal lives, added overtime that is needed to compensate for growth in sick leave, and disciplinary actions that absorb the time of the employee, the supervisor, and management. Excess mandatory overtime also undermines the reputation of the Department within the ranks and generates widespread morale problems.

Using the Worksheet to Calculate NAWH

Form F provides a template for calculating NAWH. Montgomery County used this as a starting point. Table II-11 describes each of the factors that Montgomery County found to cause a staff member to be away from their post with pay, including various forms of paid leave (vacation, sick, holidays) and other activities that make them unavailable to report to their posts (such as certain types of training).

EXHIBIT 5



Direct Supervision Jails

The Role of the Administrator

Rotating Housing Unit Staff Assignments

Rotation of assignments among housing unit officers is an oft-debated issue. Many jail administrators prefer to assign staff to a housing unit for at least 90 days to foster continuity of management, consistency of operations, and staff investment in the quality of housing unit operations. Other administrators fear assignments of 90 days or more are too long and increase the risk of staff becoming overly familiar or developing inappropriate relationships with inmates. Unions and staff may also request that jail administrators institute frequent rotations. When determining the length of officer assignment to the housing unit, the jail administrator should consider issues related to the effectiveness of direct supervision housing unit management, including those listed below.

Control of the Unit

One of the primary concepts of direct supervision is that the officer is in charge of the housing unit. The officer does not share control with the inmates. Frequent rotation may undermine the officer's ability to become established as the person in charge. Some officers have likened the experience of frequent rotation to that of the short-term substitute teacher. The teacher does not know the students in the class, is taken advantage of by them, and cannot establish control of the classroom.

Familiarity With Inmate Behavior Patterns and Needs

Consistency of staff assignment—assignment to a unit for at least 90 days—allows the housing officer to become familiar enough with the inmates to know their behavior patterns, potential problems, and needs. This gives the officer a solid basis for developing behavior management strategies. In this sense, “familiarity” does not connote development of an inappropriate relationship, but instead relates to the effectiveness of the professional relationship between the officer and the inmates—the supervisor-subordinate relationship.

Investment in Managing the Housing Unit

When officers know they will be assigned to a unit for 90 days or more, they are more likely to have an investment in the unit and actively address problems and manage behavior. Frequent rotations increase the likelihood that an officer may not address inmate misbehavior or inmate concerns because assignment to that unit may not occur again for several days. As a result, inmate behavior may deteriorate because officers are not holding inmates accountable for their behavior and are not consistently addressing inmate concerns. As inmate behavior deteriorates, so does the safety of the jail environment for staff, inmates, and, ultimately, the community.

Ability To Set and Achieve Goals for Housing Unit Management

When an administrator assigns an officer to a unit for 90 days or more, the officer can and should set longer term goals for the management of the housing unit—goals related to cleanliness, group or individual inmate behavior, inmate involvement in programs, or housing unit work projects. The officer can work with other officers assigned to the unit to set these goals, and all officers can collaborate to meet them. Each officer, then, has the support of other officers in managing the unit. Supervisors have an opportunity to review the goals and further support the officers. When the goals are achieved, supervisors may reward the officers and reinforce their good work.

Consistency of Operations

Jail officers often raise inconsistency of operations among shifts as an issue. When administrators also rotate officers frequently among housing units on a single shift, inconsistencies within a shift from day to day may also become an issue. Lack of consistency undermines inmate management and peer support among officers. It frustrates the inmates, who may feel they face constant and confusing changes in officers' expectations and management styles, and this may lead to anger and rebellion against what inmates may perceive

as arbitrary and unfair treatment. Although staff styles will always vary, depending on individual personalities, inmates conform to officer expectations better when these variances are kept to a minimum.

The Supervisor's Ability To Assess Officer Performance

When an officer is assigned to a unit for a longer period, the supervisor can better assess the officer's performance and progress in managing the unit. The supervisor is in a much better position to identify performance deficiencies and develop strategies to help the officer improve. The supervisor is also better positioned to discern the officer's strengths and use these to the advantage of housing unit management and overall jail operations.

Conclusion

The administrator should consider the length of assignments to housing units in terms of an officer's ability to work as team with other officers in the unit, achieve consistency of operations, and manage inmate behavior effectively. The administrator should educate staff about the purpose and benefits of assignment to a unit for at least 90 days and encourage housing unit teams to work actively toward realizing those benefits.

EXHIBIT 6

Elias A. Diggins, MPA, CCE

Summary: Experienced law enforcement and correctional executive with a demonstrated history of working in public safety. Skilled in crisis management, public policy, employee/union relationships, community affairs, political strategy and emergency response. Servant leader with a Master of Public Administration degree from the University of Colorado-Denver.

EDUCATION/CERTIFICATION/TRAINING

Master of Public Administration – University of Colorado • Denver
Bachelor of Science, Criminal Justice – Metropolitan State College of Denver
Certified Jail Manager – American Jail Association (2011 – 2023)
Certified Correctional Executive – American Correctional Association
Certified Auditor – American Correctional Association (ACA)
National Institute of Corrections – Executive Excellence Program Graduate
Instructor for the following organizations:

- American Jail Association
- Department of Justice/National Institute of Corrections – Large Jail Network
- Denver Sheriff Department – Training Academy – Various courses during career

BOARDS/COMMISSIONS

President – American Jail Association (2019-2020)

- Board Member (2012 – 2021)

Commission on Accreditation for Corrections – ACA (2013 – 2017) (2024 – Present)

- Chair of the Commission (2015 – 2017)

National Institute of Corrections – Large Jail Network Advisory Board (2016 – Present)
City of Denver – Deferred Compensation Committee Board Member (2010 – 2014)
Open Door Youth Gang Alternatives – Board Member (2009 – 2015)

EXPERIENCE

Denver Sheriff Department – Denver, CO (1994 – Present)

Sheriff – City and County of Denver (July 2020 – Present)

- Responsible for the overall administration, operation and business practices of the largest Sheriff Department in the State of Colorado, with a \$170+ million budget.
- Servant leader of over 1,000 personnel; sworn, civilian staff members and contract staff.

Chief of Operations (January 2018 – July 2020)

- Responsible for the administration, operation and business practices of the:
 - Denver County Jail
 - Downtown Detention Center
 - Court Services Unit
 - Civil Processes Unit
 - Fugitive Detail
 - Correctional Care Medical Facility
 - K-9 Unit
 - Emergency Response Unit
 - Gang Intelligence Unit
- Accountable for the Operations Division portion of the budget, which represented approximately \$110 million of the overall \$151+ million Department financial resources.

Division Chief – Reform Project Administrator (October 2015 – December 2017)

- Responsible for leading, guiding and assisting senior level personnel in the creation, refinement, implementation and execution of Reform Recommendation Plans related to jail operations.
- Worked with internal and external stakeholders to help shape a new culture within the Denver Sheriff Department related to recommended changes.

Interim Sheriff – City and County of Denver (July 2014 – October 2015)

- Served as the Chief Executive Officer of the largest Sheriff Department in the State of Colorado.
- Led the Department through a period of several external reviews and heightened media scrutiny.
- Provided strategic direction and helped shape the vision for the Agency.
- Implemented change in many practices within the Agency with the assistance of staff from all levels and ranks along with external stakeholder input.
- Created the Denver Sheriff Department – Gender Equity Committee, which became a national model for jails in the U.S.

Division Chief – Denver County Jail (April 2009 – July 2014)

- Responsible for the overall administration and operation of a large jail, housing both male and female offenders (2,200 beds) prior to the opening of the Downtown Detention Center.
- Set the mission, vision and direction of the facility which included both indirect and direct supervision housing units.
- Served as the delegate for litigation against the Department in local, state and federal matters to include acting as the 30(b)(6) representative, working alongside the Denver City Attorney's Office on numerous cases.
- Led a \$25million demolition and construction project on the campus while maintaining an active facility with a count of 850 inmates.
 - Demolition included 6 inmate housing buildings on the campus.
 - Construction included a 6-story direct supervision building.

Major - Office of the Director/Undersheriff (April 2008 – March 2009)

- Worked with the Director of Corrections/Undersheriff to assist with various projects and convey the Directors interests in various meetings.
- Worked with Denver's Road Home Project and the Mental Health Center of Denver to explore and secure housing for released offenders with Axis I mental health disorders.
 - Served as the Departments representative on the National Institute of Corrections/Urban Institute - Transition from Jail to Community Project.

Major - Denver County Jail (February 2006 – April 2008)

- Served as second-in-command of the facility, which was the largest jail in Colorado at the time with 2,250 inmates at its height.
- Assisted the County Jail Division Chief with:
 - Creating expansion proposals.
 - Represented the interests of the Division in Budget and Planning processes.
 - Determined staffing levels throughout the facility.
- Responsibility for leading Work Release and Community Corrections Programs, Food Service and Facility Maintenance.
- Project manager for the DSD Cook-Chill Production Kitchen Project (Budget-\$12,500,000.00).
- Oversaw the implementation of the Objective Classification System.
- Coordinated the response to facility emergencies and critical incidents including inmate suicides/attempts and the death of an officer while on duty.

Captain - Denver Sheriff Department Training Academy (January 2004 – January 2006)

- Responsibility for all aspects of the Training Academy.
- Oversaw the pre-service training of recruit classes, to include 9 Academies and the annual in-service for all current staff.
- Provided instruction and guidance for Field Training Officer program and new Sergeant Academy training.
- Reviewed and approved all training curriculum material.
- Served as the Departments' representative on the "Regional Public Safety Academy" Project.
- Coordinated the implementation of new and innovative ideas and techniques to benefit the Department and improve officer safety. These implementations included:
 - The C-4 Defensive Tactics Program.
 - The change to the First Defense MK III O.C. Spray.
 - Introduction of Tasers to the DSD.

Captain - Emergency Response Unit (ERU) (January 2004 – January 2006)

- Supervised the ERU to include 6 Sergeants and 33 Deputies.
- Directed a Team of highly trained individuals skilled in tactical operations, specialized weapons, advanced vehicle maneuvering, court service protection, and mass arrest response procedures.
- Coordinated with the Internal Affairs Bureau to provide personnel and lead teams to respond to inmate escapes with 100% success in recapture.
- Organized the ERU response to various deployments to include:
 - Columbus Day Protests.
 - 2005 NBA All-Star Game Weekend in Denver.
 - National Disaster Medical Systems Exercise.

Special assignments while serving as a Captain

Project Manager – In-direct Supervision Building Remodel

(Project budget-\$902,054.00)

- Coordinated the modification of 3 housing tiers in the Denver County Jail.

Co-Project Manager-Video Visitation Project

(Project budget-\$455,861.00)

- Managed the installation of the Video Visitation system at the Denver County Jail.

Denver Justice Center Project

- Attended groundwork meetings for the Denver Justice Center Proposal and conducted listening sessions at Department rollcalls to gather feedback from rank-and-file deputies and civilians on the project.
- Campaigned for the measure in neighborhoods around Denver and facilitated many community meetings prior to the election.
- Represented the Department in City Council meetings on the project in the absence of the Director of Corrections.

Assignments from 1994 - 2003

Sergeant-Training Division

Sergeant-Court Services Division

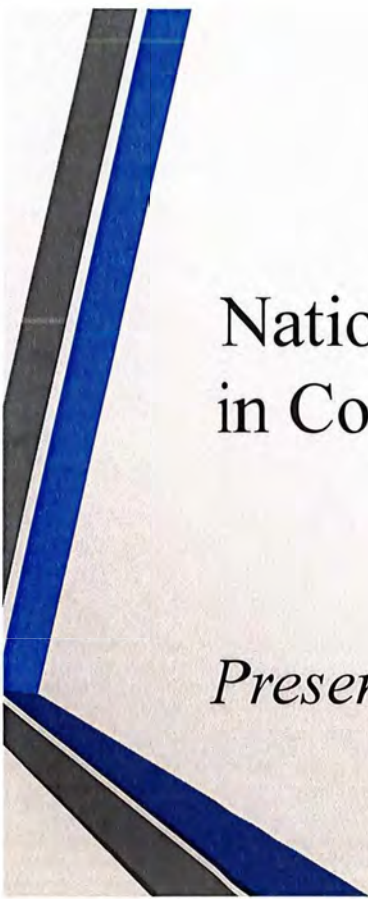
Sergeant-Internal Investigations and Civil Liabilities Unit

Sergeant-Pre-Arrest Detention Facility (PADF)

Sergeant-Emergency Response Unit

Deputy Sheriff-Denver County Jail

EXHIBIT 7



National Best Practices for Assigning Posts in Correctional Facilities (Jails and Prisons)

Sheriff Elias A. Diggins

Presentation to Broward County Commission

April 22, 2025



Sheriff Elias A. Diggins, MPA, CCE

- Sworn member of the Denver Sheriff Department since October 3, 1994
- Nationally certified corrections executive
- Past-President and 12-year Board Member of the American Jail Association
- Past Chair and current Commissioner for the American Correctional Association (ACA)
 - Oversight of accreditation hearings for over 200+ Agencies, (jails, prisons, community corrections, etc.)
 - Former auditor of the ACA
- Instructor for the U.S. Department of Justice – National Institute of Corrections – Large Jail Network



National Best Practices

- Based on guidance and agreed upon standards vetted through the Department of Justice – National Institute of Corrections
- Direct Supervision Jails – The Role of the Administrator
- Jail Staffing Analysis – 3rd Edition



National Best Practices

- The Broward Sheriff's Office is in alignment with national best practices in nearly every area of jail staffing to include:
 - Permitting bidding for shifts
 - Permitting bidding for days off
 - Permitting bidding for vacations
- As is the case in all large agencies, bidding occurs based on seniority (time and tenure) with the agency.



National Best Practices

- The Broward Sheriff's Office system is not in alignment with national best practices when permitting bidding for posts in the jail or which facility a deputy is assigned to.



National Best Practices

- Supervisors and administrators should have the flexibility needed to achieve their mission of staffing facilities appropriately.
- Administrators depend on front-line supervisors and command staff to assign staff to posts according to the ever-changing needs of the jail, (*sick calls, medical emergencies, assaults/fights, deaths in custody, etc.*). This impacts safety and security for all.
- Bidding for posts and/or facilities removes the flexibility required to accomplish this and is a rigid model, contrary to good correctional practices.

National Best Practices

- Fiscally, a “bidding for post and/or facility” model does not allow for administrators to manage resources effectively as overtime will be over-utilized.
- The department cannot deploy deputies where they are needed most to resolve vacancies, thereby causing either an excess or deficiency in staffing.
- As a result, an accurate projection of Net Annual Work Hours for staff will be out of balance, causing inaccurate budget estimations.

Common Mistakes Made in Scheduling

“Inefficient scheduling (e.g. not using data to adjust for days of the week that employees are differentially absent, not distributing shifts evenly, not distributing shifts to correspond to varied needs by day of the week).”

“In larger jails, or in jails that divide into many teams, excess employees on one team not “shared” to meet shortfalls on another team (and/or specialization inhibits the sharing of employees).”

Jail Staffing Analysis, 3rd Edition, 2016, Page 62



CONCLUSION

- Bidding for posts and/or facilities conflicts with good correctional practices.
- Nationally, this system is not replicated in jails or prisons. Bidding for posts or facilities is inconsistent with well-recognized standards for jail administration.
- It is contrary to serving the needs of supervisors and command to efficiently run shifts, presents liability and does not maximize safety/security.
- Fiscally, it does not allow administrators or executives to accurately project true staffing needs or request the actual number of staff needed to accomplish the organizational mission.