

Memorandum



Date: October 2, 2012

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

From: Carlos A. Gimenez
Mayor 

Subject: Approval of Article 35 Wages of the 2011-14 Collective Bargaining Agreement Between Miami-Dade County and the Miami Dade County Police Benevolent Association (PBA), Rank and File Unit

Agenda Item No. 14(A)(8)

Recommendation

It is recommended that Article 35 Wages (Attachment 1) of the 2011-14 Collective Bargaining Agreement between Miami-Dade County and the Miami-Dade County Police Benevolent Association (PBA), Rank and File Unit be approved by the Board of County Commissioners (Board).

The County Mayor is authorized to effectuate this Resolution by approving and filing this Resolution with the Clerk of the Board. This will allow for the implementation of the Board's directive to negotiate the return of the additional four percent (4%) healthcare contribution and if ratified, restore these monies to employees as soon as possible after the commencement of the fiscal year.

Scope

The impact of this agenda item is countywide.

Fiscal Impact/Funding Source

The estimated fiscal impact associated with the elimination of the four percent (4%) contribution toward healthcare to the members of PBA, Rank and File Unit is estimated at \$11.221 million. The FY 2012-13 Adopted Budget includes funding to support the above referenced adjustment.

Track Record/Monitor

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

Background

On January 5, 2012, the Board ratified the 2011-14 successor Agreement between the PBA, Rank and File Unit and the County. Article 35, Wages, of this Agreement contained an impasse issue of whether employees would be required to contribute an additional amount towards the County's cost of health care. On January 24, 2012, the Board resolved the impasse by voting to impose an additional four percent (4%) contribution of base wages by employees to the County's cost of healthcare. The FY 2012-13 Proposed Budget provided an Impasse Reserve to provide funding for the elimination of the additional four percent (4%) healthcare contribution. On September 20, 2012, the Board adopted the Proposed Budget and directed the County Mayor to negotiate with the unions the return of the additional four percent (4%) healthcare contribution. Pursuant to the Board's directive, the County met with the unions and negotiated the return of the additional four percent (4%) healthcare contribution, as detailed in Attachment 1.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
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Term of Agreement

This is a three (3) year contract for the period of October 1, 2011 through September 30, 2014.

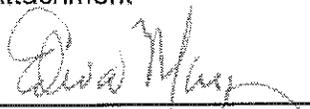
Wages

Notwithstanding any legal challenge(s) regarding the contribution of base wages towards the County's cost of health insurance, the additional contribution of base wages of four percent (4%) imposed by the Board on January 24, 2012 shall be eliminated effective October 1, 2012.

All employees in Bargaining Unit classifications will continue to contribute five percent (5%) of base wages towards the County's cost of healthcare.

The bargaining unit members ratified Article 35 Wages on October 1, 2012.

Attachment



Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: October 2, 2012

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

SUBJECT: Agenda Item No. 14(A)(8)

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. 14(A)(8)

10-2-12

RESOLUTION NO. _____

RESOLUTION APPROVING AND RATIFYING EXECUTION
OF ARTICLE 35 WAGES OF THE 2011-14 COLLECTIVE
BARGAINING AGREEMENT BETWEEN MIAMI-DADE
COUNTY AND THE MIAMI DADE COUNTY POLICE
BENEVOLENT ASSOCIATION (PBA), RANK AND FILE
UNIT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves and ratifies the Mayor's action in executing the attached Article 35 Wages (Attachment 1) of the 2011-14 Collective Bargaining Agreement between Miami-Dade County, and the Miami Dade County Police Benevolent Association (PBA), Rank and File Unit in substantially the form attached hereto and made a part hereof.

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 2nd day of October, 2012. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Lee Kraftchick

ARTICLE 35 WAGES

All employees in bargaining unit classifications shall be required to contribute five percent (5%) of their base wages from the time of the ratification of this agreement toward the County's cost of health care. This provision shall supersede any conflicting provision of Article 50, "Group Health/Life Insurance". ~~In addition, the parties agree to submit to the County Commission, with the parties' mutual waiver of any right to a hearing before a Special Magistrate, for final resolution of the parties' impasse, the issue of whether employees shall be required to contribute an additional amount, not to exceed five percent (5%) of their base wages, towards the County's cost of health care, effective upon the ratification of this agreement.~~

Notwithstanding any legal challenge(s) regarding the contribution of base wages towards the County's cost of health insurance, the additional contribution of base wages of four percent (4%) imposed by the Board of County Commissioners on January 24, 2012 shall be eliminated effective October 1, 2012.

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 reopen 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 reopen 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.

Dade-County Police Benevolent Association
Rank & File

Miami-Dade County, Florida

By: 
John Rivera, President
For Dade County Police Benevolent Association

By: 
Carlos A. Gimenez, County Mayor
For Miami-Dade County, Florida

Witness: 

Witness: 

Date: 9-24-12

Date: 9/25/12