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

MEMORANDUM

Agenda Item No. 11(A)(4)

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

DATE: March 18, 2014

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

SUBJECT: Resolution approving and ratifying amendment of the 2011-2014 collective bargaining agreement by and among Miami-Dade County, the Public Health Trust and the Service Employees International Union, Local 1991 – Attending Physicians regarding the Gain Sharing Plan
Resolution No. R-277-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: March 18, 2014

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

SUBJECT: Agenda Item No. 11(A)(4)

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 _____

Agenda Item No. 11(A)(4)
3-18-14

RESOLUTION NO. R-277-14

RESOLUTION APPROVING AND RATIFYING AMENDMENT OF THE 2011-2014 COLLECTIVE BARGAINING AGREEMENT BY AND AMONG MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1991 - ATTENDING PHYSICIANS REGARDING THE GAIN SHARING PLAN

WHEREAS, the President and staff of the Public Health Trust of Miami-Dade County (hereinafter "PHT") which operates the Jackson Health System ("JHS") have negotiated in good faith an Employee Gain Sharing Plan with representatives of the Attending Physicians, SEIU, Local 1991, which is the duly certified collective bargaining agent representing certain employees of the PHT; and

WHEREAS, the parties agree to amend the 2011-2014 SEIU Local 1991 Collective Bargaining Agreement for Attending Physicians by providing each bargaining unit employee with a one-time non-pensionable two percent (2%) cash payout of his or her total base pay (excluding any overtime, premium pay, differentials) which is set forth in writing in the attached tentative agreement; and

WHEREAS, this gain sharing plan does not create any new recurring expenses for JHS and is based on the audited financial statements of the JHS for the 2012-2013 fiscal year and already is included in the calculation of the 2013 budget surplus; and

WHEREAS, SEIU bargaining unit members will not receive a cost of living adjustment (COLA) or merit increase for the 2013-2014; and

WHEREAS, the President and the Board of Trustees of the PHT desire to accomplish the purposes of the Employee Gain Sharing Plan as referred in the attached tentative agreement

entitled "In the Matter of the Negotiations Between SEIU Local 1991 and Miami-Dade County" and recommend that the tentative agreement be approved and ratified; and

WHEREAS, on February 20, 2014, the Board of Trustees of the PHT adopted Resolution 02/14/015 that accepts the attached tentative agreement and requests that this Board approve and ratify the attached tentative agreement to amend the 2011-14 Attending Physician, SEIU Local 1991 Collective Bargaining Agreement,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves and ratifies the amendment of the collective bargaining agreement by and among Miami-Dade County, the Public Health Trust and Attending Physicians, SEIU Local 1991 for the period of October 1, 2011 through September 30, 2014 as reflected in the attached tentative agreement.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of March, 2014. 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.

William X. Candela

Agenda Item 2 (a) (3)
Special Public Health Trust Board of Trustees
February 20, 2014

RESOLUTION NO. PHT 02/14 - 015

RESOLUTION AMENDING 2011-2014 COLLECTIVE BARGAINING AGREEMENT BY AND AMONG MIAMI-DADE COUNTY, PUBLIC HEALTH TRUST AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1991 – ATTENDING PHYSICIANS

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

WHEREAS, the President and staff of the Public Health Trust (hereinafter "PHT") have negotiated in good faith an Employee Gain Sharing Plan with representatives of the Attending Physicians, SEIU, Local 1991, which is the duly certified collective bargaining agent representing bargaining unit members of the SEIU, Local 1991 Attending Physicians unit employed by the PHT; and

WHEREAS, the parties agree to amend the 2011-2014 SEIU Local 1991 Collective Bargaining Agreement for Attending Physicians by providing each bargaining unit employee with a one-time non-pensionable two percent (2%) cash payout of his or her total base pay (excluding any overtime, premium pay, differentials); and

WHEREAS, this Gain Sharing Plan does not create any new recurring expenses for Jackson Health System and is based on the audited financial statements of the PHT for the 2012-2013 fiscal year and already is included in the calculation of the 2013 budget surplus; and

WHEREAS, the President and the Board of Trustees of the Public Health Trust desire to accomplish the purposes of the Employee Gain Sharing Plan as referred in the attached tentative agreement entitled "In The Matter OF The Negotiations Between SEIU Local 1991 And The Public Health Trust" and recommend acceptance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby accepts the amendment of the collective bargaining agreement by and among Miami-Dade County, the Public Health Trust, and Attending Physicians, SEIU, Local 1991, for the period of October 1, 2011 through September 30, 2014 as reflected in the attached tentative agreement and hereby forwards the amendment to the collective bargaining agreement to the Miami-Dade County Commission for ratification and directs the President or his designee to take such action as necessary to seek such ratification.

The foregoing resolution was offered by Irene Lipof and the motion was seconded by Marcos J. Lapciuc as follows:

Joe Arriola	Absent
Michael Bileca	Absent
Mojdeh L. Khaghan	Aye
Marcos Jose Lapciuc	Aye
Irene Lipof	Aye
Darryl K. Sharpton	Aye

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of February 2014.

PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA

BY: Irene Lipof
Irene Lipof, Secretary

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

Jackson HEALTH SYSTEM PUBLIC HEALTH TRUST

Miracles made daily.

TO: Mojdeh L. Khaghan, Chairperson
and Members, Fiscal Committee

FROM: Carlos A. Migoya
President & Chief Executive Officer

DATE: February 20, 2014

RE: Amendment to 2011-14 Collective Bargaining Agreement with SEIU Local 1991 – Attending Physicians: Gain Sharing Plan

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Recommendation

It is recommended that the Public Health Trust Board of Trustees (PHT) approve this resolution recommending that the Miami-Dade Board of County Commissioners (BCC) amend the 2011-2014 Collective Bargaining Agreement among Miami-Dade County, The Public Health Trust and the Service Employees International Union, Local 1991 – Attending Physicians (SEIU). This amendment will provide for an employee gain-sharing plan that would allow eligible employees to receive payroll payments based upon financial performance indicator results. Based on audited financial statements of the Public Health Trust for FY 2012-13, eligible bargaining-unit employees would receive a cash payout on the first full pay period after approval and ratification of this agreement in the amount of 2 percent of his or her total base pay for the 12-month period ended September 30, 2013. The calculation would exclude any premium pay, differentials, overtime, or other pay supplements.

Scope

The impact of this agenda item affects all full-time and part-time employees and eligible per diem employees of the Jackson Health System that are members of the SEIU Local 1991 – Attending Physicians bargaining unit.

Fiscal Impact/Funding Source

The fiscal impact of this concession for Service Employees International Union (SEIU) Local 1991 – Attending Physicians, would be $374,076 for FY 2012-13. It would be funded from operating revenues as documented in the PHT financial statements. In no event would capital revenues – including proceeds from any general-obligation bond – be used to fund this program.

Track Record/Monitor

Monitoring of labor contracts and implementation of the gain-sharing program are overseen by Maria Huot-Barrientos, Senior Vice President and Chief Human Resources Officer.

Background

Last year, as a result of the remarkable professional commitment and financial sacrifices by Jackson Health System employees, the system earned a surplus of nearly $45 million and dramatically beat its ambitious budget goal for FY 2012-13. It is a standard and well-accepted practice in successful companies to use employee gain-sharing programs to motivate staff, generate excitement, and create buy-in for indiviudals to act on their personal responsibility toward the institution's shared strategic goals. The proposed gain-sharing plan will also help Jackson continue to recruit and retain industry-leading healthcare professionals. Moreover, it is a fiscally responsible proposal that – unlike salary increases – does not impact Jackson's future salary or pension obligations.

Terms of Agreement

Article XXXI –Empowerment Programs

On the first pay period after ratification of this proposal, members of the SEIU bargaining unit will receive a onetime, non-pensionable cash payout in the amount of two percent (2%) of their total base pay (excluding overtime, premium pay, differentials, etc.) for the 12 month period ending September 30, 2013. All regular full-time and part-time Bargaining Unit members hired prior to April 1, 2013, will be eligible for this onetime cash payout.

MEMORANDUM

Date: February 20, 2014

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

From: Darryl K. Sharpton
Chairman, Board of Trustees of the Public Health Trust

Subject: Amendment to the 2011–14 Collective Bargaining Agreement with Service Employees International Union, Local 1991 – Attending Physicians (SEIU)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this resolution to amend the 2011-2014 Collective Bargaining Agreement among Miami-Dade County, the Public Health Trust and the Service Employees International Union, Local 1991 – Attending Physicians (SEIU). This amendment would provide for an employee gain-sharing plan that would allow eligible employees to receive payroll payments based upon financial performance indicator results. Based on audited financial statements of the Public Health Trust for FY 2012-13, eligible bargaining-unit employees would receive a cash payout on the first full pay period after approval and ratification of this agreement in the amount of two percent (2%) of his or her total base pay for the 12-month period ended September 30, 2013. The calculation would exclude any premium pay, differentials, overtime, or other pay supplements.

Scope

The impact of this agenda item affects all full-time and part-time employees of the Jackson Health System that are members of the SEIU, Local 1991 – Attending Physicians bargaining unit.

Fiscal Impact/Funding Source

The fiscal impact of this concession for Service Employees International Union (SEIU), Local 1991 – Attending Physicians would be $374,076 for FY 2012-13. It would be funded from operating revenues as documented in the PHT financial statements. In no event would capital revenues – including proceeds from any general-obligation bond - be used to fund this program.

Track Record/Monitor

Monitoring of labor contracts and implementation of the gain-sharing program are overseen by Maria Huot-Barrientos, Senior Vice President and Chief Human Resources Officer.

Background

Last year, as a result of the remarkable professional commitment and financial sacrifices by Jackson Health System employees, the System earned a surplus of nearly $45 million and dramatically beat its ambitious budget goal for FY 2012-13. It is a standard and well accepted practice in successful companies to use employee gain-sharing programs to motivate staff, generate excitement, and create buy-in for individuals to act on their personal responsibility toward the institution's shared strategic goals. The proposed gain-sharing plan will also help Jackson continue to recruit and retain industry-leading healthcare professionals. Moreover, it is a fiscally responsible proposal that - unlike salary increases – does not impact Jackson's future salary or pension obligations.

Terms of Agreement

Article XXXI –Empowerment Programs
On the first pay period after ratification of this proposal, members of the SEIU bargaining unit will receive a one-time, non-pensionable cash payout in the amount of two percent (2%) of their total base pay (excluding overtime, premium pay, differentials, etc.) for the 12- month period ending September 30, 2013. All regular full-time and part-time Bargaining Unit members hired prior to April 1, 2013, will be eligible for this one-time cash payout.

Darryl K. Sharpton
Chairman
Public Health Trust

IN THE MATTER OF THE NEGOTIATIONS BETWEEN SEIU LOCAL 1991 AND THE PUBLIC HEAL TH TRUST

WHEREAS, the parties are currently in negotiations:

AND WHEREAS the parties wish to resolve these negotiations;

NOW THEREFORE, the parties agree that Article XXXIV (RNs), Article XXX (Professionals), and Article XXXI (Attending Physicians) of the collective bargaining agreements will be amended as follows:

GAIN SHARING AGREEMENT

The Parties agree to the one-time implementation of an Employee Gain Sharing Plan whereby employees in the SEIU RN, Professionals, and Attending Physicians bargaining units[1] will receive a one-time, non-pensionable cash payout in the amount of two percent (2%) of his or her total base pay (excluding any overtime (i.e., hours worked above 80 in a pay period), premium pay, differentials, etc.) for the 12 month period ended September 30, 2013. The Employee Gain Sharing Plan shall not be funded by any of the General Obligation Bond (GOB) funds. SEIU bargaining unit members will not receive a cost of living adjustment (COLA) or merit increase for the 2013-2014 fiscal year.

Service Employees International Union, Local 1991

By: _____
For SEIU Local 1991

Date: Feb 13, 2014

Public Health Trust/Miami-Dade County

By: _____
For the PHT

Date: 2.13.2014

[1] Bargaining unit members eligible for compensation pursuant to this Agreement will be those hired prior to April 1, 2013 as follows: all regular full time and part time employees in the bargaining units; per-diems in the RN bargaining unit who average 20+ hours per workweek; and bargaining unit members scheduled to work less than full time up to hours worked (capped at 80 hours) per pay period.