

MEMORANDUM

Agenda Item No. 14(A)(2)

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

DATE: May 18, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving and
ratifying the Memorandum of
Understanding (MOU) to
implement a temporary one
percent pay adjustment between
Miami-Dade County and the
Dade County Police Benevolent
Association – Rank/File and
Supervisory Units

Resolution No. R-518-21

The accompanying resolution was prepared by the Human Resources Department and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/jp

Memorandum



Date: May 18, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Approval of Memorandum Of Understanding (MOU) to implement a 1% Pay Adjustment Between Miami-Dade County and the Dade County Police Benevolent Association – Rank/File and Supervisory Units (Communications Personnel)

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 Dade County Police Benevolent Association – Rank/ File and Supervisory Units (Union). The Union advised that it intends to have a ratification vote regarding the MOU on Friday, May 14, 2021.

Scope

The impact of this agenda item is specific to law enforcement communications personnel to include Police Dispatchers, Police Dispatchers Supervisor 1, Police Dispatchers Supervisor 2, Police Complaint Officer, Police Complaint Supervisor 1, Police Complaint Supervisor 2 and Police Communications Coordinator who are members of the bargaining unit covered by the collective bargaining agreement between the County and the Union.

Delegation of Authority:

The authority to implement the MOU is delegated to the Mayor and from the Mayor to the Human Resources Department.

Fiscal Impact/Funding Source

The impact associated with the provisions included in this agreement is estimated at \$211,321. 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 Records for the Human Resources Department, monitors and oversees the administration of this Memorandum of Understanding (MOU).

Background

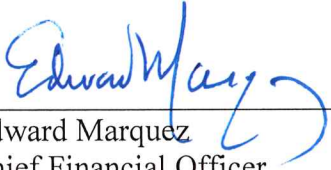
At the April 7, 2020, Board of County Commissioners meeting, the Board adopted a motion that directed the County Mayor or County Mayor's designee to negotiate with the appropriate collective bargaining units for a temporary pay supplement for sworn personnel in the Miami-Dade Police Department and Miami-Dade Corrections and Rehabilitation 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 all County and municipal first responders and sworn County corrections officers in geographic Miami-Dade County. On October 26, 2020, the Board adopted Resolution R-1140-20 ratifying a Memorandum of Understanding providing a 1% temporary supplement for sworn law enforcement personnel. Because the communications personnel identified by the MOU are critical to supporting the work of the sworn personnel that were approved to receive a 1% temporary adjustment, it is deemed appropriate to extend this temporary adjustment to the communications personnel identified in the MOU.

This MOU to implement a 1% Pay Adjustment that is before the Board for approval and ratification is the product of good faith negotiations between the County and the Union. This MOU recognizes the services provided by the public servants of these bargaining units while ensuring the continued delivery of quality services to the residents of Miami-Dade County in a fiscally responsible manner. 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/employee classifications identified in the MOU.

Term

The MOU provides the pay adjustment retroactive to March 1, 2020 and through December 30, 2020.

Attachment



Edward Marquez
Chief Financial Officer

**MEMORANDUM OF UNDERSTANDING BETWEEN
MIAMI-DADE COUNTY AND
THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC.**

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered this 25 day of March, 2021, between the DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC. ("PBA") and MIAMI-DADE COUNTY ("COUNTY"), 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 law enforcement dispatch personnel who are employed in the Miami-Dade Police Department.

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. Police Dispatcher, Police Dispatcher Supervisor 1, Police Dispatcher Supervisor 2, Police Complaint Officer, Police Complaint Supervisor 1, Police Complaint Supervisor 2, and Police Communication Coordinator, who are included within a bargaining unit covered by the collective bargaining agreement between Miami-Dade County and the PBA ("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 1, 2020 as provided in paragraph 2 ("the 1% pay adjustment") through and including December 30, 2020.
2. Because the funding of this MOU is intended to be funded by the CARES Act, the 1% pay adjustment provided by this MOU is temporary and shall remain in place only through December 30, 2020. This means that the work for which payment is due under this MOU must be completed on or before December 30, 2020.
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 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.

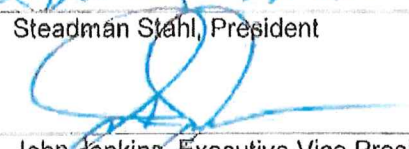
4. The PBA and Miami-Dade County both agree that the determination of whether a Covered Employee's assignment qualifies for this 1% pay adjustment and the amount of the 1% pay adjustment received by any Covered Employee are entirely within the discretion of the Director of the Miami-Dade County department in which the Covered Employee is employed. The PBA 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 day in which the pay adjustment provided by this MOU is paid to the Covered Employee. Notwithstanding the foregoing, the PBA 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 other 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 the entire and final understanding of the PARTIES 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 after execution and ratification by both Parties.

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 25 DAY OF March, 2021

For Dade County Police
Benevolent Association

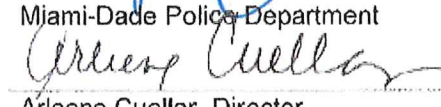

Steadman Stahl, President

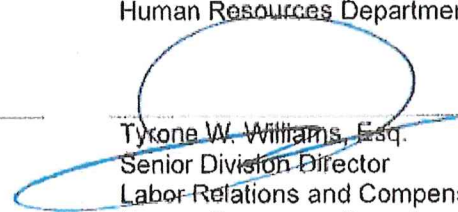

John Jenkins, Executive Vice President


Andrew M. Axelrad, General Counsel

For Miami-Dade County


Alfredo Ramirez III, Director
Miami-Dade Police Department


Arleene Cuellar, Director
Human Resources Department


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



MEMORANDUM

(Revised)

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

DATE: May 18, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

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. 14(A)(2)
5-18-21

RESOLUTION NO. _____ R-518-21

RESOLUTION APPROVING AND RATIFYING THE
MEMORANDUM OF UNDERSTANDING (MOU) TO
IMPLEMENT A TEMPORARY ONE PERCENT PAY
ADJUSTMENT BETWEEN MIAMI-DADE COUNTY AND
THE DADE COUNTY POLICE BENEVOLENT
ASSOCIATION – RANK/FILE AND SUPERVISORY UNITS

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 sworn personnel in the Miami-Dade Police Department and Miami-Dade Corrections and Rehabilitation 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 (“CARES”) Act to provide this temporary hazardous duty pay supplement for County and municipal emergency responders and sworn County corrections officers in geographic Miami-Dade County; and

WHEREAS, on October 26, 2020, the Board adopted Resolution No. R-1140-20 ratifying a Memorandum of Understanding providing a 1% temporary supplement for sworn law enforcement personnel; and

WHEREAS, the Mayor and the PBA – Rank/File and Supervisory Units, representing employees working in the Miami-Dade County Police Department have executed a Memorandum Of Understanding (MOU) to implement a 1% Pay Adjustment for communications personnel that are critical to supporting the Miami-Dade Police Department’s sworn personnel; 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 has notified the County that it intends to conduct a vote of the bargaining units to ratify the MOU on May 14, 2021; 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

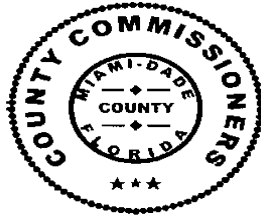
WHEREAS, this Board desires to ratify the MOU and to accomplish the purposes outlined in the Mayor’s memorandum,

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 (MOU) by and between Miami-Dade County and the Dade County Police Benevolent Association – Rank/File and Supervisory Units to implement a temporary one percent pay adjustment for communications personnel for the period retroactive to March 1, 2020 and through December 30, 2020, which is attached to the Mayor’s memorandum.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of May, 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: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "ER", is written over a horizontal line.

Eric A. Rodriguez