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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: January 24, 2012

Amended
Agenda Item No. 2(A)(2)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Resolution No. R-10-12

Subject: Recommendation for Resolving the Collective Bargaining Impasse between Miami-Dade County and the Dade County Police Benevolent Association – Law Enforcement Supervisory Unit

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Recommendation

It is recommended that the Board of County Commissioners resolve the collective bargaining impasse between Miami-Dade County and the Dade County Police Benevolent Association (PBA), by accepting the proposed additional five percent (5%) contribution of employees' base wages to the County's cost of health care as specified in Article 35 Wages of the successor 2011-14 Collective Bargaining Agreement between Miami-Dade County and the Dade County Police Benevolent Association – Law Enforcement Supervisory Unit (Attachment 1).

Scope

The impact of this agenda item is countywide.

Fiscal Impact/Funding Source

The FY 2011-12 Adopted Budget was predicated upon reducing labor costs for employees represented by PBA Supervisors by $4.603 million. A separate agenda item has been provided to ratify a collective bargaining agreement with the PBA which will generate savings of $3.308 million. Both parties worked collaboratively to identify both contractual and non-contractual savings in order to reach a fiscally responsible agreement that achieves those savings (Attachment 2). These identified savings recur for each applicable year of the contract.

The Administration proposed in negotiations that the remaining amount ($1.295 million) of savings needed to balance the budget come from an additional five percent (5%) contribution to the County's health care costs. The Union disagrees with this proposal. The parties have agreed to submit their dispute directly to the Board of County Commissioners as an impasse item for resolution in accordance with State law. An additional five percent (5%) contribution to group health insurance represents $87.6 million of the total savings associated with collective bargaining concessions included in the FY 2011-12 Adopted Budget.

Track Record/Monitor

The Director of Labor Management and Compensation monitors and oversees the administration of this collective bargaining agreement.

Background

Although the parties have reached an agreement regarding all other articles and provisions in the successor 2011-14 contract, which was submitted to Board for ratification on December 6, 2011, they have arrived at impasse regarding the County's proposal to require an additional five percent (5%) of employees' base wages as a health care contribution from PBA members. The parties have agreed to waive the special magistrate process and submit their dispute directly to the County Commission for resolution. As such, we are presenting to the Board our recommendation to approve the contribution of an additional five percent (5%) of employees' base wages, for a total of ten percent (10%), to defray the County's cost of health care.

This recommendation is not made lightly. The additional five percent (5%) contribution will have a serious impact on employees but is absolutely necessary to balance the budget and avoid additional service cuts and associated layoffs. The budget approved by this Board assumes a ten percent (10%) contribution to health care from all County employees. The Union has agreed to a five percent contribution only. If the additional five percent contribution the administration proposes and the budget contemplates is not adopted, savings will have to be generated from other sources to ensure a balanced budget. Because this contribution toward health care (or savings of a similar amount from other sources) is expected of all employees, rejection of the administration's proposal will have a substantial financial impact on the entire County. If the additional five percent contribution is not adopted for this bargaining unit and other bargaining units are treated similarly, the County must reduce expenditures by $87.6 million which will require significant service reductions. The cuts necessary to fill this gap will be devastating to the provision of services.

The parties have agreed to work collaboratively during the term of this agreement to examine health plan features and identify opportunities to reduce overall premium costs. It is anticipated that a new, more affordable health plan will be in place for calendar year 2013. Contingent upon the success of this endeavor and prevailing economic conditions, the employee contribution to the cost of health care will be discontinued for calendar year 2014. This sunset provision, however, provides the County the option to reopen this issue for negotiations if it deems that this or a similar reduction needs to be continued. The parties have agreed to bring this matter directly to the Board as an impasse item if they fail to come to agreement at that time (end of calendar year 2013).

A timely resolution of this impasse is required to ensure uninterrupted service delivery to our community. If we are unable to realize these projected savings, additional reductions in personnel and concurrent service reductions would be an inevitable outcome. The County's FY 2011-12 Adopted Budget incorporates this cost saving measure and projected operational expenditures include the savings from the increased health care contribution. Delays in implementing this measure may result in additional reductions in pay and layoffs. It is recognized that maintaining a sufficient staffing level on the streets is imperative for the safety of both our uniform personnel and the community they serve. This potential can be mitigated by adopting this impasse resolution.

Under Florida law, the action taken by the Board will be presented to the bargaining unit members for another ratification vote. A successful ratification vote will result in the application of the increased health care contribution for the term of the three-year, 2011-14 collective bargaining agreement. If the bargaining unit fails to ratify the action taken by the Board at impasse, the decision of the Board would only apply to the first fiscal year of the agreement. In such event, the terms and provisions of the first fiscal year of the agreement become the status quo and remain in effect until changed through subsequent negotiation and settlement or through further impasse hearings.

Because we are in the insulated period between waiver of the special magistrate hearing and final resolution of the impasse by the Board, representatives of the Union and representatives of the administration are unable to engage in ex-parte communications regarding resolution of the impasse with members of the Board or their staff in advance of the hearing.

Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: January 24, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Amended Agenda Item No. 2(A)(2)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 2(A)(2)
1-24-12

RESOLUTION NO. R-10-12

RESOLUTION RESOLVING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION – LAW ENFORCEMENT SUPERVISORY UNIT

WHEREAS, Miami-Dade County and the Dade County Police Benevolent Association – Law Enforcement Supervisory Unit, have negotiated for a reasonable period of time on a successor collective bargaining agreement to the agreement that expired on September 30, 2011; and

WHEREAS, the parties have reached an impasse in their negotiations on one item, an additional five percent (5%) of employee's base wages towards the County's cost of health care; and

WHEREAS, the parties have jointly agreed in writing to waive the appointment of a special magistrate and proceed directly to resolution of the impasse by the Board of County Commissioners; and

WHEREAS, this Board has conducted a public hearing at which the parties were required to explain their positions regarding the impasse in negotiations; and

WHEREAS, this Board, pursuant to Fla. Stat. Sec. 447.403, is required to take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve the disputed impasse issues; and

WHEREAS, the issue at impasse is wages, Article 35 of the Dade County Police Benevolent Association – Law Enforcement Supervisory Unit, October 1, 2011 to September 30, 2014 agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board resolves the collective bargaining impasse by determining that employees shall be required to make an additional four percent (4%) contribution toward the County's cost of health care. The County Mayor and the Dade County Police Benevolent Association shall reduce to writing an agreement which includes those issues previously agreed to by the parties and the disputed impasse issue resolved herein. The written agreement shall be signed by the County Mayor and submitted to the bargaining unit for signature and ratification. If the bargaining unit fails to ratify the agreement, the action taken in this resolution shall take effect as of the date of this resolution and shall be effective for the first fiscal year that was the subject of negotiations (October 1, 2011 to September 30, 2012).

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			**nay**
Audrey M. Edmonson, Vice Chairwoman			**aye**
Bruno A. Barreiro	**nay**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**aye**	Jose "Pepe" Diaz	**nay**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**nay**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**nay**
Xavier L. Suarez	**nay**		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2012. 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

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lee Kraftchick