

MEMORANDUM

Agenda Item No. 11(A)(19)


TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 8, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution approving and
ratifying amendment of the
2011-2014 Collective
Bargaining Agreement by and
among Miami-Dade County, the
Public Health Trust and the
American Federation of State,
County and Municipal
Employees (AFSCME), Local
1363 regarding the restoration
of six personal leave days

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 8, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(19)

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
- ☐ 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 ____, 3/5's ____, unanimous ____) 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. 11(A)(19)
4-8-14

RESOLUTION NO. _____

RESOLUTION APPROVING AND RATIFYING
AMENDMENT OF THE 2011-2014 COLLECTIVE
BARGAINING AGREEMENT BY AND AMONG
MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST
AND THE AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES (AFSCME),
LOCAL 1363 REGARDING THE RESTORATION OF SIX
PERSONAL LEAVE DAYS

WHEREAS, the President and staff of the Public Health Trust (hereinafter "PHT") have negotiated in good faith the restoration of up to six (6) additional Personal Leave days with representatives of the American Federation of State, County and Municipal Employees (AFSCME), Local 1363 which is the duly certified collective bargaining agent representing bargaining unit members of the American Federation of State, County and Municipal Employees (AFSCME), Local 1363 unit employed by the PHT; and

WHEREAS, the parties entered into a Memorandum of Understanding in which the parties agreed to amend the 2011-14 collective bargaining agreement and restore up to six (6) Personal Leave days, as outlined in the attached Memorandum of Understanding agreed upon by the parties. This Memorandum of Understanding provides that between the effective date of this proposal and September 30, 2014, all full-time bargaining unit members of AFSCME, Local 1363 will accrue six (6) additional Personal Leave days pursuant to the terms of Article 24, Section I (D) of the 2011-2014 AFSCME Collective Bargaining Agreement and regular part-time employees will be eligible to accrue up to six (6) additional Personal Leave days on a prorated basis as more fully set forth in the Memorandum of Understanding; and

WHEREAS, the Memorandum of Understanding between the PHT and AFSCME, Local 1363 that provides for the foregoing is attached hereto and made a part hereof; and

WHEREAS, on January 27, 2014, the Board of Trustees of the PHT adopted Resolution No. 01/14-006, in which it accepted the amendment of the 2011–2014 AFSCME Local 1363 Collective Bargaining Agreement to provide for the restoration of up to six (6) additional Personal Leave days in accordance with the attached Memorandum of Understanding; and

WHEREAS, the Board of Trustees recommends that the Commission approve and ratify the amendments to the 2011-14 collective bargaining agreement set forth in the attached Memorandum of Understanding,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves and ratifies the Public Health Trust recommendations to amend the Collective Bargaining Agreement by and among Miami-Dade County, the PHT, and the American Federation of State, County and Municipal Employees (AFSCME), Local 1363, for the period of October 1, 2011 through September 30, 2014 as reflected in the attached Memorandum of Understanding and for the reasons set forth in the attached Memorandum from the Chairman of the Board of Trustees of the PHT.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

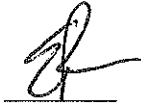
The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Eric A. Rodriguez

MEMORANDUM OF UNDERSTANDING

The Public Health Trust of Miami-Dade County, Florida, and the Dade County Public Employees Local 1363, AFSCME, AFL-CIO, hereby agree as follows:

- I. Effective upon ratification of this Memorandum of Understanding ("MOU"), the parties agree that between the effective date and September 30, 2014, full-time bargaining unit members will accrue six (6) additional Personal Leave (PL) days pursuant to the terms at Article 24, Section 1(D). Regular part-time bargaining unit members will be eligible to accrue the additional time based on their prorated hours worked up to the additional six (6) PL days by September 30, 2014.
- II. Thereafter, the bargaining unit members' PL accruals will be as follows:
- a. During the first five (5) years of employment, 0.1115 hours shall be earned by full-time employees for each hour in pay status per pay period up to a maximum at 8.920 hours (80 hour or more in pay status). This approximates 29 days per year.
 - b. Full time employees with more than five (5) years of continuous service shall earn personal leave hours as follows:

<u>Year Earned of Employment</u>	<u>Per Hr. In Pay Status</u>	<u>Max. Hours Earned Per Pay Period</u>	<u>Equivalent Day* Earned Per Year</u>
6 th	.1154	9.232	30
7 th	.1192	9.536	31
8 th	.1231	9.848	32
9 th	.1269	10.152	33
10-15 th	.1308	10.464	34
16 th	.1346	10.768	35
17 th	.1385	11.080	36
18 th	.1423	11.384	37
19 th	.1462	11.696	38
20 th	.1500	12.000	39

*Calculations based on an 8-hour shift

Handwritten signatures:
D.K. [Signature]
[Signature]
Michael Regner

- c. Regular part-time employees shall earn personal leave hours based on actual hours worked. During the first 10,400 hours (first five (5) full-year equivalents, FYE), 0.1115 hours shall be earned by regular part time employees for every hour worked, up to a maximum accrual rate of 8.920 hours.
- d. Regular part-time employees who have worked more than five (5) full year equivalents shall earn paid personal leave hours as follows:

<u>Hours Worked</u>	<u>Hours Earned Per Hours Worked</u>
10,401 – 12,480	.1154
12,481 – 14,560	.1192
14,561 – 16,640	.1231
16,641 – 18,720	.1269
18,721 – 31,200	.1308
31,201 – 33,280	.1346
33,281 – 35,360	.1385
35,361 – 37,440	.1423
37,441 – 39,520	.1462
39, 521 on	.1500

Michelle Klgman
 For the Public Health Trust Date

Jan Ofori Shie
 For AFSCME Local 1363 Date

OK *Jan Ofori Shie*
Michelle Klgman

MEMORANDUM

Date: February 20, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Darryl K. Sharpton
Chairman, Board of Trustees of the Public Health Trust

Subject: Amendment to the 2011-14 Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME), Local 1363

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this resolution to amend the 2011-2014 Collective Bargaining Agreement among Miami-Dade County, the Public Health Trust (PHT) and the American Federation of State, County and Municipal Employees (AFSCME), Local 1363. This amendment will provide for an employee gain-sharing plan that would allow eligible employees to receive payroll payments based upon financial performance indicator results. Based on audited financial statements of the Public Health Trust for FY 2012-13, eligible bargaining-unit employees would receive a cash payout on the first full pay period after approval and ratification of this agreement in the amount of two percent (2%) of their total base pay for the 12-month period ended September 30, 2013. The calculation would exclude any premium pay, differentials, overtime, or other pay supplements. This amendment will also provide for full-time and part-time employees to accrue up to six (6) Personal Leave days from the ratification date of this amendment to September 30, 2014.

Scope

The impact of this agenda item affects all full-time and part-time employees of the Jackson Health System that are members of the AFSCME, Local 1363 bargaining unit.

Fiscal Impact/Funding Source

The fiscal impact of the gain-sharing plan for AFSCME, Local 1363 would be \$2,687,820.00 for FY 2012-13. It would be funded from operating revenues as documented in the PHT financial statements. In no event would capital revenues – including proceeds from any general-obligation bond – be used to fund this program. The fiscal impact of the restoration of the six (6) Personal Leave days would be \$3,590,297.00.

Track Record/Monitor

Monitoring of labor contracts and implementation of the gain-sharing plan are overseen by Maria Huot-Barrientos, Senior Vice President and Chief Human Resources Officer of the Jackson Health System.

Background

Last year, as a result of the remarkable professional commitment and financial sacrifices by Jackson Health System employees, the System earned a surplus of nearly \$45 million and dramatically beat its ambitious budget goal for FY 2012-13. It is a standard and well accepted practice in successful companies to use employee gain-sharing programs to motivate staff, generate excitement, and create buy-in for individuals to act on their personal responsibility toward the institution's shared strategic goals. The proposed gain-sharing plan will also help Jackson continue to recruit and retain industry-leading healthcare professionals. Moreover, it is a fiscally responsible proposal that -unlike salary increases -- does not impact Jackson's future salary or pension obligations.

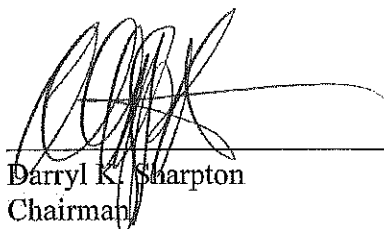
Terms of Agreement

Article 90 – Empowerment Programs

On the first pay period after ratification of this proposal, members of the AFSCME bargaining unit will receive a one-time, non-pensionable cash payout in the amount of two percent (2%) of their total base pay (excluding overtime, premium pay, differentials, etc.) for the 12- month period ending September 30, 2013. All regular full-time and part-time Bargaining Unit members hired prior to April 1, 2013, will be eligible for this one-time cash payout.

Article 24 – Vacation and Leave

Upon ratification, all full-time and part-time members will be eligible to accrue up to six (6) additional Personal Leave days by September 30, 2014. Thereafter, Personal Leave days for all AFSCME full-time and part-time employees will be accrued to make them eligible for up to twenty-nine (29) Personal Leave days per year.



Darryl K. Sharpton
Chairman
Public Health Trust

RESOLUTION NO. PIIT 01/14 006

**RESOLUTION AMENDING THE 2011-2014 COLLECTIVE BARGAINING
AGREEMENT AMONG MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES (AFSCME), LOCAL 1363 REGARDING THE FIVE PERCENT (5%)
EMPLOYEE HEALTH CARE CONTRIBUTION**

(Carlos A. Migoya, President and CEO Public Health Trust, Jackson Health System)

WHEREAS, the President and staff of the Public Health Trust have negotiated in good faith with representatives of AFSCME, Local 1363, which is the duly certified collective bargaining agent representing employees employed by the Public Health Trust (hereinafter referred to as "PHT"); and

WHEREAS, PIIT has declared impasse in negotiations regarding the employees five percent (5%) contribution to health care (hereinafter referred to as "Employee Contribution"); and

WHEREAS, the parties desire to amicably resolve the impasse and close the reopener on the Merit and COLA for 2013-2014 fiscal year

WHEREAS, the parties agree by amending the 2011-2014 AFSCME, Local 1363 Collective Bargaining Agreement by providing an immediate reduction of the Employee Contribution to two percent (2%), and refund the three percent (3%) difference retroactive to January 1, 2014; and

WHEREAS, this amendment further provides that the remaining two percent (2%) contribution by employees to health care will be eliminated on the first pay period after September 30, 2014; and

WHEREAS, the parties agree to use their best efforts to mutually agree upon the Select HMO insurance plan for the health plan year starting January 1, 2015 or other mutually agreed upon efficiency projects; and

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WHEREAS, the parties further agree to amend the Collective Bargaining Agreement and restore up to six (6) Personal Leave days, as outlined in the attached Memorandum of Understanding agreed upon by the parties. This Memorandum of Understanding provides that between the effective date of this proposal and September 30, 2014 all full-time and part-time bargaining unit members of AFSCME, Local 1363 will accrue up to six (6) Personal Leave (PL) days pursuant to the terms of Article 24, Section I (D) of the 2011-2014 AFSCME Collective Bargaining Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby accepts the Collective Bargaining Agreement amendment among Miami-Dade County, the Public Health Trust, and American Federation of State, County and Municipal Employees, Local 1363 for the period of October 1, 2011 through September 30, 2014 as reflected in the attached tentative agreements and hereby forwards the amendment to the collective bargaining agreement to the Miami-Dade County Commission for ratification and directs the President or his designee to take such action as necessary to seek such ratification.

**Add-on Agenda Item 6
Public Health Trust Board of Trustees
January 27, 2014**

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The foregoing resolution was offered by Irene Lipof and the motion was seconded by Marcos J. Lapciuc as follows:

Joc Arriola	Aye
Michael Bileca	Aye
Mojdeh L. Khaghan	Aye
Marcos Jose Lapciuc	Aye
Irene Lipof	Aye
Darryl K. Sharpton	Aye

The Chairperson thereupon declared the resolution duly passed and adopted this 27th day of January 2014.

PUBLIC HEALTH TRUST OF MIAMI-DADE COUNTY, FLORIDA

BY: _____

Irene Lipof

Irene Lipof, Secretary

Approved by the Miami-Dade County Attorney's Office as to form
and legal sufficiency ES



TO: Mojdeh L. Khagan, Chairperson, Chairman
and Members, Fiscal Subcommittee

FROM: Carlos A. Migoya
President & Chief Executive Officer

DATE: January 27, 2014

RE: Resolving Collective-Bargaining Impasse and Closing Contract Reopeners with AFSCME Local 1363

Recommendation

It is recommended that the Public Health Trust Board of Trustees (PHT) approve this resolution recommending that the Miami-Dade Board of County Commissioners (BCC) resolve the collective-bargaining impasse and close the contract reopeners for the merit salary increases and cost of living adjustment (COLA) between the PHT and the American Federation of State, County and Municipal Employees Local 1363, by approving and ratifying the following:

- Reducing the employees' contribution toward the cost of group health insurance from 5 percent to 2 percent of base wages, effective January 1, 2014, and refunding the 3 percent difference retroactive to that effective date; and
- Terminating the remaining 2 percent contribution, effective at the end of FY 2013-14 on September 30, 2014; and
- Providing full-time and part-time employees to accrue up to six (6) Personal Leave (PL) days from the ratification date of this amendment to September 30, 2014.

Scope

The impact of this agenda item affects all full-time and part-time employees of the Jackson Health System that are members of the AFSCME Local 1363 bargaining unit.

Fiscal Impact/Funding Source

The fiscal impact of this concession for AFSCME Local 1363 would be \$3,182,586 for FY 2013-2014. It would be funded from operating revenues as part of regular salary expenses. In no event would capital revenues – including proceeds from any general-obligation bond – be used to fund this contract amendment.

Track Record/Monitor

Monitoring of labor contracts is overseen by Maria Huot-Barrientos, Senior Vice President and Chief Human Resources Officer.

Background

On April 12th, 2012, the BCC ratified the successor 2011-2014 Collective Bargaining Agreement between the PHT and AFSCME Local 1363. The agreement provided for a 5 percent contribution of base wages toward the cost of group health insurance. The 2011-14 collective bargaining agreement also provided for the 5 percent contribution to terminate on January 1, 2014, but left the PHT the right to reopen the collective bargaining agreement, in advance, for the purposes of negotiating whether these reductions will be continued for the contract's final year. The agreement also provided for the right to reopen the agreement to negotiate merit and COLA increases to base salaries. The PHT requested to reopen both provisions of the contract and scheduled negotiation sessions with the union in those areas.

With good-faith negotiations unable to produce a mutual agreement, the parties declared impasse over the continuation of the healthcare contribution through the third year of the 2011-14 agreement. The Collective Bargaining Agreement stipulated a waiver of the special magistrate process that allowed for the dispute to be directly submitted to the BCC for resolution.

On December 5, 2013, the BCC voted to discontinue the contribution, but that vote was subsequently vetoed by the County Mayor. The veto was sustained despite a BCC attempt to overturn it, requiring the BCC to again take action to resolve the impasse.

On January 16, 2014, the BCC again voted to eliminate the contribution, and the County Mayor again vetoed the decision.

The parties scheduled a negotiation session to again attempt to resolve the impasse and close the reopeners by mutual agreement. Both sides determined that it is in the best interest of Jackson Health System to phase out the contribution. The tentative agreement recommended here would reduce the contribution from 5 percent to 2 percent effective January 1, 2014, with the 3 percent difference being refunded to employees retroactive to that effective date. The remaining 2 percent contribution would be eliminated at the end of FY 2013-14 on September 30, 2014.

The proposed agreement would also help Jackson continue to recruit and retain industry-leading healthcare professionals, especially in light of the fact that merit and COLA increases to base salary have been suspended for four years.

In light of the direct fiscal impact this would have on the PHT budgets for FY 2013-14 and beyond, the proposed agreement includes provisions for both parties to use their best efforts to increase enrollment in the Select HMO Plan offered to PHT employees, which represents potential cost savings. In addition, the parties agreed to collaborate on efficiency projects.

Terms of Agreement

This is a three year contract for the period of October 1, 2011 through September 30, 2014.

Article 90 - Group Insurance

- The five percent (5%) contribution towards health care would be immediately reduced to 2 percent, and the three percent (3%) difference would be refunded going back to January 1.
- On September 30, 2014, the remaining two percent (2%) employee contribution towards the cost of health care will be eliminated.

Article 24 - Vacation and Leave

- Upon ratification, all full-time and part-time members will be eligible to accrue up to six (6) additional Personal Leave (PL) days by September 30, 2014. Thereafter, PL days for all AFSCME full-time and part-time will be accrued to make them eligible for twenty-nine (29) PL days per year.

IN THE MATTER OF THE CONTRACT REOPENERS BETWEEN AFSCME LOCAL 1363 AND THE PUBLIC HEALTH TRUST

WHEREAS, the parties are currently in re-opening negotiations,

AND WHEREAS the parties wish to resolve these open negotiations:

NOW THEREFORE, the parties agree as follows:

EMPLOYEE HEALTH INSURANCE CONTRIBUTION

In the event the Mayor vetoes the Miami-Dade County Commission's January 16, 2014, resolution of the impasse between AFSCME Local 1363 and the PHIT, and the Commission is unable to override the veto, then effective January 1, 2014, the AFSCME bargaining unit members' contribution of five percent (5%) of base wages towards the cost of coverage for group health insurance as set forth in the Collective Bargaining Agreement (CBA), will be reduced to two percent (2%) of base wages. This two percent (2%) contribution of base wages towards the cost of coverage for group health insurance will be eliminated effective September 30, 2014. In recognition of the reinstatement of the remaining 2% healthcare contribution effective September 30, 2014, the parties agree to use their best efforts to mutually agree upon a Select Plan health insurance plan for the health plan year starting January 1, 2015, or other mutually agreed upon efficiency projects. AFSCME bargaining unit members will not receive a cost of living adjustment (COLA) or merit increase for the 2013-2014 fiscal year.

In the event the Mayor does not veto the Miami-Dade County Commission's January 16, 2014 resolution of the impasse between AFSCME Local 1363 and the PHIT, or the Commission is able to override the veto, then this MOU shall be null and void and of no effect.

Furthermore, in the event the action of the Mayor in vetoing the Commission's resolution of any of the impasses between the County or PHIT and any labor organization regarding the continuation of the 5% base wage contribution toward group health insurance is determined to be

and subject to Public Health Trust/Miami-Dade County's insurance program, where the self-insured plan shall be maintained and AFSCME Local 1363 members shall be entitled to the continuation of the self-insured health care contribution retroactively to January 1, 2013.

AFSCME Local 1363 AFL-CIO

Public Health Trust/Miami-Dade County

By: [Signature]
For AFSCME Local 1363

By: _____
For the PHTT

Date: 1/30/13

Date: _____

MEMORANDUM OF UNDERSTANDING

The Public Health Trust of Miami-Dade County, Florida and the Dade County Public Employees Local 1363 AFSCME, AFL-CIO, hereby agree as follows:

- I. Effective upon ratification of this Memorandum of Understanding ("MOU"), the parties agree that between the effective date and September 30, 2014, full-time bargaining unit members will accrue six (6) additional Personal Leave (PL) days pursuant to the terms of Article 24, Section 1(D). Regular part-time bargaining unit members will be eligible to accrue the additional time based on their prorated hours worked up to the additional six (6) PL days by September 30, 2014.
- II. Thereafter, the bargaining unit members' PL accruals will be as follows:
 - a. During the first five (5) years of employment, 0.1115 hours shall be earned by full-time employees for each hour in pay status per pay period up to a maximum at 8.920 hours (80 hour or more in pay status). This approximates 29 days per year.
 - b. Full time employees with more than five (5) years of continuous service shall earn personal leave hours as follows:

<u>Year Earned of Employment</u>	<u>Per Hr. In Pay Status</u>	<u>Max. Hours Earned Per Pay Period</u>	<u>Equivalent Day* Earned Per Year</u>
6 th	.1154	9.232	30
7 th	.1192	9.536	31
8 th	.1231	9.848	32
9 th	.1269	10.152	33
10-15 th	.1308	10.464	34
16 th	.1346	10.768	35
17 th	.1385	11.080	36
18 th	.1423	11.384	37
19 th	.1462	11.696	38
20 th	.1500	12.000	39

*Calculations based on an 8-hour shift

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D.K. [Signature]
[Signature]
[Signature]

Regular part-time employees shall earn personal leave hours based on actual hours worked. Employees must accrue 16.666 hours for a 40-hour week equivalent. Employees shall be entitled to regular part-time employees for every hour worked, up to a maximum accrual rate of 8,920 hours.

- d. Regular part-time employees who have worked more than five (5) full year equivalents shall earn paid personal leave hours as follows:

<u>Hours Worked</u>	<u>Hours Earned Per Hour Worked</u>
10,401 - 12,480	.1154
12,481 - 14,560	.1192
14,561 - 16,640	.1231
16,641 - 18,720	.1269
18,721 - 21,200	.1308
21,201 - 23,280	.1346
23,281 - 25,360	.1385
25,361 - 27,440	.1423
27,441 - 29,520	.1462
29,521 on	.1500

Michael C. P...

For the Public Health Trust

Date

[Signature]

For AFSCME Local 1363

Date

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Michael C. P...