

MEMORANDUM

Agenda Item No. 11(A)(15)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 6, 2010

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

SUBJECT: Resolution setting policy for Miami-Dade County requiring that all County retirees who seek re-employment with the County shall be subject to the County's regular hiring process and if hired shall start at the applicable entry level salary

This item was amended at the 3-9-10 Government Operations committee to add an Implementing Order.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 6, 2010

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

SUBJECT: Agenda Item No. 11(A)(15)

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

Agenda Item No. 11(A)(15)

Veto _____

4-6-10

Override _____

RESOLUTION NO. _____

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY REQUIRING THAT ALL COUNTY RETIREES WHO SEEK RE-EMPLOYMENT WITH THE COUNTY SHALL BE SUBJECT TO THE COUNTY'S REGULAR HIRING PROCESS AND IF HIRED SHALL START AT THE APPLICABLE ENTRY LEVEL SALARY, AND APPROVING IMPLEMENTING ORDER NO. _____

WHEREAS, current Florida law allows retirees from the Florida Retirement System ("FRS") to be employed by FRS employers, including the same employer from which the person retired with certain limitations; and

WHEREAS, such re-employment with an FRS employer is sometimes referred to as "double dipping" because the employee collects pension benefits from FRS, and also collects a salary from the FRS employer; and

WHEREAS, during the 2009 regular session, the Florida Legislature sought to address FRS "double dipping" by passing HB 479, Chapter 2009-209, Laws of Florida ("HB 479"), which provided that employees who retire with FRS benefits on or after July 1, 2010, are not eligible for re-employment with an FRS employer for six months after retirement, and such retirees will not receive retirement benefits for the seventh through 12th months after retirement; and

WHEREAS, up to July 1, 2010, Florida law provides that retirees can return to work after only one calendar month, and such retirees will not receive retirement benefits for the second through 12th months after retirement; and

WHEREAS, HB 479 did not impose any limits on the salary an FRS retiree can earn while working for an FRS employer and also receiving FRS retirement benefits; and

WHEREAS, some states have made it illegal to collect retirement benefits and return to work at the same job and salary; and

WHEREAS, other states have made it illegal to take any public sector job in the same retirement system without forfeiting retirement benefits; and

WHEREAS, an appropriate balance can be struck by allowing County retirees to return to County employment, but only if they go through the regular hiring process including job applications, testing and interviews where applicable and are limited to earning an entry-level salary in their respective field, while allowing salary increases in the normal course commensurate with other entry-level employees,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. It is the policy of Miami-Dade County that retirees of the County who seek re-employment with Miami-Dade County shall be subject to the County's regular hiring process, including job applications, testing and interviews where applicable, and if hired shall start at the applicable entry-level salary, and shall receive salary increases, such as longevity and merit pay in the normal course commensurate with other entry-level employees.

Section 2. When necessary to attract and hire qualified applicants for a particular County classification or classifications, such as the need to fill highly technical positions or as a result of an emergency, the Mayor may seek, and this Board may grant exceptions to this policy in advance of hiring for the particular classification or classifications in question. Such exceptions require approval by a 2/3 vote of the Board members present.

Section 3. This policy shall not supersede nor change the provisions of any collective bargaining agreement.

>>Section 4. This Board approves Implementing Order No. _____ : Rehiring of County Retirees, as attached hereto.<<¹

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of April, 2010. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

D.F.

Daniel Frastai

¹ Committee amendments are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

5

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

REHIRING OF COUNTY RETIREES

AUTHORITY:

Sections 1.01 and 2.02 of the Miami-Dade County Home Rule Amendment and Charter

POLICY:

It is the policy of Miami-Dade County that retirees of the County who seek re-employment with Miami-Dade County shall be subject to the County's regular hiring process.

IMPLEMENTATION:

In order to effectively implement the above policy:

- 1) Retirees of the County who seek re-employment with Miami-Dade County shall be subject to the County's regular hiring process, including job applications, testing and interviews where applicable, and if hired shall start at the applicable entry-level salary, and shall receive salary increases, such as longevity and merit pay in the normal course commensurate with other entry-level employees.
- 2) When necessary to attract and hire qualified applicants for a particular County classification or classifications, such as the need to fill highly technical positions or as a result of an emergency, the Mayor may seek, and this Board may grant exceptions to this policy in advance of hiring for the particular classification or classifications in question. Such exceptions require approval by a 2/3 vote of the Board members present.
- 3) This implementing order shall not supersede nor change the provision of any collective bargaining agreement.

County Manager

Approved by the County Attorney as
to form and legal sufficiency _____