# Memorandum

MIAMI-DADE COUNTY

**Date:** August 29, 2013

Special Item No. 3

**To:** Honorable Chairwoman Rebeca Sosa
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 Government Supervisors Association of Florida, OPEIU, Local 100 Supervisory Employees Unit

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**Recommendation**

It is recommended that the Board of County Commissioners (Board) resolve the Collective Bargaining Impasse between Miami-Dade County and the Government Supervisors Association of Florida, OPEIU, Local 100 Supervisory Employees Unit (GSAF), by approving the continuation of a one (1) pay step reduction to the Night Shift Differential negotiated into the parties' 2011-2014 Collective Bargaining Agreement.

**Scope**

The impact of this agenda item is countywide.

**Fiscal Impact/Funding Source**

The FY 2013-14 Proposed Budget is predicated upon the continuation of an employee concession in the form of a one (1) pay step reduction to the Night Shift Differential implemented as a result of the 2011-2014 Collective Bargaining Agreement. If this concession does not continue, specific to GSAF Local 100 Supervisory employees, the fiscal impact to the FY 2013-14 Proposed Budget is $753,239 for the reopener referenced in the Impasse Section of this memorandum.

During negotiations, the Administration proposed that these concessions be kept in place in light of our continued budgetary challenges. The Administration's position to retain the current concessions is based on its commitment to maintain the current level of service throughout FY 2013-14.

The Union disagrees with this proposal. The parties have agreed to submit their dispute directly to the Board as an impasse item for resolution in accordance with State law.

**Track Record/Monitor**

The Director of Labor Management and Compensation, Michael Snyder, monitors and oversees the administration of this Collective Bargaining Agreement.

**Background**

On December 19, 2011, the Board ratified the successor 2011-14 Collective Bargaining Agreement between GSAF Local 100 Supervisory employees and the County. This Collective Bargaining Agreement, in-part, provided for a one (1) pay step reduction to the Night Shift Differential.

The agreed to concession was implemented and the Night Shift Differential was reduced through September 30, 2014. However, either party had the right to reopen the Collective Bargaining Agreement to negotiate whether the concession would continue in the third year of the Collective Bargaining Agreement (FY 2013-14) by scheduling negotiations beginning on June 4, 2013, and continuing through July 8, 2013. In the event that agreement on continuation of the above-described concession could not be reached, the Collective Bargaining Agreement provides that the Special

Magistrate process be waived and that the dispute be submitted to the Board at the second regular meeting in July 2013. The five percent (5%) contribution to the cost of group health remains a negotiable item, which must be resolved by January 2014.

**Impasse**

The parties are at impasse over the continuation of the one (1) pay step reduction to the Night Shift Differential through the third year of the 2011-14 Collective Bargaining Agreement. The parties have agreed to waive the Special Magistrate process and submit their dispute directly to the Board for resolution. As such, the Administration is presenting to the Board its recommendation to continue this employee concession through September 30, 2014.

This recommendation is not made lightly. The continuation of this concession will continue to have a financial impact on employees, but it is necessary in order to maintain the same service levels at our current projected revenues. The County's FY 2013-14 Proposed Budget assumes that all union concessions continue for FY 2013-14. Potential impacts can be mitigated by adopting the Administration's impasse recommendation.

Under Florida law, the action taken by the Board will be presented to the bargaining unit members for a ratification vote. A successful ratification vote will result in the continuation of the one pay step reduction to the Night Shift Differential for the third year of the Collective Bargaining Agreement. If the bargaining unit fails to ratify the action taken by the Board at impasse, the decision of the Board will be imposed for one year.

Below is a summary of the contractual change affecting the employees covered by this Collective Bargaining Agreement. The terms of this change do not affect employees' base pay and employees will continue to be eligible for merit increases and longevity bonuses during the third year of the Agreement. Upon ratification or implementation of the Collective Bargaining Agreement, the following provision will continue:

**Term of Agreement**

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

- ***Night Shift Differential***
  - Night Shift Differential pay will be reduced from two (2) pay steps to one (1) pay step through September 30, 2014.

Edward Marquez
Deputy Mayor

# MEMORANDUM
**(Revised)**

**TO:** Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

**DATE:** August 29, 2013

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

**SUBJECT:** Special Item No. 3

**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 Mayor'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 _____

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RESOLUTION NO. _____

RESOLUTION RESOLVING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA, OPEIU, LOCAL 100 SUPERVISORY EMPLOYEES UNIT

**WHEREAS,** Miami-Dade County and the Government Supervisors Association of Florida, OPEIU, Local 100 Supervisory Employees Unit entered into a collective bargaining agreement for the period of 2011-14; and

**WHEREAS,** the parties agreement includes a reopener regarding the continuation of an economic concession contained in Article 36 Night Shift Differential of the Agreement; and

**WHEREAS,** the County and the Government Supervisors Association of Florida, OPEIU, Local 100 Supervisory Employees Unit have negotiated for a reasonable period of time on whether the continuation of a concession implemented as a result of the 2011-14 Collective Bargaining Agreement would continue in the third (3rd) year of the Agreement (FY 2013-14); and

**WHEREAS,** the parties have reached an impasse in their negotiations on one (1) item: the continuation of a one (1) pay step reduction to the Night Shift Differential; 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,

**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 Mayor or his designee on behalf of the County and the Government Supervisors Association of Florida, OPEIU, Local 100 Supervisory Employees Unit 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. A successful ratification vote will result in the continuation of the described concession for the third (3rd) year of the 2011-14 Agreement. If the bargaining unit fails to ratify the action taken by the Board at impasse, the decision of the Board will be imposed for one (1) year from the date of this resolution.

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

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|---|---|
| Bruno A. Barreiro | Esteban L. Bovo, Jr. |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 29th day of August, 2013. 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.

Lee Kraftchick