

MEMORANDUM

Agenda Item No. 7(H)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

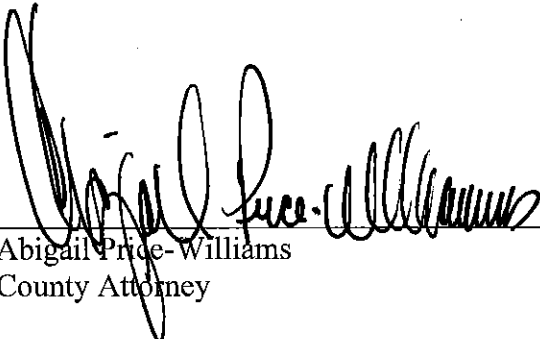
DATE: (Second Reading 10-3-17)
June 20, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to County employees who are disabled veterans; creating Article XI of Chapter 11A of the Code; establishing paid leave for Miami-Dade County and Public Health Trust employees to receive reexamination or treatment for military-service-connected disabilities; directing the County Mayor to prepare a report containing draft proposed amendments to the County Leave Manual and Implementing Order consistent with this Ordinance

Ordinance No. 17-76

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Rebeca Sosa and Commissioner Jose "Pepe" Diaz.

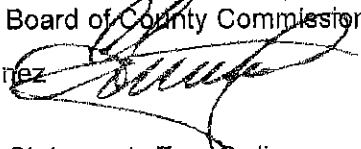


Abigail Price-Williams
County Attorney

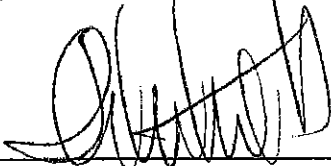
APW/smm

Memorandum



Date: October 3, 2017
To: Honorable Chairman Esteban J. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Fiscal Impact Statement For Ordinance Relating to Administrative Leave for
Veterans

The proposed ordinance creates Article XI of Chapter 11A of the Code of Miami-Dade County (County) establishing paid leave for any County and Public Health Trust (PHT) employee that has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a disability connected to military service and has been scheduled for reexamination or treatment. Also, directing the Administration to prepare amendments, consistent with this ordinance, to the County Leave Manual and Implementing Order. It is anticipated that implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

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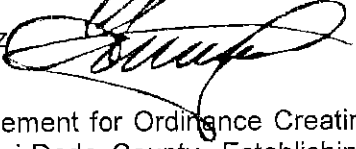
Edward Marquez
Deputy Mayor

Memorandum



Date: October 3, 2017

To: Honorable Chairman Esteban L. Bovo, Jr
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

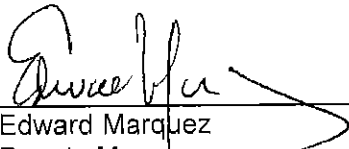
Subject: Social Equity Statement for Ordinance Creating Article XI of Chapter 11A of the Code of Miami-Dade County, Establishing Paid Leave for Miami-Dade County and Public Health Trust Employees to Receive Reexamination or Treatment for Military-Service-Connected Disabilities

The proposed ordinance creates Article XI of Chapter 11A of the Code of Miami-Dade County, establishing paid leave for Miami-Dade County and Public Health Trust employees to receive reexamination or treatment for military-service-connected disabilities. The Ordinance also directs the County Mayor or County Mayor's designee to prepare a report containing draft proposed amendments to the County Leave Manual and Implementing Order, consistent with this Ordinance.

The Department of Veterans Affairs (VA) may reduce or terminate a veterans disability benefits, depending on the severity of the disability. Establishing paid leave for County and Public Health Trust employees who are disabled veterans would allow covered employees to meet the VA's requirements.

This proposed ordinance would allow eligible employees to be reexamined or treated for the disability without loss of pay or benefits. However, such paid leave may not exceed 24 hours of paid leave per calendar year, inclusive of all disabilities. Part-time or seasonal employees shall receive a proportionally-equivalent amount of disabled veterans leave based on the hours in the employee's work schedule, as determined by the Directors of the Human Resources Department and the Public Health Trust

This will improve the health and performance of covered employees, while bringing the County benefit packages in line with those offered by the United States and the State of Florida, both of which provide paid leave for employees with military-service-connected disabilities.

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Edward Marquez
Deputy Mayor

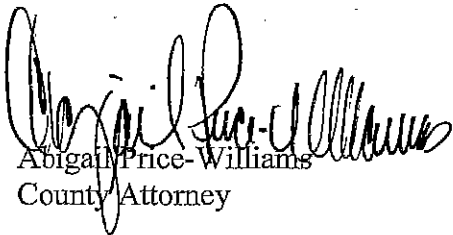


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: October 3, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(H)

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. 7(H)
10-3-17

ORDINANCE NO. 17-76

ORDINANCE RELATING TO COUNTY EMPLOYEES WHO ARE DISABLED VETERANS; CREATING ARTICLE XI OF CHAPTER 11A OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING PAID LEAVE FOR MIAMI-DADE COUNTY AND PUBLIC HEALTH TRUST EMPLOYEES TO RECEIVE REEXAMINATION OR TREATMENT FOR MILITARY-SERVICE-CONNECTED DISABILITIES; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A REPORT CONTAINING DRAFT PROPOSED AMENDMENTS TO THE COUNTY LEAVE MANUAL AND IMPLEMENTING ORDER CONSISTENT WITH THIS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, according to statistics from the United States Census Bureau, the veteran population in Miami-Dade County is estimated at 56,367 in the years between 2011 and 2015; and

WHEREAS, many veterans return from war with life-altering injuries and disabilities associated with their service; and

WHEREAS, in appreciation of veterans who have demonstrated a commitment to protecting and defending freedom and liberty in the United States by serving in the United States Armed Forces, this Board wishes to establish paid disabled veterans leave for employees of Miami-Dade County and the Public Health Trust to receive reexamination or treatment for military-service-connected disabilities; and

WHEREAS, in establishing paid disabled veterans leave, Miami-Dade County would be following the lead of the United States and the State of Florida, which have provided paid leave for employees with military-service-connected disabilities,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Article XI of Chapter 11A of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**ARTICLE XI. – PAID LEAVE FOR MIAMI-DADE COUNTY
AND PUBLIC HEALTH TRUST EMPLOYEES WHO ARE
DISABLED VETERANS**

Sec. 11A-90. An employee of Miami-Dade County or the Public Health Trust who has been rated by the United States Department of Veterans Affairs or its predecessor to have incurred a disability connected to military service and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability shall be granted paid leave for such reexamination or treatment without loss of pay or benefits. However, all paid leave credited to an employee under this article may not exceed 24 hours per calendar year, inclusive of all disabilities. This leave shall apply to all full-time non-bargaining unit employees and to all other full-time employees covered by collective bargaining agreements whose agreements explicitly provide for this benefit for the employee.

Sec. 11A-91. An employee who has a part-time or seasonal work schedule shall receive a proportionally equivalent amount of disabled veterans leave based upon the hours in the employee's work schedule, as determined by the Directors of Human Resources for Miami-Dade County and the Public Health Trust

Sec. 11A-92. Any leave credited to an employee pursuant to this article that is not used during the calendar year shall be forfeited and may not be carried over.

Sec. 11A-93. Employees on paid leave pursuant to this article shall be paid for the number of regularly scheduled work hours from which they are excused.

Sec. 11A-94. To verify that an employee is eligible for the leave pursuant to this article, such employee shall submit to his or her agency or department head or designee, in such form and manner as the Directors of Human Resources for Miami-Dade County and the Public Health Trust may prescribe, documentation that such employee has been rated by the United States Department of

Veterans Affairs or its predecessor or successor to have incurred a military-service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for the disability.

Sec. 11A-95. The Director of Human Resources for Miami-Dade County may propose such rules and policies necessary to carry out the purpose of this article, including, but not limited to, notification requirements for employees requesting leave, employee eligibility, determination of the amount of leave to be granted to part-time and seasonal employees, and documentation requirements, by preparing and submitting any proposed amendments to the Miami-Dade County Employee Leave Manual or Implementing Orders to the Board of County Commissioners for its action to accept, amend, or reject.

Sec. 11A-96. The Director of Human Resources for the Public Health Trust shall be responsible for issuing rules and policies applicable to Public Health Trust employees that are necessary to carry out the purpose of this article.

Sec. 11A-97. The Miami-Dade County Employee Leave Manual and the Public Health Trust Employee Leave Manual shall be amended to include rules or policies consistent with the requirements of this Ordinance.

Section 2. The County Mayor or County Mayor's designee is directed to prepare and submit to this Board within 60 days of the effective date of this ordinance a report containing all proposed rules or policies consistent with the requirements of this ordinance, including a draft Implementing Order and draft amendments to the Miami-Dade County Leave Manual, and to place the report on an agenda of the Board pursuant to Ordinance No. 14-65, and for the purpose of providing this Board an opportunity to sponsor an agenda item accepting, amending, or rejecting any proposed rules or policies pursuant to Section 2-42(19) of the Code, the Miami-Dade County Personnel Rules for the Classified Service (Chapter VI), and BCC Rule 5.05(b)(1).

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: October 3, 2017

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Marlon D. Moffett

Co-Prime Sponsors: Commissioner Rebeca Sosa
Commissioner Jose "Pepe" Diaz