

MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 19, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County
Mayor to implement COVID-19
paid sick leave for Miami-Dade
County employees and requiring
a report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: October 19, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(9)
10-19-21

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR’S DESIGNEE TO IMPLEMENT COVID-19
PAID SICK LEAVE FOR MIAMI-DADE COUNTY
EMPLOYEES AND REQUIRING A REPORT

WHEREAS, on March 11, 2020, the World Health Organization officially declared coronavirus disease 2019 (“COVID-19”) a pandemic; and

WHEREAS, effective April 1, 2020, the Families First Coronavirus Response Act, Public Law 116-127 (“FFCRA”) temporarily required certain employers to provide certain employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19, but these provisions expired on December 31, 2020; and

WHEREAS, Miami-Dade County elected to provide temporary emergency paid sick leave and expanded family and medical leave to certain County employees consistent with the FFCRA, but no longer does so; and

WHEREAS, although the paid sick leave provisions of the FFCRA have expired, the COVID-19 pandemic continues to have a devastating impact globally and locally; and

WHEREAS, COVID-19 vaccines are highly effective at protecting individuals from severe illness or death, and the County encourages its employees to be fully vaccinated as part of its overall strategy and commitment to maintaining a safe and healthy workplace in light of the COVID-19 pandemic; and

WHEREAS, this Board desires to fill the gap created by the FFCRA’s now-expired paid sick leave provisions by offering paid sick leave through December 31, 2023, to fully vaccinated County employees who are unable to work, work from home, or telework because they are infected

with or experiencing symptoms of COVID-19; need to isolate or quarantine due to COVID-19; must care for someone who is sick or needs to isolate or quarantine; or must care for a child whose school or place of care is closed or whose child care provider is unavailable for reasons related to COVID-19; and

WHEREAS, providing COVID-19 paid sick leave to these fully vaccinated County employees will help incentivize more employees to get vaccinated, allow the County to keep its employees on the payroll while they are dealing with the impacts of COVID-19, and ensure that employees are not forced to choose between their paychecks and the public health measures needed to combat the virus and maintain a safe and healthy workplace; and

WHEREAS, this Board anticipates that the COVID-19 paid sick leave set forth in this resolution will not cause any direct increase in expenditures above the adopted budget level, and therefore will not require additional revenue, because the County has already budgeted for the full amount of all employees' salaries,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs the County Mayor or County Mayor's designee to implement COVID-19 paid sick leave through December 31, 2023, in the manner provided in this section for non-bargaining County employees and for all other County employees within collective bargaining units, provided that written consent of the applicable collective bargaining agents is obtained to provide this benefit to bargaining unit employees. To be eligible for this paid sick leave, employees must be fully vaccinated, which means that two weeks have elapsed after their second dose in a 2-dose series (such as the Pfizer or Moderna vaccines), or after a single-dose vaccine (such as Johnson & Johnson's Janssen vaccine). Moreover, this paid sick leave shall only apply to eligible

County employees who are unable to work, work from home through remote access or other means, or telework due to a need for leave for any of the following reasons:

- (a) The employee is subject to a federal, state or local quarantine or isolation order;
- (b) The employee has been advised by a health care provider to self-quarantine;
- (c) The employee is experiencing symptoms associated with COVID-19 and is seeking a medical diagnosis;
- (d) The employee is caring for an individual for whom no other suitable care is available, and that individual: (1) is subject to a federal, state, or local quarantine or isolation order related to COVID-19; (2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or (3) is experiencing symptoms associated with COVID-19 and seeking a medical diagnosis;
- (e) The employee is caring for a child whose primary or secondary school or place of care has been closed (or whose childcare provider is unavailable) due to COVID-19 related reasons, and no other suitable care is available for that child;
- (f) The employee is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services;
- (g) The employee has been exposed to COVID-19 and is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19; or
- (h) The employee is experiencing or recovering from an injury, disability, illness, or condition related to obtaining immunization related to COVID-19.

From the effective date of this resolution through December 31, 2023, eligible full-time employees may take up to a total of 80 hours of COVID-19 paid sick leave for any combination of the qualifying reasons above, while those who are part-time may take up to the average number of hours that such employee works over a 2-week period. This COVID-19 paid sick leave may be taken intermittently, and any amount of paid sick leave that is provided to an employee shall cease when there is no longer a need for leave for any of the qualifying reasons above. For example, for qualifying reason (g) above, eligible employees may take no more than the minimum number of hours required to obtain a negative Polymerase Chain Reaction (PCR) test result and to show no COVID-19 symptoms. COVID-19 paid sick leave shall occur concurrently with, count against, and not be added to periods of unpaid or job protected leave for which the employee may also be eligible, including the federally-mandated 12 weeks of Family and Medical Leave Act (FMLA) leave, and any other unpaid leave offered by the County.

Eligible employees will receive their regular rate of pay during COVID-19 paid sick leave. The Director of Human Resources for Miami-Dade County shall have full authority to issue procedures relative to the paid sick leave offered pursuant to this resolution for any purpose, including but not limited to, notification requirements for employees requesting leave, employee eligibility, and documentation requirements for verification of the reason(s) for leave.

Section 2. Directs the County Mayor or County Mayor's designee to prepare and submit a report to this Board within 30 days of the effective date of this resolution recommending how the paid sick leave in this resolution will be implemented. The County Mayor or County Mayor's designee shall place the completed report on the next available agenda of the Board pursuant to Ordinance No. 14-65, without committee review.

The Prime Sponsor of the foregoing resolution is Vice-Chairman Oliver G. Gilbert, III. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of October, 2021. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Marlon D. Moffett