

December 17, 2013

CLERK OF THE BOARD

2013 DEC 14 PM 1:35

Clerk of the Board  
Date and Time Recorder Stamp

MIAMI-DADE COUNTY, FLA.  
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**OFFICE OF THE MAYOR  
MIAMI-DADE COUNTY, FLORIDA**

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**VETO AND VETO MESSAGE**

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To: Honorable Chairwoman Rebeca Sosa and  
Members of the Board of County Commissioners  
Miami-Dade County, Florida

From:



Carlos A. Gimenez, Mayor  
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Section 2.02.D of the Miami-Dade County Home Rule Charter, I hereby veto Resolution No. R-1030-13 adopted at the December 5, 2013 Board of County Commissioners Special Meeting:

RESOLUTION RESOLVING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, GENERAL EMPLOYEES (AFSCME), LOCAL 1363

**VETO MESSAGE**

On Thursday, December 5, 2013, the Board of County Commissioners (Board) approved four resolutions: Resolution No. R-1030-13; Resolution No. R-1031-13; Resolution No. R-1032-13; and Resolution No. R-1033-13, which eliminated the current five (5) percent contribution of base wages that employees covered by the American Federation of State, County and Municipal Employees, General Employees, Local 1363 (AFSCME - 1363), Service Employees International Union (SEIU), Local 1991 – Attending Physicians, SEIU, Local 1991 – Professionals, and SEIU, Local 1991 – Registered Nurses (collectively, “Unions”), respectively, pay towards the cost of group health insurance, effective January 1, 2014.

Based on the serious concerns regarding the impact of the actions taken by the Board as expressed by Carlos A. Migoya, President & Chief Executive Officer of Jackson Health System, in his correspondence dated December 11, 2013 (Attachment), I am taking this action on behalf of Jackson Health System and the Public Health Trust.

**CLOSING**

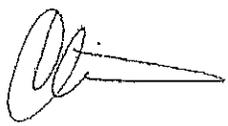
I would encourage the Board to carefully review the information enclosed in the attachment. I am confident that through the collaborative efforts of Mr. Migoya and the Unions, our community's public hospital will continue on its path to financial stability and remain a premiere healthcare organization.

Attachment



*Miracles made daily.*

**TO:** Honorable Carlos A. Gimenez  
Mayor

**FROM:** Carlos A. Migoya  
President & Chief Executive Officer 

**DATE:** December 11, 2013

**RE:** Impact of 5 Percent Insurance Contribution on Jackson Health System

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Per your request, we have prepared an explanation of how the Board of County Commissioners' recent actions regarding collective-bargaining agreements would impact Jackson Health System.

On December 5, the Board settled outstanding impasse items with labor unions representing Miami-Dade County employees, including those at Jackson. The Board's decision terminated, effective January 1, 2014, the practice of deducting 5 percent from each employee's salary to help fund the cost of providing group health insurance.

Jackson's budget for FY 2013-14, adopted by the Public Health Trust Board of Trustees and subsequently by the Board of County Commissioners as part of the County's budget, did not anticipate terminating this 5 percent deduction. The recurring annual cost to Jackson of ending the deduction would be approximately \$24 million; because it would only impact nine months of the current fiscal year, our adopted budget would be affected by approximately \$18 million.

The adopted budget calls for a surplus of approximately \$12 million. Therefore, ending the 5 percent deduction would leave Jackson's budget with an estimated loss of \$6 million. Because we cannot allow Jackson to return to the chronic financial instability that defined its recent crisis, we would be forced to find other ways to balance the budget. Moreover, Jackson currently has less than 28 days of cash on hand – while this is a substantial improvement over last year, it is far short of the 175-day benchmark for peer institutions. We have serious concerns about any actions that would negatively impact our ability to build this vital reserve.

Going forward, this recurring new expense would present another substantial ongoing financial challenge during an era when we expect healthcare reform, market competition and declining public-payer reimbursements to squeeze Jackson's budget further every year.

These factors help explain why Jackson's budget for the current fiscal year called for the continued use of the 5 percent deduction.

If you have any questions, please feel free to call me.

- c: Honorable Rebeca Sosa, Chairwoman  
and Members, Board of County Commissioners
- Darryl K. Sharpton, Chairman  
and Members, Public Health Trust Board of Trustees

# Memorandum



**Date:** December 5, 2013

**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 American Federation of State, County and Municipal Employees (AFSCME), Local 1363

Amended  
Special Item No. 8

Resolution No. R-1030-13

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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:** December 5, 2013

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

**SUBJECT:** Amended  
Special Item No. 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 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 12/14/13 FCD  
Override \_\_\_\_\_

Amended  
Special Item No. 8  
12-5-13

RESOLUTION NO. R-1030-13

RESOLUTION RESOLVING COLLECTIVE BARGAINING  
IMPASSE BETWEEN MIAMI-DADE COUNTY, THE PUBLIC  
HEALTH TRUST AND THE AFSCME LOCAL 1363

**WHEREAS**, Miami-Dade County and the AFSCME Local 1363 entered into a Collective Bargaining Agreement for the period 2011-2014; and

**WHEREAS**, the parties' agreement included a reopener regarding the continuation of the five percent (5%) contribution of employees' base wages towards the County's cost of healthcare contained in Article 54 of the Agreement; and

**WHEREAS**, the parties 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 County's cost of healthcare implemented as a result of the 2011-2014 Collective Bargaining Agreement would continue as of January 1, 2014; and

**WHEREAS**, the parties have reached an impasse in their negotiations on the continuation of the five percent (5%) contribution of employees' base wages towards the County's cost of healthcare; 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 resolves the disputed impasse issue as follows: The requirement that bargaining unit employees of the AFSCME Local 1363 contribute five percent (5%) of their base wages toward the County's cost of health care shall be eliminated effective January 1, 2014. The Mayor or the Mayor's designee on behalf of the County and the AFSCME Local 1363 shall reduce to writing an agreement which includes 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 elimination of the five percent (5%) employee contribution toward the County's cost of healthcare effective January 1, 2014. If the bargaining unit fails to ratify the action taken by the Board to resolve the impasse, the decision of the Board will take effect as of the date of the legislative action resolving the impasse and eliminating the five percent (5%) employee healthcare contribution effective January 1, 2014. Further, the Mayor is directed to develop and present to this Board a plan identifying available funds to pay for the costs of this impasse resolution subject to the following conditions: (a) any funds in the Self-Insurance Fund exceeding the 60-day safe harbor amount established by the State Office of Insurance Regulations shall first be used to fund the costs of this resolution, (b) the remaining costs shall be funded from savings and efficiencies provided there is no impact to direct services to the public, (c) no letter of credit or line of credit shall be used to support the Self-Insurance Fund, and (d) no funding shall be taken from the County's reserves.

The foregoing resolution was offered by Commissioner **Xavier L. Suarez**  
who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan**  
and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	<b>aye</b>
	Lynda Bell, Vice Chair	<b>nay</b>
Bruno A. Barreiro	<b>aye</b>	Esteban L. Bovo, Jr. <b>nay</b>
Jose "Pepe" Diaz	<b>absent</b>	Audrey M. Edmonson <b>aye</b>
Sally A. Heyman	<b>nay</b>	Barbara J. Jordan <b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez <b>aye</b>
Juan C. Zapata	<b>absent</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of December, 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: **Christopher Agrippa**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

WXC

Eugene Shy, Jr.  
William X. Candela



*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

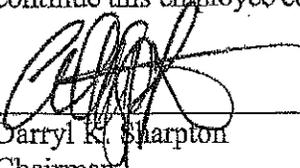
Subject: Recommendation for Resolving the Collective Bargaining Impasse  
Between Miami-Dade County, Public Health Trust and the American  
Federation of State, County and Municipal Employees (AFSCME), Local  
1363

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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 043 regarding the Collective Bargaining impasse between Miami-Dade County, The Public Health Trust and the American Federation of State, County and Municipal Employees Local, 1363 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 American  
Federation of State, County and Municipal Employees (AFSCME), Local  
1363.

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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 American Federation of State, County and Municipal Employees (AFSCME) Local 1363 (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.

### **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 annual impact to the FY 2013-2014 PHT Budget is \$5,294,677.44.

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 AFSCME, Local 1363 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. PHT 10/13-043 directing the President or his designee to seek placement of the impasse between the PHT and AFSCME, Local 1363, 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. Shampton  
Chairman  
Public Health Trust

RESOLUTION NO. PHT 10/13 - 043

RESOLUTION REGARDING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 1363 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 American Federation of State, County and Municipal Employees, Local 1363 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 1363 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 (4)  
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 American Federation of State, County and Municipal Employees, Local 1363 (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.

Add-on Agenda Item (4)  
Public Health Trust Board of Trustees  
October 28, 2013

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

Joe Arriola	Aye
Michael Bileca	Absent
Mojdeh L. Khaghan	Absent
Marcos Jose Lapointe	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, 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.