

MEMORANDUM

Agenda Item No. 14(A)(2)

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

DATE: October 18, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to amend the Miami-Dade County Leave Manual to implement paid early voting leave for non-bargaining employees and all other employees covered by collective bargaining agreements whose agreements provide for this paid leave; directing that the County Mayor implement paid early voting leave during the early voting period for the November 2022 election for County employees working within collective bargaining units by obtaining the written consent of the applicable collective bargaining agents; directing the County Mayor to negotiate the inclusion of paid early voting leave in the County's collective bargaining agreements; and requiring a report

Resolution No. R-1024-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

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

DATE: October 18, 2022

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)
10-18-22

RESOLUTION NO. R-1024-22

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND THE MIAMI-DADE COUNTY LEAVE MANUAL TO IMPLEMENT PAID EARLY VOTING LEAVE FOR NON-BARGAINING EMPLOYEES AND ALL OTHER EMPLOYEES COVERED BY COLLECTIVE BARGAINING AGREEMENTS WHOSE AGREEMENTS PROVIDE FOR THIS PAID LEAVE; DIRECTING THAT THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE IMPLEMENT PAID EARLY VOTING LEAVE DURING THE EARLY VOTING PERIOD FOR THE NOVEMBER 2022 ELECTION FOR COUNTY EMPLOYEES WORKING WITHIN COLLECTIVE BARGAINING UNITS BY OBTAINING THE WRITTEN CONSENT OF THE APPLICABLE COLLECTIVE BARGAINING AGENTS; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE THE INCLUSION OF PAID EARLY VOTING LEAVE IN THE COUNTY'S COLLECTIVE BARGAINING AGREEMENTS; AND REQUIRING A REPORT

WHEREAS, in 1845, Congress passed a federal law designating the first Tuesday following the first Monday in November as Election Day in the United States; and

WHEREAS, Election Day is not a federal holiday; and

WHEREAS, some states and territories of the United States have designated Election Day as a public holiday or require that workers be given paid time off for voting, but Florida does not; and

WHEREAS, the State of Florida offers early voting, which allows a person to cast a ballot prior to Election Day at early voting sites, and during certain dates and times that are designated by the Supervisor of Elections; and

WHEREAS, Section 17.03.00 of the Miami-Dade County Leave Manual currently authorizes department directors to grant administrative leave for purposes such as providing an employee with reasonable time off to vote not to exceed one hour if the employee is a registered voter in the jurisdiction holding an election; and

WHEREAS, certain provisions in some of the County's collective bargaining agreements also include procedures for granting paid time off for voting to County employees covered by bargaining units, but some of these provisions limit the use of paid leave to Election Day and do not allow employees to use the leave during early voting; and

WHEREAS, this Board desires to ensure that up to two hours of paid voting leave is available to all County employees, upon each employee's request, to vote in person during the early voting period for general elections held on Election Day in a jurisdiction where they are eligible to vote; and

WHEREAS, providing County employees with paid leave to vote during the early voting period for general elections will allow them more time to cast their ballots without missing work, demonstrates respect for the duty and privilege of voting, promotes election participation, and incentivizes early voting; and

WHEREAS, this Board anticipates that the paid voting 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; and

WHEREAS, to ensure that paid voting leave is implemented for all employees during the early voting period for the November 2022 general election, this Board concludes that it is in the best interest of the County to take such action as is necessary to provide this paid voting leave in 2022 for employees in units that are covered by a collective bargaining agreement by obtaining the written consent of the applicable collective bargaining agents,

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 amend the Miami-Dade County Leave Manual to implement paid early voting leave in the manner provided in this section for non-bargaining employees and all other employees covered by collective bargaining agreements whose agreements provide this benefit to bargaining unit employees. Upon the request of an employee, the County shall provide paid early voting leave as follows. This paid voting leave: (a) shall not exceed two consecutive hours per year for each employee; (b) shall only be used during an employee's normal work hours that occur during the official early voting period for Election Day of each year, which is observed on the Tuesday following the first Monday in November; (c) shall not be used on Election Day, or at any other time other than during the official early voting period for Election Day; and (d) shall only be used by the employee for the purpose of voting in person at an official early voting location between the opening and closing of the polls.

To be eligible for this paid voting leave, employees must be eligible and registered to vote in the jurisdiction where they are voting early. This paid voting leave shall not be taken intermittently, and any amount of paid voting leave that is not used by the end of the official early voting period shall be forfeited for that year. After using their paid voting leave, employees must report to work immediately and complete their normal shift. Eligible employees will receive their

regular rate of pay during paid voting leave. All employee requests for paid voting leave shall be approved and scheduled in a manner that will not interfere with each department's ability to fulfill its operational needs, as determined by each employee's department director.

The Director of Human Resources for Miami-Dade County shall have full authority to issue procedures relative to the paid voting 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. The Miami-Dade County Leave Manual shall include provisions consistent with the requirements of this resolution.

Section 2. Directs the County Mayor or County Mayor's designee to implement the paid early voting leave in this resolution during the early voting period for the November 2022 general election for employees within collective bargaining units by obtaining the written consent of the applicable collective bargaining agents to provide this paid voting leave in 2022 to bargaining unit employees.

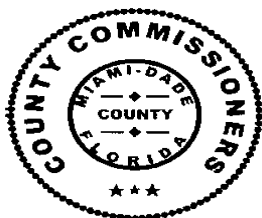
Section 3. Directs the County Mayor or County Mayor's designee to negotiate the inclusion of the paid early voting leave set forth in section 1 of this resolution in the County's collective bargaining agreements, and the elimination of paid leave for voting on Election Day.

Section 4. 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 voting 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 Commissioner Kionne L. McGhee. It was offered by Commissioner **Rebeca Sosa**, 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:

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	Kionne L. McGhee	aye
Jean Monestime	absent	Raquel A. Regalado	absent
Rebeca Sosa	aye	Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of October, 2022. 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney
to form and legal sufficiency.

Marlon D. Moffett