OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Amended
Special Item No. 6

Date: December 5, 2013

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

From: Carlos A. Gimenez
Mayor

Subject: Recommendation for Resolving the Collective Bargaining Impasse Between Miami-Dade County and the Government Supervisors Association of Florida, OPEIU, Local 100 Professional Employees Unit

Resolution No. R-1028-13

Recommendation
It is recommended that the Board of County Commissioners (Board) resolve the Collective Bargaining Impasse between Miami-Dade County and the Government Supervisors Association of Florida, OPEIU, Local 100 Professional Employees Unit (Union), by approving the continuation of concessions in the form of the requirement to contribute five percent (5%) of the employees' base wages toward the County's cost of healthcare 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 Budget adopted by the Board on September 19, 2013 is predicated upon the continuation of the five percent (5%) contribution of employees' base wages towards the County's cost of healthcare implemented as a result of the 2011-2014 Collective Bargaining Agreement. If this five percent (5%) employee base wage contribution does not continue as it relates to this Union, the fiscal impact to the FY 2013-14 Budget will be $ 3.2 million.

During negotiations, the Administration proposed the contribution of five percent (5%) of base wages be kept in place in light of our continued budgetary challenges. The Administration's position to retain the current contribution 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 Relations, Compensation, and Benefits, Michael Snyder, monitors and oversees the administration of this Collective Bargaining Agreement.

Background
On December 19, 2011, the Board ratified the successor 2011-14 Collective Bargaining Agreement between this Union and the County. The Collective Bargaining Agreement, in-part, provided for the healthcare contribution to be eliminated effective January 1, 2014, but gave the County the right to reopen the contract on this issue for the purpose of negotiating whether the employee contribution would be continued. The January 1, 2014 date was chosen because that was the date the Affordable Care Act (Act) was due to go into effect and the parties were uncertain of the impact of the Act. In the event that agreement on the continued contribution to the cost of healthcare 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.

Impasse
The parties are at impasse over the continuation of the employees' five percent (5%) healthcare contribution effective January 1, 2014. 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 for the continuation of the employees' five percent (5%) healthcare contribution.

This recommendation is not made lightly. The continuation of the five percent (5%) healthcare contribution 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 Budget adopted by the Board assumes that the contribution would 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 five percent (5%) healthcare contribution on and after January 1, 2014. If the bargaining unit fails to ratify the action taken by the Board at impasse, the decision of the Board will take effect as of the date of the legislative action resulting in the continuation of the five percent (5%) healthcare contribution on and after January 1, 2014 for the remainder of FY 2013-14.

Below is a summary of the contractual change 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 provision will continue:

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

- ***Wages***
  - All employees in bargaining unit classifications will continue to contribute five percent (5%) of base wages towards the County's cost of healthcare on and after January 1, 2014.

Board Resolution
At the Board's special meeting of December 5, 2013, the Board amended the item to provide that the required five percent (5%) healthcare contribution be eliminated effective January 1, 2014. The Mayor is directed to develop and present to the Board a plan identifying available funds to pay for the costs of this impasse resolution subject to the following conditions: (a) any funds in the Self-Insurance Fund exceeding the amount of 60 days safe harbor established by the State Office of Insurance Regulations shall first be used to fund the costs of this resolution, (b) the remaining costs shall be funded from savings and efficiencies provided there is no impact to direct services to the public, (c) no letter of credit or line of credit shall be used to support the Self-Insurance Fund, and (d) no funding shall be taken from the County's reserves.

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: December 5, 2013

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

SUBJECT: Amended 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 12/14/13 FCD
Override _____

Amended
Special Item No. 6
12-5-13

VETOED

RESOLUTION NO. R-1028-13

RESOLUTION RESOLVING COLLECTIVE BARGAINING IMPASSE BETWEEN MIAMI-DADE COUNTY AND THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA, OPEIU, LOCAL 100 SUPERVISORY EMPLOYEES UNIT

WHEREAS, Miami-Dade County and the Government Supervisors Association of Florida, OPEIU, Local 100 (GSAF) Supervisory Employees Unit, entered into a Collective Bargaining Agreement for the period 2011-2014; and

WHEREAS, the parties' agreement included a reopener regarding the continuation of the five percent (5%) contribution of employees' base wages towards the County's cost of healthcare contained in Article 34 Wages of the Agreement; and

WHEREAS, the County and GSAF Supervisory Employees Unit, have negotiated for a reasonable period of time on whether the continuation of the five percent (5%) contribution of employee's base wages towards the County's cost of healthcare implemented as a result of the 2011-2014 Collective Bargaining Agreement would continue as of January 1, 2014; and

WHEREAS, the parties have reached an impasse in their negotiations on the continuation of the five percent (5%) contribution of employees' base wages towards the County's cost of healthcare; 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 resolves the disputed impasse issue as follows: The requirement that bargaining unit employees of the GSAF Supervisory Employees Unit contribute five percent (5%) of their base wages toward the County's cost of health care shall be eliminated effective January 1, 2014. The Mayor or the Mayor's designee on behalf of the County and the GSAF Supervisory Employees Unit shall reduce to writing an agreement which includes the disputed impasse issue 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 elimination of the five percent (5%) employee contribution toward the County's cost of healthcare effective January 1, 2014. If the bargaining unit fails to ratify the action taken by the Board to resolve the impasse, the decision of the Board will take effect as of the date of the legislative action resolving the impasse and eliminating the five percent (5%) employee healthcare contribution effective January 1, 2014. Further, the Mayor is directed to develop and present to this Board a plan identifying available funds to pay for the costs of this impasse resolution subject to the following conditions: (a) any funds in the Self-Insurance Fund exceeding the 60-day safe harbor amount established by the State Office of Insurance Regulations shall first be used to fund the costs of this resolution, (b) the remaining costs shall be funded from savings and efficiencies provided

there is no impact to direct services to the public, (c) no letter of credit or line of credit shall be used to support the Self-Insurance Fund, and (d) no funding shall be taken from the County's reserves.

The foregoing resolution was offered by Commissioner **Xavier L. Suarez**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of December, 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.

Eric A. Rodriguez
William X. Candela