

Office of Superintendent of Schools
Board Meeting of October 24, 2001

October 10, 2001

Personnel Management and Services
Nelson E. Diaz, Deputy Superintendent

SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: INITIAL READING 6Gx13-4D-1.022, MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL

This item is submitted for consideration to amend School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and pages to the document, Manual of Procedures for Managerial Exempt Personnel (MEP), which is incorporated by reference and is a part of this rule. This proposed amendment is presented to comport with current Florida Statute.

Attached are the Notice of Intended Action, the rule, Section G-6 Leaves, pages 64, 65, and 66; and Section G-10 Terminal Pay, page 79, of the document, Manual of Procedures for Managerial Exempt Personnel (MEP), proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel by amending the document, Manual of Procedures for Managerial Exempt Personnel (MEP), which is incorporated by reference and is a part of this rule.

NED/mu

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 24, 2001, its intention to amend Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and to revise pages of the document, Manual of Procedures for Managerial Exempt Personnel (MEP), which is incorporated by reference and is a part of this rule, at its meeting of December 12, 2001.

PURPOSE AND EFFECT: To amend the rule and revise pages 65, 66, and 79, of the document, Manual of Procedures for Managerial Personnel (MEP), to comport with current Florida Statute.

SUMMARY: The document, Manual of Procedures for Managerial Exempt Personnel (MEP), delineates procedures for managerial exempt personnel including employment policies, guidelines, and provisions for classification, compensation, and performance appraisal for the aforementioned employee group.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 231.02; 231.0861; 231.087(1); 231.29; 231.36(1)(b); 231.40(3)(e); 236.0811 F.S.; 6A-4.0083; 6A-4.0084 FAC

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF December 12, 2001, which begins at 1:00 p.m. in the School Board Auditorium, 1450 N. E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing, or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541 (1), F.S., must do so in writing by November 19, 2001, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N. E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Nelson E. Diaz
Supervisor: Mr. Roger C. Cuevas
Date: October 10, 2001

Compensation and Related Benefits**MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL****I. Statement of Policy-Relations with Professional Associations of School District Administrators**

Administrators employed by the District and designated as managerial exempt have joined together in professional associations to further both the interests of public education and of the administrators themselves. Such associations can contribute to the orderly and proper operation of the District by presenting the concerns of the District's administrators to the Superintendent and to the School Board. Concerns of administrators which pertain to wages, benefits, and other terms and conditions of employment can most efficiently be presented to and considered by the Superintendent working with a single professional association. While individual administrators will always be free to present their personal views to the Superintendent and/or the Board, it has been determined that, as a matter of policy, the common concerns of managerial exempt administrators on matters pertaining to wages, benefits and other terms and conditions of employment should be presented to the Board through the Superintendent working with a single professional association.

Therefore, providing that a professional association can show that it represents a majority of the managerial exempt employees, the Superintendent shall recognize that association to represent all managerial exempt employees on common issues regarding wages, benefits, and other terms and conditions of employment. The Superintendent shall designate and inform the Board of the appropriate association to meet and confer with the Superintendent pursuant to this rule.

II. Manual of Procedures for Managerial Exempt Personnel (MEP)

The wages, benefits, and terms and conditions of employment of the District's managerial exempt employees shall be delineated in the Manual of Procedures for Managerial Exempt Personnel (MEP), which shall be incorporated into and be a part of this Board rule. Except when required by state or federal law, regulations, or when recommended by the Superintendent, the MEP will be amended annually, as necessary, subsequent to the completion of the "meet and confer" process.

The MEP will include, but not be limited to the following topics:

- A. Wages
- B. Classification of managerial exempt positions

- C. Compensatory benefits, e.g., health and life insurance, retirement, holidays, vacation, sick leave, disability leave, supplemental worker's compensation payments, tax-deferred annuity or salary deferment programs, and cafeteria plans
- D. Working conditions, e.g., travel reimbursement, continuing education, professional development, personal liability protection, leave policies (professional, military, personal leave of absence and parental), employee assistance programs
- E. Evaluation procedures
- F. Job assignment procedures
- G. Statement of human rights
- H. Investigation procedures
- I. Reappointment procedures
- J. Reduction in force/surplus/reorganization procedures
- K. Impartial District administrative review and hearing procedure for appeals of disciplinary actions
- L. Impartial District administrative review for resolution of non-disciplinary disputes, e.g., disputes over whether salary schedule, benefits or other working conditions are granted in accordance with the MEP or whether procedures in the MEP were followed.

Note: In the dispute resolution procedures set forth above in K and L, the association shall be permitted to represent and assist its members. All managerial exempt employees shall be permitted to utilize these procedures to resolve their disputes without the assistance or representation of the association; however, no precedent shall be established nor implied in any dispute resolution formulated without the participation of the association.

III. Amendment of the MEP

- A. The Superintendent shall prepare proposed amendments and forward such to the association.
- B. The association shall notify the Superintendent in writing whether it concurs with the amendments as proposed or wishes to meet and confer with the Superintendent concerning proposals or to offer additional proposals.

- C. Should the association indicate its desire to meet and confer, the Superintendent or his designee(s) shall meet and confer with the association on a regular basis in an attempt to agree upon the proposed amendments to be presented to the Board; however, nothing herein shall preclude the Superintendent from recommending such amendments to the Board in the event an agreement is not reached on such amendments.
- D. When the association and the Superintendent agree upon the proposed amendments to the MEP, it shall be presented to the Board by the Superintendent. The association shall, prior to consideration by the Board, transmit to the Board the association's support of the proposed MEP.

IV. Association Rights

The following rights shall be provided to the association:

- A. Payroll deductions
- B. Inclusion in E-Mail subject to applicable laws and regulations
- C. Access to school facilities for the association's staff and officers to meet with managerial exempt employees at reasonable times which will not interfere with the employee's assigned duties, after giving notice to the supervising administrator at each facility
- D. Regularly scheduled meetings with the Superintendent, except when extenuating circumstances prevent such scheduled meetings from occurring
- E. Incorporation of this rule and the MEP into the contracts between managerial exempt personnel and the School Board as follows:

School Board Rule number 6Gx13- 4D-1.022 entitled "MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL (MEP)" is hereby incorporated into this Contract and hereby made a part thereof, binding on both parties. This Contract is subject to the amendments to said rule.

Specific Authority: 230.22(2); 230.23 (22) F.S.

Law Implemented, Interpreted or Made Specific: 231.02;231.0861;231.087(1); 231.29;
231.36(1)(b); 231.40(3)(e);236.0811 F.S.;
6A-4.0083;6A-4.0084 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 1-8-86

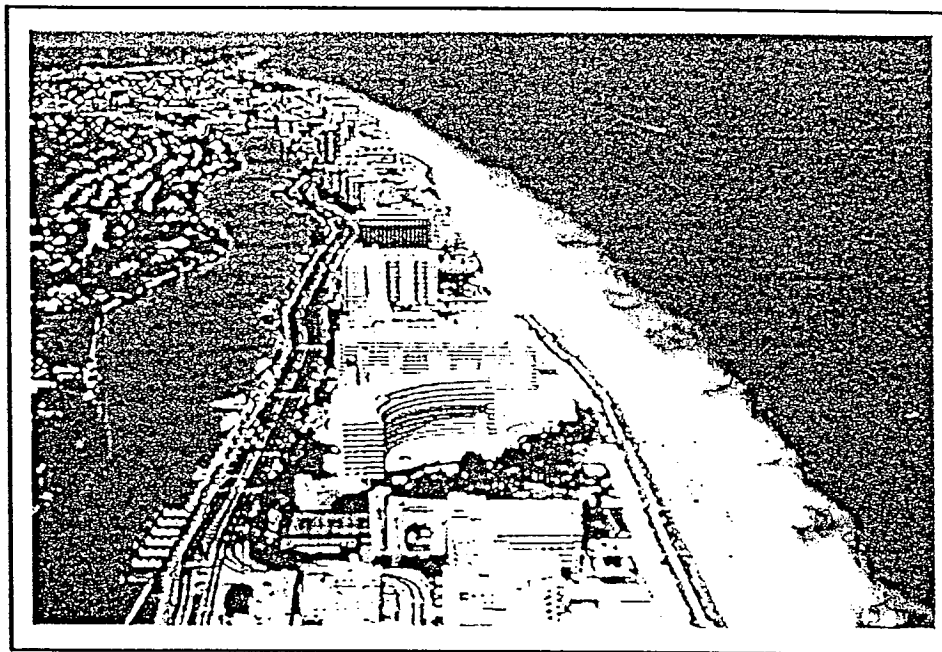
Amended: 6-25-86; 10-15-86; 12-17-86; 9-30-87; 7-27-88; 10-18-89; 9-26-90; 8-21-91;
6-24-92; 1-20-93; 12-14-94; 10-25-95; 3-5-97; 11-5-97; 6-10-98; 10-21-98; 8-25-99; 3-15-00;
9-13-00; 4-18-01

Manual of Procedures for

Managerial

Exempt

Personnel



Miami-Dade County Public Schools
giving our students the world

Personnel Management and Services

Initial Reading: October 24, 2001

Board Rule 6Gx13-4D-1.022

B-29

The School Board of Miami-Dade County, Florida

Ms. Perla Tabares Hantman, *Chair*

Dr. Michael M. Krop, *Vice Chair*

Mr. Frank J. Bolaños

Mr. Frank J. Cobo

Dr. Robert B. Ingram

Ms. Betsy H. Kaplan

Mrs. Manty Sabatés Morse

~~Ms. Jacqueline V. Pepper~~

~~Mr. Demetrio Pérez, Jr., M.S.~~

Dr. Marta Pérez

Dr. Solomon C. Stinson

~~Ms. Marylynne Kristy Hunt-Dorta, Student Advisor~~

Mr. Evan B. Rosen, Student Advisor

Mr. Roger C. Cuevas
Superintendent of Schools

Mr. Nelson E. Diaz, Deputy Superintendent
Personnel Management and Services

INTRODUCTION

The Manual of Procedures for Managerial Exempt Personnel (MEP) addresses all Public Employees Relations Commission (PERC) approved managerial exempt positions. This plan includes employment policies, guidelines, provisions and regulations governing the classification, compensation and performance appraisal system for managerial exempt personnel.

Intrinsic to this plan is the acknowledgement that administrative personnel are the designated leaders of the Miami-Dade County Public Schools (M-DCPS) workforce. As such, it is essential and expected that their efforts will serve to assist all other stakeholders in the School Board's central mission of enhancing the quality of our instructional program by providing the best possible programs and services to our students.

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SECTION G

MANAGERIAL EXEMPT PERSONNEL

EMPLOYEE BENEFITS

D. Eligibility for Pay

An administrator who is not returning after a holiday is to be terminated on his/her last working day prior to the holiday and is not eligible for holiday pay.

G-6 LEAVES

Leave With Pay

A. Vacation (Annual Leave) -- Twelve-Month Administrators

1. Accrual Provisions

- a. A year of employment is defined as a year of service with the Miami-Dade County Public School System which is creditable for a contract year, which is more than one-half the contractual period (six months for 12-month employees and five months for 10-month employees).
- b. A month for annual leave purpose is defined as each two consecutive pay periods, commencing with the first pay period of each fiscal year, as outlined in the annual payroll processing schedule.
- c. A month for inclusion of credit toward accrual is defined as eligible for pay for 11 days or more during any month (as defined in (b) above).
- d. The effective date of accrual rate changes shall be determined, as of July 1, following the fiscal year during which the employee completes three years of creditable service.
- e. During leaves of absence with pay, an administrator shall continue to earn annual leave days except in the case of annual leave granted in conjunction with resignation or termination of employment. In such cases, terminal vacation leave for which an employee is paid upon termination shall not be used for accrual of additional annual leave days.

- f. Supervisors should make every effort to insure that earned annual leave is used on a current yearly basis in order to provide proper rest and relaxation.
- g. Twelve-month administrators shall accrue annual leave at the following rates:
 - (1) First three years of employment, -- 15 days per fiscal year
 - (2) Fourth year of employment and thereafter -- 24 days per fiscal year
- ~~h. Managerial exempt employees hired in any full-time position (excluding part-time and substitutes) before July 1, 1995, whose employment has been continuous, shall be permitted to accumulate annual leave up to a maximum of 62.5 days. Upon termination, death or retirement, payment in excess of 62.5 days is not permitted.~~
- i.h. Effective July 1, 2001 Pursuant to Florida Statute, managerial exempt employees initially hired, or rehired after a break in service, on or after July 1, 1995, shall be permitted to accumulate annual leave up to a maximum of 60 days. Upon termination, death or retirement, payment in excess of 60 days is not permitted.
- j.i. Use of annual leave shall not be authorized prior to the time it is earned and shall be used only with the approval of supervising administrator.
- k.j. Annual leave shall be scheduled so that there will be minimum disruption of the operation of the school system.

B. Sick Leave

- 1. Each administrator employed on a full-time basis shall be credited with four days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for one day of sick leave for each month of employment, which shall be credited at the end of the month and which shall not be used prior to the time it is earned and credited. However, each administrator shall be entitled to earn no more than one day of sick leave times the number of months of employment during the year of employment. If the administrator terminates his/her

employment and has not accrued the four sick days available to him/her, the School Board may withhold the average daily amount for the sick days utilized but unearned. Such sick leave shall be cumulative from year to year and there shall be no limit on the number of days of sick leave an administrator may accrue.

2. Sick leave shall be approved in the following categories:

Illness of Self or illness and/or death of:

Mother	Husband	Foster Children
Father	Wife	Step-parents
Sister	Child	Step-children
Brother	Foster Parents	Grandchild
Mother-in-law	Son-in-law	Uncle
Father-in-law	Daughter-in-law	Aunt
Brother-in-law	Grandmother	Niece
Sister-in-law	Grandfather	Nephew

3. Medical and Dental Examination Leave

An administrator shall be eligible to use sick leave for the purpose of medical and/or dental care. Such leave shall be deducted from accrued sick leave in half or full day units, provided that no administrator shall be compelled to utilize more sick leave than is required.

4. Use by Family Member

Pursuant to Florida Statute 231.40(3)(e), a managerial exempt employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee. The recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool, if the recipient participates in a sick leave pool. Donated sick leave shall have no terminal value.

C. Hardship Leave

An administrator eligible for sick leave may receive hardship leave time for his/her own illness up to a maximum of 30 additional working days for the same illness per fiscal year, provided that:

1. Documentary evidence is presented by a Board-approved physician to the School Board proving that this particular illness necessitated confinement, either at home or hospital, which prevented the employee from reporting to work. The employee must be confined for 10 working days or more, without available sick leave, in order to receive this benefit.
2. The word "confinement" means medical restriction requiring isolation from the work place, not physical enclosure.

The amount of reimbursement will be prorated by the complete calendar months of coverage, but limited to no more than \$1,200 annually.

G-10 TERMINAL PAY

To encourage and reward managerial exempt personnel who exercise particular care in the maintenance of their personal health and job attendance, the School Board will provide terminal pay at resignation, normal retirement, or to their beneficiaries if services are terminated by death. For managerial exempt employees hired in any full time position before July 1, 1995, whose employment has been continuous, terminal pay shall not exceed an amount determined as follows:

1. During the first three years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave;
2. During the next three years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave;
3. During the next three years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave;
4. During the next three years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave;
5. During and after the 13th year of service and until when first eligible for normal retirement, the daily rate of pay multiplied by 100% times the number of days of accumulated sick leave. Thereafter, the daily rate will remain frozen in the rate when first eligible for normal retirement. In nocase, however, shall an employee whose daily rate has been frozen pursuant to this provision receive less than the amount determined in #4 above.

~~For managerial exempt employees, initially hired, or rehired after a break in service, on or after July 1, 1995, terminal pay shall not exceed the daily rate of pay multiplied by 25 percent times the number of days of accumulated one-fourth of all unused sick leave accumulated on or after July 1, 2001, up to a maximum payment of 60 days (requiring an accrued balance of at least 240 days). Any sick leave accumulated during a prior period of employment, before to July 1, 1995 2001, will be paid in accordance with numbers one (1) through five (5) above. If a managerial exempt employee has an accumulated sick leave balance of 60 days or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001 is less than 60 days.~~

Provisions for terminal pay at resignation apply only to those sick leave days accrued after July 1, 1982.

Payment for the resignation and retirement benefit will be made on or before September 1 of the following fiscal year.

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations, and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10 - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

REVISED 8/1/01