

MEMORANDUM

Agenda Item No. 14(A)(2)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 18, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing a sick leave pool for certain full-time, exempt, non-bargaining employees of each County Commissioner's District Office and any other office under the supervision of the Board Chairperson, to be replenished with the unused, unpaid sick leave of the District Office's employees at the time of their separation from County employment; authorizing and directing the County Mayor to amend the Miami-Dade County leave manual consistent with this resolution; authorizing each County Commissioner or County Commissioner's designee to establish rules, procedures, and forms consistent with this resolution

Resolution No. R-314-25

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 18, 2025

FROM: 
Glen 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 ____, majority plus one ____, 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) ____, 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)
3-18-25

RESOLUTION NO. R-314-25

RESOLUTION ESTABLISHING A SICK LEAVE POOL FOR CERTAIN FULL-TIME, EXEMPT, NON-BARGAINING EMPLOYEES OF EACH COUNTY COMMISSIONER'S DISTRICT OFFICE AND ANY OTHER OFFICE UNDER THE SUPERVISION OF THE BOARD CHAIRPERSON, TO BE REPLENISHED WITH THE UNUSED, UNPAID SICK LEAVE OF THE DISTRICT OFFICE'S EMPLOYEES AT THE TIME OF THEIR SEPARATION FROM COUNTY EMPLOYMENT; AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND THE MIAMI-DADE COUNTY LEAVE MANUAL CONSISTENT WITH THIS RESOLUTION; AUTHORIZING EACH COUNTY COMMISSIONER OR COUNTY COMMISSIONER'S DESIGNEE TO ESTABLISH RULES, PROCEDURES, AND FORMS CONSISTENT WITH THIS RESOLUTION

WHEREAS, the Miami-Dade County Leave Manual ("Leave Manual") is managed by the Human Resources Department, and regulates leave for all County employees in accordance with section 2-42(19) of the Code of Miami-Dade County, Florida; and

WHEREAS, section 25 of the Leave Manual contains provisions related to departmental leave pools and special leave donation pools, which are two optional programs established by County departments for the purpose of allowing County employees to donate unused annual, holiday, or compensatory time to assist eligible employees who have experienced a serious illness or injury, and who have exhausted all appropriate leave available; and

WHEREAS, section 02.08.00 of the Leave Manual contains provisions related to the payment of accrued sick leave to County employees at the time of their retirement or resignation in good standing; and

WHEREAS, among other things, section 02.08.03 of the Leave Manual generally provides that non-bargaining unit County employees who were hired before January 1, 2015, will be paid for all or a portion of their unused sick leave at the employee's rate of pay at the time of separation; however, they are not eligible to receive a sick leave payment if they have less than 10 years of continuous County service at the time of separation, and non-bargaining unit County employees who were hired on or after January 1, 2015, will be paid for all or a portion of their unused sick leave at the employee's rate of pay at the time of separation; however, they are not eligible to receive a sick leave payment if they have less than 13 years of continuous County service at the time of separation; and

WHEREAS, because of term limits, some employees working under the supervision of a County Commissioner may have less than 10 years of continuous County service at the time of their separation, and as such, would be ineligible to receive a payout of their accrued sick leave under the County's current policy; and

WHEREAS, in order to maximize the flexibility provided to this class of employees, this Board wishes to create additional sick leave pools specifically for full-time, exempt, non-bargaining employees of each County Commission District Office and any other office under the supervision of the Board Chairperson, which will allow any such employees who have exhausted all available appropriate leave to receive a donation of sick leave hours from the sick leave pool, and the pool will be replenished with the unused, unpaid accrued sick leave of each district office's employees at the time of their separation from County employment should the separating employee not be eligible for a full or partial payment of their accrued sick leave,

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

Section 1. This Board establishes the appropriate number of sick leave pools for certain full-time, exempt, non-bargaining employees of each County Commissioner's district office and other such employees of the Board of County Commissioners under the supervision of the Chairperson of the Board who have exhausted available sick leave and for which the use of sick leave would be appropriate such as illness, injury, medical appointments, parental leave, or caring for an immediate family member with an illness. At a minimum, these sick leave pools shall include the following rules and requirements:

Eligibility Requirements

In order to be eligible to receive a sick leave donation, an employee must:

- 1) Be employed by Miami-Dade County in a County Commissioner's district office or by the Board of County Commissioners in one of the offices under the oversight and management of the Chairperson of the Board
- 2) Have exhausted all sick leave,
- 3) Expect to be absent from work for at least one (1) work day, and
- 4) Be an employee in good standing.

Exceptions

Sick leave pool benefits will not be granted to or continued for an employee in the event of one of the following:

- 1) When an employee is assigned to compulsory leave or leave without pay,
- 2) When light (limited) duty is offered to and refused by the concerned individual and physical ability is not a contentious point, and
- 3) Effective the date the employee initiates litigation against the County relative to injury or illness.

Notification of Need for Sick Leave Pool Benefits

- 1) An employee shall, in writing, notify their immediate supervisor if the employee, or an immediate family member of the employee, has experienced an illness, injury, or other event where it is expected that the employee will be absent from work for at least one (1) work day and where accessing the sick leave pool is appropriate.

Requests shall be processed internally through the County Commissioner's office according to their individual requirements, and at the sole discretion of the respective County Commissioner.

Deposits Into the Sick Leave Pool

- 1) The primary source of sick leave hours to replenish each district office's sick leave pool shall be from the unused, unpaid sick leave of that district office's employees upon their separation from County employment. No other form of accrued leave (e.g. annual, holiday, compensatory, etc.) shall be used to replenish the sick leave pool. The deposit of sick leave into the pool shall occur automatically upon each employee's separation.
- 2) Only the unused, unpaid sick leave of personnel who were employed in a County Commissioner's district office at the time of their separation from the County shall be deposited into the district office's sick leave pool. The unused, unpaid sick leave of a Commission district office employee who obtains employment in another County department, with no break in service, shall not be deposited into the sick leave pool.
- 3) All unused, unpaid sick leave that is deposited into the sick leave pool shall be forfeited by the separating employee and shall be granted no monetary value.
- 4) Voluntarily donations by County employees of sick leave into the sick leave pools is permitted.

Tabulating and Accounting

The DPR for the Board of County Commissioners will tabulate the number of hours to be deposited into each sick leave pool at the time of an employee's separation. A list of the separating employees and their employee ID numbers must be sent to the Director of the Payroll & Information Management Division of the Human Resources Department, or successor department, so that each employee's unused, unpaid sick leave balance may be calculated appropriately.

- 1) The DPR of the Board of County Commissioners will calculate the sick leave hours used by the recipient each pay period and deduct it from the total hours awarded to the recipient by the County Commissioner or County Commissioner's designee.
- 2) Any remaining time will be held in reserve by the County Commissioner's district office sick leave pool for use by future leave recipients.

Benefits and Review Period

Each County Commissioner or County Commissioner's designee shall determine the total amount of sick leave awarded to each eligible recipient. The need for continued use of donated time shall be reviewed as deemed appropriate. If medical necessity is no longer evident, the employee shall return to work, and any unused sick leave that was awarded shall be returned to the district office sick leave pool for use by future leave recipients.

Section 2. The County Mayor or County Mayor’s designee is further authorized and directed to take all other actions necessary to effectuate the policy set forth in this resolution, including but not limited to amending the Miami-Dade County Leave Manual consistent with the policy in section 1 of this resolution.

Section 3. Each County Commissioner or County Commissioner’s designee is authorized to establish rules, procedures, and forms consistent with this resolution, regarding the employees within that Commissioner’s district office.

Section 4. The Chairperson of the Board or the Chairperson’s designee is further authorized to establish rules, procedures, and forms consistent with this resolution, regarding the employees with each office under the supervision of the Chairperson.

The Prime Sponsor of the foregoing resolution is Commissioner Oliver G. Gilbert, III. It was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	absent	Sen. René García	aye
Oliver G. Gilbert, III	aye	Roberto J. Gonzalez	aye
Keon Hardemon	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of March, 2025. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Marlon D. Moffett