

Memorandum



Date: December 19, 2011

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

From: Carlos A. Gimenez
Mayor 

Subject: Recommendation for Resolving the Collective Bargaining Impasse Between Miami-Dade County and the American Federation of State, County and Municipal Employees, General Employees, Local 199

Agenda Item No. 8(F)(2)

Recommendation

It is recommended that the Board of County Commissioners resolve the Collective Bargaining Impasse between Miami-Dade County and the American Federation of State, County and Municipal Employees, General Employees (AFSCME), Local 199, by approving Article 42, Wages (Attachment 1) of the successor 2011-14 Collective Bargaining Agreement between Miami-Dade County and AFSCME, Local 199. The terms of this Article require an additional five percent (5%) contribution of employees' base wages towards the County's cost of health care.

Scope

The impact of this agenda item is countywide.

Fiscal Impact/Funding Source

The FY 2011-12 Adopted Budget was predicated on reducing labor costs for employees represented by AFSCME 199 by \$52.5 million. A separate agenda item has been provided to ratify a collective bargaining agreement with AFSCME 199, which will generate savings of \$34.2 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. The identified savings recur for each applicable year of the contract.

The Administration proposed in negotiations that the remaining amount (\$18.3 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 County and the Union have reached an agreement regarding all other articles and provisions in the successor 2011-14 contract, which was submitted to the Board of County Commissioners for ratification on December 6, 2011, the parties 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. 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 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 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, then 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. 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.

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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.

A handwritten signature in cursive script, appearing to read "Edward M. ...", is written over a horizontal line. Below the line, the text "Deputy Mayor" is printed. The signature extends below the line with a large, sweeping flourish.

Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: December 19, 2011

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

SUBJECT: Agenda Item No. 8(F)(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 _____

Agenda Item No. 8(F)(2)
12-19-11

RESOLUTION NO. _____

RESOLUTION RESOLVING COLLECTIVE BARGAINING
IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE
AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, GENERAL EMPLOYEES, LOCAL
199

WHEREAS, Miami-Dade County and the American Federation of State, County and Municipal Employees, General Employees, Local 199, 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 42 of the American Federation of State, County and Municipal Employees, General Employees, Local 199, 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 approves and ratifies the County Mayor's recommendations for settling the collective bargaining impasse for the reasons set forth in the County Mayor's Memorandum. The County and Mayor and American Federation of State, County and Municipal Employees, General Employees, Local 199 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 ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of December, 2011. 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.

ck.

Lee Kraftchick

ATTACHMENT 1

ARTICLE 42 WAGES

~~First Year 2008—2009~~

~~Effective the beginning of the last pay period in September 2009, all employees in bargaining unit classifications shall be required to contribute five percent (5%) of base wages from the time of ratification toward the cost of coverage for group health insurance. This provision shall supersede any conflicting provision of Article 56, "Group Health Insurance". The deduction shall be in pre-tax dollars to the extent allowable by law.~~

Upon ratification of this agreement, all bargaining unit members shall be required to contribute ten percent (10%) of base wages towards the County's cost of health care.

~~Second Year 2009—2010~~

~~Employees in bargaining unit classifications shall not receive a wage adjustment for fiscal year 2009-2010.~~

~~Third Year 2010—2011~~

~~Effective the beginning of the first pay period in July 2011, all employees in bargaining unit classifications shall receive a three percent (3%) wage increase.~~

The County agrees that there shall be no selective wage adjustments for any classifications covered by this Agreement, other than those specified, unless it shall first negotiate the adjustments with the Union concerning the amount of such adjustments and the reasons therefore.

Effective January 1, 2014, the monies comprising the health care contribution shall be reinstated to the employees' pay, provided however, that the County shall have the right to re-open this provision of the Collective Bargaining Agreement, in advance, for the purposes of negotiating whether these reductions will be continued. In the event that the County chooses to re-open this provision and the parties are unable to reach an agreement, the dispute shall be submitted to the County Commission, with the parties' mutual waiver of any right to a hearing before a Special Magistrate, for final resolution of the impasse in accordance with the requirements of State Law.