

# Memorandum



**Date:** February 4, 2014

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

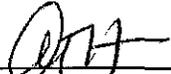
**From:** Carlos A. Gimenez  
Mayor

**Subject:** Recommendation for Resolving the Collective Bargaining Impasse Between Miami-Dade County, Public Health Trust and the Service Employees International Union (SEIU), Local 1991 – Attending Physicians

Agenda Item No. 5(O)

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The attached item is being placed on the Board of County Commissioners agenda at the request of Darryl K. Sharpton, Chairman of the Board of Trustees of the Public Health Trust.

  
Alina T. Hudak  
Deputy Mayor



**MEMORANDUM**  
(Revised)

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

**DATE:** February 4, 2014

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

**SUBJECT:** Agenda Item No. 5(O)

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 \_\_\_\_\_

Agenda Item No. 5(O)  
2-4-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RESOLVING COLLECTIVE BARGAINING  
IMPASSE BETWEEN MIAMI-DADE COUNTY, THE PUBLIC  
HEALTH TRUST AND THE SERVICE EMPLOYEES  
INTERNATIONAL UNION (SEIU), LOCAL 1991 –  
ATTENDING PHYSICIANS

**WHEREAS**, the Public Health Trust (the “PHT”) and the Service Employees International Union (SEIU), Local 1991 – Attending Physicians entered into a collective bargaining agreement for the period 2011-2014 (“Collective Bargaining Agreement”); and

**WHEREAS**, the Collective Bargaining Agreement includes a reopener provision regarding the continuation of an economic concession, specifically, the five percent (5%) contribution of employees’ base wages towards the PHT’s cost of healthcare; and

**WHEREAS**, the PHT and Local 1991 have negotiated for a reasonable period of time on whether the continuation of the five percent (5%) contribution of employee’s base wages towards the PHT cost of healthcare implemented as a result of the 2011-2104 Collective Bargaining Agreement would continue in the third year of the Agreement (FY 2013-14); and

**WHEREAS**, the parties have reached an impasse in their negotiations on whether to continue the five percent (5%) contribution of employee’s base wages towards the PHT’s cost of healthcare; and

**WHEREAS**, the 2011-2014 Collective Bargaining Agreement provides that if the parties reopen to negotiate this provision of the Collective Bargaining Agreement and reach an impasse, the dispute shall be submitted directly to this Board, with the parties agreeing to mutually waive any right to a hearing before a special magistrate; 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 Public Health Trust recommendations for resolving the collective bargaining impasse for the reasons set forth in the attached Memorandum from the Chairman of the Board of Trustees of the Public Health Trust. The Public Health Trust and the Service Employees International Union (SEIU), Local 1991 – Attending Physicians shall reduce in writing an agreement and the disputed impasse issues resolved herein. The written agreement shall be executed by the Public Health Trust and submitted to the bargaining unit for signature and ratification. A successful ratification vote will result in the continuation of the described concessions for the third (3<sup>rd</sup>) year of the 2011-2014 Collective Bargaining Agreement. If the bargaining unit fails to ratify the action taken by the Board at impasse, the decision of the Board will take effect on the date of the legislative action resulting in the continuation of the five (5%) healthcare contribution on and after January 1, 2014 for the remainder of FY 2013-2014.

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

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of February, 2014. 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.



Eugene Shy, Jr.



*Miracles made daily.*

**MEMORANDUM**

Date: October 30, 2013

To: The Honorable Carlos A. Gimenez,  
Mayor, Miami-Dade County

From: Darryl K. Sharpton  
Chairman, Board of Trustees of the Public Health Trust

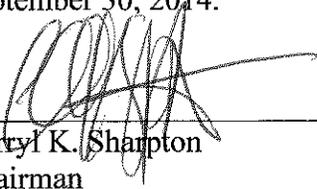
Subject: Recommendation for Resolving the Collective Bargaining Impasse Between  
Miami-Dade County, Public Health Trust and the Service Employees  
International Union (SEIU), Local 1991 – Attending Physicians

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I respectfully request that the attached item be placed and heard on November 7, 2013 by the Board of County Commissioners.

On October 28, 2013, the Board of Trustees of the Public Health Trust passed and adopted Resolution No. PHT 10/13-041 regarding the Collective Bargaining impasse between Miami-Dade County, The Public Health Trust and the Service Employees International Union (SEIU), Local 1991 – Attending Physicians and directing the President or his designee to seek placement of the impasse on an agenda of the Board of County Commissioners.

The parties are at impasse over the continuation of the five percent (5%) of employee's base wages towards the cost of healthcare, through the third year of the 2011-2014 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 PHT is presenting to the Board of County Commission its recommendation to continue this employee concession through September 30, 2014.

  
\_\_\_\_\_  
Darryl K. Sharpton  
Chairman  
Public Health Trust



**MEMORANDUM**

Date: October 30, 2013

To: Honorable Chairwoman Rebeca Sosa  
And Members, Board of County Commissioners

From: Darryl K. Sharpton  
Chairman, Board of Trustees of the Public Health Trust

Subject: Recommendation for Resolving the Collective Bargaining Impasse  
Between Miami-Dade County, Public Health Trust and the Service  
Employees International Union (SEIU), Local 1991 – Attending  
Physicians

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**Recommendation**

It is recommended that the Board of County Commissioners (Board) resolve the Collective Bargaining Impasse between the Public Health Trust (PHT) and the Service Employees International Union (SEIU), Local 1991 – Attending Physicians (Union), by approving the continuation of concessions, in the form of the requirement to contribute five percent (5%) of employee's base wages towards the PHT's cost of healthcare negotiated into the parties 2011-2014 Collective Bargaining Agreement.

**Scope**

The impact of this agenda item affects the PHT and the Jackson Health System wide.

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### **Fiscal Impact/Funding Source**

The PHT's FY 2013-2014 Budget is predicated upon the continuation of employee concessions, in the form of a contribution of the five percent (5%) of employee's base wages towards the PHT's cost of healthcare.

If this concession, does not continue the fiscal impact to the FY 2013-2014 PHT Budget is \$737, 583.00.

During negotiations, Jackson Health System administration proposed the continuation of the contribution of five percent (5%) of base wages be kept in place in light of budgetary challenges. 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 President and CEO of the Jackson Health System and/or his designee monitors and oversees the administration of this Collective Bargaining Agreement.

### **Background**

On February 21, 2012, the Board ratified the successor 2011-2014 Collective Bargaining Agreement between SEIU, Local 1991 – Attending Physicians and the PHT. This agreement provided for a contribution of five percent (5%) of employees base wages towards the cost of coverage for group health insurance. This agreed upon concession was implemented and is currently being received. The Collective Bargaining Agreement also provided for an effective date of January 1, 2014, whereas the monies comprising the healthcare contribution shall be reinstated to the employees' pay, provided however, that the PHT have the right to reopen the Collective Bargaining Agreement, in advance, for the purposes of negotiating whether these reductions will be continued in the third year (FY 2013-14). The PHT requested to "reopen" this provision of the contract and scheduled negotiation sessions with the union to continue the 5% healthcare contribution by employees. 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.

On October 28, 2013 the PHT Board of Trustees approved Resolution No.10/13-041 directing the President or his designee to seek placement of the impasse between the PHT and SEIU, Local 1991 – Registered Nurses, before the Board.

**Impasse**

The parties are at impasse over the continuation of the five percent (5%) of employee's base wages towards the PHT's cost of healthcare, through the third year of the 2011-2014 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 PHT is presenting to the Board its recommendation to continue this employee concession through September 30, 2014.

The recommendation is not made lightly. The continuation of the five percent (5%) healthcare contribution will continue to have a financial impact on employees, but they are necessary in light of our current projected revenues. The PHT's FY 2013-14 Budget assumes that this concession will continue for FY 2013-14. Potential impacts can be mitigated by adopting the PHT'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 five percent (5%) healthcare contribution for the third year of the Agreement. If the bargaining unit fails to ratify the action taken by the Board at impasse, the decision of the Board will take effect as of the date of the legislative action resulting in the continuation of the five (5%) healthcare contribution on and after January 1, 2014 for the remainder of the FY 2013-2014

**Term of Agreement**

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

- Wages
  - All employees in bargaining unit classifications will continue to contribute five percent (5%) of base wages towards the County cost of healthcare on and after January 1, 2014.

  
\_\_\_\_\_  
Darryl K. Sharpton  
Chairman  
Public Health Trust

RESOLUTION NO. PHT 10/13 – 041

**RESOLUTION REGARDING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 1991 – ATTENDING PHYSICIANS AND DIRECTING THE PRESIDENT OR HIS DESIGNEE TO SEEK PLACEMENT OF THE IMPASSE ON AN AGENDA OF THE BOARD OF COUNTY COMMISSIONERS**

*(Carlos A. Migoya, President and Chief Executive Officer, Jackson Health System)*

WHEREAS, the Public Health Trust (the "PHT") and the Service Employees International Union ("SEIU"), Local 1991 – Attending Physicians entered into a collective bargaining agreement for the period 2011-2014 ("Collective Bargaining Agreement"); and

WHEREAS, the Collective Bargaining Agreement includes a reopener provision regarding the continuation of an economic concession, specifically, the five percent (5%) contribution of employees' base wages towards the PHT's cost of healthcare; and

WHEREAS, the PHT and Local 1991 have negotiated for a reasonable time on whether the continuation of the five percent (5%) employee contribution to health care implemented as a result of the 2011-2014 Collective Bargaining Agreement requirements would continue in the third year of the Agreement (FY 2013-2014); and

WHEREAS, the parties have reached an impasse in their negotiations on whether to continue the five percent (5%) contribution of employee's base wages towards the PHT's cost of healthcare; and

WHEREAS, the 2011-14 Collective Bargaining Agreement provides that if the parties reopen to negotiate this provision of the Collective Bargaining Agreement and reach an impasse, the dispute shall be submitted directly to the Miami-Dade Board of County Commissioners, with the parties mutual waiver of any right to a hearing before a Special Magistrate; and

WHEREAS, the Board of Trustees of the PHT agrees with PHT management's position during negotiation which is now at impasse (as reflected in the attached Memorandum) and seeks to direct the President or his designee to submit appropriate agenda documents to the County so that the impasse can be placed on an agenda of the Miami-Dade Board of County Commissioners for final resolution of the impasse.

**Add-on Agenda Item (2)  
Public Health Trust Board of Trustees  
October 28, 2013**

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby agrees and supports PHT management's position during negotiation with the Service Employees International Union, Local 1991 – Attending Physicians (as reflected in the attached Memorandum) and directs the President or his designee to submit appropriate agenda documents to the County so that the impasse can be placed on an agenda of the Board of County Commissioners for final resolution of the impasse.

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Add-on Agenda Item (2)  
Public Health Trust Board of Trustees  
October 28, 2013

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The foregoing resolution was offered by Marcos Jose Lapciuc and the motion was seconded by Irene Lipof as follows:

Joe Arriola	Aye
Michael Bileca	Absent
Mojdeh L. Khaghan	Absent
Marcos Jose Lapciuc	Aye
Irene Lipof	Aye
Darryl K. Sharpton	Aye

The Chairperson thereupon declared the resolution duly passed and adopted this 28<sup>th</sup> day of October 2013.

**PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA**

BY: \_\_\_\_\_

*Irene Lipof*  
Irene Lipof, Secretary

Approved by the Miami-Dade County Attorney's Office as to form  
and legal sufficiency \_\_\_\_\_

## MEMORANDUM

Date: October 28, 2013

To: Chairman and Board Members  
Public Health Trust/Jackson Health System

From: Carlos A. Migoya, President & CEO  
Public Health Trust/Jackson Health System

Subject: Recommendation for Resolving the Collective Bargaining Impasses Between Miami-Dade County, Public Health Trust and the American Federation of State, County and Municipal Employees (AFSCME), Local 1363; Service Employees International Union, Local 1991, Registered Nurses; Service Employees International Union, Local 1991, Attending Physicians, Service Employees International Union, Local 1991, Professionals

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### Recommendation

It is recommended that the Board of County Commissioners (Board) resolve the Collective Bargaining Impasse between the Miami-Dade Public Health Trust (PHT) and the American Federation of State, County and Municipal Employees Union (AFSCME) Local 1363 ; Service Employees International Union, Local 1991 – Registered Nurses; Service Employees International Union, Local 1991 – Attending Physicians; Service Employees International Union, Local 1991, - Professionals by approving the continuation of a concession, in the form of a contribution of five percent (5%) of employee's base wages towards the cost of healthcare, negotiated into the parties 2011-2014 Collective Bargaining Agreement.

### Scope

The impact of this agenda item affects the PHT and the Jackson Health System.

### Fiscal Impact/Funding Source

The PHT's FY 2013-2014 Budget is predicated upon the continuation of employee concessions, in the form of a contribution of the five percent (5%) of employee's base wages towards the cost of healthcare.

If this concession does not continue the following are the specific fiscal impacts to the FY 2013-2014 Budget in each union group:

AFSCME, Local 1363, is \$7,059,569.92  
SEIU, Local 1991 – Registered Nurses, is \$10,633,494.82  
SEIU, Local 1991 – Attending Physicians, \$983,444.02  
SEIU, Local 1991 – Professionals, \$2,502,504.94

During negotiations, Jackson Health System administration proposed the continuation of the contribution of five percent (5%) of base wages be kept in place in light of budgetary challenges. 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.

#### Background

On February 21, 2012 the Board ratified the successor 2011-2014 Collective Bargaining Agreement between AFSCME, Local 1363; SEIU, Local 1991 – Registered Nurses; SEIU, Local 1991- Attending Physicians; SEIU, Local 1991, Professionals and the PHT. These agreements provided for a five percent (5%) of base wages towards the cost of coverage for group health insurance. This agreed upon concession was implemented and is currently being received. The collective bargaining agreements also provided for an effective date of January 1, 2014, whereas the monies comprising the health care contribution shall be reinstated to the employees' pay, provided however, that the PHT has the right to reopen the collective bargaining agreements, in advance, for the purposes of negotiating whether these reductions will be continued in the third year (FY 2013-14). The PHT requested to "reopen" this provision of each collective bargaining agreement and scheduled negotiation sessions with the unions to continue the 5% health care contribution by employees. In the event that agreement on continuation of the above-described concession could not be reached, each collective bargaining agreement provides that the Special Magistrate process be waived and that the dispute be submitted to the Board.

#### Impasse

The parties are at impasse over the continuation of the five percent (5%) of employee's base wages towards the cost of healthcare, through the third year of the 2011-2014 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 PHT is presenting to the Board its recommendation to continue this employee concession through September 30, 2014.

The recommendation is not made lightly. The continuation of the five percent (5%) healthcare contribution will continue to have a financial impact on employees, but they are necessary in light of our current projected revenues. The PHT's FY 2013-14 Budget assumes that this

concession will continue for FY 2013-14. Potential impacts can be mitigated by adopting the PHT'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 five percent (5%) healthcare contribution for the third year of the 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.

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