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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: August 29, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Special Item No. 6

Resolution No. R-653-13

Subject: Recommendation for Resolving the Collective Bargaining Impasse Between Miami-Dade County and the Dade County Police Benevolent Association - Rank and File Unit

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Recommendation
It is recommended that the Board of County Commissioners (Board) resolve the Collective Bargaining Impasse between Miami-Dade County and the Dade County Police Benevolent Association - Rank and File Unit (Union), by approving the continuation of concessions, in the form of reducing Call Back to a minimum guarantee of one hour instead of four hours, reducing Court Time to a minimum guarantee of two hours instead of four hours, and a one pay step reduction in Night Shift Differential negotiated into the parties' 2011-2014 Collective Bargaining Agreement.

Scope
The impact of this agenda item is countywide.

Fiscal Impact/Funding Source
The FY 2013-14 Proposed Budget is predicated upon the continuation of employee concessions, in the form of reducing Call Back to a minimum guarantee of one hour instead of four hours, reducing Court Time to a minimum guarantee of two hours instead of four hours and a one pay step reduction in Night Shift Differential implemented as a result of the 2011-2014 Collective Bargaining Agreement. If these concessions do not continue, specific to the Dade County Police Benevolent Association - Rank and File Unit employees, the fiscal impact to the FY 2013-14 Proposed Budget is $12 million for reopeners referenced in the Impasse Section of this memorandum.

During negotiations, the Administration proposed that these concessions be kept in place in light of our continued budgetary challenges. The Administration's position to retain the current concessions is based on its commitment to maintain the current level of service throughout FY 2013-14.

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 Director of Labor Management and Compensation, Michael Snyder, monitors and oversees the administration of this Collective Bargaining Agreement.

Background
On December 6, 2011, the Board ratified the successor Collective Bargaining Agreement between the Dade County Police Benevolent Association - Rank and File Unit employees and the County. This Collective Bargaining Agreement, in-part, provided reducing Call Back to a minimum guarantee of one hour instead of four hours, reducing Court Time to a minimum guarantee of two hours instead of four hours, and a one pay step reduction in Night Shift Differential.

These agreed to concessions were implemented and Call Back, Court Time and Night Shift Differential, were reduced through September 30, 2014. However, either party had the right to reopen the Collective Bargaining Agreement to negotiate whether these concessions would continue in the third year of the Collective Bargaining Agreement (FY 2013-14) by scheduling negotiations beginning on June 4, 2013, and

continuing through July 8, 2013. In the event that agreement on continuation of the above-described concessions 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 at the second regular meeting in July 2013. The five percent (5%) contribution to the cost of group health remains a negotiable item, which must be resolved by January 2014.

Impasse

The parties are at impasse over the continuation of the reductions to Call Back to a minimum guarantee of one hour instead of four hours, Court Time to a minimum guarantee of two hours instead of four hours, and a one pay step reduction in Night Shift Differential, through the third year of the 2011-14 Agreement. The parties have agreed to waive the Special Magistrate process and submit their dispute directly to the Board for resolution. As such, the Administration is presenting to the Board its recommendation to continue these employee concessions through September 30, 2014.

This recommendation is not made lightly. The continuation of these concessions will continue to have a financial impact on employees, but it is necessary in order to maintain the same service levels at our current projected revenues. The County's FY 2013-14 Proposed Budget assumes that all union concessions continue for FY 2013-14. Potential impacts can be mitigated by adopting the Administration'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 reductions to Call Back to a minimum guarantee of one hour instead of four hours, Court Time to a minimum guarantee of two hours instead of four hours, and a one pay step reduction in Night Shift Differential 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 year.

Below is a summary of the contractual changes affecting the employees covered by this Collective Bargaining Agreement. The terms of this change do not affect employees' base pay and employees will continue to be eligible for merit increases and longevity bonuses during the third year of the Collective Bargaining Agreement. Upon ratification or implementation of the Collective Bargaining Agreement, the **following provisions will continue:**

Term of Agreement

This is a three year contract for the period of October 1, 2011 through September 30, 2014.

- ***Call Back, Court Time and Special Emergencies***
  - Call Back pay will be reduced from a minimum of four hours guaranteed to a one hour guaranteed through September 30, 2014.
  - Court Time pay will be reduced from a minimum of four hours guaranteed to two hours guaranteed through September 30, 2014.
- ***Differentials***
  - Night Shift Differential will be reduced from two pay steps to one pay step through September 30, 2014.

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: August 29, 2013

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

SUBJECT: Special Item No. 6

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 _____
Override _____

Special Item No. 6
8-29-13

RESOLUTION NO. R-653-13

RESOLUTION RESOLVING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION – (PBA) RANK AND FILE UNIT

WHEREAS, the County and the Dade County Police Benevolent Association- Rank and File Unit entered into a collective bargaining agreement for the period 2011-2014; and

WHEREAS, the parties' agreement includes reopeners regarding the continuation of certain economic concessions contained in Article 26 Call-Back, Court Time, Special Emergencies and Article 37 Differentials; and

WHEREAS, the County and PBA – Rank and File Unit, have negotiated for a reasonable period of time on whether the continuation of concessions implemented as a result of the 2011-2014 Collective Bargaining Agreement would continue in the third (3rd) year of the Agreement (FY 2013-14); and

WHEREAS, the parties have reached an impasse in their negotiations on three (3) items: reducing the Call Back to a minimum guarantee of one hour instead of four hours, reducing Court Time to a minimum guarantee of two hours instead of four hours, and a one pay step reduction in Night Shift Differential; 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 approves and ratifies the County Mayor's recommendations for settling the collective bargaining impasse for the reasons set forth in the County Mayor's Memorandum. The Mayor or Mayor's designee on behalf of the County and the Dade County Police Benevolent Association - Rank and File Unit shall reduce to writing an agreement which includes those issues previously agreed to by the parties and the disputed impasse issues 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 the continuation of the described concessions for the third (3rd) year of the 2011-14 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 from the date of this resolution.

The foregoing resolution was offered by Commissioner **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 29th day of August, 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.

Lee Kraftchick