

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 5, 2020

FROM: Abigail Price-Williams
County Attorney

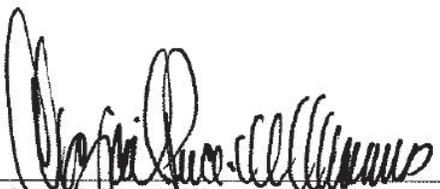
SUBJECT: Resolution urging the Florida Governor to issue an executive order, and urging the Florida Legislature to enact similar legislation, extending the earliest date set forth in Executive Order 20-88 upon which essential personnel must have retired to be re-employed in response to the coronavirus disease 2019 (COVID-19) state of emergency, and enlarging the re-employment period for such personnel; requesting the County Mayor to communicate with the Governor to request the changes urged in this resolution

Resolution No. R-424-20

This item was amended at the 4-20-20 Chairwoman's Policy Council to provide that:

- 1. The County shall not re-employ any employee at a higher salary rate than when the employee retired; and**
- 2. No such re-employed employee shall:**
 - a. Displace any current County employee; or**
 - b. Result in the County furloughing any of its employees.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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County Attorney

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

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)(11)
5-5-20

RESOLUTION NO. R-424-20

RESOLUTION URGING THE FLORIDA GOVERNOR TO ISSUE AN EXECUTIVE ORDER, AND URGING THE FLORIDA LEGISLATURE TO ENACT SIMILAR LEGISLATION, EXTENDING THE EARLIEST DATE SET FORTH IN EXECUTIVE ORDER 20-88 UPON WHICH ESSENTIAL PERSONNEL MUST HAVE RETIRED TO BE RE-EMPLOYED IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) STATE OF EMERGENCY, AND ENLARGING THE RE-EMPLOYMENT PERIOD FOR SUCH PERSONNEL; REQUESTING THE COUNTY MAYOR TO COMMUNICATE WITH THE GOVERNOR TO REQUEST THE CHANGES URGED IN THIS RESOLUTION

WHEREAS, the current state of emergency as a result of the coronavirus disease 2019 (COVID-19) pandemic necessitates increased County resources dedicated to law enforcement, corrections, first responders, emergency management, public safety, and health and medical care to combat the spread of COVID-19, as well as other critical County personnel who provide essential support for the County’s ongoing operations and response efforts in light of the COVID-19 crisis; and

WHEREAS, many recently retired and soon-to-retire County employees in these areas possess the necessary skills and training to immediately assist with the County’s COVID-19 response; and

WHEREAS, on March 30, 2020, Florida Governor Ron DeSantis issued Executive Order No. 20-88, which tolled the termination and re-employment limitations of section 121.091(9), Florida Statutes, to allow FRS participating employers to re-employ essential, Florida Retirement System (“FRS”) employees who have retired since October 1, 2019, or who may retire prior to or on August 1, 2020, to assist with Florida’s COVID-19 response; and

WHEREAS, any person retained or re-employed under Executive Order No. 20-88 will not have retirement voided or retirement benefits suspended due to such re-employment; and

WHEREAS, Executive Order No. 20-88 also limited the re-employment period for retired persons re-entering the workforce to no more than 30 days after the expiration of Executive Order No. 20-52, or any extension thereof, not to extend beyond August 1, 2022; and

WHEREAS, on April 7, 2020, the Board of County Commissioners adopted Resolution No. R-334-20, which amended Resolution No. R-392-10 and Implementing Order No. 7-44, to allow recently retired County employees who are re-employed because they are deemed essential to the County's COVID-19 emergency response to return at their most recent salary step, as determined by the County Mayor, and without the need for individual supermajority votes of this Board for each employee before being rehired; and

WHEREAS, this Board desires to extend the earliest retirement date for recently retired employees to be re-employed under Executive Order 20-88 to include essential personnel who have retired within the last five years as long as the retiree has maintained all necessary certifications, skills and credentials for their classification; and

WHEREAS, this Board also desires to enlarge the re-employment period for such personnel by removing the end date of August 1, 2022, and allowing the re-employment period to continue as long as needed based on the COVID-19 state of emergency and increased demand for essential services, as determined by the County Mayor or County Mayor's designee; and

WHEREAS, while the Office of Intergovernmental Affairs reports directly to the Board of County Commissioners, the County Mayor is in frequent communication with the Governor during the COVID-19 state of emergency; and

WHEREAS, as such and in addition to other lobbying efforts, the Board would like to request that the Mayor communicate this request to the Governor,

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

Section 1. Urges the Florida Governor to issue an executive order: (a) removing October 1, 2019, as the earliest date that essential personnel must have retired to be re-employed under Executive Order 20-88 in response to the COVID-19 state of emergency, and extending the date to include essential personnel who have retired within the last five years as long as the retiree has maintained all necessary certifications, skills and credentials for their classification; and (b) enlarging the re-employment period for such personnel by removing the end date of August 1, 2022, and allowing the re-employment period to continue as long as needed based on the COVID-19 state of emergency and increased demand for essential services, as determined by the County Mayor or County Mayor's designee.

Section 2. Urges the Florida Legislature to adopt similar legislation that accomplishes the goals described in section 1 above.

Section 3. Directs the Clerk of this Board to send a certified copy of this resolution to the Florida Governor, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 4. Requests the County Mayor to communicate directly with the Governor regarding the changes to Executive Order 20-88 set forth in section 1 above.

Section 5. Directs the County’s state lobbyists to advocate for the passage of legislation set forth in sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item and to include this item in the 2021 State Legislative Package when it is presented to the Board.

>>**Section 6.** For any retiree who is re-employed pursuant to Executive Order 20-88 and Resolution No. R-334-20, the County shall not re-employ any such employee at a higher salary rate than when the employee retired, nor shall any such re-employed employee displace any current County employee or result in the County furloughing any of its employees.<<¹

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Audrey M. Edmonson** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Audrey M. Edmonson, Chairwoman	aye	
	Rebeca Sosa, Vice Chairwoman	aye	
Esteban L. Bovo, Jr.	absent	Daniella Levine Cava	aye
Jose “Pepe” Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 2020. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to read "MSY", is written over a horizontal line.

Marlon D. Moffett