

**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Compensation and Benefits Review Ad Hoc
Committee (CBRAHC)**

Board of County Commissioners
Stephen P. Clark Government Center
3rd Floor Conference Room
111 N.W. First Street
Miami, Florida 33128

December 13, 2012
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Christopher Agrippa, Division Chief
Clerk of the Board Division

Alan Eisenberg, Commission Reporter
(305) 375-2510



**CLERK'S SUMMARY AND OFFICIAL MINUTES
COMPENSATION AND BENEFITS REVIEW AD HOC COMMITTEE
December 13, 2012**

I. Call to Order & Opening Statement

The Compensation and Benefits Review Ad Hoc Committee (CBRAHC) convened a meeting on the 18th Floor Conference Rooms 3 & 4 of the Stephen P. Clark Government Center (SPCGC) on December 13, 2012, at 12:20 p.m. County Commissioner Barbara J. Jordan, Chairwoman, and Commissioners Esteban L. Bovo, Jr., Jose "Pepe" Diaz and Jean Monestime were present. Also present were Assistant County Attorney Eric Rodriguez; Deputy Mayor Ed Marquez; Internal Services Department Assistant Director Mary Lou Rizzo, Division Director Arleene Cuellar, Division Director Michael Snyder; Commission Auditor Charles Anderson; and Deputy Clerk Alan Eisenberg.

Chairwoman Jordan noted this was the final Committee meeting to collectively discuss recommendations which will be presented to the Board of County Commissioners (BCC).

II. Approval of Summary Minutes

It was moved by Commissioner Monestime that the December 6, 2012 Compensation and Benefits Review Ad Hoc Committee meeting minutes be approved. This motion was seconded by Commissioner Bovo, and upon being put to a vote, passed by a vote of 3-0; (Commissioner Diaz was absent).

III. Review of follow-up items from last meeting

Ms. Mary Lou Rizzo, Assistant Director, Internal Affairs Department, presented follow-up items from the December 6, 2012 meeting.

- **Final Retirement Benefit Calculation**

Ms. Rizzo noted County employees received retirement benefits pursuant to State Statute and they participated in the Florida Retirement System (FRS). She referred to a handout entitled "Florida Retirement System Average Final Compensation Calculation," which stated that the basis for retirement benefit calculation was the average of the five highest years earned during employment for employees enrolled in the FRS before July 1, 2011. Ms. Rizzo noted the FRS permitted the payout of up to 500 hours of annual leave which was also the annual leave payout cap used by the County. She said that sick leave was not included in the average final compensation and was not credited toward retirement benefits. Mr. Rizzo noted retirement benefits for employees enrolled in the FRS after July 1, 2011 was determined by using the eight highest years earned.

Commissioner Bovo inquired whether changes to the County's retirement calculation would need to be adopted by the State of Florida. He also asked for clarification as to whether retirement benefits and annual leave policies were dictated by the State.

Ms. Rizzo confirmed that State legislation impacting all FRS members would need to be enacted before changing the County's retirement calculations. She explained that the number of hours payable to the FRS (up to 500 hours) for retirement benefits was dictated by the State and the County adopted a policy that mirrored the State payout level.

- **Tuition Refund Program**

Ms. Rizzo noted the Tuition Refund Program was adopted in 1963. She said that at that time it was not required for employees to remain with the County following completion of their study or to reimburse the County for tuition assistance. Ms. Rizzo said the Administrative Order (AO) governing the program was modified in 1978 to require a two-year employment obligation and a minimum passing grade of C for undergraduate study and B for graduate study to remain eligible for benefits. The employment obligation was reduced to one year and the grade requirement was reduced to a C grade for graduate study in 1995, said Ms. Rizzo. She noted another minor change was made in 2003 which did not impact the number of years or passing grade requirement. Ms. Rizzo explained that in 2007 the Administration was unsuccessful in negotiating with collective bargaining units a per-credit-hour, calendar year reimbursement cap and a requirement for three years continued employment; however, a requirement for the course of study to be reasonably related to the employee's career path was adopted.

Ms. Rizzo indicated that 571 employees participated in the Tuition Refund Program in Fiscal Year (FY) 2011-12, noting \$1,396 million were distributed in refunds, with the average refund per employee being \$2,500. She explained that the County refunded 50 percent of the accredited institution's per credit rate. Ms. Rizzo noted the County Commission previously discussed the option of tying the refund value to the public institution tuition rate.

- **Regular, Part-Time Status**

Ms. Rizzo noted regular, part-time employees who qualify for career employment will be given preference to fill full-time positions provided that they were not the subject of disciplinary action and had a good attendance record, pursuant to the American Federation of State, County and Municipal Employees (AFSCME), General Employees, Local 199 Union.

IV. Committee Recommendations

Chairwoman Jordan inquired whether Task Force recommendations would be subject to the concurrence of collective bargaining units.

Assistant County Attorney Eric Rodriguez advised that the recommendations proposed at the December 6, 2012 Task Force meeting would be the subject of collective bargaining negotiations.

Chairwoman Jordan asked whether the County Commission's recommended changes would not go into effect if the collective bargaining units did not agree with these changes.

Assistant County Attorney Rodriguez said the impasse process would be invoked in the event that collective bargaining unit agreement was not reached. He noted all collective bargaining and administrative concessions would be evaluated by the County Commission and the status of the Task Force's recommendations would be unknown until the impasse process was resolved.

Chairwoman Jordan said that it would appear as if the County Commission members would not be objective as they would be ruling on their own recommendations.

Assistant County Attorney Rodriguez noted the impasse process was set up for the County Commission to make the final decision and whether or not previous recommendations were made by the Task Force would not cause a problem as long as the Commission conducted itself with neutrality and fairly evaluated competing proposals that were at impasse.

Commissioner Monestime pointed out that the County Commission would be ruling on the entire contract and not on the specific recommendations.

Commissioner Bovo suggested that instead of recommendations, a menu of items discussed by the Task Force with possible solutions be forwarded to the County Commission.

Assistant County Attorney Rodriguez noted the County Commission would ultimately provide the Administration with parameters to use in collective bargaining negotiations. He said that it would not matter whether the Task Force presented the Commission with specific recommendations or a menu of items.

Commissioner Bovo noted Task Force members could ultimately vote against the Task Force recommendations when considered by the County Commission.

Ms. Rizzo clarified that the Task Force members were addressing items that they considered needed to be changed prospectively; however, at the time the final collective bargaining contracts were presented to the County Commission a quid quo pro would be evaluated and the Commission would be dealing with a new set of circumstances with additional information.

Chairwoman Jordan suggested that any item receiving a majority vote (3 votes) of Task Force members would be considered a recommendation while any other suggestions that did not receive a majority vote would be presented as menu items. She asked staff to highlight throughout the discussion any constraints that would prevent a recommendation from ultimately being implemented.

Pursuant to Chairwoman Jordan's question as to whether the Administration had any specific recommendations, Ms. Rizzo noted a cap on the value of a combined merit and COLA increase would be a viable recommendation. In addition, she recommended that consideration be given to a reduction in employee benefits with a smaller package for newly-hired employees, while preserving benefits for existing employees.

RECOMMENDATIONS:

1) Reduce the number of job classifications/positions on automatic pay steps

Commissioner Diaz observed that numerous job classifications existed allowing some employees to receive pay for more than one classification at the same time, while others did not.

Chairwoman Jordan said that the Fox Lawson Report suggested reductions to the number of job classifications and pay ranges. She also noted reductions to the number of job classifications would provide a more open pay structure by eliminating the pay steps.

Ms. Rizzo noted an open pay range would contribute toward flexibility in salary increases directly aligning to job performance as well as a cost of living adjustment (COLA) cap. She said that approximately fifty percent of the workforce consisted of classified employees while the other fifty percent were exempt employees. Ms. Rizzo noted a unified classification structure existed and many positions aligned to a job title; however, specialized classes often emerged due to specific education and experience requirements.

Chairwoman Jordan pointed out that she was aware of other governmental entities that had reduced the number of classifications while keeping open pay ranges.

Ms. Rizzo explained that different classifications could be aligned to the same pay range, thereby creating a more sustainable pay plan that promotes cost containment. She indicated that a countywide classification review was warranted considering the recent organizational restructuring, noting this review was already included in the Internal Services Department's current business plan.

This foregoing proposed recommendation passed by a vote of 4-0.

2) Cap salary increases to a total of five percent annually, to include both the cost of living adjustment (COLA) and merit

Commissioner Diaz noted only a satisfactory review was needed for employees to receive a full pay step increase of five percent. He said that the manager should have the discretion to give up to a maximum five-percent increase, based upon performance.

Chairwoman Jordan stressed that the five percent salary increase should include both the COLA and merit.

Commissioner Diaz explained that he did not support an automatic merit increase, noting it should be directly related to the quality of an employee's performance.

Commissioner Bovo noted he concurred as long as the amount did not exceed five percent.

This foregoing proposed recommendation passed by a vote of 4-0.

3) Limit sick leave to a maximum of 600 hours for new hires and calculate the payout rate at an average of employee's earnings, rather than at the rate earned at separation

Commissioner Bovo proposed reducing sick leave from 1,000 to 600 hours. He also suggested that both sick and annual leave be calculated and paid out at retirement at an average of employees' earnings, rather than earnings at the time of separation.

Commissioner Bovo inquired whether the changes to the 500-hour annual leave cap would conflict with Florida Retirement System (FRS) requirements.

Ms. Rizzo clarified that sick leave payout did not impact the FRS; however, annual leave would. She indicated that annual leave over 500 hours was not reported to the FRS as average final compensation; that any hours in excess of 500 could not be paid to the employee; and that any unused hours would be forfeited.

Commissioner Bovo withdrew his suggestion that annual leave payout be calculated over an average of employees' earnings due to the legislative change that would be required.

Chairwoman Jordan observed that an employee with a critical illness often needed more than 600 hours, commenting that employees could donate sick leave hours to another employee in certain instances.

Commissioner Bovo said that he would certainly protect an employee's job in such a situation.

Chairwoman Jordan noted employees would be in an out-of-pay status if they used up all of their available leave time.

Ms. Rizzo clarified that employees could accrue hours indefinitely; however, they were limited in the number that could be paid out. She noted an employee with less than 30 years of service was eligible for up to a 1,000-hour sick leave payout. Ms. Rizzo asked Commissioner Bovo whether his proposed 600 hours was the maximum number of hours accrued or eligible for payout at the time of termination.

Commissioner Bovo clarified that his proposal was for a 600-hour maximum sick leave payout for newly-hired employees only.

In response to Chairwoman Jordan's request, Ms. Rizzo explained that employees with more than 30 years of service currently received all sick leave accrued in excess of 1,000 hours and up to a maximum of 500 hours annual leave. Ms. Rizzo clarified that the number of hours an employee was eligible for payout aligned with the number of years of service.

This foregoing proposed recommendation passed by a vote of 3-0; (Commissioner Diaz was absent).

4) Evaluate long-term, part-time employees on an annual basis to determine whether a full-time position would be more cost effective, unless otherwise prohibited by collective bargaining agreement

Commissioner Monestime suggested a review of part-time employees with more than one year of service to determine the nature of their job and whether they qualified for full-time employment status.

Ms. Rizzo recommended that the phrase "unless otherwise prohibited by collective bargaining agreement" be added.

Commissioner Monestime noted the decision should be based upon the sustainability of the position's funding source.

This foregoing proposed recommendation passed by a vote of 3-0; (Commissioners Diaz was absent).

5) Restructure the pay plan with open pay ranges in lieu of pay steps

Chairwoman Jordan suggested that open ranges should be adopted in lieu of pay steps, noting this would provide hiring managers with the flexibility to hire within the range rather than at the beginning step.

This foregoing proposed recommendation passed by a vote of 3-0; (Commissioners Diaz was absent).

6) Reduce the new hire rate by approximately 9-10 percent, thus implementing a two-tiered pay plan

Chairwoman Jordan suggested developing a new pay plan for newly-hired employees with pay steps beginning two steps lower than the present rate. She observed that open pay ranges would satisfy this requirement.

Ms. Rizzo pointed out that Chairwoman Jordan's proposal with regard to implementing open pay ranges and reducing the in hire rate by approximately 9-10 percent for new employees would result in a two-tiered pay plan.

Chairwoman Jordan noted over the years it would eventually become one pay plan.

Commissioner Monestime inquired whether Chairwoman Jordan was proposing that newly-hired employees start at a lower rate than they would today.

Chairwoman Jordan clarified that newly-hired employees would begin at a rate approximately ten percent lower. She noted her recommendation was designed to prevent asking employees to give up a portion of their salary in the future. Chairwoman Jordan suggested adopting a similar philosophy to when newly-hired employees began four steps lower. She said her recommendation was for newly-hired employees to begin two steps lower than the current rate; pay steps would be eliminated; and there would be a ten-percent open range giving the hiring manager the flexibility to determine the hiring rate based upon an employees' experience.

Commissioner Monestime noted lowering the starting salary would impact the County's competitiveness in the marketplace and the quality of life for its employees.

This foregoing proposed recommendation passed by a vote of 2-1; (Commissioner Monestime voted "No"); (Commissioner Diaz was absent).

MENU ITEMS:

1) Reduce bankable annual leave for new hires to between 300 – 500 hours

Commissioner Diaz suggested the cap on annual leave be reduced from 500 to 300 hours.

Chairwoman Jordan noted this could result in unintended consequences whereby employees would use up excess annual leave time before terminating employment if not paid for that time.

Pursuant to Commissioner Diaz' inquiry, Ms. Arleene Cuellar, Division Director, Internal Services Department, explained that three hours of annual leave accrued for 24 pay periods and four hours accrued for the two remaining pay periods.

Commissioner Diaz pointed out that he believed the City of Miami allowed its employees to sell a portion of their time to other employees instead of being paid for that time, noting this policy could be considered by the County.

Chairwoman Jordan noted County employees could contribute annual leave to other employees only through sick leave pools. She clarified that the existing policy was to either use up excess annual leave over 500 hours or it would be forfeited. Chairwoman Jordan said that reducing the number of bankable hours would only increase the number of hours employees would take off work

Assistant County Attorney Rodriguez clarified that employees would take more vacation time if the annual leave cap was reduced. He noted a policy choice was needed as to whether to pay out the time at the end of employees' careers or during their tenure.

Commissioner Monestime inquired about the procedures currently implemented when an employee exceeded the 500-hour cap. He expressed concern that encouraging employees to use all of their annual leave would impact current operations.

Chairwoman Jordan clarified that employees were notified annually that their accumulated hours would be lost if not taken prior to reaching the 500-hour cap.

Commissioner Diaz expressed concern that payouts at retirement were accrued at a higher rate of pay.

Assistant County Attorney Rodriguez asked whether the current discussion of reducing bankable annual leave was for all County employees or just newly-hired employees.

Commissioners Monestime and Bovo indicated that the proposed discussion was for newly-hired employees.

Commissioner Diaz suggested that this proposal as well as the five percent salary cap recommendation should apply to existing employees

Chairwoman Jordan noted the County adopted the 500-hour annual leave cap to mirror the State of Florida. She said that employees would take more time off in the event the cap was reduced. Chairwoman Jordan noted a 300-hour cap was setting the County up for frequent fliers.

Commissioner Monestime inquired whether an estimate of the number of employees with more than 500 hours annual leave was available.

Ms. Rizzo clarified that employees were provided notification whether they would exceed the 500-hour annual leave cap prior to their anniversary date and any time in excess of 500 hours would be forfeited. She said that she did not currently have an estimate on the number of employees with annual leave exceeding the 500-hour cap as requested by Commissioner Monestime. Ms. Rizzo noted employees were often unable to take vacation time due to operational demands; the County should proactively encourage work-life balance as a good nurturing employer; and the 500-hour limit provided a cushion for employees in high operational demand areas to bank time.

Commissioner Monestime noted he agreed with Chairwoman Jordan that reducing the bankable hours to 300 would result in more employees requesting vacation time.

Chairwoman Jordan asked whether employees could receive pay checks in advance and whether a policy could be adopted whereby employees could be paid in lieu of taking a vacation.

Ms. Rizzo clarified that advance pay checks were provided only in emergency situations, noting that paying employees for vacation time would result in additional costs.

Commissioner Diaz asked that the recommendation be presented to the County Commission for discussion pending receipt of additional data requested by Commissioner Monestime.

This foregoing proposed recommendation was forwarded as a menu item by a vote of 4-0.

2) Provide employees with a one-time bonus once the maximum rate of the pay plan was reached, in lieu of a COLA and/or merit increase

Commissioner Diaz suggested providing employees a lump sum payment merit increase once the salary cap was reached in order to avoid increasing the pay range, similar to the federal government.

Chairwoman Jordan suggested granting a one time bonus for merit and COLA, capped at three percent, during a budget crisis only. She noted the bonus would be in lieu of merit and COLA; would not be added to base pay; and would prevent the base pay from growing.

Commissioner Diaz said that positions should have salary caps in order for levels to be clearly delineated; however, employees should receive a bonus as an incentive for their hard work.

Commissioner Monestime noted he was unaware how Commissioner Diaz' proposal could be implemented without bumping civil servants from the system. He said a retraining program would be needed to move employees into another pay scale or area. Commissioner Monestime noted civil servants wanted to serve, yet wanted remuneration as well. He said a plan to transition employees to other areas once they reached the maximum of their pay range was needed.

Commissioner Diaz noted employees advanced to other positions once they reached the maximum of their pay range, thus opening a position for someone else to advance. He said that he did not want to hurt employees at the top of their pay range with a salary cap.

Commissioner Bovo observed that a key factor was how quickly an employee reached the cap.

Chairwoman Jordan noted the salary cap was the top of the pay range and this discussion was confusing salary caps with merit increase and COLA.

Commissioner Diaz noted a merit increase and COLA impacted the base pay and would consequently increase the salary cap.

Ms. Rizzo clarified that each classification had a minimum start rate which could go up to the maximum rate over time for the job classification due to merit increases. She said that employees were no longer eligible for merit pay once they reached the maximum rate of their job classification. Ms. Rizzo noted at that point a bonus would perhaps be an option to reward employees.

Commissioner Diaz noted he agreed with Ms. Rizzo that employees should receive a bonus after reaching their salary cap as this would not impact the maximum salary.

Deputy Mayor Ed Marquez noted the pay range would increase with any cost of living increase.

Commissioner Diaz stressed that employees should be rewarded with a bonus for outstanding work and not penalized.

Assistant County Attorney Rodriguez explained that the two percent COLA was currently applied to the top of the pay range. He clarified that Commissioner Diaz was suggesting that the two percent COLA should be paid out as a one-time payment without increasing the range.

Commissioner Monestime noted the COLA was adjusted based upon inflation and should not impact the salary cap.

Chairwoman Jordan inquired whether the cost of living should be included in the annual salary amount.

Commissioner Monestime noted the gap between the minimum and maximum salaries within a job classification was too wide. He said he believed that employees should continue receiving the COLA, without consideration of the maximum salary because of increases in the cost of living.

Commissioner Diaz pointed out that the COLA should be considered a one time bonus and should not affect the cap; otherwise, it would increase the salary beyond the cap.

Chairwoman Jordan asked staff to provide the County Commission with research on Social Security cost of living increases when the Task Force's recommendations were presented, noting the additional cost was added to annual benefits because of inflation.

Ms. Rizzo noted a one-time bonus would not increase an employee's base earnings used for the determination of retirement benefits. She indicated that the pay plan structure which predicts a competitive pay range in the marketplace sometimes needed to be adjusted due to changes in market conditions, demand, and cost of living.

Commissioner Monestime said he supported finding a method to reduce the gap between an employee's minimum and maximum salaries, while remaining competitive. He

stressed that he did not support maximizing what an employee could be paid as the cost of living continued to increase without adjusting the salary to sustain the increased costs.

This foregoing proposed recommendation was forwarded as a menu item by a vote of 2-2; (Chairwoman Jordan and Commissioner Monestime voted "No"); (Commissioners Bovo and Diaz voted "Yes").

Following the vote, Commissioner Monestime pointed out that the bonus could be greater than the COLA. He questioned whether the bonus was considered in the determination of retirement benefits.

Ms. Rizzo indicated that according to the Florida Retirement System (FRS) the bonus would be considered as non-recurring and therefore would not be included in an employee's average final compensation. She noted, on the other hand, the COLA was applied to the pay plan rates and therefore included in the average final compensation.

Commissioner Bovo clarified that once an employee reached the maximum of the pay range he/she would receive an annual bonus rather than a COLA. He questioned whether a cap would be placed on the classification.

Ms. Rizzo inquired whether the proposal was for the COLA to be applied to an employee's base rate before he/she reached the maximum rate.

Chairwoman Jordan clarified that she believed the COLA would be applied to the base rate once an employee reached the maximum rate.

Ms. Rizzo explained that the COLA would not be applied to an employee's base pay once he/she reached longevity pay step 12 and would then be received as a bonus; however, an employee at pay step 11 would receive the COLA applied to his/her base pay. She said that gradually the distinction between pay steps 11 and 12 would disappear because the salary at pay step 12 would remain constant while the salary at pay step 11 would increase incrementally with each COLA.

Commissioner Bovo reiterated that the Administration should provide to the commissioners information relating to how quickly employees starting at the minimum of their pay classification climbed the ladder until they reached the maximum salary. At that point, he said he would assume that the employee would seek to move to a higher classification within the County.

In response to Commissioner Monestime's comment that the gap could be closed sooner since not all employees started at the same pay level, Ms. Rizzo clarified that classified service employees began at the entry pay step unless a recruitment difficulty with the job class was demonstrated. She explained that employees advanced one pay step annually following a satisfactory performance review, and that classified employees could not advance multiple pay steps at one time.

Commissioner Monestime noted he supported closing the gap between the minimum and maximum salaries within a job classification and allowing for COLA and other incentives based upon performance after reaching the maximum salary.

3) Negotiate changes to the current layoff policy to provide civil service credit for exempt service

Commissioner Monestime suggested adopting a policy providing that civil service credit be given to employees who did not accrue credit because of the funding source of the County agencies for which they worked, but who would otherwise qualify if they worked for any other County department, unless prohibited by collective bargaining.

Chairwoman Jordan suggested that the number of years of service be grandfathered in.

Ms. Rizzo noted certain exemptions to classified service were listed in Section 2-41 of the County Code and questioned the impact of Commissioner Monestime's suggestion on these exemptions.

Assistant County Attorney Rodriguez advised that an ordinance change would be needed.

Chairwoman Jordan noted the Community Action Agency (CAA) and the Department of Human Services received mostly federal funding and their employees were exempt. She said the Administration recently recommended that those employees become civil service employees granting only one-year service resulting in potential layoffs of 1,000 people.

Assistant County Attorney Rodriguez advised that perhaps a modification to the layoff manual for seniority purposes should be considered.

Chairwoman Jordan noted she did not understand how changing the layoff process would make a difference.

Assistant County Attorney Rodriguez clarified that employees would be impacted if seniority in the classified service was one of the main criteria for determining layoffs. He advised that this could address the concern about exemption/non-exemption and seniority in exemption toward the layoff process.

Chairwoman Jordan noted under the current exemption process layoffs in classified service did not impact the CAA and vice versa.

Ms. Rizzo clarified that because of the employee's exempt status during a countywide layoff a classified social worker from another department could not bump a CAA employee.

Chairwoman Jordan pointed out that a classified social worker could formally relinquish his/her civil service status.

Commissioner Monestime questioned whether the decision was based upon costs associated with grandfathering in the number of years of service.

Deputy Mayor Ed Marquez stated that the County had a number of exempt employees who should remain in exempt status because of managerial concerns. He noted the issue that was being considered was what would happen if a group of exempt employees wanted to bump employees from General Funded departments once their funding source disappeared. Deputy Mayor Marquez pointed out that the main concern was what would happen during the layoff process.

Assistant County Attorney Rodriguez noted a classified social worker from a County department with twenty years of service would probably remain employed after a layoff over an exempt social worker from CAA with twenty five years of service. He said he believed Chairwoman Jordan's concern was that all employees should be treated equally when layoff decisions were made. Assistant County Attorney Rodriguez advised that changing the County Code with regard to who was or who was not an exempt employee was not required because this was a broader solution than necessary to address Commissioner Jordan's concern which was limited to the layoff process.

Ms. Rizzo noted it would be dangerous to create a third workforce category. She said the goal was to find a way to merge exempt employees and those affected by organizational restructuring into classified service. Ms. Rizzo noted she did not believe an entire review of exempt service was necessary, particularly since specific managerial reasons existed as to why departments/positions were exempted from classified service. She stated that if a review of exempt service was undertaken, the Administration would negotiate with the unions regarding the impact of merging exempt employees into classified service and the degree of credit that would be given for exempt service. Ms. Rizzo noted procedurally exempt time was not credited to classified service and historically only one year was credited during previous exempt service mergers.

Chairwoman Jordan pointed out that Ms. Rizzo's reply did not address her concerns, because the Administration would be negotiating the amount of time that would be credited, which would feed into seniority; therefore, the negotiation would only address the exempt employees and not the classified employees. She said that if employees were performing the same jobs, had worked for the same amount of time and the only difference between them was the funding source, it would be unfair to only credit them a few years in terms of seniority.

Deputy Mayor Marquez asked Assistant County Attorney Rodriguez whether it would be possible to resolve this concern without collective bargaining negotiations.

Chairwoman Jordan asked Assistant County Attorney Rodriguez for clarification of his previous layoff policy recommendation.

Assistant County Attorney Rodriguez advised that a change to the layoff policy should be negotiated to give credit for exempt service, to avoid a wholesale examination of exemptions provided in the Code.

Commissioner Monestime noted although he was sensitive to the General Fund impact, he believed that parity was needed and that longevity decisions should not be based upon where the employee worked.

Chairwoman Jordan said that the funding source should not be the determining factor since some exempt employees were being paid from the General Fund.

Ms. Rizzo noted during the 1970s exempt service merger, the County Commission decided that the funding source should not predict whether or not an employee was in the classified service.

Chairwoman Jordan explained that the Equal Opportunity Program Inc. (EOPI) was taken over by the County and renamed CAA when Florida Governor Claude Kirk withheld pay from the federal government. She said that employees did not start at the same level as regular County employees because of classifications and job descriptions needing to be verified; therefore, the employees were made exempt.

This foregoing proposed recommendation was forwarded as a menu item by a vote of 3-0; (Commissioners Diaz was absent).

V. Other Discussion/Suggestions

Commissioner Bovo suggested employees be provided the option to shop for their own healthcare insurance, noting relief was needed in instances where both husband and wife worked for the County or an employee's spouse worked outside County government and had insurance.

Assistant County Manager Marquez clarified that any employee could choose to be included on their spouse's healthcare insurance and did not need to enroll in the County's plan. He noted the Administration previously negotiated first 5, then 10, and then an additional 5 percent healthcare contribution with collective bargaining units instead of adjusting employees' gross salaries for retirement purposes, providing the County with budgetary relief by not paying this to employees. Assistant County Manager Marquez said that the contribution was presently five percent for all employees with the exception of the Deputy Mayors who pay 10 percent.

Commissioner Bovo withdrew the suggestion.

Commissioner Monestime suggested that the Administration review the pay plan and compensation packages of governments of comparable size and scope to Miami-Dade County every three years prior to collective bargaining negotiations in order to remain competitive.

Chairwoman Jordan noted she would not pursue an increase in the number of years an employee was required to remain in County service from one to three before being requested to reimburse the County for funds received through this program.

VI. Next Steps

Chairwoman Jordan asked Ms. Rizzo to provide the County Commission with information pertaining to other government entities with open pay ranges at the time when the Task Force recommendations were presented.

Commission Auditor Charles Anderson provided a summary of recommendations/menu items.

Chairwoman Jordan asked Assistant County Attorney Rodriguez to clarify the proper procedure to present the Task Force Committee recommendations to the County Commission.

Assistant County Attorney Rodriguez explained that a report from the Committee Chairperson summarizing the Committee's work could be presented. He indicated that a resolution recommending action items was needed if requesting that a specific action be taken. Assistant County Attorney Rodriguez suggested that a report be presented for the entire County Commission for discussion.

Chairwoman Jordan said that she would present a report with Committee recommendations/menu items and a resolution would be prepared later based upon the outcome of the County Commission's discussion.

Chairwoman Jordan commended staff for an excellent job assisting this Committee.

V. Adjournment

There being no further business, the Compensation & Benefits Review Ad Hoc Committee adjourned at 11:12 a.m.


Barbara J. Jordan, Chair



Compensation & Benefits Review
Ad Hoc Committee
December 13, 2012

Prepared by: Alan Eisenberg

EXHIBITS LIST

NO.	DATE	ITEM #	DESCRIPTION
1	12/13	I	Meeting Agenda
2	12/13	II	Minutes: December 6, 2012
3	12/13	III	Florida Retirement System: Average Final Compensation Calculation
4	12/13	III	Tuition Refund Program
5	12/13	III	Article 17: Regular Part-Time Status
6	12/13		Sign-In Sheets
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Compensation & Benefits Review Ad Hoc Committee

Members:

Commissioner Barbara J. Jordan, Chairperson

Commissioner Jean Monestime

Commissioner Jose "Pepe" Diaz

Commissioner Esteban L. Bovo, Jr.

Thursday, December 13, 2012 at 10:30 a.m.
Government Center / Stephen P. Clark Center
111 NW First Street
18th Floor Conference Room 4

AGENDA

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| I. | Call to Order & Opening Statement | The Hon. Barbara J. Jordan, Chair |
| II. | Approval of Summary Minutes – December 6, 2012 | Ad Hoc Committee Members |
| III. | Committee Recommendations | Committee Members |
| IV. | Adjournment | |

**CLERKS SUMMARY AND OFFICIAL MINUTES
COMPENSATION AND BENEFITS REVIEW AD HOC COMMITTEE
December 6, 2012**

I. Call to Order & Opening Statement

The Compensation and Benefits Review Ad Hoc Committee (CBRAHC) convened a meeting on the 18th Floor Conference Rooms 3 & 4 of the Stephen P. Clark Government Center (SPCGC) on December 6, 2012, at 9:28 a.m. County Commissioner Barbara J. Jordan, Chairwoman; and Commissioners Esteban L. Bovo, Jr., and Jose "Pepe" Diaz were present. Also present were Assistant County Attorney Eric Rodriguez; Internal Services Department Assistant Director Mary Lou Rizzo, Division Director Arleene Cuellar, Division Director Michael Snyder, Commission Auditor Charles Anderson; and Deputy Clerk Alan Eisenberg.

Chairwoman Jordan noted Commissioner Monestime notified her that he would not be attending today's meeting. She expressed her appreciation to her colleagues for their continued dedication and to staff for preparing and presenting information pertaining to the compensation and benefits process. Chairwoman Jordan said today's meeting would begin with a staff presentation of follow-up information from the last meeting and then Committee members would have the opportunity to develop final recommendations to present to the County Commission. She acknowledged members of County unions for attending Committee meetings, noting she would ask the County Attorney whether it was appropriate for union representatives to address the Committee.

II. Approval of Summary Minutes

It was moved by Commissioner Bovo that the October 18, 2012 Compensation and Benefits Review Ad Hoc Committee meeting minutes be approved. This motion was seconded by Commissioner Diaz, and upon being put to a vote, passed by a vote of 3-0 (Commissioner Monestime was absent).

III. Review of follow-up items from last meeting

Ms. Mary Lou Rizzo, Assistant Director, Internal Affairs Department, presented the following follow-up items.

- **Part-Time Employee Utilization**

Ms. Rizzo said a countywide survey was conducted to determine the reason for using part-time employees from which twenty-three responses were received. She said that as of November 2, 2012, a total of 2,237 part-time or seasonal workers were employed in 25 departments; that 63.7 percent of these workers were employed for fewer than two years; that they were scheduled to work approximately 56 hours bi-weekly; and that they were not eligible for County benefits. Ms. Rizzo said departments primarily used part-time workers due to the nature of the work, such as an operational need at a particular time or

to satisfy contractual obligations. She commented that cost savings was not a primary reason for using part-time workers. Ms. Rizzo said the top five departments using part time workers were listed on Table 1; the reasons for part-time and seasonal employee utilization on Chart 1, and a more detailed departmental analysis on Table 2.

Chairwoman Jordan questioned the County's policy on integrating temporary employees into the workforce and whether a similar policy existed for part-time employees.

Ms. Rizzo responded that a review was conducted after six months as to whether the need for a temporary employee still existed, and if so, the use of that employee could be extended for one year pursuant to an Administrative Order. She noted that the department should work with the Budget Office to establish a permanent position for that function if the need continued to exist. Ms Rizzo said that should the recruitment for a permanent position be restricted to County employees only, the temporary employee would be able to compete for that position. She clarified that this policy only applied to temporary employees and that a similar policy did not exist for part-time employees.

Chairwoman Jordan noted the average employment for part-time workers was two years and proceeded to question the percentage of part-time employees working more than two years.

Ms. Rizzo noted the information requested by Chairwoman Jordan would be compiled. She said that a new provision existed in the American Federation of State, County and Municipal Employees (AFSCME) Local 199 Agreement giving part-time employees preference to fill vacancies.

- **Leave Policies**

Ms. Rizzo commented that many employers usually paid employees for accrued annual leave because the benefit was perceived to have been earned; however, policies varied when considering sick leave payout.

Ms. Rizzo explained that Miami-Dade County employees could maintain a maximum of 500 hours Annual leave and were eligible to receive payout of this time if unused. She said this number of hours was the same as the maximum number of annual hours applied toward the County's average final compensation, pursuant to the Florida Retirement System guidelines. Ms. Rizzo further explained that sick leave accrual had no limit while an employee was working; however, they were eligible for sick leave payout only after ten years of continuous service. She said an employee with ten years of continuous service would receive 25 percent of their sick leave balance with a maximum payout of 1,000 hours depending upon the number years of service. Ms. Rizzo noted an employee completing 30 years or more of service was eligible for payout of all accrued sick leave, in excess of the 1,000 hours.

Ms Rizzo noted leave policies of various organizations representing populations in excess of 1.5 million residents were compared which showed that payout policies varied widely

according to employer. She said often organizations had no limit on accrual; however, the policy for pay out and rate of pay out for sick leave varied.

In response to Chairwoman Jordan's request regarding County policy toward sick and annual leave accrual for part-time employees, Ms. Rizzo responded that part-time employees accrued sick and annual leave; however, they were not eligible for holiday pay.

Ms. Rizzo responded to Commissioner Bovo's request to clarify the payout in excess of 1,000 hours of sick leave and the rate of payout. She explained that an employee with 29 years of service would receive 95 percent of accrued sick leave hours and this amount was capped at 1,000 hours. Ms. Rizzo noted that an employee with 30 years of service was eligible for 100 percent of accrued sick leave hours and eligible for full payout even if that amount exceeded 1,000 hours. She said that the total payout was determined at the hourly rate the employee earned at the time of separation.

Commissioner Bovo inquired about the maximum number of sick leave hours paid to an employee as well as the number of employees with service in excess of twenty five years to which Ms. Arlene Cuellar, Division Director, Internal Services said this information would be compiled and provided to Committee members. He said he was not interested in changing policy for current County employees with over five years service; however, newly hired employees and those employed under a certain number of years should be considered differently. Commissioner Bovo noted the payout should be based upon the rate at the time which the benefit was earned rather than at the employees' final rate of pay.

Ms. Rizzo said a workforce distribution would be compiled and provided to Committee members depicting the total number of employees at each year of longevity.

- **Fire Department Efficiencies Achieved through Collective Bargaining and Management Change**

Mr. Scott Mendelsberg, Assistant Director, Miami-Dade Fire Rescue Department, explained that the recent Collective Bargaining Agreement provided opportunities to work with labor partners to obtain recurring savings and efficiencies that would help reduce overtime costs and holiday hours, as well as change the method used to calculate hazardous duty pay. He said that overtime was reduced by 80,000 hours from Fiscal Year (FY) 2011 to FY 2012 as depicted in his handout. Mr. Mendelsberg noted the Department realized savings in excess of the \$20 million target; reduced spending by \$25 million; reduced total operating expenses by \$37.9 million; and reduced salary and fringe benefits by \$17.1 million. He said a concerted effort to reduce sick pay costs was implemented and a 10-15 percent reduction in sick hours was realized. Mr. Mendelsberg said the Department balanced its budget, met its savings target, achieved labor savings, and carried over funds in excess of \$10.5 million.

Commissioner Bovo commented that he appreciated the Fire Rescue Department's effort to achieve savings; however, noted that departments should be able to realize savings without being pressured to do so.

IV. Additional Items

Chairwoman Jordan noted the following pending items were previously identified as possible recommendations for review:

- **Whether Community Action Agency employees exempt from Civil Service status be included**

Chairwoman Jordan inquired whether Community Action Agency (CAA) employees were exempt because they were grant funded.

Ms. Rizzo noted that she believed CAA was not merged into the classified service because of its funding source.

Chairwoman Jordan commented that CAA, and any other exempt department, should be treated the same in terms of civil service, and the number of years of service be grandfathered in, rather than considering employees as new employees and subject to being the first laid off.

Ms. Rizzo said that the two previous mergers (Office of Transportation Administration and Exempt Service Study) were accomplished by ordinance and employees were credited with one year of classified service status, thus merged with permanent status. She noted personnel rules emanating from County ordinance provided that exempt time shall not be credited toward civil service time.

Chairwoman Jordan noted the existing ordinance could be changed to eliminate the one year provision.

Ms. Rizzo noted this would become a collective bargaining issue and may impact other employees and departments that were previously impacted by departmental consolidation. She said the consolidation of CAA and Human Services had the greatest impact; however, other employees in the workforce were affected by the restructuring with status issues that may need to be considered at the same time.

Chairwoman Jordan said that all exempt employees should be considered to be included in classified service rather than isolating one department.

- **Increased Years of Service Requirement for Employees Receiving Tuition Reimbursement**

Chairwoman Jordan noted the requirement for the number of years of service to the County after an employee receiving tuition reimbursement was reduced from three years to one. She said this requirement needed to be increased.

Commissioner Bovo questioned the rationale for reducing the required number of years.

Ms. Rizzo was not aware of the reason for the reduction.

Commissioner Bovo noted a five year commitment was in order. He proceeded to question whether this was a collective bargaining issue, and, if so, whether the County Commission had the right to set policy and direct the Mayor to negotiate based upon that policy.

Assistant County Attorney Eric Rodriguez responded that directing the Mayor how to negotiate could constrain the ability of the Mayor to negotiate tradeoffs. He said that the Commission had the ability to establish parameters; however, he noted that caution should be exercised in order to give the administration the ability to negotiate. Assistant County Attorney Rodriguez noted that keeping the tuition reimbursement requirement at one year may be acceptable provided that a significant number of employees did not leave County employment in less than that amount of time. He clarified if this was an insignificant number, the benefit may not need to be given up in union negotiations by requiring an additional number of years of service and taking away a bargaining chip that did not cost the County much money but was important to the union.

Chairwoman Jordan commented that perhaps a prorated scale could be used to pay back after a pre-determined minimum period.

Ms. Rizzo noted that the Administrative Order could be reviewed.

Commissioner Diaz questioned whether the County Commission had the ability to direct the Mayor what to do in relation to employees under a Strong Mayor form of government.

Assistant County Attorney Rodriguez responded that the Charter restrictions were about directing particular matters with employees. He said this discussion was related to the County Commission giving the Mayor a directive about what should be in a collective bargaining agreement. Assistant County Attorney Rodriguez noted the County Commission had the authority and was the sole authority for approving the collective bargaining agreements, subject to the Mayoral veto.

Commissioner Diaz noted he was previously advised by County Attorney Robert Cuevas that the County Commission could not direct the Mayor. He said he did not want to go through the process of developing recommendations only to be told the County

Commission could not do so. Commissioner Diaz noted it was the Administration's responsibility to direct employees, and the County Commission could only direct the Administration as a body through a vote.

Commissioner Bovo said he believed any changes should be made for newly hired employees and not impact those employed for many years. He said County Commissioners were ultimately responsible to represent the taxpayers' interest. Commissioner Bovo said the County Commission needed to set parameters for the Mayor to use to negotiate with the unions, rather than the Mayor negotiating a deal and saying he could not get what the Commission wanted.

Commissioner Diaz noted it would be up to the unions whether to accept Commissioner Bovo's proposal.

Ms. Rizzo noted it was possible to structure a proposal that would become a mandatory subject of collective bargaining directed toward newly hired employees or employees who had not already vested in the benefit. She said under this option, current employees would have one treatment and newly hired employees another.

Commissioner Diaz commented that collective bargaining negotiations occur over a the period of a year, however, the final agreement was provided to the County Commission only a couple of days before voting on that agreement. He said giving the County Commission a greater role in the process would make the process clearer and more benefits would be realized.

Assistant County Attorney Rodriguez clarified that the County Commission could not communicate with collective bargaining unit members once declaring a Declaration of Impasse. He responded to Commissioner Diaz that negotiations without a Declaration of Impasse must occur in an open Sunshine meeting. Assistant County Attorney Rodriguez said that union representatives could come and talk with a Commissioner; however, they could not negotiate with a commissioner outside of the Sunshine requirements.

Chairwoman Jordan clarified that communicating with collective bargaining unit members was no different from a Commissioner communicating with an employee and then during the course of that conversation it was interpreted that the Commissioner was giving the employee a directive. She pointed out a commissioner could listen to an employee and obtain information but not direct the employee to perform a specific action. Chairwoman Jordan noted union representatives often presented their issues and concerns with commissioners prior to an impasse.

Commissioner Diaz expressed concern that he could not be engaged in the process ahead of time. He said he thought the County Commission could work with administration and get more information before a decision needed to be made out of this Committee process. Commissioner Diaz commended Mayor Gimenez for doing an excellent job providing up-front information about the FY 2012 – 2103 budget.

- **Pay Steps and Cost of Living Adjustment**

Chairwoman Jordan questioned the rationale behind establishing five percent steps in the County's pay plan and for the cost of living adjustment to become a negotiated item.

Ms. Rizzo explained that the County adopted a stepped pay plan structure and within the pay plan the differential was established between pay steps. She noted the range varied from 4.8 percent to a smaller percentage depending upon the job classification. Ms. Rizzo said most bargaining unit classification contracts referred to pay steps and in certain contracts an open range was negotiated as well as the value of the pay step.

Chairwoman Jordan continued to inquire regarding the rationale behind establishing a 4.8 percent rate for pay steps and whether that rate could be another amount. .

Ms. Rizzo explained that the pay plan was adopted by the County Commission by a resolution after being developed by the Administration. She said that no directive existed that established a certain differential between pay steps and this amount was determined by the Administration as they developed pay steps for a particular job class.

Chairwoman Jordan noted her primary objective was to find ways to stop the payroll from growing by eight to nine percent annually because this practice would prevent the County from providing necessary governmental services. She suggested limiting merit increases and cost of living increases to five percent combined. Chairwoman Jordan noted previously being informed by staff that setting parameters on pay supplements complicated the collective bargaining negotiation process and it would be better for the County Commission to give the Administration the flexibility to negotiate the dollar amount. She proceeded to ask Assistant County Attorney Rodriguez to clarify this process.

Assistant County Attorney Rodriguez responded that in developing the FY 2012-13 budgets, the Mayor needed to come up with a method to reduce the budget by \$240 million and he then directed the collective bargaining units to determine methods to achieve the required five percent savings.

Commissioner Jordan inquired whether the County Commission could set parameters to direct the Mayor to develop a pay plan or pay range that would not increase the pay plan by more than five percent annually, including the cost of living increase and merit increase.

Ms. Rizzo responded that open pay ranges would be needed in order to accommodate Chairwoman Jordan's request.

Chairwoman Jordan said a policy or ordinance should be adopted that would limit the growth of the County's payroll to no more than five percent annually and this decision should not be revisited annually.

Ms. Rizzo noted that wages were a major subject of collective bargaining; therefore, she did not believe this could be accomplished in perpetuity.

Chairwoman Jordan noted the 4.8 percent increase was now being applied in perpetuity.

Ms. Rizzo responded that the 4.8 percent increase was negotiated with the collective bargaining units and that the structure of pay ranges could be a subject of negotiation.

Chairwoman Jordan said the pay plan was presented to the County Commission annually for approval and that she was not aware that the pay plan was negotiated. She noted pay steps were already set in perpetuity and the Commission did not change pay steps annually. She suggested a policy be adopted to stop increasing the payroll.

Ms. Rizzo said the cost of living increase was negotiated with each contract term, noting the current collective bargaining agreements had no increases for the next three years. She said the pay plan rates were incorporated into each collective bargaining agreement and any changes to the pay steps would need to be negotiated.

Chairwoman Jordan said the pay structure and pay plan needed to be addressed because the County was growing the budget without growing revenue. She noted the County could not continue terminating employees and telling the community it was delivering the same level of services.

V. Committee Recommendations

Commissioner Bovo suggested that another meeting be scheduled in order to include Commissioner Monestime, and that the meeting should be more of a dialogue amongst Committee members with no additional reports from staff.

Chairwoman Jordan noted she would honor Commissioner Bovo's request.

Commissioner Diaz concurred with the request for another meeting to dialogue with Committee members. He stressed the importance that Committee recommendations be vetted and be doable items.

Chairwoman Jordan asked Committee members to place preliminary recommendations on the record to be discussed at the next meeting in order to allow staff the opportunity to opine whether doable or not.

Commissioner Diaz recommended the following items:

- Reduce the number of classifications for positions and number of pay steps.
- Negotiate caps on annual leave.
- Step increase should be merit based and not automatic.
- Salary caps / merit increase
- Establish a policy for newly hired employees without affecting current workforce.

Ms. Rizzo clarified that a cap currently existed on annual leave; that an employee could not carry more than 500 hours of annual leave annually; and that sick leave accrued in perpetuity. She also clarified that the performance evaluation system was merit based and employees must have a minimum of a satisfactory evaluation before receiving an increase.

Commissioner Bovo recommended the following items:

- Sick and annual leave payout at the rate when earned rather than at the highest rate.
- Pay plan classification consolidation.
- Calculations used for determining the retirement rate.
- Threshold levels for calculations need to be established which impact newly hired employees and those employed less than five years.

Chairwoman Jordan recommended the following items:

- Maximum five percent increase to include both cost of living and merit increase.
- One time bonus in lieu of cost of living and merit increases that would be implemented when declaring a fiscal hardship.
- New pay plan for newly hired employees entering County government that would be two pay steps lower than the current entry level.
- Establish consistent policies for part time and temporary employees.
- Grandfathering in time served for all exempt employees converted to civil service.
- Employees to remain in County service for up to three years after receiving tuition reimbursement and a prorated share be paid back for less time.

In response to Commission Diaz' question about the tuition reimbursement program, Ms. Rizzo responded that the program was previously changed from two years of service to one. She also noted that the course of study was supposed to be related to the employee's career path and any degree which appeared to be excessive or extraneous to the employee's job duties would not be approved for reimbursement. Ms. Rizzo noted the Administrative Order should be reviewed in its entirety to address reimbursement and course of study issues.

Chairwoman Jordan noted Ms. Rizzo was retiring and her last day of work would be January 4, 2013; therefore, a Committee meeting needed to be scheduled before December 20, 2012. Upon consensus of Committee members, it was agreed that the next meeting would be held on Thursday, December 13, 2012, immediately following the Zoning meeting, no later than 12:00 noon.

V. Adjournment

There being no further business, the Compensation & Benefits Review Ad Hoc Committee adjourned at 11:12 a.m.

Barbara J. Jordan, Chair

FLORIDA RETIREMENT SYSTEM (FRS)
AVERAGE FINAL COMPENSATION (AFC) CALCULATION

For members initially enrolled in the FRS before July 1, 2011, average final compensation (AFC) is the average of the five highest fiscal years of salary earned during covered employment. For members initially enrolled in the FRS on or after July 1, 2011, AFC is the average of the eight highest fiscal years of salary earned during covered employment. Salary records are kept for retirement purposes by fiscal year (July 1 – June 30). Certain kinds of payments, such as lump-sum sick leave payments, retirement incentive bonuses, and lump-sum annual leave payments in excess of 500 hours, cannot be included in the AFC.

Tuition Refund Program

Ad-Hoc Compensation and Benefits Review Committee

Tuition Refund Program History

Date	Action	Employment Obligation	Passing Grade Requirement
August 27, 1963	Original proposing Memorandum	None	Successful completion of coursework
June 6, 1978	Administrative Order Amended	Two years	C – Undergraduate B - Graduate
May 19, 1981	Administrative Order Amended	Two years	C – Undergraduate B - Graduate
July 25, 1995	Administrative Order Amended	One year	C
November 16, 2003	Administrative Order Amended	One year	C

BCC Directive

BCC Resolution R-610-07, passed May 10, 2007

The board directed the County Manager to seek to negotiate with the County's collective bargaining agents the following changes to the County's Tuition Refund Program:

- The imposition of a payment cap per credit-hour, calendar year; and
- The imposition of a requirement that employees remain employed with the County for a period of up to, but not exceeding three (3) years following completion of coursework and should the employee separate from the County before the defined period expires, the employee shall reimburse the County for all tuition paid by the County within that period of time; and
- The course must be reasonably related to the employee's career path.

Other Information

Tuition Refund Program 10/1/11 – 9/30/12

- Number of participating employees – 571
- Refunds - \$1,396,285
- Average refund per employee - \$2,500

Current Per Credit Hour Tuition Rates (Undergraduate degree)

- Florida International University (public institution) - \$213.80
- University of Phoenix (private online) - \$570.00
- University of Miami (private institution) - \$1,660.00

MEMORANDUM

Alternate
Agenda Item No. 11(A)(10)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

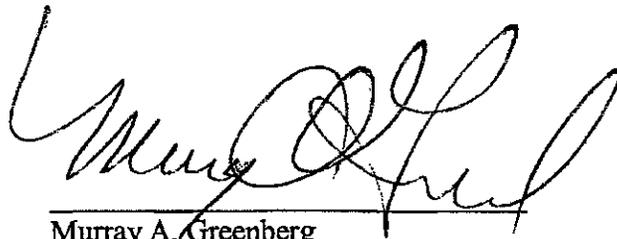
DATE: May 8, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution amending
County's Tuition
Reimbursement Program

The accompanying alternate resolution was prepared and placed on the agenda at the request of the Budget and Finance Committee.

This alternate resolution differs from the original in that it includes language that requires course work to be reasonably related to the employee's career path.



Murray A. Greenberg
County Attorney

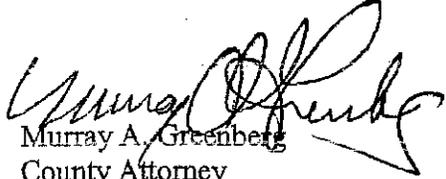
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MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 8, 2007

FROM: 
Murray A. Greenberg
County Attorney

Alternate

SUBJECT: Agenda Item No. 11(A)(10)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Alternate
Agenda Item No. 11(A)(10)
05-8-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-610-07

**RESOLUTION DIRECTING THE COUNTY MAYOR TO
IMPLEMENT REVISIONS TO THE COUNTY'S TUITION
REIMBURSEMENT PROGRAM, AND TO CONDUCT
NEGOTIATIONS WITH THE COUNTY'S COLLECTIVE
BARGAINING AGENTS AS APPROPRIATE**

WHEREAS, County Administrative Order 7-4, Tuition Refund Program, provides for employees enrolled in accredited educational institutions to be reimbursed for 50% of tuition costs, for approved coursework which will enable them to improve their performance in their current positions and prepare them for increased responsibilities; and

WHEREAS, recent investigations into the use of the Tuition Refund Program have revealed that some employees are receiving substantially greater benefits than were originally intended; and

WHEREAS, the benefits County employees receive under the current Tuition Refund Program exceed what employees of other local governments in this area receive; and

WHEREAS, the Board wishes to continue to encourage employees to seek educational opportunities which will enable them to improve their performance in their current positions and prepare them for increased responsibilities; and

WHEREAS, the Board also wishes to ensure that in expending public funds, the County's Tuition Refund Program is fiscally responsible and includes adequate program oversight and controls; and

WHEREAS, the Board recognizes that the benefits provided by the Tuition Refund Program have become a term and condition of employment that has been incorporated into the County's collective bargaining agreements; and

WHEREAS, the Board recognizes that certain changes to the Tuition Refund Program with respect to unionized employees requires negotiation with the County's collective bargaining agents,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that the Board directs the County Mayor to seek to negotiate with the County's collective bargaining agents the following changes to the County's Tuition Refund Program:

- (1) the imposition of a payment cap on the amount of tuition refunds that any individual employee can receive either per credit-hour, calendar year or other criteria as appropriate to ensure fiscal discipline of the program; and
- (2) the imposition of a requirement that employees who receive tuition refunds from the County to either remain employed with the County for a period of up to, but not exceeding three (3) years following completion of coursework and should the employee separate from the County before the defined period expires, the employee shall reimburse the County for all tuition paid by the County within that period of time; and
- (3) the course must be reasonably related to the employee's career path.

The foregoing resolution was sponsored by the Budget and Finance Committee and offered by Commissioner Barbara J. Jordan, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	aye		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorin D. Rolle	absent	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of May, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



KAY SULLIVAN

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency *Lee*

Lee Kraftchick

5

ARTICLE 17 REGULAR PART-TIME STATUS

Regular part-time employees shall be entitled to Annual and Sick Leave on a prorated basis in accordance with the County Leave Manual.

Within a specific department and within a specific classification, full-time employment preference may be granted to part-time employees who qualify for career employment. Continuous, uninterrupted time served as part-time will be credited toward the probationary period.

Part-time positions which result in a regular schedule that is equal to or greater than seventy (70) hours bi-weekly shall be evaluated for conversion to a full-time position as part of the annual budget preparation process.

Within a specific Department, and within a specific classification, and upon successful completion of the pre-employment interview and requirements during the competitive recruitment process, full-time employment preference shall be granted to regular part-time employees who qualify for career employment, provided the part-time employee:

1. Has not been the subject of disciplinary action, repeated formal counseling, or below satisfactory performance evaluations in the previous two years.
2. Has not exhibited poor attendance or incurred excessive unexcused absences during the year prior to the interview, provided that such evaluation of these occurrences is in accordance with the provisions of the Family Medical Leave Act (FMLA).

COMPENSATION & BENEFITS REVIEW AD HOC COMMITTEE

Chairperson: Commissioner Barbara J. Jordan

Thursday, December 13, 2012 at 10:30 A.M.

Stephen P. Clark Center, Room 18-4

SIGN-IN SHEET

NAME	DEPARTMENT / ORGANIZATION	EMAIL / PHONE
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Jose Mulla	ISD	jmulla@miamidade.gov
Comm. Barbara Jordan	D1	
Comm. Esteban Boto	D13	
Comm. Jean Monestime	D2	
Comm. Jose Pepe Diaz	D12	
Sean McCrackie	D2	
Cesé Andino	D13	
Ryan Hawkins	D1	
Maria Llerena	D12	
Ed Marquez	Deputy Mayor	

NAME	DEPARTMENT / ORGANIZATION	EMAIL / PHONE
Mary Lou Fizzo	ISD - HR	
Asteene Grelles	ISD - HR	
Dorrie Palmer	OCA	
Charles Anderson	OCA	