

# MEMORANDUM

SPAGO  
Agenda Item No. 2(B) Substitute

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** January 12, 2016

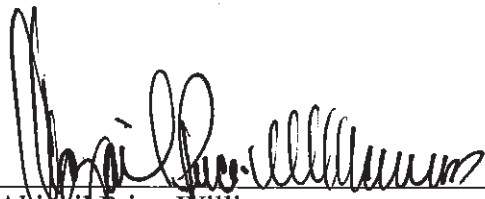
**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing directors and supervisors of County personnel who do not report to the Mayor to allow employees to telecommute under certain circumstances; providing guidelines for the administration of such telecommuting arrangements; and requesting the Mayor to advance telecommuting arrangements for County employees who report to the Mayor

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**This substitute differs from the original in that it further clarifies that directors or other heads of departments or agencies that do not report to the Mayor have the choice of whether to pursue telecommuting arrangements for their employees, and explains that the purpose of the resolution is to formalize the circumstances under which those directors and supervisors who choose to pursue telecommuting arrangements may allow certain employees to participate. Finally, it imposes guidelines intended to address the extent of workers' compensation coverage for telecommuting arrangements.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Barbara J. Jordan.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney

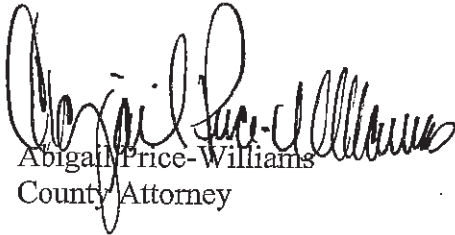
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**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 2, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No.

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
- Statement of social equity 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

*2*

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
2-2-16

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

RESOLUTION AUTHORIZING DIRECTORS AND SUPERVISORS OF COUNTY PERSONNEL WHO DO NOT REPORT TO THE MAYOR TO ALLOW EMPLOYEES TO TELECOMMUTE UNDER CERTAIN CIRCUMSTANCES; PROVIDING GUIDELINES FOR THE ADMINISTRATION OF SUCH TELECOMMUTING ARRANGEMENTS; AND REQUESTING THE MAYOR TO ADVANCE TELECOMMUTING ARRANGEMENTS FOR COUNTY EMPLOYEES WHO REPORT TO THE MAYOR

>>WHEREAS, the Board of County Commissioners is interested in pursuing a comprehensive approach to addressing traffic congestion in Miami-Dade County which should include, among other things, infrastructure development, increasing the availability and efficiency of public transportation, alternative work arrangements and smart growth; and<<<sup>1</sup>

**WHEREAS,** telecommuting or telework is considered an alternative work arrangement in cases where individual job and supervisory characteristics are best suited to allow an employee to work remotely at home, on the road, or in a satellite location for all or part of their regular work week, while maintaining the traditional total number of hours per work week, without generating any overtime hours, and without affecting employee salary, benefits, job responsibilities, or eligibility for overtime compensation; and

**WHEREAS,** permitting certain County employees to work remotely can help reduce rush-hour traffic congestion and reduce greenhouse gas emissions within Miami-Dade County, while simultaneously improving employee productivity; and

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<sup>1</sup> The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

**WHEREAS**, many states, counties and municipalities throughout the United States have adopted telecommuting or telework policies for their employees; and

>>WHEREAS, the Public Health Trust and some County departments under the purview of the Mayor, including the Aviation Department and Information Technology Department, utilize telecommuting arrangements; and<<

**WHEREAS**, Miami-Dade County Administrative Order 5-5 governs the acquisition, assignment and use of telecommunication devices and network resources by County employees; it does not address the circumstances under which directors and supervisors may allow certain employees to participate in telecommuting arrangements; and

>>WHEREAS, this resolution intends to formalize the circumstances under which directors and supervisors may allow certain employees to participate in telecommuting arrangements; and<<

**WHEREAS**, ~~[[adopting a telecommuting policy]]~~ authorizing supervisors of County employees who do not report to the Mayor to allow telecommuting arrangements that do not have a negative impact upon public service or impeded the organizational unit from accomplishing its mission in an efficient and cost effective manner, will enhance the County's ability to attract and retain employees, meet the needs of an ever-changing work force, and provide long-term operational cost savings,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. ~~[[It shall be the Policy of Miami-Dade County that]]~~ >>This Board authorizes<< directors and supervisors of County employees who do not report to the Mayor ~~[[are authorized]]~~ to allow, within the parameters of applicable law and collective bargaining

agreements, such employees to work at alternate work locations for all or part of their work week, where appropriate, in order to help reduce rush-hour traffic congestion, reduce greenhouse gas emissions and improve employee productivity.

**Section 2.** Any telecommuting arrangement that is authorized under Section 1 shall be a voluntary work arrangement that may be utilized at the discretion of a department director or supervisor of County employees who do not report to the Mayor to improve the productivity of eligible employees.

**Section 3.** Each department director or supervisor of County employees who do not report to the Mayor, who chooses to pursue a telecommuting arrangement, shall review all positions under their purview and designate the positions that are appropriate for telecommuting arrangements.

**Section 4.** Each director or other head of a department or agency that does not report to the Mayor, who chooses to pursue a telecommuting arrangement, shall develop a plan that addresses the telecommuting policies and procedures for that department or agency. At a minimum, the plan must:

- (a) Specify that telecommuting is a voluntary arrangement, and not a requirement;
- (b) Stipulate that telecommuting is not an option for employees during the initial probationary period of employment;
- (c) Establish criteria for evaluating the ability of employees to satisfactorily perform in a telecommuting arrangement;
- (d) Include a template for a written agreement of the terms and conditions of the telecommuting arrangement, which is to be executed by the supervisor and employee.

(e) Prohibit a telecommuter from conducting face-to-face business at his or her residence>>:;<<[[.]]

>>(f) Specify that the employee is responsible to maintain a designated work space at the alternate work location in a clean and safe condition, free from hazards and other dangers to employee and equipment, and that this work space may be subject to routine and/or random inspection;

(g) Comply with the County's workers' compensation insurance policy and provide that workers' compensation liability will be limited to injuries resulting directly from work and only if the injury occurs in the designated work area during the assigned work hours, and limited to the employee only as opposed to third persons and/or members of the employee's family on the employee's premises.<<

**Section 5.** This Board requests that the County Mayor advance telecommuting arrangements for the employees of Miami-Dade County who report to the Mayor, within the parameters of applicable law and collective bargaining agreements.

The Prime Sponsor of the foregoing resolution is Chairman Jean Monestime and the Co-Sponsors are Commissioner Daniella Levine Cava and Commissioner Barbara J. Jordan. It 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:

6

Jean Monestime, Chairman  
Esteban L. Bovo, Jr., Vice Chairman

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

Daniella Levine Cava  
Audrey M. Edmonson  
Barbara J. Jordan  
Rebeca Sosa  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of February, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County 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.



Marlon D. Moffett