

**CLERKS SUMMARY AND OFFICIAL MINUTES
COMPENSATION AND BENEFITS REVIEW AD HOC COMMITTEE
June 28, 2012**

I. Call to Order & Opening Statement:

The Compensation and Benefits Review Ad Hoc Committee (CBRAHC) convened in a Meeting on the 18th Floor Conference Rooms 3 & 4 of the Stephen P. Clark Government Center (SPCGC) at 9:19 a.m. County Commissioner Barbara J. Jordan, Chairwoman; and Commissioners Esteban L. Bovo, Jr., and Jose “Pepe” Diaz were present. Also present were Deputy Mayor Ed Marquez; Assistant County Attorney Lee Kraftchick; Internal Services Department Assistant Director Mary Lou Rizzo, and Division Director Arleene Cuellar; Commission Auditor Charles Anderson; and Deputy Clerk Alan Eisenberg.

Chairwoman Jordan noted today’s (6/28) presentation would address the County’s Pay Plan.

II. Approval of Summary of Minutes

It was moved by Commissioner Bovo that the minutes from the May 1, 2012; May 24, 2012; May 31, 2012; and June 14, 2012 Compensation and Benefits Review Ad Hoc Committee meetings 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. Pay Plan Structure

Internal Services Department Assistant Director Mary Lou Rizzo indicated that she would present the construct of the County’s Pay Plan to provide a better understanding of pay plan administration.

Ms. Rizzo explained that the County secured the consulting services of Fox Lawson and Associates (Fox Lawson) in 2003 to evaluate the County’s compensation and pay practices. She noted an observation from this study was in connection with the Pay Plan’s complexity, multiple levels and numerous individual job classifications. Ms. Rizzo noted a concerted effort to unify department specific job classifications was implemented subsequent to this study and many individual job titles were compressed into a common title. She cautioned that a balance must be maintained that would accommodate the advertisement of positions with specific skill requirements, even though a unified title existed. Ms. Rizzo also noted the classification review process expense was reduced from \$6 million to less than \$1 million annually, largely through the implementation of internal controls.

Ms. Rizzo then began her Power Point Presentation entitled “Miami-Dade County Pay Plan Presentation.”

- **Organizational Profile**

Ms. Rizzo noted 25 Departments existed within the Mayor's purview in addition to 13 separate entities. She said that these separate entities had more latitude in salaries and benefits; therefore, they had more specific job classifications and pay grades, adding more complexity to pay plan administration. Ms. Rizzo noted the total workforce consisted of approximately 30,000 employees of which 26,000 were full-time. She explained that two categories of employees existed: Classified Service employees who were members of the civil service system and Exempt Service employees who served "at will." Ms. Rizzo indicated that approximately 600 bargaining unit employees were in Exempt Service status and may exercise some of the same appeal rights and privileges as Classified Service employees, depending upon the terms of their contracts.

- **Collective Bargaining Units**

Ms. Rizzo said that the County had ten bargaining units representing approximately 91 percent of the workforce, each with a three-year contract expiring on September 30, 2014.

- **Pay Plan**

Ms. Rizzo noted the Pay Plan reflected pay for all County employees and was adopted annually by the County Commission in conjunction with the budget ordinance. She said that currently approximately 2,200 job classifications existed. Ms. Rizzo noted the Pay Plan consisted of open ranges, step ranges, and flat rates. She explained that the Pay Plan was composed of: pay determined pursuant to collective bargaining; pay for non-bargaining unit employees under the Mayor's purview; and pay for non-bargaining unit employees pursuant to non-mayoral officials' authority.

Ms. Rizzo explained that Classified Service was comprised of pay steps, ranges and flat rates and that Exempt Service was comprised of open ranges and pay step ranges. She noted employees who were not at the maximum of the pay range were eligible for both merit and cost of living increases.

Ms. Rizzo noted Classified Service employees had the right to request a review of their classification and Exempt Service employees may request a review of their classification, subject to the approval of the Mayor and the Office of Management and Budget.

Commissioner Diaz inquired whether a Classified Service employee could request an individual classification review, rather than a reclassification of an entire job class.

Ms. Rizzo confirmed that an employee could request a classification review at any time during the contract term. She said that a selective pay adjustment would apply when a group of employees believed they were underpaid for a specific reason. Ms. Rizzo noted the union would ask the Administration to reevaluate the job, and an analysis would be conducted to determine whether a recruitment retention problem existed in this particular

job class; whether the request was valid; and whether a pay adjustment to the entire range and all employees was warranted. Ms. Rizzo noted this would not be done unilaterally; however, if substantiated, the Administration would meet with the union to confer and selectively adjust that pay range.

Commissioner Diaz noted he understood that a contract could not be changed unless it was reopened; however, he believed the reclassification could be considered a change to the contract. He questioned whether the process could be reversed whereby the Administration would request a reclassification after a contract was negotiated by the union.

Assistant County Attorney Lee Kraftchick explained that a mid-contract change to the Pay Plan would require agreement by both the union and the Administration. He noted adjustments to the Pay Plan would be presented to the County Commission for final approval. Assistant County Attorney Kraftchick said that the change was not an automatic contract reopener since both parties must mutually agree to the change through the negotiation process.

Commissioner Diaz clarified that both the union and the Administration must agree to any contract changes and that any proposal must be ratified by the County Commission.

Ms. Rizzo explained that the Pay Plan provided that the Mayor may temporarily establish a pay range, job classification, or pay supplements that were consistent with the construct of the Pay Plan during the course of the fiscal year. She said the change would become permanent once adopted by the County Commission.

- **Reasons for the number of job classifications**

Ms. Rizzo noted a large number of job classifications were bargaining unit specific. She said that 958 non-bargaining unit job classifications represented approximately 2,800 employees and many specific job classes existed for non-mayoral positions within the County Attorney's Office, Judicial Administration, or the Clerk of Courts. Ms. Rizzo noted job classifications were either mission specific, single incumbent, or bargaining unit specific. She said that efforts were undertaken to consolidate single incumbent classifications pursuant to the Fox Lawson study and noted additional improvements could be made in this area.

Chairwoman Jordan said that the Fox Lawson report was critical of the County because of the number of classifications, noting the general responsibility of a job was the same even though it was mission specific. She pointed out that mission specific classifications only inflated the numbers in terms of the particular responsibility. Chairwoman Jordan said that anything could fit within a range once a category was established. She noted a trend whereby departments requested position reclassifications and exemptions during periods of layoffs. Chairwoman Jordan inquired whether a review of other governmental organizations was conducted to determine the number of classifications within those organizations.

Ms. Rizzo noted the Administration was in the process of asking the Compensation and Benefits Review Committee to study classification issues in more detail. She said the Administration reviewed other governmental organizations and a comparative report was included in today's handout. Ms. Rizzo noted the State of Florida recently implemented a Broadband pay plan design which established a limit on occupational groups and bands within those groups. She said that the impact to classified service employee rights to particular positions in the event of a potential downsizing would be a concern in the event a Broadband design was implemented locally.

Deputy Mayor Ed Marquez asked Ms. Rizzo to explain the meaning of a "single incumbent classification."

Ms. Rizzo explained that a single incumbent classification was a one-to-one relationship between the job title and the employee, or a unique classification for an individual employee. She noted most single incumbent classified employees were non-bargaining unit employees and although the job titles were unique to specific jobs, they were assigned a uniform pay grade in order to maintain internal equity.

Chairwoman Jordan noted any changes to the Pay Plan structure would impact civil service employees and questioned whether any safeguards could be implemented to prevent this from happening.

Assistant County Attorney Kraftchick confirmed that civil service employees would be impacted if changes were made to the Pay Plan and it would be difficult to make changes due to specific classifications. He indicated that collective bargaining was the largest obstacle to a complete civil service restructuring, noting it would be particularly challenging to convince the unions that all these changes were necessary at one time and that employees' income could possibly decline. Assistant County Attorney Kraftchick said that it would not be as problematic if the changes were to put bands in place with new pay grades that maintained the same pay since in this scenario, the number of classifications would create pay grades that amounted to the same pay. .

In response to Commissioner Jordan's inquiry as to whether bumping rights would be protected, Assistant County Attorney Kraftchick explained that bumping rights would remain untouched if the same classifications were maintained and pay grades were implemented instead of individual pay.

- **Reasons for the number of distinct pay ranges**

Ms. Rizzo explained that distinct pay ranges were due to differences between mayoral and non-mayoral classifications; collective bargaining negotiations; and terms of municipal mergers.

Ms. Rizzo noted a two-tier pay structure became effective in November 1991 when the in-hire pay rate was reduced from Pay Step 5 to Pay Step 1. She explained that employees hired prior to this date retained their pay progression between Pay Steps 5 to

10; however, any newly hired employee began at Pay Step 1. Ms Rizzo said that 23 percent of the current workforce was hired prior to November 1991; 62 percent of job classifications had pay steps to which 78 percent of the workforce was assigned; and department directors could appoint newly-hired employees at an intermediate pay rate if market conditions and recruitment for that position substantiated a higher rate.

Chairwoman Jordan asked and Ms. Rizzo clarified that the difference between Pay Steps was approximately 4.8 percent; however, this amount varied based upon the collective bargaining unit.

Chairwoman Jordan noted the 4.8 percent Pay Step increase combined with Cost of Living Adjustments (COLA) of 3-4 percent would result in up to a 9 percent annual increase in employee salaries. She pointed out that, insufficient resources to keep up with this increase, coupled with a Commission that did not support increasing the millage rate meant that employees would either be laid off or penalized. Commissioner Jordan noted a prospective strategy was needed to reduce costs, similar to the previous decision to hire new employees at Pay Step 1. She said that next year's millage rate would be set in July and that careful consideration about available resources to support future growth was needed before then.

- **Pay step progression**

Ms. Rizzo noted Pay Step progression corresponds to an employee's probationary period and changed through collective bargaining negotiations from 13 pay periods (6 months) to 26 pay periods (1 year) for most classified service employees. She indicated that a complete breakdown according to the collective bargaining unit was provided on page 11 of the handout. She said that an employee may progress annually to the next Pay Step subject to a satisfactory performance evaluation after the probationary period.

- **Pay step ranges**

Ms. Rizzo explained the following three pay step ranges: the Twelve Step Range; the Nine Step Range; and the Seven Step Range. She noted once an employee reached Step Ten in the Twelve Step Range; Step Nine in the Nine Step Range; and Step Seven in the Seven Step Range; he/she may progress to two longevity steps at five-year intervals subject to satisfactory performance. A description of ranges, steps, and stop points was highlighted on page 12 of the handout, Ms. Rizzo said.

Commissioner Jordan noted community and media criticism regarding longevity; however, she explained that employees stopped receiving annual increases once they reached longevity. She said that upon reaching longevity, employee salaries were frozen, except for payment of a COLA, and another method would be needed to establish equity if longevity was eliminated.

- **Open pay ranges**

Ms. Rizzo noted 38 percent of job classifications were in open pay ranges, representing 22 percent of the County's workforce. She said open ranges consisted of primarily professional/managerial, non-bargaining unit employees and some exempt clerical employees. Ms. Rizzo noted a few open ranges were also negotiated within the Transit and AFSCME 199 unions. She said that an approximate nine percent differential existed between open range pay grades. Ms. Rizzo indicated that the Fox Lawson study determined that pay grades were too tightly compacted and could be combined; thus allowing for wider ranges and more pay progression.

Ms. Rizzo explained that the mid-point of the pay range was considered to be the market level; that employees progressed to this level; and that it was used as a point of comparison when hiring new employees. She said that many employees in some Pay Plans would not reach the maximum level. Ms. Rizzo noted open ranges allowed flexibility in pay administration. She also indicated that employees with at least satisfactory performance may progress to the maximum level of the pay range and that longevity pay steps were absent from the pay ranges.

Chairwoman Jordan pointed out that one of the disadvantages of the range system was the lack of equity. She noted evaluations were subjective and inquired whether any controls were in place that would create equity in the pay range system.

Ms. Rizzo clarified that a control in the pay administration policy was in effect noting any increase greater than five percent was subject to the Mayor's approval.

Ms. Rizzo noted that thirty four pay ranges existed for non-bargaining unit, professional/managerial employee classifications. She explained that the left column of page 14 depicted pay ranges for employees within the Mayor's purview without the three percent COLA adjustment and that the right column depicted pay ranges for employees not within the Mayor's purview with the three percent COLA.

- **Distribution of pay**

Ms. Rizzo noted 62 percent of pay classifications were in pay ranges and 38 percent in pay steps; and 78 percent of the workforce were in pay steps and 22 percent in pay ranges as depicted on page 15 of the handout. She proceeded to distribute an analysis depicting the adjusted salary distribution of full-time employees, noting less than ten percent of the County workforce earned greater than \$100,000 annually.

Commissioner Bovo inquired whether the salaries represented on the handout included benefits.

Ms. Rizzo responded that the salaries represented Adjusted Pay which was Base Pay plus Pay Supplements. She also noted the salaries did not include the ten percent mandatory health care contribution for non-mayoral employees and the nine percent contribution for

collective bargaining unit employees. Ms. Rizzo said the figures would also change when considering end of year rates and overtime payments.

Chairwoman Jordan observed that when the media received this information it was shocking for them if they had no details on the number of year's employees worked for the County.

Commissioner Diaz noted more substantive data was needed on the rationale for current salary levels since the media would compare this information to a corporation similar to the size of the County government. He pointed out that 61.9 percent of the County's workforce earned in excess of \$50,000 and asked Ms. Rizzo to provide longevity data for employees earning over \$50,000 in order to respond to requests from members of the media and the community.

Ms. Rizzo indicated that she would provide the information requested by Chairwoman Jordan and Commissioner Diaz as well as additional data related to the health care contribution reduction.

Commissioner Diaz noted the health care contribution was not a benefit as employees were paying this amount.

Ms. Rizzo explained that an employee earning a \$50,000 salary actually received only \$45,000 after paying the ten percent health care contribution. She also noted employees were paying an additional three percent to the Florida Retirement System.

Commissioner Bovo noted County residents considered the service received from County employees and the manner in which these employees interacted with residents when determining whether they were overpaid or not.

Commissioner Diaz asked Ms. Rizzo to include all benefits factored into employee salaries in the analysis which she would provide to Committee members.

Chairwoman Jordan noted overtime was needed because the number of employees was insufficient; yet increasing the number of employees contributed to additional costs. She said that a balance was needed between creating more overtime or hiring the appropriate number of employees for health and safety. Chairwoman Jordan noted overtime should not be considered an added benefit as the employee was working because nobody else was available to perform that function. She also pointed out that an increasing number of temporary employees were being hired while permanent employees were being terminated. Chairwoman Jordan inquired whether the policy relating to the time period during which a temporary employee could be hired was being adhered to.

In response to Chairwoman Jordan's question about adjusting the pay plan based upon mandatory health care contributions, Ms. Rizzo responded that the contribution was chosen in order for the employees to receive the tax advantage benefits and to preserve the base plan rate. .

Commissioner Diaz noted substantial costs were associated with employee benefits in addition to salary expenses, and this would eventually be an issue that would need to be addressed.

Commissioner Bovo pointed out that members of the County Commission could voice their beliefs; however, they were not a party to union negotiations. He noted the commissioners' role was to ensure that residents' tax dollars were being used to maximize County services and to balance the costs necessary to deliver those required services. He said residents did not want to hear that services were being reduced.

Chairwoman Jordan said that everyone in County government needed to do a better job to inform the community about County services and the functions of its employees.

- **Merit increases**

Ms. Rizzo explained that employees were eligible to receive an annual merit pay increase contingent upon satisfactory performance. She said that merit increases for bargaining unit employees were reinstated under current collective bargaining unit agreements and remained frozen since October 2011 for non-bargaining unit employees under the Mayor's purview. She noted a merit increase represented approximately 4.8 percent, the equivalent of one pay step; however, this amount varied based upon job classification. Ms. Rizzo said that it was impossible within the current evaluation process to differentiate among performance levels; that an employee with a satisfactory or above rating would receive the pay step increase; and that the merit increase would be deferred for an employee with a less than satisfactory rating. She noted bargaining unit employees received either the pay step or the negotiated value of a pay step for employees in an open range; however, department directors had the option to award less than five percent to non-bargaining unit employees if not substantiated by employee performance.

- **Cost of Living Adjustment**

Ms. Rizzo noted employees were eligible to receive both a merit increase and a Cost of Living Adjustment (COLA). She said that the COLA was negotiated each contract cycle; that it could be extended to non-bargaining unit employees pursuant to County Commission action; and that it applied both to pay steps and pay ranges as well as employees' pay. Ms. Rizzo noted no COLA provisions were included in the current October 1, 2011 – September 30, 2014 bargaining agreements.

Ms. Rizzo presented a historical example of COLA wage increases from 2006 for each collective bargaining unit on page 19 of the handout. She explained that the five percent insurance contribution to healthcare costs in lieu of a five percent salary reduction began in February 2010; that most non-bargaining unit employees did not receive the three percent COLA; that non-bargaining unit employees under the Mayor's purview increased their insurance contribution from five to ten percent in July 2011; that bargaining unit employees increased their health care contribution from five to nine percent with the exception of the Fire Union that negotiated other concessions which yielded required

savings; and that AFSCME 199 union members received a one percent pay plan reduction.

In response to Commissioner Bovo's question as to whether a similar chart existed for merit pay increases and longevity bonuses, Ms. Rizzo indicated that one did not; however, she said that she would compile data representing the previous contract cycle, the year in which these benefits were frozen.

Chairwoman Jordan noted she recalled an occasion when the five percent Fire Union concession was paid by its employees into their plan and then returned.

Assistant County Attorney Kraftchick confirmed that Fire Union employees paid five percent; however, this money was applied toward insurance costs.

Ms. Rizzo noted she did not want to misrepresent the terms of the contract; however, she confirmed that the contribution funded other benefits. She said she believed a health spending account was established against which members could draw and apply contributions toward the cost of health care.

Chairwoman Jordan said that this was a form of creative accounting and that Fire Union employees did not really contribute any money toward the cost of health care. She questioned whether any safeguards could be implemented to prevent similar situations from occurring in the future, noting this created distrust among other County employees who actually lost the five percent.

Assistant County Attorney Kraftchick advised that the County Commission should closely review future contracts and send a clear message to the Administration that contributions should remain true to their intent and benefits should not be shifted from one item to another.

Commissioner Diaz noted he understood that there was no decrease in Fire Union employee benefits; rather, there was a decrease in management-related expenses, which created savings making it unnecessary to deduct a percentage from employees' salaries.

Ms. Rizzo responded that she would provide members of the Committee with the Board item which analyzed the fiscal impact of the Fire Union's contract. She noted employee concessions resulted in approximately \$10.5 million overtime savings which offset the requirement to contribute to a health care spending account.

Chairwoman Jordan noted the five percent health care contribution was to be included in the savings; however, she was unsure whether it indicated that the Wellness Program would pay for specific activities. She pointed out that other employees were still resentful about this and efforts needed to be taken to ensure that this did not recur.

Deputy Mayor Ed Marquez said that the Administration had strived to inform members of the County Commission about all aspects of contract negotiations.

Commissioner Diaz noted he recalled that Mayor Gimenez instructed the Administration to develop a solution to the budget shortfall and to create savings within County departments. He questioned whether all departments were given the latitude to determine alternative methods to obtain the required savings, rather than impacting employees.

Ms. Rizzo clarified that the Administration met with department specific unions to identify savings that could accrue to the union. She noted each department had the opportunity to work with the union to develop unique concessions.

Commissioner Diaz questioned whether the departments with larger capital structures were asked to develop savings.

Deputy Mayor Marquez explained that both the current and prior administrations had made reductions to departmental budgets. He noted each union was provided the opportunity to work with departmental management to identify possible reductions in the current collective bargaining efforts. Deputy Mayor Marquez said overtime savings were obtained in the case of the Fire Union due to the fact that it was a requirement in the previous contract and was eliminated from the current contract. He indicated that all changes, economic benefits and costs were presented to the County Commission.

- **Promotional increases**

Ms. Rizzo explained that Classified Service employees received one pay step or the entrance pay of the classification to which the employee was promoted, whichever was greater and the division director did not have the discretion to grant a higher salary. She noted Exempt Service employees received five percent or the minimum of the pay range, whichever was greater. Ms. Rizzo said that the Mayor must authorize any amount greater than five percent.

- **Pay Plan maintenance**

Ms. Rizzo said new classifications were created when the Pay Plan did not have any existing classifications describing the work to be performed. She noted the Mayor or County Attorney may establish, assign, and maintain appropriate job classifications, salary ranges and pay supplements on a temporary basis. Ms. Rizzo said that these positions became permanent when the Pay Plan was adopted annually by the County Commission. She noted obsolete classifications were also abolished annually.

- **County Pay Plan as compared to other public sector entities**

Ms. Rizzo noted the Federal government had multiple pay plans imbedded within its structure. She indicated that an analysis of these classifications was provided on page 22 of the handout.

Ms. Rizzo noted a 2011 study for the City of Phoenix by the Segal Company revealed that other public sector employers had many pay practices consistent to those at Miami-

Dade County, including pay adjustments, the construct of the pay plan, time increases, etc.

In response to Chairwoman Jordan's question as to whether the State of Florida incorporated a flat pay rate structure, Ms. Rizzo noted the State had occupational groups that were limited to three pay ranges per occupation. Ms. Rizzo said that she would provide Committee members with a summary of the State's Broadband pay plan design, which was enacted two years ago, and how it was administered.

Commissioner Bovo pointed out that Miami-Dade County was not included in the Pay Plan comparisons provided and Ms. Rizzo said she would prepare this analysis.

IV. Next Steps

Chairwoman Jordan commented that the following items needed to be further considered: pay plan reduction in terms of classifications; longevity; open ranges vs. steps; temporary employee policy; and whether the number of temporary employees increased due to employee layoffs.

Chairwoman Jordan noted Senior Executive benefits would be discussed at the next Committee meeting.

Ms. Rizzo indicated that Mayor Gimenez had eliminated the Senior Executive benefits program for employees under his purview; however, some non-mayoral entities continued to use the program.

Chairwoman Jordan responded that although the program had been eliminated for employees under the Mayor's purview, it needed to be considered since another Mayor could reinstate these benefits in the future.

Commissioner Bovo noted he would not be available to meet for the following two weeks.

Commissioner Diaz noted he would not be available next week.

Chairwoman Jordan announced that the next Committee meeting would be held on Thursday, July 12, 2012.

V. Adjournment

There being no further business, the Compensation & Benefits Review Ad Hoc Committee was adjourned at 10:58 a.m.

Barbara J Jordan, Chair