

MEMORANDUM

Agenda Item No. 14(A)(7)

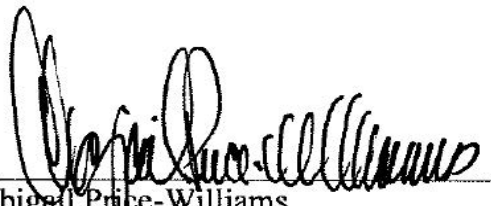
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution amending Resolution
No. R-392-10 and Implementing
Order No. 7-44; providing an
exception; authorizing the
County Mayor to set the starting
compensation for certain County
retirees at their most recent
salary step or higher if the
County employee is retained or
rehired relating to the County's
coronavirus disease 2019
(COVID-19) emergency
response; providing for sunset
unless extended

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.


Abigail Price-Williams
County Attorney

APW/smm

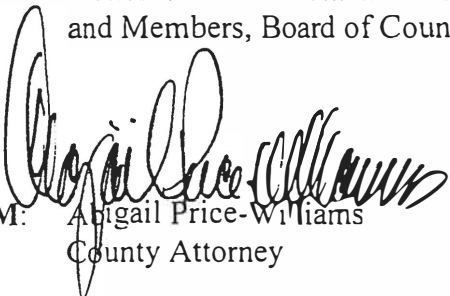


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 14(A)(7)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(7)

4-7-20

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION NO. R-392-10 AND IMPLEMENTING ORDER NO. 7-44; PROVIDING AN EXCEPTION; AUTHORIZING THE COUNTY MAYOR TO SET THE STARTING COMPENSATION FOR CERTAIN COUNTY RETIREES AT THEIR MOST RECENT SALARY STEP OR HIGHER IF THE COUNTY EMPLOYEE IS RETAINED OR REHIRED RELATING TO THE COUNTY'S CORONAVIRUS DISEASE 2019 (COVID-19) EMERGENCY RESPONSE; PROVIDING FOR SUNSET UNLESS EXTENDED

WHEREAS, the current state of emergency as a result of the coronavirus disease 2019 (COVID-19) pandemic necessitates increased County resources dedicated to law enforcement, corrections, first responders, emergency management, public safety, and health and medical care to combat the spread of COVID-19, as well as other critical County personnel who provide essential support for the County's ongoing operations and response efforts in light of the COVID-19 crisis; and

WHEREAS, many recently retired and soon-to-retire County employees in these areas possess the necessary skills and training to immediately assist with the County's COVID-19 response; and

WHEREAS, on April 6, 2010, the Board of County Commissioners adopted Resolution No. R-392-10, which set County policy and approved Implementing Order No. 7-44; and

WHEREAS, Resolution No. R-392-10 and Implementing Order No. 7-44 require that all County retirees who seek re-employment with the County shall be subject to the County's regular hiring process and, if hired, shall start at the applicable entry-level salary, with an exception; and

WHEREAS, the exception provides that, when necessary to attract and hire qualified applicants for a particular County classification or classifications, such as the need to fill highly technical positions or as a result of an emergency, the County Mayor may seek, and the Board may grant, exceptions to the entry-level salary policy in advance of hiring for the particular classification or classifications in question; and

WHEREAS, the exception requires approval by a two-thirds vote of Board members present for each individual employee or classification involved; and

WHEREAS, on March 30, 2020, Florida Governor Ron DeSantis issued Executive Order No. 20-88 regarding the re-employment of essential, Florida Retirement System (“FRS”) employees who have retired since October 1, 2019, or who may retire prior to or on August 1, 2020, to assist with Florida’s COVID-19 response; and

WHEREAS, Executive Order No. 20-88 tolled the termination and re-employment limitations of section 121.091(9), Florida Statutes, to allow FRS participating employers to retain current employees who would soon retire, or to immediately hire recent retirees, to assist in responding to the COVID-19 state of emergency; and

WHEREAS, any person retained or re-employed under Executive Order No. 20-88 will not have retirement voided or retirement benefits suspended due to such re-employment; and

WHEREAS, Executive Order No. 20-88 applies to employees in the following mission-critical categories:

- law enforcement officers;
- first responders, emergency management and public safety personnel;
- health and medical professionals; and
- other critical COVID-19 response personnel as identified and determined by a state agency head; and

WHEREAS, Executive Order No. 20-88 imposes the following restrictions:

- retired persons re-entering the workforce under this order shall not accrue retirement benefits related to the time of re-employment up to a period that shall not extend beyond August 1, 2022;
- re-employment shall be permitted until 30 days after the expiration of Executive Order No. 20-52, or any extension thereof, not to extend beyond August 1, 2022; and
- once the re-employment ceases, the time toward completion of the 6-month re-employment period and the 7th through 12th month re-employment limitation period will cease to be tolled; and

WHEREAS, in light of the Governor issuing Executive Order No. 20-88, this Board desires to amend Resolution No. R-392-10 and Implementing Order No. 7-44, to allow recently-retired County employees who are re-employed because they are deemed essential to the County's COVID-19 emergency response to return at their most recent salary step or higher, as determined by the County Mayor, and without the need for a vote of this Board before being hired,

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

Section 1. This Board amends Resolution No. R-392-10 to provide an exception to County policy set forth therein to authorize the County Mayor to set the starting compensation for County employees who qualify for re-employment under Executive Order No. 20-88, at their most recent salary step or higher if the County retiree is being retained or re-employed as a result of COVID-19 emergency.

Section 2. This Board amends Implementing Order No. 7-44 as set forth in the attached to conform to the provisions in this resolution.

Section 3. Unless extended by this Board, the provisions of this resolution shall stand repealed on August 1, 2022.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. 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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of April, 2020. 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

Implementing Order



Implementing Order No.: 7-44

Title: Rehiring of County Retirees

Ordered: 04/06/2010

Effective: 04/16/2010

AUTHORITY:

Sections 1.01 and 2.02 of the Miami-Dade County Home Rule Amendment and Charter

SUPERSEDES:

This Implementing Order supersedes previous Implementing Order 7-44, ordered April 6, 2010, and effective April 16, 2010.

POLICY:

It is the policy of Miami-Dade County that retirees of the County who seek re-employment with Miami-Dade County shall be subject to the County's regular hiring process.

IMPLEMENTATION:

In order to effectively implement the above policy:

- 1) Retirees of the County who seek re-employment with Miami-Dade County shall be subject to the County's regular hiring process, including job applications, testing and interviews where applicable, and if hired shall start at the applicable entry-level salary, and shall receive salary increases, such as longevity and merit pay in the normal course commensurate with other entry-level employees.
- 2) When necessary to attract and hire qualified applicants for a particular County classification or classifications, such as the need to fill highly technical positions or as a result of an emergency, the Mayor may seek, and this Board may grant exceptions to this policy in advance of hiring for the particular classification or classifications in question. Such exceptions require approval by a 2/3 vote of the Board members present.
- 3) This Implementing Order shall not supersede nor change the provision of any collective bargaining agreement.
- 4) Pursuant to Resolution No. _____, the County Mayor may set the starting compensation for County employees who qualify for re-employment under State of Florida Executive Order No. 20-88, at their most recent salary step or higher if the County retiree is being retained or re-employed as a result of the coronavirus disease 2019 (COVID-19) pandemic emergency. Such exceptions do not require approval by the Board members in advance of hiring for the particular classification or classifications in question. Unless extended by this Board, the provisions of this paragraph shall stand repealed on August 1, 2022.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by the County Attorney as
to form and legal sufficiency