MEMORANDUM

Amended
Agenda Item No. 14(A)(3)

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

DATE: September 3, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving and ratifying Memorandum of Understanding by and among Miami-Dade County, the Public Health Trust and the Committee of Interns and Residents (CIR) which provides for hazard pay of one percent to current CIR employees assigned to work with patients who tested positive or are under investigation for coronavirus disease 2019 (COVID-19); waiving requirements of Resolution No. R-130-06

Resolution No. R-895-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Jose “Pepe” Diaz, Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Eileen Higgins, Commissioner Dennis C. Moss and Vice-Chairwoman Rebeca Sosa.

Abigail Price-Williams
County Attorney

APW/jp

MEMORANDUM

(Revised)

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

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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**

Amended
Agenda Item No. 14(A)(3)
9-3-20

Approved ______________________ Mayor
Veto __________
Override __________

RESOLUTION NO. **R-895-20**

RESOLUTION APPROVING AND RATIFYING MEMORANDUM OF UNDERSTANDING BY AND AMONG MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE COMMITTEE OF INTERNS AND RESIDENTS (CIR) WHICH PROVIDES FOR HAZARD PAY OF ONE PERCENT TO CURRENT CIR EMPLOYEES ASSIGNED TO WORK WITH PATIENTS WHO TESTED POSITIVE OR ARE UNDER INVESTIGATION FOR CORONAVIRUS DISEASE 2019 (COVID-19); WAIVING REQUIREMENTS OF RESOLUTION NO. R-130-06

WHEREAS, on July 27, 2020, the Miami-Dade County Board of County Commissioners ("this Board") adopted a motion, memorialized as Resolution No. R-767-20, directing the Public Health Trust of Miami-Dade County (the "PHT") to negotiate a temporary one percent hazard pay supplement with the collective bargaining agents representing PHT employees who are assigned to work in close contact with positive or suspected coronavirus disease 2019 (COVID-19) patients; and

WHEREAS, consistent with the directive in Resolution No. R-767-20, the President and staff of the Public Health Trust of Miami-Dade County which operates the Jackson Health System have negotiated in good faith with representatives of the Committee of Interns and Residents ("CIR") which is the duly certified collective bargaining agent representing bargaining unit members of the CIR employed by the PHT; and

WHEREAS, such negotiations have resulted in a Memorandum of Understanding between the PHT and the CIR ("MOU"); and

WHEREAS, on August 21, 2020, CIR notified the PHT that its bargaining unit employees ratified the MOU; and

WHEREAS, on August 25, 2020, the Board of Trustees of the PHT adopted PHT Resolution No. 08/2020-043 that approved the MOU and requested that this Board approve and ratify the MOU between Miami-Dade County, the Public Health Trust and CIR, a copy of which is attached and incorporated herein by reference; and

WHEREAS, chapter 25A of the Code of Miami-Dade County provides that the PHT shall not be authorized to enter into a contract with a labor union or other organization representing employees without first having obtained the approval of this Board; and

WHEREAS, in addition, Miami-Dade County and the PHT have a joint employer relationship for collective bargaining purposes under state public employee relations laws, chapter 447, Florida Statutes, as determined by the Florida Public Employees Relations Commission; and

WHEREAS, as such, the PHT does not have the independent authority to enter into labor contracts, and the County, as a matter of state law, is a party to and is bound by the contracts with the PHT's labor unions; and

WHEREAS, this Board desires to accomplish the purposes outlined in the PHT Chairman's memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves and ratifies the Memorandum of Understanding between Miami-Dade County, the Public Health Trust and the CIR attached to the PHT Chairman's memorandum for the period of March 1, 2020 and continue until June 30, 2020 or upon the expiration of the U.S. Secretary of Health and Human Services' final renewal of its determination that a public health emergency exists nationwide as a result of the COVID-19 pandemic, whichever occurs later, in substantially the form attached hereto and made a part hereof. The hazard pay provided by this Memorandum of Understanding shall be funded using any and all available funds including funds that may be available under the Coronavirus, Aid, Relief and Economic Security (CARES) Act. The provisions of Resolution No. R-130-06 requiring that any contracts of the County with third parties be executed and finalized prior to placement on the committee agenda are waived at the request of the PHT for the reasons set forth in the PHT's Memorandum.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsors are Commissioner Daniella Levine Cava, Commissioner Jose "Pepe" Diaz, Chairwoman Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Eileen Higgins, Commissioner Dennis C. Moss and Vice-Chairwoman Rebeca Sosa. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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**		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of September, 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

Melissa Adames
By:________________________
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eric A. Rodriguez