

Memorandum



Date: October 26, 2020

Special Item No. 11

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

From: Carlos A. Gimenez
Mayor

Subject: Approval of Memorandum Of Understanding (MOU) to implement a 1% Pay Adjustment Between Miami-Dade County and the Dade County Police Benevolent Association – Rank/File and Supervisory Units

Recommendation

It is recommended that the Board of County Commissioners (Board) approve and ratify the attached Memorandum of Understanding (MOU) to implement a 1% Pay Adjustment between Miami-Dade County (County) and the Dade County Police Benevolent Association – Rank/ File and Supervisory Units (Union).

On October 16, 2020, the Union notified the County that the Rank/File and Supervisory Units had ratified the attached MOU.

Scope

The impact of this agenda item is specific to sworn law enforcement personnel certified in compliance with the requirements of Chapter 943 Florida Statutes and who are covered by the collective bargaining agreement between the County and the Union.

Fiscal Impact/Funding Source

The impact associated with the provisions included in this agreement is estimated at \$6.1 million. The Coronavirus Aid, Relief and Economic Securities Act (“CARES”) Relief Fund is the intended source of funding for this MOU.

Track Record/Monitor

Tyrone W. Williams, Director of Labor Relations and Compensation for the Human Resources Department, monitors and oversees the administration of this Memorandum of Understanding (MOU).

Background

At the April 7, 2020, Board of County Commissioners meeting, the Board adopted a motion that directed the County Mayor or County Mayor’s designee to negotiate with the appropriate collective bargaining units for a temporary pay supplement for sworn personnel in the Miami-Dade Police Department and Miami-Dade Corrections and Rehabilitation Department for the duration of the County’s Coronavirus Disease 2019 (COVID-19) State of Emergency. At the special meeting of the Board held on August 24, 2020, the Board adopted Resolution No. R-785-20 approving an amount not to exceed \$16,000,000.00 in funds made available through the CARES Act to provide temporary hazardous duty pay supplement for all County and municipal first responders and sworn County corrections officers in geographic Miami-Dade County.

On August 28, 2020, the County and the Union conducted and concluded negotiations regarding the provisions of the attached MOU.

This MOU to implement a 1% Pay Adjustment is before the Board for final approval and ratification, is the product of good faith negotiations between the County and the Union. The MOU recognizes the services provided by the public servants of these bargaining units while ensuring the continued delivery of quality services to the residents of Miami-Dade County in a fiscally responsible manner. Due to the current state of affairs, COVID-19 public health emergency first responders have expanded their duties with an increased exposure to COVID-19. The CARES Act provides a relief fund to State, Local, and Tribal governments which is intended to assist in responding to the COVID-19 public health emergency.

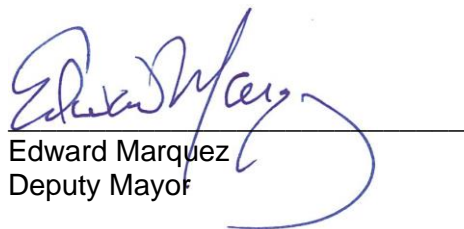
Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
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Both the County and the Union would like to effectuate this benefit through the funding provisions of the CARES Act to the applicable bargaining unit members/employees.

Term

The MOU provides the pay adjustment retroactive to March 1, 2020 and through the length of time the COVID-19 public health emergency declaration remains in effect or December 30, 2020, whichever comes first.

Attachment



Edward Marquez
Deputy Mayor

**MEMORANDUM OF UNDERSTANDING BETWEEN
MIAMI-DADE COUNTY AND
THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC.**

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered this _____ day of September, 2020, between the DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC. ("PBA") and MIAMI-DADE COUNTY ("COUNTY"), by and through its Department, jointly referred to as the ("PARTIES").

WHEREAS, MIAMI-DADE COUNTY is currently experiencing the effects of the COVID-19 pandemic which has been declared a public health emergency; and

WHEREAS, due to the COVID-19 public health emergency first responders have expanded duties with an increased exposure to COVID-19; and

WHEREAS, the Coronavirus Aid, Relief and Economic Securities Act ("CARES") provides a relief fund to State, Local, and Tribal governments which is intended to assist in responding to the COVID-19 public health emergency; and

WHEREAS, the PARTIES are desirous of providing the available funding to its first responders such as sworn law enforcement personnel.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the PARTIES intending to be legally bound do hereby stipulate and agree as follows:

1. Sworn law enforcement employees certified in compliance with the requirements of Chapter 943 Florida Statutes who are included within a bargaining unit covered by a collective bargaining agreement between Miami-Dade County and the PBA ("Covered Employee"), shall receive a temporary one percent (1%) pay adjustment added to their base pay for the performance of their duties substantially dedicated to mitigating or responding to the COVID-19 public health emergency retroactive to March 01, 2020 as provided in paragraph 2 ("the 1% pay adjustment").
2. Because the funding of this MOU is based on the CARES Act, the 1% pay adjustment provided by this MOU is temporary and shall remain in place for as long as the COVID-19 public health emergency declaration remains in effect or December 30, 2020, whichever is earlier. This means that the work for which payment is due under

this MOU must be completed on or before the last date of the COVID-19 public health emergency declaration or December 30, 2020, whichever is earlier.

3. The 1% pay adjustment shall be paid for hours physically worked by the Covered Employee dedicated to mitigating or responding to the COVID-19 public health emergency or hours directly related to a COVID-19 absence (Families First Coronavirus Response Act (FFCRA) leave, Sick Injury for COVID-19, Workers' Compensation Leave for COVID-19). The 1% pay adjustment is not subject to be paid if the Covered Employee is not in pay status or on any unworked paid hours including but not limited to Annual Leave, Educational Leave, Jury Duty, Sick Leave (unrelated to COVID-19), etc. Additionally, the 1% pay adjustment is not to be paid on any leave payouts such as DROP payouts or separation payouts.
4. The PBA and Miami-Dade County both agree that the determination of whether a Covered Employee's assignment qualifies for this 1% pay adjustment and the amount of the 1% pay adjustment received by any Covered Employee are entirely within the discretion of the Director of the Miami-Dade County department in which the Covered Employee is employed. The PBA may bring any discrepancy it perceives in the payment of the 1% pay adjustment to a Covered Employee in writing to the attention of the applicable Department Director within 30 days of the pay day in which the perceived discrepancy occurred for work performed before November 15, 2020. For any work performed on or after November 15, 2020, the PBA may bring any discrepancy it perceives in the payment of the 1% pay adjustment to a Covered Employee in writing to the attention of the applicable Department Director within 15 days of the pay day in which the perceived discrepancy occurred. Notwithstanding the foregoing, the PBA agrees that the applicable department Director's determinations regarding eligibility for the 1% pay adjustment and the amount of the 1% pay adjustment paid to a Covered Employee are final and binding and not subject to grievance or arbitration under the collective bargaining agreement nor any other challenge under law.
5. The 1% pay adjustment will only be pensionable if the Florida Retirement System (FRS) deems the temporary adjustment to be pensionable, otherwise, the adjustment will not be counted as creditable earnings for FRS purposes.
6. The PARTIES agree and state that no promise, inducement or agreement not expressly contained herein has been made, that this MOU constitutes their entire and

final understanding to the subject matter of this agreement, and that the terms of this MOU are contractual and not a mere recital.

7. The PARTIES understand that this Memorandum of Understanding and the 1% pay adjustment will be implemented only after ratification by both the PBA's bargaining unit members and the Miami-Dade County Board of County Commissioners.

IN WITNESS WHEREOF, the undersigned parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year first above written.

AGREED TO THIS _____ DAY OF SEPTEMBER, 2020


For Dade County Police
Benevolent Association



Steadman Stahl, President



John Jenkins, Executive Vice President



David Greenwell, Vice President

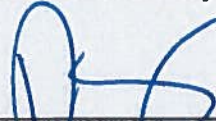


Jermaine Lawson, Representative



Andrew M. Axelrad, General Counsel

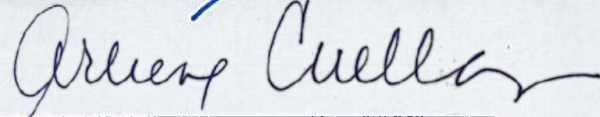
For Miami-Dade County



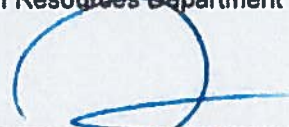
Alfredo Ramirez, II, Director
Miami-Dade Police Department



Daniel Junior, Director
Miami-Dade Corrections and Rehabilitation



Arleene Cuellar, Director
Human Resources Department



Tyrone W. Williams, Esq.
Senior Division Director
Labor Relations and Compensation
Human Resources Department



MEMORANDUM
(Revised)

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

DATE: October 26, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Special Item No. 11

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 _____

Special Item No. 11
10-26-20

RESOLUTION NO. _____

RESOLUTION APPROVING AND RATIFYING THE
MEMORANDUM OF UNDERSTANDING TO
RETROACTIVELY IMPLEMENT A TEMPORARY ONE
PERCENT PAY ADJUSTMENT BETWEEN MIAMI-DADE
COUNTY AND THE DADE COUNTY POLICE
BENEVOLENT ASSOCIATION – RANK/FILE AND
SUPERVISORY UNITS

WHEREAS, at the April 7, 2020, Board of County Commissioners meeting, the Board adopted a motion that directed the County Mayor or County Mayor’s designee to negotiate with the appropriate collective bargaining units for a temporary pay supplement for sworn personnel in the Miami-Dade Police Department and Miami-Dade Corrections and Rehabilitation Department; and

WHEREAS, at the special meeting of the Board held on August 24, 2020, the Board adopted Resolution No. R-785-20 approving an amount not to exceed \$16,000,000.00 in funds made available through the Coronavirus Aid, Relief, and Economic Security Act to provide this temporary hazardous duty pay supplement for County and municipal first responders and sworn County corrections officers in geographic Miami-Dade County; and

WHEREAS, the Mayor and the Police Benevolent Association – Rank/File and Supervisory Units, representing employees working in the Miami-Dade County Police Department, and the Miami-Dade Corrections and Rehabilitation Department, have concluded negotiations and have executed a Memorandum of Understanding (MOU) to implement a one percent Pay Adjustment attached to the Mayor’s memorandum, which is incorporated herein; and

WHEREAS, under Florida law, the MOU is not binding on the public employer until such agreement is ratified by the public employees and the legislative body of the public employer; and

WHEREAS, on October 16, 2020, the Union notified the County that the MOU was ratified by the Rank/File and Supervisory bargaining units; and

WHEREAS, the Mayor recommends ratification of the MOU for the reasons set forth in the accompanying memorandum and its attachments, a copy of which is incorporated herein by reference; and

WHEREAS, this Board desires to ratify the MOU and to accomplish the purposes outlined in the Mayor's memorandum,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves and ratifies the Memorandum of Understanding to retroactively implement a temporary one percent pay adjustment by and between Miami-Dade County and the Dade County Police Benevolent Association – Rank/File and Supervisory Units, for the period retroactive to March 1, 2020 and through the length of time the coronavirus disease 2019 public health emergency declaration remains in effect or December 30, 2020, whichever comes first, which is attached to the Mayor's memorandum and incorporated by reference herein.

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:

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 26th day of October, 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