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

MEMORANDUM

Agenda Item No. 9(A)(1)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving and ratifying Article 26 Leave with Pay of the 2014-2017 Collective Bargaining Agreement between Miami-Dade County and the Government Supervisors Association of Florida, OPEIU, Local 100-Professional Employees; authorizing the County Mayor to execute the agreement; waiving Resolution No. R-130-06

Resolution No. R-489-16

The accompanying resolution was prepared by the Human Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: June 7, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Approval of Article 26 Leave With Pay of the 2014-2017 Collective Bargaining Agreement Between Miami-Dade County and the Government Supervisors Association of Florida, OPEIU, Local 100 Professional Employees Unit

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve and ratify the attached Article 26 Leave With Pay (Article) of the 2014-2017 Collective Bargaining Agreement (Agreement) between Miami-Dade County and the Government Supervisors Association of Florida, OPEIU, Local 100 Professional Employees Unit (Union).

The County Mayor is further authorized to effectuate this Resolution by approving and filing this Resolution with the Clerk of the Board. This authorization is necessary to allow this Article to be in effect prior to the preparation of the FY 2016-17 proposed budgets.

Scope

The impact of this agenda item is countywide.

Fiscal Impact/Funding Source

As reported to the Board at the time the Paid Parental Leave policy was adopted, many employees currently take leave following a birth, adoption, or foster placement of a child. This leave is part of the historical leave usage that is taken into account as part of the annual budget development process. All County employees are budgeted for 2,080 hours for employees with a 40-hour work week and 2,496 hours for employees with a 48-hour work week. In other words, whether the employee works or utilizes accrued leave, the funding to pay that employee's annual salary is included in the budget. In addition, there are certain County operations, such as Transportation and Public Works, Police, Fire, and Public Health Trust services, that already budget a relief factor (additional positions which vary by service) to take into account both anticipated and unanticipated leave usage that occur during the year to ensure County services are not interrupted. In some instances, unanticipated leave may require backfill with overtime if the relief factor is not sufficient and work cannot be distributed amongst existing staff.

Without knowing if this policy will significantly change leave usage and ultimately the accumulation of leave prior to separation, it is unknown whether costs will increase in the fiscal period following implementation or even in the near future. Therefore, while allowing employees to benefit from paid parental leave may have a fiscal impact to the County, but it is difficult to determine the extent of such impact at this time.

Track Record/Monitor

The Director of Labor Relations in the Human Resources Department, Tyrone W. Williams, monitors and oversees the administration of this collective bargaining agreement.

Background

On February 02, 2016, the Board adopted a "Paid Parental Leave" Ordinance granting six (6) weeks of partial paid leave for qualifying Miami-Dade County employees. The ordinance specifically requires that Paid Parental Leave be expressly contained within an employee's Collective Bargaining Agreement in order for the employee to receive the benefit. Miami-Dade County requested to reopen Article 26 Leave With Pay of the Collective Bargaining Agreement between Miami-Dade County and GSAF Local 100 Professional Employees Unit for the limited purpose of modifying Article 26 to include Paid Parental Leave in accordance with the Miami-Dade County Ordinance No. 16-20. The County and the Union held a negotiation session on March 1, 2016, whereby the County and the Union tentatively agreed to the County's proposed changes to Article 26 Leave With Pay. This Article was ratified by the Union membership on March 24, 2016.

Proposed Article for Ratification

Article 26 Leave With Pay

Leave with pay shall be authorized in accordance with the County Leave Manual for the following reasons:

1. Seven (7) employees will be permitted, when necessary, to participate in collective bargaining negotiations with the County. These employees shall be designated in writing to the Department Director and the Director of Labor Relations for the County and the Public Health Trust. The employee shall give reasonable notice to their supervisor. Such time spent at Collective Bargaining negotiations will be considered as time worked.

2. Employees designated by the Union to attend Union functions. The total amount of time granted to all employees cumulatively seeking leave under this provision shall not exceed 2500 hours in any contract year.

3. Administrative Leave shall be granted to employees to take County Civil Service exams and to appear for job interviews in connection therewith as well as for job interviews related to positions not filled through competitive examination.

4. The Association President and one (1) additional County bargaining unit employees will be released from duty with pay to administer this Agreement. This leave with pay benefit for the Association President and one (1) additional bargaining unit employee is also provided for in the Government Supervisors Association of Florida/OPEIU, Local 100-Supervisory Employees Collective Bargaining Agreement and is not meant to be duplicated. Additionally, the County will authorize up to 2500 hours for each year of the Agreement, time off with pay for union representatives to participate in union approved activities providing that the Union President requests the leave in writing to the Director of Labor Relations no less than one (1) week in advance of the scheduled time off. The hours allocated per year shall not be cumulative. These authorized hours are inclusive of the hours granted in Article 13 Association Representatives and number 2 of this article.

5. Paid Parental Leave shall be authorized in accordance with Miami-Dade Ordinance No. 16-20 to care for a newborn, newly-adopted child, or newly-placed foster child or children. Eligible employees will be provided up to six (6) weeks of paid leave at 100 percent of base wages for the first two (2) weeks, 75 percent of base wages for the following two (2) weeks, and 50 percent of base wages for the remaining two (2) weeks. This provision is subject to any modifications or revocations by the Board of County Commissioners to Ordinance 16-20, in accordance with Article X of Chapter 11A.

Waiver of Signed Contract Requirement of Resolution R-130-06

The requirements of Resolution R-130-06, that any contract between the County and third parties be executed and finalized prior to their placement on a committee agenda, may be waived by the Board of County Commissioners upon recommendation by the County Mayor. The Mayor recommends that these requirements be waived for this Article because, under state law, a collective bargaining agreement is not binding on the public employer until it is ratified by the legislative body of the public employer and the bargaining unit. The bargaining unit has already ratified this Article of the Agreement. The Board's ratification is needed for this amendment to the Agreement to be binding. Since this Article will be not binding until it is ratified by the Board, this Article will be executed by the parties, subsequent to the Board's approval. Therefore, it is in the best interest of the County to waive the requirements of R-130-06.

Attachment

Edward Marquez
Deputy Mayor

ARTICLE 26 LEAVE WITH PAY

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MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 9(A)(1)

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 ____, 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. 9(A)(1)
6-7-16

RESOLUTION NO. R-489-16

RESOLUTION APPROVING AND RATIFYING ARTICLE 26 LEAVE WITH PAY OF THE 2014-2017 COLLECTIVE BARGAINING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA, OPEIU, LOCAL 100-PROFESSIONAL EMPLOYEES; AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE AGREEMENT; WAIVING RESOLUTION NO. R-130-06

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying 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 approves and ratifies Article 26 Leave With Pay of the 2014-2017 Collective Bargaining Agreement between Miami-Dade County, and the Government Supervisors Association of Florida, OPEIU, Local 100 – Professional Employees, in substantially the form attached to the Mayor's memorandum and authorizes the County Mayor to execute same. The provisions of Resolution No. R-130-06 requiring that any contracts of the County with third parties be executed and finalized prior to their placement on the committee agenda are waived at the request of the County Mayor for the reasons set forth in the County Mayor's Memorandum.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of June, 2016. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eric A. Rodriguez