

Memorandum



Date: October 26, 2020

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

Special Item No. 12

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez".

Resolution No. R-1141-20

Subject: Approval of Memorandum Of Understanding (MOU) to implement a 1% Pay Adjustment Between Miami-Dade County and the Metro-Dade International Association of Firefighters, Local 1403

Recommendation

It is recommended that the Board of County Commissioners (Board) approve and ratify the attached Memorandum of Understanding (MOU) to implement a 1% Pay Adjustment between Miami-Dade County (County) and the Metro-Dade International Association of Firefighters (IAFF), Local 1403 (Union).

Under state law, both the Union and this Board must ratify the MOU. The Union notified the County that a ratification vote of the MOU by its bargaining unit members will be completed on November 20, 2020. Therefore, if this Board ratifies the MOU, the MOU will not become effective unless and until it is also ratified by the Union's bargaining unit.

Scope

The impact of this agenda item is specific to emergency first responders who are in the bargaining unit covered by the collective bargaining agreement between the County and the Union.

Fiscal Impact/Funding Source

The impact associated with the provisions included in this agreement is estimated at \$2.87 million. The Coronavirus Aid, Relief and Economic Securities Act ("CARES") Relief Fund is the intended source of funding for this MOU.

Track Record/Monitor

Tyrone W. Williams, Director of Labor Relations and Compensation for the Human Resources Department, monitors and oversees the administration of this Memorandum of Understanding (MOU).

Background

At the April 7, 2020, Board of County Commissioners meeting, the Board adopted a motion that directed the County Mayor or County Mayor's designee to negotiate with the appropriate collective bargaining units for a temporary pay supplement for emergency first responders working in the Miami-Dade Fire Rescue Department for the duration of the County's Coronavirus Disease 2019 (COVID-19) State of Emergency. At the special meeting of the Board held on August 24, 2020, the Board adopted Resolution No. R-785-20 approving an amount not to exceed \$16,000,000.00 in funds made available through the CARES Act to provide temporary hazardous duty pay supplement for County and municipal first responders.

On September 10, 2020, the County and the Union conducted and concluded negotiations regarding the provisions of the attached MOU.

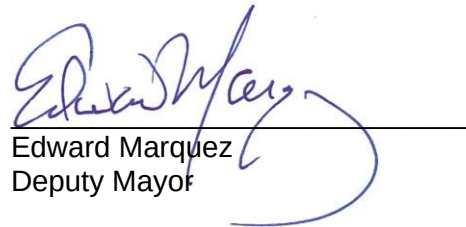
This MOU to implement a 1% Pay Adjustment that is before the Board for final approval and ratification is the product of good faith negotiations between the County and the Union. This MOU recognizes the services provided by the first responders of this bargaining unit while ensuring the continued delivery of quality services to the residents of Miami-Dade County in a fiscally responsible manner. Due to the current state of affairs, COVID-19 public health emergency first

responders have expanded their duties with an increased exposure to COVID-19. The CARES Act provides a relief fund to State, Local, and Tribal governments which is intended to assist in responding to the COVID-19 public health emergency. Both the County and the Union would like to effectuate this benefit through the funding provisions of the CARES Act to the applicable bargaining unit members/employees.

Term

The MOU provides the pay adjustment retroactive to March 1, 2020 and through the length of time the COVID-19 public health emergency declaration remains in effect or December 30, 2020, whichever comes first.

Attachment



Edward Marquez
Deputy Mayor

**MEMORANDUM OF UNDERSTANDING BETWEEN
MIAMI-DADE COUNTY AND
METRO DADE FIREFIGHTERS IAFF LOCAL 1403**

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered this 20 day of October, 2020, between the METRO DADE FIREFIGHTERS IAFF LOCAL 1403 and MIAMI-DADE COUNTY ("COUNTY"), by and through its Department, jointly referred to as the ("PARTIES").

WHEREAS, MIAMI-DADE COUNTY is currently experiencing the effects of the COVID-19 pandemic which has been declared a public health emergency; and

WHEREAS, due to the COVID-19 public health emergency first responders have expanded duties with an increased exposure to COVID-19; and

WHEREAS, the Coronavirus Aid, Relief and Economic Securities Act ("CARES") provides a relief fund to State, Local, and Tribal governments which is intended to assist in responding to the COVID-19 public health emergency; and

WHEREAS, the PARTIES are desirous of providing the available funding to its first responders such as high risk personnel, Fire Rescue Dispatchers and Fire Rescue Dispatcher Supervisors..

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the PARTIES intending to be legally bound do hereby stipulate and agree as follows:

1. High risk employees, Fire Rescue Dispatchers and Fire Rescue Dispatcher Supervisors, who are included within a bargaining unit covered by a collective bargaining agreement between Miami-Dade County and IAFF ("Covered Employee"), shall receive a temporary one percent (1%) pay adjustment added to their base pay for the performance of their duties substantially dedicated to mitigating or responding to the COVID-19 public health emergency retroactive to March 01, 2020 as provided in paragraph 2 ("the 1% pay adjustment").
2. Because the funding of this MOU is based on the CARES Act, the 1% pay adjustment provided by this MOU is temporary and shall remain in place for as long as the COVID-19 public health emergency declaration remains in effect or December 30, 2020, whichever is earlier. This means that the work for which payment is due under this MOU must be completed on or before the last date of the COVID-19 public health emergency declaration or December 30, 2020, whichever is earlier.

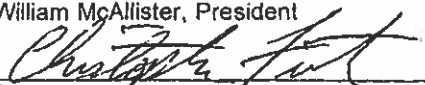
3. The 1% pay adjustment shall be paid for hours physically worked by the Covered Employee dedicated to mitigating or responding to the COVID-19 public health emergency or for hours directly related to a COVID-19 absence (Families First Coronavirus Response Act [FFCRA] leave, Sick Injury for COVID-19, Workers' Compensation Leave for COVID-19). The 1% pay adjustment is not subject to be paid if the Covered Employee is not in pay status or on any unworked paid hours including but not limited to Annual Leave, Educational Leave, Jury Duty, Sick Leave (unrelated to COVID-19), etc. Additionally, the 1% pay adjustment is not to be paid on any leave payouts such as DROP payouts or separation payouts.
4. IAFF and Miami-Dade County both agree that the determination of whether a Covered Employee's assignment qualifies for this 1% pay adjustment and the amount of the 1% pay adjustment received by any Covered Employee are entirely within the discretion of the Director of the Miami-Dade County department in which the Covered Employee is employed. IAFF may bring any discrepancy it perceives in the payment of the 1% pay adjustment to a Covered Employee in writing to the attention of the applicable Department Director within 30 days of the pay day in which the perceived discrepancy occurred for work performed on or before November 15, 2020. For any work performed after November 15, 2020, IAFF may bring any discrepancy it perceives in the payment of the 1% pay adjustment to a Covered Employee in writing to the attention of the applicable Department Director within 15 days of the pay day in which the perceived discrepancy occurred. Notwithstanding the foregoing, IAFF agrees that the applicable Department Director's determinations regarding eligibility for the 1% pay adjustment and the amount of the 1% pay adjustment paid to a Covered Employee are final and binding and not subject to grievance or arbitration under the collective bargaining agreement nor any challenge under law.
5. The 1% pay adjustment will only be pensionable if the Florida Retirement System (FRS) deems the temporary adjustment to be pensionable, otherwise, the adjustment will not be counted as creditable earnings for FRS purposes.
6. The PARTIES agree and state that no promise, inducement or agreement not expressly contained herein has been made, that this MOU constitutes their entire and final understanding to the subject matter of this agreement, and that the terms of this MOU are contractual and not a mere recital.
7. The PARTIES understand that this Memorandum of Understanding and the 1% pay adjustment will be implemented only after ratification by both IAFF's bargaining unit members and the Miami-Dade County Board of County Commissioners.

IN WITNESS WHEREOF, the undersigned parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year first above written.

AGREED TO THIS 20 DAY OF October, 2020

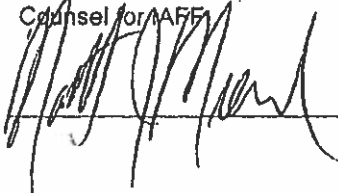
For Metro Dade Firefighters
IAFF Local 1403



William McAllister, President


Christopher Fink, Secretary

Matthew J. Mierzwa, Jr.
Counsel for IAFF



For Miami-Dade County

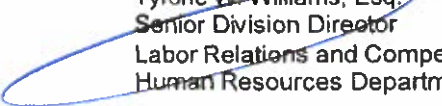


Alan Cominsky, Fire Chief
Miami-Dade Fire Rescue


Arlene Cuellar, Director
Human Resources Department



Tyrone W. Williams, Esq.
Senior Division Director
Labor Relations and Compensation
Human Resources Department



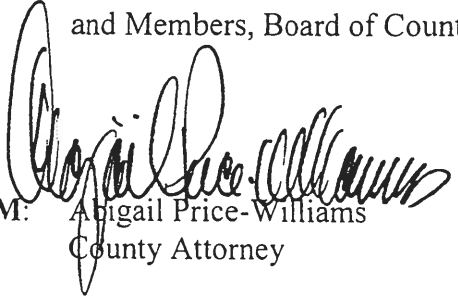


MEMORANDUM

(Revised)

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

DATE: October 26, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Special Item No. 12

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 _____

Special Item No. 12
10-26-20

RESOLUTION NO. R-1141-20

RESOLUTION APPROVING AND RATIFYING
MEMORANDUM OF UNDERSTANDING TO
RETROACTIVELY IMPLEMENT A TEMPORARY ONE
PERCENT PAY ADJUSTMENT BETWEEN MIAMI-DADE
COUNTY AND THE METRO-DADE INTERNATIONAL
ASSOCIATION OF FIREFIGHTERS, LOCAL 1403

WHEREAS, at the April 7, 2020, Board of County Commissioners meeting, the Board adopted a motion that directed the County Mayor or County Mayor's designee to negotiate with the appropriate collective bargaining units for a temporary pay supplement for emergency first responders working in the Miami-Dade Fire Rescue Department; and

WHEREAS, at the special meeting of the Board held on August 24, 2020, the Board adopted Resolution No. R-785-20 approving an amount not to exceed \$16,000,000.00 in funds made available through the Coronavirus Aid, Relief, and Economic Security Act to provide this temporary hazardous duty pay supplement for County and municipal first responders in geographic Miami-Dade County; and

WHEREAS, the Mayor and the International Association of Firefighters Unit, representing employees working in the Miami-Dade County Fire Rescue Department, have concluded negotiations and have executed a Memorandum of Understanding (MOU) to implement a one percent Pay Adjustment attached to the Mayor's memorandum; and

WHEREAS, under Florida law, the MOU is not binding on the public employer until such agreement is ratified by the public employees and the legislative body of the public employer; and

WHEREAS, the Union is scheduled to complete the vote to ratify the MOU on November 20, 2020; and

WHEREAS, the Mayor recommends ratification of the MOU for the reasons set forth in the accompanying memorandum and its attachments, a copy of which is incorporated herein by reference; and

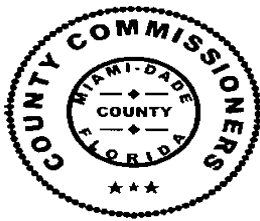
WHEREAS, this Board desires to ratify the MOU and to accomplish the purposes outlined in the Mayor’s memorandum with the understanding that under state law the MOU would not be effective unless and until the ratification vote of its bargaining unit members on November 20, 2020, results in ratification of the MOU,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves and ratifies the Memorandum of Understanding to retroactively implement a temporary one percent pay adjustment by and between Miami-Dade County and the Metro Dade International Association of Firefighters, Local 1403, for the period retroactive to March 1, 2020 and through the length of time the coronavirus disease 2019 public health emergency declaration remains in effect or December 30, 2020, whichever comes first, which is attached to the Mayor’s memorandum and incorporated by reference herein. The MOU will not be effective unless and until it is ratified by the vote of the Union’s bargaining unit members.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz** , 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.	aye
Jose “Pepe” Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	aye
Dennis C. Moss	aye
Xavier L. Suarez	absent
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 26th day of October, 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 black ink, appearing to read "ER", is written over a horizontal line.

Eric A. Rodriguez