

MEMORANDUM

Agenda Item No. 14(A)(3)

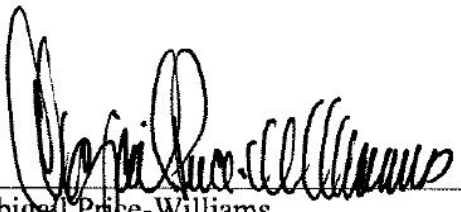
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: August 31, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving and ratifying Memorandum of Understanding by and among Miami-Dade County, the Public Health Trust and the Committee of Interns and Residents (CIR) which provides for hazard pay of one percent to current CIR employees assigned to work with patients who tested positive or are under investigation for coronavirus disease 2019 (COVID-19); waiving requirements of Resolution No. R-130-06

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/smm

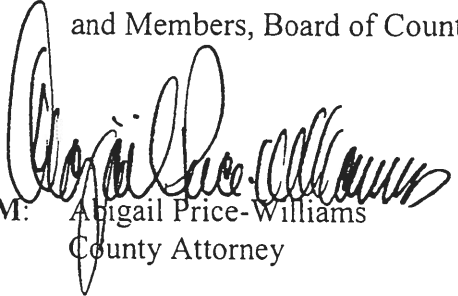


MEMORANDUM

(Revised)

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

DATE: August 31, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 14(A)(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
- ☐ 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)(3)
8-31-20

RESOLUTION NO. _____

RESOLUTION APPROVING AND RATIFYING MEMORANDUM OF UNDERSTANDING BY AND AMONG MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE COMMITTEE OF INTERNS AND RESIDENTS (CIR) WHICH PROVIDES FOR HAZARD PAY OF ONE PERCENT TO CURRENT CIR EMPLOYEES ASSIGNED TO WORK WITH PATIENTS WHO TESTED POSITIVE OR ARE UNDER INVESTIGATION FOR CORONAVIRUS DISEASE 2019 (COVID-19); WAIVING REQUIREMENTS OF RESOLUTION NO. R-130-06

WHEREAS, on July 27, 2020, the Miami-Dade County Board of County Commissioners (“this Board”) adopted a motion, memorialized as Resolution No. R-767-20, directing the Public Health Trust of Miami-Dade County (the “PHT”) to negotiate a temporary one percent hazard pay supplement with the collective bargaining agents representing PHT employees who are assigned to work in close contact with positive or suspected coronavirus disease 2019 (COVID-19) patients; and

WHEREAS, consistent with the directive in Resolution No. R-767-20, the President and staff of the Public Health Trust of Miami-Dade County which operates the Jackson Health System have negotiated in good faith with representatives of the Committee of Interns and Residents (“CIR”) which is the duly certified collective bargaining agent representing bargaining unit members of the CIR employed by the PHT; and

WHEREAS, such negotiations have resulted in a Memorandum of Understanding between the PHT and the CIR (“MOU”); and

WHEREAS, on August 21, 2020, CIR notified the PHT that its bargaining unit employees ratified the MOU; and

WHEREAS, on August 25, 2020, the Board of Trustees of the PHT adopted PHT Resolution No. 08/2020-043 that approved the MOU and requested that this Board approve and ratify the MOU between Miami-Dade County, the Public Health Trust and CIR, a copy of which is attached and incorporated herein by reference; and

WHEREAS, chapter 25A of the Code of Miami-Dade County provides that the PHT shall not be authorized to enter into a contract with a labor union or other organization representing employees without first having obtained the approval of this Board; and

WHEREAS, in addition, Miami-Dade County and the PHT have a joint employer relationship for collective bargaining purposes under state public employee relations laws, chapter 447, Florida Statutes, as determined by the Florida Public Employees Relations Commission; and

WHEREAS, as such, the PHT does not have the independent authority to enter into labor contracts, and the County, as a matter of state law, is a party to and is bound by the contracts with the PHT's labor unions; and

WHEREAS, this Board desires to accomplish the purposes outlined in the PHT Chairman's memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves and ratifies the Memorandum of Understanding between Miami-Dade County, the Public Health Trust and the CIR attached to the PHT Chairman's memorandum for the period of March 1, 2020 and continue until June 30, 2020 or upon the expiration of the U.S. Secretary of Health and Human Services' final renewal of its determination that a public health emergency exists nationwide as a result of the COVID-19 pandemic, whichever occurs later, in substantially the form attached hereto and made a part hereof. The provisions of Resolution No. R-130-06 requiring

that any contracts of the County with third parties be executed and finalized prior to placement on the committee agenda are waived at the request of the PHT for the reasons set forth in the PHT's Memorandum.

The Prime Sponsor of the foregoing resolution is 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:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 31st day of August, 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

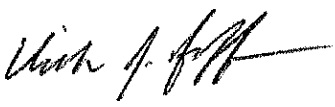
Approved by County Attorney as
to form and legal sufficiency.



Eric A. Rodriguez



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

FROM: William J. Heffernan
Chairman, Board of Trustees of the Public Health Trust 

DATE: August 31, 2020

RE: Memorandum of Understanding providing for hazard pay of 1% increase of base pay
between Miami-Dade County, Florida, the Public Health Trust and Committee of Interns
and Residents (CIR)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this resolution to ratify the attached Memorandum of Understanding between Miami-Dade County, Florida, the Public Health Trust and the Committee of Interns and Residents (hereinafter, "CIR"). This Agreement covers approximately 1,100 employees of the PHT.

Scope

The impact of this agenda item affects all full-time employees of the Jackson Health System who are members of CIR. Members of CIR consist of all regular full-time employees employed by the PHT of Miami-Dade County in the titles of PGY-1, PGY-2, PGY-3, PGY-4, PGY-5, PGY-6, PGY-7, PGY-8, non-academic graduate assistants in the areas of dermatology (research), special immunology, neurology, ophthalmology, general dentistry and otolaryngology, non-graduate assistants serving as ophthalmology fellows, non-graduate assistants serving as ENT fellows, and fellows.

Fiscal Impact/Funding Source

The total amount of the funding for this Memorandum of Understanding will not exceed \$8 million dollars (that total is for all employees; union and non-union). The Mayor or his designee will identify the funding source for this Memorandum of Understanding.

Track Record/Monitor

The monitoring and implementation of Memorandum of Understanding is overseen by Michelle Kligman, Vice-President of the Human Resources Administration, and Chief Experience Officer.

Background

This Memorandum of Understanding is a product of good-faith negotiations between the PHT and CIR. Both parties recognize that the COVID-19 pandemic poses an increased risk to the health and safety of residents, interns, and fellows providing direct and indirect care to COVID-19 patients at Jackson Health System. Accordingly, the parties agree to provide additional compensation to the residents, interns and fellows who are on the frontline of this public health crisis and who have placed the needs of the community above their own. This MOU was ratified by the bargaining unit members of CIR on August

21, 2020. On August 25, 2020, the PHT Board of Trustees adopted a resolution approving the MOU and requesting that the Board ratify the MOU.

Terms of Agreement

This Memorandum of Understanding provides for a 1% increase of base pay for total hours actually worked of residents, interns and fellows in the care, directly or indirectly, of patients who either tested positive for or are listed under investigation for COVID-19. This pay increase will be effective March 1, 2020 and continue until June 30, 2020, or upon the expiration of the U.S. Secretary of Health and Human Services' final renewal of the determination that a public health emergency exists nationwide as a result of the COVID-19 pandemic, whichever occurs later. Even if the public health emergency determination extends beyond December 30, 2020, the CARES Act requires that the costs sought to be funded be incurred no later than December 30, 2020.

Waiver of R-130-06

The requirements of Resolution R-130-06, requiring that any contract between the County and third parties be executed and finalized prior to their placement on a committee agenda, may be waived. It is recommended that these requirements be waived for this Agreement to allow for the expeditious implementation of this Agreement ratification by this Board prior to the Agreement being executed by the County Mayor. Accordingly, this Agreement will be executed by the parties subsequent to its approval and ratification by the Board.

Agenda Item 7 (f)
Public Health Trust Board of Trustees Special Meeting
August 25, 2020

RESOLUTION NO. PHT 08/2020 – 043

RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BY AND AMONG MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE COMMITTEE OF INTERNS AND RESIDENTS (CIR) WHICH PROVIDES FOR HAZARD PAY OF 1% TO CURRENT CIR EMPLOYEES ASSIGNED PATIENTS WHO TESTED POSITIVE OR ARE UNDER INVESTIGATION FOR COVID-19; FORWARDING SUCH MEMORANDUM OF UNDERSTANDING TO THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY FOR RATIFICATION; AND DIRECTING THE PRESIDENT OR HIS DESIGNEE TO TAKE SUCH ACTION AS NECESSARY TO SEEK SUCH RATIFICATION

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

WHEREAS, the President and staff of the Public Health Trust have negotiated in good faith with representatives of the Committee of Interns and Residents (hereinafter referred to as "CIR") which is the duly certified collective bargaining agent representing bargaining unit members of the CIR employed by the Public Health Trust; and

WHEREAS, such negotiations have resulted in the Memorandum of Understanding attached hereto and incorporated herein by reference; and

WHEREAS the tentative Memorandum of Understanding is scheduled for ratification by members of CIR from August 17, 2020 through August 25, 2020; and

WHEREAS, the President and this Board desire to accomplish the purposes outlined in the accompanying memorandum and recommend approval of the Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Memorandum of Understanding by and among Miami-Dade County, the Public Health Trust, and the CIR which provides for hazard pay of 1% to employees assigned patients who tested positive or are under investigation for COVID-19; forwards the Memorandum of Understanding to the Board County Commissioners of Miami-Dade County for ratification; and directs the President or his designee to take such action as necessary to seek such ratification.

**Add-on Agenda Item 7 (D)
Public Health Trust Board of Trustees
Special Meeting
August 25, 2020**

-Page 2-

The foregoing resolution was offered by Walter T. Richardson and the motion was seconded by Amadeo Lopez-Castro, III as follows:

Antonio L. Argiz	Aye
Nicholas X. Duran	Aye
William J. Hoffmann	Aye
Amadeo Lopez-Castro, III	Aye
Laurie Weiss Nuell	Aye
Walter T. Richardson	Aye
Carmen M. Sabaler	Aye

The Chairperson thereupon declared the resolution as duly passed and adopted this 25th day of August 2020.

PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA

BY: 
Laurie Weiss Nuell, Secretary

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

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into this _____ day of _____ 2020, by and between the Jackson Health System/Public Health Trust ("JHS"), and the Committee of Interns and Residents ("CIR"), collectively referred to as the "Parties".

WHEREAS, the Parties recognize that the COVID-19 world pandemic poses an increased risk to the health and safety of employees giving direct care to JHS COVID-19 Patients;

WHEREAS, the Parties desire to provide additional compensation to the above-mentioned employees who have placed the needs of their community above their own during these unprecedented circumstances;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereby agree to voluntarily enter into this MOU which contains the following agreements and stipulations:


1. This MOU is applicable to all current employees covered by collective bargaining agreements between JHS and CIR who was assigned a patient who either tested positive for or is listed under investigation for COVID-19 ("COVID-19 Patient") or who was involved in patient care at the Jackson Health System/Public Health Trust during the COVID-19 pandemic between March 1, 2020 and June 30, 2020 or, or upon the expiration of the U.S. Secretary of Health and Human Services' final renewal of its determination that a public health emergency exists nationwide as a result of the COVID-19 pandemic, whichever occurs later.
2. Eligible employees will receive a 1% increase of base pay for total hours of actual work described in paragraph 1 and 2, excluding any hours spent on moonlighting and extra clinical duties.
3. Eligible employees will not receive the 1% increase for hours spent working from home, on rotations strictly outside of JHS/PHT, on FMLA, Personal Leave, Medical Leave, Educational Leave, Bereavement Leave, Military Leave, Business Administrative Leave and sick days.
4. The Parties agree that this is a onetime non-precedent setting agreement, that no promise, inducement or agreement not expressly contained herein has been made, that this MOU contains the entire agreement between the parties hereto, and that the terms of this MOU are contractual and not a mere recital; and

IN WITNESS HEREOF, the undersigned Parties have caused this MOU to be executed by their duly authorized representatives as of the day and year written above.

Committee of Interns and Residents (CIR)

Jackson Health System/Public Health Trust

 7/27/20
Signature Date

 7/27/20
Signature Date

Alyssa Cundari Roelans
Printed Name

Roberto Campos Magueth
Printed Name